CHAPTER 22
BUILDING CODE, BUILDING INSPECTOR AND MAINTENCE

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22.01 AUTHORITY

1) These regulations are adopted under the statutory authority granted pursuant to Section 101.65, 101.651, 101.76, and 101.761 of the Wisconsin Statutes.

Established April 17, 2001, Ordinance No. 229; Revised July 16, 2002, Ordinance No. 233

22.02 PURPOSE

1) The purpose of this Code is to promote the health, safety, and general welfare of our community, to protect property values and provide for orderly, appropriate development and growth of the community.

Established April 17, 2001, Ordinance No. 229; Revised July 16, 2002, Ordinance No. 233

22.03 DEFINITIONS

1) As used in this Chapter, the following terms have the meaning prescribed herein: (Any item not defined herein shall follow the "Wisconsin Administrative Code" definitions).

2) BUILDING

(a) Any structure erected or constructed of wood, metal, stone, plastic or other materials, which is intended to be used by human beings or animals for occupancy, livery, commerce, education, cultural activities or other purpose. The term does not include children's play structures.

3) BUILDING INSPECTOR

(a) **T**he individual(s) or firm appointed by the Municipality to exercise all of the powers and duties of a building inspector under Wisconsin Law.

4) CONSTRUCTION

(a) Any part or portion of the activity of installing, locating, sitting, erecting or raising a building.

5) CONTRACTOR

(a) Any person, firm or entity which undertakes any activity related to the construction of a building other than the mere provision of supplies, materials.

6) DEMOLITION

(a) The activity of completely or partially destroying a previously erected or constructed building.

7) ELECTRICAL

(a) The trade which relates to the design, installation, maintenance and repair of the mechanical equipment, wiring, fixtures and connections which tie a structure to the power grid of an electric generating utility and distribute the electricity through a structure to end uses, including any work which may be performed by a master electrician licensed by the "State of Wisconsin" or a person under the supervision of such an electrician.

8) GARAGE, PRIVATE

(a) A private garage is one where private vehicles are kept for storage purposes only and wherein such use is accessory to the residential use of the property on which it is stored. A carport is considered a private residential garage.

9) GARAGE, PUBLIC

(a) Any building or premises, other than a private or a storage garage, where motor-driven vehicles are equipped, repaired, serviced, hired or sold, or stored for monetary gain as a business.

10) HVAC

(a) An acronym which stands for Heating, Ventilating and Air Conditioning; the trade which installs mechanical equipment, systems and accessory ducting and gratings for the purpose of warming, purifying, cooling and exchanging air in a building.

11) OCCUPANCY

(a) The act of utilizing a building for human habitation, use, or occupancy. Any use of a building for any activity which is customarily or routinely associated with utilization of a building as a residence, detached residential accessory structure, or commercial use shall constitute occupancy.

12) OWNER

(a) The individual, firm or entity which has record title to the real estate on which construction or demolition is taking place.

13) PLUMBING

(a) The trade which relates to the design, installation and maintenance or repair of pipes, drains, sinks, basins, hot water heating systems, natural gas pipes, grease traps, floor drains, and all other work for which the individual performing the work may either be a master plumber licensed by the "State of Wisconsin" or work under the supervision of such a plumber.

14) REPAIRS

(a) Repairs for purposes of maintenance or replacements in any existing building or structure which do not involve the structural portions of the building or structure or which do not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection or exterior esthetic appearance and which do not increase a given occupancy and use, shall be deemed minor repairs.

15) STOP WORK ORDER

(a) A directive issued with respect to a construction project by a building inspector which compels the owner and any contractor or builder of a building to cease any further work or activity on the construction project until the building inspector has authorized the resumption of the construction project.

Established April 17, 2001, Ordinance No. 229; Revised July 16, 2002, Ordinance No. 233

22.04 SCOPE

1) This code applies to all one (1) and two (2) family dwellings, accessory buildings, structures, swimming pools, commercial and agricultural buildings. Notwithstanding this section, this ordinance shall not apply to children's play structures.

Established April 17, 2001, Ordinance No. 229; Revised July 16, 2002, Ordinance No. 233

22.05 PERMIT REQUIRED

1) No owner or contractor may commence construction of any building or mechanical system prior to obtaining a valid permit from the municipal building inspector.

2) The construction which shall require a permit includes, but is not limited to:

(a) New buildings including agricultural buildings, detached structures (decks) and detached accessory buildings.
(b) Additions that increase the physical dimensions of a building including decks.
(c) Alterations to the building structure, cost shall include market labor value, or alterations to the building's heating, electrical or plumbing systems.
(d) Replacement of major building equipment including furnaces, and central air conditioners, water heaters and any other major piece of equipment shall require a permit except as noted in Subsection (3)(b) below.
(e) Alteration of plumbing, venting, electrical or gas supply systems.
(f) Any electrical wiring for new construction or remodeling.
(g) Any HVAC for new construction or remodeling.
(h) Any plumbing for new construction or remodeling.
(i) Any Re-roofing:
  i. Structural load-bearing calculations may be requested of the property owner for re-roofing a building if the proposed re-roofing would constitute a third or more layer of roofing.

3) The following construction activities shall not require a building permit:

(a) Re-siding and finishing of interior surfaces, installation of cabinetry, and repairs which are deemed minor by the Building Inspector.
(b) Normal repairs of HVAC, plumbing and electrical equipment or systems such as replacing switches, receptacles, light fixtures and dimmers.
(c) First or second layer of re-roof.

Established April 17, 2001, Ordinance No. 229; Revised July 16, 2002, Ordinance No. 233; revised July 15, 2003, Ordinance No. 243.

22.06 ADOPTION OF CODES

1) The following Chapters of the "Wisconsin Administrative Codes", as well as all subsequent revisions, are adopted by the Municipality and shall be enforced by the building Inspector.

CHAPTER	TITLE
COMM 2	Table 2.31 Fees
COMM 5	Credentials
COMM 16	Electrical Code
COMM 20-25	Uniform Dwelling Code
COMM 61-65	Wisconsin Commercial Building Code
COMM 70	Historic Building Code
COMM 75-79	Existing Building Code
COMM 81-87	Uniform Plumbing Code

Established April 17, 2001, Ordinance No. 229; Revised July 16, 2002, Ordinance No. 233

22.07 SCOPE OF UNIFORM DWELLING CODE EXPANDED

1) For the purposes of this Ordinance, the standards contained in the "Wisconsin Uniform Dwelling Code" shall be expanded to apply as the standards for construction of the following:

(a) Additions, alterations and major equipment replacements for one (1) and two (2) family dwellings built prior to June 1, 1980.

(b) Detached accessory buildings greater than Three-hundred (300) square feet serving one (1) and two (2) family dwellings. Grade-beam slabs are required for private, accessory buildings with a continuous floating slab of reinforced concrete and shall not be less than four (4") inches in thickness. Reinforcement shall be a minimum of six by six (6X6) inch, number ten (10) wire mesh or fiber mesh. The slab shall be provided with a thickened edge all around, eight (8) inches wide and eight (8") inches below the top of the slab. (Exempted are "Frost Free Footings" for detached residential accessory buildings) COMM 22 shall not apply.

(c) With respect to smaller detached accessory buildings, concrete slabs, frost-free footings, and the like are not required, but if they are installed they shall follow (b) above and/or COMM 21.

Established April 17, 2001, Ordinance No. 229; Revised July 16, 2002, Ordinance No. 233

22.08 CERTIFIED MUNICIPALITY STATUS

1) The Town has adopted the "Certified Municipality Status" as described in COMM 61.70 of the "Wisconsin Administrative Code".

Established April 17, 2001, Ordinance No. 229; Revised July 16, 2002, Ordinance No. 233

22.09 BUILDING-HVAC-ELECTRICAL-PLUMBING INSPECTOR

1) CREATION AND APPOINTMENT

(a) There is hereby 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 "COMM 5", "Wisconsin Administrative Code".

2) SUBORDINATES

(a) The Building Inspector may employ, assign or appoint, as necessary, subordinate, mechanical inspectors. Any subordinate hired to inspect buildings shall be certified as defined in "COMM 5", "Wisconsin Administrative Code", by the Department.

3) DUTIES

(a) The Building Inspector shall administer and enforce all provisions of this ordinance.

4) POWERS

(a) The Building Inspector or an authorized certified agent of the Building Inspector may, at all reasonable hours, enter upon any public or private premises for inspection purposes. The Building Inspector 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/her agent while in the performance of his/her duties. In the event that the inspector is refused access to any such premises, then the inspector is authorized to apply for a special inspection warrant pursuant to Section 66.0119, Wisconsin Statutes

5) INSPECTIONS

(a) In order to permit inspection of a building project at all necessary phases without causing delay for the owner, the owner and/or contractor shall request all of the following inspections in conformity with the appropriate time frame defined in the "Wisconsin Administrative Code" or at least forty-eight (48)

hours in advance by the applicant/contractor or property owner as applicable.

i. Footing
ii. Foundation
iii. Rough Carpentry, HVAC, Electric and Plumbing
iv. Drain Tile/Basement Floor
v. Under Floor Plumbing
vi. Electric Service
vii. Insulation
viii. Final Carpentry, HVAC, Electric & Plumbing
ix. Erosion Control

6) Failure to request any inspection will be the responsibility of the contractor and/or property owner. No Construction shall be deemed approved by default or lack of inspection by the Building inspector.

