

Ordinance No. 2019-06

**An Ordinance Regarding Building, Electrical, Plumbing
and Heating and Ventilation Codes**

The Town Board of the Town of Lucas, Dunn County, Wisconsin, do ordain as follows:

SECTION I. REPEAL AND ADOPTION OF PROVISIONS.

Title 15, Chapter 1 of the Town of Lucas Code of Ordinances regarding Building, Electrical, Plumbing and Heating and Ventilation Codes is repealed and re-adopted to read as follows:

Title 15 ▶ Chapter 1

Building, Plumbing, Electrical, and Heating and Ventilation Code

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Sec. 15-1-1 Building Code Established.

- (a) **Title.** This Chapter shall be known as the "Building Code of the Town of Lucas" 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; Applicability; Statutory Authority.**
 - (1) **Scope.** New buildings hereafter erected in, or any building hereafter moved within or into the Town of Lucas, shall conform to all the requirements of this Chapter except as they are herein specifically exempted from part or all of its provisions. Any

alteration, enlargement or demolition of an existing building and any installation therein of electrical, gas, heating, plumbing or ventilating equipment which affects the health or safety of the users thereof or any other persons 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 of Lucas 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) **Applicability.** This Building Code applies to all dwellings, commercial buildings/structures, swimming pools, residential garages, structures, buildings, and residential accessory buildings. Not included are children's play structures and agricultural buildings (however, zoning setback requirements must be complied with and an electrical permit is required if there is electrical service to the agricultural building). 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.
- (3) **Statutory Authority.** These regulations are adopted under the authority granted by Sec. 101.65, Wis. Stats.

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 Lucas 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 residential, agricultural and commercial buildings, or where fifty percent (50%) or more of the fair market value of a structure is destroyed and it is being repaired or altered.
 - b. Additions that increase the physical dimensions of a building including decks.
 - c. Alterations to the building structure; the cost thereof shall include market labor value, or alterations to the building's heating, electrical or plumbing systems.
 - d. Any electrical wiring for new construction; a permit is required when electrical service is upgraded.
 - e. Any HVAC for new construction, and which meets pertinent code requirements when replaced, upgraded or remodeled.
 - f. Any plumbing for new construction, and which meets pertinent code requirements when replaced, upgraded or remodeled.
 - g. Handicapped ramp construction.
 - h. Exempt are normal repairs performed per Subsection (a)(1)d-g.

- (2) **Buildings Permit Not Required.** Except for commercial buildings, a building permit is not required for the following:
- a. 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.
 - b. Window replacement, re-roofing and finishing of interior surfaces, installation of cabinetry, and minor repairs as determined by the Building Inspector. However, unless structural calculations are provided, no more than two (2) layers of roofing shall be installed on a roof. A building permit is not required for additions of thirty-two (32) square feet or less.
 - c. For any interior or exterior improvements or alterations to an existing building that does not affect a structural change.
- (3) **Commercial Buildings – Permit Required.** A building permit is required for all new construction, alterations or additions of commercial buildings, and mechanical systems for such buildings.
- (b) **Exceptions to Commercial Building Permit Requirements.**
- (1) **Minor Repairs.** The UDC Building Inspector may authorize minor repairs or alterations without a permit that do not change the occupancy, use, area, structural strength, room arrangement, fire protection, access to or efficiency of any existing stairways or exits, light or ventilation of the building.
 - (2) **Cabinetry.** Repair, refinishing or replacement of interior surfaces and installation of cabinetry are exempt from permit requirements.
 - (3) **Restoration.** Restoration or repair of an installation to its previous Code-compliant condition as determined by the UDC Building Inspector is exempt from permit requirements.
 - (4) **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 efficiency of any exist stairways, or exits, fire protection, or exterior aesthetic appearance and which do not increase a given occupancy or use, are considered minor repairs.
 - c. **Alterations and Repairs Required.** When any of the structural members of any residential 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 threat 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.

