

## Chapter 14

### BUILDINGS AND BUILDING REGULATIONS\*

\***Cross references**--Any ordinance concerning building forms saved from repeal, § 1-5(a)(17); fire prevention and protection, ch. 30; land division and development, ch. 34; solid waste, ch. 58; streets, highway and other public places, ch. 62; utilities, ch. 74; waterways, ch. 78; zoning, ch. 82; building location, § 82-22.

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## **ARTICLE I.**

### **IN GENERAL**

#### **Sec. 14-1. Liability.**

This chapter shall not be construed as assuming any liability on the part of the town, the building inspector or any other officers or employees of the town for damages or injuries to anyone or for any property harmed or destroyed by reason of any defect in any building or structure directed under town permit.

(Ord. No. 96-6, § 2(3.02), 10-9-1996)

#### **Sec. 14-2. Authority.**

This chapter is adopted under the statutory authority granted pursuant to Wis. Stats. §§ 101.65, 101.651, 101.76, and 101.761, and by its adoption of village powers under Wis. Stats. §§ 60.10(2)(c), 60.22(3), 61.34(1).

(Ord. No. 96-6, § 2(1.01), 10-9-1996)

#### **Sec. 14-3. Purpose.**

The purpose of this chapter is to promote the public health, safety and welfare by establishing performance minimums and minimum standards for the design, construction, alteration, use and occupancy of buildings and structural alterations as defined in this chapter and parts thereof and of all systems, including plumbing, heating and ventilating, air conditioning, electrical and fire protection installation within buildings.

(Ord. No. 96-6, § 2(1.02), 10-9-1996)

#### **Sec. 14-4. Scope.**

This chapter applies to all dwellings, commercial buildings/structures, swimming pools, garages, structures, buildings, residential accessory buildings and agricultural buildings. Not included are children's play structures.

(Ord. No. 96-6, § 2(1.03), 10-9-1996)

#### **Sec. 14-5. Certain ordinances adopted.**

The provisions of the ordinances which are set forth in this section are adopted by reference and made a part of this section as though fully set forth herein with respect to building location and construction. All future amendments, revisions or modifications to any of the following which may hereafter be adopted from time to time, shall upon adoption be part of this section:

(1) The town zoning ordinance (chapter 82).

(2) The Waukesha County Shoreland and Floodland Protection Ordinance.

(Ord. No. 96-6, § 2(1.04), 10-9-1996)

**Secs. 14-6--14-30. Reserved.**

## ARTICLE II.

### ADMINISTRATION AND ENFORCEMENT\*

\*Cross reference--Administration, ch. 2.

#### Sec. 14-31. Penalty.

(a) *General penalty.* Except as otherwise provided, any person who shall violate any of the provisions of this chapter shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:

- (1) *First offense.* Any person who shall violate any provision of this chapter shall, upon conviction thereof, forfeit not less than \$10.00 nor more than \$500.00 together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding 90 days.
- (2) *Second offense.* Any person found guilty of violating any provision of this chapter who had previously been convicted of a violation of the same provision within one year, shall, upon conviction thereof, forfeit not less than \$25.00 nor more than \$500.00 for each such offense together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding six months.

(b) *Continued violations.* Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this chapter shall preclude the town from maintaining any appropriate action to prevent or remove a violation of any provision of this chapter.

(Ord. No. 96-6, § 2(3.03), 10-9-1996)

#### Sec. 14-32. Stop work order.

The inspector may issue a stop work order for a project to prevent further noncomplying work.

(Ord. No. 96-6, § 2(3.04), 10-9-1996)

**Sec. 14-33. Adoption of codes.**

The following provisions of the Wisconsin Administrative Code are adopted by reference and made a part of this section as though fully set forth herein. All future amendments, revisions or modifications to the following provisions which may hereafter be adopted from time to time, shall, upon adoption, be part of this section so as to secure uniform statewide regulation of buildings:

Chs. Comm. 16	Electrical Code
Chs. Comm. 20-25	Uniform Dwelling Code
Chs. Comm. 50--64	Building and Heating, Ventilating and Air Conditioning Code
Ch. Comm. 66	Multi-Family Code
Ch. Comm. 69	Barrier Free Design
Ch. Comm. 70	Historic Building Code
Chs. Comm. 81--86	Uniform Plumbing Code
Chs. Comm. 75--79	Existing Building Code

(Ord. No. 96-6, § 2(1.07), 10-9-1996)

**Sec. 14-34. Scope of Uniform Dwelling Code expanded.**

For the purposes of this chapter, the Wisconsin Uniform Dwelling Code are the standards for construction of the following:

- (1) Additions, alterations and major equipment replacements for one and two-family dwellings built prior to June 1, 1980.
- (2) Detached garages greater than 200 square feet serving one and two-family dwellings. Grade beam slabs are required for private, residential garages with a continuous floating slab of reinforced concrete and shall not be less than four inches in thickness. Reinforcement shall be a minimum of six inches by six inches, number ten wire mesh. The slab shall be provided with a thickened edge all around, eight inches wide and eight inches below the top of the slab. (Exempted are "frost free footings" for detached residential accessory buildings) Wis. Admin. Code ch. Comm. 22 shall not apply.
- (3) Other detached accessory buildings. Concrete slabs, frost free footings, etc., are not required, but if they are installed they shall follow subsection (2) of this section and/or Wis. Admin. Code ch. Comm. 21.

(Ord. No. 96-6, § 2(1.08), 10-9-1996)

**Sec. 14-35. Variance.**

(a) The town board shall hear requests for variances from the building code where they have authority. The town board shall approve, conditionally approve or deny the variance.

(b) In the event a variance is requested as to the maximum driveway grade, the town board shall only have limited authority to grant any such variance. No variance shall be granted which would allow a grade in excess of 13 percent. In the event the town board would grant a variance to allow a driveway grade to exceed the applicable requirement of this chapter, but not greater than 13 percent, the variance shall be expressly conditioned as follows, along with any other conditions that the town board may impose:

- (1) *Police chief approval.* Any such variance shall be conditioned upon the applicant providing proof to the town board that the police chief has considered the driveway grade and the driveway plans and has concluded that adequate police protection can be provided to the building by way of the proposed driveway.
- (2) *Fire chief approval.* Any such variance shall be conditioned upon the applicant providing proof to the town board that the fire chief has considered the driveway grade and the driveway plans and has concluded that adequate fire protection and emergency equipment can be provided to the building by way of the proposed driveway during all weather conditions.
- (3) *Hold harmless.* The applicant shall submit to and receive approval of from the town board a hold harmless agreement, whereby the applicant and the applicant's successors and assigns agree to maintain the driveway to a standard that allows access to emergency vehicles in all weather conditions; and hold the town, its officers, boards, commissions and representatives harmless as to any risks that may be caused by the steep slope of the driveway which may result in property damage and/or personal injuries or death, including risks associated with the inability of emergency vehicles to gain access to the buildings on the property due to the steep slope. The hold harmless agreement shall be subject to the approval of the town attorney as to form, and upon its approval and execution by the parties it shall be recorded as a deed restriction against the applicant's property and shall bind all future owners of the property.

