

Note: This version of the Building Code differs from the official printed version as follows:

- a. Dimensions are expressed in numerical format rather than alpha format, e.g., “27 feet” rather than “twenty-seven feet.”
- b. Paragraph indentation style is different.
- c. Unused and blank section numbers are omitted rather than shown as reserved.
- d. Editor’s notes, amendment history, cross references and other editorial enhancements are omitted.
- e. Page numbering is different.

## Chapter 10

### **PROPERTY AND BUILDING MAINTENANCE, AND BUILDING REGULATIONS**

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## ARTICLE I BUILDING REGULATIONS

### Sec. 10-1 Purpose and scope of chapter

The purpose of this chapter is to promote public health, safety and welfare, and protection of property, by establishing performance and minimum standards for the design, construction, alteration, use and occupancy of buildings and parts thereof, and of all the systems, including plumbing, heating, ventilating, electrical and fire protection installations.

### Sec. 10-2 Penalty for violation of chapter

Except as otherwise provided in this chapter, any person found to be in violation of any provision of this chapter or any other rule or order promulgated under this chapter shall be subject to a penalty as provided in Sec. 1-9.

### Sec. 10-3 Certified building inspector

The certified building inspector shall be appointed by the chair, subject to confirmation by the town board. The building inspector shall be vested with the authority and responsibility of enforcing the provisions of this chapter.

### Sec. 10-4 Authority of inspector to enter premises

In the discharge of his duties, any inspector of the building department may, upon presentation of proper credentials and during reasonable hours, enter any premises for the purpose of inspection and may require the production of any permit or license required under this chapter. No person shall interfere with the inspector while in the performance of his duty. If consent to enter any premises which are not public buildings or property, or portions of public buildings which are not open to the public, for inspection services has been denied, the inspector shall obtain a special inspector warrant as provided in Wis. Stats. Ch. 66.0119.

### Sec. 10-5 Building permits and inspections

#### (1) For One and Two Family Dwellings

(a) *Application needed.* Application for permits shall be made in writing upon forms provided by the land use administrator. All information requested on the application forms shall be provided by the applicant.

(b) Permits and inspections required for:

- (1) New single-family and multifamily housing.
- (2) Additions, alterations, and repairs to all dwelling units, regardless of age, when the costs which include material and labor are estimated to be \$50,000.00 or more, when for material only, \$25,000.00 or more, in any 12-month period.
- (3) The installation, replacing, or refurbishing of the electrical service entrance in any building which requires a new or renewed connection from an electrical power distributor.
- (4) Portions of state code adopted. The following provisions, so far as applicable, are adopted by reference and made a part of this section. A violation of any of the provisions thereof shall constitute a violation of this section.

(1) Uniform Building Code, Wis. Admin. Code chs. SPS 320—325.

(c) Permits only required for:

- (1) All new buildings other than housing.

- (2) Additions, alterations, and repairs to dwelling units when the estimated costs for materials and labor exceed \$5,000 but are less than \$50,000. When for materials only, over \$2,500 but less than \$25,000. When over \$50,000, refer to subsection 10-5(b)(2).
- (3) All other buildings when additions, alterations, or repairs are over \$5,000.
- (d) *Optional inspections.* Inspections that are not required by the town for any building, addition or alteration thereto are available by request through the town from the building inspector.
- (e) *Inspections.* Inspections shall be made as provided for in this chapter and shall be requested at least 24 hours in advance. Inspections shall be made as near as possible to the time requested and emergency inspections shall be given priority when an inspector is available.

(2) For Commercial and Industrial Facilities

- (a) Permit Required - No owner or contractor may commence construction of any building or mechanical system prior to obtaining a valid permit from the Municipal Building Inspector.

- (1) The construction which shall require a building permit includes, but is not limited to:

- (a) Commercial building including agricultural buildings, detached structures (decks), and detached accessory buildings.
- (b) Additions 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, boilers, air handlers and central air conditioners.
- (e) Any electrical wiring for new construction or remodeling excluding new wiring for existing industrial and manufacturing facilities that do not require State mandated building plan review.
- (f) Any HVAC for new construction or remodeling.
- (g) Any plumbing for new construction or remodeling.
- (h) Any new or re-wired electrical service, including services for agricultural buildings.

(b) Adoption of State Codes

- (1) The following Chapters of the Wisconsin Administrative Code, as well as all subsequent revisions, are adopted by the Municipality and shall be enforced by the Building Inspector.

Ch. SPS 302.31	Plan Review Fee Schedule
Ch. SPS 305	Credentials
Ch. SPS 316	Electrical Code
Chs. SPS 320-325	Uniform Dwelling Code
Ch. SPS 327	Campgrounds
Chs. SPS 361-366	Commercial Building Code
Chs. SPS 375-379	Buildings Constructed Prior to 1914
Chs. SPS 381-387	Uniform Plumbing Code

(c) Certified Municipality Status

- (1) Certified Municipality. The Town has adopted the Certified Municipality Status as described in SPS 361.60 of the Wisconsin Administrative Code.

