

Chapter 13 - BUILDING CONSTRUCTION AND PROPERTY MAINTENANCE

Section 13.01 BUILDING CODE

(a) **Title.** This ordinance shall be known, cited and referred as the Town of Turtle Building Code.

(b) **Purpose.** The purpose of the Building Code is to provide minimum standards for the protection of life, limb, health, property, environment and for the safety and welfare of the general public, consumers, owners and occupants of residential, commercial, industrial and public buildings.

(c) **Scope.** This chapter shall control all matters concerning the construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of all buildings and structures and their service equipment and appurtenances located in the Town of Turtle.

(d) **Adoption of Uniform Dwelling Code.**

(1) The State of Wisconsin Uniform Dwelling Code contained in Chs. Comm. 20 through 25, Wis. Adm. Code, and Subchapter II of Chapter 101, Wis. Stats., including any subsequent amendments thereto, are adopted by reference and incorporated herein as if they were fully set forth and made a part hereof.

(2) Chapter Comm. 20 through 25 Wis. Adm. Code, and Subchapter II, Ch. 101, Wis. Stats., shall apply to one- and 2-family dwellings whose initial construction is undertaken on or after the dates specified in those regulations.

(3) For the purposes of local regulation of one- and 2-family dwellings, the provisions of the Uniform Dwelling Code shall apply to additions and alterations to buildings whose initial construction was lawfully begun prior to June 1, 1980. Such provisions shall apply to additions being constructed or the work involved in the alterations or repairs and shall not be construed to apply to the existing building.

(e) **Adoption of State Building and Heating Code.** The State of Wisconsin Building, Heating, Ventilating, and Air-Conditioning Code contained in Chs. Comm. 50 through 64, Wis. Adm. Code, and subsequent amendments thereto, are adopted by reference and incorporated herein as if they were fully set forth and made a part hereof.

(f) **Existing Buildings.** The following specified requirements shall apply to all existing buildings and structures which, for any reason, do not conform to the requirements of this ordinance:

(1) **Value.** Where the value of alterations and repairs to an existing building or structure is in excess of 50% of the assessed value of the building or structure divided by the ratio of the assessed value to the recommended value as last published by the State Supervisor of Assessments, not deducting from such value any loss caused by fire or any other reason, the entire building shall be made to conform to all of the requirements of this ordinance for new buildings or shall be entirely demolished.

(2) **Conformance.**

a. Every alteration or repair to any structural part of any existing building shall be made to conform to all of the requirements of this ordinance, and all of the requirements shall apply to such alterations and repairs.

b. Every addition to an existing building shall be made to conform to all of the requirements of this ordinance and all of the requirements of this ordinance shall apply to such additions.

c. When the use of an existing building or structure, whether built under this ordinance or a previous code or prior to the date of first building code, is changed and the requirements for the new use are more stringent than those for the previous use, then such building or structure shall be made to conform with all the requirements for the new use as provided in this ordinance.

1. Where the use of only a portion or portions of such buildings or structures is changed, then only such portion or portions of the building or structure need conform to the requirements of this ordinance.

2. The Building Inspector may approve any change in use of an existing building or structure, even though the building is not made to fully conform to the requirements of this ordinance, when it is obvious that the change of use will not extend or increase any nonconformity or hazard.

d. The Building Inspector may require that an existing building be made to conform to the requirements of this ordinance regulating the number, location, lighting, widths, heights and means of exiting where, in his or her judgment, a hazard to the occupants, users, owners or the public exists.

e. The requirements of Comm. 21.03, Wis. Adm. Code, shall apply to exits in existing one- and 2-family buildings.

f. The requirements of Comm. 51.245 and 57.16, Wis. Adm. Code, shall apply to the installation and maintenance of smoke detectors.

(g) **Administration and Enforcement.**

(1) **Appointment.** A Building Inspector shall be appointed by the Town Board to administer and enforce all the provisions of this ordinance.

(2) **Records.** The Building Inspector shall keep complete records of all applications received, permits issued, inspections made and other official work performed under the provisions of this ordinance.

(3) **Right To Entry.** The Building Inspector shall have the right to enter upon public or private property during reasonable hours to inspect work performed or existing as provided by this ordinance. When entry is refused, the Building Inspector may seek an inspection warrant as provided in sections 66.122 and 66.123 of the Wisconsin Statutes.

(h) **Violations and Penalties.**

(1) No person shall erect, alter, construct, enlarge, repair, improve, remove, convert, demolish, equip, use, occupy or maintain any building or structure, or part thereof, or cause or permit the same to be done contrary to or in violation of any of the provisions of this ordinance.

(2) Any violation of this ordinance constitutes a public nuisance and, in addition to any other remedies provided for its enforcement, the Town may bring civil suit to enjoin violations of any provision of this ordinance.

(3) Any person who shall violate any provision or any order made hereunder shall be subject to a forfeiture. This penalty shall be independent and exclusive of the right of the Town Board to revoke any license or permit.

(i) **Appeals.** An appeal may be taken to the Board of Adjustment by any person aggrieved by a decision of the Building Inspector. Such appeal shall be taken within 30 days after the decision or action complained of by filing with the Town Clerk a notice of appeal, together with the required filing fee, specifying the grounds thereof. Appeals involving matters under the jurisdiction of Chs. Comm. 20 through 26, Wis. Adm. Code, shall be subject to the provisions of Comm. 20.21, Wis. Adm. Code. Appeals involving raze orders issued under Section 16 of this Ordinance and sec. 66.0413, Wis. Stats., shall be made to the circuit court within the time provided by sec. 66.0413, Wis. Stats.

(j) **Variances.**

(1) Variances from the regulations of this ordinance, excepting variances from those regulations contained in Chs. Comm. 20 through 25, Wis. Adm. Code, and sec. 66.0413, Wis. Stats., may be granted by the Board of Adjustment.

a. The conditions upon which the petition for variance is based are unique to the building or structure and are not generally applicable to other buildings or structures in the same use classification.

b. The alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.

c. Granting of the variance will not be detrimental to public welfare or injurious to other properties in the area.

d. The variance will not, either to the property for which the variance is sought or neighboring properties, impair an adequate supply of light and air, increase the danger of fire, endanger the public safety or diminish or impair property values within the neighborhood.

e. Conformance with the provisions from which relief is sought will cause a particular hardship as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out.

(2) Applications for variances under sub. (1) shall be filed in writing, together with the required filing fee, with the Town Clerk.

(3) Variances from regulations under the jurisdiction of Chs. Comm. 20 through 25, Wis. Adm. Code, shall be subject to the provisions of Comm. 20.19, Wis. Adm. Code.

(k) **Stop Orders.**

(1) Wherever any work is being done contrary to the provisions of this ordinance or before having obtained a permit authorized by the Building Inspector, the Building Inspector may order the work stopped by notice in writing served upon the permittee or the permittee's agent or any contractor engaged in doing the work or causing such work to be done, or by posting such stop order in a conspicuous place on the premises and any person shall stop such work until authorized by the Building Inspector to proceed with the work.

(2) No person shall remove a stop order once posted or proceed with work after notice to stop work has been served or posted, and any person who shall remove such notice or continue work after such notice has been posted or served shall be subject to a forfeiture.

(l) **Permits.**

(1) **Required.** A permit shall be obtained before beginning construction, alteration, repair, improvement, demolition or moving any building or structure, using application forms prescribed and furnished by the Town Clerk. A separate permit is

required for each such building or structure. No permits shall be issued for multiple buildings or structures. If a driveway is required as part of the construction, alteration, repair, or improvement, a driveway permit shall be obtained from the Town prior to the issuance of a building permit.

(2) **Exceptions.** This ordinance shall not require a building permit for:

a. Minor repairs, maintenance or alterations whose value does not exceed \$2,500 and which do not change the occupancy, area, structural strength, fire protection, exits, light or ventilation of the building or structure.

b. Installation of roof shingles, furnace replacements, and air conditioning replacements for one and two family dwellings provided in all cases the prior approval of the Building Inspector is obtained.

(3) **Failure To Obtain.** Failure of the owner, agent, lessee or sublessee, or other responsible parties to obtain a permit prior to commencement of the work, shall subject the owners or other responsible parties to a double fee. Such fee shall not deny the Town any other legal right or remedy it may otherwise have under this ordinance and other applicable codes and regulations.