(Ord. No. 2002-11, § 2(3.05), 2-22-2002)

**Sec. 14-36. Permit required.**

(a) Prior to commencing any of the following work, the owner of the property upon which the work is performed, or the agent thereof, shall obtain from the town building inspector the appropriate permit or permits as required by this chapter.

- (1) New buildings.
- (2) Additions including decks that increase the physical dimensions of a building.
- (3) Alterations to the building structure, cost shall include market labor value or alterations of the building's heating, electrical or plumbing systems.
- (4) Replacement of major building equipment including furnaces, central air conditioners, water heaters and any other major pieces of equipment.
- (5) Alterations to plumbing, venting, electrical or gas supply systems.
- (6) Any electrical wiring for new construction or remodeling.
- (7) Any HVAC for new construction or remodeling.
- (8) Any plumbing for new construction or remodeling.
- (9) Agricultural buildings.

(b) Exempted are re-siding, reroofing and finishing of interior surfaces, installation of cabinetry, and minor repair as deemed by the building inspector. However, unless structural calculations are provided, no more than two layers of roofing shall be installed on a roof. Exempt are normal repairs performed in subsections (a)(6), (7) and (8) of this section.

(c) At the time of building permit application issuance, the applicant shall pay fees as established periodically by the town board. If work commences prior to permit issuances, double fees may be charged by the building inspector.  
(Ord. No. 96-6, § 2(1.05), 10-9-1996)

#### **Sec. 14-37. Building and occupancy permits; deposit required.**

(a) *Deposit required.* No building permit shall be issued by the building inspector for construction of a building or construction of an addition to or remodeling of an existing building on any land until a deposit in the amount of \$1,000.00 has been paid by the applicant for such building permit unless that amount is reduced pursuant to subsection (b) of this section. The deposit shall be paid to the Building Inspector at the time an application is made for issuance of the building permit. The Building Inspector shall promptly turn the deposit over to the Town Treasurer.

(b) *Deposit reduction.* The Building Inspector may, at the Building Inspector's sole discretion, reduce the bond if the building inspector is satisfied that it is unlikely that there will be damage done to the town roads or to the road ditch adjacent to the property as a result of construction activities, and that the grading and landscaping of the premises will be completed, construction debris removed, all applicable ordinances complied with, and occupancy granted, as well as it is unlikely that the building will be occupied prior to the occupancy permit being granted.

- (c) *Deposit returned, forfeited.*
- (1) The sums deposited shall be retained by the Town Treasurer until written notice is received from the Building Inspector, who shall not authorize a refund of monies deposited until after grading and landscaping of the premises has been established and stabilized (which must be done within one growing season after final occupancy has been granted), the construction site is cleaned of all building materials and debris, all applicable ordinances have been complied with and occupancy has been granted. Occupying the house before occupancy has been granted, or failure to complete the final grading or to establish and stabilize landscaping within one growing season of final occupancy being granted will result in forfeiture of all the sums deposited, in addition to any other penalties or other remedies that may apply.
  - (2) In the event damage is done to town roads or to the road ditch adjacent to the property as a result of construction activities, the deposit shall be used to pay any costs incurred by the town to repair such damage. In the event the deposit is insufficient to cover all costs incurred by the town, the property owner shall be liable to the town for payment of any excess costs and no occupancy permit shall be issued for the property until such costs are paid. The balance of the deposit, after deducting such expenses incurred by the town to repair the damage, or alternatively, the entire deposit in the event no such damage has occurred, shall be returned to the property owner by the treasurer after receipt of written notice from the building inspector as noted in subsection (c)(1) of this section.
  - (3) The building permit applicant shall be solely responsible to request return of the deposit required under this Section when such applicant believes that the construction of the building or addition or remodeling of an existing building has been properly completed. The deposit shall only be returned to the party that made the deposit unless proof satisfactory to the Town Treasurer is provided that demonstrates that the deposit has been assigned to the claimant.
  - (4) Notwithstanding anything in this Section 14-37 to the contrary, the deposit required under this Section shall be forfeited in the following situations:
    - a. An occupancy permit is issued under this chapter but no application for return of the deposit is received by the Building Inspector within two (2) years of the date of the issuance of such occupancy permit; or
    - b. An occupancy permit is required under this Chapter and any of the following are true:
      - (1) No request for an inspection or request for return of the deposit is received by the Building Inspector within two (2) yeas of the date the permit was issued; or

- (2) An inspection is requested but no occupancy permit is issued within two (2) years of the date said inspection was performed; or
  - (3) An inspection is requested and occupancy permit is issued but the final conditions of approval are not satisfied within two (2) years of the date said inspection was performed.
- c. No occupancy permit is required under this Chapter and any of the following are true:
- (1) No request for an inspection is received by the building inspector within two (2) years of the date of the permit; or
  - (2) An inspection is requested and performed, but no request for return of the deposit is made within two (2) years of the date of said inspection.
- (5) Any deposit amount forfeited under subsection (4) above shall be transferred by the Town Treasurer to the general fund for the Town. Thereafter, no person shall have any claim with regard to the deposit or any part thereof. No such forfeiture shall be construed to constitute a penalty under Section 14-31 of this Code or to limit the Town's ability to pursue any remedy provided for under Section 14-31 or applicable state or federal law in the event of a violation of this Chapter 14.  
(Ord. 2009-7 § 1, 4-27-09)

(d) *Time to pay excess costs.* The Building Inspector shall give each property owner billed for payment of any excess costs a period of time not to exceed 30 days to pay and, thereafter, if that charge remains unpaid, the clerk shall automatically charge that delinquent bill against the current or next tax roll as a delinquent tax against the property as provided by law. In the event the statement rendered to the property owner or the time given for the property owner to pay is too late in the current year for the charge, when it becomes delinquent, to be extended on that year's tax roll, then the delinquent charge shall be extended to the following year's tax roll.

(e) *Appeal.* Any person who wishes to dispute the amount of refund may contact the clerk and request to appear before the Town Board at an upcoming regular Town Board meeting and may, at that time, present the matter to the Town Board for resolution. Appeal from the decision of the Town Board shall be by writ of certiorari to the county circuit court.  
(Ord. No. 98-5, § 2, 11-11-1998)

**Sec. 14-38. Building permit expiration.**

Non-UDC building permits shall be valid for a period of 12 months. UDC building permits shall be valid for a period of 24 months.  
(Ord. No. 96-6, § 2(1.06), 10-9-1996)

**Sec. 14-39. Building-HVAC-electrical-plumbing inspector.**

(a) *Creation and appointment.* There is created the office of Building Inspector. The Building Inspector shall be appointed by the municipality. The Building Inspector shall be certified for inspection purposes by the department in the required categories specified under the Wisconsin Admin. Code.

(b) *Subordinates.* The Building Inspector may appoint, as necessary, subordinate, mechanical inspectors. Any subordinate hired to inspect buildings shall be certified as defined in the Wisconsin Admin. Code.

(c) *Duties.* The inspector's duties shall include but not be limited to administration and enforcement of this chapter, conducting requested inspections and issuance of building permits.

(d) *Powers.* The inspector or an authorized certified agent may at all reasonable hours enter upon any public or private premises for inspection purposes and may require the production of the permit for any building, plumbing, electrical or heating work. No person shall interfere with or refuse to permit access to any such premises to the inspector or his agent while in the performance of his duties.

