

**Ordinance 2008-5**  
**Town of Ellsworth**  
**Pierce County**  
**Town Building Information Permit Ordinance**

**SECTION I – TITLE AND PURPOSE**

The title of this ordinance is the Town of Ellsworth Building Information Permit Ordinance. The purpose of this ordinance is for the town to have information regarding the type, size, and location of all buildings and structures constructed, reconstructed, or remodeled.

**SECTION II – AUTHORITY**

The town board of the Town of Ellsworth has the authority under s 60.61, WI Stats., and general authority under its village powers under s 60.22, WI Stats., to adopt this ordinance.

**SECTION III – ADOPTION OF ORDINANCE**

The town board, by this ordinance, adopted with a quorum and by a roll call vote by majority of the town board present and voting provides the authority for the town to require the application of a permit for all buildings constructed, reconstructed, or remodeled as provided in this ordinance.

**SECTION IV – DEFINITIONS**

In this ordinance:

1. “Building” means any building or structure and any installation constructed, reconstructed, or remodeled, enlarged, or altered for any use within the town, including but not limited to one-and two-family dwellings, manufactured homes, mobile homes, temporary or seasonal dwellings, garages, agricultural structures, and outbuildings.
2. “Owner” means any person having a legal or equitable interest in a building. “Owner” does not include any person whose legal or equitable interest in a building is a security interest derived solely from the extension of credit to permit construction or remodeling of the building or purchase of the building by a third party.
3. “Town” means the Town of Ellsworth, Pierce County, Wisconsin, and includes the town’s officers, employees, and agents when appropriate.
4. “Town Board” means the Board of Supervisors for the Town of Ellsworth, or any person designated to act for the town board.
5. “Town clerk” means the Clerk of the Town of Ellsworth, or his or her deputy or agent.
6. “WI Stats.” means the Wisconsin Statutes, including successor provisions.

**SECTION V – REQUIREMENT FOR BUILDING INFORMATION**

**A. PROJECTS OUTSIDE THE ETZ (BEYOND 1 ½ MILES OF THE VILLAGE OF ELLSWORTH)**

The owner of any building or structure in the town, unless exempt under this ordinance, shall seek and obtain prior to commencing, or causing the commencement of any construction, installation, remodeling, reconstruction, enlargement, or altering any building or structure within the town:

1. a land use permit from the Pierce County Land Management Office and shall pay all applicable fees to that office for such permit
2. for one- or two-family dwellings or a commercial building, a building permit shall be obtained from the town building inspector. Application for such permit shall be in writing on a form furnished by the building inspector. The building permit applicant shall submit with the application two complete sets of site plans and specifications, one set of blueprints and an erosion control plan, if needed. All fees due are to be paid to the town building inspector at the time the application is filed.

**Exceptions: The following may be done without obtaining a permit from the town building inspector:**

1. Minor repairs or alterations which cost less than \$20,000 and which do not change occupancy area, structural strength, fire protection, exits, natural light, or ventilation. Repairs or alterations that change any one of the above items requires a permit. Repairs and alterations costing more than \$20,000 require a permit.
2. Construction of detached garages or pole sheds, replacement or repair of roofing, siding, replacement of doors.
3. landscaping, not including decks

**B. PROJECTS WITHIN THE ETZ (Extraterritorial Zoning – within 1 ½ miles of Village of Ellsworth limits)**

1. Permits for sanitation system must be obtained from Pierce County Land Management Office
2. Building permits within the ETZ will be issued by the town, either through the town clerk or the town building inspector, but the Village Zoning Administrator shall approve such permits as to proper zoning prior to their issuance. Conditional Use permits within the ETZ shall be referred to the Joint Extraterritorial Zoning Committee for recommendation. Prior to referral to the Joint ETZ Committee, the permit application shall be submitted to the Town Clerk for purpose of obtaining recommendation of the Town Board.
  - A. For construction, installation, remodeling, reconstruction, enlargement, or altering of any building within the Extraterritorial Zone of the Village of Ellsworth
    - a. applicant must first obtain approval from the Village Zoning Administrator and pay any fees if applicable.
    - b. applicant must obtain a building permit from the town building inspector as outlined in Section V.A.2
    - c. for outbuildings such as a detached garage or poleshed, the building permit will be issued by the Town clerk.

**SECTION VI – OTHER REQUIREMENT REMAIN APPLICABLE**

Obtaining a permit as outlined in Section V does not relieve the owner from any of the following:

1. Obtaining any permit that may be required by any other state law or local ordinance, including but not limited to any of the following:
  1. County sanitary permits
  2. Town, county, or state driveway permits
  3. One-and 2-family dwelling code permits per Building Code Ordinance
  4. Any other applicable permit under town or county ordinance or state law
- B. Complying with any other requirement, ordinance, or law, including, but not limited to, those governing zoning, subdivision, land divisions, and setbacks.

**SECTION VII – PENALTIES**

Any person that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$25 nor more than \$100, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the town board may seek injunctive relief from a court of record to enjoy further violations.

**SECTION VIII – SEVERABILITY**

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

**SECTION IX – EFFECTIVE DATE**

This ordinance is effective upon posting.  
The town clerk shall properly post this ordinance as required under Sec. 60.80 of WI Stats.

Adopted this 14th day of April, 2008.

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Barry J Foy, Chair

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Jeffrey Redding

\_\_\_\_\_  
Everett Muhlhausen

Attest: \_\_\_\_\_  
Phyllis J Beastrom, Clerk

Posted: