

Chapter 10 BUILDINGS AND BUILDING REGULATION

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State Law reference— Enforcement of building codes, Wis. Stats. § 60.61(1m); village powers, Wis. Stat. § 60.22(3); razing buildings, Wis. Stats. § 66.0413; regulation of industry, buildings, and safety, Wis. Stats. § 101.01 et seq.; one- and two-family dwelling code, Wis. Stats. § 101.60 et seq.; electrical wiring and electricians, Wis. Stats. § 101.80 et seq.; multifamily dwelling code, Wis. Stats. § 101.971 et seq.

ARTICLE I. IN GENERAL

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Sec. 10-1. Purpose.

This chapter provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and use of materials in buildings or structures hereafter constructed, enlarged, altered, moved, converted to other uses or demolished and regulates the equipment, maintenance, use and occupancy of all buildings or structures, not covered by the state residential or commercial code.

(Ord. of 4-22-1998, § 3.01(A))

Sec. 10-2. Building inspector certification required.

Any building inspector retained or employed by the town board shall be certified as specified in Wis. Stats. § 101.66(2).

(Ord. No. 3.01, § 2, 5-21-1980)

Sec. 10-3. Penalties and enforcement.

- (a) Any person violating any provision of this chapter, including those provisions of the Wisconsin Statutes, Wisconsin Administrative Code, and other materials, which are incorporated by reference, shall upon conviction thereof forfeit not less than \$25.00 and not more than \$500.00 and the cost of prosecution, including reasonable attorneys' fees, and in default of payment of such forfeiture and the cost of prosecution shall be imprisoned in the county jail until payment of such forfeiture and the costs of prosecution, but not exceeding 90 days for each violation. However, in no case shall the forfeiture imposed for a violation of any provision of this section exceed the maximum fine for the same offense under the laws of the state. Each day that a violation continues shall constitute a separate offense.
- (b) The town board shall also provide for the enforcement of the Code and all other laws and ordinances relating to buildings by means of the withholding of building permits, imposition of forfeitures and injunctive action.
- (c) The town shall be permitted to tear down new construction done in violation of this chapter and the cost of such demolition shall be borne by the violator.

(Ord. No. 3.01, § 6, 5-21-1980; Ord. of 4-22-1998, § 3.06(A))

Sec. 10-4. Other enforcement methods.

- (a) Whenever any building work is being done contrary to the provisions of this Code, or in an unsafe or dangerous manner, the town may order the work stopped by posting on the job site a placard to that effect and such work shall not be recommenced until authorized.
- (b) Whenever any building is being used or occupied contrary to the provisions of this Code, the town shall order such use or occupancy discontinued and the building or portion thereof vacated, by notice served on any person using or causing such use, and such person shall comply with the notice.

(Ord. of 4-22-1998, § 3.06(B))

Secs. 10-5—10-47. Reserved.

ARTICLE II. BUILDING CODES AND REGULATIONS

Sec. 10-48. Scope and applicability.

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Sec. 10-48. Scope and applicability.

- (a) No building or structure shall be constructed, installed, altered, repaired, or removed, nor shall the equipment of a building, structure or premises be constructed, installed, altered, repaired or removed, except in conformity with this Code, and with orders of the inspector or other designated town official issued thereunder.
- (b) When the use of a building or structure is changed and the requirements for the new use are more stringent than those for the previous use, then such building or structure shall be made to comply with the requirement for the new use, as provided in this Code.

(Ord. of 4-22-1998, § 3.01(B))

Sec. 10-49. Uniform Dwelling Code adopted.

Except as otherwise specifically herein provided, the provisions of Wis. Admin. Code chs. SPS 320—325 & 327,, commonly known as the uniform dwelling code, describing standards and inspection procedures for one- and two-family dwellings and manufactured buildings, are hereby adopted and incorporated herein by reference as though fully set forth. Any future amendments, revisions, or modifications of the code adopted in this section are also incorporated herein and are intended to be made a part of this section. The adopted chapters are further identified as follows:

Wis. Admin. Code § SPS 320 Administration and Enforcement.

Wis. Admin. Code § SPS 321 Construction Standards.

Wis. Admin. Code § SPS 322 Energy Conservation.

Wis. Admin. Code § SPS 323 Heating, Ventilating, and Air Conditioning Standards.