(e) *Inspections.* The following inspections shall be requested 48 hours in advance by the applicant/contractor or property owner as applicable.

- (1) Footing/foundation.
- (2) Rough carpentry, HVAC, electric and plumbing.
- (3) DRAINTILE/basement floor.
- (4) Underfloor plumbing/electric service/electric trench for buried cables.
- (5) Insulation.
- (6) Final carpentry, HVAC, electric and plumbing.
- (7) Erosion control.

Failure to request any inspection will be the responsibility of the contractor and/or property owner.

(f) *Records.* The inspector shall perform all administrative tasks required by the state department of commerce under all codes covered in Wis. Admin. Code Comm. § 20.09. In addition, the inspector shall keep a record of all applications for building permits and shall number each building permit in the order of its issuance.

(Ord. No. 96-6, § 2(1.09), 10-9-1996)

**Cross reference--**Officers and employees, § 2-31 et seq.

#### **Sec. 14-40. Submission of plans.**

Two sets of building plans shall be submitted to the inspector for any work which expands the size of a building, any new building or as required by the inspector. If a new building or building addition is proposed, then a plot plan or certified survey map showing such proposed work and existing buildings and property lines shall be submitted. A third set of building plans may be requested at the discretion of the building inspector for the assessor. Additionally, two sets of driveway plans shall be submitted for all new buildings, which shall include: the location of the driveway and an accurate depiction of the slope that the driveway will have upon its completion, which shall be prepared by a registered land surveyor, architect, or other qualified professional and shall be verified by measurements taken on the site; a description of the methods to be employed for stabilization of any cut or filled areas; a description of the location and methods to be employed for relocation of any fill material; the time table for completion and stabilization; and a description of the construction materials to be used in constructing the driveway, including whether it will have a gravel, asphalt or concrete surface.

(Ord. No. 2002-11, § 1(2.01), 2-22-2002)

#### **Sec. 14-41. Issuance of permit.**

The inspector shall issue the requested permit after all state, county and local submission requirements are satisfied and additional information as required by the building inspector is submitted. If a permit card is issued, it shall be posted at the job site in a location visible from the street.

(Ord. No. 96-6, § 2(2.02), 10-9-1996)

#### **Sec. 14-42. Occupancy bond required.**

(a) *Deposit required.* No building or razing permit shall be issued by the Building Inspector for construction or demolition of a building or construction of an addition to or remodeling of an existing building on any land until a deposit in the amount set by resolution of the Town Board from time to time has been paid by the applicant for such building permit. The deposit shall be paid to the Building Inspector at the time an application is made for issuance of the building permit. The Building Inspector shall promptly turn the deposit over to the Town Treasurer.

(b) *Deposit reduction.* The Building Inspector may, at his sole discretion, reduce the bond if the Building Inspector is satisfied that it is unlikely that there will be damage done to the Town roads or to the road ditch adjacent to the property as a result of

construction activities, and that the grading and landscaping of the premises will be completed, construction debris removed, all applicable ordinances complied with, and occupancy granted, as well as it is unlikely that the building will be occupied prior to the occupancy permit being granted.

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(c) *Deposit returned, forfeited.*

- (1) The sums deposited shall be retained by the Town Treasurer until such time as the Town Treasurer receives written notice from the Building Inspector to refund some or all of the money deposited. The building inspector shall not authorize any refund of the money deposited until after grading and landscaping of the premises has been completed, construction debris removed, all applicable ordinances have been complied with and occupancy has been granted. Landscaping shall include vegetation of the front yard, perimeter of home and ditch. Front yard vegetation is only required if the topography is such that erosion is a concern as determined by the Building Inspection Department.
- (2) In the event damage is done to Town roads or to the road ditch adjacent to the property as a result of construction activities, the deposit shall be used to pay any costs incurred by the Town to repair such damage. In the event the deposit is insufficient to cover all costs incurred by the Town, the property owner shall be liable to the Town for payment of any excess costs and no occupancy permit shall be issued for the property until such costs are paid. The balance of the deposit, after deducting such expenses incurred by the Town to repair the damage, or alternatively, the entire deposit in the event no such damage has occurred, shall be returned to the property owner by the Treasurer after receipt of written notice from the Building Inspector as noted in subsection (c)(1) of this section.
- (3) The permit applicant shall be solely responsible to request return of the deposit required under this Section when such applicant believes that no damage to the Town roads or to the road ditch adjacent to the property has occurred, or that such damage no longer occur, as a result of activities for which the permit was issued, that the grading and landscaping of the premises has been completed, construction debris removed, all applicable ordinances have been complied with, and, where applicable, an occupancy permit has been granted. The deposit shall only be returned to the party that made the deposit unless proof satisfactory to the Town Treasurer is provided that demonstrates that the deposit has been assigned to the claimant.
- (4) Notwithstanding anything in this Section 14-42 to the contrary, the deposit required under this Section shall be forfeited in the following situations:
  - a. An occupancy permit is issued under this Chapter but no application for return of the deposit is received by the Building Inspector within two (2) years of the date of the issuance of such occupancy, permit; or

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- b. An occupancy permit is required under this Chapter and any of the following are true:
  - 1. No request for an inspection or request for return of the deposit is received by the building Inspector within two (2) years of the date the permit was issued; or
  - 2. An inspection is requested but no occupancy permit is issued within two (2) years of the date said inspection was performed; or
- c. No occupancy permit is required under this Chapter and any of the following are true:
  - 1. No request for an inspection is received by the building inspector within two (2) years of the date of the permit; or
  - 2. An inspection is requested and performed, but no request for return of the deposit is made within two (2) years of the date of said inspection.

(5) Any deposit amount forfeited under subsection (4) above shall be transferred by the Town Treasurer to the general fund for the Town. Thereafter, no person shall have any claim with regard to the deposit or any part thereof. No such forfeiture shall be construed to constitute a penalty under Section 14-31 of this Code or to limit the Town's ability to pursue any remedy provided for under Section 14-31 or otherwise available under applicable state or federal law in the event of a violation of this Chapter 14.

(d) *Time to pay.* The Building Inspector shall give each property owner billed for payment of any excess costs a period of time not to exceed thirty (30) days to pay and, thereafter, if that charge remains unpaid, the Clerk shall automatically charge that delinquent bill against the current or next tax roll as a delinquent tax against the property as provided by law. In the event the statement rendered to the property owner or the time given for the property owner to pay is too late in the current year for the charge, when it becomes delinquent, to be extended on that year's tax roll, then the delinquent charge shall be extended to the following year's tax roll. (Ord. No. 2009-7, § 2, 4/27/09)

(e) *Appeal.* Any person who wishes to dispute the amount of refund may contact the Town Clerk and request to appear before the Town Board at the upcoming regular Town Board meeting and may, at that time, present the matter to the Town Board for resolution. Appeal from the decision of the Town Board shall be by writ of certiorari to the Waukesha County Circuit Court. (Ord. No. 96-6, § 2(2.03), 10-9-1996)