7) The expense of uncovering or exposing any work which must be inspected, where such work was required by the failure of the owner to request any inspected, will be the responsibility of the contractor and/or property owner.

8) RECORDS

(a) The Building Inspector shall perform all administrative tasks required by the Department under all codes covered in Section 22.06 of this Chapter. In addition, the Inspector shall keep a record of all applications for permits and shall number each permit in the order of its issuance.

Established April 17, 2001, Ordinance No. 229; Revised July 16, 2002, Ordinance No. 233

22.10 SUBMISSION OF PLANS

1) The owner or contractor shall, with respect to any proposed construction or demolition, submit two (2) sets of building plans to the Inspector. If a new building or building addition is proposed, then a plot plan drawn to scale showing such proposed work and existing buildings and property lines shall be submitted. A third (3rd) set of plans may be requested at the discretion of the Building Inspector for the Assessor or Fire Department. The Building Inspector may require the owner or contractor to submit plans for any construction or demolition project when the Building Inspector determines that it is necessary to review such plans to assure that the proposed project will comply with all applicable codes.

Established April 17, 2001, Ordinance No. 229; Revised July 16, 2002, Ordinance No. 233

22.11 ISSUANCE OF PERMIT

1) The Inspector shall issue the requested permit if the owner or contractor demonstrates that the property involved complies with the requirements of Section 8.12(1) of this Municipal Code regarding the posting of numbers for principal buildings and all state, country and local submission requirements are satisfied. If a permit card is issued, it shall be posted at the job site in a visible location from the street. Permits for one (1) or two (2) family dwellings, additions and commonplace are valid for two (2) years. Permits for one (1) and two (2) family dwellings remodeling, decks, accessory buildings and pools are valid for one (1) year. Permits for razing and moving buildings are valid for one-hundred-eighty (180) days. A permit may be extended for Thirty (30) to ninety (90) days with the Town Board's approval and payment of prorated permit fees based on construction completed.

2) By accepting a permit, the applicant, owner or contractor grants the Building Inspector the right of access to the real estate on which the permitted construction or demolition will occur.

3) Permits are issued conditionally on the condition that the owner and/or contractor(s) shall conform to the requirements of all applicable codes, zoning ordinances and setback requirements in constructing the building.

Established April 17, 2001, Ordinance No. 229; Revised July 16, 2002, Ordinance No. 233

22.12 OCCUPANCY BOND

1) DEPOSIT REQUIRED

(a) No building permit shall be issued by the Building Inspector for construction of a new building, addition or remodel over fifteen-thousand dollars ($15,000) in fair market value until a cash deposit in the amount of four-hundred dollars ($400) has been made by the applicant for such building permit. The deposit shall be made to the Building Inspector at the time of the building permit issuance.

(b) The sums deposited shall be retained by the Town Clerk until after the final occupancy permit is issued. In the event any damage is done to the drainage system or road servicing the property as a result of the construction activities, the deposit shall be used to defray the Town's expense to repair any such damage.

The balance of the deposit, after deducting such expenses incurred by the Town to repair the damage, shall be returned to the property owner. The deposit is also subject to the project being completed with all non-compliances found by the Inspector being corrected; not occupying the building prior to the occupancy permit issuance, the address permanently installed and all other Town fees are paid. The bond may be forfeited if occupancy occurs before final inspection or occupancy extends after a temporary occupancy permit expires. It shall also be forfeited if the exterior is not finished within two (2) years of permit issuance. In the event of failure of the applicant to comply with the ordinances of the Town, such bond shall be forfeited, and the money shall be placed in the general fund of the Town.

(c) The Building Inspector shall receive a fee from the deposit, or such other sum as may be approved by the Town Board in the contract from time to time, to defer the cost of enforcing this Ordinance to ensure compliance, as well as other applicable regulations and ordinances of the Town.

Established April 17, 2001, Ordinance No. 229; Revised July 16, 2002, Ordinance No. 233

22.13 OCCUPANCY PERMIT

1) If the Building Inspector, after completing all required inspections, finds that a building has been constructed in accordance with the applicable codes, then the Inspector shall issue an occupancy permit. If the building fails to comply with the code in minor respects which do not threaten the safety, health or welfare of the building's occupants, the Building Inspector may issue a temporary occupancy permit for thirty (30) days or a specified term not to exceed one-hundred-eighty (180) days. No person may have occupancy of a building until an occupancy permit is issued. Occupancy of individual building units for multi-family use when the entire building is not substantially completed is prohibited. The entire multi-family building shall meet the requirements for an occupancy permit.

Established April 17, 2001, Ordinance No. 229; Revised July 16, 2002, Ordinance No. 233

22.14 BASEMENTS; EXCAVATIONS

1) BASEMENT SUBFLOORING

(a) First floor subflooring shall be completed within sixty (60) days after the basement is excavated.

2) FENCING OF EXCAVATIONS

(a) The owner of any premises on which there exists an opening or excavation which is located in close proximity to a public sidewalk or street right-of-way as to constitute a hazard to pedestrian or vehicular traffic shall erect a fence, wall or railing at least four (4') feet high between such opening or excavation and the public right-of-way.

3) CLOSING OF ABANDONED EXCAVATIONS

(a) Any excavation for building purposes or any uncovered foundation which shall remain open for more than three (3) months shall be deemed abandoned and a nuisance and the Building Inspector shall order that unless the erection of the building or structure on the excavation or foundation shall commence or continue forthwith suitable safeguards shall be provided to prevent accidental injury to children or other frequenters or that the excavation or foundation be filled to grade. Such order shall be served upon the owner of record or the owner's agent, where an agent is in charge of the premises, and upon the holder of an encumbrance of record in the manner provided for service of a summons in the circuit court. If the owner or the holder of an encumbrance of record cannot be found, the order may be served by posting it on the premises and make publication in the official newspaper for two (2) consecutive publications at least ten (10) days before the time for compliance stated in the order commences to run. Such time shall be not less than fourteen (14) nor more than twenty (20) days after service. If the owner of the land fails to comply with the order within the time required, the Building Inspector shall cause the excavation or foundation to be filled to grade. The cost of such abatement shall be charged against the real estate and entered on the next succeeding tax roll as a special charge and shall bear interest at a rate established by the Town Board from the date of the report by the Building Inspector on the cost thereof, pursuant to the provisions of Sec. 66.0703, Wisconsin Statutes

Established April 17, 2001, Ordinance No. 229; Revised July 16, 2002, Ordinance No. 233

22.15 SWIMMING POOLS

1) PRIVATE SWIMMING POOLS

(a) No person shall construct, install, or enlarge a swimming pool not enclosed in a permanent building in the Town except in accordance with the regulations of this chapter.

2) DEFINITIONS

(a) The term "Private Swimming Pool" is defined as a receptacle for water, or an artificial pool of water, having at any point of more than two (2') feet, whether above or below the ground, used or intended to be used by the owner thereof, and his family and invited friends, 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 two-hundred-sixty (260) square feet in an area and four (4') feet in depth which are dismantled and removed for the winter are not included in this chapter.

3) PERMIT

(a) No person shall construct, install, enlarge or alter any private swimming pool unless permits have first been obtained from the Building Inspector. The pool fee shall be per the Town Board Approval. Application 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; location and type of water waste disposal system; location of pool on lot and distance from lot lines; and fencing and landscaping plan or a combination thereof.

4) CONSTRUCTION OF POOL

(a) A private swimming pool shall be constructed in accordance with the following requirements;

i. The pool shall not be nearer than ten (10') feet to any residence or to an overhead electrical wire.
ii. The pool must be completely fenced before filling with water, by a fence or wall not less than three and one-half (3-½') feet in height, constructed of

a minimum corrosion-resistant material, or enclosed wooden fence approved by the Building Inspector. All gates shall be equipped with self-closing and self-latching devices placed at the top of the gate. Fence posts shall be decay or corrosion resistant.

iii. Above ground pools with self-providing fencing to prevent unguarded entry will be allowed without separate additional fencing provided the self-provided fence is of a minimum required height and design as heretofore specified. Permanent access from grade to above ground pools have stationary ladders, stairs, or ramps shall not have less than equal safeguard fencing and gates as are provided the pool proper.

iv. No direct connection shall be made to the sanitary sewer or septic system.

v. Equipment shall be provided for the disinfection of all pool water. No gaseous chlorination shall be permitted.

vi. There shall be an unobstructed concrete areaway around the entire pool of at least three (3') feet on in-ground pools.

vii. There shall be an unobstructed areaway around the entire pool of at least three (3') feet on above-ground pools.

viii. Heating units, pumps, and filer equipment shall in no case be less than twenty (20') feet from any property line and shall be adequately housed and muffled. Requirements for heating units shall be equal to those required for residential installation

Established April 17, 2001, Ordinance No. 229; Revised July 16, 2002, Ordinance No. 233

22.16 BUILDING GRADE AND DRAINAGE

1) Every one (1) and two (2) family building hereafter erected, structurally altered, or relocated shall be at a grade approved by the Building Inspector as being in satisfactory relationship with the established street grades, if any, and if not, with the existing street grade where one is established, with particular consideration for proper drainage and safe vehicular access.

