

**TOWN OF SUN PRAIRIE**

**AN ORDINANCE REGARDING BUILDING PERMITS, BUILDING CODE,  
UNIFORM DWELLING CODE, ELECTRICAL CODE, PLUMBING CODE AND  
STANDARDS FOR PROPERTY MAINTENANCE.**

**Building Code**

**Building, Electrical and Plumbing Codes**

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THE TOWN BOARD OF THE TOWN OF SUN PRAIRIE, DANE COUNTY,  
WISCONSIN DO ORDAIN AS FOLLOWS:

**Building Code**

SEC. 15-1-1 BUILDING CODE ESTABLISHED.

- (a) TITLE. This Chapter shall be known as the "Building Code of the Town of Sun Prairie" and will be referred to in this Chapter as "this Code," "this Chapter" or "this Ordinance".
- (b) AUTHORITY. The Town Board of the Town of Sun Prairie has the specific statutory authority, powers and duties, pursuant to Sec. 101.65 (1990-91) Wis. Stats., and by its adoption of village powers under Sec. 60.10 (2)(e) and 60.22 (3) (1990-91) Wis. Stats., to regulate or permit in the Town of Sun Prairie persons engaged in certain uses, businesses or operations, to assess these persons with appropriate fees for licenses, registrations or permits as noted herein and to enforce, by revocation or penalty, the provisions of these ordinances and the provisions of the permits.
- (c) 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 or converted to other uses, 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.
- (d) SCOPE. New buildings hereafter erected in, or any building hereafter moved within or into, the Town shall conform to all the requirements of this Chapter except as they are herein specifically exempted from part or all of its provisions. Any alterations or enlargement 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. Any existing building shall be consider a "new building" for the purposes of this Chapter whenever it is used for dwelling, commercial or industrial purposes unless it was being used for such purpose at the time this Chapter was enacted. The term "new building" shall not include a building used exclusively for agricultural purposes. The provisions of this Chapter supplement the laws of the State of Wisconsin pertaining to constructions and use and the Dane County Zoning Ordinance. This Chapter in no way supersedes or nullifies such laws and ordinances.

SEC. 15-1-2 BUILDING PERMITS AND INSPECTION

(a) PERMIT REQUIRED

- (1) Permits General Requirement. No person shall perform or authorize the performance within the Town of building, heating, ventilating, air conditioning, plumbing, electrical or gas installation work, whether initial or new construction or remodeling, alteration, or additions, unless the required permit, as described in this chapter, is obtained. The permit is to be issued by the Building Inspector.
- (2) 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 conditioning systems, arrangements, 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 in 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 ventilations, access to or efficiency of any exit stairways, or exits, fire protection, or exterior aesthetic appearance and which do not increase a given occupancy or use, shall be deemed minor repairs.
- (b) EXEMPT FROM PERMIT REQUIREMENT. Siding and roofing as well as finishing of interior surfaces, (e.g. carpeting, painting, paneling, wallpaper, water softeners, water heaters and furnaces & air conditioners) are exempt. Minor repairs and replacements as defined in this ordinance are exempt.
- (c) APPROVED ACCESS TO TOWN ROAD, COUNTY HIGHWAY OR STATE HIGHWAY REQUIRED. Prior to issuance of a building permit for any building requiring access from a Town, County, or State highway access must be granted by the appropriate authority.
- (d) ZONING PERMIT. Any new structure, addition or change in the exterior dimension of a building requires the issuance of a zoning permit by General Engineering Company. The zoning permit must be obtained prior to the application for a building permit. All buildings used entirely for agricultural purposes are exempt from the zoning permit.
- (e) APPLICATION. Application for a building permit shall be made in writing upon a form furnished by the Building Inspector and shall state the name and address of the owner of the land and also the owner of

the building if different, 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 may require.