Wis. Admin. Code § SPS 324 Electrical Standards.

Wis. Admin. Code § SPS 325 Plumbing Standards.

Wis. Admin. Code § SPS 327 Camping Units

(Ord. No. 3.01, § 1, 5-21-1980)

Sec. 10-50. Commercial building standards adopted.

- (a) Except as otherwise specifically herein provided, the provisions of Wis. Admin. Code chs. SPS 360 and 361-366, commonly known as the commercial building code, describing standards and inspection procedures for all commercial buildings are hereby adopted and incorporated herein by reference, as though fully set forth. Any future amendments, revisions, or modifications of the code adopted in this section are also incorporated herein and are intended to be made a part of this section. The adopted chapters are further identified as follows:

Wis. Admin. Code § SPS 360 Erosion Control, Sediment Control and Stormwater Management.

Wis. Admin. Code § SPS 361 Administration and Enforcement.

Wis. Admin. Code § SPS 362 Buildings and Structures.

Wis. Admin. Code § SPS 363 Energy Conservation.

Wis. Admin. Code § SPS 364 Heating, Ventilating and Air Conditioning Standards.

Wis. Admin. Code § SPS 365 Fuel Gas Appliances.

Wis. Admin. Code § SPS 366 Existing Buildings.

- (b) Any act which is required to be performed or is prohibited by the code adopted in this section is also required or prohibited by this section.

(Ord. of 4-22-1998, § 3.01(C))

Sec. 10-51. Plumbing code adopted.

- (a) Except as otherwise specifically herein provided, the provisions of Wis. Admin. Code chs. SPS 381—386, commonly known as the plumbing code, are hereby adopted and incorporated herein by reference as though fully set forth. Any future amendments, revisions or modifications of the code adopted in this chapter are also incorporated herein, and are intended to be made a part of this section. The adopted chapters are further identified as follows:

Wis. Admin. Code § SPS 381 Definitions and Standards.

Wis. Admin. Code § SPS 382 Design, Construction, Installation, Supervisions, Maintenance, and Inspection of Plumbing.

Wis. Admin. Code § SPS 383 Private Onsite Wastewater Treatment Systems.

Wis. Admin. Code § SPS 384 Plumbing Products.

Wis. Admin. Code § SPS 385 Soil and Site Evaluations.

Wis. Admin. Code § SPS 386 Boat and On-Shore Sewage Facilities.

- (b) Any act which is required to be performed or is prohibited by the code adopted in this chapter is also required or prohibited by this section.

Sec. 10-52. Electrical code adopted.

- (a) Except as otherwise specifically herein provided, the provisions of Wis. Admin. Code ch. SPS 316, commonly known as the electrical code, are hereby adopted and incorporated herein by reference as though fully set forth. Any future amendments, revisions or modifications of the code adopted in this section are also incorporated herein and are intended to be made a part of this section.
- (b) Any act which is required to be performed or is prohibited by the provisions of the adopted code is also required or prohibited by this section.

Sec. 10-53. Garage construction required on certain dwellings.

No building permit shall be issued for the construction of a one- or two-family dwelling, unless the construction includes a garage with dimensions of not less than 16 feet by 22 feet. This provision shall apply to new construction, as well as existing dwellings that are moved to a new location.

(Ord. of 5-7-1997, § I)

Sec. 10-54. Extensive alterations and repairs.

- (a) When an existing building is damaged by fire or other cause, or if alterations and repairs are made to an extent of 50 percent or more of the equalized value of the building before such damage or alteration, the entire building or structure shall be made to comply with the requirements of this Code for new buildings. If the cost of such alterations or repairs is less than 50 percent of the equalized value of the buildings, the building inspector shall determine to what degree the portions so altered or repaired shall be made to conform to the requirements of this Code.
- (b) The owner or contractor shall erect roofed passageways extending over public thoroughfares at least seven feet high, the roof of which shall be not less than a double thickness of two-inch thick lumber when construction or repair work may endanger the traveling public.

(Ord. of 4-22-1998, § 3.04(E))

Sec. 10-55. Required Access.

- (a) No building permit for construction shall be granted unless either the property abuts with a minimum frontage of 40 feet onto a dedicated public highway that has been constructed and opened for travel, or the property has an access easement that has been approved by the Town Board.

(Ord. of 4-22-1998, § 3.04(A))

Sec. 10-56. Maintenance of buildings and structures.