2) The Building Inspector may for lots that exceed twelve (12%) percent slope for one (1) and two (2) family buildings refer the grading and building elevation plans to the Town Engineer for review/approval.

3) The Town Building Inspector may request recertification of the footing, foundation and finished yard grade for any one (1)

and two (2) family building by a Wisconsin registered land surveyor on forms provided by the Building Inspector.

4) All commercial buildings as defined by COMM 61-65 shall have their grading and building elevation plans reviewed/approved by the Town Engineer. All commercial buildings shall be recertified by a Wisconsin registered land surveyor for the footing, top of foundation and finished yard grade on forms provided by the Town Building Inspector.

5) All building grade and drainage plans shall have point elevations or contours at no more than two (2') foot intervals on a plat of survey showing existing elevations of the lot for all of the corners of the proposed building, all lot corners, road ditch flow lines, edge of pavement, road centerline, proposed yard grade, top of foundation wall elevations and elevation of buildings on adjoining parcels within forty (40') feet of lot line.

6) The applicant shall deposit three-hundred dollars ($300) for a Drainage Plan Review. The unused portion of said fee shall be returned to the applicant upon its completion.

Established April 17, 2001, Ordinance No. 229; Revised January 21, 2003, Ordinance 239. July 16, 2002, Ordinance No. 233, Revised June 17, 2003, Ordinance No. 242.

22.17 ARCHITECTURAL, LANDSCAPING, LIGHTING, EXTERIOR DESIGN

1) PURPOSE, SCOPE AND INTENT

(a) For the purpose of promoting compatible development, stability of property values, and to prevent impairment or depreciation of property values, no person shall commence any use or erect any structure or addition, with the exception of single-family and two-family dwellings, accessory buildings or related structures, without first obtaining the approval of the Town Plan Commission and Town Board of detailed Site, plan of operation and architectural plans as set forth in this section.

(b) The Town Plan Commission and Town Board, hereinafter in this subsection referred to as the "Town", shall approve, conditionally approve, or reject the detailed site and architectural plans. The Town shall review the site, existing and proposed structures, architectural plans, neighboring uses, utilization of landscaping and open space, parking areas, driveway locations, loading and unloading in the case of commercial and industrial uses, highway access, traffic generation and circulation, drainage, sewerage and water systems and the proposed operation.

2) ADMINISTRATION

(a) Plan data shall be submitted to the Town Clerk who shall transmit all applications and their accompanying plans to the Town, Zoning Administrator/Planner, and Building Inspector for their review. Plans shall be accompanied by the application fee as established by the Town Board. Plan data to be submitted with all plan review applications shall include the following:

i. Site plan drawn to a recognized engineering scale not to exceed one (1") inch - sixty (60') feet.
ii. Name of project noted.
iii. Owners and developer's name and address noted.
iv. Architect and/or engineer's name and address noted.
v. Date of plan submittal.
vi. Scale of drawing noted on plan.
vii. Existing and proposed topography shown at a contour interval not less than two (2') feet. Topography shall extend forty (40') feet onto adjacent property or to the building on the adjacent lot, whichever is greater.
viii. The characteristics of soils related to contemplated specific uses.
ix. Total number of parking spaces and layout, including driveways shall be shown on the plan.
x. The type, size and location of all structures with all building dimensions shown.
xi. Indicate height of building(s).
xii. Indicate existing and proposed street locations on the site plan.
xiii. Indicate existing and proposed public rights-of-way and widths.
xiv. North arrow shown.
xv. Locate existing and general location of proposed sanitary sewers, storm sewers, and water mains.
xvi. Submit a storm water management plan indicating all facilities, including detention/retention areas. The design criteria shall meet the requirements as stated in the County Erosion Control and Storm Water Ordinance.
xvii. Locate existing trees that are six (6") inches in diameter or larger.
xviii. Note location, extent, and type of proposed plantings.
xix. Note location of pedestrian sidewalks and walkways.
xx. A graphic outline of any development staging that is planned is required to be shown on the site plan.

xxi. Architectural plans, elevations and perspective drawings and sketches illustrating the design and character of proposed structures.
xxii. Landscaping plan and point calculations.
xxiii. Lighting plan and a photo-metrics plan may be required upon Town request.

3) PLAN OF OPERATION

(a) No use shall be approved until the Town and staff has reviewed/approved the plan of operation application form that shall indicate:

i. The Proposed Use of the land and/or structures;
ii. Activities to occur both inside and outside all principal and accessory structures;
iii. The Frequency and Duration of all activities;
iv. The Number of Employees of any commercial or industrial enterprise;
v. The Estimated Number of Occupants of a residential use;
vi. The Number, Size and Type of Vehicles associated with the use;
vii. Plans for Compliance with the performance standards set forth in this Ordinance;
viii. The Season, days and hours of operation;
ix. The Expected Starting and Completion dates of construction;
x. The Proposed Phasing of the project, if appropriate;
xi. Other Information as requested by the Town.

4) GENERAL ARCHITECTURAL PRINCIPLES

(a) To implement and define criteria for the purposes set forth in this Ordinance, the following principles are established to apply to all new structures and uses and to changes or additions to existing structures and uses.

i. No building regulated by this section shall be permitted the design or exterior appearance of which is of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards.
ii. No building regulated by this action shall be permitted the design or exterior appearance of which is so identical with those adjoining as to create excessive monotony or drabness.

iii. No building regulated by this section shall be permitted where any exposed facade is not constructed or faced with a finished material that is aesthetically compatible with the other facades and presents an attractive appearance to the public and to surrounding properties.

iv. No building or sign regulated by this section shall be permitted to be sited on the property in a manner which would be unnecessarily destroy or substantially damage the natural beauty of the area, particularly insofar as it would adversely affect values incident to ownership of land in that area; or which would unnecessarily have an adverse effect on the beauty and general enjoyment of existing structures on adjoining properties.

v. No building or use regulated by this section shall be permitted that would have a negative impact on the maintenance of safe and healthful conditions in the Town.

vi. Buildings and uses regulated by this section shall maintain existing topography, drainage patterns, and vegetative cover insofar as is practical. The Plan Commission may require that drainage easements be executed.

vii. Buildings and uses regulated by this section shall provide for adequate site construction erosion control measures. The Plan Commission may require erosion control plans and may establish time schedules for landscaping and re-vegetation of construction sites.

viii. Buildings and uses regulated by this section shall provide for safe traffic circulation and safe driveway locations.

ix. Buildings and uses regulated by this section shall provide adequate parking and loading areas.

x. Buildings and uses regulated by this section shall be provided with adequate public services as approved by the appropriate utility.

xi. Use of exterior lighting shall be designed in such a manner that all light rays are directed downward onto the property. No rays shall be directed towards adjacent properties.

5) DETAILED ARCHITECTURAL STANDARDS

(a) To implement the purposes set forth in Section 22.02, the following architectural criteria and review guidelines are established:

i. **BUILDING FACADES**

1. For retail business, service, residential and offices uses all building exteriors shall be brick, decorative masonry, glass panel, or other appropriate finished facade as may be approved by the Plan Commission and Town Board. Colors need to be shown and material samples need to be submitted as requested by the Town Planner, Plan Commission or Town Board.
2. For industrial and warehouse use all building exteriors facing a street or approved way shall have fifty percent (50%) of the street face constructed with brick, decorative masonry, glass panel or other appropriate finished facade as may be approved by the Plan Commission and Town Board. Such brick, masonry, glass, or other decorative facing shall extend for a distance of at least twenty-five (25') feet along the sides of the structure from the street face.

(b) **OVERHEAD DOORS**

i. No overhead doors in a business, industrial, or public district shall face a public street. The Plan Commission may permit overhead doors to face a public street when it has made a finding that there is no feasible alternative location for such doors.

(c) **HEATING, AIR CONDITIONING AND VENTILATING EQUIPMENT**

i. HVAC equipment shall be located in a manner to be unobtrusive and screened from view. Landscaping to be used to screen equipment.

(d) **STORAGE OF GARBAGE CANS**

i. All garbage cans, trash containers, and other storage devices situated on any lot shall be in closed containers with lids and shall be concealed or suitably screened from public view. Fencing or landscaping shall be used to totally obstruct vision into the storage areas by the alternatives set forth in Figure 1 or their equivalent.

