

# **TITLE 15**

---

## **Building Code**

### **Chapter 1**

### **Building Code**

# Title 15 ► Chapter 1

---

## Building Code

<b>15-1-1</b>	Building Code Established
<b>15-1-2</b>	Building Permits and Inspection
<b>15-1-3</b>	State Uniform Dwelling Code Enforcement
<b>15-1-4</b>	Unsafe Buildings
<b>15-1-5</b>	Disclaimer on Inspections
<b>15-1-6</b>	Basements; Excavations
<b>15-1-7</b>	Construction Sites; Maintaining Clean Streets
<b>15-1-8</b>	Requirements for All Single-Family Dwellings
<b>15-1-9</b>	Placement of Temporary Signs
<b>15-1-10</b>	Regulation and Permit for Razing Buildings
<b>15-1-11</b>	Fences
<b>15-1-12</b>	Replacement of House Number Signs
<b>15-1-13</b>	Building Permit Fees
<b>15-1-14</b>	Penalties and Violations

### Sec. 15-1-1 Building Code Established.

- (a) **Title.** This Chapter shall be known as the "Building Code of the Town of Warren" and will be referred to in this Chapter as "this Code," "this Chapter" or "this Ordinance."
- (b) **Purpose.** This Chapter provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and/or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished and regulates the equipment, maintenance, use and occupancy of all such buildings and/or structures. Its purpose is to protect and foster the health, safety and well-being of persons occupying or using such buildings and the general public.
- (c) **Scope.**
  - (1) New buildings hereafter erected in, or any building hereafter moved within or into the Town, shall conform to all the requirements of this Chapter except as they are herein specifically exempted from part or all of its provisions. Any major alteration, enlargement or demolition of an existing building is a "new building" to the extent of such change. The provisions of this Chapter supplement the laws of the State of

Wisconsin pertaining to construction and use and the Zoning Code governing the Town and amendments thereto to the date this Chapter was adopted and in no way supersede or nullify such laws and the said Zoning Code.

- (2) This Code applies to all dwellings, commercial buildings/structures, swimming pools, residential garages, structures, buildings, agricultural buildings, and residential accessory buildings. Not included are children's play structures (however, zoning setback requirements must be complied with).
- (3) For purposes of this Chapter, an "agricultural building" is defined as a building on a parcel on which fifty percent (50%) or a significant portion of personal income is derived from farming operations.

## **Sec. 15-1-2 Building Permits and Inspection.**

### **(a) Permit Required.**

- (1) **General Permit Requirement.** No building of any kind shall be moved within or into the Town of Warren and no new building or structure, or any part thereof, shall hereafter be erected, or ground broken for the same, or enlarged, altered, moved, demolished, razed or used within the Town, except as herein provided, until a permit therefor shall first have been obtained by the owner, or his/her authorized agent, from the Building Inspector or his/her designee. Prior to commencing any of the following work, the owner or his/her agent shall obtain a valid permit for:
  - a. New 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. Permits are required for replacement of in-kind major building HVAC equipment including furnaces, central air conditioners, water heaters, other major pieces of equipment, and plumbing, venting, electrical or gas supply systems when altered.
  - e. Permits are not required for window replacement, re-roofing, installation of cabinetry, and minor repair as deemed by the Building Inspector. However, unless structural calculations are provided, no more than two (2) layers of roofing shall be installed on a roof.
  - f. Any electrical wiring for new construction; a permit is required when electrical service is upgraded.
  - g. Any HVAC for new construction, and which meets pertinent code requirements when replaced, upgraded or remodeled.
  - h. Any plumbing for new construction, and which meets pertinent code requirements when replaced, upgraded or remodeled.
  - i. Exempt are normal repairs performed in Subsection (a)(1)e-h.

- (2) **Alterations and Repairs.** The following provisions shall apply to buildings altered or repaired:
- a. **Alterations.** When not in conflict with any regulations, alterations to any existing building or structure accommodating a legal occupancy and use but of substandard type of construction, which involves either beams, girders, columns, bearing or other walls, room, heating and air condition systems, arrangement, light and ventilation, changes in location of exit stairways or exits, or any or all of the above, then such existing construction shall be made to conform to the minimum requirements of this Chapter applicable to such occupancy and use and given type of construction.
  - b. **Repairs.** 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 existence of any exit stairways, or exits, fire protection, or exterior aesthetic appearance and which do not increase a given occupancy or use, shall be deemed minor repairs and no permit shall be required.
  - c. **Alterations When Not Permitted.** When any existing building or structure, which, for any reason whatsoever, does not conform to the regulations of this Chapter, has deteriorated from any cause whatsoever to an extent greater than fifty percent (50%) of the equalized value of the building or structure, no alterations or moving of such building or structure shall be permitted. Any such building or structure shall be considered a menace to public safety and welfare and shall be ordered vacated and thereafter demolished and debris removed from the premises. Such determination will be made by the Building Inspector, who may seek the assistance of the Assessor.
  - d. **Alterations and Repairs Required.** When any of the structural members of any building or structure have deteriorated from any cause whatsoever to less than their required strength, the owner of such a building or structure shall cause such structural members to be restored to their required strength; if such restoration work is not done, the building or structure shall be considered a menace to public safety and shall be vacated and thereafter no further occupancy or use of the same shall be permitted until the regulations of this Chapter are complied with.
  - e. **Extent of Deterioration.** The amount and extent of deterioration of any existing building or structure shall be determined by the Building Inspector, who shall make a recommendation to the Town Board.
- (b) **Application.** Application for a building permit shall be made in writing upon a form furnished by the Building Inspector or his/her designee and shall state the name and address of the owner of the land and also the owner of the building if different, the legal description of the land upon which the building is to be located, the name and address of the designer, the use to which said building is to be put and such other information as the Building Inspector may require.