- (c) **Application; Appropriate Application/Inspection Official.** Application for a building permit shall be made in writing upon a form furnished by the Town, its Building Inspector or designee and shall state the name and address of the owner of the land and also the owner of the building if different, contact information (email address and fax, mailing address, telephone and cellphone numbers), 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 or designee may require. Applications for new one- and two-family residences and additions to existing structures shall be submitted to the UDC-certified Building Inspector or designee.
- (d) **Submission of Plans.**
- (1) **Basic Application Information.** Two (2) sets of building plans shall be submitted to the UDC Building Inspector or designee for any work which expands the size of a building, involves a new building, or as required by the Building Inspector. If a new building or building addition is proposed, then a plot plan showing such proposed work and existing buildings and property lines shall be submitted. A third set of plans may be requested at the discretion of the UDC Building Inspector for the Town Assessor. The UDC Building Inspector may require the owner or contractor to submit plans for any construction, building moving, or demolition project when the UDC Building Inspector determines that it is necessary to review such plans to assure that the proposed project will comply with all applicable codes.
 - (2) **Site Plan.** This Subsection shall apply to any project requiring a permit pursuant to this Chapter which involves any land disturbing activity. The plot plan required in Subsection (d)(1) above shall also show the proposed finished elevation for any structure to be built on the property at issue along with the proposed finished contours of the entire site. This proposed finished elevation shall also be indicated by benchmark(s) set on the property upon which the structure is to be built. These benchmarks shall be referenced to the USGS elevations established throughout the Town. The proposed finished elevation shall be in conformance with any approved grading plan for property in question. In the absence of an approved grading plan, a site plan and the proposed finished elevation shall be determined so as to provide proper drainage from the property to drainage ditches, and/or to a Town street. Any structure constructed on the lot shall be constructed consistent with this approved site plan and finished elevation.
 - (3) **Erosion Control Plan.** 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 shall also be filed if needed for the project.
 - (4) **Scale.** Plans, specifications and plot plans shall be drawn to a minimum scale of one-quarter (1/4) inch to one (1) foot [fireplace details to three-quarters (3/4) inch to one (1) foot].
 - (5) **Filing of Plans.** One (1) set of plans shall be returned after approval as provided in this Chapter. The second set shall be filed in the office of the UDC Building Inspector. Plans for buildings involving the State (Commercial) Building Code shall bear the stamp of approval of the Wisconsin Department of Safety and Professional

- Services (SPS). One (1) plan shall be submitted which shall remain on file in the office of the UDC Building Inspector. All plans and specifications shall be signed by the designer.
- (6) **Additional UDC Requirements.** Plans for all new one (1) and two (2) family dwellings shall comply with the provisions of Chapter SPS 320.09, Wis. Adm. Code.
 - (7) **Foundation Elevation and Location Confirmation.** The UDC Building Inspector shall issue its preliminary building permit as a result of the above submittals, subject, however, to the owner confirming the actual elevations and location of the foundation once it is installed. No further construction work can be completed on the new building until submission of a recertification of the foundation elevations and location, confirming that the foundation elevations and location conform with the original permit and application regulations.
- (e) **Permit Issuance – New Non-UDC Projects.** If the Building Inspector or designee in the case of non-UDC projects determines that the building will comply with all applicable ordinances of the Town and all applicable laws and orders of the State of Wisconsin, the Building Inspector or his/her designee may 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. 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 or designee.
- (f) **Approval of Plans; Permit Issuance for UDC Projects.**
- (1) **Preliminary Foundation Permit.** The UDC Building Inspector shall issue the requested building permit for UDC projects as a preliminary permit to construct the foundation if the owner or contractor demonstrates that all state, county and local submission requirements are satisfied. If a permit card is issued, it shall be posted at the job site in a visible location from the street. A preliminary permit is valid for six (6) months. A preliminary permit may be extended for a specific time frame upon the UDC Building Inspector's approval and payment of appropriate fees.
 - (2) **Recertification; Final Building Permit Issuance.** Upon completion of the foundation, the owner or contractor shall submit data identifying setbacks and elevations. Said information shall be submitted to the UDC Building Inspector who shall review it to determine that local setback and elevation requirements are satisfied. If the existing foundation conforms to the local requirements, a final building permit shall be issued and it shall be posted at the job site in a visible location from the street. A final building permit may be extended for a specific time frame upon the UDC Building Inspector's approval and payment of appropriate fees.
 - (3) **Right of Inspection Access.** By accepting a permit, the applicant, owner or contractor grants the UDC Building Inspector the right of access to the real estate on which the permitted construction or demolition will occur.
 - (4) **Building Permits Conditioned Upon Compliance with Codes.** All permits are issued conditionally on the condition that the owner and/or contractor(s) shall conform to the requirements of all applicable building codes, zoning ordinances and setback requirements on constructing the building. 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.
- (5) **Partial Building Permit.** In case adequate plans are presented for only a part of a UDC-classified building, the UDC Building Inspector, at his/her discretion, may issue a permit for only that part of the building before receiving the plans and specifications for the entire building.
- (g) **Dedicated Street and Approved Subdivision Required.** No building permit shall be issued unless the property on which the building is proposed to be built abuts a road or street that has been dedicated for street purposes. No building permits shall be issued until the subdivision and required improvements are accepted by the Town Board, unless the Town Board has authorized the use of a private road. If a parcel is not located on an existing Town road or Town-approved private road, proof of a recorded ingress/egress easement shall be provided to the Town.
- (h) **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 or Agricultural Buildings.** Building permits are required.
- (i) **Waiver of Plans; Minor Repairs.**
- (1) **Waiver.** If the UDC Building Inspector finds that the character of the work is sufficiently described in the application and involves structural work, he/she may waive the filing of plans for alterations, repairs or moving, provided the cost of such work does not exceed Two Thousand Five Hundred Dollars (\$2,500.00).
 - (2) **Minor Repairs.** The UDC Building Inspector may authorize without issuance of a building permit 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.
- (j) **UDC Inspections.**
- (1) The following UDC inspections shall be requested a minimum of two (2) 8-hour business workdays in advance by the applicant/contractor or property owner as applicable:
 - a. Footing/foundation.
 - b. Rough carpentry, HVAC, electric and plumbing.
 - c. Driantile/basement floor.
 - d. Underfloor plumbing/electric service.
 - e. Insulation.
 - f. Final carpentry, HVAC, electric and plumbing.
 - g. Erosion control.
 - (2) Failure to request any inspection will be the responsibility of the contractor and/or property owner.

