

ORDINANCE 2020-02

Chapter 14: BUILDING CODE

Town of Oak Grove—Pierce County, Wisconsin

WHEREAS, the Town Board of the Town of Oak Grove deems it expedient and necessary to amend in its entirety Chapter 14 (Building Code) of the Town of Oak Grove Municipal Code;

WHEREAS, the Town Board has authority to make these changes and to adopt a Building Code under authority granted by s. 101.65, Wisconsin Statutes and 101.12, Wisconsin Statutes.

NOW THEREFORE, the Town Board of the Town of Oak Grove does hereby ordain as follows:

Section 1. Chapter 14 of the Municipal Code is hereby repealed.

Section 2. Chapter 14 is hereby recreated to read as follows:

14.01 PURPOSE. The purpose of this Ordinance is to promote the general health, safety and welfare of Town residents, to protect property values, and to promote the uniformity of construction standards by enforcing the adopted Codes.

14.02 ADOPTION OF CODES BY REFERENCE. The Wisconsin Uniform Dwelling Code, Chs. SPS 320-325, and its successors, of the Wisconsin Administrative Code, and all amendments thereto, is adopted and incorporated by reference and shall apply to all buildings within the scope of this ordinance.

The following Wisconsin Administrative Codes, their referenced codes and standards, and subsequent revisions are adopted for municipal enforcement by the building inspector, who shall be commercially certified by the WI Division of Industry Services.

Chs. SPS 360-366	Wisconsin Commercial Building Code
Chs. SPS 375-379	Buildings Constructed Prior to 1914 Code
Chs. SPS 316	Electrical
Chs. SPS 381-387	Plumbing

14.03 SCOPE. This chapter applies to all dwellings, commercial buildings/structures, swimming pools, garages, structures, buildings, and residential accessory buildings.

14.04 BUILDING INSPECTOR. The building inspector authorized by the municipality to enforce the adopted codes shall be properly certified by the Division of Industry Services

14.05 BUILDING PERMIT REQUIRED. No building of any kind shall be moved within or into the town or no new building or structure or any part thereof as defined in section 14.03. shall hereafter be erected, ground broken, enlarged, altered, moved, demolished or used within the town except as herein provided, until a permit therefor shall first have been obtained by the owner or his authorized agent from the Building Inspector.

14.06 EXEMPTIONS FROM PERMIT REQUIREMENT.

(1) Minor repairs or alterations which cost less than \$2500 and which do not change occupancy area, structural strength, fire protection, exits, natural light or ventilation do not require a permit. Repairs or alterations that change any one of the above items require a permit. Repairs and alterations which cost more than \$2500 require a permit. "Cost" refers to the fair market value of construction labor plus materials, not actual cost incurred.

- (2) The restoration or repair of building equipment, such as furnaces, central air conditioners, water heaters, and similar mechanical equipment without the alteration or addition to building or structure.
- (3) Fences or other similar enclosures.
- (4) Re-roofing projects that do not involve the repair or replacement of any structural elements.
- (5) Outbuildings (not including structures larger than 150 square feet-meaning any structure larger than 150 square feet will require a building permit) without a foundation or slab.
- (6) Restoration or repair of an installation to its previous code-compliant condition as determined by the building inspector on a case-by-case basis.
- (7) Residing, finishing of interior surfaces and installation of cabinetry.
- (8) Replacement of same size windows and doors.
- (9) No permit is necessary for landscaping, not including decks.