- (a) Every building and structure heretofore or hereafter erected, and the permanent building equipment thereof, shall be kept in good repair and safely and sanitarily maintained, and to that end the inspection department may require the repair or removal of any building or structure or part thereof which has become deteriorated, is unsanitary, has been damaged by fire or other means, is improperly or poorly fastened, is left open and unguarded, is deficient in exit facilities, which constitutes a fire hazard, or is required by this Code and now missing; or may issue any orders necessary to maintain the conditions of safety and habitability required by this Code.
- (b) In case there shall be, in the opinion of the inspection department, actual and immediate danger of failure or collapse of a building or structure or portion thereof, so as to endanger life or property, the department may cause the necessary work to be done to render said building or structure or portion thereof, temporarily safe. The expense thereof may be recovered from the owner, and may be applied as a special charge on the owner's real estate tax bill.
- (c) When a building or structure or portion thereof is in an unsafe condition so that life is endangered thereby, the inspection department may order the occupants to vacate the same forthwith, and may when necessary for the public safety, temporarily close sidewalks, streets, buildings, structures, and places adjacent to such building or structure, and prohibit the same from being used.

(Ord. of 4-22-1998, § 3.04(B))

Sec. 10-57. Drainage of roof water.

It shall be unlawful to deposit roof water, or water of any kind, directly upon any public street, alley, or sidewalk or any public land, or to construct or maintain any device which will deposit such water directly upon public land, unless the public land is designed for the purpose of drainage.

(Ord. of 4-22-1998, § 3.04(C))

Secs. 10-58—10-89. Reserved.

ARTICLE III. PERMITS

Sec. 10-90. Building permit required.

Sec. 10-91. County zoning permit required.

Sec. 10-92. Inspections and prerequisite approvals.

Sec. 10-93. Plans and specifications.

Sec. 10-94. Deteriorated or damaged buildings.

Sec. 10-96. Posting of permits.

Sec. 10-97. Permit and inspection fees.

Sec. 10-98. Fees doubled for violations.

Sec. 10-99. Statement and payment of fees; receipt for fees.

Secs. 10-100—10-126. Reserved.

Sec. 10-90. Building permit required.

No person shall build or cause to be built any one- or two-family dwelling, any commercial building or any addition or remodeling to such a dwelling or commercial building, without first obtaining a building permit for such construction. Building permits shall be issued by the building inspector in accordance with the codes adopted in this chapter and upon payment of a permit fee as established by the town board.

(Ord. No. 3.01, § 4, 5-21-1980)

Sec. 10-91. County zoning permit required.

The application for a town building permit shall be accompanied by a validly issued county zoning permit.

Sec. 10-92. Inspections and prerequisite approvals.

Before the issuance of any permit for the moving of a building or structure into or within the town, the building inspector shall inspect the building or structure to determine its structural fitness for the move and any additions, alterations or improvements necessary for compliance with this chapter. All county zoning, health and sanitation permits or other necessary approvals must be obtained before a permit is issued.

(Ord. of 4-22-1998, § 3.05(A))

Sec. 10-93. Plans and specifications.

All applications for building permits shall be accompanied by specifications and plans, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact size and location on the lot of the buildings existing, and the lines within which the buildings or structure shall be erected or altered, and such other information as may be necessary to determine compliance with all building codes and

regulations. At the discretion of the building inspector, the submission of plans and specifications for private garages, small sheds or small, unimportant work may be waived.

(Ord. of 9-6-1995, § 1)

Sec. 10-94. Deteriorated or damaged buildings.

No permits shall be issued for the moving of any building or structure that has deteriorated or been damaged to a greater extent than 50 percent of its assessed value.

(Ord. of 4-22-1998, § 3.05(B))

Sec. 10-96. Posting of permits.

Issuance of a permit shall include delivery of a permit placard which shall be posted in a conspicuous place on the building or premises where the work is being done, and easily accessible for notation of inspections.

(Ord. of 4-22-1998, § 3.02(C))

Sec. 10-97. Permit and inspection fees.

Building permit, inspection, and reinspection fees shall be as provided in the town fee schedule.

(Ord. of 5-5-1993, § I; Ord. of 3-6-1996; Ord. of 4-22-1998, § 3.01(D); Ord. No. 632004, 6-3-2004)

Sec. 10-98. Fees doubled for violations.