- (3) Buildings shall be inspected at such times and in such manner as may be necessary to insure compliance with the laws, codes, ordinances, rules and orders applicable thereto.
 - (4) Electrical, plumbing or HVAC installations shall not be enclosed nor any structural portion of any building or structure be covered or concealed prior to completion of required inspections and approval by the UDC Building Inspector.
 - (5) After approval is granted by the UDC Building Inspector, no portion of any work covered by the inspection or included in such approval shall be altered or changed, except as specifically authorized by the UDC Building Inspector.
 - (6) The provisions and regulations of SPS 320.10, Wis. Adm. Code, with regard to inspections of one (1) or two (2) family dwellings are hereby made a part of this Chapter.
 - (7) The permit applicant or an authorized representative shall request inspections after each phase of construction is completed. However, construction may proceed if the inspection has not taken place by the end of the second business day following the day of notification or as otherwise agreed between the applicant and the UDC Building Inspector.
- (k) **Inspection Warrants.** If the UDC Building Inspector is denied access to inspect a property, he/she may request the Town Attorney to seek an inspection warrant pursuant to Sec. 66.0119, Wis. Stats.
- (l) **Payment of Fees.** All fees shall be paid to the Building Inspector, Town Clerk, or Town Treasurer. Upon presentation of the receipt showing that the fees prescribed by this Chapter have been paid, the Inspector or his/her designee, upon entering upon the application the number of the receipt, shall issue to the owner, or his/her agent, a building permit.
- (m) **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. Building permits for new one (1) or two (2) family dwellings shall expire two (2) years from the date of issuance thereof. Projects with expired permits and without an occupancy permit must be renewed.
- (n) **Revocation of Permits.**
- (1) **Grounds for Revocation.** The UDC Building Inspector or the Town Board may revoke any building, plumbing or electrical permit, HVAC construction or installation, 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 UDC 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 or 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 UDC 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 UDC Building Inspector for the use of all new materials, equipment, methods or construction devices or appliances.
- (2) **Permit Revocation.** 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) **Permit Revocation Placard.** A revocation placard shall also be posted upon the building, structure, equipment or premises in question by the UDC Building Inspector.
 - (4) **Construction Unlawful Following Permit Revocation.** 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 UDC Building Inspector may order as a condition precedent to the reissuance of the building permit may be performed, or such work as the UDC Building Inspector may require for the preservation of life and safety.
- (o) **Report of Violations.** Town officers shall report at once to the UDC Building Inspector any building which is being carried on without a permit as required by this Chapter.
 - (p) **Display of Permit.** Building permits shall be displayed in a conspicuous place on the premises 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 Adopted.

- (a) **Adoption of Codes.**
 - (1) **Wisconsin Administrative Codes Adopted.** The following Wisconsin Administrative Codes and subsequent revisions pertaining to construction activity are adopted by reference for municipal enforcement and incorporated herein (see also Section 15-1-4):

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| SPS 316 | Electrical Code |
| SPS 320-325 | Uniform Dwelling Code |
| SPS 326 | Manufactured Home Communities |
| SPS 360-366 | Commercial Building, Energy Conservation, and Heating, Ventilating and Air Conditioning Code |
| SPS 367 | Rental Unit Energy Efficiency |
| SPS 375-379 | Buildings Constructed Prior to 1914 |
| SPS 381-387 | Uniform Plumbing Code |

- (2) **Commercial and Pre-1914 Buildings Codes.** Chapters SPS 360 through SPS 366, Wis. Adm. Code (Wisconsin State Commercial Building Code), and SPS 375-379, Wis. Adm. Code (Existing Pre-1914 Buildings 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 with the UDC Building Inspector.