(e) **OTHER ARCHITECTURAL STANDARDS**

i. The Plan Commission and Town Board may impose other architectural standards deemed appropriate such as;

but not limited to: building material samples, building color samples, roof pitch designs and architectural breaks in walls over seventy-five (75') feet in length. Except for flat roofs, the minimum pitch shall be 2:12. The Plan Commission and Town Board may allow a roof pitch less than 2:12 when it has made a finding that there is no feasible alternative to meet the 2:12 roof pitch.

6) LANDSCAPING

(a) **ON-SITE LANDSCAPEING AND SCREENING**

i. The following landscape standards are to be utilized in preparing landscaping plans to be submitted with site plans. The Plan Commission and Town Board will review each landscape plan to determine if it conforms to the intent of these Standards.

(b) **LANDSCAPEING POINT SYSTEM AND MINIMUM INSTALLATION SIZES FOR PLANTS**

i. **O**n-site landscaping shall be required for all development. All landscaping standards are stated in terms of the number of landscaping points. The number of landscaping points is dependent upon the size of the development. A different number of points are awarded for each plant, depending upon its typical growth rate, its mature height, and whether it is a deciduous or evergreen species. A minimum installation size is required for each of these plant categories. These recommendations are per Table A.

(c) **DEPICTION OF SAMPLE LANDSCAPING SCHEMES**

i. Illustrations A, B, C & D shown on the following pages, depicts sample landscaping schemes that may be used for building foundations, developed lots, street frontages and paved areas. In general, landscaping schemes similar to Illustration A are best for building foundations, Illustration B are best for developed lots, Illustration C are best for street frontages and Illustration D are best for paved areas (including parking lots, walkways and plazas).

(d) **MEASUREMENT FOR LANDSCAPING RECOMMENDATIONS**

i. A minimum amount of landscaping points are required for the linear feet of building foundations, the gross floor area of buildings on developed lots, the linear feet of street frontage and the total combined area of paved areas.

(e) **LANDSCAPING STANDARDS FOR BUILDING FOUNDATIONS**

i. New Buildings and additions shall be accented by a minimum amount of landscaping placed within a minimum depth of seven (7') feet from the building foundation.

ii. Landscaping for building foundations shall be placed so that at maturity, the plant's drip line is located within ten (10') feet of the building foundation. Such landscaping shall not be located in those areas required for landscaping as street frontages or paved areas. See Illustration A, for a suggested scheme. Landscaping shall not impede vehicle or pedestrian visibility.

iii. For each one-hundred (100') feet of building foundation perimeter, forty (40') landscaping points shall be provided on a prorated basis, and installed and permanently maintained.

iv. The intent of this section is to require a visual screen of a minimum of five (5') feet in height for all exterior appurtenances (such as HVAC/electrical transformers, utility boxes, standpipes, storm water discharge pipes and other pipes).

7) LANDSCAPING STANDARDS FOR DEVELOPED LOTS

(a) This section shall apply to already developed lots when building additions or remodels with improvements of more than twenty-five percent (25%) of the assessed value of the structure are proposed.

(b) Landscaping for developed lots shall be placed away from those areas required for landscaping as building foundations, street frontages, and paved areas. See *Illustration B*, for a suggested landscape scheme. Landscaping shall not impede vehicle or pedestrian visibility.

(c) For each one-thousand (1,000) square feet of gross building floor area, ten (10) landscaping points shall be provided on a prorated basis, and installed and permanently maintained.

(d) The intent of this section is to provide yard shade and to require a visual screen of a minimum of five (5) feet in height for all detached exterior appurtenances (such as HVAC/electrical transformers,

utility boxes, standpipes, storm water discharge pipes and other pipes).

8) LANDSCAPING STANDARD FOR STREET FRONTAGE

(a) Street frontages for new buildings and additions shall contain a minimum amount of landscaping in those areas that abut the right-of-way of a public street.
(b) Landscaping for street frontages shall be located within ten (10′) feet of the public right-of-way. In no instance shall such landscaping be located within a public right-of-way. Landscaping shall not impede vehicle or pedestrian visibility.
(c) For each one-hundred (100′) linear feet of street frontage where a developed lot abuts a public street right-of-way, forty (40) landscaping points shall be provided on a prorated basis, and installed and permanently maintained.
(d) Shrubs shall not be used to meet this requirement. A minimum of fifty percent (50%) of all points shall be devoted to tall and maintain deciduous trees and a minimum of thirty percent (30%) of all points shall be devoted to medium and low Evergreen trees.

9) LANDSCAPING FOR PAVED AREAS

(a) Paved areas for new buildings and additions shall contain a minimum amount of landscaping with ten (10′) feet of the paved area. The intent of this subsection is to provide a visual screen of the parking lot from abutting properties that breaks up the parking lot look and separates the parking lot stalls providing shade trees within the parking lot. The screening around the perimeter of the parking lot shall have minimum height of forty (40″) inches.
(b) A minimum of two-hundred seventy (270) square feet of landscaped area, which shall be located in the parking lot for every ten (10) linear stalls of the paved area. The landscape island shall take up one and one-half (1 ½) parking stalls. See *Illustration D*, for a suggested landscaping scheme. Plants used to fulfill the perimeter requirement should provide fifty percent (50%) solid screening of the parking, loading and circulation areas from view from public streets. Plants used for landscape islands shall be tall and medium deciduous trees and low shrubs.
(c) All landscaping areas located adjacent to paved areas shall be separated from the paved area by a continuous minimum four (4″) inch tall curb which is constructed

of concrete, asphalt, timber or like material approved by the Plan Commission or Town Board.

(d) For every twenty (20) off-street parking stalls located in a development, one (1) landscape island a minimum of two-hundred-seventy (270) square feet shall be installed and permanently maintained. Each island shall have a minimum of eighty (80) landscaping points and devoted to tall or medium deciduous trees and shrubs.

(e) A ten (10') foot wide green buffer shall be provided around the perimeter of all lots excluding areas for driveway connections to the public street or approved way.

10) CLASSIFICATION OF PLANT SPECIES

(a) For purpose of these Standards, plant materials are classified into thirteen (13) groupings:

i. "tall deciduous tree",
ii. "tall evergreen trees",
iii. "medium deciduous trees",
iv. "medium evergreen trees",
v. "low deciduous trees,"
vi. "low evergreen trees",
vii. "tall deciduous shrubs",
viii. "tall evergreen shrubs",
ix. "medium deciduous shrubs",
x. "medium evergreen shrubs",
xi. "low deciduous shrubs",
xii. "low evergreen shrubs", and
xiii. Non-contributory plants

(b) Species suitable for landscaping use and comparable with vicinity climate and soil factors are listed in the table below. The Plan Commission and Town Board shall review proposals for, and the applicability of, species not contained in this list and is authorized to approve appropriate similar species.

TABLE A CLASSIFICATION OF PLANTS			
TALL DECIDUOUS TREES (40 Landscaping Points)		**TALL EVERGREEN TREES (40 Landscaping Points)**	
Botanical Name	**Common Name**	**Botanical Name**	**Common Name**

Acer saccharum	Maple	*Abies concolor*	White Fir
Ginkgo biloba	Ginko	*Pinus sp.*	Pine: Red, White, Scots
Quercus sp.	Oak: Red, White, Pin	*Psendotsuga Menzletesil*	Douglas Fir
Acer sp.	Maple: Red, Silver, Norway, Sugar	*Tsuga Canadensis*	Canada Hemlock
			Spruce: Colorado Blue
Fraxinus sp.	Ash: White, Green		
Gledistsia triacanthos	Honeylocust		
Populus grandidentata	Bigtooth Aspen		
Tilia sp.	Linden: Basswood, Littleleaf, Redmond		

MEDIUM DECIDUOUS TREES (15 Landscaping Points) (2" Caliper and 6' Tall Minimum)		**MEDIUM EVERGREEN TREES (15 Landscaping Points) (6' Tall Minimum)**	
Botanical Name	**Common Name**	**Botanical Name**	**Common Name**
Beitula sp.	Birch: River, Paper	*Thuja occidentalis*	American Arborvitae
Prunus sp.	Cherry: Choke, Pin		
Salix sp.	Willow		
LOW DECIDUOUS TREES (10 Landscaping Points) (4' Tall Minimum)		**LOW EVERGREEN TREES (10 Landscaping Points) (3' Tall Minimum**	
Botanical Name	**Common Name**	**Botanical Name**	**Common Name**
Corpinus Caroliniana	Hornbeam Thornless	*Juniperus sp.*	Juniper: Mountbratten, Redcedar

Crategus sp.	Hawthorne: Cockspur, Downy, Washington	*Thuja sp.*	Arborvitae: Pyramidal, Techny
Malus sp.	Crabapple sp.		
Sorbus sp.	Mountain Ash: Eurpean, Korean		Colorado Dwarf Blue Spruce
Syringa Reticula	Lilac		