(f) *Occupancy permit fee*

1. The Town of Mukwonago Town Board may establish a fee by separate resolution from time-to-time to recover the costs incurred by the Town of Mukwonago in administering the collection and disbursement and retention of the occupancy bond and deposit and in the processing and issuance of the occupancy permit.
2. The fee provided for the subsection (a) above shall be collected by the Building Inspector at the time of issuance of any building or raze permit in addition to any other required permit fee(s) and occupancy bond and shall be transmitted to the Town Treasurer.  
(Ord. No. 2006-7 § 2.03(6), 06/21/2006)

**Sec. 14-43. Occupancy permit.**

If no non-compliances are found by the building inspector, then the inspector shall issue an occupancy permit. If minor non-compliances, other than health or safety items are in existence, the inspector may issue a temporary occupancy permit for 90 days. Occupancy may not be taken until an occupancy permit is issued.  
(Ord. No. 96-6, § 2(2.10), 10-9-1996)

**Sec. 14-44. Swimming pools.**

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Private swimming pool* means a receptacle for water, or an artificial pool of water, having a depth at any point of more than 18 inches, whether above or below the ground, used or intended to be used by the owner thereof, and his family and invited guests, for bathing or swimming, and includes all structures, appurtenances, equipment, appliances, and other facilities appurtenant thereto and intended for the operation and maintenance of a private swimming pool. Temporary pools less than 200 cubic feet in area and less than 18 inches in water depth which are dismantled and removed for the winter are not included in this definition.

(b) *Construction and installation standards.*

- (1) *Private swimming pools.* No person shall construct, install, enlarge, reconstruct or maintain a residential swimming pool not enclosed in a permanent building in the town except in accordance with the regulations of this chapter. Those swimming pools that are completely enclosed with a permanent building, shall comply with all ordinances, building codes, regulations and statutes applicable but where a conflict occurs, the more restrictive shall apply.

- (2) *Permit.* No person shall construct, install, enlarge, or alter any private swimming pool unless permits have first been obtained from the building, electrical and plumbing inspectors. The pool building permit fees shall be paid in an amount established by separate resolution from time to time by the town board. Applications shall be on forms provided by the building inspector, and shall be accompanied by plans drawn to scale showing pool dimensions and volume of water in gallons; locations and type of water waste disposal system; location of pool on lot and distance from lot lines, and fencing. The building inspector shall refer the application for any pool which he considers to be undesirable in appearance to the plan commission. The plan commission shall have the authority to approve, deny or impose appropriate changes or safeguards. Its decision shall be based upon the avoidance of a substantial adverse effect upon property values in the neighborhood.
- (3) *Construction of pool.* A private swimming pool shall be constructed in accordance with the following requirements:
- a. *Distance required.* All private swimming pools shall be constructed at the minimum setback and offset requirement for buildings located within the district where such swimming pool is located.
  - b. *Area.* The area of the pool shall not exceed three percent of the area of the lot.
- (4) *Fences.* Every private swimming pool, unless completely enclosed in a structure, shall be completely surrounded by a fence or wall not less than four feet in height, but not to exceed six feet in height, which shall be so constructed as not to have openings, holes or gaps which would allow access by unauthorized persons, except for doors or gates. A dwelling house or accessory building may be used as part of such enclosure. All gates or doors opening through such enclosures shall be equipped with an inside self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use, except that the door of any dwelling which forms a part of the enclosure need not be so equipped.
- a. A temporary fence (snow fence, et cetera) can be used while such pool is under construction.
  - b. Aboveground pools with self-providing fencing to prevent unguarded entry will be allowed without separate additional fencing provided the self-provided fence is of the minimum required height and design as heretofore specified. Permanent access from grade to aboveground pools having stationary ladders, stairs, or ramps shall not have less than equal safeguard fencing and gates as are provided the pool proper.
  - c. No direct connection shall be made to the sanitary sewer or septic system.

- d. Provisions shall be made for the disinfection of all pool water. No gaseous chlorination shall be permitted.
- e. Except for a properly installed diving board, access ladders or safety railings, there shall be an unobstructed concrete areaway around the entire pool of at least three feet on in-ground pools.
- f. Heating units, pumps and filter equipment shall in no case be less than 20 feet from any property line. Requirements for heating units shall be equal to those required for residential installation.
- g. Any exterior bibs to be used in conjunction with the filling of any swimming pool shall have an anti-siphoning type valve.

(5) *Electrical regulations.*

- a. All electrical installations provided for, installed and used in conjunction with a private swimming pool shall be in conformance with the national, state, and local code regulating electric installations.
- b. All electrical installations must be inspected by the town electrical inspector and any electrical work to be covered by concrete, or otherwise, must be inspected prior to being so covered.

(c) *Final inspection.* The building inspector shall make a final inspection of all newly constructed, installed, enlarged or reconstructed pools and shall issue a certificate of occupancy if no violation of this or any other ordinance, law, or lawful order is found. No owner shall use, or permit to be used, any such pool until final inspection has been made and occupancy permit issued.

(d) *Lights.* If overhead flood or other artificial lights are used to illuminate a pool at night, such light shall be shielded to direct light only on the pool.

(e) *Nuisances.* No pool shall be operated or maintained to create a nuisance, an eyesore or otherwise to result in a substantial adverse effect on neighboring properties or to be in any other way detrimental to the public health, safety or welfare.

(f) *Sanitation.* A swimming pool and its appurtenant facilities shall be kept in a clean and sanitary condition.

(Ord. No. 96-6, § 2(2.07), 10-9-1996)

**Sec. 14-45. Fees.**

At the time of building permit application issuance, the applicant shall pay fees as established periodically by the town board. If work commences prior to permit issuance, double fees may be charged by the building inspector.

(Ord. No. 96-6, § 2(3.01), 10-9-1996)

**Secs. 14-46--14-70. Reserved.**

## **ARTICLE III.**

### **UNIFORM ADDRESSES**

#### **Sec. 14-71. County uniform address system adopted.**

The uniform address system of the town shall be based on and become a part of the uniform address system for the county and shall conform to the uniform system of numbering recommended in the report of the special committee of the county board appointed to study developing a uniform address system. All provisions relating to the establishment of a uniform address system for the county are hereby adopted and approved and such provisions are applicable to the town.

(Ord. No. 96-6, § 2(2.14(1)), 10-9-1996)

#### **Sec. 14-72. Uniform system of numbering parcels established.**

There is established a uniform system of numbering parcels in the town, and all existing parcels and all parcels which are hereafter created shall be numbered in accordance with the provisions of the uniform address system of the town.

(Ord. No. 96-6, § 2(2.14(2)), 10-9-1996)

#### **Sec. 14-73. Assignment of addresses.**

After the final approval of any new subdivision or other division of land, the town's agent shall assign an address to each parcel. Records shall be kept of the assignments and a copy shall be provided to the clerk, town treasurer, town building inspector, town assessor, fire department and owner.

(Ord. No. 96-6, § 2(2.14(3)), 10-9-1996)

#### **Sec. 14-74. Plat book.**

The town's agent shall maintain a plat book and/or map showing the proper addresses of all parcels in the town.

(Ord. No. 96-6, § 2(2.14(4)), 10-9-1996)

#### **Sec. 14-75. Numbers to be procured.**

The parcel owner shall receive the numbers assigned to that address, a mounting post and installation brackets from the town's agent. A fee shall be charged to the parcel owner in an amount to be approved by the town board.