(4) **Weather Resistant Card.** The Building Inspector shall issue, with each permit, a weather resistant card which shall be posted in a conspicuous place on the front of the building or structure where the work is being done. Such card shall be placed not more than 15 feet above adjacent grade, shall be unobstructed from public view and shall remain in place during the entire period of the work.

(5) **Work to Commence Within Six Months.** All building permits and plan approvals shall be void unless work has commenced within 6 months from original issue or approval. Where work has commenced within 6 months, the building permit shall expire by limitation two years from the date of original issue. Where the work has been carried on with reasonable diligence, the permit may be renewed upon application for renewal and payment of the required renewal fee.

(6) **Revocation.** If the Building Inspector shall find, at any time, that any of the ordinances of the Town or the plans and specifications are not being complied with, the permit may be revoked by written notice to the owner or agent, or by posting a notice in a conspicuous place at the work site.

(7) **Reissuance.** If any such permit is revoked, no further work shall be done until the permit is reissued, excepting such work the Building Inspector may order done as a condition precedent to the reinstatement of the permit.

(m) **Permit Applications.**

(1) Applications for permits to originally construct one and 2 family dwellings shall be made in the manner provided by Comm. 20.09, Wis. Adm. Code.

(2) Applications for permits other than for original construction of one and 2 family dwellings shall be made upon a form prescribed by the Town Clerk and shall be signed by the owner or agent representing the owner. Each application, when deemed necessary by the Building Inspector, shall be accompanied by two sets of plans drawn of sufficient clarity to indicate the nature and extent of the proposed work and shall include a plot plan showing locations of existing and proposed buildings, property lines, adjacent grades, drainage facilities, easement, north arrow, street address and legal description.

(n) **Inspections.**

(1) Inspections of original construction of one and 2 family dwellings shall be conducted in the manner provided in Comm. 20.10, Wis. Adm. Code.

(2) For construction other than regulated by sub. (1) above, the Building Inspector shall, upon notification from the contractor or his agent, make or cause to be made the following inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his or her agent wherein the same fails to comply with this ordinance:

a. **Footing Inspection.** Footings shall be inspected after completion of excavation and all shoring and reinforcing is in place and prior to the placing of concrete. No concrete shall be placed until authorized by the Building Inspector or 3 work hours have elapsed after notification that the work is ready for inspection.

b. **Foundation.** The foundation wall shall be inspected after all forms, if any, have been removed, waterproofing, where required, has been applied and before backfilling. No backfilling shall be done until 2 working days have elapsed following notification or the inspection has been made and approved.

c. **Framing.** The framing inspection shall be made after all structural elements, framing, fire blocking, bracing, plumbing pipes and vents, electrical wiring and chimneys are in place and complete. No walls, ceilings or structural elements may be covered or concealed from view until the framing, rough plumbing, rough electrical and rough heating inspections have been made and approved or 3 working days have elapsed following notification that the work is ready for inspection.

d. **Insulation.** The insulation inspection shall be made after all insulation and vapor barriers required by this ordinance or included as a part of the plans and specifications, have been completely installed. The insulation and vapor barriers shall not be covered or concealed from view until the inspection has been made and

approved or 3 working days have elapsed following notification that the work is ready for inspection.

e. **Final.** Upon completion of all of the work to be done, but prior to occupancy, the Building Inspector shall make, or cause to be made, a final inspection to determine compliance with code and all other applicable regulations are found. If no violations of this ordinance or other applicable regulations are found, the Building Inspector shall issue a certificate of occupancy stating the purpose for which the building is to be used, the maximum load and the maximum number of people who may be accommodated on each floor.

(o) **Occupancy Certificate.**

(1) No building or part thereof shall be occupied until the Building Inspector has issued a certificate of occupancy certifying that no violation of this ordinance or any other applicable regulation exists, nor shall any building be occupied in any manner conflicting with the conditions set forth in the certificate of occupancy. The Building Inspector shall send a copy of the certificate of occupancy to the Town Clerk.

(2) When the use of a building changes, a new certificate of occupancy shall be obtained prior to reoccupation of the building, or any part thereof. The use of a building shall not be deemed to have changed because of temporary vacancy or change of ownership or tenancy.

(3) The Building Inspector may permit the occupancy of buildings, or part thereof, prior to completion where, in his or her judgment and discretion, a particular hardship exists. Such permission shall be in writing and may not be issued until the Building Inspector has inspected the building, or parts thereof, to be occupied and determined that there are no deficiencies that would be hazardous to the health, safety or welfare of the occupants. Such written permission shall state a time definite by which all required work shall be completed. Failure to complete the work during the time required or violations in such work, will cause the owner to be subject to penalties as provided in this Code of Ordinances and possible vacation of the building.

(p) **Unsafe Buildings.**

(1) Section 66.0413, Wis. Stats., is hereby adopted by reference and incorporated herein as if it were fully set forth and made a part hereof.

(2) The Building Inspector is empowered to act for the Town under sec. 66.0413, Wis. Stats., relating to condemnation and razing of buildings.

(q) **Maintenance of Buildings.** Every building or structure and the parts thereof, whether existing or hereafter erected, shall be kept in good repair and the roof shall be maintained to prevent leakage.

(r) **Cleanliness.** Every building or structure and the parts thereof, whether existing or hereafter erected, shall be kept clean and free from any accumulation of dirt, filth, rubbish, garbage or other matter in or on the same or in yards, courts, passages, areas or alleys connected with or belonging to the same.

(s) **Alternate Materials and Methods.**

(1) The provisions of this ordinance are not intended to prevent the use of any material or method of construction not specifically prescribed by this ordinance, provided such alternate has been approved. The Building Inspector may approve any such alternate provided he or she finds that the proposed design is satisfactory and complies with accepted design criteria. The Building Inspector may require evidence or proof be submitted to substantiate any claims that may be made regarding its use.

(2) Materials and methods used in the construction of dwellings regulated by the Uniform Dwelling Code shall comply with the requirements of Comm. 20.18, Wis. Adm. Code.

(t) **Definitions.** In addition to the definitions set forth in Comm. 20.07 and Comm. 51.01, Wis. Adm. Code, the following terms, phrases, words, abbreviations and their derivatives shall have the meaning indicated in this section unless otherwise expressly stated. Words used in the present tense include the future; words used in the masculine gender, the feminine and neuter; the singular number includes the plural and the plural the singular. Where terms are not defined, they shall have their ordinary accepted meanings or such as the context may imply.

(1) **Accepted Engineering Practices.** That which conforms to accepted principles, tests or standards of nationally recognized technical or scientific authorities.

(2) **Curb Height or Levels.** The elevation of the established curb measured at right angles to the reference point. Where no curb is established, the grade at the centerline of the street shall be used.

(3) **Footing.** That portion of the foundation which spreads and transmits loads directly to soil or pilings.

(4) **Manufactured Dwelling.** A structure sometimes called a modular home or prefabricated home, which is regulated by the Wisconsin Uniform Dwelling Code, Chapters 20 to 25, or amendments thereto. A manufactured dwelling is identified with a red sticker called a "Wisconsin Insignia," imprinted with the outline of the State of Wisconsin and is manufactured in accordance with the requirements of Sections 101.60 to 101.66 and Sections 101.70 to 101.77 of the Wisconsin Statutes. When placed on the site, this structure is installed in accordance with the manufacturer's instructions, is properly connected to utilities and meets the other applicable standards and definitions of a Single-Family Dwelling.

(5) **Manufactured Home.** A structure that is certified and labeled as a manufactured home under 42 USC Sec. 5401 to 5426, which when placed on the site:

a. Is set on an enclosed continuous foundation in accordance with Sec. 70.43(1), Wis. Stats., and Comm. 21, Subchapters III, IV and V, Wis. Adm. Code, or is set on a comparable enclosed foundation system approved by the Building Inspector, who may require a plan for such a foundation to be certified by a registered architect or engineer to ensure proper support for such structure;

b. Is installed in accordance with the manufacturer's instructions;
and

c. Is properly connect to utilities.

(6) **Shall.** A term for mandatory use under the provisions of this Ordinance.

(7) **Single Family Dwelling.** A single-family dwelling unit may be site constructed housing, manufactured dwellings or manufactured homes. Such single-family dwelling units shall have the following required characteristics:

a. The structure is set on an enclosed continuous foundation in accordance with Sec. 70.43(1), Wis. Stats., and Comm. 21, Subchapters III, IV, and V, Wis. Adm. Code, or amendments thereto, or is set on a comparable enclosed foundation system approved by the Town Building Inspector, who may require a plan for such a foundation to be certified by a registered architect or engineer to ensure proper support for such structure;

b. The structure is installed in accordance with the manufacturer's instructions;

c. The structure is properly connected to utilities in accordance with and to Code; and

d. The structure has a core living area which shall be a minimum of 24 feet in depth and have a length sufficient to meet the minimum square footage requirements of the particular zoning category in which the structure is located.