- (a) Responsibilities. The Town shall assume the following responsibilities for the Department of Safety and Professional Services (Department):

1. Provide inspection of commercial buildings with certified commercial building inspectors.
  2. Provide plan examination of commercial buildings with certified commercial building inspectors.
- (b) Plan Examination. Drawings, specifications, and calculations for all the types of buildings and structures, except state-owned buildings and structures, to be constructed within the limits of the municipality shall be submitted, if the plans are for any of the following:
1. A new building or structure containing less than 50,000 cubic feet of total volume.
  2. An addition to a building or structure where the area of the addition results in the entire building or structure containing less than 50,000 cubic feet of total volume.
  3. An addition containing no more than 2,500 square feet of total floor area and no more than one floor level, provided the largest roof span does not exceed 18 feet and the exterior wall height does not exceed 12 feet.
  4. An alteration of a space involving less than 100,000 cubic feet of total volume.
  5. A certified municipality may waive its jurisdiction for the plan review of a specific project or types of projects, or components thereof, in which case plans and specifications shall be submitted to the Department for review and approval.
  6. The Department may waive its jurisdiction for the plan review of a specific project, where agreed to by a certified municipality, in which case plans and specifications shall be submitted to the certified municipality for review and approval.
- (c) Plan Submission Procedures. All commercial buildings, structures, and alterations, including new buildings and additions less than 25,000 cubic feet, require plan submission as follows:
1. Building permit application
  2. Application for review - SBD-118
    - a. Fees per Table SPS 302.31-2 and SPS 302.31
    - b. Fees apply to all commercial projects
  3. Four sets of plans
    - a. Signed and sealed per SPS 361.31
    - b. One set of specifications
    - c. Component and system plans
    - d. Calculations showing code compliance

## **Sec. 10-6 Building department**

The building department consists of the offices of the land use administrator and the building inspector. An annual report of the building department shall be made to the town board by each of the land use administrator and building inspector.

### **(a) *Building inspector***

- (1) Upon receiving applications requested under subsections 10-5(1)(b)(1), (2), or (3) and 10-5(d), if the building inspector finds that the proposed building will comply in every respect with the ordinances of the Town of Beaver Dam, other municipal ordinances, laws of the state and lawful orders issued pursuant thereto, he shall issue a building permit. After being approved, the plans and specifications shall not be altered in any respect with regard to such ordinances, laws or

orders, or the safety of the building, except with the written consent of the building inspector. Such consent shall be filed with the application.

- (2) The building permit shall become void unless operations are commenced within 6 months from the date thereof, or if the building or work authorized by such permit is suspended at any time after work is commenced. The building inspector may extend the time period of 6 months if conditions causing delay were beyond the control of the applicant.
- (3) Before any work is commenced or recommenced after the permit has elapsed, a new permit shall be issued at the regular fee rate.
- (4) The building inspector is required to provide inspection services for issued permits, keep record of them, and provide services for all other matters relative to providing inspection services.

(b) *Land use administrator*

- (1) The land use administrator shall receive and keep a record of all applications taken, permits approved and fees collected by the building department.
- (2) Issues all building permits, except those the building inspector issues in section 10-6.
- (3) Orders fire numbers and installs when needed.
- (4) Permits shall be issued under the same terms as in section 10-6.

**Sec. 10-7 Fees**

The fees for permits, inspections, and licenses, required or optional, in this chapter shall be established by resolution of the town board, and may be reviewed from time to time and adjusted as the town board may direct. If any construction or work governed by the provision of this chapter or the Wisconsin Residential and Commercial Building Codes is commenced prior to the issuance of a permit, double fees shall be charged.

**Sec. 10-8 Inspections**

Inspections shall be made as provided for in this chapter and shall be requested at least 24 hours in advance. Inspections shall be made as near as possible to the time requested.

**Sec. 10-9 Stop work order**

- (a) If an investigation reveals a noncompliance with this chapter or the Wisconsin Residential and Commercial Codes, the Building Inspector shall notify the applicant and the owner, in writing, of the violation(s) to be corrected. All cited violations shall be corrected within 30 days after written notification.
- (b) If after written notification, the violation is not corrected within 30 days, a stop work order may be served on the owner or his representative and a copy thereof shall be posted at the construction site. Such stop work order shall not be removed except by written notice of the building inspector after satisfactory evidence has been supplied that the cited violation has been corrected.
- (c) Each day each violation continues after the 30-day written notice period has run 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 ordinance or the Wisconsin Uniform Dwelling Code.

## **Sec. 10-10 Appeal**

An appeal of any order of any officer or inspector of the building department shall be made in accordance with the provision of the applicable subsection under with such orders are given or as provided in Wis. Stats. Ch. 68.

## **Sec. 10-11 Certificate of occupancy for single-family and multi-family dwellings**

It is unlawful for any person to use or permit the use of any building or premises, or part thereof of which is to be inspected, hereafter erected, changed, converted or enlarged, wholly or partially, in use or structure until the building inspector has issued a certificate of occupancy. Such certificate of occupancy shall not be issued until all final inspections under this chapter, requirements under the town code and state statutes, and if new constructions on a new land division parcel, the conditions imposed by either the plan commission or the board of appeals for approval of the parcel, have been satisfactorily completed.