- (c) **Access.** If the property is not located on an existing Town highway, proof of a recorded ingress/egress easement shall also be provided.
- (d) **Utilities Required.**
  - (1) **Residential Buildings.** No building permit shall be issued for the construction of any residential building until a sanitary permit has been issued to service the property for which the permit is required and a receipt for payment of electrical hookup is presented to the Building Inspector.
  - (2) **Non-Residential Buildings.** Non-residential buildings over one hundred twenty (120) square feet require all necessary Town permits.
  - (3) **Commercial Buildings.** Local permits are required.
  - (4) **Final Inspection/Occupancy Permit.** A final inspection is required. An occupancy permit will be issued upon request.
- (e) **Plans.** With such application, there shall be submitted two (2) complete sets of plans and specifications, one (1) to the Building Inspector and one (1) posted on-site [one (1) set will be returned upon a satisfactory final inspection], including a plot plan showing the location and dimensions of all buildings and improvements on the lot, both existing and proposed, dimensions of the lot, dimensions showing all setbacks of all buildings on the lot, water courses or existing drainage ditches, easements or other restrictions affecting such property, seal and signature of surveyor or a certificate signed by the applicant and a construction erosion control plan setting forth proposed information and procedures needed for control of soil erosion, surface water runoff and sediment disposition at the building site. The Building Inspector may require written proof of proper monumentation.
- (f) **Minor Repairs.** The Building Inspector may authorize minor repairs or maintenance work on any structure or to heating, ventilating or air conditioning systems installed therein with a fair market value of less than One Thousand Dollars (\$1,000.00), as determined by the Building Inspector, including market value of labor, which do not change the occupancy area, exterior aesthetic appearance, structural strength, fire protection, exits, light or ventilation of the building or structure without issuance of a building permit.
- (g) **Approval of Plans.**
  - (1) If the Building Inspector determines that the building will comply in every respect with all Ordinances and orders of the Town and all applicable laws and orders of the State of Wisconsin, he/she shall issue a building permit which shall state the use to which said building is to be put, which shall be kept and displayed at the site of the proposed building in a location viewed from the road. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above-mentioned Ordinances, laws or orders, or which involves the safety of the building or the occupants, except with the written consent of the Building Inspector.
  - (2) In case adequate plans are presented for part of the building only, the Building Inspector, at his/her discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building.

- (h) **Permit Lapses.** A building permit shall lapse and be void unless building operations are commenced within six (6) months or if construction has not been completed within twenty-four (24) months from the date of issuance thereof.
- (i) **Revocation of Permits.**
- (1) The Building Inspector or the Town Board may revoke any building, plumbing or electrical permit, certificate of occupancy, or approval issued under the regulations of this Chapter and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:
    - a. Whenever the Building Inspector shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with and that the holder of the permit refused to conform after written warning of construction has been issued to him/her.
    - b. Whenever the continuance of any construction becomes dangerous to life or property.
    - c. Whenever there is any violation of any condition or provisions of the application for permit or of the permit.
    - d. Whenever, in the opinion of the Building Inspector, there is inadequate supervision provided on the job site.
    - e. Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
    - f. Whenever there is a violation of any of the conditions of an approval or occupancy given by the Building Inspector for the use of all new materials, equipment, methods or construction devices or appliances.
  - (2) The notice revoking a building, plumbing or electrical certificate of occupancy or approval shall be in writing and may be served upon the applicant of the permit, owner of the premises and his/her agent, if any, and on the person having charge of construction.
  - (3) A revocation placard shall also be posted upon the building, structure, equipment or premises in question by the Building Inspector.
  - (4) After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this Chapter, shall be procured and fees paid therefor, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this Chapter. However, such work as the Building Inspector may order as a condition precedent to the reissuance of the building permit may be performed, or such work as he/she may require for the preservation of life and safety.
- (j) **Report of Violations.** Town officers shall report at once to the Building Inspector any building which is being carried on without a permit as required by this Chapter.

- (k) **Display of Permit.** Building permits shall be displayed in a conspicuous place on the premises which can be viewed from the road where the authorized building or work is in progress at all times during construction or work thereon.

### **Sec. 15-1-3 State Uniform Dwelling Code Enforcement.**

(a) **Adoption of Codes.**

- (1) The following Wisconsin Administrative Codes and subsequent revisions are adopted for municipal enforcement:

Chs. COMM 16-17	Electrical Code
Chs. COMM 20-25	Uniform Dwelling Code
Ch. COMM 26	Inspection Certification
Chs. COMM 67	Rental Unit Energy Efficiency
Chs. COMM 69	Barrier Free Design
Ch. COMM 70	Historic Building Code
Chs. COMM 81-86	Uniform Plumbing Code