TALL DECIDUOUS SHRUBS (7 Landscaping Points) (36" Tall Minimum)		**TALL EVERGREEN SHRUBS (7 Landscaping Points) (36" Tall/Wide Minimum**	
Botanical Name	**Common Name**	**Botanical Name**	**Common Name**
Cornus sp.	Dogwood: Grey, Pagoda, Redosier	*Juniperus Chinesls*	Juniper: Hetz
		Taxus sp.	Yew: Japanese
Syringa sp.	Lilac: Chinese, Hyacinth, Common Misskim	*Thuja Occidentalis*	Broad Pyramich
Hydrangea Ic Panicolata sp.	Reege Hydrangea		
Viburnum sp.	Viburnum: Arrowood, Wayfaringtree, Nannyberry		
Hamanelis sp.	Common Witchazel		
Evonymous Ic Astro Purporea	Eastern Wahoo		
Lonicera sp.	Honeysuckle: Zabel, White Belle		
Rhus	Sumac: Smooth, Stagham		

Salix Caprea	Pussy Willow		

MEDIUM DECIDUOUS SHRUBS (5 Landscaping Points) (24" Tall/Wide Minimum)		**MEDIUM EVERGREEN SHRUBS (5 Landscaping Points) (24" Tall/Wide Minimum**	
Botanical Name	**Common Name**	**Botanical Name**	**Common Name**
Corylus americana	American Filbert, Hazelnut	*Juniperus Chinensis*	Juniper Pfitzer
Myrica pensylvanica	Bayberry	*Juniperus lc. Communis*	Juniper Old Field Common
Cotoneaster sp.	Cotoneaster	*Picea glava*	Alberta Spruce
Forsynthia sp.	Forsythia: Border, Early, Weeping	*Taxus sp.*	Yew Japanese
		Thuja Woodwardi	Globe Arborvitae
Ligustrum	Privet		
Rosa sp.	Rose: Virginia, Rugosa		
Spirea	Spirea: Bridalwreath, Thunberg Vanhoutte		

LOW DECIDUOUS SHRUBS (3 Landscaping Points) (18" Tall Minimum)		**LOW EVERGREEN SHRUBS (3 Landscaping Points) (18" Tall/Wide Minimum**	
Botanical Name	**Common Name**	**Botanical Name**	**Common Name**
Amerlanchier Stolonifera	Running Service berry	*Juniperus sp.*	Juniper: Sargent, Creeping, Andorra
Berberis thunbergtt	Japanese Barberry		

		Pinus Mugo	Mugo Pine
Cotoneaster	Cranberry		
		Nana	Dwarf Japanese Yew
Spiraea sp.	Splrea: Froebel, Snowmound	*Juniper Sabina*	Savin Voniperi Broadmour, Tamarix
Hydranga sp.	Hydranga: Anabelle, Snowhill		
Lonicera sp.	Honeysuckle: Clavey's Dwarf Emerald Mound		
Source: A Guide to Selecting Landscape Plants for Wisconsin, Hasselkus, UW-Ext. Publication A2865			

11) REQUIREMENTS FOR INSTALLATION OF LANDSCAPED AREAS

(a) **INSTALLATION**

i. All landscaping material recommended by the provisions of these Standards and Guidelines shall be installed on the subject property, per the approved site plan, within sixty-five (65) days of the issuance of an occupancy permit for any building on the subject property or as determined by the Plan Commission but no later than the time period stated above.

(b) CASH DEPOSIT

i. If the subject property is to be occupied prior to the installation of all required landscaping material, the property owner shall file, subject to approval by the Plan Administrator, a certificate of deposit or a certified check in the amount equal to one-hundred percent (110%) of the estimate of landscaping materials and installation cost. An enforceable contract, for all work on the subject property indicated on the detailed landscaping plan required under the provisions of these Standards and Guidelines, from a qualified contractor (valid for three-hundred-sixty-five (365)-day period), shall be used to determine the amount of surety.

ii. If a part of a phased project approved per the requirements of the Standards and Guidelines, said amount may be split into amounts which are applicable to phases of the project.

iii. Governmental units to which these bond and guarantee provisions apply, may, in lieu of said contract or instrument of guarantee, file a resolution or letter from officers authorized to act in its behalf, agreeing to comply with the provisions of these Standards and Guidelines.

(c) Existing plant material which meets the recommendations of these Standards and Guidelines and which will be preserved on the subject property following the completion of development, may be counted as contributing to the landscaping recommendations.

(d) All landscaping areas shall be seeded with lawn or native ground cover unless such vegetation is already fully established.

(e) The exact placement of required plans and structures depicted on the required detailed landscaping plan component of the required site plan shall be the decision of each property owner within the recommendations of this Subchapter, except that the following requirements shall be met:

i. Evergreen shrubs shall be planted in clusters in order to maximize their chance of survival.

ii. Where a combination of plant materials, and/or berm and/or fencing is used, the fence and/or berm shall be located toward the interior of the subject property and the plant material shall be located toward the exterior of the subject property.

iii. In no manner shall landscaping materials be selected and/or located in a manner that results in the creation of a safety or visibility hazard.

12) REQUIREMENTS OF MAINTENANCE

(a) The continued and continual maintenance of all required landscaping materials shall be a requirement of these Standards and Guidelines and shall be the responsibility of the owner of the property on which said materials are required. This requirement shall run with the property and is binding upon all future property owners. Development of any and all property following the effective date of these Standards and Guidelines shall constitute an agreement by the property owner to comply with the provisions of these

Standards and Guidelines. Upon failure to comply with the provisions of these Standards and Guidelines, upon failure to comply with these provisions, the Town may enter upon the property for the purpose of evaluating and maintaining all required landscaping materials, and may specially assess the costs thereof against the property. Failure to comply with this requirement shall be considered a violation of these Standards and Guidelines, and shall be subject to any and all applicable enforcement procedures and penalties.

13) USE OF REQUIRED LANDSCAPED AREAS

(a) Any and all required landscaped areas may be used for passive recreation activities. Said areas may contain pedestrian, bike, or equestrian trails provided that:

i. No required materials are eliminated;
ii. The total width and area of required landscaping is maintained; and
iii. All other regulations of these Standards and Guidelines are met.
iv. In no event, however, shall swimming pools, tennis courts, sports fields, golf courses, or other such active recreation use be permitted in such areas.
v. Furthermore, in no instance shall any parking be permitted in such areas, nor shall any outdoor display or storage of materials be permitted in such areas. Paving in such areas shall be limited to that required for necessary access to, through, or across the subject property.

14) UTILITY EASEMENTS

(a) Landscaping materials, fences and berms that are located within a duly-recorded utility easement and/or a pedestrian easement shall not count toward meeting a landscape requirement. However, the width of such areas may be counted as part of a landscaping requirement.

15) CALCULATING LANDSCAPE RECCOMMENDATIONS

(a) In calculating the number of recommended landscaping points under the provisions of these Standards and Guidelines, all areas and distances on which required calculations are based shall be rounded up to the nearest whole number of square feet or linear feet. Any partial plan derived from the required calculations of these Standards and Guidelines (for

example, 23.3 points shall be rounded up to the nearest whole 24 points).

16) EXTERIOR LIGHTING STANDARDS

(a) These standards are intended to protect motorists and surrounding areas from excessive light or glare. This Section is not, however, intended to apply to public street lighting.

(b) **INTERNAL LOT LIGHTING**

i. Lighting standards and luminaries for parking lots, internal roads, drives and walkways shall conform to the following requirements:

TYPES OF LUMINAIRES*	PERMITTED ILLUMINATION	MAXIMUM HEIGHT
No cut-off	2 foot-candles	12 feet
Cut-off	3 foot-candles	28 feet
*See description of types of luminaries in Paragraph 3, below.		

(c) **METHOD OF LIGHT MEASUREMENT**

i. Illumination shall be measured in foot-candles at six (6) inches above the ground level in a horizontal position at the lot line. A direct reading portable light meter with color and cosine corrected sensor and multiple scales shall be used. The meter shall have been tested and calibrated to an accuracy of plus or minus five percent (5%) within one (1) year of its use. Measurements shall be made after dark. The difference between "lights on" measurements and "lights off" measurements shall be used to determine the illumination, thereby eliminating the effects of ambient light.

(d) **TYPES OF LUMINARIES AND LIGHTING WHICH MAY BE USED**

i. **NO CUT OFF LUMINARY**

1. This is a luminary whose light source is visible from above a line parallel to the ground running through the center of the

luminary (i.e., an angle of greater than ninety (90˚) degrees.) Such luminaries have the maximum glare potential.

ii. **CUT OFF LUMINARE**

1. This luminary has a cut-off of less than ninety (90˚) degrees, so that at the centerline of the street, the luminary is totally shielded from view. This fixture reduces glare to a minimum. All cut-off fixtures shall be designed and located so that the cut-off line is at least ten (10’) feet within the lot line.

iii. **FLOODLIGHTING**

1. Floodlighting of buildings shall not exceed three (3’) foot-candles measured from a height equal to one-half (0.5) the building height at the face of the building and shall be focused on the building with fugitive light leaving the fixture (shielded).

(e) **ADDITIONAL LIGHTING REGULATIONS**

i. Notwithstanding any other provision of this Section to the contrary:

1. No flickering or flashing lights shall be permitted.
2. Light sources, or luminaries, shall not be located within buffer yard areas except on pedestrian walkways.