- (f) PLANS. With such application there shall be submitted two complete sets of plans and specifications, including floor plans, elevations and wall sections, a plot plan showing: the parcel number, the road address, subdivision name and lot number (if applicable); the location and dimensions of all buildings and improvements on the lot, both existing and proposed, including fences, septic systems, wells; dimensions showing all setbacks of all buildings on the lot; location and dimensions of driveway, water courses or existing drainage ditches, proposed drainage measures, easements or other restriction affecting such property.
- (g) WAIVER OF PLANS: MINOR REPAIRS.
  - (1) Plan Waiver. If the Building Inspector finds that the character of the work is sufficiently described in the application, he may waive the filing of plans for alterations or repairs.
  - (2) Minor Repairs. The Building Inspector may authorize minor repairs or maintenance work on any structure or to electrical, heating, ventilating or air conditioning systems installed therein 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.
- (h) APPROVAL OF PLANS. If the Building Inspector determines that the building will comply in every respect with all ordinances of the Town and all applicable laws and orders of the State of Wisconsin, he/she shall 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 construction. 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.

In case adequate plans are presented for part of the building only, the Building Inspector, at his/her discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building.
- (i) ISSUANCE OF PERMITS.
  - (1) Payment of Fees. Except as otherwise specifically provided, all permit and inspection fees required under this Chapter shall be collected by the Building Inspector prior to the issuance of the permit. No permit shall be issued or reissued, or inspection performed until the required fees are paid.
  - (2) Monthly Reports. The Building Inspector shall make a monthly report to the Town of Sun Prairie of permits issued, fees collected, and inspections made.

(j) **INSPECTION OF WORK.** The builder shall notify the Building Inspector when ready for inspections and the Building Inspector shall inspect within two (2) business days after notification. If the inspector finds that the work conforms to the provisions of this Chapter, he shall issue a certificate of occupancy which shall contain the date and result of such inspection, a duplicate of which shall be filed in the office of the Building Inspector.

(k) **PERMIT LAPSES.**

(1) General. Permits issued under this Chapter, except permits for one- and two-family dwelling units shall lapse and be void unless construction or work has commenced within six (6) months, or if construction has not been completed within one (1) year from the date of issuance. Construction has commenced if the footing or foundation has been excavated to a point where footings or foundation work can begin.

(2) One- and Two-Family Dwellings. Permits for one- and two-family dwelling unit construction, remodeling and additions shall be valid for a period of twenty-four (24) months from date of issuance.

(3) Reissuance of Permits. In the event any work for which a permit was issued is not completed within twenty-four (24) months for one- and two-family dwelling units and within one (1) year for other construction or work authorized by a valid permit issued under this Chapter, then said permit shall lapse and be void and no construction or work shall begin or resume until a new permit is obtained and the prescribed fee is paid. No permit shall be reissued until all approvals required in this Chapter at the time of reapplication have been given. The fee for reissuance of a permit shall be one-half (1/2) of the required fee at the time of reapplication unless work has proceeded without a permit or under a lapsed permit, in which event full fees shall be paid.

(l) **REVOCAION OF PERMITS.**

(1) The Building Inspector may revoke or suspend any building, plumbing or electrical permit, certificate of occupancy, or approval issued under the regulation 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 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 has been issued to him.
- 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 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 Building Inspector for the use of all new materials, equipment, methods of construction devices, or appliances.
- (2) 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 agent, if any, and on the person having charge of construction.
  - (3) A revocation placard shall also be posted upon the building, structure, equipment, or premises in question by the Building Inspector.
  - (4) 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 operations 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 Building Inspector may order as a condition precedent to the reissuance of the building permit may be performed, or such work as he may require for the preservation of life and safety.
  - (5) Appeals of such revocations or suspensions may be taken to the Town Board.
- (m) **REPORT OF VIOLATIONS.** Town officials shall report at once to the Building Inspector any building which is being carried on without a permit as required by this Chapter.
  - (n) **RECORDS.** The Building Inspector shall keep a record of all permits, fees and inspections and shall make an annual report thereon to the Town of Sun Prairie.
  - (o) **DISPLAY OF PERMIT.** Permit shall be displayed in a conspicuous place on the premise where the authorized building or work is in progress at all time during construction or work thereon.
  - (p) **CERTIFICATE OF OCCUPANCY.**
    - (1) **When Required.** It shall be unlawful for any person to use or permit the use of any building or premises, or part thereof, hereafter erected, changed, converted or enlarged, wholly or

partially, in use or structure until a certificate of occupancy shall have been issued by the Building Inspector. Such certificate of occupancy shall not be issued until all final inspections under this Chapter have been satisfactorily completed.