(8) **Site-Constructed Housing.** A structure built on-site in accordance with the State of Wisconsin Uniform Dwelling Code. When placed on the site, this structure is constructed and installed in accordance with the manufacturer's or builder's instructions, is properly connected to utilities and meets the other applicable standards and definition of a Single-Family Dwelling as found herein.

(9) **Value.** That price which the building or work will sell for on negotiations between a seller, willing but not obliged to sell, and a buyer, willing but not obliged to buy.

(10) **Writing.** Shall include handwriting, typewriting, printing, photo-offset or any other form of reproduction in legible symbols or characters.

(11) **Written Notice.** Notification in writing delivered in person to the individual or to the parties intended, or delivered at or sent by certified mail to the last business address known to the party giving notice.

(u) **Grading of Lots.**

(1) Lots and parcels shall be graded to provide for diversion of water away from buildings and structures and in such a manner as to prevent the accumulation of stagnant water.

(2) Where an existing lot grade is changed as a result of construction, regrading, filling or removal of soil, and paving, the grading shall be done in such a manner that water will not be diverted onto adjacent properties.

(v) **Precautions During Building Operations.**

(1) The provisions of this section shall apply to all construction operations in connection with the erection, alteration, repair, removal or demolition of buildings and structures. Nothing herein contained shall be construed to nullify any rules, regulations or statutes of State or Federal agencies governing the protection of the public or workers from health or other hazards.

(2) **Temporary Encroachments.** Subject to the approval of the Building Inspector, sidewalk sheds, underpinning and other protective guards and devices may project beyond street right-of-way lines where required to insure the safety of adjoining property and the public.

(3) **Loading.** No person shall load any structure, temporary support, scaffolding, sidewalk bridge or sidewalk shed or any other device during construction or demolition of any building or structure in excess of its safe working capacity.

(4) **Unsafe Equipment.** Whenever any doubt arises as to the structural quality or strength of scaffolding plank or construction equipment such material shall be replaced, provided the Building Inspector may accept a strength test to 2-1/2 times the superimposed live load to which the structural member is to be subjected. The use of suspect scaffolding or construction equipment shall be prohibited until tested or replaced.

(5) **Unsafe Conditions.** Where any unsafe or illegal condition exists the Building Inspector shall notify the owner and direct him or her to take necessary action to

remove the hazard or violation. Unless the owner shall take action to comply with the orders within 24 hours the Building Inspector shall have full power to correct the unsafe conditions and the expenses incurred shall be assessed and collected as a special tax upon the property.

(6) Existing Buildings.

a. All existing and adjoining public and private property shall be protected from damage incidental to the construction operations.

b. Whenever a building is hereafter erected, enlarged or increased in height so that a wall, along or within 3 feet of a lot line, extends above the top of an existing chimney or vent of an existing adjoining building, the owner of the building so erected, enlarged or increased in height shall carry up, at his or her own expense and with the consent of the adjoining property owner, either independently or within his or her own building, all chimneys and vents connected to liquid or solid fuel burning appliances. The construction of an extended chimney shall conform to the requirements of new chimneys.

c. The owner of the new or altered structure shall preserve all adjoining independent and party walls from damage and shall underpin where necessary and support the adjoining building or structure with approved foundations.

d. Wherever a party wall is exposed the owner of the new or altered property shall preserve the party wall from damage and support it at his or her own expense. The wall shall be made weatherproof and structurally safe by adequate bracing until such time as permanent structural supports have been provided. Beam holes in party walls, exposed as a result of the work, shall be bricked up and wall anchors bent over at beam ends at the expense of the owner of the building or structure under work. No party wall balcony or horizontal exit shall be destroyed or rendered useless until a substitute means of egress has been approved by the Building Inspector.

e. When a new building or demolition of an existing building is being prosecuted at a greater height, the roof, roof outlets and roof structure of adjoining buildings shall be protected with adequate safeguards by the person doing the work.

(7) Protection of Public and Workmen.

a. **Generally.** Whenever a building or structure is erected, altered, repaired, removed or demolished, the operation shall be conducted in a safe manner and suitable protection for the general public and workers employed thereon shall be provided.

b. **Fences.** Every construction operation located 5 feet or less from a street right-of-way line shall be enclosed with a fence not less than 8 feet in height. When located more than 5 feet from the street right-of-way line, a fence or other barrier

shall be erected when required by the Building Inspector. All fences shall be adequate in strength to withstand high winds.

c. **Sidewalk Bridges.** Whenever ground is excavated under a sidewalk, a sidewalk bridge shall be constructed not less than 4 feet wide, or a protected walkway of equal width shall be erected in the street, providing the Building Inspector has authorized the street occupancy.

d. Sidewalk Sheds.

1. Whenever any building or structure, or part thereof, which is located within 10 feet of the street right-of-way line is being erected or where a building 40 feet or more in height within 10 feet of the street right-of-way line is being demolished, a sidewalk shed shall be erected and maintained for the full length of the building on all street fronts for the entire time the work is performed on the exterior of the building.

2. An adequately lighted walkway not less than 4 feet wide and 8 feet in height in the clear shall be maintained under all sidewalk sheds for pedestrians. Where ramps are required, they shall not exceed a gradient of one in 10.

e. **Watchman.** Whenever a building is being demolished, erected or altered, a watchman shall be employed to warn the general public when intermittent hazardous operations are being conducted across the sidewalk or walkway.

(8) Excavations.

a. **Temporary Support.** Until permanent support has been provided, all excavations shall be safeguarded and protected by the person causing the excavation to be made. Where necessary, such excavations shall be retained by temporary retaining wall, sheet piling and bracing or other approved methods of supporting the adjacent earth.

b. Adjoining Property.

1. Before any excavation or demolition is undertaken, license shall be afforded, by the owner and tenants, to enter upon adjoining property to the person undertaking such work, prior to the commencement and at reasonable periods during the progress of the work.

2. The person doing the work shall, before starting the work, give at least one week's notice to the owners of each neighboring building, the safety of which may be affected. Having received consent to enter the buildings, he or she shall make the necessary provisions to protect the buildings structurally and to insure it against damage by the elements which may ensue from the work.

3. If license to enter is not afforded, then the adjoining owner shall have the entire responsibility of providing both temporary and permanent support of the premises at his or her own expense.

4. If the person who causes the work to be done has reason to believe that an adjoining building or structure is unsafe, he or she shall forthwith notify the Building Inspector in writing. The Building Inspector shall inspect such premises, and if the structure is found to be unsafe, he or she shall order it repaired or razed.

c. Excavations Other Than For Construction Purposes.

Excavations made for removing soil, earth, sand, gravel, rock or other materials shall be performed in such a manner as will prevent injury to neighboring properties or to the street which adjoins the lot where such materials are excavated, and to safeguard the general public health and welfare.

(9) Regulations of Lots.

a. **Grading.** When a building has been demolished and no building operation has been projected or approved, the foundation shall be removed to a level at least 3 feet below grade and the vacant lot shall be filled, graded and maintained in conformity to established street grades at curb level. The lot shall be maintained free from the accumulation of rubbish and all other unsafe or hazardous conditions which endanger the life or health of the public. Provisions shall be made to prevent the accumulation of stagnant water and to prevent the diversion of water onto adjoining property.

1. The top 4 inches or more of finish grade shall be earth capable of supporting and nurturing grass. Grass seed shall be planted to prevent erosion and dusting.

2. In commercial and industrial areas where no building operation has been projected or approved and where the vacant lot will be used for approved parking, the lot shall be surfaced as required for parking areas as set forth in the Zoning Ordinance.

b. **Utility Connections.** Before a building can be demolished or removed, the owner or agent shall notify all utilities having service connections within the building, such as water, electric, gas, sewer and other connections. A permit to demolish or remove a building shall not be issued until it is ascertained that service connections and appurtenant equipment such as meters and regulators have been removed or sealed and plugged in a safe manner.