Double fees will be charged for anyone failing to take out the necessary permits as required by this article if additional work is thereby created for the town by such failure.

(Ord. No. 3.01, § 5, 5-21-1980)

Sec. 10-99. Statement and payment of fees; receipt for fees.

The building inspector or other designated town official shall issue a statement of required fees, which shall be filed with the town treasurer for payment thereof made by the applicant. The applicant shall present to the building inspector or other designated town official the receipt of the town treasurer showing the payment of all required fees, and shall thereupon be issued the permit.

(Ord. of 5-5-1993, § I; Ord. of 3-6-1996; Ord. of 4-22-1998, § 3.01(D))

Secs. 10-100—10-126. Reserved.

ARTICLE IV. SWIMMING POOLS

Sec. 10-128. Definitions.

Sec. 10-129. Plans to be submitted.

Sec. 10-130. Design, construction, safety, and health requirements.

Sec. 10-131. Violations constituting public nuisance.

Secs. 10-132—10-160. Reserved.

Sec. 10-128. 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:

Swimming pool means a body of water in an artificial or semi-artificial receptacle, whether located indoors or outdoors, used or intended to be used for the purpose of swimming or diving. The same shall not be deemed to cover wading pools that have a depth of 18 inches or less. The term shall include any pool of any size, volume, permanent or portable, which is intended for swimming or diving and which serves the town, motels, hotels, clubs, associations, schools, charitable or youth organizations, institutions, or other similar type of accommodations, also those installed on private residential property containing ten or more dwelling units and also those installed on private residential property containing less than ten dwelling units and which are over 18 inches in wall height and have a surface area of 250 square feet or more or have a volume of 2,000 gallons or more.

(Ord. No. 19, § I, 10-6-1981)

Sec. 10-129. Plans to be submitted.

- (a) Plans and specifications submitted with an application for a permit for construction, alteration, addition, remodeling or other improvements to a swimming pool shall include plans (including a profile drawn to scale showing all dimensions), capacity of pool, and proposed location of pool and fences on the tract of land.
- (b) The application for a permit together with the plans and specifications required hereunder shall be submitted to the town clerk together with a permit fee in the amount established by the town board.
- (c) The plans and specifications shall be reviewed by the town building inspector to ascertain whether they comply with the design, construction, safety and health requirements of this article. If the town building inspector determines that all design, construction, safety and health requirements are satisfied he shall notify the town clerk who shall issue the permit requested.
- (d) In the event a permit is denied for failure to comply with the construction, design, safety and health requirements of this article, the applicant may appeal said decision to the town board which shall act as a board of appeal with regard to the permit denial.

(Ord. No. 19, § II, 10-6-1981)

Sec. 10-130. Design, construction, safety, and health requirements.

All swimming pools shall be constructed in accordance with the following design, construction, safety, and health requirements:

- (1) The material for the lining of artificial swimming pools shall be light in color and such as will provide a tight tank with smooth and easily cleaned surfaces.
- (2) When the walls of a pool exceed two feet in height, the walls shall be vertical for a minimum of two feet. Conspicuous markings shall show the depth of the points where the slope of the bottom

of the pool changes, except that such markings shall not be required for pools of generally uniform depth.

- (3) The pool shall be completely surrounded by a walkway at least four feet in width and sloping away from the pool for drainage if said pool is underground.
- (4) There shall be a complete recirculation of water through all parts of a pool. The chemical quality of pool water shall be measured by tests for pH value and chlorine residuals. A free chlorine residual of at least 0.6 ppm and a pH above 7.2 shall be maintained. The person in charge of the pool shall have available a test kit having a chlorine residual range of 0.3 to 3.0 ppm and pH range between 6.8 and 8.4. Chlorinating equipment shall be operated so as to ensure that proper purification of the water is obtained at all times.
- (5) The owner or operator of a swimming pool shall not permit any person having skin eruptions, infected eyes, nasal or ear discharge, or any communicable disease to use a pool. The water shall at all times be sufficiently clear to be clearly visible from walkways. All reasonable precautions shall be taken to protect bathers from injury. In addition, the ground and facilities of the swimming pool shall be kept clean and in a sanitary condition free from garbage, trash or other refuse. Sediment, visible dirt, fungi, and algae shall not be permitted to accumulate on the side walls, bottom, or surrounding walk areas of the pool.
- (6) All outdoor swimming pools shall be completely surrounded by a fence of not less than four feet in height and of such a construction so as to exclude uninvited children and animals. Said fence shall be at least four feet distant from the perimeter of the swimming pool. Said fence shall be gated and locked so as to exclude uninvited children and animals. In addition, there shall be contained in each swimming pool not being used two separate approved safety flotation devices. A dwelling house or accessory building may be used as part of the fence required herein provided the protection afforded is not less than that afforded by the requirements herein. The water enclosing wall of an above ground pool may be considered as the required fence if such wall is four feet in height, completely exposed, and designed as to make climbing difficult. If the water enclosing wall is to be considered as the fence required herein all braces or other attachments shall be enclosed by a four-foot vertical enclosure, also to be of such nature as to make climbing difficult. In addition all equipment and accessories shall be at least three feet from the pool wall so as to avoid climbing onto said wall. Ladders used for entry to above ground pools shall be adequately safeguarded to prevent unauthorized entry when not in use.