### *(a) Inspections*

- (1) The building inspector shall make a final inspection of all new residential buildings, and additions and alterations required to be inspected. If no violations of the Wisconsin Uniform Dwelling Code, this chapter or any other ordinance were found, the building inspector shall issue a certificate of occupancy, stating the purpose for which the building is to be used. Action to approve or deny any application for a permit or certificate of occupancy under this chapter shall be taken promptly and in no case longer than 14 days from the date the application is filed with the building inspector.
- (2) No building, nor part thereof, shall be occupied until a certificate of occupancy has been issued, nor shall any building be occupied in any manner, which conflicts with the conditions set forth in the certificate of occupancy.
- (3) If the building inspector determines after final inspection that the building, structure or work has substantially complied in every respect with all ordinances and orders of the town including if applicable to conditions set forth for approval of a CSM or subdivision and to applicable laws and orders of State of Wisconsin, he or she shall officially approve the work and shall issue the certificate of occupancy to the owner.
- (4) No person shall alter any plans or specifications in any respect after a permit or certificate of occupancy has been issued therefore, except with the written consent of the building inspector or appropriate town authority.

### *(b) Violation and penalties.*

- (1) No person shall erect, use, occupy or maintain any single-family or multifamily dwelling, or any building requiring inspection, in violation of any provision of this chapter or the Wisconsin Uniform Dwelling Code or cause to permit any such violation to be committed. Any person violating any provisions of the ordinance shall receive a written notification and a citation, where upon conviction, be subject to a fine as provided for in section 1-9 of this Code.
- (2) Each day a violation continues after 30 days of receiving written notification 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 or the Wisconsin Uniform Dwelling Code.

## Sec. 10-12 Property and building maintenance regulations

- (1) *Title.* This section shall be known as the “property and building maintenance regulations” and may be referred to in this section as “this code.”
- (2) *Findings and declaration of policy.* It is hereby found and declared that there exist in the town structures which are, or may become in the future, substandard with respect to structure, equipment or maintenance or, further, that such conditions, including structural deterioration, lack of maintenance and appearance of exterior of premises, infestation and existence of fire hazards constitute a menace to the health, safety, welfare and reasonable comfort of the citizens of the town. It is further found and declared that, by reason of lack of maintenance and because of progressive deterioration, certain properties have the further effect of creating blighted conditions and that if the same are not curtailed and removed, these conditions will grow and spread and will necessitate, in time, the expenditure of large amounts of public funds to correct and eliminate such conditions, and that, by reason of timely regulations and restrictions contained in this code, the desirability and amenities of uses and neighborhoods may be enhanced and the public health, safety and welfare protected and fostered.
- (3) *Purpose.* The purpose of this code is to protect the public health, safety and welfare by establishing minimum standards governing the maintenance, appearance and condition of premises; to fix certain responsibilities and duties upon owners and operators and distinct and separate responsibilities and duties upon occupants; to authorize and establish procedures for the inspection of premises; and to provide for the enforcement of this code through penalty and abatement procedures.
- (4) *Applicability.* Every premises whether vacant or not where created by a CSM or platted subdivision in the town shall comply with the provisions of this code, whether or not such premises shall have been constructed, altered or repaired before or after the enactment of this code, except for lands in A-1 or A-2 zoning districts and all agricultural accessory structures thereon.
- (5) *Definitions.* The following words and terms, wherever used or referred to herein, shall have the respective meanings assigned to them unless a different meaning clearly appears from the context:
  - (a) *Agricultural accessory.* Buildings involved in production agriculture as on a farm, all of the buildings except the dwelling.
  - (b) *Deterioration.* The condition of a building or part thereof characterized by holes, breaks, rot, crumbling, peeling, rusting or other evidence of physical decay or neglect, lack of maintenance or excessive use.
  - (c) *Elements.* Any element, whether created by nature or by man, which, with reasonable foreseeability, could carry litter from one place to another. Elements shall include air current, rain, water current and animals.
  - (d) *Exposed to public view.* Any premises, or part thereof, or any building, or part thereof, which may be viewed by the public.
  - (e) *Exterior of the premises.* Open space on the premises outside of any building thereon.
  - (f) *Extermination.* The control and elimination of insects, rodents, and vermin.
  - (g) *Garbage.* Decayed and decomposed animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food. (See also “refuse and rubbish”.)
  - (h) *Infestation.* The presence of insects, rodents, vermin or other pests on the premises which constitute a health hazard.