- (2) Inspections.
  - a. The Building Inspector shall make a final inspection of all new buildings, additions and alterations. If no violations of this Chapter or any other Ordinance be found, the Building Inspector shall issue a certificate of occupancy, stating the purpose for which the building is to be used. Action to approve or deny any application for a permit or certificate of occupancy under this Chapter shall be taken promptly and in no case longer than fourteen (14) days from the date the application is filed with the Building Inspector.
  - b. No building, nor part thereof, shall be occupied until a certificate of occupancy has been issued, nor shall any building be occupied in any manner which conflicts with the conditions set forth in the certificate of occupancy.
  - c. If the Building Inspector determines after final inspection that the building, structure or work has substantially complied in every respect with all Ordinances of the Town and applicable laws and orders of State of Wisconsin she/he shall officially approve the work and shall issue the certificate of occupancy to the owner.
  - d. No person shall alter any plans or specifications in any respect after a permit or certificate of occupancy has been issued therefor, except with the written consent of the Building Inspector.
- (3) Use Discontinued.
  - a. Whenever any building or portion thereof is being used or occupied contrary to the provisions of this Chapter, the Building Inspector shall order such use or occupancy discontinued and the building or portion thereof vacated, by notice served on the building owner or any person using or causing such use or occupancy to be continued and such person shall vacate such building or portion thereof within ten (10) days after receipt of the notice or make the building or portion thereof comply with the requirements of the Chapter.
  - b. Any building, structure or premises, or any part thereof, hereafter vacated, or damaged by any cause whatsoever so as to jeopardize public safety or health, shall not hereafter be occupied or used under an existing certificate of occupancy or without the same, until an application has been filed and a new certificate of occupancy issued.
- (4) Hardship. The Building Inspector shall have the authority and power to permit the occupancy of any building or structure in the Town, prior to issuance of an occupancy certificate, in all



such cases of hardship as in his judgment and discretion warrant occupancy before final stage of completion as set forth in this Chapter. Before granting such permission, the Building Inspector shall first examine the premises and determine if it is safe and sanitary. The Building Inspector shall determine the time within which such a building or structure can be completed; such time should not exceed one hundred twenty (120) days.

SEC. 15-1-3 STATE UNIFORM DWELLING CODE ADOPTED

- (a) STATE CODE ADOPTED. The administrative code provisions describing and defining regulations with respect to Uniform Dwelling Codes in Chapters SPS 320-325 and Campgrounds/Camping Units in Chapter SPS 327 of the Wisconsin Administrative Code are hereby adopted and by reference made a part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by an administrative code provision incorporated herein by reference is required or prohibited by this Chapter. Any future amendments, revisions or modifications of the administrative code provisions incorporated herein are intended to be made part of this Chapter to secure uniform statewide regulation of one- and two-family dwellings in this Town.
- (1) Wisconsin Uniform Dwelling Code shall be applied to all detached structures. (amended 9/8/2008)
- (b) 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- or two-family dwelling, which building was not previously so occupied.
- (2) An existing structure that is altered or repaired, when the cost of such alterations or repair during the life of the structure exceeds fifty (50%) percent 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 shall be made in conformity with applicable Sections of this Chapter.
- (c) DEFINITIONS.
- (1) Additions. New construction performed on a dwelling which increases the outside dimensions of the dwelling.
- (2) Alterations. A substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.
- (3) Department. Wisconsin Department of Safety and Professional Services.