(Ord. No. 96-6, § 2(2.14(5)), 10-9-1996)

**Sec. 14-76. Numbers must be placed conspicuously.**

All parcel owners shall install or cause to be installed in a conspicuous place upon the parcel the numbers assigned under the uniform address system provided for by this article. Address numbers shall be conspicuously placed within 50 feet of the centerline of the road, at least four feet above the grade on which the address number is located, and within six feet of the driveway. Address numbers must be visible from the traveled portion of the road and must be plainly seen from the road by vehicles traveling from both directions.

(Ord. No. 96-6, § 2(2.14(6)), 10-9-1996)

**Secs. 14-77--14-110. Reserved.**

## ARTICLE IV.

### CULVERTS AND DRIVEWAYS

#### Sec. 14-111. Definition of culverts.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Culverts* means those structures which function to convey surface water through an embankment or under a roadway or a driveway.

(Ord. No. 96-6, § 2(2.09(1)(a)), 10-9-1996)

**Cross reference--**Definitions generally, § 1-2.

#### Sec. 14-112. Standard design specifications.

(a) *Generally.* The location of culverts shall be determined by the building inspector or town inspection service. All culverts shall be a minimum of five feet from the lot line as extended into the right-of-way unless the building inspector finds there are exceptional circumstances allowing the location of the culvert to be closer than five feet from the lot line as extended into the right-of-way.

(b) *Culvert size.* The size of culverts shall be determined by the town engineer.

(c) *Special design criteria.*

(1) Apron ends shall be provided on cross-road culverts and driveway culverts.

(2) All driveway culverts shall be at least 15 inches in diameter and no driveway culvert shall be less than 18 feet or more than 22 feet in length at the outer street edge unless special permission is obtained from the town board.

(d) *Standard material and construction specifications.* The applicable portions of the most current edition of state department of transportation, division of highways, standard specifications for road and bridge construction shall govern, except as amended in this article.

(e) *Special material specifications.* All culverts must be made of reinforced concrete and corrugated metal pipe.

(Ord. No. 96-6, § 2(2.09(1)(b)--(e)), 10-9-1996)

**Sec. 14-113. Culvert installation.**

No person shall install or have installed any culvert in the town without first obtaining a culvert sizing permit.

(Ord. No. 96-6, § 2(2.09(2)), 10-9-1996)

**Sec. 14-114. Cost of culvert sizing permit.**

The owner of the property serviced by the culvert or any applicant for installation of a culvert shall pay a permit fee as established from time to time by the town board. Such fees shall be paid to the clerk or his designee before any culvert sizing permit is issued.

(Ord. No. 96-6, § 2(2.09(3)), 10-9-1996)

**Sec. 14-115. Permit process.**

(a) *Form of application; description of property.* Applications for a culvert sizing permit shall be made in writing to the building inspector or inspection service on forms prescribed by the town board. The property shall be described by address and a tax key number. The culvert location shall be described and the owner or applicant must stake the culvert location at the property using the stakes provided by the town.

(b) *Copies to town engineer and clerk.* Upon receipt of the application, the building inspector or inspection service shall immediately forward a copy of the application to the town engineer and the clerk.

(c) *Review procedures.* Upon receipt of a copy of the application, the town engineer shall review the application, determine the appropriate size and report the determination to the building inspector or inspection service. A minimum of one week from the town engineer's receipt of the application shall be allowed for the town engineer's determination.

(d) *Issuance.* Upon approval of the location, payment of all fees and a determination of size by the town engineer, the building inspector or inspection service shall issue a town culvert sizing permit.

(Ord. No. 96-6, § 2(2.09(4)), 10-9-1996)

**Sec. 14-116. Prohibited installation.**

Any culvert installed in violation hereof shall be removed by the owner of the property serviced by the prohibited culvert. If the culvert is not removed after ten days' written notice from the building inspector or inspection service, the town shall remove such culvert and bill the property owner for the expenses incurred by the town in such removal. If the property owner fails to pay the expenses of the town for removal of the culvert, the charges may be placed upon the tax roll and collected as a special tax under Wis. Stats. § 66.0627.

(Ord. No. 96-6, § 2(2.09(5)), 10-9-1996)

**Sec. 14-117. Continuing responsibility for culvert.**

Every property owner will have a continuing obligation to maintain the repair of the culvert servicing their property. Should any culvert become in such a condition of disrepair or have damage to such extent that the ditch drainage is affected thereby, the property owner shall take whatever steps are necessary to repair or replace such defective culvert. In the event a property owner shall fail to maintain their culvert as required, then in that event the town shall have the right to proceed to repair or replace the defective culvert.

(Ord. No. 96-6, § 2(2.09(6)), 10-9-1996)

**Sec. 14-118. New driveways.**

(a) *Location of new driveways regulated.* Upon the issuance of a building permit, the town building inspector is empowered to designate the location of a property owner's driveway if, in his opinion, the parcel of real estate upon which such property owner is constructing a home or building is of such nature that the location of such driveway would bear heavily upon the feasibility of access by emergency vehicles to the home or building being constructed. Further, the building inspector shall have the right to designate on such parcel of real estate the location and method of construction of such driveway so that the driveway is capable of being used under normal weather conditions to gain access to the home or building being served.

(b) *Construction standards.*

(1) All driveways shall provide a minimum unobstructed width of 12 feet (3.7 meters) and minimum unobstructed vertical clearance of 15 feet (4.6 meters).

(2) Turnouts shall be designed and constructed every 400 feet (122 meters) along the driveway's length.

(3) A turnaround shall be provided at all building or construction sites on driveways over 300 feet (91 meters) in length and shall be within 50 feet (15.2 meters) of the building or structure.

(4) Driveways not to exceed ten percent grade.

(5) Driveway location shall not be closer than five feet to side or rear lot lines.  
(Ord. No. 96-6, § 2(2.13), 10-9-1996)

**Secs. 14-119--14-150. Reserved.**

## ARTICLE V.

### PROPERTY MAINTENANCE

#### **Sec. 14-151. Application of article.**

This article applies to all structures located in a residential zoned area and to all structures and sites used for residential purposes but zoned for other uses.  
(Ord. No. 96-6, § 2(2.12(1)), 10-9-1996)

#### **Sec. 14-152. Minimum standards.**

It shall be unlawful for any person to occupy or use or let or hold out to another for occupancy for use any building, structure or premises which does not comply with the requirements of this chapter.  
(Ord. No. 96-6, § 2(2.12(1)(a)), 10-9-1996)

#### **Sec. 14-153. Foundations, exterior walls and roofs.**

The foundation shall be substantially watertight and protected against rodents and shall be kept in good condition and repair. The foundation elements shall adequately support the building at all points. Every exterior wall shall be substantially watertight, weathertight, protected against rodents, kept in good condition and repair and shall be free of deterioration, holes, breaks, loose or rotting boards or timber, and any other condition which might admit rain or dampness to the interior portions of the walls or to the interior spaces of the dwelling. All exterior wood surfaces shall be protected by paint, stain or other water and weather resistant treatment. Every roof shall be watertight, weathertight, kept in good condition and repair and have no dangerous defects. Roof drainage shall be adequate to prevent rainwater from causing dampness in the walls. All cornices, copings, parapets, moldings, belt courses, lintel, sills and similar projections shall be kept in good repair, free from cracks or defects which make them hazardous or dangerous.  
(Ord. No. 96-6, § 2(2.12(1)(b)), 10-9-1996)

#### **Sec. 14-154. Windows, doors and hatchways.**

Every window shall be fully supplied with transparent or translucent window panes which are substantially without cracks or holes, shall be substantially tight and shall be kept in good condition and repair. Windows, other than fixed windows, shall be easily opened and shall be held in position by window hardware. Every exterior door shall fit substantially tight within its frame and shall be kept in good condition. Window and door frames shall be kept in good condition and shall exclude rain and substantially exclude wind from entering the building or structure. Every basement hatchway shall prevent the entrance of rodents, rain and surface drainage water into the building or structure.  
(Ord. No. 96-6, § 2(2.12(1)(c)), 10-9-1996)

**Sec. 14-155. Stairways and porches.**

Every exterior stairway and every porch and its supports shall be kept in good and safe condition and repair and shall be free of deterioration with every rail and balustrade firmly fastened and maintained.