(10) Storage of Materials. All materials shall be stored and placed so as not to endanger the public, the workmen or adjoining property.

a. **Design Capacity.** Materials or equipment stored within the building, or on sidewalk sheds or scaffolds shall be so placed so as not to overload any part of the construction beyond its design capacity, nor to interfere with the safe prosecution of the work.

b. **Special Loading.** Unless the construction is designed for special loading, materials stored on sidewalk sheds and scaffolds shall not exceed one day's supply. All materials shall be arranged in an orderly manner and height to permit removal of individual pieces without endangering the stability of the pile.

c. **Pedestrian Walkways.** No material shall be stored on the street right-of-way without authorization from the Building Inspector. When so stored they shall not unduly interfere with vehicular or the orderly travel of pedestrians. Piles shall be arranged to afford a walkway not less than 4 feet wide, unobstructed for its full length and adequately lighted at night and at all times necessary for safe use by the public.

d. **Obstructions.** Material and equipment shall not be placed or stored so as to obstruct access to fire hydrants, stand pipes, fire or police alarm boxes, utility boxes, catch basins or manholes nor shall they be located nearer than 20 feet to an intersection or so placed as to obstruct normal observations of traffic signals.

(11) **Removal of Waste Material.** No material shall be dropped by gravity or thrown outside the exterior walls of a building during erection or demolition. Wood or metal chutes shall be provided for this purpose and any material which in its removal will cause an excessive amount of dust shall be wet down to prevent the creation of a nuisance.

(12) **Scaffolds.** All scaffolds shall be designed to support 2-1/2 times the superimposed live load to be placed thereon, but in no case less than 120 pounds per square foot.

(13) **Ladders.** Temporary ladders when permitted for access to floors before stairways are installed, or which are designed for other working purposes, shall extend not less than 42 inches above the floor level they serve.

(14) **Lighting.** All stairways and all parts of buildings under erection, repair or demolition shall be adequately lighted while persons are engaged at work.

(15) **Fire Hazards.**

a. **Temporary Heating.** Whenever salamanders or other heating devices are used for temporary heating, all regulations as to maximum temperature, distance from combustible materials, spark arrestors, removal of noxious gases and other requirements of the Building Inspector shall be fully observed. When the source of heat consists of salamanders or other open flame devices, temporary canvas enclosures shall be flame and fire retardant.

b. **Steam Boilers.** All temporary or permanent high pressure boilers shall be operated only by licensed operating engineers. When located within a building or within 10 feet thereof, all such boilers shall be enclosed in approved fire-rated construction.

c. **Storage of Flammables.** Storage of gasoline, oils, paints and other highly flammable materials shall be permitted only as permitted by the Building Inspector and when stored in safety containers. The storage of larger quantities may be approved by the Chief of the Fire Department when stored in separate containers, compartments or enclosures of noncombustible construction.

d. **Fire Extinguishing Equipment.** Fire extinguishers, auxiliary fire fighting tools or other portable extinguishing equipment shall be installed and maintained on all floors of a construction operation in accessible locations.

(16) **Health Hazards.**

a. Every construction or maintenance operation which results in the diffusion of dust, stone and other small particles, toxic gases or other harmful substances in quantities hazardous to health shall be safeguarded by means of local ventilation or other protective devices to insure the safety of the public and the workers.

b. Dust, sand blasts or other harmful agents when occurring in construction operations shall be disposed of at or near the point of origin to prevent their diffusion over adjoining premises or streets.

(w) **Garages and Accessory Structures.**

(1) **Purpose.** The provisions of this section shall control the design and construction of private garages and other accessory structures which are incidental to one and 2 family dwellings.

(2) **Attached Garages.**

a. **Location.** An attached garage shall be one which is constructed as an integral part of a dwelling unit, is in the basement of a dwelling unit, is intended to become an integral part of a dwelling unit or is within 6 feet of a dwelling unit, measuring from outside face of wall to outside face of wall, whether or not such garage is connected to the house in any manner at the time of construction.

b. **Size.** Private garages shall not exceed 1,000 square feet in area and shall house not more than 4 motor vehicles.

c. **Construction.** The foundation, walls, floor, ceiling and roof of an attached garage shall be designed and constructed as required for single and 2 family buildings.

d. **Fire Separation.** Attached garages shall be separated from the dwelling unit as provided in Comm. 21.08(1), Wis. Adm. Code.

(3) **Detached Garages.**

a. **Location.** A detached garage shall be one which is not connected, or intended to be connected, to a dwelling unit or other accessory structure and is not nearer to a dwelling unit or other accessory structure than 6 feet.

b. **Size.** The limitations of size of detached garages shall be the same as for attached garages.

c. **Foundation.** Detached garages may be built on a monolithic concrete slab not less than 4 inches thick with the edges thickened to not less than 8 inches for a distance not less than 12 inches from the edge of the entire perimeter of the slab inward.

d. **Walls.** Walls of detached garages may have 2 inch by 4 inch studs not more than 24 inches on center. The exterior walls shall have a covering of ½ inch fibre board sheathing and shall be sided with an approved material.

1. The sheathing may be omitted where 1 inch by 4 inch diagonal bracing or other approved methods of bracing are provided.

2. Top plates may be single, provided all rafters occur over studs and 2 inch by 4 inch collar ties are provided not less than 48 inches on center.

e. **Roof and Ceiling.** Roofs and ceilings shall conform to the requirements of Comm. 21.27 and Comm. 21.28, Wis. Adm. Code.

(4) **Headers.** Headers in garages and accessory structures shall be as set forth in Comm. 21.25(3), Wis. Adm. Code.

(5) **Sheds.**

a. **Freestanding Sheds.** Freestanding sheds not exceeding 70 square feet in area need not be built on a foundation, but shall be anchored to resist displacement and movement by wind, large animals and vandals. They shall be designed to resist all loads as set forth in Comm. 21.02, Wis. Adm. Code.

b. **Attached Sheds.** Sheds attached to dwelling units, other accessory structures or exceeding 70 square feet in area, shall be constructed according to the requirements of attached garages.

(6) Patios and Carports.

a. Patios and carports shall be designed and constructed to resist all loads as specified in Comm. 21.02, Wis. Adm. Code.

b. Freestanding patios or carports, or patios or carports attached to other detached accessory structures, may have foundations as required for detached garages.

c. Patios or carports which are attached to dwelling units or other attached accessory structures shall have foundations as required for attached garages.

d. Roofs of all patios and carports shall be firmly anchored to the foundation in an approved manner to avoid uplift or overturning by wind.

(x) Moving and Demolition of Building.

(1) **Purpose.** The provisions of this section shall control the demolition, removal and reduction in size of buildings or structures. The provisions of Subsection (v) of this ordinance shall be applied, in addition to this section, to all work done under this section.

(2) Insurance and Bonding.

a. **Required.** Before a permit to move, demolish or reduce the size of a building is granted, the party applying for the permit shall file with the Town Clerk liability insurance and surety bonds as set forth below.

b. **Insurance.** The insurance shall protect the Town against any claim, suit or judgment and costs and expenses, agreeing to save the Town harmless. The insurance shall provide minimum coverage as set forth herein.

Property Damage	\$ 500,000
Liability For Injury To One Person	\$1,000,000
Liability Arising Out Of One Accident	\$3,000,000

c. **Bonding.** In addition to required insurance, a surety bond in the amount of \$100,000, conditioned on paying for any damage which may be done to any Town street or Town property which may be damaged in connection with the work done, shall be filed.

d. **Board Approval.** Before a permit is issued, the required insurance and bond shall be forwarded to the Town Board, who shall approve or disapprove such insurance or bond upon its opinion of adequacy of protection.

e. **Additional Coverage.** Where the Town Board shall determine that the amounts of coverage provided in this section are insufficient, it may require additional coverage in amounts reasonable to protect public and private property.

(3) **Equipment.** All equipment used for work done under this section shall be maintained in a safe condition and shall be capable of doing the work by using the equipment according to its recommended and accepted normal operating procedure. Equipment designed to travel over the highway shall be licensed for the current year and shall carry insurance.