(Ord. No. 19, § III, 10-6-1981)

Sec. 10-131. Violations constituting public nuisance.

The operation and maintenance of a swimming pool in violation of this article shall be considered a public nuisance upon which the town may be entitled to recover damages or abate pursuant to the provisions of Wis. Stats. ch. 823.

(Ord. No. 19, § IV, 10-6-1981)

Secs. 10-132—10-160. Reserved.

ARTICLE V. DEMOLITION OF BUILDINGS

Sec. 10-161. Notification of utility service providers.

Sec. 10-162. Method of demolition.

Sec. 10-163. Clearing of debris; grading.

Secs. 10-164—10-194. Reserved.

Sec. 10-161. Notification of utility service providers.

Before a building can be demolished or removed, the owner or his agent shall notify all utilities having service connections within the building, such as, water, electricity, gas, sewer, and other connections. The wrecking permit shall not be issued until a release is obtained from the utilities provider, stating that the respective service connections and appurtenant equipment, such as, meters and regulators, have been removed or sealed and plugged in a safe manner.

(Ord. of 4-22-1998, § 3.04(D))

Sec. 10-162. Method of demolition.

Whenever a building is demolished, the roof and each upper story shall be taken down before the demolition of the next lower story is begun; no material shall be placed in such a manner as to overload any part of such building in the course of demolition; all brick, stone, timber, and structural parts of each story shall be lowered to the ground immediately upon displacement: all dry mortar, lime, brick dust, plaster, or other flying material shall before and during removal be dampened sufficiently to prevent it from floating or being blown into the street or on adjoining property; and all sidewalks shall be protected by fences and scaffolds as required by this Code for the protection of sidewalks during the erection of buildings.

(Ord. of 4-22-1998, § 3.04(D))

Sec. 10-163. Clearing of debris; grading.

The building site of any building hereafter wrecked shall be properly cleared of debris and rubbish and shall, at the discretion of the building inspector, be properly graded and leveled off to conform with the adjoining grade of the neighborhood.

(Ord. of 4-22-1998, § 3.04(D))

Secs. 10-164—10-194. Reserved.

ARTICLE VI. STRUCTURE NUMBERING

Sec. 10-195. Purpose and intent; numbering plan.

Sec. 10-196. Removal of 9-1-1 number prohibited.

Sec. 10-198. Posts for street address numbers.

Sec. 10-199. Form of numbers.

Secs. 10-200—10-221. Reserved.

Sec. 10-195. Purpose and intent; numbering plan.

The purpose of this article is to require uniform street address numbering to facilitate emergency 9-1-1 response within the town. To that end, the town board has established a uniform numbering plan, a copy of which is available for inspection in the office of the town clerk. To the extent possible, the town shall comply with the county structure number plan.

Sec. 10-196. Removal of 9-1-1 number prohibited.

It shall be unlawful for any person to move, remove or alter any 9-1-1 number sign installed by the town without the express permission of the town board.

(Ord. No. 010500, § 1, 3-1-2000)

Sec. 10-198. Posts for street address numbers.

Posts for street address numbers will be installed by the town for each building within the town that is situated on the town, county, or a state road right-of-way. The posts shall be positioned in a uniform manner, as directed by the town board upon advice of town emergency officials, but not more than eight feet from the driveway of the building to which the number is assigned.