(Ord. No. 96-6, § 2(2.12(1)(d)), 10-9-1996)

**Sec. 14-156. Chimneys.**

Every chimney and chimney flue shall be in good and safe condition and repair.

(Ord. No. 96-6, § 2(2.12(1)(e)), 10-9-1996)

**Sec. 14-157. Grading and drainage of lots.**

Every yard, court driveway or other portion of the lot shall be graded or drained so as to prevent the accumulation of stagnant water on any such surface. Driveways shall be maintained in good condition and repair.

(Ord. No. 96-6, § 2(2.12(1)(f)), 10-9-1996)

**Sec. 14-158. Yards.**

Yards shall be kept substantially clear of debris and shall be provided with adequate lawn or ground cover or vegetation, hedges or bushes.

(Ord. No. 96-6, § 2(2.12(1)(g)), 10-9-1996)

**Sec. 14-159. Infestation.**

Every building, structure and all exterior appurtenances on the premises shall be adequately protected against rats, mice, termites, and other vermin. Occupants and operators shall be responsible for the extermination of rodents and vermin from that part of the premises under their exclusive control except where more than one unit is infested at the same time and in this instance the owner shall also be responsible for extermination of the infestation.

(Ord. No. 96-6, § 2(2.12(1)(h)), 10-9-1996)

**Sec. 14-160. Refuse, garbage and rubbish storage requirements.**

Every building or structure shall have adequate refuse, garbage or rubbish storage facilities. Garbage containers shall all have tight covers and shall be kept in place at all times. No occupant shall accumulate rubbish, boxes, lumber, metal or other materials which may provide harborage for rodents or vermin.

(Ord. No. 96-6, § 2(2.12(1)(i)), 10-9-1996)

**Cross Reference:** Solid waste, ch. 58.

**Sec. 14-161. Accessory structures.**

Every accessory structure shall be kept in good condition and repair, shall not obstruct access of light or air to doors or windows, shall not obstruct a safe means of access to any building or structure, shall not create fire or safety hazards and shall not provide rat or vermin harborage. All accessory structures which are in deteriorated condition and which are not repairable shall be removed.

(Ord. No. 96-6, § 2(2.12(1)(j)), 10-9-1996)

**Sec. 14-162. Maintenance of property; complaints.**

Complaints alleging a violation of this article shall be commenced by service of written notice of noncompliance upon the property owner, the form is provided by the town.

(Ord. No. 96-6, § 2(2.12(1)(k)), 10-9-1996)

**Secs. 14-163--14-190. Reserved.**

## ARTICLE VI.

### UNSAFE BUILDINGS AND STRUCTURES\*

\*State law reference--Razing buildings generally, Wis. Stats. § 66.0413.

#### **Sec. 14-191. Unsafe buildings.**

Whenever the building inspector determines that any building or structure is so old, dilapidated or out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for habitation, occupancy or use and so that it would be unreasonable to repair the building or structure, he shall order the owner to raze and remove all or part thereof specified by the building inspector with town board approval. If such unfit structure can be made safe by repairs, it may be so put at the owner's option, whether to repair and make safe and sanitary or to raze and remove.

(Ord. No. 96-6, § 2(2.04), 10-9-1996)

#### **Sec. 14-192. Condemnation (razing) of and removal of unsafe structures; demolition permit required.**

All persons who demolish or cause to be demolished any structure or part of a structure larger than 400 square feet within the town shall apply for and obtain a demolition permit from the building inspector prior to undertaking any steps to demolish the structure.

(Ord. No. 96-6, § 2(2.05(1)), 10-9-1996)

#### **Sec. 14-193. Application.**

An application for a permit to demolish all or part of a building shall include the following information:

- (1) The name and address of the owner of the building on the date of the application and, if different, on the date of demolition.
- (2) The name, address and telephone number of the contractor(s) performing the demolition work.
- (3) The date upon which demolition is to commence.
- (4) The date by which demolition shall be complete.

- (5) A list of all hazardous waste and hazardous and toxic substances as defined by the Wis. Admin. Code NR § 158.03(4) as amended from time to time, contained in the building, a statement as to whether the building contains asbestos as defined by the Wis. Admin. Code NR § 445.02(2), and a detailed description of the method to be used in removing, transporting and disposing of any hazardous waste, hazardous and toxic substances, and asbestos.
  - (6) A detailed description of how and where the waste materials resulting from the demolition will be transported and disposed of (including the description of the route to be used by trucks in hauling the waste).
  - (7) A description of the method of demolition to be used.
  - (8) A description in detail of all methods to be used to prevent water runoff and soil erosion from the site to neighboring properties and to prevent releasing unreasonable amounts of dust from the site.
  - (9) Along with the application for permit for demolition, the applicant shall present a release from all utilities serving the property, stating that their respective service connections and appurtenant equipment such as meters and regulators have been removed or sealed and plugged in a safe manner.
- (Ord. No. 96-6, § 2(2.05(2)), 10-9-1996)

#### **Sec. 14-194. Demolition.**

The demolition shall be conducted in a manner that is safe and that does not adversely affect the environment.

(Ord. No. 96-6, § 2(2.05(3)), 10-9-1996)

#### **Sec. 14-195. Clearing and leveling the site.**

(a) The site of any demolition shall be properly cleared of debris, rubbish and pavement and shall be properly graded and leveled to conform with the adjoining grade of the neighboring property; and when so graded and leveled, the site shall be seeded, sodded or treated in some other manner acceptable to the building inspector to prevent blowing dust, dirt or sand. Excavations remaining after demolition shall be filled, graded and leveled off, not later than 30 consecutive days after demolition is completed.

(b) Excavations from demolished buildings or structures shall not be filled with any materials subject to deterioration. The building inspector, upon notification by the permit holder, the owner or his agent, in writing and upon forms provided by the building inspector for that purpose, shall within 72 hours inspect each excavation, or part thereof, before any excavation filling commences.