- (4) Dwelling.
1. Any building, the initial construction of which is commenced on or after the effective date of this Chapter, which contains one or two dwelling units, or
  2. An existing structure, or that part of an existing structure, which is used or intended to be used as a one- or two-family dwelling.
- (4) Minor Repair. Repair performed for maintenance or replacement purposes on any existing one- or two-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.
- (5) One- and Two-Family Dwellings. A building structure which contains one or two 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.
- (6) Detached Garage and Non-Agricultural Buildings. Detached buildings, not used as a dwelling unit but incidental to that of the main buildings, which is located on the same lot. Accessory buildings do not mean farm (ag) buildings.
- (7) Person. An individual, partnership, firm or corporation
- (8) State Codes Adopted. The following Chapters of the Wisconsin Administrative Code, as well as all subsequent future amendments, revisions and modifications are adopted by the Municipality and shall be enforced by the Building Inspector.
- Wis. Adm. Code Ch. SPS 302.21 - Plan Review Schedule.
- Wis. Adm. Code Ch. SPS 305 - Credentials.
- Wis. Adm. Code Ch. SPS 320 - Administration and Enforcement.
- Wis. Adm. Code Ch. SPS 321- Construction Standards.
- Wis. Adm. Code Ch. SPS 322 - Energy Conservation Standards
- Wis. Adm. Code Ch. SPS 323 - Heating, Ventilating and Air Conditioning Standards
- Wis. Adm. Code Ch. SPS 324 - Electrical Standards
- Wis. Adm. Code Ch. SPS 325 - Plumbing and Potable Water Standards.
- Wis. Adm. Code Ch. SPS 327 - Camping Units.
- Wis. Adm. Code Ch. SPS 361-366 - Commercial Building Code

Wis. Adm. Code Ch. SPS 375-379 - Buildings Constructed Prior to 1914.

Wisconsin State Statutes Chapter 101 Department of Safety and Professional Services-Regulation of Industry, Buildings, and Safety.

(1) The building codes shall apply to the alteration, enlargement or repair of existing 1- and 2-family dwellings constructed prior to June 1, 1980, for which a building permit is required under this Chapter. Submitted building permit applications for alterations or additions to homes built prior to June 1, 1980, may provide alternative methods or materials that, when deemed necessary in the opinion of the Building Inspector, meet the current intent of the code.

(2) Any act required to be performed or prohibited by an Administrative Code provision incorporated herein by reference is required or prohibited by this Chapter.

(d) METHOD OF ENFORCEMENT.

- (1) Building Inspector to Enforce. The Building Inspector is hereby authorized and directed to administer and enforce all of the provisions of the Uniform Dwelling Code. The Building Inspector shall be certified for inspection purposes by the Department in each of the categories specified under SPS 305, Wisconsin Administrative Code.
- (2) Duties. The Building Inspector shall administer and enforce all provisions of this Chapter and the Uniform Dwelling Code.
- (3) Inspection Powers. The Building Inspector 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 Building Inspector while in the performance of his/her duties.
- (4) Records. The Building Inspector shall perform all administrative tasks required by the Department under the Uniform Dwelling Code. In addition, the Inspector shall keep a record of all applications for building permits in a book for such purposes 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- and two-family dwellings shall be kept. The Building Inspector shall make a written annual report to the Town Board relative to these matters.

SEC 15-1-4 CONSTRUCTION STANDARDS: STATE CODE ADOPTED (Commercial)

- (a) PORTIONS OF STATE BUILDING CODE ADOPTED.
- (1) Code Adopted. Chapters SPS 361-366, Wisconsin Administrative Code (Commercial Building Code) are hereby adopted and made 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 Chapters SPS 361-366 incorporated herein are intended to be made a part of this Code.
  - (2) Permit Required. Except as specifically provided in Section 15-1-2, no person shall build, add to, alter or repair, or cause to be built, added to, altered or repaired, any public building, structure or place of employment until a building permit therefor has been issued by the Building Inspector under Section 15-1-2.
- (b) APPROVALS REQUIRED
- (1) Requirements. Permits for buildings, structures or work under Subsection (a) above shall be issued by the Town Building Inspector only for plans which have been approved under Subsection (2), below. Approvals may be obtained in any order provided no permit shall be issued by the Building Inspector until plans stamped or endorsed by all approving authorities are on file in his/her office.
  - (2) State Approval Required. Except when authority to approve plans has been delegated to the Town Building Inspector, all plans for commercial, industrial or other classes of other classes of buildings or places of employment described in Section 101.12, Wisconsin Statutes, shall be approved by the Wisconsin Department of Safety and Professional Services. (DSPS)