17) EXTERIOR SITE USAGE

(a) **OUTSIDE STORAGE OF MATERIALS AND EQUIPMENT:**

i. In all non-residential districts and non-residential uses, outside storage of materials and equipment may be permitted subject to the following:

1. Storage area is allowed in the rear yard only as determined by the Plan Commission. The side yard could be used if the Plan Commission determines rear yard is not a practical location with screening of the side yard.

2. Storage area shall not be visible from any public right-of-way.
3. Storage area shall be enclosed with a six (6') foot high wooden fence or a chain link fence with Evergreen plantings on the street side at the height of the fence at planting to screen/break up the view of the fence from the public.
4. Storage area shall not exceed twenty (20% percent of the lot area.)
5. Stored items shall be accessory to the approved business operation.

(b) **OUTSIDE DISPLAY MERCHANDISE:**

i. In the Business and Industrial Zoning Districts the outside display of merchandise may be permitted subject to the following:

1. Scaled Site Plan requires approval by the Town Plan Commission and Town Board.
2. Display area is allowed in any yard with layout and use detailed on a plat of survey and approval by Plan Commission and Town Board.
3. Display area shall not exceed thirty (30%) percent of lot area.
4. Displayed items shall be in working condition and displayed in a neat and orderly condition at all times so that the premises will not detract from the neighboring premises.

18) MODIFYING AND/OR TERMINATION OF SITE PLAN OR PLAN OF OPERATION

(a) If any item of the site plan or plan of operation does not continue in conformance with the approved plan or operation, the use and site plan approval may be modified and/or terminated by action of the Town Board. Notwithstanding the foregoing, prior to any decision made by the Town Board which would result in the modification and/or termination of the use and site plan as previously approved, the property owner shall be given written notice of the proposed action to be taken by the Town Board, and shall be afforded an opportunity to present evidence and be heard by the Town Board prior to any final action being taken by the Town Board which could result in the modification or termination of the use and site plan.

Established April 17, 2001, Ordinance No. 229; Revised July 16, 2002, Ordinance No. 233

22.18 MINIMUM PROPERTY MAINTENANCE STANDARDS

1) POLICY, PURPOSE AND SCOPE

(a) **POLICY**

i. There exist in the Municipality, structures, residential yards, vacant areas or combinations thereof which are, or may become, unhygienic, dilapidated or unsafe with respect to structural integrity, equipment or maintenance and as such constitute a menace to the health, safety and welfare of the public. Lack of maintenance and progressive deterioration of certain properties have the further effect of creating blighted area conditions and, if such conditions are not curtailed and removed, the expenditure of large amounts of public funds to correct and eliminate the same will be necessary. Timely regulation and restriction to contain and prevent blight is necessary thereby maintaining the desirability and amenities as well as property values of the neighborhoods in the Municipality.

(b) **PURPOSE**

i. The purpose of this Chapter is to protect public health, safety and welfare by establishing minimum property maintenance standards. This Chapter does not replace or modify standards otherwise established by other portions of this Code of Ordinances for construction, repair, alteration or use of buildings. This Chapter is meant to be remedial and this Chapter shall be liberally construed to effectuate the purposes stated herein. Violation of the minimum standards set forth in this Chapter shall be deemed to be a public nuisance.

(c) **SCOPE**

i. These standards apply to all structures located in a residential zoned area and to all structures and sites used for residential purposes but zoned for other uses.

(d) **MINIMUM STANDARDS**

i. It shall be unlawful for any person to occupy, use, let or hold out to another for occupancy for use of any building, structure or premises which does not comply with the requirements of this Chapter.

2) DEFINITIONS

(a) For purposes of this chapter, the following definitions shall be applicable:

i. **ABAONDED DWELLING** meaning a dwelling which is not occupied and which is not intended by the owner to be occupied within a reasonable period of time. A dwelling shall be presumed to be abandoned if it is unoccupied for a period of twelve (12) consecutive months. Occupancy required hereunder shall be bona fide and not acquired for the sole purpose of defeating the abandonment of a dwelling.

ii. **ACCESSORY STRUCTURE** meaning a structure, the use of which is incidental to that of the main building and which is attached thereto or located on the same premises.

iii. **ADULT m**eans a person who is eighteen (18) years of age or older.

iv. **BASEMENT** means that portion of a structure that has a floor below the surface of the ground immediately adjoining it.

v. **BLIGHTED AREA** means any area in which a majority of the structure(s) are residential (or in which there is a predominance of buildings or improvements, whether residential or nonresidential), and which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conductive to all ill health, transmission of disease, infant morality, juvenile delinquency and crime, and is detrimental to the public health and safety, morals or welfare.

vi. **BUILDING** means any structure built for the support, shelter and enclosure of persons, animals, chattels, or movable property of any kind, and which is permanently affixed to the land, or connected to a utility, and includes those structures resting on runners, wheels, or similar supports.

vii. **DETERIORATION** means the condition or appearance of a building or part thereof characterized by holes, breaks, rot, crumbling, cracking, peeling, rusting, or other evidence of physical decay, neglect, lack of maintenance or excessive use. So old, dilapidated, or has become so out of repair as to be dangerous, unsafe, insanitary, otherwise unfit for human habitation, occupancy or use. This term does not include old farm buildings not used for human living or sleeping purposes.

viii. **DILAPITATED** describes a building, structure or part thereof which is in a state or ruin or shabbiness resulting from neglect. The term implies a hazard to life or property.

ix. **DWELLING** means any enclosed space which is wholly or partly used or intended to be used for having or sleeping by human occupants.

x. **FENCE** means an independent structure forming a barrier at grade between lot(s), and a street or an alley, or between portions of a lot or lots, and includes a wall or latticework screen, but excludes a hedge or natural growth, and excludes a barrier that is fewer than eighteen (18") inches in height that is used to protect plant growth.

xi. **NUISANCE** means any one or more of the following conditions or items:

1. Any nuisance known at common law, in equity jurisprudence, as described by the "Wisconsin Statutes", or as described by the "Municipality's Ordinances".
2. Any attractive nuisance that may prove detrimental to the health or safety of any person on any premises or in any structure. This includes, but is not limited to:

    a. Open basements and excavations that are not barricaded so as to prevent any person from falling into the basement or excavation;
    b. Unused iceboxes, refrigerators, and freezers in which a person could be trapped; and
    c. Any structurally unsound fence or structure.
    d. Any abandoned, inoperable, or unlicensed vehicle, or any vehicle part that is visible, in whole or in part, from the ground at any place other than on the premises.

e. The following items, if any such item is visible, in whole or in part, from the ground at any place other than on the premises for a period of time exceeding forty-eight (48) hours: household furnishings; furniture, and appliances. This does not include furniture intended for outdoor use.
f. Any building material, if any such material is visible, in whole or in part, from the ground at any place other than on the premises for a period of time exceeding five (5) days, and the building material has not been used, in whole or in part, as a part of a building project during those five (5) days.
g. Any accumulation of stagnant water.
h. Any plant, tree, or other vegetation that constitutes a hazard to any person, such as a dead or dying tree or vine.
i. Any uncovered soil that is subject to erosion.
j. Any poison ivy, poison oak, poison sumac, or similar vegetation.
k. All solid waste including, but not limited to:

    (1) All waste and all animal, fish, fowl, or vegetable matter incident to or resulting from the use, preparation, or storage of food;
    (2) Rubbish, waste material;
    (3) Combustible and non-combustible, resulting from housekeeping or an ordinary mercantile enterprise;
    (4) Debris;
    (5) Street cleanings;
    (6) Excelsior, paper, ashes, cinders, tin cans, bottles and broken glass; and significant amounts of grass clippings, brush, and loose leaves.
    (7) Any garbage not in a secure storage facility.

(b) **OCCUPANT** means any person living, sleeping or having actual possession of a building.

(c) **OWNER** means any person who, along, jointly or severally with others:

i. Shall have legal title to any premises, with or without accompanying actual possession thereof;
ii. Shall have charge, care or control of any premises, as owner or agent of the owner, or an executor, administrator, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Chapter and of rules and regulations adapted pursuant thereto, to the same extent as if he were the owner.

(d) **PERSON** means any natural individual, firm, trust, partnership, association or corporation.

(e) **PREMISES** means a platted lot or part thereof or unplatted lot or parcel of land or plot of land, either occupied or unoccupied by a dwelling or non-dwelling structure and includes any such building, accessory structure or other structure thereon.

(f) **RESIDENT** means every person who occupies a structure or premises.

(g) **REFUSE** means all recyclable and non-recyclable solids (except body wastes) including garbage, rubbish, ashes and dead animals.

(h) **RUBBISH** means non-recyclable solid wastes (excluding ashes) consisting or either:

i. Combustible wastes such as paper, cardboard, plastic containers, yard clippings and wood or
ii. Non-combustible wastes such as tin cans, glass or crockery.

(i) **STRUCTURE** means anything constructed or erected that requires location on the ground or is attached to something having location on the ground, including a building, dwelling, fence, freestanding wall, driveway, sign, or other advertising medium.