14.07 APPLICATION PROCESS: ISSUANCE OF PERMIT.

- (1) Application. Application for a Building Permit shall be made in writing upon a form furnished by the Building Inspector. The appropriate building requirements of the Town and, where applicable, the State for the contemplated improvement shall be made available to the permit applicant by the Building Inspector upon request.
- (2) Plans and drawings. 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.
- (3) Driveway permits. The Building Permit applicant shall submit with the application a driveway permit where required. The State DOT issues permit on State roads.
- (4) Approval of plans and issuance of Building Permit. If the Building Inspector determines that the proposed building, addition or alteration will comply in every respect with this Chapter and all other applicable laws and regulations of the Town and the State of Wisconsin, and is not in violation of the Town Subdivision Ordinance or any applicable Town Code or Ordinance provision, the Building Inspector shall conditionally approve the plans and issue a Building Permit. Permits for new one and two-family dwellings shall be twenty-four (24) months. All other permits shall be valid for one (1) year. Permits may be renewed one (1) time for an additional twelve (12) months and paying one-half of the original permit fee. One copy of the approved plan shall be returned to the applicant. The Town or Building Inspector shall retain one copy. After approval, the plans and specifications shall not be altered in any respect governed by this Chapter or the above-mentioned laws or regulations, or which involves the safety of the building or occupants, without first obtaining an amended Building Permit.
- (5) State Uniform Dwelling Code seal. The Building Permit for one or two-family dwellings shall have affixed to it a State of Wisconsin Uniform Dwelling Code seal.
- (6) Fees. Fees shall be submitted to the Building Inspector at the time the application is filed. Fees for plan examination, inspection, driveway permit, variance application and issuance of the Building Permit shall be set from time to time by the Town Board.

(7) Waiver of plans. If the Building Inspector finds that the character of the work is sufficiently described in the application, the filing of plans for alterations or repairs may be waived provided that the cost of such work does not exceed \$2500.

14.07 SWIMMING POOLS.

(1) A permit shall be required for pools with a capacity of 5000 gallons or more.

(2) The application for a building permit for a swimming pool shall show:

(A) The type and size of the pool.

(B) A site plan, to include:

(1) Location of the pool.

(2) Location of the house, garage, fencing, well, drain field and septic tank on the lot.

(3) Location of filter unit, pump and wiring.

(4) Location of back-flush and drainage outlets.

(5) Grading plan, finished elevations and final treatment (decking, landscaping, fences etc.) around pool.

(6) Location of existing overhead or underground wiring, utility easements, trees and similar features.

(3) In one family and two-family districts:

(A) Pools for which a permit is required shall not be located within 25 feet of any side or rear lot line nor within 10 feet of any principal structure or frost footing. Pools shall not be located within any required front yard or within 15 feet of a drainfield or 25 feet of the well.

(B) Pools shall not be located beneath overhead utility lines nor over underground utility lines of any type.

(C) Pools shall not be located in an alternate septic field/drain field site.

(D) Pools shall not be located in or on any easement of any private or public utility, walkway, drainage area or other easement.

(E) For in-ground pools, due precautions shall be taken during the construction period to:

(1) Avoid damage, hazards or inconvenience to adjacent or nearby property.

(2) Assure that proper care shall be taken in stockpiling excavated material to avoid erosion, dust or other infringement onto adjacent property.

(F) To the extent feasible, back-flush water or water from pool drainage shall be discharged on the owner's property or into approved public drainage ways. Water shall not drain onto adjacent or nearby private land without the written permission of the adjacent owner.

(G) The filter unit, pump, heating unit and any other noise-making mechanical equipment shall be located at least 30 feet from any adjacent or nearby residential structure or shall be enclosed in a sound-restrictive enclosure not closer than 25 feet to any lot line.

(H) Lighting for the pool shall be directed into or onto the pool and not onto adjacent property.

(I) In-ground pools or spas shall be completely fenced, before filling, with a fence of at least 4 feet in height. Access to the pool or spa shall be through a gate or gates in the fence equipped with a lock or self-latching device at the top of the gate or gates. There shall be not more than 4 inches between the bottom of the fence and finished grade. Above-ground pools and spas, which have a height of less than 48 inches above finished grade at the pool or spa side, shall be fenced in accordance with the above paragraph. Pools higher than 48" shall be equipped with a ladder capable of being locked in the up position when not in use or approved hard cover.