SEC. 15-1-5 NEW METHODS AND MATERIALS (Commercial)

- (a) 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 DSPS 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) 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 DSPS. The data, test and other evidence necessary to prove the merits of such material, method of construction or device shall be determined by the DSPS.

- (c) All materials, methods of construction and devices designed for use in buildings or structures not covered by the Wisconsin State Building Code shall be approved by the Building Inspector when they are proved to be the equal of those specifically required by the Code.

SEC. 15-1-6 DISCLAIMER OF INSPECTIONS.

The purpose of the inspections under this Chapter is to improve the quality of housing in the Town. 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, a disclaimer shall be included in each inspection report as follows: "The 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. 15-1-7 FENCES.

**Fence requirements:**

1. A fence shall not be less than 4' or greater than 6' in height and so constructions as not to have voids, holes, or openings (except for gates) larger than 4".
2. Access shall be through self-closing and latching gates and doors with a locking device and shall be kept locked when not in use.
3. Fences shall be kept attractive and in good repair and shall not have barbed wire, electric wire, hazardous edges or other unsafe materials.
4. Fences shall be located on the owner's property and shall comply with Section 15-1-7 FENCES.
5. A building permit is required to construct a fence, contact the building inspector for this permit.

**Fence exception:**

1. In ground pools will not be required to meet the fence requirements when an automatic pool cover is used when pool is not in use.
  - (a) The automatic pool cover must support a 400 LB person.
  - (b) An enclosure at least 48" high and minimum of 3 feet from the pool of such construction as will make access difficult shall completely enclose the pool.
  - (c) The enclosure maybe omitted where above ground pools are installed and have a razed deck around the entire pool perimeter

with an attached railing on the top outer edge of the razed deck or where the sidewalls of an above ground pool are extended by an enclosure (fence) to a minimum of six feet above the ground. When pool ladders are provided, they shall be of tilt up or a type that can be removed when pool is not in use.

SEC. 15-1-8 SWIMMING POOLS.

A. Definition:

A private or residential swimming pool is an outdoor structure containing a body of water in a receptacle or any other container having a depth of water at any point greater than 15” located above or below the surface of ground elevation, used or intended to be used solely by the owner, operator or lease thereof and his or her family, and by friends invited to use it, and includes all structural facilities, appliances and appurtenances equipment and other items used and intended to be used for operation and maintenance of a private or residential swimming pool.

1. Exempt pools: Storable children’s swimming or wading pools with a maximum dimension of 15 feet and maximum wall height of 15” and which are sole constructed that they may be readily disassembled for storage and reassembled to their original integrity are exempt from the provisions of this ordinance.
2. Permit Required: Before work is commenced on the construction or erection of a swimming pool or any alterations, additions, or remodeling, or other improvements and application for a building permit to construct, erect, alter, remodel or add must be submitted to the building inspector. No work or any part of the work shall be commenced until a written permit for such work has been issued and fees have been paid.
3. Construction Requirements: All materials and methods for initial construction, alteration, condition, remodeling or other improvements shall be in accordance with state regulations and codes and with any and all ordinances of the Town of Sun Prairie now in effect or here after enacted.
4. All electrical installations which are provided for, installed and used in conjunction with a swimming pool shall be in conformance with the state laws and codes and Town of Sun Prairie ordinances regulating electrical installations.
5. Setbacks: All pools shall comply with the Town of Sun Prairie Zoning Ordinance.