- (i) *Junk*. Any old or scrap metal, metal alloy, synthetic or organic material or waste, or any junked, ruined, dismantled, wrecked motor vehicle or machinery, or any part thereof, whether salvageable or not. An unlicensed motor vehicle, at the discretion of local law enforcement officers, may be construed to be a junked motor vehicle.
- (j) *Litter*. Includes any manmade or man-used waste which, if deposited within the town otherwise than in a litter receptacle, tends to create a danger to public health, safety and welfare or to impair the environment of the citizens of the town. Litter may include, but is not limited to, any garbage, trash, refuse, confetti, debris, grass clippings or other lawn or garden waste, newspaper, magazine, glass, metal, plastic or paper container or other construction material, motor vehicle part, furniture, oil, carcass of a dead animal or nauseous or offensive matter of any kind or any object likely to injure any person or create a traffic hazard.
- (k) *Mixed occupancy*. Any building containing one or more dwelling units or rooming units and may also have a portion thereof devoted to non-dwelling uses or used as a hotel.
- (l) *Nuisance*
  - 1. Any public nuisance, as defined by statute or this Municipal Code.
  - 2. Physical conditions dangerous to human life or detrimental to the health of persons on or near the premises where the conditions exist. Included, but not limited to, are abandoned ice boxes, refrigerators, motor vehicles, any structurally unsound fences, debris or poisonous vegetation.
- (m) *Occupant*. Any person occupying or having use of a building, structure or premises, or any part thereof.
- (n) *Operator*. Any person who has charge, care or control of a dwelling or premises, or part thereof, whether with or without the knowledge and consent of the owner.
- (o) *Owner*. Any person who, alone or jointly or severally with others, shall have legal or equitable title to any premises, with or without accompanying actual possession thereof. Any person who is a lessee subletting or reassigning any part or all of any dwelling or dwelling unit shall be deemed to be a co-owner with the lessor and shall have joint responsibility over the portion of the premises sublet or assigned by said lessee.
- (p) *Person*. The word person shall include a corporation, firm, partnership, association, organization and any other group acting as a unit as well as individuals including a personal representative, receiver or other representative as appointed according to law. Whenever the word “person” is used in any section of this section prescribing a penalty or fine, as to partnerships or associations, the word shall include the partners or members hereof, and as to corporations, shall include the officers, agents or members thereof who are responsible for any violation of such action.
- (q) *Park*. A public or private park, reservation, playground, beach, recreation center or any public park private area devoted to active or passive recreation or any other area under the supervision of the town.
- (r) *Parking lot*. Any property with provisions for parking vehicles to which the public is invited or which the public is permitted to use or which is visible from any public place or private premises.
- (s) *Premises*. A lot, plot or parcel of land created by a CSM or platted subdivision, including the buildings or structures when thereon.



- (t) *Private premises.* Any structure designed to be used, either wholly or in part, for private residential purposes, whether inhabited, temporarily or continuously uninhabited, or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule, mailbox or other structure belonging or appurtenant to such structure.
- (u) *Public place.* All streets, boulevards, avenues, lanes, alleys or other public ways and parks, squares, plazas, grounds and buildings frequented by the general public, whether publicly or privately owned.
- (v) *Refuse.* All decayed and decomposed solid waste, except body wastes, including garbage, rubbish, ashes, dead animals, abandoned automobiles and solid wastes. (See also “garbage and rubbish.”)
- (w) *Repair.* To restore to a state of operation, serviceability or appearance in conformity with this section.
- (x) *Replace.* To remove an existing item or portion of a building or structure and to construct or install a new item of similar or improved quality as the existing item when it was new. Replacement will ordinarily take place when the item is incapable of repair.
- (y) *Residue*
  - 1. Generally. No person shall throw any glass, garbage, rubbish, waste, slop, dirty water or noxious liquid or unwholesome substance upon any street, alley, or other property in and of the town, upon any property not owned by him or upon the surface of any body of water in the town.
  - 2. Truck loads causing. No person shall drive any truck or other vehicle within the town unless such vehicle is so constructed or loaded as to prevent any load or contents of litter from being blown or deposited upon any street alley or other public place.
- (z) *Rubbish.* Solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding and similar materials. (See also “garbage and refuse.”)
- (aa) *Substandard.* All buildings which do not conform to the minimum standards established by this chapter and by any other provisions of this Code of Ordinances or by the State of Wisconsin Administrative Code.
- (bb) *Town.* Town of Beaver Dam, Dodge County, Wisconsin.
- (cc) *Vacant lot.* Any lot created either by CSM or platted subdivision without a principal structure.
- (dd) *Weathering.* Deterioration, decay, or damage by exposure to the elements.
- (ee) *Yard.* An open space at grade on the same lot as a building or structure located between such building or structure and the adjoining lot line, and/or street line.
- (6) *Maximum density.* A dwelling unit shall not be occupied by more than one family. “Family” shall mean an individual or two or more persons, each related by blood, marriage, adoption or legal guardianship. For purposes of this section, a group of not more than four persons not necessarily related by blood or marriage living together in a single living unit will be considered equivalent to a single family.

(7) *Compliance is responsibility of owners and operators*

- (a) Each owner of land, buildings and structures (collectively, “premises”) shall have an independent responsibility for compliance. All owners shall be jointly and severally responsible for performance of the duties and obligations prescribed in this section. No owner shall be relieved of such duty or obligation because another person is also responsible for such duty or obligation. No owner shall be relieved from liability under this section because said person has contracted said responsibility to an operator or other person.
- (b) Operator(s) of land, buildings and structures (collectively, “premises”) in the town shall also have responsibility for compliance. Operator(s) shall be jointly and severally responsible with owner(s) for performance of the duties and obligations in this section.