(c) It shall be unlawful to fill any such excavation without inspection and approval of the building inspector. Voids in filled excavations shall not be permitted. In the event of the unavailability of the building inspector to conduct an inspection within the 72 hours after written notice, the permit holder, owner or his agent may retain the services of a certified, qualified municipal inspection service to obtain an opinion that approves filling of the excavation. Such opinion shall be deemed a sufficient approval by the town provided that a written copy of the opinion is delivered to the clerk at least 48 hours before filling of the excavation commences.  
(Ord. No. 96-6, § 2(2.05(4)), 10-9-1996)

**Sec. 14-196. Removal and disposal.**

No building materials and debris will be disposed of within the town in any manner unless such disposal is approved by the building inspector. Removal, transportation and disposal of all hazardous waste, hazardous and toxic substances, and asbestos shall be conducted in compliance with all applicable state, federal and local statutes, ordinances and regulations. The permit holder shall give the building inspector 72 hours written notice prior to any removal, transportation or disposal of hazardous waste, hazardous and toxic substances and asbestos.  
(Ord. No. 96-6, § 2(2.05(5)), 10-9-1996)

**Sec. 14-197. Permit fees.**

Permit fees as established by separate resolution from time to time by the town board, must be paid prior to the issuance of a permit.  
(Ord. No. 96-6, § 2(2.05(6)), 10-9-1996)

**Secs. 14-198--14-230. Reserved.**

## ARTICLE VII.

### MOVING BUILDINGS\*

\*Cross reference--Streets, highways and other public places, ch. 62.

#### **Sec. 14-231. Permit required.**

No person shall move any building or structure upon any public right-of-way within the town unless that person first obtains a building moving permit from the building inspector. Every permit issued by the building inspector for the moving of a building shall designate the route over which the building will be moved, the conditions to be complied with and the time limit within which such moving operations shall be completed.

(Ord. No. 96-6, § 2(2.06(1)), 10-9-1996)

#### **Sec. 14-232. Permit application.**

Any person applying for a building moving permit shall provide the following:

- (1) Route of travel through the town.
- (2) Location of any overhead wires or other utilities which will have to be moved or relocated to accommodate the move.
- (3) Name, address and telephone number of the owner of the building and, if different, owner of lot to which building is being moved.
- (4) Name, address and telephone number of the company performing the move together with at least two references from prior moves.
- (5) Exterior elevations of the building and accurate photographs of all sides and views of the building.
- (6) In the event that it is proposed to alter the exterior of the building, plans and specifications of such proposed alterations.
- (7) Accurate photographs and site plan of the site at which the building is to be located.
- (8) The appropriate application fee.
- (9) Proof of public liability insurance covering injury to one person in the sum of not less than \$500,000.00 and for one accident, aggregate not less than 1,000,000.00, together with property damage insurance in the sum of not less than \$500,000.00, naming the town as an additional insured.

(10) The requirements of subsections (6) and (7) of this section shall not be required in the event that the building is not to be located within the town. (Ord. No. 96-6, § 2(2.06(2)), 10-9-1996)

**Sec. 14-233. Cash deposit.**

Upon receipt of the permit application, the town engineer and or the highway commission shall review the proposed route over which the building will be moved and the conditions of the roads on that route. If the building is to be located upon a site within the town, the building inspector shall also inspect the building at the location from which it is to be moved in order to determine whether the building is in a sound and stable condition and of such construction that it will meet the requirements of this chapter, the town zoning code set out in chapter 82 and all other applicable codes in all respects. The building inspector shall also review the plans for improvements and remodeling of the building, if any. The building inspector shall then provide his findings in a written report to the town plan commission, including a recommendation from the town engineer as to an appropriate cash deposit amount to cover potential damage to town highways, as well as his findings, in the event the building is to be located within the town, regarding the condition of the building and its conformity or potential conformity to town codes and ordinances.

(Ord. No. 96-6, § 2(2.06(3)), 10-9-1996)

**Sec. 14-234. Plan commission review.**

(a) Upon receiving a report from the building inspector, the plan commission shall review such report and, if necessary, review the route over which the building will be moved. The plan commission shall then set an appropriate cash deposit, which shall not be less than \$5,000.00. Such cash deposit shall be held to secure payment of any costs arising out of any damage to town highways or other town property. Such cash deposit shall also secure payment of any costs or other expenses incurred by the town in connection with any claims for damages to any persons or properties, and the payment of any judgment, together with the costs or expenses incurred by the town in connection therewith, arising out of the moving of the building for which the permit is issued. The applicant shall also provide the town with an indemnification agreement, indemnifying the town from any claims for damages arising out of the moving of the building in question.

(b) If the building in question is to be moved and located on a site within the town, the plan commission shall also review the plans, photographs and other documents regarding the building together with the building inspector's report regarding the building. The plan commission shall then determine whether the exterior architectural character and functional plans of the building to be moved, including alterations of any kind, will be so at variance with either the exterior architectural character and functional plans of the buildings already constructed or in the course of construction in the immediate area or in the character of the applicable district established by the zoning ordinance of the town set out in chapter 82 so as to cause a substantial depreciation of the property values of the neighborhood within such applicable district. No permit shall be issued unless the plan commission makes a finding, by at least a majority vote that the building will not be at variance with the neighborhood as noted in this subsection.

(c) If the building is to be located upon a site within the town, the plan commission shall also set a separate cash deposit, in an amount not less than \$5,000.00, and in addition to the cash deposit noted in subsection (a) of this section, to secure and ensure that the building shall actually be located upon the site and all exterior alterations completed in conformance with the plans, photographs and specifications provided by the applicant. This cash deposit shall be in addition to any applicable laws of the town.

(d) Upon the written request of the building inspector, the applicant or any interested party, the plan commission shall conduct a public hearing on the moving permit request. Such hearing may be adjourned for a reasonable length of time. (Ord. No. 96-6, § 2(2.06(4)), 10-9-1996)

**Sec. 14-235. Issuance of permit.**

Upon a favorable finding of the plan commission, and upon payment of all cash deposit amounts set by the plan commission, the building inspector shall issue a building moving permit. All subsequent moving of the building shall be done pursuant to the terms of the permit and terms of this chapter. (Ord. No. 96-6, § 2(2.06(5)), 10-9-1996)

**Sec. 14-236. Continuous movement.**

The movement of a building pursuant to permit shall be a continuous operation during all hours of the day, and day by day, until such movement is fully completed. All operations shall be performed with the least possible obstruction to thoroughfares. No buildings shall be allowed to remain overnight upon any street crossing or intersection, or so near thereto as to prevent easy access to a fire hydrant or any other public facility. Lighted lanterns shall be kept in conspicuous places at each end of the building during the night. (Ord. No. 96-6, § 2(2.06(6)), 10-9-1996)

**Sec. 14-237. Street repair.**

Every person receiving a permit to move a building shall, within one day after such building reaches its destination, report the fact to the building inspector who shall thereupon, in the company of the town chair of public works and roads, inspect the streets and highways over which such building has been moved and ascertain their condition. If the movement of the building has caused any damage to any town street or highway, the person to whom the permit was issued shall forthwith place them in as good a repair as they were before the permit was granted. On the failure of the permittee to do so within ten days after notification from the town, the town shall repair the damage done and deduct the costs of any repair from the cash deposit provided under section 14-234(a). (Ord. No. 96-6, § 2(2.06(7)), 10-9-1996)

## ARTICLE VIII.

### FENCES

#### Sec. 14-250. Fences

##### **Sec. 14-250. Applicability.**

The requirements of this article apply to fences more than 30 inches in height constructed or rebuilt after March 16, 2011<sup>1</sup>, and

- (a) which are located on a parcel in a subdivision approved as a conservation design development or planned unit development under chapter 82 of this code, or
- (b) Which are located on a parcel, wholly or partially, located in one of the following zoning districts established in chapter 82 of this code:
  - (1) R-H, rural home district,
  - (2) S-E, suburban estates district,
  - (3) R-1, residential district,
  - (4) R-2, residential district,
  - (5) R-3, residential district, or
  - (6) B-2, local business district.