- (3) **Adoption of Additional Codes.** By virtue of adopting SPS 361.05, Wis. Adm. Code, the following codes are also adopted and incorporated by reference:
 - a. **IBC.** The *International Building Code*®, subject to the modifications specified in SPS 361-362, Wis. Adm. Code.
 - b. **IECC.** The *International Energy Conservation Code*®, subject to the modifications specified in SPS 363, Wis. Adm. Code.
 - c. **IMC.** The *International Mechanical Code*®, subject to the modifications specified in SPS 364, Wis. Adm. Code.
 - d. **IFGC.** The *International Fuel Gas Code*®, subject to the modifications specified in SPS 365, Wis. Adm. Code.
- (4) **Violations; Amendments.** Any act required to be performed or prohibited by a Wisconsin Administrative Code provision incorporated herein by reference is required or prohibited by this Chapter. Any future amendments, revisions or modifications of the Wisconsin 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 the Town of Lucas. A copy of these administrative code provisions and any future amendments shall be kept on file in the UDC Building Inspector's Office.
- (b) **Scope of Uniform Dwelling Code Expanded.** For the purposes of this Chapter, the provisions of the Wisconsin Uniform Dwelling Code are the standards for construction of additions, alterations and major equipment replacements for one and two family dwellings built prior to June 1, 1980.
- (c) **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, when the cost of such alteration or repair during the life of the structure exceeds fifty percent (50%) of the equalized value of the structure, said value to be determined by the Town Assessor.
 - (3) Additions and alterations, regardless of cost, made to an existing building when deemed necessary in the opinion of the UDC Building Inspector shall comply with the requirements of this Chapter for new buildings. The provisions of Section 15-1-2 shall also apply.
 - (4) Roof Coverings — Whenever more than thirty-five percent (35%) of the roof covering of a building is replaced in any twelve (12) month period, all roof covering shall be in conformity with applicable Sections of this Chapter.
 - (5) 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.
- (d) **Definitions.** The following definitions shall be applicable in this Chapter:
 - (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) **UDC Building Inspector.** The State-certified inspector who issues Building Code-related permits and performs UDC and other inspections in the Town of Lucas. For purposes of this Chapter, the title shall also include the official performing plumbing, electrical and HVAC plan reviews and inspections.
- (4) **Department.** The Wisconsin Department of Safety and Professional Services (SPS).
- (5) **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.
- (6) **Minor Repair.** A 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.
- (7) **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.
- (8) **Person.** An individual, partnership, firm or corporation.
- (9) **Uniform Dwelling Code (UDC).** Those Administrative Code provisions and any future amendments, revisions or modifications thereto, contained in the following chapters of the Wisconsin Administrative Code:

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| SPS 320 | Administration and Enforcement |
| SPS 321 | Construction Standards |
| SPS 322 | Energy Conservation |
| SPS 323 | Heating, Ventilating and Air Conditioning |
| SPS 324 | Electrical Standards |
| SPS 325 | Plumbing |

(e) **Method of Enforcement.**

- (1) **UDC Certified Inspector to Enforce.** The UDC Building Inspector and his/her delegated representatives are hereby authorized and directed to administer and enforce all of the provisions of the Wisconsin Uniform Dwelling Code. The UDC Building Inspector shall be certified for inspection purposes by the Wisconsin Department of Safety and Professional Services in each of the categories specified under SPS 326.10, Wis. Adm. Code.
- (2) **Subordinates.** The UDC Building Inspector may appoint, as necessary, subordinates.
- (3) **Duties.** The UDC Building Inspector shall administer and enforce all provisions of this Chapter and the Uniform Dwelling Code.

- (4) **Inspection Powers.** The UDC 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 UDC Building Inspector or his/her agent while in performance of his/her duties.
- (5) **Records.** The UDC Building Inspector shall perform all administrative tasks required by the State under the Uniform Dwelling Code. In addition, the UDC Building Inspector shall keep a record of all applications for building permits 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.

Sec. 15-1-4 Commercial Electrical Wiring Installations Jurisdiction; Construction Codes Adopted.