(J) Water in the pool shall be maintained in a manner suitable to avoid health hazards.

(K) All wiring, lighting, installation of heating unit, grading, and installation of pipes and all other installations and construction shall be subject to inspection by the Building Inspector.

(L) Required safety fencing shall be installed immediately upon completing the pool construction.

(M) There shall be no nuisances created by virtue of the pool, including but not limited to undue noise, light spilling onto adjacent property, health and safety hazards, and damage to nearby vegetation.

(N) The drainage of any pool or spa may not be discharged onto adjoining property or into a sanitary disposal system. The pool or spa may, however, be drained into drainage easements.

14.09 DISAPPROVAL OF PLANS AND DENIAL OF PERMIT.

(1) If the Building Inspector determines that the Building Permit application or plans do not conform to the provisions of this Chapter and applicable Codes or Ordinances, or other requirements, approval shall be denied.

(2) Denial of application. A copy of the denied application, accompanied by a written statement specifying the reasons for denial, shall be sent to the applicant and/or to the owner as specified on the application.

(3) Stamping of plans. Plans and specifications, which do not substantially conform to the provisions of the Building Code, shall be stamped "Not approved." One copy shall be returned to the applicant and one copy retained by the Town.

14.10 PETITIONS FOR VARIANCE. 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.

14.11 TIME LIMIT FOR ACTION ON APPLICATION: POSTING OF PERMIT.

(1) Time for permit issuance. Action to approve or deny a Building Permit application shall be completed within 10 business days of receipt of all of the forms, fees, plans and documents required processing the application.

(2) Posting of permit. The Building Permit and all other permits required by the Town, County, State shall be posted in a conspicuous place at the building site and within view of the adjacent roadway.

14.12 COMPLIANCE WITH PERMIT. All construction must comply with the Building Permit and the plans submitted with the Building Permit application. Any construction that is not authorized by the Building Permit as described in the blueprint, site plan, or plans, or is not listed on the Building Permit application, shall be deemed a violation of the Permit and shall subject the Owner and Applicant to the penalties established in this Chapter.

14.13 REVOCATION OF PERMIT.

(1) If the Building Inspector at any time determines that the provisions of this Chapter are not being complied with and that the holder of the permit, applicant, owner or contractor refuses to conform after a written warning or instruction has been issued, the Building Inspector shall revoke the Building Permit by written notice

posted at the site of the work. The written warning or instruction shall contain a deadline by which the permit holder, owner, and/or contractor must conform to the warning or instruction.

(2) When any permit is revoked, no further work shall be done until the permit is reissued, except such work as the Building Inspector may order as a condition precedent to the re-issuance of the permit or as he may require for the preservation of human life and safety.

14.14 EXPIRATION/LAPSE OF PERMIT. A building permit shall lapse and be void unless construction under the permit is commenced within six months from the date of issuance thereof. Permits issued for single- and two-family dwelling, commercial structures, and/or any alterations and/or additions to these structures for which the estimated construction cost of the alteration or addition exceeds \$100,000, as verified by the R. S. Means Construction Cost Estimation System, shall lapse and be void if the permit purpose has not been fully completed within 24 months from the date of issuance of the permit. Permits issued for any other purpose shall lapse and be void if the permit purpose has not been completed within 12 months of issuance. Once a permit has lapsed, no further work shall be performed under such lapsed permit until such time as a new permit has been issued. Work pursuant to SPS 316 which shall expire within one year of the date of issuance if work has not been commenced.

14.15 INSPECTIONS.

(1) All inspections for the purpose of administering and enforcing the UDC and Town Building Code ordinance shall be performed by a certified inspector who shall conduct inspections according to the respective Codes being applied and enforced.

(2) Notification. The builder (contractor, owner or permit holder as the case may be) shall give the Building Inspector for all inspections required by the Uniform Dwelling Code and the Commercial Building Code, notification under the guidelines set forth in SPS 320.10(b)3, SPS 320.10 (3)(h)2, and SPS 361.41(1).