Sec. 10-199. Form of numbers.

The street address numbers shall be applied to the posts by the town in a uniform manner as established by the town board.

Secs. 10-200—10-221. Reserved.

ARTICLE VII. BUILDING MOVING

Sec. 10-222. Permit required; fee.

Sec. 10-223. Inspection required.

Sec. 10-224. Permit application.

Sec. 10-225. Documents to accompany application.

Sec. 10-226. Bond required.

Sec. 10-227. Insurance required.

Sec. 10-228. Moving regulations and requirements.

Sec. 10-229. Report of completion; inspection; street damages.

Secs. 10-230—10-251. Reserved.

Sec. 10-222. Permit required; fee.

No building located in the town shall be moved to another location in the town, and no building located outside the town shall be moved to a location in the town, and no building located in the town shall be

moved to a location outside the town without a permit. The fee for each moving permit shall be as determined from time to time by resolution of the town board.

Sec. 10-223. Inspection required.

No building permit shall be issued for the moving of any building, unless the building has first been inspected by the town building inspector.

Sec. 10-224. Permit application.

An application for a moving permit shall be signed by the applicant and filed with the clerk, and shall set forth, in detail, a description of the building to be moved and the route to be followed in the moving of such building, an estimate of how long the move will take, but no move shall take longer than six months, and, if the building is to be located in the town, shall state the building's use, construction and location and the proposed new location, the substructure that it is to be placed upon, the use intended in the future, the remodeling or renovation planned for such building, and the names and mailing addresses of all of the residents and owners of property located within a radius of 300 feet of the exterior boundary lines of the property upon which the building is to be located.

Sec. 10-225. Documents to accompany application.

At the time of filing an application for a moving permit, the applicant for such permit shall also file with the clerk two accurate photographs of the building at its present location and an accurate plat or survey of the property on which the building is to be located, if the building is to be located in the town. A plat or survey shall also show the proposed location of the building and any existing buildings or other structures thereon. In addition, the applicant shall file a rendering of the final four elevations of the building, its exterior material and its engineered grading and drainage plan.

Sec. 10-226. Bond required.

At the time of filing an application for a moving permit, the applicant for such permit shall also file with the clerk a bond in favor of the town and signed by the applicant, to be approved by the board or its designee, in the sum set by the town board, and:

- (1) Conditioned to save and keep the town harmless from all damages to, and loss of, property of the town, and expenses arising therefrom, which may be incurred by the town by reason of the moving of buildings by the applicant or his contractors, servants, agents or employees.
- (2) Conditioned to save and keep the town harmless from all liability arising by reason of the moving of buildings and to indemnify the town against any and all such judgments, claims, costs, and expenses on account of bodily injury to, or the death of, third persons.
- (3) Conditioned to save and keep the town harmless from all liability arising by reason of moving buildings, and to indemnify the town against any and all such judgments, claims, costs, and expenses by reason of damage to property other than that of the town.
- (4) Conditioned on completion of the move of the building within the time set forth in the application, but not to exceed six months. It shall further be conditioned upon compliance with any and all applicable provisions of this article or town zoning regulations. Such bond will pay for the demolition and disposal of the building to be moved or for the completion of the move if the building is not moved within the time limit as set forth in this subsection.

Sec. 10-227. Insurance required.

At the time of filing an application for a moving permit, the applicant for such permit shall also file with the clerk an insurance policy in the form, and by an insurance corporation, by the terms of which policy the insurance corporation shall assume the liability and obligations of the applicant under the bond, which policy shall further provide, by its specific terms, that it may not be cancelled or otherwise terminated without at least ten days' prior notice to the board or its designee.

Sec. 10-228. Moving regulations and requirements.

- (a) Every person to whom a permit is issued shall notify the building inspector when the actual work of moving the building is to be commenced.
- (b) The moving of any building along any street or alley shall be carried on without interruption during working hours.
- (c) In the moving of any building along busy or crowded streets or alleys, the board or its designee may require the moving of the building to be carried on at nighttime as well as daytime in order to complete the moving process with the least possible obstruction to streets or alleys.
- (d) In every case where it shall be necessary to trim or remove any tree along the route, such trimming or removal shall be done under the supervision of the building inspector. The person receiving the permit shall pay to the building inspector the expense of such inspector and for all labor involved in the trimming or removal of trees along the route.
- (e) No building shall be allowed to remain overnight upon any street crossing or intersection, or so near thereto as to prevent easy access to any fire hydrant.
- (f) Lighted lanterns displaying a red light shall be attached to every building being moved along a street during the period from 30 minutes after sunset to 30 minutes before sunrise. Such lighted lanterns shall be attached to the building, one at each corner, and in every case, lanterns shall not be placed farther apart than 12 feet.