- (a) **State Electrical Code Adopted – One- and Two-Family Dwellings.**
 - (1) SPS 324, Wis. Adm. Code, and the current version of the National Electric Code, are hereby adopted by reference and made a part of this Chapter and shall apply to the construction and inspection of new one- and two-family dwellings and additions or modifications to existing one- and two-family dwellings. Any future amendments, revisions and/or modifications of said SPS 324, Wis. Adm. Code, provisions are intended to be made a part of this Chapter.
 - (2) Subject to any exceptions set forth in this Chapter, the Electrical Code, Volume 1 and Rules of the Electrical Code, Volume 2 of the Wisconsin Administrative Code are hereby adopted by reference and made a part of this Chapter and shall apply to all buildings, except those covered in Subsection (a)(1) above.
- (b) **Local Jurisdiction – Commercial Electrical Wiring Installations and Inspections.**
 - (1) SPS 316, Wis. Adm. Code, is hereby adopted by reference in its entirety and made a part of this Chapter. Any future amendments, revisions and/or modifications of said SPS 316, Wis. Adm. Code, provisions adopted by reference are intended to be made a part of this Chapter.
 - (2) Per SPS 316.011(1), Wis. Adm. Code, the Town of Lucas elects to locally exercise jurisdiction over the permitting and inspections of commercial and agricultural electrical wiring installations, alterations, reconstructions and extensions involving:
 - a. Public buildings;
 - b. Farms;
 - c. Places of employment;
 - d. Campgrounds;
 - e. Recreational vehicle parks;
 - f. Public marinas, piers, docks, and wharves;
 - g. Manufactured home communities; and
 - h. Other locations as established by local ordinance.

- (c) **State Plumbing Code Adopted.**
 - (1) The provisions and regulations of Ch. 145, Wis. Stats., and H 81, H 82, H 83 and SPS 325, Wis. Adm. Code, are hereby adopted and made a part of this Chapter by reference and shall extend over and govern the installation of plumbing installed, repaired or altered in the Town of Lucas.
 - (2) Any future amendments, revisions and/or modifications of said Wisconsin Statutes and Wisconsin Administrative Code herein adopted by reference are intended to be made a part of this Chapter.
- (d) **Portions of State Commercial Building Code Adopted.** SPS 360 through SPS 366, Wis. Adm. Code, (Wisconsin Commercial Building Code) are hereby adopted by reference 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 SPS 360-366, Wis. Adm. Code, incorporated herein by reference are intended to be made part of this Chapter.

Sec. 15-1-5 New Methods and Materials.

- (a) **Approval Requirements for New Methods and Materials.** All materials, methods of construction and devices designed for use in buildings or structures covered by this Section and not specifically mentioned in or permitted by this Section shall not be so used until approved in writing by the Wisconsin Department of Safety and Professional Services for use in buildings or structures covered by the Wisconsin State Building Code, except sanitary appliances, which shall be approved in accordance with the State Plumbing Code.
- (b) **Manufacturer's Installation Requirements.** Such materials, methods of construction and devices, when approved, must be installed or used in strict compliance with the manufacturer's specifications and any rules or conditions of use established by the Wisconsin Department of Safety and Professional Services. The data, test and other evidence necessary to prove the merits of such material, method of construction or device shall be determined by the Wisconsin Department of Safety and Professional Services.

Sec. 15-1-6 Unsafe Buildings.

- (a) **Determination; Order.** Whenever the UDC Building Inspector, Town Board or agent finds any building or part thereof within the Town of Lucas 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 Secs. 66.0413 and 823.21, Wis. Stats.
- (b) **Alterations or Repair When Not Permitted.** When any existing building or structure which, for any reason whatsoever, does not conform to the regulations of this Chapter or other municipal ordinances of the Town of Lucas, has deteriorated from any cause whatsoever to the extent that it is considered a menace to public safety and welfare, the

Town Board may order that such building or structure be vacated and thereafter demolished and debris removed from the premises. [See also Section 15-1-9.]

- (c) **Extent of Deterioration.** The Town Board and its professional consultants shall determine the amount and extent of deterioration of any existing building or structure.

Sec. 15-1-7 Disclaimer on Inspections.

The purpose of the inspections under this Chapter is to improve the quality of housing in the Town of Lucas. 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. 15-1-8 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 structure larger than four hundred (400) square feet within the Town of Lucas shall apply for and obtain a demolition permit from the building inspection prior to undertaking any steps to demolish the structure.
- (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 same 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 at least forty-eight (48) hours before filling of the excavation commences.
 - (4) After all razing operations have been completed, the foundation shall be filled at least six (6) inches above the adjacent grade, the property raked clean, and all debris hauled away. All resulting vacant areas shall be properly graded and seeded or planted to restore it to a natural condition. Other restoration plans may be accepted by the Town Board.
- (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 day 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.
- (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. 15-1-9 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 (including for sewer and water lateral excavations) which is located in close proximity to a public sidewalk or 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 forty-five (45) days 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 the official 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.
- (d) **Fill Dirt.** Fill dirt used at a site shall be graded within four (4) weeks of delivery/placement.

Sec. 15-1-10 Regulations for Moving Buildings.

(a) General Requirements.