(4) **Moving Buildings.**

a. **Relocation.** Buildings or structures may not be moved into the Town or relocated from one lot to another lot within the Town unless the Building Inspector shall determine that the building is, or will be, in substantial compliance with this ordinance as it relates to new buildings.

b. **Route.** Every application to move a building or structure shall set forth, in detail, a description of the building proposed to be moved and the route to be followed in moving the building. No permit shall be issued until the Building Inspector and the Superintendent of Highways have approved the route to be followed, in writing. Where the Building Inspector or the Superintendent of Highways shall determine that the size of the building will cause damage to trees, streets, highways or other property, the permit may be conditioned upon a reduction in the size of the building prior to the moving of the building.

c. **Time of Moving.** The moving of buildings or structures along streets or alleys shall be done during daylight hours and shall continue during that period without interruption. No building shall be allowed to remain overnight on any street, highway or bridge. Where the Building Inspector shall determine that the moving will interfere with the orderly movement of traffic along busy streets he or she may require that the moving be done during the night time as well as during daylight, or that the entire operation be conducted during the night time.

d. **Warning to Public.** The person moving a building or structure shall employ such workers and devices as to give adequate warning to vehicles, pedestrians and the public along the way, both preceding and following the building being moved.

e. **Trimming of Trees.** Where it is necessary to trim or remove trees along the route such trimming or removal shall be under the supervision of the Superintendent of Highways.

f. **Completion.** The Building Inspector shall be notified when the building has reached its destination, or has been removed from the Town limits. Such

notification shall be given within 24 hours and shall cause the Building Inspector to survey the route taken to determine any damage.

(5) **Demolition and Reduction in Size.** No building shall be demolished or reduced in size until a permit has been issued for the work. Where the building or structure, or the reduction in size, is less than 500 square feet in area, is not more than 15 feet in height and the work does not endanger the public or adjoining property, the fee for the permit may be waived and required insurance and bonding may be waived by the Building Inspector.

(y) **Fee.** Before receiving any permit under this Ordinance, the owner or his or her agent shall pay to the Town Clerk a fee as set by the Town Board.

Section 13.02 ELECTRICAL CODE

(a) Electrical Inspector.

(1) **Appointment.** An Electrical Inspector shall be appointed by the Town Board to enforce the provisions of this ordinance.

(2) Qualifications.

a. The Electrical Inspector shall be Uniform Dwelling Code certified; be well versed in approved methods of electrical construction for the safety to life and property, the State Statutes relating to electrical work, the rules and regulations issued by the State of Wisconsin, the National Electrical Code of the National Board of Fire Underwriters and the National Safety Code of the Bureau of Standards; and shall be of good moral character.

b. The Electrical Inspector shall be in possession of or capable of obtaining immediate certification from the State of Wisconsin for commercial inspection and for Uniform Dwelling Code inspection.

(3) **Conditions of Appointment.** The Electrical Inspector shall have no financial interest in any concern engaged in electrical business in the Town at any time while holding the office of Electrical Inspector. Any violation of the provisions of this section by such Electrical Inspector shall be sufficient cause of his or her dismissal.

(4) Duties.

a. **Enforcement.** The Electrical Inspector shall enforce the provisions of this ordinance and the rules and regulations issued by the State of Wisconsin.

b. **Records.** The Electrical Inspector shall keep complete records of all applications received, permits issued, inspections made and other official work performed under the provisions of this ordinance.

(5) **Authority.**

a. The Electrical Inspector may enter any public or private buildings or business places in the discharge of his or her duties.

b. The Electrical Inspector may dismantle any dangerous and improper electrical installations. He or she may turn off all electrical currents to any equipment which he or she finds in an unsafe condition; cut or discontinue electrical service in case of emergency and where such electrical currents are dangerous to life or property; or may interfere with the work of the Fire Department. When the Electrical Inspector disconnects or causes to be disconnected electrical current from electrical equipment, he or she shall attach an official notice, tag, lock or seal to such electrical equipment to prevent the use of electricity. No person shall reconnect any equipment thus cut off until written permission is given by the Electrical Inspector.

(6) **Inspections.** The Electrical Inspector may periodically inspect and check all the electrical installations and appliances on the premises above described within the Town and when such installations or appliances are found to be in a dangerous or unsafe condition, the Electrical Inspector shall notify the person owning, using, operating or installing the same to place them in a safe condition within 15 days after the receipt of such notice. The Electrical Inspector may order the discontinuance of electrical service to such defective wires or appliances until they have been repaired, removed or changed as directed by the Electrical Inspector, subject to the limitations of this ordinance.

(7) **Right To Entry.** The Electrical Inspector shall have the right to enter upon public or private property during reasonable hours to inspect work performed or existing as provided by this ordinance. Where entry is refused, the Electrical Inspector may seek an inspection warrant as provided in sections 66.122 and 66.123 of the Wisconsin Statutes.

(8) **Orders.**

a. Where the Electrical Inspector finds electrical installations that are dangerous, unsafe or not in compliance with codes relating to electrical work and installations, he or she shall issue written orders notifying the owner of the premises of the condition. Such orders shall fix a time by which repairs shall be made. The orders shall be served:

1. By delivery to the owner personally or by leaving the notice at the usual place of abode of the owner with a person of suitable age and discretion;

2. By certified or registered mail addressed to the owner at his or her last known address with postage prepaid thereon; or

3. By posting and keeping posted for 24 hours a copy of the notice in placard form in a conspicuous place on the premises.

b. Where the owner, after proper notice and expiration of the time for compliance, has failed or refused to make the required repairs, the Electrical Inspector may issue one or more citations for failure to make the repairs. The issuance of such citations may be in addition to any other remedies prescribed in this ordinance.

(b) **Prohibited Practices.** The owner, operator or occupant of any premises shall not employ any person to alter, install or repair electrical wires and apparatus for the utilization of electrical contractor or a licensed employee of the electrical contractor, except in the usual operation of a public utility company or manufacturing plant.

(c) **Electrical Permits.**

(1) **General.** A permit shall be issued by the Electrical Inspector to an electrician certified by the State of Wisconsin or to a qualified homeowner prior to any work started or caused to be started on new or remodeled installations, temporary or permanent, or for making extensions and/or changes to existing wiring systems for heat, light or power upon premises, inside or outside and/or attached to buildings or structures of any character. No person shall perform any electrical work without first obtaining such permit, except as provided in sub. (2).

(2) **Exceptions.**

a. This section shall not prohibit any bona fide owner from personally installing wiring in or on a single family dwelling to be occupied by such bona fide owner as his home, provided he abides by the following rules and regulations:

1. Submits plans and specifications to the Electrical Inspector for approval.

2. Satisfies the Electrical Inspector as to his ability and qualifications to install electrical wiring.

3. Makes application and secures an electric permit before commencing electrical work of any character.

4. Files an affidavit that he is a bona fide owner and will personally install the work covered by his permit, and that he will not contract or hire any other person to do any part of the wiring covered by the owner's permit.

5. An owner exercising this privilege shall conform to all the requirements of this ordinance not inconsistent herewith, and shall not employ anyone to assist him with the electrical installation.

b. No permits shall be required for the usual operations of a local public utility company.

(3) **Work to Commence Within Six Months.** All electrical permits shall be void unless work has commenced within 6 months from the date of original issue. Where work has commenced within 6 months, the electrical permit shall expire by limitation one year from the date of original issue. Where the work has been carried on with reasonable diligence, the permit may be renewed upon application for renewal and payment of the required renewal fee.

(4) **Electrical Permits, Fees.** Permit fees for electrical installations shall be set by the Town Board. If the licensee fails to obtain a permit before an electrical installation has been started, the total fees for such permit shall be double the regular fee. No further permits shall be issued to any licensee until all arrears in fees have been paid and all lawful orders of the Electrical Inspector have been complied with.

(5) **Payment of Fees to Town Clerk.** All permit fees shall be paid to the Town Clerk and no permit shall be issued or valid unless approved by the Electrical Inspector and the fee paid to the Town Clerk in the amount required for such permit.

(6) **Temporary Work Permit.** On applying for permit for temporary electrical work, a specified period of time for which such wiring is to remain in service shall be stated. Service shall be cut off at the end of this period and shall not again be connected without written permission from the Electrical Inspector.

(7) **Emergency Work Permit.** In emergency work, the person doing or causing work to be done shall report the same to the Electrical Inspector immediately after beginning work, on forms furnished by the Electrical Inspector and such work shall be in accordance with this ordinance.

(8) **Posting of Notice by Holder of Permit.** Red tags, furnished by the Town, bearing the electrician's name and the permit number and stating that the job has not been inspected, shall be displayed by the electrician, in a conspicuous place on all jobs that require an electrical permit and remain there until the work is complete and approved by the Electrical Inspector. They will then be removed by such Inspector and replaced by a white tag if the work is approved. The red tag shall not be removed by anyone except the Electrical Inspector.