Sec. 10-229. Report of completion; inspection; street damages.

Every person who has moved a building, as provided in this article, shall report to the building inspector and the board or its designee within one day after the building has reached its destination. The board or its designee shall thereupon inspect the streets and alleys over or along which the building has been moved. The board or its designee shall report the damage ascertained by such inspection to the building inspector and the person to whom the permit was issued, and the permit holder shall immediately repair such damage. In every case where the permit holder shall fail to repair the damage to the satisfaction of the board or its designee, the board or its designee shall cause such damage to be repaired and charged against the permit holder.

Secs. 10-230—10-251. Reserved.

ARTICLE VIII. BOARD OF BUILDING APPEALS

Sec. 10-252. Town board to serve as board of appeals.

Sec. 10-253. Meetings.

Sec. 10-254. Rules of procedure.

Sec. 10-255. Procedure for appeals to the board.

Sec. 10-256. Judicial review.

Sec. 10-252. Town board to serve as board of appeals.

The board of building appeals shall consist of the town board.

(Ord. of 4-22-1998, § 3.03(A))

Sec. 10-253. Meetings.

Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. There shall be a fixed place of meeting and all meetings shall be open to the public. Three members constitute a quorum. The chairman or acting chairman may administer oaths and compel the attendance of witnesses.

(Ord. of 4-22-1998, § 3.03(B))

Sec. 10-254. Rules of procedure.

- (a) The board shall adopt its own rules of procedure other than those established by this article and shall keep a record of its proceedings, showing the action of said board and the vote of each member upon each question considered.
- (b) The board may by majority vote reverse a decision of the building inspector.

(Ord. of 4-22-1998, § 3.03(C))

Sec. 10-255. Procedure for appeals to the board.

- (a) Appeal from any action or decision of the building inspector concerning this Code may be made to the board of building appeals within time limits established by the board of building appeals and given to the town clerk.
- (b) The appellant shall file with town clerk a notice of appeal, specifying the grounds thereof. The building inspector and/or town clerk shall transmit to the board of building appeals all papers involved in the appeal.
- (c) The board may reverse, or affirm, or modify the decision or action appealed from. The decision shall be in writing, specifically stating the reasons for the decision, and a copy given to the appellant. The board may also order necessary tests of new or alternate materials or types of construction, at the expense of the appellant, before rendering a decision thereon.
- (d) The board shall have the power to hear and decide appeals where it is alleged there is error in any action or decision of the building inspector concerning this Code, to authorize such variance from the terms of the article as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement would result in practical difficulty or unnecessary hardship, so that the spirit of the article shall be observed, public safety and welfare secured, and substantial justice done.
- (e) An appeal shall stay all proceedings in furtherance of the matter appealed from unless the building inspector shall certify to the board of building appeals that a stay would cause imminent peril to life or property in which case proceedings shall not be stayed, except by order of the board of building appeals after hearing, or by a court of competent jurisdiction after hearing.

(Ord. of 4-22-1998, § 3.03(C))

Sec. 10-256. Judicial review.

- (a) Any person or persons, jointly or severally aggrieved by any decision of the board of appeals, or any taxpayer, or any officer, department, board or bureau of the municipality, may, within 30 days after the filing of the decision in the office of the board of appeals, commence an action seeking the remedy available by certiorari. The court shall not stay proceedings upon the decision appealed from, but may, on application, on notice to the board of appeals and on due cause shown, grant a restraining order. The board of appeals shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof. If necessary for the proper disposition of the matter, the court may take evidence, or appoint a referee to take evidence and report findings of fact and conclusions of law as it directs, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify, the decision brought up for review.
- (b) Costs shall not be allowed against the board unless it shall appear to the court that the board acted with gross negligence or in bad faith, or with malice, in making the decision appealed from.
- (c) All issues in any proceedings under this section shall have preference over all other civil actions and proceedings.