- (1) No person shall move any building or structure greater than two hundred (200) square feet upon any of the public ways of the Town of Lucas without first obtaining a permit therefor from the Building Permit and upon the payment of the required fee to the Town Clerk. Every such permit issued by the Building Inspector for building moving shall designate the route to be taken, the conditions to be complied with and shall limit the time during which said moving operations shall be continued.
- (2) A report shall be made by the Public Works Department with regard to possible damage to trees. The estimated cost of trimming, removal and replacement of public trees, as determined by the Town of Lucas, shall be paid to the Building Inspector or Town Clerk prior to issuance of the moving permit.
- (3) Issuance of moving permit shall further be conditioned on approval of the moving route by the Town Board.

(b) Moving Damaged Buildings. No building shall be repaired, altered or moved within or into the Town that has deteriorated or has been damaged by any cause (including such moving and separation from its foundation and service connections in case of moved buildings) fifty percent (50%) or more of its equalized value and no permit shall be granted to repair, alter or move such building within or into the Town of Lucas. Furthermore, if the equalized assessed value of the building is not within twenty percent (20%) of the surrounding buildings where the building is proposed to be moved to, no permit shall be granted unless the building is improved to be within the twenty percent (20%). Such determination shall be made by the Building Inspector, who may seek a recommendation from the Town Assessor.

(c) Continuous Movement. The movement of buildings shall be a continuous operation during all the hours of the day and at night, until such movement is fully completed. All such operations shall be performed with the least possible obstruction to thoroughfares. 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 or any other public facility. Lights shall be kept in conspicuous places at each end of the building during the night.

(d) Street Repair. Every person receiving a permit to move a building shall, within one (1) day after said building reaches its destination, report that fact to the Town Clerk, who shall direct Public Works Department personnel to inspect the streets, highways and curbs and gutters over which said building has been moved and ascertain their condition. If the removal of said building has caused any damage to any street or highway, the person to whom the permit was issued shall forthwith place them in as good repair as they were before the permit was granted. On the failure of the said permittee to do so within ten (10) days thereafter to the satisfaction of the Town Board, the Town shall repair the damage done to such streets and hold the person obtaining such permit and the sureties on his/her bond responsible for the payment of same.

(e) Conformance with Code. No permit shall be issued to move a building within or into the Town of Lucas and to establish it upon a location within the Town until the Building Inspector has made an investigation of such building at the location from which it is to be moved and is satisfied from such investigation that said building is in a sound and stable condition and of such construction that it will meet the requirements of this Building Code

in all respects. A complete plan of all further repairs, improvements and remodeling with reference to such building shall be submitted to the Building Inspector, and he/she shall make a finding of fact to the effect that all such repairs, improvements and remodeling are in conformity with the requirements of this Building Code and that, when the same are completed, the building as such will so comply with said Building Code. In the event a building is to be moved from the Town of Lucas to some point outside the boundaries thereof, the provisions with respect to the furnishing of plans and specifications for proposed alterations to such building may be disregarded.

(f) **Bond.**

(1) Before a permit is issued to move any building over any public way in the Town, the party applying therefor shall give a bond to the Town of Lucas in a sum to be fixed by the Building Inspector and which shall not be less than Ten Thousand Dollars (\$10,000.00), said bond to be executed by a corporate surety or two (2) personal sureties to be approved by the Town of Lucas or designated agent conditioned upon, among other things, the indemnification to the Town for any costs or expenses incurred by it in connection with any claims for damages to any persons or property, and the payment of any judgment together with the costs and expenses incurred by the Town in connection therewith arising out of the removal of the building for which the permit is issued.

(2) Unless the Building Inspector, upon investigation, shall find it to be a fact that the excavation exposed by the removal of such building from its foundation shall not be so close to a public thoroughfare as to permit the accidental falling therein of travelers or the location, nature and physical characteristics of the premises and the exposed excavation, such as to make intrusion upon the premises and the falling into such excavation of children under twelve (12) years of age unlikely, the bond required by Subsection (f)(1) shall be further conditioned upon the permittee erecting adequate barriers and within forty-eight (48) hours, filling in such excavation or adopting and employing such other means, devices or methods approved by the Building Inspector and reasonably adopted or calculated to prevent the occurrences set forth herein.

(g) **Insurance.** The Building Inspector shall require, in addition to said bond above indicated, public liability insurance covering injury to one (1) person in the sum of not less than Five Hundred Thousand Dollars (\$500,000.00) and for one (1) accident, aggregate not less than One Million Dollars (\$1,000,000), together with property damage insurance in a sum not less than Five Hundred Thousand Dollars (\$500,000.00), or such other coverage as deemed necessary. The Town of Lucas shall be an additional named insured.