(d) **Electrical Inspection Requirements.** Upon the completion of the wiring of any building on or before any wiring is to be hidden from view, the person doing the same shall notify the Electrical Inspector and he or she shall inspect the installation within 48 hours of the time such notice is received. If, upon inspection, it is found that

such installation is fully in compliance with this ordinance and does not constitute a hazard to life or property, the Inspector shall approve the same and authorize concealment of such wiring or connection for electrical service. If the installation is incomplete or not strictly in accordance with this ordinance, the Inspector shall issue orders to the person installing the same to remove all hazards, and make necessary changes and additions within 10 days. Concealment of electrical work before inspection, or failure to comply with the orders of the Electrical Inspector shall constitute a violation of this ordinance.

(e) **Appeal.** When the Electrical Inspector condemns all or part of the electrical installation in any building, the owner and/or electrician, within 10 days after receiving written notice from the Electrical Inspector, may file a petition in writing for review of such action of the Electrical Inspector with the Board of Adjustment. Upon receipt of such notice, the Board shall at once proceed to determine whether such electrical construction complies with this ordinance, and within 14 days shall make a decision in accordance with its findings.

(f) **State Electrical Code.** The State of Wisconsin Electrical Code, Ch. Comm. 16, Wis. Adm. Code, and all amendments thereto, is adopted and incorporated in this ordinance by reference. By adoption of Ch. Comm. 16, this ordinance adopts the National Electrical Code and the Wisconsin omissions from, and changes or additions thereto, as set forth in Ch. Comm. 16.

(g) **Penalty.** Any person who violates any provision of this ordinance, or any order, rule or regulation made or adopted hereunder, shall be subject to a forfeiture.

Section 13.03 PLUMBING CODE

(a) **Administration and Enforcement.**

(1) The design and installation of all plumbing systems, including sanitary and storm drainage, sanitary facilities, water supplies, storm water and sewage disposal, shall comply with the requirements of this ordinance.

(2) To enforce the provisions of this ordinance, there is hereby authorized and established the position of Plumbing Inspector. The Plumbing Inspector shall, under the direction of the Town Board, be responsible for the inspection of plumbing, water supply and drainage installations in conformity with the requirements of this ordinance. The Plumbing Inspector shall also be responsible for:

a. The inspection of water and gas services as to their depth below grade, manner of construction materials and workmanship.

b. The supervision and inspection of replacing of earth, pavements and sidewalks made necessary by plumbing work in compliance with Town standards.

c. The inspection of installation and design of all plumbing systems, including sanitary and storm drainage, sanitary facilities, water supplies, storm sewer and sewage disposal.

d. Such other duties as may be assigned to him or her by the Town Board.

(b) **Purpose and Intent.** It is the purpose and intent of this ordinance to establish minimum plumbing standards in terms of performance objectives, implemented by specific requirements, which will provide reasonable safeguards for sanitation to protect the public health against hazards of inadequate, defective or unsanitary plumbing installations.

(c) **Maintenance.** All plumbing and drainage systems, both new and existing, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices and safeguards which are required by this ordinance shall be maintained in good working order. The owner or his or her designated agent shall be responsible for the maintenance of plumbing and drainage systems.

(d) **State Plumbing Code Adopted.** The State of Wisconsin Plumbing Code, Chs. Comm. 82 to 87, Wis. Adm. Code, and Ch. 145, Wis. Stats., are hereby adopted by reference and incorporated into this ordinance.

(e) **Plumbing Permits.**

(1) **Required.** Any person desiring to do plumbing shall file a permit application with the Town before starting any work. The permit application shall be made on forms provided by the Town. All forms shall be properly, completely and legibly filled out and shall be signed by a person qualified as a licensed plumber registered with the State of Wisconsin. A permit is not required when minor repairs are made to part of an existing plumbing system. The applicant shall furnish drawings illustrating the work to be done when deemed necessary by the Plumbing Inspector.

(2) **Information Required.** The person responsible for the work shall sign the permit application and provide the name, address and telephone number of the person or firm and the plumber's license number in the space provided on the application form.

(3) **Issuance of Permit.** Permits for work shall be issued within 10 working days of receipt of the properly completed application to holders of qualified licenses issued by the State. The issuance of a permit shall not be construed as a plan approval or approval for noncode complying designs or installations. Where work is done before review, any noncode complying portions of the plumbing work shall be removed or replaced.

(4) **Work to Commence Within Six Months.** All plumbing permits shall be void unless work has commenced within 6 months from the date of original issue. Where work has commenced within 6 months, the plumbing permit shall expire by limitation one year from the date of original issue. Where the work has been carried on with reasonable diligence, the permit may be renewed upon application for renewal and payment of the required renewal fee.

(f) **License Required.**

(1) **General.** No person shall perform any plumbing in the Town without holding a qualified license issued by the State of Wisconsin. All work done under a permit issued to a licensed plumber shall be under the control and supervision of the person to whom the permit is issued and that person shall be responsible for all of the work done under the permit.

(2) **Exceptions.** This section shall not prohibit any bona fide owner from personally installing plumbing in or on a single family dwelling to be occupied by such bona fide owner as his home, provided he abides by the following rules and regulations:

a. Submits plans and specifications to the Plumbing Inspector for approval.

b. Satisfies the Plumbing Inspector as to his ability and qualifications to install plumbing.

c. Makes application and secures a plumbing permit before commencing plumbing work of any character.

d. Files an affidavit that he is a bona fide owner and will personally install the work covered by his permit, and that he will not contract or hire any other person to do any part of the plumbing covered by the owner's permit.

e. An owner exercising this privilege shall conform to all the requirements of this ordinance not inconsistent herewith, and shall not employ anyone to assist him with the plumbing installation.

(g) **Plan Review and Approval.** Plans and specifications for plumbing to be installed in the Town shall be submitted and approved pursuant to the provisions of Comm. 82.20 Wis. Adm. Code. No work shall commence until the plan review has been completed and written authorization to begin work has been issued.

(h) **Inspections.**

(1) **Required.** All plumbing work within buildings and exterior plumbing on private property within the Town shall be inspected.

(2) **Notification for Inspection.** The plumber to whom the permit has been issued, or his or her agent, shall notify the Plumbing Inspector when the work is ready for inspection and shall specify the street address and permit number under which the work is being done. Unless otherwise permitted by the plumbing inspector, all plumbing work shall be left uncovered until inspected and approved. The person making the request for inspection shall make such arrangements as will enable the Plumbing Inspector to reach all parts of the building and shall provide the equipment and labor for making tests of the system.

(3) **Final Inspection.** The plumber to whom the permit is issued, or his or her agent, shall notify the Plumbing Inspector when the work is completed and ready for final inspection. The person making the request for final inspection shall make arrangements for entry into all parts of the building where the inspection is to be performed.

(4) **Right To Entry.** The Plumbing Inspector shall have the right to enter upon public or private property during reasonable hours to inspect work performed or existing as provided by this ordinance. Where entry is refused, the Plumbing Inspector may seek an inspection warrant as provided in sections 66.122 and 66.123 of the Wisconsin Statutes.

(i) **Well Construction and Pump Installation.** Construction of wells and installation of pumps shall be done in accordance with Ch. NR 812, Wis. Adm. Code, which is adopted by reference and made a part of this ordinance.

(j) **Private Well Abandonment.** The permanent abandonment of unused or contaminated wells or drill holes and noncomplying water systems shall be done in accordance with NR 812.26, Wis. Adm. Code, which is adopted by reference and made a part of this ordinance.

(k) **Permit Fees.**

(1) **Required.** Permit fees shall be submitted with the plumbing permit application and shall be made payable to the Town. Any person who has failed to pay previous permit fees shall be denied the right to receive permits until all such previous fees are paid in full.

(2) **Fees.** Fees shall be established by the Town Board.

(l) **Penalty.**

(1) Any person who shall violate any provision of this ordinance shall be subject to a forfeiture.

(2) If it appears that any person is violating any provision of this ordinance, the Town may, in addition to, or in lieu of any other remedies provided by law, bring action against such person to enjoin such violation.

Section 13.04 ADDRESS SYSTEM

(a) **Intent.** This ordinance is intended to establish a uniform address and numbering system for the Town of Turtle and to provide for the administration, control and enforcement of the Rock County (County-wide) Address System in the Town of Turtle.