- (2) Chapters COMM 50 through COMM 66, Wis. Adm. Code (Wisconsin State Building Code), COMM 75-79, Wis. Adm. Code (Existing Buildings Code) and COMM 70, Wis. Adm. Code (Historic Building Code) are hereby adopted and made a part of this Chapter with respect to those classes of buildings to which this Building Code specifically applies. Any future amendments, revisions and modifications of said Wisconsin Administrative Code provisions incorporated herein are intended to be made a part of this Code. A copy of said Wisconsin Administrative Code provisions and amendments thereto shall be kept on file in the office of the Building Inspector.
- (3) By virtue of adopting COMM 61.05, Wis. Adm. Code, the following codes are also adopted and incorporated by reference:
- IBC.** The *International Building Code®* – current version, subject to the modifications specified in COMM 61-62, Wis. Adm. Code.
  - IECC.** The *International Energy Conservation Code®* – current version, subject to the modifications specified in COMM 63, Wis. Adm. Code.
  - IMC.** The *International Mechanical Code®* – current version, subject to the modifications specified in COMM 64, Wis. Adm. Code.
  - IFGC.** The *International Fuel Gas Code®* – current version, subject to the modifications specified in COMM 65, Wis. Adm. Code.
- (4) Any act required to be performed or prohibited by an Administrative Code provision incorporated herein by reference is required or prohibited by this Chapter. Any future amendments, revisions or modifications of the Administrative Code provisions

incorporated herein are intended to be made part of this Chapter to secure uniform statewide regulation of one (1) and two (2) family dwellings in this Town. A copy of these administrative code provisions and any future amendments shall be kept on file in the Town Building Inspector's Office.

(b) **Existing Buildings.** The "Wisconsin Uniform Dwelling Code" shall also apply to buildings and conditions where:

- (1) An existing building to be occupied as a one (1) or two (2) family dwelling, which building was not previously so occupied.
- (2) An existing structure that is altered or repaired.
- (3) Additions and alterations, regardless of cost, made to an existing building constructed post-1980 as deemed necessary by state law shall comply with the requirements of this Chapter for new buildings. The provisions of Section 15-1-2 shall also apply.
- (4) Additions and alterations —Any addition or alteration, regardless of cost, made to a building shall be made in conformity with applicable Sections of this Chapter.

(c) **Definitions.** As used herein:

- (1) **Addition.** New construction performed on a dwelling which increases the outside dimensions of the dwelling.
- (2) **Alteration.** A substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.
- (3) **Department.** The Wisconsin Department of Commerce (formerly the Department of Industry, Labor and Human Relations).
- (4) **Dwelling.**
  - a. Any building, the initial construction of which is commenced on or after the effective date of this Chapter which contains one (1) or two (2) dwelling units;  
or
  - b. An existing structure, or that part of an existing structure, which is used or intended to be used as a one (1) or two (2) family dwelling.
- (5) **Minor Repair.** Repair performed for maintenance or replacement purposes on any existing one (1) or two (2) family dwelling which does not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection or exterior aesthetic appearance and which does not increase a given occupancy and use. No building permit is required for work to be performed which is deemed minor repair.
- (6) **One (1) or Two (2) Family Dwelling.** A building structure which contains one (1) or separate households intended to be used as a home, residence or sleeping place by an individual or by two (2) or more individuals maintaining a common household to the exclusion of all others. Included are "community living arrangements".
- (7) **Person.** An individual, partnership, firm or corporation.

(d) **Method of Enforcement.**

- (1) **Certified Inspector to Enforce.** The Building Inspector and his/her delegated representatives are hereby authorized and directed to administer and enforce all of the

provisions of the Uniform Dwelling Code. The Building Inspector (or state-provided inspector or contract certified inspector) shall be certified for inspection purposes by the Department in each of the categories specified under Sec. COMM 26.06, Wis. Adm. Code.

- (2) **Subordinates.** The Building Inspector may appoint, as necessary, subordinates as authorized by the Town Board.
- (3) **Duties.** The Building Inspector shall administer and enforce all provisions of this Chapter, the Uniform Dwelling Code and all other duties as assigned by the Town Board.
- (4) **Inspection Powers.** The Building Inspector or an authorized certified agent may at all reasonable hours enter upon any public or private premises for inspection purposes and may require the production of the permit for any building, plumbing, electrical or heating work. No person shall interfere with or refuse to permit access to any such premises to the Building Inspector or his/her agent while in performance of his/her duties. If inspection access is denied, the Building Inspector may seek an inspection warrant from a circuit court.
- (5) **Records.** The Building Inspector shall perform all administrative tasks required by the Department under the Uniform Dwelling Code. In addition, the Building Inspector shall keep a record of all applications for building permits in a file for such purposes and shall regularly number each permit in the order of its issue. Also, a record showing the number, description and size of all buildings erected indicating the kind of materials used and the cost of each building and aggregate cost of all one (1) and two (2) family dwellings shall be kept. The Building Inspector shall provide the Town Board a monthly report of permits issued.

#### **Sec. 15-1-4 Unsafe Buildings.**

Whenever the Building Inspector or Town Board find any building or part thereof within the Town of Warren to be, in their judgment, so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human occupancy or use and so that it would be unreasonable to repair the same, they shall order the owner to raze and remove such building or part thereof or, if it can be made safe by repairs, to repair and make safe and sanitary, or to raze and remove at the owner's option. Such order and proceedings shall be as provided in Sec. 66.0413, Wis. Stats.

#### **Sec. 15-1-5 Disclaimer on Inspections.**

The purpose of the inspections under this Chapter is to improve the quality of housing in the Town of Warren. The inspections and the reports and findings issued after the inspections are

not intended as, nor are they to be construed, as a guarantee. In order to so advise owners and other interested persons, the following disclaimer shall be applicable to all inspections under this Chapter: "These findings of inspection contained herein are intended to report conditions of noncompliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical systems or the closed structural and nonstructural elements of the building and premises. No warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied."

### **Sec. 15-1-6 Basements; Excavations.**

- (a) **Basement Subflooring.** First floor subflooring shall be completed within sixty (60) days after the basement is excavated.
- (b) **Fencing of Excavations.** The owner of any premises on which there exists an opening or excavation which is located in close proximity to a 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 before workers leave the job site.
- (c) **Closing of Abandoned Excavations.** 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 a 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, Wis. Stats.