(3) Witness to inspection. It is recommended that a representative of the developer, contractor, builder or owner be present at each required inspection. It shall be the responsibility of the developer, contractor, builder or owner to coordinate inspection times and dates with the Building Inspector.

(4) Re-inspections. Any re-inspections necessary due to incomplete work or non-complying conditions shall be subject to an additional fee per inspection to be paid in full prior to the issuance of the occupancy permit.

14.16 ENFORCEMENT: RIGHT OF ENTRY.

(1) Except where otherwise provided in this Chapter, the Building Inspector shall have the general management and control of all matters pertaining to building inspection and shall enforce all State laws, this Chapter, and all other Village Ordinances and Code provisions, as well as all lawful orders, relating to the construction, alteration, repair, removal and safety of buildings and other structures, dwellings, public buildings and places of employment in the Village.

(2) The Building Inspector shall have the power and authority, at all reasonable hours, for any proper purpose, to enter upon any public or private premises and make inspection and to require the production of the permit for any building work being done or the required license. No person shall interfere with or refuse to permit access to any such premises to the above described representatives of the Town while in the performance of their duties. Any person who shall willfully or knowingly resist or obstruct the inspector in the performance of his duty shall be guilty of a violation of this Chapter.

14.17 RECORDS AND REPORTS.

(1) The Building Inspector shall maintain a record of all permits issued, which shall be kept on file.

(2) The Building Inspector shall make a monthly and annual written report to the Village Board of all permits issued.

14.18 OCCUPANCY CERTIFICATES. No new building as defined in section 14.03 shall be occupied prior to the issuance of a Certificate of Occupancy. If the property is occupied prior to a final inspection and a certificate of occupancy being issued, the Town shall retain the Road Damage Deposit as required under Sec. 14.23 and the appropriate action shall be taken by the Town to gain compliance. Any costs incurred by the town for inspections, repairs, work or legal expenses shall be retained from the Road Damage Deposit. Any remaining funds shall be returned. Any costs to the Town above the Road Damage Deposit shall be billed to the property owner or become a lien against the property per State Statute. If all requirements of the Town have been complied with at the time the occupancy permit is issued, the Town shall refund the Road Damage Deposit.

14.19 NON-LIABILITY OF TOWN. This Chapter shall not be construed as creating or assuming any liability on the part of the Town or any official or employee thereof for damages to anyone injured or for any property destroyed by any defect in any building or equipment or in connection with any plumbing or electric wiring or equipment.

14.20 VIOLATIONS AND PENALTIES.

(1) The Building Permit fee will be doubled if construction commences prior to issuance of a Permit and a Permit is issued.

(2) The enforcement of this Chapter and all other laws and ordinances relating to the building may be by means of the withholding of Building Permits, imposition of forfeitures and/or injunctive action. Any person, firm or corporation violating any provision of this Chapter shall, upon conviction, forfeit not less than \$100 nor more than \$500 plus the costs of prosecution. Each day a violation continues shall constitute a separate violation.

14.21 PRIVIES, PRIVY VAULTS, AND WATERLESS TOILETS

(1) Requirements. No outdoor privy shall be hereafter erected or maintained where a public or private sewage system is available. Where such system is not available, privy and privy vault construction shall comply with municipal, county, and state standards.

14.22 HEALTH AND SANITATION SYSTEMS

(1) Holding Tanks shall not be permitted within the Town except in cases where existing buildings and uses or legally created lots had a legal installed and operational private onsite waste treatment system that has failed and a new onsite on-site waste treatment system cannot be installed on the site. Before installation of a holding tank, the property owner must obtain all necessary approvals from the Town, Pierce County and the State of Wisconsin, and must provide a pumping agreement along with financial assurances for the maintenance and pumping of a holding tank satisfactory to Pierce County and the Town.