(b) **Adoption of System.** The numbering and address system as adopted and administered by Rock County is hereby established as the address system for the Town of Turtle. All building numbering signs shall comply with the specifications of the Rock County ordinance as administered. Pre-existing posts may be used if approved by the Rock County Planning and Development Committee. As part of the County System, the City of Beloit System will be extended to part of the Town of Turtle.

(c) **Location of Signs.** Every residence farm and business with buildings shall install address signs by the road serving the building or buildings. Second signs may be permitted on the building. Address signs shall be installed so that the frame is parallel to the roadway and not less than three (3) feet from the top of the back slope of the ditch line of the road's right-of-way, and approximately ten (10) feet from the driveway serving the building or buildings. Address signs shall be installed approximately 48 inches above ground level on the post provided with the initial installation or on a replacement post as authorized by Town employees. For the benefit of emergency personnel and wherever the physical conditions will permit, all address signs shall be located to the right of the entrance driveway when facing the premises from the highway.

(d) **Damage to Signs:**

(1) No person shall wilfully damage or destroy any sign erected or maintained under the provisions of this Ordinance.

(2) Any person who damages or destroys an address sign by accident shall be required to immediately report this incident to the Town of Turtle. Wilful failure to report accidental damage or destruction is a violation of this Ordinance.

(3) Property owners shall have responsibility for new numbers and the replacement of damaged or destroyed signs on their property.

(4) Upon refusal to replace a sign, a written warning will be issued by the Building Inspector and the owner shall be given 30 days to replace the sign. For failure

to do so, the Town will replace the sign and charge the cost to the property owner as a lien on the real estate.

(5) No person shall interfere with or move an address sign as originally installed on the posts provided unless specific authorization has been given by a Town employee or representative of the Town Board.

Section 13.07 CONSTRUCTION OF PRIVATE SWIMMING POOLS

(a) **Regulation.** It shall be unlawful to construct, maintain, install or enlarge any swimming pool in the Town of Turtle except in compliance with all the provisions of this ordinance.

(b) **Definition.**

(1) The term “swimming pool” when used in this ordinance is defined as any body of water contained in a man-made receptacle or depression, above or below the surrounding grade, temporary or permanent, used or intended to be used for swimming or wading or bathing, and shall include all structures, equipment and appurtenances therefor.

(2) The term “private swimming pool” is hereby defined as any swimming pool which is not owned by a municipality or governmental organization and includes a temporary private swimming pool.

(3) The term “temporary private swimming pool” is hereby defined as an above ground swimming pool erected for part of the year and disassembled for part of the same year.

(c) **Location.** No portion of a private swimming pool, outside a building shall be located at a distance of less than ten (10) feet from any side or rear property line, or building line or less than forty (40) feet from any front property line. Pumps, filters and water disinfection equipment installations shall be located at a distance not less than ten (10) feet from any side property line.

(d) **Permit Required.** It shall be unlawful to proceed with the construction, installation, enlargement or alteration of any private swimming pool and appurtenances within the Town of Turtle unless a permit therefor shall have first been obtained from the Building Inspector. All private swimming pools, appurtenances, water supply and drainage systems shall be constructed in conformity with the approved plans. However, a permit shall not be required for a temporary private swimming pool.

(e) **Fences.**

(1) All outdoor private swimming pools shall be completely enclosed by a fence. All fence openings or points of entry into the pool, area enclosure shall be equipped with gate. The fence and gates shall be at least 4 ½ feet but not more than 6 feet in height above the grade level and shall be of sufficient strength to make the pool inaccessible to small children. All gates shall be equipped with self-closing and self-latching devices placed at the top of the gate.

(2) The fence may be omitted where above ground pools are installed and have a sidewall around the entire perimeter of the pool which is a minimum of four and one-half feet above grade. Access shall be through self-closing and latching gates with a

locking device and shall be kept locked when pool is not in use. Where pool ladders are provided they shall be a type that can be removed when pool is not in use.

(f) **Electrical Requirements.**

(1) All electrical installations provided for, installed, and used in conjunction with private swimming pools shall conform with the electrical code and ordinances of the Town of Turtle, the County of Rock and the State of Wisconsin regulating the electrical installations.

(2) No current carrying electrical conductors shall cross private swimming pools either overhead or underground or within 15 feet of such pools.

(3) All metal fences, enclosures or railings near or adjacent to swimming pools which might become electrically charged as a result of contact with broken overhead conductors or from any other cause, shall be effectively grounded.

(g) **Inspections.** The Building Inspector shall periodically inspect all swimming pools, to determine whether they are in compliance with this ordinance. The inspection shall be by permission of the property owner or occupier or by Special Inspection Warrant in the event permission may not be obtained.

(h) **Permit Fee.** The fee for a permit for the construction of a swimming pool shall be determined by the Town Board. In addition, if the swimming pool has any electrical connections, an electrical permit must be obtained.

Section 13.08 FENCES AND HEDGES

(a) **Definitions.** When used in this ordinance, the following terms shall have the meanings set forth herein:

(1) A “fence” is a structure or partition made of wood, metal, or other materials erected for the purpose of enclosing a piece of land, or to divide a piece of land into distinct portions, or to separate two contiguous pieces of land.

(2) A “hedge” is a barrier formed by bushes, shrubs, small trees or similar plants closely planted together.

(b) **Height.** No person shall construct any fence more than 6 feet in height on any property in the Town of Turtle zoned as Residential District One (R-1) or Rural Residential (R-R). No person shall permit any hedge to grow taller than 6 feet in height on any property in the Town of Turtle zoned as Residential District One (R-1) or Rural Residential (R-R) where such hedge is nearer than 150 feet from any occupied premises other than the owner of such hedge.

(c) **Barbed Wire and Electric Fences.** No person shall construct or maintain a barbed wire or any fence charged with electricity on any property in the Town of Turtle zoned as Residential District One (R-1) or Rural Residential (R-R).

(d) **Hedges and Fences Near Public Streets.** All hedges and fences parallel to a private driveway which leads to a public street and all hedges and fences along a public sidewalk in any area of the Town of Turtle shall not be higher than 3 feet for a distance of 30 feet from the sidewalk or 30 feet from the street entrance to the driveway.

(e) **Encroachments.** No portion of any fence or hedge in any area of the Town of Turtle may extend into or overhang any property line, public right-of-way or public land unless the owner has secured a written and recorded easement therefor.

(f) **Repair.** All fences on any property in the Town of Turtle zoned as Residential District One (R-1) or rural Residential (R-R) shall be maintained by the owner in structurally sound condition and in good repair.

(g) **Order to Comply.** Where a hedge or fence is higher than permitted in subsections (b) and (d), the Building Inspector shall order the owner or occupant of said premises to make such hedge or fence comply with those provisions. This order shall be in writing and sent to the owner or occupant of the premises. If the owner or occupant does not comply with the order, the Town Board may order employees of the Town of Turtle to enter upon the premises and alter the fence or trim the hedge to comply with the provisions of this ordinance. The expense to the Town of Turtle of making the hedge or fence comply with the ordinance shall be charged to the owner of the premises and collected as a special assessment against the premises.

(h) **Permits.** No person shall construct a fence on any property in the Town of Turtle zoned as Residential District One (R-1) or Rural Residential (R-R) without a permit from the Building Inspector. The cost of the permit shall be established by the Town Board. The Building Inspector shall refuse to issue such permit if the proposed fence would render the use of streets and sidewalks unsafe, or if such fence would interfere with observation of pedestrian or vehicular traffic or would tend to depreciate adjacent property values.

Section 13.09 DRIVEWAYS

(a) **Intent.** It is the intent of this ordinance to control the location and construction of all private driveways in the interest of protecting the health, safety and welfare of the motoring public, as well as pedestrians. It is recognized that the importance of this control is increased as the activity in the driveways increases, and with the importance of the affected streets as major traffic carriers.

(b) Permit Required. No person shall construct, reconstruct, or enlarge any private driveway within any public street under the control and the jurisdiction of the Town of Turtle without first obtaining a permit therefor as provided by this ordinance.

(c) Applications. Application for such permit shall be made to the Town Clerk on a form provided, together with the appropriate fee and shall be accompanied by a drawing accurately depicting the portion of the proposed private driveway to be constructed, reconstructed, altered, or enlarged, lying within the public street, the dimensions thereof and a statement of the materials proposed to be used. The Town may require other documents to be submitted with the application.

(d) Decision on Application. Upon receipt of the application, the accompanying documents and any additional documents required by the Town, the Building Inspector shall review the application within 30 days of submission and will approve, approve with modifications, or deny the application. If approved or approved with modifications, the Town will issue a Driveway Construction Permit.