## **Sec. 15-1-7 Construction Sites; Maintaining Clean Streets.**

Town streets, roads and alleys are to be kept clean of dirt and debris from all construction sites. The primary contractor for any construction project shall be responsible for sweeping streets of debris within twenty-four (24) hours of the incident. The Town of Warren will clean said street(s) if the work is not done within twenty-four (24) hours of the incident; and charge the current established costs to the contractor for the work. Failure to pay said costs within thirty (30) days of receipt of the billing shall be deemed a violation of this Section, and be subject to the penalty provisions of Section 1-1-6.

## **Sec. 15-1-8 Requirements for All Single-Family Dwellings.**

- (a) **Definitions.** The following definitions shall be applicable in this Section, and generally in this Chapter unless superseded by a more specific definition:
- (1) **Manufactured Home.** A dwelling, structure or component thereof as defined in Section 101.91(2), Wis. Stats., fabricated in an off-site manufacturing facility for installation or assembly at the building site and bearing a HUD label or insignia certifying that it is built in compliance with the federal manufactured housing construction standards established and set forth under 42 U.S.C. Sec. 5401-5426.
  - (2) **Mobile Home.** A vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction, which has an overall length in excess of forty-five (45) feet. "Mobile home" includes the mobile home structure, its plumbing, heating, air conditioning and electrical systems, and all appliances and all other equipment carrying a manufacturer's warranty.
  - (3) **Dwelling Unit.** A residential structure or portion thereof, used as a home, residence or sleeping place by one (1) person or by two (2) or more persons maintaining a common household, to the exclusion of all others. Boarding houses, camping trailers, hotels, recreational motor homes, and motels are not a dwelling unit.
  - (4) **Travel Trailer.** A transportable structure, being equal to or greater than eight (8) feet in width (not including the overhang of the roof) and equal to or less than forty-five (45) feet in length (not including the overhang of the roof), built on a chassis and designed to be used as a dwelling without a permanent foundation when connected to the required utilities.
- (b) **Purpose.** The purpose of this Section is to serve as an amendment to the Uniform Dwelling Code (UDC), and such Town ordinances adopting the UDC, for the purpose of establishing uniform design standards governing dwelling units.

(c) **Preemption.**

- (1) **HUD Code Preemption.** To the extent a manufactured home complies with the HUD code, and carries the HUD seal or insignia of compliance, preempted provisions of the State Uniform Dwelling Code shall not apply. However, all other requirements of the State Uniform Dwelling Code, and this Chapter, to the extent not preempted by the HUC code, shall apply to manufactured homes.
- (2) **UDC Compliance.** Mobile homes shall comply with all provisions of the State Uniform Dwelling Code, this Chapter and all other applicable state and local building regulations and codes.

(d) **Uniform Application.** These development standards shall be applied uniformly to all dwelling units.

(e) **Development Standards and Requirements.** All single-family dwellings within the Town of Warren shall meet the following minimum development standards. The development standards shall apply to all zoning districtss within the Town of Warren where housing is allowed:

- (1) **Minimum Floor Area.** A minimum enclosed floor area of not less than nine hundred (900) square feet shall be required for all single-family dwellings unless a higher area is required by the Zoning Code.
- (2) **Minimum Width.** A minimum width of twenty-four (24) feet, exclusive of attached garage(s), carport or open deck, shall be required for all single-family dwellings.
- (3) **Minimum Wall Width.** A minimum wall construction shall be required for all living space meeting applicable Code requirements.
- (4) **Foundation.** All single-family dwellings shall be attached to a permanent enclosed full perimeter foundation or other Code compliant system in accordance with Sec. 70.1043, Wis. Stats., and Subchapters III, IV and V of COMM 21, Wis. Adm. Code. The permanent full perimeter foundation shall consist of either cement block, cement wall, ground treated wood foundation with a minimum 2" x 8" stud walls and treated plywood wall, or cement slab with full perimeter frost footings, 2" x 6" minimum knee-walls.
- (5) **Utilities.** All single-family dwellings shall be properly connected to utilities, and permits, including, but not limited to, water, sewer, and electricity. In the event water or sewer hook ups are not available, the single-family dwelling shall install a septic system and well which complies with all applicable County and State health regulations. All permits shall be obtained including without limitation permits for site improvements, electrical service and driveways.
- (6) **Skirting.** All single-family dwellings, which have a gap between the floor of the structure and the foundation, shall have at least 2" x 6" load bearing perimeter sufficient skirting to prevent the infestation of pests and other noxious animals.
- (7) **Manufacturer's Instructions.** All single-family dwellings shall be installed in accordance with the manufacturer's instructions, if any.

(f) **Mobile and Manufactured Homes Generally; Travel Trailers.**

- (1) **Failure to Meet Standards.** Manufactured and mobile homes not meeting these standards shall not be permitted in the Town of Warren.