(8) *Duties and responsibilities of owners and operators*

- (a) Maintenance and appearance of exterior of premises and structures thereon.
  - 1. The exterior of the premises and all structures thereon shall be kept free of all nuisances, free of unsanitary and unsightly conditions, and any hazards to the safety of the occupant, pedestrians and other persons utilizing the premises, and any of the foregoing shall be promptly removed and abated by the owner or operator.
  - 2. It shall be the duty of the owner or operator of any premises to keep it free of the following:
    - a. Refuse, such as brush, stumps, weeds, broken glass, filth, garbage, trash and debris.
    - b. Natural growth, such as dead and dying trees and limbs or other natural growth which, by reason of rotting or deteriorating conditions or storm damage, constitute a hazard to persons in the vicinity. Trees shall be kept pruned and trimmed to prevent such conditions.
    - c. Overhangs, such as loose and overhanging objects which, by reason of location above ground level, constitute a danger of falling on persons in the vicinity.
    - d. Sources of infestation.
    - e. Disassembled, unlicensed, or inoperable vehicles in any residential district.
    - f. The exterior of the premises, the exterior of structures and the condition of accessory structures shall be maintained so that the premises and structures do not appear blighted.
- (b) *Storage of commercial and industrial material.* There shall not be stored or used, equipment and materials relating to commercial or industrial use, unless permitted for the premises, at any location visible from the street or other public areas.
- (c) *General maintenance.* The exterior of every structure including fences or enclosures shall be maintained in good repair. The same shall be maintained free of broken glass, loose shingles, crumbling stone or brick, excessive peeling paint, loose or missing boards or siding or other conditions reflective of deterioration or inadequate maintenance to the end that the property itself may be preserved, safety and fire hazards eliminated and adjoining properties protected from blight.

(9) *Litter control*

- (a) *Litter collection and storage area.* Every premises owner, occupant or lessee shall maintain litter collection and storage areas in a clean condition and insure that all litter is properly containerized.

- (b) *Duty to collect litter before it is carried from the premises.* All litter that is subject to movement by the elements shall be secured by the owner, operator, or person in control of the premises where it is found before the litter is allowed to be removed from the premises by the elements.
- (c) *Neglected premises visible to the public.* Any person owning or controlling any premises visible from any public place or private premises shall maintain such premises in a reasonably clean and orderly manner. It shall be a violation of this subsection to abandon, neglect or disregard the condition or appearance of any premises so as to permit it to accumulate litter.
- (d) *Construction sites.* The property owners and the prime contractors in charge of any construction site shall maintain the construction site in such a manner that litter will be prevented from being carried from the premises by the elements. All litter from construction activities or any related activities shall be picked up at the end of each workday and placed in containers which will prevent litter from being carried from the premises by the elements. Property owners and or contractors shall implement or install necessary devices to protect public utilities from silt, debris or any other harmful by-product of construction activity.
- (e) *Abandoned garbage.* Any person who is in control of any premises upon which is located or on whose behalf there is maintained any container of refuse, waste or garbage, which has been containerized in accordance with a contract for its removal shall not allow that refuse, waste or garbage to remain uncollected for longer than 7 days or sooner if that refuse, waste or garbage creates an offensive condition.
- (f) *Animal excreta*
  - 1. *Allowing discharge regulated.* It is unlawful for any owner, keeper or walker of any dog, cat or similar domestic animal to have discharged such animal's feces upon any property within the town other than the property of the owner of such animal if such owner, keeper or walker does not immediately thereafter remove and clean up the feces from the property.
  - 2. *Carrying feces scoop required.* No person shall walk a dog beyond the limits of his own property without carrying or having in his possession a scoop, bag or other items designed to pick up and remove dog feces.
  - 3. *Disposal.* It is unlawful for any person to dispose of dog feces on property other than one's own without the express consent of the property owner.
  - 4. *Exception.* This subsection shall not apply to persons having control of specially trained guide dogs.

(10) *Lawn and yard maintenance.*

- (a) *Definitions.* The terms used herein are defined as follows:
  - 1. *Gardens:*
    - a. *Vegetable.* A garden that is generally cultivated and planted to mainly annuals, grown for the sustenance of the gardener and his family. Are allowed in rear or side yards.
    - b. *Flower.* A garden cultivated and planted with annuals and perennials which generally bloom at determined times in and of their seasons.
  - 2. *Lawns.* Areas of trimmed turf grasses located in the landscaping that is contiguous to and surrounding a home having front, side, and rear yards.
  - 3. *Landscaping.* The court and yard areas being in the front, rear, and side yards of a home having lawns, plantings, trees, shrubs, gardens and patios.