(e) Permit Period. The Driveway Construction Permit is effective for 12 months from the date of issuance. The permit shall expire after 12 months unless renewed.

(f) Renewal. The permit may be renewed for an additional period of 6 months. If the driveway has not been constructed by the end of this period, a new application must be submitted and approved.

(g) Driveway Inspection. The applicant shall notify the Building Inspector within 30 days of completion of the construction or modification. Within 30 days of notification, the Building Inspector will conduct an inspection of the driveway to ensure full compliance with all of the provisions of this ordinance.

(h) Building Permits. No building permit for new construction will be issued until the driveway is permitted according to the specifications of this ordinance.

(i) Application Fee. An application fee in an amount determined by the Town Board will be charged.

(j) Emergency Access. As a condition of the driveway construction permit, the driveway shall be constructed and maintained by the owner or occupant to ensure access by emergency vehicles.

(k) Disclaimer. The Town's approval of a driveway permit application does not constitute a determination that the driveway is safe, suitable for use or otherwise passable for the public, or that public access is authorized. No person may rely on the issuance of a permit to determine that a driveway is fit for any purpose. Approval of the driveway permit application does not establish future approval of the driveway as a public road.

(1) Location, Design, and Construction Requirements. The location, design and construction of such driveways shall be in accordance with the following:

(1) Private driveways shall be of such width and so located that all of such driveways are within the limits of the frontage abutting the street of the property served.

(2) The number of driveways to serve an individual property fronting on a street shall be the minimum deemed necessary by the Building Inspector for reasonable and adequate service to the property, considering the safety, convenience, dimensions and utility of the street.

(3) The minimum driveway width shall be 12 feet for a single residence and 18 feet for a shared driveway.

(4) The minimum driveway surface shall consist of 6" of crushed aggregate base course. Additional stone may be required based on actual soil conditions.

(5) Driveway side slopes shall be no steeper than 1' vertical in 2' horizontal (50%)

(6) Ditch back slopes shall be no steeper than 1' vertical in 2' horizontal (50%)

(7) The maximum finished driveway grade shall be 13%.

(8) A clear space 14 feet high and 20 feet wide for a single residence and 14 feet high and 26 feet wide for a shared driveway shall be maintained at all times for emergency vehicle access.

(9) Each driveway shall have a turnaround within 75 feet of the house.

(10) Driveway curves shall have a minimum radius of 36 feet.

(11) Each driveway shall be set back 10 feet from the nearest property line.

(12) All driveways shall be set away from any street intersection by a minimum distance of 650 feet as measured along the street right of way. The Building Inspector may require such additional separation from a street intersection as may be deemed necessary for the conditions of traffic or the physical features of the street, either existing or proposed.

(13) The surface of the driveway connecting with rural type street cross sections shall slope gradually downward and away from the highway shoulder back to the culvert or ditch line a sufficient distance to preclude ordinary surface water drainage flowing onto the street roadbed.

(14) Driveways shall not obstruct or impair drainage in street ditches or roadside areas. Driveway culverts, where required, shall be adequate for surface water drainage along the street and shall be of such size as directed by the Building Inspector, but not less than the equivalent of a 15 inch diameter pipe. The distance between culverts under successive driveways shall not be less than 10 feet.

(15) When the construction of a driveway requires the removal of a curb or gutter, the new connections shall be of equivalent acceptable material and curb returns shall be provided or restored in a neat, workmanlike manner. The driveway surface shall be connected with the highway pavement and the sidewalk, if any, in a neat, workmanlike manner. The driveway construction shall include the replacement of such sidewalk areas which are inadequate or which are or may be damaged by means of vehicle travel across the sidewalk.

(16) The grade of that portion of any private driveway located within the limits of any public road, highway, or street, shall be such as shall meet the grade of the existing public roadway at its edge and not cause an obstruction to the maintenance or clearing of such public roadway.

(17) Any of the above requirements of this section may be varied in such instances where the peculiar nature of the property or design of the street may make the rigid adherence to the above requirements impossible or impractical.

(m) Special Requirements for Commercial Driveways. The following requirements shall be followed for driveways serving commercial or industrial property:

(1) No portion of a private driveway located within the dedicated portion of a public street shall, except as herein provided, have an effective width greater than 30 feet measured at right angles to the centerline of said driveway, except as increased by permissible radii or flare. In instances where the nature of the commercial or industrial activity or the physical characteristics of the land would require a driveway of greater width than herein specified, the Building Inspector may permit a driveway of additional width.

(2) No return radius or flare projected between the edge of the street pavement and the driveway shall be greater than 5 feet and no greater than 15 feet. There shall be a concrete pavement with a minimum thickness of 6 inches.

(3) The angle between the centerline of a private driveway and the edge of the street right of way shall not be less than 75 degrees.

(4) Driveways serving the same premises shall be separated by a minimum distance of 30 feet as measured along the right of way.

(n) Special Requirements for Noncommercial Driveways. The following requirements shall be followed for driveways serving noncommercial property:

(1) No noncommercial driveway or combination of driveways within a dedicated portion of a public street shall have an effective width greater than 20 feet except as increased by permissible radii or flare.

(2) No return radius or flare projected between the edge of the street pavement and the driveway shall be greater than 5 feet.

(3) The centerline of that part of the driveway lying within the street right of way shall, wherever possible, be approximately at right angles to the pavement.

(o) Existing Driveways.

(1) Hazardous Conditions. When washing, blockage of water flow, or other conditions created by any existing driveway that does not meet the specifications in this Ordinance obstruct or become a potential hazard to a public highway, or unreasonably hinder access to the property by emergency service personnel, the Town Board shall notify the property owner of the conditions. The property owner shall correct such conditions within 30 days after notice by the Building Inspector.

(2) Field Entrance. No field entrance may be used as a driveway to acquire access to a residential or commercial property unless the field road has been approved as a driveway according to the provisions of this Ordinance.

(p) Abrogation and Greater Restrictions. It is not the intent of this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules regulations, permits, or approvals previously adopted or issued pursuant to law. However, where this Ordinance imposes greater restrictions, and such restrictions do not contravene rights vested under law, the provisions of this Ordinance shall govern.

(q) Interpretation. The provisions of this Ordinance shall be interpreted to be minimum requirements and shall be liberally construed in favor of the Town, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

(r) Jurisdiction and Applicability. Jurisdiction of these regulations shall include all driveways on land within the Town of Turtle. New driveways and those existing driveways that undergo repairs involving changes in the existing slope and/or rerouting of the existing driveway are subject to the provisions of this Ordinance. Except as provided in section (o) of this Ordinance, the provisions of this Ordinance do not apply to field roads or to repairs to existing driveways where repair does not involve changes in the existing driveway slope and/or rerouting of the existing driveway.

(s) Definitions.

(1) Driveway. A private driveway, road, or other avenue of travel that runs through any part of a private parcel of land that connects or will connect with any public highway, and will provide service to a residence, business, recreational site, or other similarly appropriate uses.

(2) Field Entrance. A road used only for agricultural or recreational purposes that does not connect with a public highway through an improve access point.

(3) Town. The Town of Turtle.

(4) Building Inspector. The individual or agent hired by the Town Board to act in this capacity.

State Law Reference: This Ordinance is adopted under the general police powers authority granted pursuant to sections 60.10(2)(c), 60.22(3), and 61.34(1) of the Wisconsin Statutes, the controlled access highway power granted pursuant to sections 83.027(10) and 84.25(10) and 86.02, 86.04, and 86.07(2) of the Wisconsin Statutes, and section 236.45(2) of the Wisconsin Statutes.

Section 13.10 RAZING BUILDINGS

(a) **Razing Buildings Statute Adopted.** The statutory provisions of section 66.0413 of the Wisconsin Statutes and any future amendments, revisions or modifications thereto are hereby adopted and by reference made a part of this ordinance as if fully set forth therein. Any act required to be performed or prohibited by this statute is required or prohibited by this ordinance.

(b) **Right to Entry.** The Building Inspector shall have the right to enter any building on public or private property during reasonable hours to make necessary inspections pursuant to section 66.0413 of the Wisconsin Statutes. When entry is refused, the Building Inspector may seek an inspection warrant as provided in section 66.0119 of the Wisconsin Statutes.

(c) **Powers of Building Inspector.** The Building Inspector shall have the powers granted by section 66.0413 of the Wisconsin Statutes.