- (2) **Travel Trailers.** Travel trailers may be stored on premises only, not to be occupied, except on an occasional basis or permit, subject to Subsection (g) below.
- (g) **Mobile Home Regulations.**
- (1) **General Placement Regulations.** No mobile home shall be allowed in the Town of Warren except as expressly provided herein and then only with a permit issued by the Town of Warren. No mobile home parks shall be permitted within the Town of Warren.
- (2) **Single Mobile Home Placement on Farms.**
- a. The Town of Warren may issue written permits allowing the location of a mobile home for placement on a farm of not less than forty (40) tillable acres if:
    1. The mobile home has a minimum of six hundred (600) square feet of living area (12' x 55');
    2. The mobile home is placed upon a permanent foundation consisting of either cement block, cement wall, ground treated wood foundation with minimum 2" x 8" stud walls and treated plywood walls, or cement slab with frost footings and pillars or posts for support and 2" x 6" minimum knee-walls;
    3. The person to whom such permit is granted shall be subject to taxes as levied by the Town; and
    4. The permit is issued to the landowner for an employee for said farm. For this purpose, at least fifty-one percent (51%) of such employee's household income must be derived from the farm.
  - b. No more than one (1) mobile home shall be permitted on any single farm.
  - c. Unincorporated residential areas under the jurisdiction of the Town of Warren shall abide by the mobile home regulations of the Town of Warren.
  - d. In the event of a fire or natural disaster to a present dwelling, a special permit for a mobile home may be granted for a period of time not to exceed twelve (12) months. An exception is also allowed for the temporary use of a mobile home for a period not to exceed six (6) months during the construction of a new home. Temporary mobile homes used for construction of new homes or to be used until damaged homes can be replaced may have safety tie downs without a permanent foundation..
  - e. All abandoned mobile homes within the Town of Warren shall be condemned and removed from the premises. An abandoned home shall be defined as being unoccupied for twelve (12) months.
  - f. Any action toward the removal of wheels, except of the temporary purposes of repair, or other action to attach the mobile home to the ground by means of posts, piers or foundation shall subject the mobile home to the requirements of any building codes as well as this regulation.
  - g. Applications for a mobile home permit shall be made to the Town Clerk-Treasurer and are subject to Town Board approval. Notification shall be made

to the Town Assessor within five (5) days and shall be accompanied by the inspection fee prescribed in Sec. 1-3-1. The application shall provide the following information:

1. The name and address of the occupants of the home.
  2. Intended purpose of stay at requested location.
  3. The exact location of the premises.
  4. The name of the owner and occupant of any dwelling on the premises, and the owner's and/or occupant's permission to locate a mobile home on those premises.
  5. Proof of compliance with pertinent zoning regulations and a sanitary permit issued by St. Croix County.
- (3) **One Year Exception.** The Town Board may grant up to a one (1) year exception to the provisions of this Section while the landowner is constructing a dwelling in full compliance with the UDC.

## **Sec. 15-1-9 Placement of Temporary Signs.**

### **(a) Garage/Rummage Sale Signs.**

- (1) For purposes of this Section, a "garage/rummage sale" is a general sale open to the public, conducted from or on a residential premises, for the purpose of disposing of personal property, including but not limited to all sales entitled rummage, garage, lawn, yard, porch, room, backyard, or patio.
- (2) Garage sale signs may not have an area more than six (6) square feet with a maximum of two (2) faces. Garage sale signs shall identify the location of the sale and must be located off of a public street right-of-way.
- (3) No garage sale sign may be located on utility poles, traffic control devices or on property of or the adjoining right-of-way of property for which the owner of has not given explicit permission for its location. No such sign shall be placed in a manner creating a visibility or traffic hazard.
- (4) No garage sale sign shall be displayed more than two (2) days before the sale or one (1) day following the sale.
- (5) No more than two (2) garage sale signs may be located at the sale site and no more than four (4) garage sale signs may be located off the sale site, except that three (3) signs are permitted on corner lots, with one (1) facing each street.
- (6) Signage for garage sales may be erected no more than six (6) times per year at any residence, for a total of not more than eighteen (18) days in that calendar year.

- (b) **Temporary Construction Safety Signs.** Temporary signs erected by public utility companies or construction companies to warn of dangerous or hazardous conditions are permitted.

- (c) **Real Estate Signs.** One (1) sign per street frontage may be placed on the offered property and shall not be more than nine (9) square feet in size for a residential property or more than thirty-two (32) square feet in area for non-residential property. Such signs may be imprinted on both sides. The sign may only advertise the sale, rental or lease of the premises upon which it is located and contain the name and/or logo of the real estate company or individuals, and their respective addresses and telephone numbers, posting the sign. Such signs shall be removed within fifteen (15) days after the sale, rental or lease of the property.
- (d) **On-Premises Temporary and/or Portable Signs In Residential Districts.** Temporary or portable signs under thirty-two (32) square feet for the purpose of an on-site open house, model home demonstration, special event such as a birthday or anniversary are permitted. Such signs may be erected up to thirty (30) days prior to the event and shall be removed within fifteen (15) days after the event.
- (e) **Portable Signs/Message Boards In Non-Residential Districts.** Portable signs and message boards on non-residential parcels shall be limited in use to seven (7) days at a time, following approval from the Building Inspector. The Building Inspector shall not approve placement of such sign if it presents a vision obstruction. Such signs shall not be displayed more frequently than six (6) times per calendar year, not more than seven (7) days at a time. The maximum size of a portable sign/message board shall be ten (10) square feet on each face, back to back.

## **Sec. 15-1-10 Regulation and Permit for Razing Buildings.**

- (a) **Demolition Permit Required.** All persons who demolish or cause to be demolished any structure or part of a non-agricultural structure larger than four hundred (400) square feet within the Town of Warren shall apply for and obtain a demolition permit from the Building Inspector prior to undertaking any steps to demolish the structure. The Assessor shall be notified by the Town of the issuance of a razing permit.
- (b) **Application.** An application for a permit to demolish all or part of a building shall include the following information:
  - (1) The name and address of the owner of the building on date of application and, if different, on date of demolition;
  - (2) The name, address and telephone number of the contractor(s) performing the demolition work;
  - (3) The date upon which demolition is to commence;
  - (4) The date by which demolition shall be complete;
  - (5) A list of all hazardous waste and hazardous and toxic substances (as defined by NR 181.12 and 158.03(4), Wis. Adm. Code as amended from time to time) contained in the building, a statement as to whether the building contains asbestos [as defined by