(h) **Town Board Approval.**

(1) 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 elevations of the building and accurate photographs of all sides and views of the same and in case it is proposed to alter the exterior of said 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 plans 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 in the character of the applicable

district established by the zoning ordinances of the Town or any ordinance amendatory thereof or supplementary thereto, as to cause a substantial depreciation of the property values of said neighborhood within said applicable district. In case the applicant proposed to alter the exterior of said building after moving the same, he/she shall submit, with his/her application papers, complete plans and specifications for the proposed alterations. Before a permit shall be issued for a building to be moved and altered, the applicant shall give a cash bond to the Town Board, which shall not be less than Fifty Thousand Dollars (\$50,000.00) to be executed in the manner provided in subsection hereof to the effect that he/she will, within a time to be set by the Town Board, complete the proposed exterior alterations to said building in the manner set forth in his/her plans and specifications. This bond shall be in addition to any other bond or surety which may be required by other applicable ordinances of the Town of Lucas. No occupancy permit shall be issued for said building until the exterior alterations proposed to be made have been completed.

- (2) Upon application being made to the Building Inspector, he/she shall request a meeting of the Town Board to consider application for moving permits which he/she has found comply, in all respects, with all other ordinances of the Town. The Town of Lucas 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 in question, together with any other persons, either residents or property owners, desiring to be heard, give such notice of hearing as they may deem sufficient. Such hearing may be adjourned for a reasonable length of time and within forty-eight (48) hours after the close of the hearing, the Town Board shall, in writing, make or refuse to make the finding required by Subsection (h)(1) hereof and file it in the office of Town Clerk who shall send a copy of it to the Building Inspector.

Sec. 15-1-11 Construction Sites; Maintaining Clean Streets.

Town roads and streets 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 Lucas will clean said roads or 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. 15-1-12 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 Lucas 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 shall only be permitted in 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. 15-1-13 Mobile Home Placement Outside of Mobile Home Park.

The parking or placement of a mobile home outside of a mobile home park shall be in compliance with the following:

- (a) **Building Permit Required.** No person shall park a mobile home outside of a mobile home park for occupancy or change its location within the Town without first obtaining a building permit from the Town of Lucas. Such permit may be obtained by application from the Building Inspector.
- (b) **Placement Conditions.** All mobile homes moved into or placed in the Town of Lucas shall comply with the following requirements:
 - (1) **Permit Requirement; Age and Construction Standards.** Any mobile home placed in the Town of Lucas, whether within or outside a mobile home park, shall be ten (10) years or less in age, determined by the date of unit manufacture. All existing occupied mobile homes may be inspected by the Town Building Inspector. The Town Building Inspector can approve and issue a permit if all elements on the inspection report are satisfactory. If a problem was found and corrected within three (3) months, and a second inspection verified the correction(s), an occupancy permit may be issued by the Building Inspector. Specifically, any mobile home placed in the Town of Lucas shall meet the specifications required by Federal HUD Standards Ch. XX, Part 3280 and 3282.
 - (2) **Additions; Accessory Structures.** No construction of any addition, windbreaks, carports, permanent garages, utility sheds or any other improvement to a mobile home shall be commenced without first obtaining a building permit as provided for in the Town of Lucas Building Code.
 - (3) **Converted Vehicles.** No converted vehicles such as, but not limited to, vans, semi-trailers or school buses, may be considered allowable mobile home units or storage buildings within the scope of this Chapter. The parking of such vehicles within the Town of Lucas is strictly prohibited. No mobile home shall be utilized as a storage shed, and permits shall not be issued for such use.
 - (4) **Shoreland Zoning.** In addition to complying with the terms of this Chapter, the owner of a mobile home shall comply with the conditions of the Dunn County Shoreland Zoning Ordinance, whenever applicable. If a zoning permit is required under said ordinance, said permit must be obtained prior to the issuance of any permit by the Building Inspector.
 - (5) **Sanitary Permit.** A sanitary permit or privy permit from Dunn County shall be required before being granted a building permit for the placement of a mobile home in the Town of Lucas.

- (6) **Foundation Requirement.** All manufactured/mobile homes moved into the Town of Lucas or moved from one location to another within the Town of Lucas shall have for a foundation either a basement or a minimum of three and one-half (3-1/2) inch thick reinforced concrete pad under the entire area of the home along with tie-downs.
- (c) **Pre-Existing Units.** All existing mobile homes which do not conform to the standards set forth in this Section at the time of original adoption of this Section shall not be affected by said conditions except:
 - (1) **Change in Location.** That said non-conforming mobile home upon removal from the property it was located on at the time of original adoption of this Section may not be moved to another location within the Town of Lucas.
- (d) **Units Per Parcel.** Only one mobile unit shall be permitted on a recorded tract of land in the Town of Lucas. Any owner of a single recorded tract of land on which there are three (3) or more mobile home units shall be deemed to be operating a mobile home park and shall comply with all of the requirements governing mobile homes and mobile home parks ordinance (Title 15, Chapter 3).
- (e) **Placement Standards.** Individual mobile home units set up on a parcel of land in the Town of Lucas are required to be installed in accordance to Wisconsin Department of Safety and Professional Services guidelines and Town of Lucas and Dunn County ordinances, whichever is most restrictive.