##### **Sec. 14-251. Measurement of fence height.**

The height of a fence shall be measured from the adjoining ground surface to the top of the fence material (i.e., not the top of the fence post, pole, or column).

##### **Sec. 14-252. Construction specifications.**

A fence shall meet the following construction specifications, some of which are depicted in Exhibit 14-1:

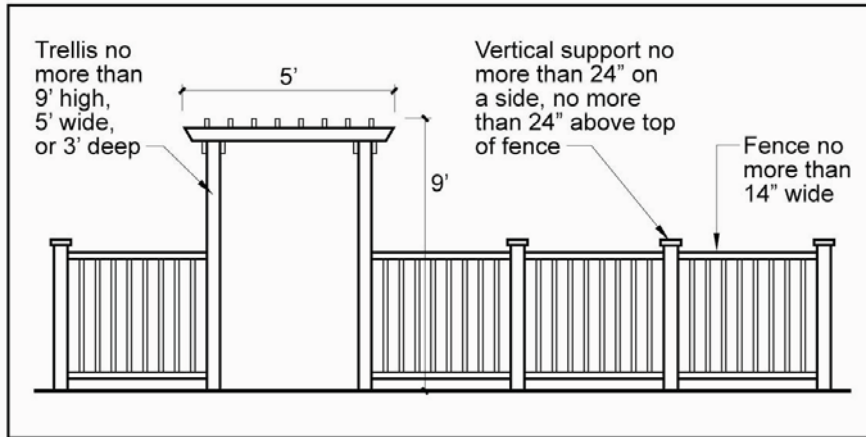
- (1) **Width.** With the exception of vertical supports, the width of a fence shall not exceed 14 inches.
- (2) **Height.** The top of a fence shall not exceed the height listed in Exhibit 14-2 provided that a fence used to enclose horses shall not exceed a height of 5 feet. Where a fence is located on a slope and is stepped, each section shall not be wider than 8 feet and the height shall be measured in the middle of the stepped section (Exhibit 14-3).

Revised 3/17/2011

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<sup>1</sup> Note: Upon adoption, the Town Clerk is authorized to insert the effective date of the ordinance.

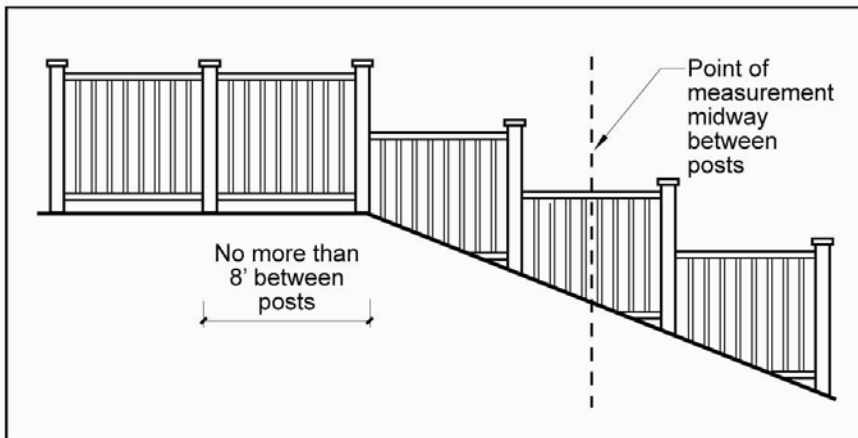
**Exhibit 14-1. General fence requirements**



**Exhibit 14-2. Maximum fence height**

Location	Residential Zoning Districts	Commercial Zoning Districts
Front yard	4 feet	4 feet
Side yard (interior lot)	6 feet	6 feet
Side yard, street side	4 feet	4 feet
Rear yard	6 feet	6 feet

**Exhibit 14-3. Special standards for a stepped fence**



**Sec. 14-253. Orientation.**

All non-decorative posts, horizontal supports, cross-members, and the like shall be oriented inward to the lot on which the fence is located.

**Sec. 14-254. Materials.**

A fence shall be constructed of building materials commonly used for fence construction in the region, except for those specifically prohibited in this section. A fence located in a front yard or in a side yard that abuts a street right-of-way shall have a maximum opacity of 50 percent. All other fences may be solid from the ground to the maximum height. Snow fences constructed of wood and wire, and/or plastic shall be permitted only as temporary fences.

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**Sec. 14-255. Vertical supports.**

A vertical support, such as a post or column, shall not exceed 24 inches in width or extend more than 24 inches above the top of the highest point of the adjoining fence.

**Sec. 14-256. Trellises.**

A trellis may extend above a pedestrian walkway provided it is not taller than 9 feet, wider than 5 feet, or deeper than 3 feet.

**Sec. 14-257. Arbors.**

An arbor may be incorporated into the overall design of a fence provided no part is taller than 8 feet and does not extend for more than 10 percent of the length of the side on which it is located.

**Sec. 14-258. Location specifications.**

A fence shall meet the following locational specifications:

- (1) A fence shall be located on the owner's side of a property line.
- (2) A fence shall not be closer than one foot to the front property boundary line or other property boundary line when adjoining a pedestrian walkway or the like.
- (3) A fence may be placed within a utility easement with the understanding that the utility authority may remove such fence at the property owner's expense and that such utility authority and/or the county are not liable for any damage to the fence and are not responsible for the reconstruction of the fence.
- (4) A fence shall not be located within a drainage easement except the building inspector may, upon written petition, allow a fence in a drainage easement when it can be shown that the fence will not restrict the flow of stormwater.

**Sec. 14-259. Sight vision.**

A fence shall comply with the corner vision standards as may be adopted by the Town of Mukwonago.

**Sec. 14-260. Special standards for fencing around a swimming pool.**

A fence may be located around a swimming pool pursuant to s. 14-44(4) of this chapter.

**Sec. 14-261. Special standards for fencing around a sport court.**

A fence may be located around a sport court such as a tennis court, basketball court, or volleyball court provided it meets the following standards:

- (1) The fence shall not exceed 12 feet in height.
- (2) The fence shall not be located within a setback line.
- (3) Any portion of the fence above 6 feet in height shall be an open woven wire, such as a chain-link material.

**Sec. 14-262. Special standards for temporary fencing.**

A temporary fence may be used for the duration of a construction project with a valid building permit.

**Sec. 14-263. Modification of stormwater flow.**

A fence shall not impede the natural flow of stormwater.

**Sec. 14-264. Barbed wire and electric fencing.**

Barbed wire fencing and electric fencing are prohibited except when used to contain livestock as may be permitted under chapter 82 of this code or by other law or regulation.

**Sec. 14-265. Maintenance.**

A fence shall be maintained in a structurally sound manner.

(Ord. No. 2011-1 § 14-250–265 3/17/2011)