Sec. 140.04(1)(a), Wis. Stats.], and a detailed description of the method to be used in removing, transporting and disposing of any hazardous waste, hazardous and toxic substances, and asbestos;

- (6) A detailed description of how and where the waste materials resulting from the demolition will be transported and disposed of (including the description of the route to be used by trucks in hauling the waste);
  - (7) A description of the method of demolition to be used; and
  - (8) A description in detail of all methods to be used to prevent water runoff and soil erosion from the site to neighboring properties and to prevent releasing unreasonable amounts of dust from the site;
  - (9) Along with the application for permit for demolition, the applicant shall present a release from all utilities serving the property, stating that their respective service connections and appurtenant equipment such as meters and regulators have been removed or sealed and plugged in a safe manner.
- (c) **Demolition.** The demolition shall be conducted in a manner that is safe and that does not adversely affect the environment.
- (d) **Clearing and Leveling the Site.**
- (1) 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.
  - (2) 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/her 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.
  - (3) It shall be unlawful to fill any such excavation without inspection and approval of the Building Inspector. Voids in filled excavations shall not be permitted. In the event of the unavailability of the Building Inspector to conduct an inspection within the seventy-two (72) hours after written notice; the permit holder, owner or his/her agent may retain the services of a certified, qualified municipal inspection service to obtain an opinion that approves filling of the excavation. Said opinion shall be deemed a sufficient approval by the Town provided that a written copy of the opinion is delivered to the Town Clerk-Treasurer at least forty-eight (48) hours before filling of the excavation commences.
- (e) **Removal and Disposal.** 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.

(f) **Miscellaneous Provisions.**

- (1) A snow fence or other approved barricade shall be provided as soon as any portion of the building is removed and shall remain during razing operations.
- (2) Razing permits shall lapse and be void unless the work authorized thereby is commenced within six (6) months from the date thereof or completed within thirty (30) days from the date of commencement of said work. Any unfinished portion of work remaining beyond the required thirty (30) days must have special approval from the Building Inspector.
- (3) All debris must be hauled away at the end of each week for the work that was done on that week. No combustible material shall be used for backfill, but shall be hauled away. There shall not be any burning of materials on the site of the razed building. [See Wisconsin Department of Natural Resources regulations].
- (4) If any razing or removal operation under this Section results in, or would likely result in, an excessive amount of dust particles in the air creating a nuisance in the vicinity thereof, the permittee shall take all necessary steps, by use of water spraying or other appropriate means, to eliminate such nuisance.
- (5) The permittee shall take all necessary steps, prior to the razing of a building, through the employment of a qualified person in the field of pest control or by other appropriate means, to treat the building as to prevent the spread and migration of rodents and insects therefrom during and after the razing operations.

## **Sec. 15-1-11 Fences.**

(a) **Definitions.** The following words and terms shall have the meanings herein provided in this Section:

- (1) **Arbor.** A decorative solid or latticework structure or trellis which is used as an entrance focal point along a barrier which serves the purpose of a fence.
- (2) **Berm.** A mound of earth higher than the final elevation of a lot.
- (3) **Fence.** An enclosed barrier or vertical screen device consisting of wood, stone, vinyl or metal intended to limit ingress or egress and/or provide privacy and containment. This definition also includes, but is not limited to, trellises, railings and walls around the perimeter of a property.
- (4) **Fence, Agricultural/Farm.** A fence meeting the agricultural fence standards of Chapter 90, Wis. Stats., consisting of wire strands, high tensile strands or other types of material used for agricultural purposes meeting the statutory requirements.

- (5) **Fence, Architectural or Aesthetic.** A fence constructed to enhance the appearance of the structure or the landscape.
  - (6) **Fence, Boundary.** A fence placed on or within five (5) feet of the property lines of adjacent properties.
  - (7) **Fence, Good Neighbor.** A fence constructed of solid or spaced boards where the face boards are installed at the center of the posts so that the fence looks the same from both sides.
  - (8) **Fence, Protective.** A fence constructed to enclose a hazard to the public health, safety and welfare.
  - (9) **Install, Installation, Installed.** To construct, erect, install, place, or replace over sixteen (16) lineal feet.
  - (10) **Lot, Double Frontage.** An interior lot having street frontage on the front and the rear of the lot.
  - (11) **Trellis.** A frame or structure of open latticework.
- (b) **Fence Permit Required.** No person shall install a residential or commercial fence in the Town of Warren without first obtaining a fence permit from the Town, including special purpose fences under Subsection (n), paying the required permit fee prescribed by the Town, and complying in all respects with the terms and conditions of this Section. A fence permit shall be valid only for the term of issuance, unless sooner revoked. A fence permit is not required for painting, maintenance, or repair or replacement of less than sixteen (16) lineal feet of a fence within a five (5) year period or for an agricultural/farm fence totally on an agriculturally-zoned property. A fence permit may include reasonable conditions required by the Town. A fence permit application shall be filed with the Town and include the following:
- (1) Payment of the permit fee and completed application forms required by the Building Inspector or Town Board.
  - (2) A drawing, site plan or plat map displaying property boundaries, the location of buildings and structures on the property, the proposed location of the fence and its distances from other structures on the parcel.
  - (3) Accurate design information for the proposed fence, including height and materials to be utilized.
  - (4) If the fence is proposed to be installed on leased or rented property, the written consent of the owner.
- (c) **Responsibilities of Applicant; Location Determination.**
- (1) The property owner installing a fence is solely responsible for ensuring that the fence is properly located on his/her property, and is in compliance with height, setback, vision clearance and materials requirements. If uncertainty exists regarding the actual location of lot lines, it is the applicant's responsibility to secure a lot survey.
  - (2) The applicant is responsible for complying with any private subdivision covenants or deed restrictions or utility easement(s) restrictions, including any applicable plan review/approval requirements.