14.23 CONSTRUCTION DAMAGE DEPOSIT

General:

(1) Road Damage Deposit Required. Before a building permit is granted by the building inspector for an residential or commercial construction, the party applying for the permit shall provide to the Town a road damage deposit in the form of either a letter of credit or cash deposit in the amount required by the Town Fee Schedule resolution. The form of the letter of credit shall be subject to the approval of the Town Board.

(2) Use of Road Damage Deposit/Property Owner Responsibility for Repair Damage to Road Caused by Construction. The Town shall hold the letter of credit/cash deposit until the occupancy permit has been issued. If, at the time of occupancy, the roadway has not been damaged and all erosion control measures per Sec. 14.23 (1) have been maintained, the letter of credit/cash deposit shall be returned to the permit holder. If damage to

the roadway has occurred or erosion control measures have not been maintained, the letter of credit/cash deposit shall be held until the roadway has been restored to town standards and the erosion control measures have been completed. If the property owner does not perform the necessary repair or erosion control work within the time set by the town board, the town shall do the work using the letter of credit/cash deposit and, if the town incurs additional expenses, the additional expenses shall be paid by the property owner. If said additional expenses remain unpaid, they shall be certified to the county as a special charge under Wis. Stat. 66.0627 to be assessed against the property and collected along with property taxes. The letter of credit/cash deposit shall be maintained at its full amount throughout the construction process. If the letter of credit/cash deposit is used to make repairs or install erosion control measures before any occupancy permit is issued, a stop work order shall be placed on the construction project until the letter of credit/cash deposit is brought back to its full amount

(1) Erosion Control Measures - Erosion control measures for construction sites must conform to all applicable municipal, county, and state codes.

(A) If violations occur and the required corrections have not been completed in the time frame dictated by municipal, county, and state codes, the Town shall:

1. Place a stop work order on the site
2. Draw on the Construction Damage Bond under Sec 14.12 (2) to complete all necessary corrections and clean up to stabilize the site.
3. Have the Construction Damage Bond brought back to its full amount under Sec. 14.23 (2) and pay for any additional costs the Town may incur. After all costs have been reimbursed to the Town the stop work order shall be lifted and work may commence.

14.24 MOVING PERMIT FOR STRUCTURES

(1) Every permit to move a building with in or into the town shall state all conditions to be complied with, designate the route to be taken and limit of time for removal. The removal of a building shall be continuous during all hours of the day and night, if the building inspector shall so order, until completed, with the least possible obstruction to thoroughfares. Lighted lanterns shall be kept in conspicuous places at each end of the building during the night.

(A) A bond for moving buildings or structures in the sum of not less than \$1,000,000.00 with good and sufficient sureties shall be approved by the town attorney and the town board, conditioned among other things that such party will save and indemnify judgments costs and expenses which may in anyway accrue against the town and will hold the town harmless against all liabilities, judgments, costs and expenses in granting such moving permit. The town attorney and town board may modify this requirement, provided adequate assurances are made financially and in writing to hold the town harmless.

(2) Inspection and repair of streets and highways. Every person receiving a permit to move a building or equipment shall, upon completion of intended purpose, report that fact to the building inspector. The building inspector shall thereupon inspect the streets and highways over which such building has been moved and ascertain their condition. If the moving of such building or equipment has caused any damage to the streets or highways, the mover shall immediately place them in as good repair as they were before the permit was granted, upon failure of &e mover to do so within ten (10) days thereafter to the satisfaction of the building inspector, the town board shall repair the damage done to such streets and highways and hold the sureties of the bond given by the mover responsible for the payment of the same.