(j) **VERMIN** means one (1) or more rats, termites, or cockroaches, and other rodents, insects, or pests that constitute an actual or potential health hazard, excluding flies and mosquitoes that are not inside a structure.

3) HOUSING APPEARANCE

(a) **MINIMUM STANDARDS**

i. No person shall occupy as owner-occupant, shall let or hold out to another for occupancy, any dwelling or dwelling unit which is not safe, clean, sanitary, and fit for human occupancy, and which does not comply with the particular requirements of the following Subsections.

(b) **FOUNDATIONS, EXTERIOR WALLS AND ROOFS**

i. No person shall be an owner or occupant of any premises which does not comply with the following requirements:

1. Every exterior wall shall be free of deterioration, holes, breaks, loose or rotting board or timbers.
2. Structures that require paint or stain should have paint or stain applied at regular intervals to exterior building surfaces. When the building has more than thirty percent (30%) deterioration of its finished surface on any wall, that wall shall be painted or stained. Such painting and staining shall be completed within ninety (90) days from the date of the first application. Paint shall be uniform in color.
3. All cornices, moldings, lintels, sills, oriel windows, and similar projections shall be kept in good repair and free from cracks and defects which make them hazardous or unsightly.
4. Roof surfaces shall be tight and have no defects which admit water. All roof drainage systems shall be secured and hung properly.
5. Chimneys, antennas, air vents, and other similar projections shall be structurally sound and in good repair. Such projections shall be secured properly, where applicable, to an exterior wall or exterior roof.
6. 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.
7. Roof drainage shall be adequate to prevent rain water from causing dampness in the walls.

(c) **WINDOWS, DOORS AND HATCHWAYS**

i. 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.

(d) **SCREENS**

i. From June 1st to September 15th, screens shall be installed on doors or windows when they are required for ventilation. Screening shall be at least a fourteen (14) mesh and shall be attached to its frame in such a manner which does not leave openings larger than those in the screen itself. Frames shall be in good condition and repair and shall fit tightly into the window or door frame so as not to allow the passage of insects or rodents. Screens shall be provided with positive attachment devices to insure that inserts will not fall from or be dislodged from the door or window frame. A self-closing device shall be provided for screen doors.

(e) **STAIRWAYS AND PORCHES**

i. 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.

(f) **ACCESSORY STRUCTURES**

i. All residential accessory structures shall be maintained in a state of good repair and vertical alignment and comply with sections Subsection 3 (a-e) above. All exterior appurtenances or accessory structures which serve no useful purpose and are in a deteriorated or dilapidated condition, which are not economically repairable, shall be removed.

Such structures include, but shall not be limited to porches, terraces, entrance platforms, garages, driveways, carports, walls, fences and miscellaneous sheds.

(g) **ABANDONED DWELLINGS**

i. The owner of any abandoned dwellings shall:

1. Cause all services and utilities to be disconnect;
2. Maintain such dwelling so that its foundation, floors, windows, walls, doors, ceilings, roof, porches and stairs shall be reasonably weather tight, waterproof, rodent proof, structurally sound, and in good repair such that they comply with Subsection (b); of this section and
3. Maintain the yard and accessory structures such that they comply with this Section.

(h) **NUISANCES**

i. The interior and exterior of vacant and abandoned dwellings shall be maintained in a nuisance-free condition;

(i) **INFESTATIONS**

i. 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 where more than one (1) unit is infested at the same time and in this instance the owner shall also be responsible for extermination of the infestation.

4) NOTICE AND REMEDY

(a) Upon determination by the Building Inspector of a violation of this Chapter, the Municipality shall notify the owner and, if different from the owner, the occupant of the premises of such violation. Complaints alleging a violation of this Chapter shall be commenced by service of written notice of noncompliance upon the property owner.

(b) The notice shall specify the nature of the violation, the required correction and a reasonable time, not to exceed thirty (30) days, to correct the violation. The notice shall be served upon the person or persons named personally or by certified mail addressed, postage paid, to the last known address of such person or persons.

(c) The person so notified shall have the right to appeal the decision to the "Municipality Board" within thirty (30) days of the date of notice.

(d) If, upon expiration of the time given for correction of a violation and time for any appeal therefore, such correction is not made, the Building Inspector may request the "Municipality Attorney" to file an action in the name of the Municipality in the Municipal Court, in accordance with the provisions of Chapter 823, Wisconsin Statutes, as amended from time to time.

(e) **DEFENSES TO CHARGE**

i. It shall be a defense to any charge under this section that:

1. The person charged does not have the legal right to correct the condition upon which the charge is based.
2. A different person or persons have the legal responsibility to correct the condition upon which the charge is based.
3. The person charged does not have the legal right to reside on the premises and resides on the premises pursuant to permission that may be revoked at any time.
4. An item or items have been placed near a highway for the purpose of removal from the premises within twenty-four (24) hours.
5. Other methods not excluded; nothing in this Chapter shall be construed as prohibiting the abatement of public nuisance by the Municipality or its officials in accordance with the laws of the State of "Wisconsin or Municipality Ordinances".

5) COST OF ABATEMENT

(a) **FORFEITURE**

i. In the event a violation of this section is not corrected within the thirty (30) day correction period, each person found guilty of such a

violation shall forfeit not less than twenty-five ($25)dollars nor more than two-hundred ($200) dollars for each violation plus costs, fees, penalties, assessments, surcharges, and other charges that are or can be imposed by state law. Each day a violation occurs or exists after the effective date the notice shall be considered a separate violation.

(b) **MUNICIPALITY AGREEMENT AFTER FORFEITURE IS IMPOSED**

i. In the event forfeiture is imposed under this section, the Municipality and any owner or any resident may stipulate that the amount of the forfeiture may be reduced to an agreed-upon amount if the violation is corrected by an agree-upon date.

ii. In addition to any other penalty imposed by this Chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Municipality shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

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22.19 UNSAFE BUILDINGS

1) Whenever the Building Inspector determines that any building or structure is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, and so that it would be unreasonable to repair the same, the inspector shall order the owner to raze and remove all or part thereof, or if such structure can be made safe and sanitary by repairs, is at the owner's option. Such orders and proceedings shall be as provided in Section 66.1341, Wisconsin Statutes

Established April 17, 2001, Ordinance No. 229; Revised July 16, 2002, Ordinance No. 233

22.20 RAZING AND DEMOLITION

1) DEMOLITION PERMIT REQUIRED

(a) No person, firm or entity may cause the demolition of any structure or part of a structure greater than

four-hundred (400) square feet in area without having first applied for and obtained a demolition permit from the Building Inspector. No person, firm or entity may undertake any steps to demolish the structure prior to receiving a permit. Demolition permits shall expire in one-hundred-eighty (180) days from issuance.

2) APPLICATION

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

i. The name and address of the owner of the building on date of application and, if different, on date of demolition;
ii. The name, address and telephone number of the contractor(s) performing the demolition work;
iii. The date upon which demolition is to commence;
iv. The date by which demolition shall be complete;
v. A list of all hazardous waste and hazardous and toxic substances (as defined by Wisconsin Administrative Code as amended from time to time) contained in the building, a statement as to whether the building contains asbestos (as defined by Wisconsin Statutes), 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;
vi. 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);
vii. A description of the method of demolition to be used;
viii. 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 amount of dust from the site;
ix. 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.

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

3) 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 so as to prevent blowing dust, dirt, or sand. Excavations remaining after demolition shall be filled, graded and leveled off, not later than thirty (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 seventy-two (72) hours inspect each excavation, or part thereof, before filling any excavation.

(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.

4) REMOVAL AND DISPOSAL

(a) 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 seventy-two (72) hours written notice prior to any removal, transportation or disposal of hazardous waste, hazardous and toxic substances, and asbestos.

Established April 17, 2001, Ordinance No. 229; Revised July 16, 2002, Ordinance No. 233

22.21 REGULATIONS FOR MOVING BUILDINGS

1) GENERAL REQUIREMENTS

(a) No person shall move any building or structure greater than two hundred (200) square feet upon any of the public ways of the Town without first obtaining a

permit therefore from the Building Inspector and upon the payment of the required fee. Every such permit issued by the Building Inspector for the moving of a building shall designate the route to be taken, the conditions to be complied with and shall limit the time during which said moving operations shall be continued.

(b) A report shall be made by Town employees with regard to possible damage to trees. The estimated cost of trimming, removal and replacement of public trees, as determined by the Town, shall be paid to the Town Clerk prior to issuance of the moving permit.

(c) Issuance of a moving permit shall further be conditioned on approval of the moving route by the Town Board.

2) MOVING DAMAGED BUILDINGS

(a) No building shall be repaired, altered, or moved within, or into, the Town that has deteriorated or has been damaged by any cause (including such moving and separation from its foundation, garage, and service connections in case of moved buildings) forty percent (40%) or more of its fair market value, and no permit shall be granted to repair, alter, or move such building within, or into, the Town. Furthermore, in the event the fair market value of the building proposed to be moved within, or into, the Town will not, after the building has been moved and improvements completed, equal or exceed the fair market value of those properties immediately adjoining and contiguous to the property on which the building has been moved, and no permit shall be granted to move the building within, or into, the Town.