- (d) **Fence Installation General Requirements.** No residential or commercial fence shall be installed except in strict compliance with this Section, permit conditions, and the following:
- (1) Prior to fence installation, the applicant shall contact Diggers Hotline service to have the project site marked.
  - (2) Structural and support components of a fence shall face internally into the applicant's lot, facing away from adjacent properties. Fences shall be installed with the finished side facing adjacent properties or the public right-of-way. Fence posts shall be located on the inside of the fence facing the property on which the fence is located, except when the style of fence is of a design commonly known as a "Good Neighbor Fence."
  - (3) Fences shall be installed plumb and the top finish of the fence shall be uniform. Fences shall follow the contour of the ground to the extent practical. Adjustments for grade shall occur at the bottom of the fence.
  - (4) Fence height shall be measured from the surface of the ground immediately below the fence. Berms, retaining walls or other methods to raise the elevation of the fence site shall require approval by the Building Inspector or Town representative prior to installation. The height of fences and walls shall be measured vertically from the finished grade on the exterior side of the fence. Raising the finished grade by placing fill solely for the purpose of adding additional height to a fence is prohibited. If a fence is placed on a berm, the berm shall be included in the height of the fence and the height will be measured vertically from the base of the berm.
- (e) **Approved Fence Materials.**
- (1) Fences located in side and/or rear yards of residential/commercial parcels shall be constructed using materials suitable for residential-style fencing, including, but not limited to: brick, fieldstone, wrought iron, vinyl, chain link [with a required top rail support and a minimum nine (9) gauge thickness], split rail wood, stockade or board-on-board wood.
  - (2) Residential/commercial front yard fences shall be fifty percent (50%) open (see-through) and be of wrought iron, picket or split rail design. Chain link fencing is permitted in side or rear yards only and its use is not permitted in residential front yards.
  - (3) Agricultural/farm fences (woven wire, barbed wire) shall only be permitted in the Agricultural-Residential District or agriculturally-zoned or use districts, as determined by the Town, and shall comply with Ch. 90, Wis. Stats.
  - (4) No fence shall be constructed of used, discarded or scrap materials in disrepair, including, but not limited to, pallets, tree branches/stumps, crates, vehicle parts, refuse or other similar items. Materials not specifically manufactured for fencing, such as doors, railroad ties, landscape timbers or utility poles shall not be used in fences. Fences shall not be constructed of luminous materials or smooth or corrugated metal materials.
  - (5) All fences, including privacy fences, shall only be painted or stained in neutral colors.

- (f) **Modifications to Existing Fences.** All modifications to a pre-existing residential/commercial fence shall comply with this Section. Any existing fence shall not be enlarged, extended or replaced for more than sixteen (16) linear feet in a three (3) year period except in compliance with this Section.
- (g) **Height and Placement of Residential Fences Regulated.**
- (1) Residential fences six (6) feet or less in height are permitted on rear and side lot lines, but shall not continue beyond the front of the principal structure or the required front yard setback, whichever is furthest from the street right-of-way. Residential fences less than or equal to three (3) feet in height are permitted in the street yard setback area but shall not be closer than two (2) feet to any public right-of-way.
  - (2) In any residential district or on any lot or premises, the principal use of which is for residential purposes, no lengthwise fence or other lengthwise barrier or obstruction shall be erected, placed, installed or reinstalled in any area where there is a distance between main residential buildings of ten (10) feet or less.
  - (3) No fence or wall shall be erected, placed or maintained along a lot line on any non-residentially zoned property, adjacent to a residentially zoned property, to a height exceeding eight (8) feet.
- (h) **Setback for Residential Fences.** Fences in or adjacent to a residential property (or property primarily residential in use) are permitted along lot lines with a minimum one (1) foot side and rear yard setback. Fences may be constructed alongside lot lines but shall not extend into the front setback area as extended to the side lot lines.
- (i) **Industrial/Commercial Security Fences.** Security fences are permitted on the property lines in all districts except residential districts, but shall not exceed eight (8) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
- (j) **Corner Lot Vision Clearance Requirements.**
- (1) In order to provide adequate vision clearance on corner lots, no fence shall be erected or maintained within the triangular space formed by two (2) intersecting street, alley, or driveway (public or private) property lines and a line joining points on such property lines (or projections thereof) located less than:
    - a. A minimum of twenty (20) feet from the intersection of the two street property lines;
    - b. A minimum of fifteen (15) feet from the intersection of the two alley or secondary access property lines; or
    - c. A minimum of ten (10) feet from the intersection of the two driveway property lines.
  - (2) Street or alley property lines are measured from the right-of-way or easement lines establishing such street or alley. Driveway lines are measured from the easement establishing such driveway, or, in the case of no easement, from the edge of the driveway surface.
- (k) **Prohibited Fences.**
- (1) No fence shall be constructed which is of a dangerous condition, or which uses barbed wire, provided, however, that barbed wire may be used in industrially zoned areas if

the devices securing the barbed wire to the fence are eight (8) feet above the ground or height and project toward the fenced property and away from any public area.