(3) Additional requirements. In addition to the foregoing, the following procedures and requirements shall also be complied with;

(A) Upon application for a moving permit being made, the building inspector shall request a meeting of the town board to consider applications of moving permits, which he has found comply in all respects with all other ordinances of the town. The town board may, if it desires, hear the applicant for the moving permit in question and/or the owner of the lot on which it is proposed to locate the building or equipment in question, together with any other persons desiring to be heard, giving such notice of the hearing as the town board may deem sufficient. Such hearing may be adjourned from time to time, but for not more than 48 hours and within 48 hours after the close of the hearing, the town shall in writing make or refuse to make the finding required by subsection hereof and file such finding with the town clerk, who shall send a copy of it to the building inspector.

(B) No such permit shall be issued unless it has been found as a fact by the town board by at least a majority vote, after an examination of the application for the permit which shall include exterior established elevations of the buildings and accurate photographs of all sides and views of the same and in case it is proposed to alter the exterior of such building plans and specifications of such proposed alterations and after a view of the building proposed to be moved and of the site at which it is to be located, that the exterior architectural appeal and functional plan of the building to be moved or moved and altered will not be so at variance with either the exterior architectural appeal and functional plan of the buildings already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district by chapter 17 of this General Code or any ordinance amendatory thereof or supplementary thereto as to cause a substantial depreciation in the property values of such neighborhood within the applicable district. If the applicant proposes to alter the exterior of such building after moving the same, the applicant shall submit with their application papers complete plans and specifications of the proposed alterations. Where the applicant proposes to move and alter a building, the town board shall designate a time within which the alterations must be completed and failure to so complete the alterations shall be a violation of this chapter with each day that the alterations remain uncompleted as a separate violation.

(C) Upon receipt by the building inspector from the town clerk of the finding of the town board approving the granting of the moving permit in question, the building inspector shall issue the permit on the terms specified by the town board, upon the execution of the required forms and payment of the fee.

(D) The moving permit fee shall follow the town building permit fee schedule.

(E) The moving permit shall be prominently displayed at all times on the building to be moved or to be moved and altered, until all conditions established by the town board have been complied with. The moving permit shall be good only for a period of six months from the date of its issuance.

(F) Any person entitled to appeal from the grant of or a refusal of the building inspector to grant such moving permit may appeal to the board of adjustment in the same manner and with the same force and effect as if the provisions of this chapter had not been adopted and the building inspector had taken such action independently of the town board. On an appeal to the board of adjustment, in the absence of proof to the contrary adduced fore the board of adjustment, a refusal to grant the moving permit because of the refusal of the town board to make the finding required by paragraph hereof shall be deemed to be passed upon facts supporting a conclusion that the exterior architectural appeal and functional plan of the building to be moved or to be moved and altered for which a permit was refused would, when moved or when moved and altered, be so at variance with all of the exterior architectural appeal and functional plan of buildings already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district as to cause a substantial depreciation in the property values of the neighborhood within sue applicable district.

(G) Where no moving permit has been issued, each day that the building, which has been moved in violation of this section remains on any site except its original site shall constitute a separate violation.

14.24 RESIDENTIAL STRUCTURE MINIMUM STANDARDS. The following minimum standards must be met for the construction of residential structures with in the Town.

(A) All residential structures shall have a minimum 4:12 pitch roof with minimum 12” 1-foot) overhangs over at least 50% of the building.

(B) A full UDC code compliant basement shall be required. If a residential structure is Constructed on a UDC engineered slab the structure shall be directly connected to and built from the engineered slab.

(C) All structures moved into or within the Town shall be moved according to Section 14.24 of this code. Manufactured home constructed prior to 1976 shall not be moved into or within the Town.

(D) A Sanitary and Zoning permit shall be obtained from the county prior to applying for and obtaining a Town Building Permit.

(E) All residential structures shall have a minimum floor area of 840 square feet and be 24 feet wide.

(F) If a Manufactured Home constructed prior to 1976 ceases to be used for whatever reason it shall be used for no other purpose. If it was legally connected to a sanitary system and electrical power the sanitary system shall abandoned and the abandonment verified by the county. The electrical service shall be disconnected and the abandonment verified by the Town Building Inspector. The removal of the manufactured home shall be removed in a time set by the Town Board.