4. *Native or natural lawn.* A lawn managed to preserve or restore native grasses and forbs (wild flowers) native to Wisconsin and the area.
  5. *Plantings.* Located in the landscape generally along a home's exterior walls or its lot lines, continuously or as groupings. May also be a grouping as under a tree.
  6. *Shrubs.* Native or non-native species of a woody growth generally only growing to a maximum height and width of 6 to 10 feet. These plant species often are trimmed to a desired shape such as a hedge.
  7. *Trees.* Native or non-native species of a woody upright growth growing to maturity in 10 plus years. The providing of shade is often their reason of being planted.
  8. *Turf grass.* Grass commonly used in regularly cut lawns or play areas such as, but not limited to, blue grass, fescue and ryegrass blends.
- (b) *Weeds and plants prohibited.* The owners and occupants of all lawns shall destroy all of the following weeds and plants considered noxious prior to flowering:
1. Canada thistle (*Cirsium arvense*)
  2. Bull thistle (*Cirsium vulgare*)
  3. Musk or Nodding thistle (*Cardus acanthoides*)
  4. Leafy spurge
  5. Field bindweed (*Convolvulus arvensis*)
  6. Creeping Jenny (*Lysimachia quadrifolia*)
  7. Purple loosestrife
  8. Multiflora rose
  9. Burdock
  10. Ragweed (*Ambrosia artemisiifolia*)
  11. Garlic mustard
  12. Wild parsnip (*Pastinaca sativa*)
  13. Buckthorn (*Rhamnus cathartica*)
  14. Knapweed (*Centaurea stobe*)
  15. Teasel (*Dipsacus fullonum Ilaciniatus*)
  16. All weeds enumerated in ch. 23.235 and ch. 66.0407, Wis. Stats.
- (c) *General lawn requirements.* Except as provided in paragraph (d) below, the owner or occupant of any residential premises (home) in the town shall install and maintain landscaping, so as to present an attractive appearance in all court and yard areas in accordance with generally accepted landscaping practices in the town. Lawns shall be maintained to a height not to exceed 8 inches. Plantings shall be maintained so as not to present hazards to adjoining properties or to persons or vehicles traveling on public ways and shall be maintained so as to enhance the appearance and value of the property on which located and thereby the appearance and value of the neighborhood and the town.
- (d) *Natural lawns.*
1. *Scope of coverage.* A natural lawn application may be applied for any residential lawn area with the following condition. All neighboring properties within 300 feet of the applicant's residence upon which he is applying for the natural lawn must be informed of the intent and

upon notification do affix their signature to an application provided by the land use administrator stating they have no opposition to a natural lawn at the location of the residence applying.

2. *Application; registration and fee.* Any owner or occupant of a lot or parcel subject to paragraph (c) above and desiring a natural lawn may register with the land use administrator for a natural lawn where grasses and forbs exceed 12 inches in height, provided that such plantings meet the requirements of this subsection. The land use administrator shall provide registrants with a copy of this subsection. Registrants must submit a lot survey showing the area to be planted, a list of plants, seeds or forbs to be planted, and whether the property will be cultivated prior to planting or have plugs inserted in the area. The application must conform with the requirements of subsection 10-6(b) thereby receiving approval of neighboring property owners. The registration shall be accompanied by a fee that is set by town board resolution from time to time. Trimmed trees and shrubs, native or nonnative are allowed without registering.
3. *Maintenance of setbacks and drainage swales.* A 10 foot setback on any street frontage and a 5 foot side and rear setback of all natural lawns shall be maintained. In addition, all drainage swales shall have a 5 foot setback, be free of trees, plantings, and shrubs and maintained in accordance with paragraph (a) above. Adjacent neighbors may agree to waive setbacks for encroachment on side and rear setbacks if outside of drainage swales; such waivers shall be in writing and filed with the building inspector. These setback areas shall have a height of no more than 8 inches, excluding trees, plants and shrubs. In addition, a 5% area exclusive of the setback areas shall be left open for paths maintained to a height of no more than 8 inches.
4. *Review and approval of land management plans.* The land use administrator shall review the list of all registered properties within 21 days of the submittal and notify in writing the owner or occupant of any noncompliance of this subsection. The person receiving such notice of noncompliance shall comply with the requirements of this subsection within 10 days of such notification.
5. *Enforcement.* In the event any previously approved natural lawn fails to comply with the requirements of this subsection, such premises shall be deemed a nuisance under this chapter and the land use administrator may order the nuisance abated pursuant to subsection section 10-36 of this chapter.
6. *Appeal.* Any person aggrieved by the written determination of the building inspector to revoke such registration or to abate a nuisance thereto may file a written appeal within 7 days of receiving such written determination with the board of appeals of the town. The appeal shall state the reasons for reviewing the determination of the building inspector. After giving notice, the committee shall hold a hearing and decide the matter within a reasonable time. The committee may reverse, affirm or modify the determination of the building inspector and issue an order accordingly.

## **ARTICLE II SWIMMING POOLS AND PONDS**

### **Sec. 10-21 Definitions**

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:

*Pond* means any privately owned manmade depression in the ground, either temporary or permanent, in which water more than 18 inches deep is contained.

*Swimming pool* means any depression in the ground, either temporary or permanent, or a container of water, either temporary or permanent and either above or below the ground, in which water more than 18 inches deep is contained and which is used primarily for the purpose of bathing or swimming.

### **Sec. 10-22 Regulated**

No person shall, construct, install or enlarge a residential swimming pool not enclosed in a permanent building or pond in the town except in accordance with this article.