Sec. 15-1-14 Parking of Recreational Vehicles Outside of Mobile Home Park.

- (a) **Definition.**
 - (1) Within the scope of this Section, a "recreational" vehicle means a vehicle primarily designed as temporary living quarters for recreational, camping or travel use, which has its own mode of power or is mounted or drawn by another vehicle. The basic terms for such vehicles are: travel trailer, camping trailer, truck camper, motor home, and/or recreational vehicle.
 - (2) For the purposes of this Section, a recreational vehicle shall be considered to be a temporary structure.
- (b) **Placement; Wheels.** The wheels or any similar transporting devices of any recreational vehicle shall not be removed except for repairs, nor shall any such recreational vehicle be otherwise fixed to the ground in any manner that would prevent ready removal.
- (c) **Septic System Connection.** Recreational vehicles may not be permanently attached to a private sewage system.
- (d) **State-Licensed for Road Travel.** Recreational vehicles must be state-licensed annually for road travel.
- (e) **Additions.** No permanent-type construction or structure shall be added or attached to a recreational vehicle.

Sec. 15-1-15 Fees.

- (a) **Building Code Fees.** Fees for building, electrical, plumbing, HVAC and other related permits shall be as established pursuant to Section 1-3-1.
- (b) **Double Fees.** If a required permit is not obtained prior to commencement of construction, fees shall be doubled.
- (c) **Payment of Impact Fees as Condition of Building Permit Validity.** Any required impact fees, unless expressly excepted in this Section, are to be paid to the Town Clerk within fourteen (14) days of the issuance of a building permit by the Town of Lucas. Impact fee payments shall be the responsibility of the owner of record of the subject parcel at the time the impact fee is imposed on that parcel.

Sec. 15-1-16 Penalties and Violations.

- (a) **Violations.** Any building or structure in the Town of Lucas 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 Section 1-1-6 of this 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) **Compliance; Penalties.**
 - (1) **Notice of Noncompliance.** If an inspection reveals a noncompliance with this Chapter or the Uniform Dwelling Code, 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 pursuant to SPS 320.21, Wis. Adm. Code.
 - (2) **Stop-Work Orders.** 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 a Separate Offense.** 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 of Lucas from maintaining any appropriate action to prevent or remove a violation of any provision of this Chapter or the Uniform Dwelling Code.

- (4) **Double Permit Fees for Violations.** If any construction or work governed by the provisions of this Chapter, the Uniform Dwelling Code, or other applicable Codes adopted and incorporated in this Chapter is commenced prior to the issuance of a permit, double fees shall be charged.
- (c) **Appeals.**
- (1) **UDC Appeals.** Any person feeling aggrieved by an order or determination of the UDC Building Inspector on a matter governed by the Wisconsin Uniform Dwelling Code may only appeal such an order to the Wisconsin Department of Safety and Professional Services (SPS) for a UDC interpretation.
 - (2) **Town Board Appellate Review.** Any person feeling aggrieved by a non-UDC order or a determination of the Building Inspector and/or other Town official administering this Chapter 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) **Liability.** Except as may otherwise be provided by the Statute or Ordinance, no officer, agent or employee of the Town of Lucas 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 of Lucas 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.

SECTION II. SEVERABILITY.

If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

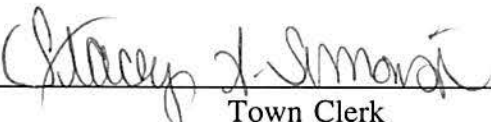
SECTION III. EFFECTIVE DATE.

This Ordinance shall take effect upon passage and publication as provided by law.

ADOPTED this 14 day of October, 2019.

TOWN OF LUCAS, WISCONSIN


Town Chairperson


Town Clerk

INTRODUCED: _____

ADOPTED: _____

PUBLISHED: _____

State of Wisconsin:

County of Dunn:

I hereby certify that the foregoing Ordinance is a true, correct, and complete copy of an Ordinance duly and regularly enacted by the Town Board of the Town of Lucas on the 14th day of October, 2019 and that said Ordinance has not been repealed or amended and is now in full force and effect.

Dated this 14th day of October, 2019


Town Clerk