(G) Replacement of Trailer with one the same size. Town Board Approval- Agricultural farm operations with existing manufactured home may be replaced with approval by the Town Board. The Replacement manufactured home must meet the following:

- (1) Have site and existing connections brought up to current standards; electrical service, septic, well, setbacks, etc.
- (2) The Manufactured Home cannot be increased in size from the existing Manufactured Home being replaced.
- (3) If the Manufactured Home is increased in size it must conform to the requirements of 14.24.

14.25 NONASSUMPTION OF LIABILITY. This chapter shall not be construed as assuming any liability on the part of the town or any official or employee thereof for damages to anyone injured or for any property destroyed by any defect in any building or equipment or in any plumbing or electric wiring or equipment.

14.26 PRIVATE ACCESS ROAD AND DRIVEWAY REQUIREMENTS. These requirements apply to new private road and driveways construction for residential, commercial, industrial and agricultural field access roads. Private road and driveways that may be converted to a fixture public road must conform to chapter 13 of the General Code of the Town of Oak Grove. Persons accessing land abutting a town road shall do so only on a town approved access for which a driveway permit has been issued under this section. This includes accessing vacant land as well as improved land. Existing field road accesses shall be exempt from the permit requirement, providing access to the land abutting the town road is done only using the existing field road access. If no access exists a permit is required to build an access that meets the requirements of this chapter. Construction or alteration of private accesses and driveways requires a driveway permit to be issued by the Town. If a building permit is required, the driveway must be installed in compliance with this section before a building permit is issued by the Building inspector. Private roads or accesses which serve 3 or more residences must meet road standards specified in Section 13 (Road Construction).

(1) Temporary Private accesses and Construction driveways must:

- (A) Conform to all municipal, county, and state requirements
- (B) Have breaker rock (2"-3") a minimum of 6" thick to within 30' of foundation or building pad area.
- (C) Be maintained until completion of the construction project, or if a field access, must be maintained as long as necessary to access the land abutting the town road.
- (D) All parking of equipment, vehicles must be on the breaker rock tracking pad.
- (E) Temporary drive/access roads must be installed and approved before the building permit is issued. Culverts must be installed per 14.26(4) (A) of this ordinance.
- (F) Once the access road/driveway had been installed it must be used at all times to enter and leave the construction site or any land abutting a town road.
- (G) Tracking onto roadways must be cleaned at the end of the work day or before leaving site.

(2) Private Roads and Driveways Must:

- (A) Have a minimum side to side width clearance of 20 feet.
- (B) Have a minimum road base width of 14 feet.
- (C) Have a minimum driving surface of 12 feet
- (D) Have a minimum height clearance of 13.5 feet
- (E) Have a slope no greater than 12 percent unless documentation is obtained stating that slope will not affect public safety providing emergency services.
- (F) Have the first 20 feet from the edge of the highway be near level, but slightly lower than the highway, to allow for water drainage.
- (G) The finished access road/driveway shall have a minimum of six inches of crushed rock installed to the house/garage at time of final/occupancy inspection.
- (H) Intersect with town roads at right angles, except inside cul-de-sacs.
- (I) The sight distance must be a minimum of 500 feet and acceptable to Building Inspector or Town Board.
- (J) Be at least 100 feet from any intersection.
- (K) Be placed not less than 200 feet apart and no closer than 15 feet from the lot line, as measured from the lot line to the nearest edge of the shoulder, ditch, easement, or right of way line, whichever is nearest. Exception is shared driveways.
- (L) Have no more than 1 access per lot or parcel. Exception is agricultural field driveway.