### **Sec. 10-23 Permit**

(a) *Required.* No person shall construct, install, enlarge or alter any private swimming pool or pond unless a permit therefore has first been obtained from the land use administrator.

1. The fee for the permit shall be established from time to time by resolution of the town board.

(b) *Application.* Application shall be on forms provided by the land use administrator and shall be accompanied by plans drawn to scale showing the following:

1. Location of pool or pond on lot, distance from lot lines and distance from structures.

2. Location of septic tank, filter bed and sewer lines.

3. Pool or pond dimensions and volume of water in gallons.

4. Location of fence, and type, size and gate location, if applicable.

5. Existing overhead wiring relative to proposed pool or pond.

### **Sec. 10-24 Construction requirements**

(a) No pool or pond shall be located, erected, constructed or maintained closer to any side or rear lot line than allowed by chapter 62 for permitted accessory building uses, and the waterline of any pool or pond shall be not less than 5 feet from any lot line or building.

(b) No connection shall be made to the sanitary sewer or septic system.

(c) Gaseous chlorination systems shall not be used for disinfecting pool waters.

(d) No pool shall be less than 5 feet from any septic system or less than 25 feet from any well.

### **Sec. 10-25 Fences**

(a) *Required.* All swimming pools not enclosed within a permanent building located in a subdivision or within 150 feet of a residence of another shall be completely enclosed by a fence of sufficient strength to prevent access to the pool, not less than 4 feet in height and so constructed as not to have voids, holes or openings larger than 4 inches in one dimension. The wall of the house or building facing a pool may be incorporated as a portion of such fence. No fence shall be located, erected, constructed or maintained closer than 3 feet to a pool. Gates or doors shall be equipped with a self-closing and self-latching device for keeping the gate or door securely closed at all times when not in actual use.

(b) *Exceptions*

- (1) Aboveground swimming pools with walls that are at least 4 feet high at all points around such pool or have platforms and railings that are 4 feet or more in height above the ground are not required to be enclosed as provided in subsection (a) of this section; however, all ladders and stairways providing access to such pools shall be adequately fenced and fitted with gates or be folded up and locked to prevent entry when the pool is not in use.
- (2) Belowground swimming pools or ponds which have a slope of no more than 4 to 1 from any point on the perimeter of such pool or pond for at least a distance of 20 feet toward the center of such pool or pond are not required to be enclosed as provided in subsection (a) of this section.

**Sec. 10-26 Electrical requirements**

- (a) *To comply with electrical codes.* All electrical installations shall require to be installed according to and shall be governed by the state electrical code.
- (b) *Pool lights.* If overhead flood or other artificial lights are used to illuminate the pool or pond at night, such lights shall be shielded to direct light only on the pool.

**Sec. 10-27 Use of pool**

No pool shall be so operated as to create a nuisance, a hazard or an eyesore or otherwise to result in a substantial adverse effect on neighboring properties.

**ARTICLE III NUISANCES**

**Sec. 10-31 Unsafe buildings**

Whenever the building inspector finds any building or part thereof within the town to be in his judgment to be so old, dilapidated or so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy, or use that it would be unreasonable to repair the building, he shall order the owner to raze and remove it at the owner's option. Such order and proceedings shall be carried out in the manner prescribed for the razing of buildings in Wis. Stats. Ch. 66.0413. Where the public safety requires immediate action, the building inspector shall enter upon the premises with such assistance as may be necessary, and cause the building or structure to be made safe or to be removed, and the expense of such work may be recovered by the town in an action against the owner. Unrecovered by the town, the expense may be put on the next property tax roll.

**Sec. 10-32 Administrative provisions**

- (1) The building inspector and police officers of the town are hereby made responsible for the enforcement of this chapter. All inspections, enforcement, orders or matters relating to violations of this chapter shall be under their direction and supervision. They may request such other public officials or employees of the town to perform duties as they deem necessary for enforcement.
- (2) The building inspector and police officers shall be supplied with official identification and shall exhibit such identification to the owner, operator or occupant upon request.
- (3) Building inspector and town police officers are authorized to enforce this Code and upon a written signed complaint, or at the direction of the town board, or as part of a regular town premises inspection, they shall make inspections of the exterior of premises for the sole purpose of determining whether the premises conform to the requirements of this Code.

### **Sec. 10-33 Notice of inspection**

- (1) A notice of inspection is not required when by the building inspector's judgment conditions exist that without action being immediately taken, the health and well-being of the public could be in imminent danger.
- (2) A notice of inspection of conditions or buildings is required when the building inspector does not perceive the health and well-being of the public to be in any imminent danger. Prior to making such an inspection, the building inspector, police officer or their designated representative shall give written notice to the owner, operator or occupant of the premises. Notice may be given in person and shall be deemed to have been given within 5 days of the date notice has been deposited, postage-paid, in the U.S. mail and addressed to the name and address on the tax rolls for the premises.
- (3) Following such notice, the owner, operator and/or occupant shall give the building inspector and/or police officer full access to the land and the exterior of the buildings and structures so that the building inspector and/or police officer is able to conduct an exterior inspection of the premises. Failure of an owner, operator or occupant to permit such access shall constitute a violation of this chapter, and may also result in the building inspector obtaining a special inspection warrant from Dodge County Circuit Court.