3) CONTINUOUS MOVEMENT

(a) The movement of buildings shall be a continuous operation during all the hours of the day and at night, until such movement is fully completed. All of such operations shall be performed with the least possible obstruction to thoroughfares. No building 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. Lights shall be kept in conspicuous places at each end of the building during the night.

4) STREET REPAIR

(a) Every person receiving a permit to move a building shall, within one (1) day after said building reaches its destination, report that fact to the Building Inspector, inspect the streets, highways and curbs and gutters over which said building has been moved and ascertain their condition. If the removal of said building has caused any damage to any street or highway, the person to whom the permit was issued shall forthwith place them in as good repair as they were before the permit was granted. On the failure of the said permittee to do so within ten (10) days thereafter to the satisfaction of the Town Board, the Town shall repair the damage done to such streets and hold the person obtaining such permit and the sureties on his/her bond responsible for the payment of same.

5) CONFORMANCE WITH CODE

(a) No permit shall be issued to move a building within or into the Town and to establish it upon a location within the said Town until the Building Inspector has made an investigation of such building at the location from which it is to be moved and is satisfied from such investigation that said building is in a sound and stable condition and of such construction that it will meet the requirements of this Building Code in all respects. A complete plan of all further repairs, improvements and remodeling with reference to such building shall be submitted to the Building Inspector, and he/she shall make a finding of fact to the effect that all such repairs, improvements and remodeling are in conformity with the requirements of this Building Code and that, when the same are completed, the building as such will so comply with said Building Code. In the event a building is to be moved from the Town to some point outside the boundaries thereof, the provisions with respect to the furnishing of plans and specifications for proposed alterations to such building may be disregarded.

6) BOND

(a) Before a permit is issued to move any building public way in the Town, the party applying therefore shall give a cash deposit to the Town in a sum to be recommended by the Building Inspector and which shall not be less than Five Thousand Dollars ($5,000.00), to be approved by the Town Board or conditioned upon, among other things, the indemnification to the Town for any costs or expenses incurred by it in connection

with any claims for damages to any persons or property, and the payment of any judgment together with the costs and expenses incurred by the Town in connection therewith arising out of the removal of the building for which the permit is issued.

(b) Unless the Building Inspector, upon investigation, shall find it to be a fact that the excavation exposed by the removal of such building from its foundation shall not be so close to a public thoroughfare as to permit the accidental falling therein of travelers or the location, nature and physical characteristics of the premises and the exposed excavation, such as to make intrusion upon the premises and the falling into such excavation of children under twelve (12) years of age unlikely, the deposit required by Subsection (6)(a) shall be further conditioned upon the permittee erecting adequate barriers and within forty-eight (48) hours, filling in such excavation or adopting and employing such other means, devices or methods approved by the Building Inspector and reasonably adopted or calculated to prevent the occurrences set forth herein.

7) INSURANCE

(a) The Building Inspector shall require, in addition to the said bond above indicated, public liability insurance covering injury to one (1) person in the sum of not less than one-million dollars ($1,000,000) and for one accident, aggregate not less than five-million dollars ($5,000,000), together with property damage insurance in a sum not less than one-million dollars ($1,000,000), or such other coverage as deemed necessary.

8) TOWN BOARD APPROVAL

(a) No such permit shall be issued unless it has been found as a fact by the Town Board of the municipality by at least a majority vote, after an examination of the application for the permit which shall include exterior elevations of the building and accurate photographs of all sides and views of the same and in case it is proposed to alter the exterior of said building, plans and specifications of such proposed alterations and after a view of the building proposed to be moved and of the site at which it is to be located, that the exterior architectural appeal and functional plans of the building to be moved or moved

and altered, will not be so at variance with either the exterior architectural appeal and functional plan of the buildings already constructed or in the course of construction in the immediate neighborhood or in the character of the applicable district established by the zoning ordinances or any ordinance amendatory thereof or supplementary thereto, as to cause a substantial depreciation of the property values of said neighborhood within said applicable district. In case the applicant proposed to alter the exterior of said building after moving the same, he/she shall submit, with his/her application papers, complete plans and specifications for proposed alterations. Before a permit shall be issued for a building to be moved and altered, the applicant shall give a cash deposit to the Town Clerk, which shall not be less than five-thousand dollars ($5,000) to be executed in the manner provided in subsection hereof to the effect that he/she will, within a time to be set by the Town Board, complete the proposed exterior alterations to said building in the manner set forth in his/her plans and specifications. This cash deposit shall be in addition to any other cash deposit, bond or surety which may be required by other applicable ordinances of the Town. No occupancy permit shall be issued for said building until the exterior alterations proposed to be made have been completed.

(b) Upon application being made to the Building Inspector, he/she shall request a meeting of the Town Board to consider application for moving permits which he/she has found comply, in all respects, with all other ordinances of the Town. The Town Board may, if it desires, hear the applicant for the moving permit in question and/or the owner of the lot on which it is proposed to locate the building in question, together with any other persons, either residents or property owners, desiring to be heard. The Town Board shall, in writing, approve, conditionally approve or deny the application required by this ordinance hereof and file it in the office of Town Clerk, who shall send a copy of it to the Building Inspector.

Established April 17, 2001, Ordinance No. 229; Revised July 16, 2002, Ordinance No. 233

22.22 EXTERIOR FINISH REQUIRED

1) All buildings shall have a weather-resistant, uniform and neighborhood compatible exterior finish. Tarpaper or similar material is not acceptable.

Established April 17, 2001, Ordinance No. 229; Revised July 16, 2002, Ordinance No. 233

22.23 FEES

1) At the time of building permit application issuance, the applicant shall pay fees as established periodically by the Municipality. If work commences prior to permit issuances, the permit fee shall double.

Established April 17, 2001, Ordinance No. 229; Revised July 16, 2002, Ordinance No. 233

22.24 VIOLATIONS AND PENALTIES

1) PROHIBITION

(a) No person, entity, or firm may construct, remodel, demolish or repair any building in a manner which violates any provisions of this ordinance.

(b) Every person, firm or entity which violates this code shall, upon conviction forfeit not less than $25.00 nor more than one-thousand dollars ($1,000) for each day of non-compliance, together with the costs of prosecution.

(c) Violations discovered by the Building Inspector shall be corrected within thirty (30) days, or more if allowed by the Inspector, after written notice is given. Violations involving life safety issues shall be corrected in a reasonable time frame established by the Building inspector.

(d) Compliance with the requirements of this ordinance is necessary to promote the safety, health and well-being of the community and the owners, occupants and frequenters of buildings. Therefore, violations of this ordinance shall constitute a public nuisance which may be enjoined in a civil action.

Established April 17, 2001, Ordinance No. 229; Revised July 16, 2002, Ordinance No. 233

22.25 STOP WORK ORDER

1) The Building Inspector may issue a stop work order for a project to prevent further non-complying work. No person, firm or entity may continue a construction project after a stop work order has been issued. The person, firm or entity which receives such a stop work order may contest the validity of the same by requesting a hearing before the Town Board. The Town Board shall hear the appeal within thirty (30) days. The Town Board shall affirm the stop work order unless the owner or contractor shows that the Building inspector made an

error in determining that the construction project violated a provision or provisions of the adopted building code.

Established April 17, 2001, Ordinance No. 229; Revised July 16, 2002, Ordinance No. 233

22.26 VARIANCE

1) The Town Board shall hear requests for variances from the building code to the extent the Town Board has authority to hear and grant variances. The Town Board shall approve, conditionally approve, or deny a requested variance. The Town Board may grant a variance from a Code requirement only if the variance is permitted by state law and if the performance of the proposed variance is equal to or greater than the code requires.

Established April 17, 2001, Ordinance No. 229; Revised July 16, 2002, Ordinance No. 233

22.27 APPEALS

1) Any person feeling aggrieved by an order of the Building Inspector may, within thirty (30) days thereafter, appeal from such order to the Town. The Municipality will follow procedures explained in "Wisconsin Statutes Chapter 68", to arrive at a final determination. Final determinations may be reviewed as explained in "Wisconsin Administrative Rules COMM 21".

Established April 17, 2001, Ordinance No. 229; Revised July 16, 2002, Ordinance No. 233

22.28 DISCLAIMER AND NON-LIABILITY FOR DAMAGES

1) This ordinance shall not be construed as an assumption of liability by the Municipality or the Building Inspector for damages because of injuries sustained or property destroyed by any defect in any dwelling or equipment.

Established April 17, 2001, Ordinance No. 229; Revised July 16, 2002, Ordinance No. 233

22.29 SEVERABILITY

1) If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the

provisions of this ordinance are hereby repealed as to those terms that conflict.

Established April 17, 2001, Ordinance No. 229; Revised July 16, 2002, Ordinance No. 233