- (3) Private road and Driveway turn around. Private roads and driveways that are over 300 feet in length that ends in a dead end must have an area sufficient for emergency vehicle to turn around. A minimum turning radius of 40 feet is required and acceptable to the Fire Department
- (4) All private roads and driveways must also adhere to these standards
 - (A) Culvert Installation & Design
 - (1) Have a minimum diameter of 15 inches.
 - (2) Be installed at the same grade as preexists.
 - (3) Size culvert for adequate drainage.
 - (4) Be able to carry a weight load of at least 25 tons.
 - (5) Have a minimum length of 24 feet with apron end walls.
 - (6) Culverts must be 16 gauge up to 24 inch diameter.
 - (7) Culverts must be 14 gauge from 25 inches to 36 inches diameter.
 - (B) Plastic Culverts - If Plastic culverts are used the following minimum standards must be met.
 - (1) All Plastic culverts (high density polyethelyn) must be N12 or N12HC or be approved by the Town Engineer or Building Inspector.
 - (2) Meet the requirements of (a) 1-5 above.
 - (3) Have a minimum of 24" of cover
 - (4) Metal end walls must be installed on all plastic culvert ends.
 - (5) Must be installed and used per manufacture specifications
- (5) Proper steps must be taken for erosion control by following Section 628 of the State of Wisconsin Department of Transportation standard specifications of road and bridge construction. SPS 321.125 of the Wisconsin Uniform Dwelling Code and the DNR best management practice handbook. (Ord. No. 14.30,10-20-97)

Sec. 14.27 Modify or Waiver from Private Road and Driveway Standards. The Town Board may waive or modify any requirement of Section 14.26 where in the judgment of the Town Board, it would be inappropriate to apply literally the provisions of Section. 14.26. The following procedures shall apply to any request for modification or waiver of the requirements of section 14.26:

- (1) Town review. The Plan Commission and Town Board shall review the request to modify or waive the requirements of section 14.26. The Plan Commission shall make their recommendation to the Town Board which shall make the final decision on the request.
- (2) Review criteria. For the Town to review and approve the request the applicant must submit in writing the reason for the modification or waiver. The Town shall base the approval on the standards and intent of Section 14.26 along with necessity and safety if the requirements of Section 14.26 cannot be met.
- (3) Submittal requirements: The following information must be submitted to the Town:
 - (A) Written request for modification or waiver of Section 14.26 from the property owner. The written request shall state the reason for the modification; how their site conditions are unique to this site; how the intent of Section 14.26 is being met and facts showing that granting a waiver or modification will not create an unsafe condition.
 - (B) CSM, site plan or plot map shall be submitted showing existing site conditions, driveway location, unique site features, easements, drainage ways, buildings or structures, roads, etc. The CSM, site plan or plot map shall contain sufficient data such as address, street names, site staking or marking identifying driveway or private road changes, etc, for the Town to make onsite visits if necessary and make a proper review and proposal.

(C) Meeting attendance by the applicant/property owner is required for review and approval by the Town. Town residents may be heard at the meetings by the Town to determine if the request should be approved, denied or approved with conditions.

(4) Any person who fails to use an approved access to access property abutting a town road and any owner of the property being accessed shall be responsible for the cost the Town incurs in repairing to the road right of way resulting from the failure to use an approved access. This includes damage to any portion of the road right of way, including the traveled portion of the road, the shoulder or the ditches within the right of way. The Town shall repair the damage and bill the property owner for the cost. If the property owner fails to pay the bill within 15 days, the Town may certify the cost to the Pierce County Treasurer as a special charge and collect it along with property taxes under Wis. Stat. -66.0627. This remedy is in addition to any other remedies the Town may have under Wisconsin law.

14.28 SEVERABILITY. If any provision, article, clause, or portion of this ordinance is found by court of competent jurisdiction to be unconstitutional, invalid or unenforceable for any reason, the remainder of the ordinance shall not be affected thereby.

14.29 EFFECTIVE DATE. This ordinance shall replace Ordinance and be effective ___April 9, 2020_____ upon passage and publication as provided by law.

Adopted by the Town Board this ___16th___ day of ___March_____, 2020_____.

Board Chairperson

Attest:_____.

Published:_____April 9, 2020_____.