### **Sec. 10-34 Notice of violation**

If, following the initial inspection, the building inspector or police officer determines that there are grounds to believe that there has been a violation of any provisions of this chapter, notice of such violation shall be given to the owner(s). The notice of violation shall:

- (1) Be in writing;
- (2) Indicate the nature of the alleged violation(s);
- (3) Indicate the time for the correction or abatement of the alleged violation and/or submission of a plan to correct the alleged violation, which time shall not be less than 20 days nor more than 40 days;
- (4) Be served upon the owner in the following manner:
  - (a) Given to the owner by the building inspector, police officer or their designated representative; or
  - (b) Sent by certified mail to the owner's last known address, as said address appears on the tax rolls. The certified mail receipt and an affidavit of mailing, shall be sufficient evidence of service, which service shall be deemed effective within 5 business days of the date of mailing.
- (5) Advise the owner of the owner's right to request a hearing before the town board within 5 business days of the date of service and further advise the owner that the owner's failure to make such a request shall result in the notice of violation being deemed an order of violation.

### **Sec. 10-35 Placard on building**

- (1) The building inspector or police officer shall cause to be placed upon a building, structure or premises a "red tag" placard, which shall provide notice of the violations, whenever all of the following occur:



- (a) Any building, structure or premises does not substantially comply with the requirements of this chapter; and
  - (b) The building inspector has given notice of the violations involved as provided for in Sec. 10-34 herein; and
  - (c) The owner, occupant or operator has failed to timely correct, or timely provide a satisfactory plan to correct, the violations set forth in said notice; and
  - (d) The building inspector or police have determined that the building, structure, or premises are so damaged, decayed, dilapidated, unsafe or vermin-infested that it creates a serious hazard to the health or safety of the occupants or of the public, and is therefore unfit for use of occupancy.
- (2) The form of the “red tag” placard shall be determined by the building inspector or police officer, with assistance from the building inspector, and shall substantially state the specific violations of this chapter.
  - (3) No person shall deface or remove the “red tag” placard from any building, structure or premise which has been placed by the building inspector or police officer until removal of such placards is authorized by the building inspector or police officer.
  - (4) When the building inspector or police officer determines that a “red tag” placard should be placed on premises, and places same on the premises, then, notwithstanding other provisions herein, the occupants shall vacate the premises within 10 days of the date that the “red tag” placard has been placed on the premises.
  - (5) No premises that have been so vacated shall be used or reoccupied until such time as the owner obtains written approval from the building inspector or police officer. The building inspector or police officer shall grant such approval and remove the “red tag” placard when the violations have been corrected and the building inspector or police officer determines that the premises are again fit for use or occupancy.

**Sec. 10-36 Noncompliance - Remedy of defects; abatement**

- (1) The owner, operator or occupant of the premises shall have the time specified in the notice of violation to remedy the violations.
- (2) The building inspector or police officer shall, in his or her discretion, have the ability to extend the time for corrections if the circumstances warrant an extension and the owner, operator or occupant is making a good faith effort to correct the violations.
- (3) If the owner, operator or occupant of the premises, after notice of violation and order, fails or refuses to timely remedy the violations, then the town, at its sole option, may cause such work to be done. Prior to commencing such work, the building inspector or police officer shall do the following:
  - (a) Provide notice to the owner and occupant that the town will abate the violations along with an estimate of the approximate dates and times during which abatement will occur; and
  - (b) Have the town clerk certify the approximate cost for any such work done, including reasonable costs for administration and inspection fees (collectively, “costs of abatement”), and provide notice of same to the owner, with a copy to the occupant.
- (4) Following such notice, the owner, operator and/or occupant shall give the persons designated by the town full access to the land and the exterior of the buildings and structures to abate the violations. Failure of an owner, operator or occupant to permit such access shall constitute a violation of this

chapter, and may also result in the town obtaining an injunction from Dodge County Circuit Court. Reasonable costs of obtaining the injunction shall be added as administration to the costs of abatement and notice of the additional costs shall be provided to the owner.

- (5) If the owner fails to pay the costs of abatement within 30 days of the notice from the town clerk, interest shall accrue against the balance due at the rate of 1% per month and the total balance due shall become a lien against real estate on the next tax roll in accordance with law.

### **Sec. 10-37 Transfer of ownership of non-complying building**

It shall be unlawful for the owner of any building, structure or premises who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish to the building inspector a signed and notarized statement from the grantee, transferee, mortgagee, or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation. To assure compliance with this provision, the town may file a lis pendens against the real estate.

### **Sec. 10-38 Penalties**

Any person who violates any provision of this section or any order, rule or regulation made hereunder shall be fined as set forth in section 1-9 of this Code, together with costs of prosecution, including reasonable attorney fees. Each day that a violation continues shall be considered a separate offense.

### **Sec. 10-39 Severability**

If any provision of this chapter or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this chapter that can be given effect without the invalid provision or application, and to that end, the provisions of this chapter are severable.

### **Sec. 10-40 Effective date**

This chapter shall take effect upon enactment and publication.