- (2) Although fences which conduct electricity or are designed to electrically shock are generally prohibited except on agricultural parcels, such fences using smooth wire are allowed for the limited purpose of deer control if located five (5) feet from a lot line.
  - (3) No woven, twisted, welded or interlaced wire fence, such as using chicken wire, shall be located in a non-industrial or non-agricultural district, unless such fencing is ornamental in character.
  - (4) No wood-slat or plastic snow fence shall be permitted as a regular use in a Residential District, except as a temporary use under Subsection (m).
  - (5) No fence shall consist solely of fence posts or be maintained as an incompletely constructed fence consisting only of posts and supporting members.
- (l) **Residential/Commercial Fences to be Repaired; Corrective Action.**
- (1) All fences shall be maintained and kept safe and in a state of good repair, and the finished side or decorative side of a fence shall face adjoining property. Fences shall be maintained in a manner as to prevent rust, corrosion and deterioration, so as not to become a public or private nuisance, and so as not to be dilapidated or a danger to adjoining property owners or the public. Fences shall not create an appearance of patchwork, which is indicative of a state of disrepair. Every fence installed shall be maintained by the owner in such a way that it will remain plumb and in good repair.
  - (2) Any existing fences which do not conform to the requirements of this Section and which are damaged, or in need of repair to the extent that exceeds fifty percent (50%) of the then value of the fence, said entire fence shall either be completely dismantled or reconstructed in compliance with the provision of this Section.
  - (3) All new and existing fences shall be maintained in such a manner so as not to allow rust, dents or deterioration to take place. Failure to maintain a fence in good condition and repair will result in the Town issuing an order to the property owner to take whatever steps are necessary to correct the condition. Said notice shall set forth a reasonable time for compliance and shall set forth a notice that failure to comply will result in a violation and with a penalty set forth in Section 1-1-6.
- (m) **Temporary Fences; Permit Not Required.**
- (1) Fences erected for the protection of planting or to warn of construction hazards, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four (4) foot intervals. Such fences shall comply with the setback requirements set forth in this Section. The issuance of a permit shall not be necessary for temporary fences as described herein, but said fences shall not be erected for more than forty-five (45) days.
  - (2) This Section is not intended to regulate seasonal or temporary fences such as garden or snow fences except that such fences shall be removed when the condition or season for the said fence was erected no longer exists.

(n) **Special Purpose Fences.**

(1) **Pet Enclosures; Dog Runs.** Pet enclosures and dog runs shall be permitted in residential districts subject to the following conditions:

- a. A fence permit is required prior to installation of a pet enclosure or dog run.
- b. No pet enclosure or dog run shall be in excess of two hundred and fifty (250) square feet in area, or be more than six (6) feet in height above the surface of the ground.
- c. Pet enclosures and dog runs may be constructed of any material permitted for a residential fence.
- d. No pet enclosure or dog run shall be constructed contrary to required vision clearance area requirements.
- e. Pet enclosures and dog runs shall be located no closer than ten (10) feet to a side or rear lot line, and shall not be located to the front of the principal structure.

(o) **Nonconforming Fences.** Any residential/commercial fence existing on the effective date of this Chapter and not in conformance with this Section may be maintained, but alterations, modifications or improvements of more than fifty percent (50%) of said fence shall require the owner to bring the fence into compliance with this Section.

## **Sec. 15-1-12 Replacement of House Number Signs.**

All property owners are required to have a house number sign according to the St. Croix County Numbering System. Replacement of all house number signs, both material and labor, will be the responsibility of the property owner. The Town will send a written notice to the property owner informing him/her of a violation. If the house number sign was knocked down or removed, the owner must reinstall it. If the house number sign was stolen or destroyed, the Town or its agent will install a new sign and bill the property owner. All bills will be sent under statutory special charge provisions. Bills not paid by November 1st of any year will be added to the tax bill of the property owner the following year.

## **Sec. 15-1-13 Building Permit Fees.**

- (a) **One- and Two-Family Dwellings.** Fees for one- and two-family dwellings shall be established by the Building Inspector, subject to review and approval by the Town Board.
- (b) **Work Without a Permit.** Permit fees shall be doubled when work is commenced without proper building permits.

## **Sec. 15-1-14 Penalties and Violations.**

- (a) Any building or structure hereafter erected, enlarged, altered or repaired or any use hereafter established in violation of the provisions of this Chapter shall be deemed an unlawful building, structure or use. The Building Inspector shall promptly report all such

violations to the Town Board and Town Attorney who shall bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure or the establishment of such use of buildings in violation of this Chapter or to cause such building, structure or use to be removed and may also be subject to a penalty as provided in general penalty provisions of the Code of Ordinances. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Building Inspector or other Town officials constitute a defense. Compliance with the provisions of this Chapter may also be enforced by injunctive order at the suit of the owner or owners of any real estate within the jurisdiction of this Chapter.

- (b)
  - (1) If an inspection reveals a noncompliance with this Chapter, the Building Inspector shall notify the applicant and the owner, in writing, of the violation to be corrected. All cited violations shall be corrected within thirty (30) days after written notification unless an extension of time is granted by the Building Inspector.
  - (2) If, after written notification, the violation is not corrected within thirty (30) days, a stop-work order may be served on the owner or his or her 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.
  - (3) Each day each violation continues after the thirty (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 Chapter.
  - (4) If any construction or work governed by the provisions of this Chapter is commenced prior to the issuance of a permit, double fees shall be charged.
- (c) Any person feeling aggrieved by an order or a determination of the Building Inspector may appeal from such order or determination to the Town Board. Those procedures customarily used to effectuate an appeal to the Town Board shall apply.
- (d) Except as may otherwise be provided by the Statute or Ordinance, no officer, agent or employee of the Town of Warren charged with the enforcement of this Chapter shall render himself/herself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his/her duties under this Chapter. Any suit brought against any officer, agent or employee of the Town as a result of any act required or permitted in the discharge of his/her duties under this Chapter shall be defended by the legal representative of the Town until the final determination of the proceedings therein.