SEC. 15-1-9 BASEMENTS: EXCAVATIONS

- (a) BASEMENT. First floor subflooring shall be completed within sixty (60) days after the basement is excavated.
- (b) CLOSING OF ABANDONED EXCAVATIONS. Any excavation for building purposes or any uncovered foundation which shall remain open for more than three (3) months 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 accident injury to children or other frequenters or the excavations 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 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 Section 66.60, Wisconsin Statutes.

SEC. 15-1-10 REGULATIONS FOR MOVING BUILDINGS

- (a) General Requirements
  - (1) No person shall move any building or structure upon any of the public ways of the Town of Sun Prairie without first obtaining a permit from the Building Inspector, or his designee, and upon the payment of the required fee. Every such permit issued by the Building Inspector, or his designee, for the moving of a building shall designate the route to be taken, the conditions to be complied with and shall limit the time during which said moving shall be continued.
  - (2) The Town highway employee(s) shall make a report concerning potential damage to trees along the route. The estimated cost of trimming, removal and replacement of public trees as determined by the town shall be paid to the Building Inspector, or his designee, prior to issuance of the moving permit.
  - (3) The issuance of a moving permit shall further be conditioned on approval of the moving route by the Town Board.

- (4) Maximum width on one lane of the road is approximately 14 ft. Maximum height is approximately 18 ft.
- (b) 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 roads, highway and streets. No building shall be allowed to remain overnight upon any road 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 nights.
- (c) Road 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 Building Inspector, or his designee, inspect the streets, or roads over which said building has been moved and ascertain their condition. If the removal of said building has caused any damage to any road or highway, the person to whom the permit was issued shall place them in good repair as they were before the permit was granted. On 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 roads and hold the person obtaining such permit and the sureties on his bond responsible for the payment of same.
- (d) Conformance with Code. A complete plan of all further repairs, improvements, and remodeling with reference to such building shall be submitted to the Building Inspector. All foundations shall be erected and backfilled prior to relocating the structure on site. The building inspector shall make a finding of fact to the effect that all such repairs, improvements and remodeling are in conformity with the requirements of this code and that, when the same are completed, the building as such will so comply with said Building Code.
- (e) Bond.
- 1) Before a permit is issued to move any building over any public way in the Town, the party applying shall give a bond to the Town of Sun Prairie in a sum to be fixed by the Building Inspector, or his designee and which shall not be less than One Thousand Dollars (\$1,000.00), said bond to be executed by a corporate surety or two (2) personal sureties to be approved by the Town Board or designated agent conditioned upon, among other things, the indemnifications 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) If the Building Inspector, or his designee, upon investigation, that the excavation exposed by the removal of the building from its foundation is so close to a public road, highway or street 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 (e)(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, or his designee, and reasonably adopted or calculated to prevent the occurrences set forth herein.

- (F) Insurance. The Building Inspector, or his designee, shall require, in addition to said bond indicated above, public liability insurance covering injury to one (1) person in the sum of not less than One Hundred Thousand Dollars (\$100,000.00) and for one (1) accident in a sum not less than Two Hundred Thousand Dollars (\$200,000.00), together with property damage insurance in a sum not less than Fifty Thousand Dollars (\$50,000.00), or such other coverage as deemed necessary.

Sec. 15-1-11 Through Sec 15-1-19 RESERVED FOR FUTURE USE

## ARTICLE B

### Electrical Code

#### SEC. 15-1-20 STATE ELECTRICAL CODE ADOPTED.

- (a) Wis. Adm. Code SPS 324 is 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.
- (b) Wis. Adm. Code SPS 316 Commercial Electrical Code is hereby adopted by reference and made a part of this Chapter and shall apply to the construction and inspection of new commercial construction projects.
- (c) Subject to the exceptions set forth in this Chapter, the Electrical Code, Volume 1, and Rules of 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.

#### SEC. 15-1-21 ACCESS TO BUILDINGS

The Electrical Inspector may, during reasonable hours, enter any public building in the discharge of his official duties or for the purpose of making any inspection or tests of the defective wires contained therein.

#### SEC. 15-1-22 PERMITS

- (a) **REQUIRED.** Except as hereinafter provided, no electrical wiring in new construction or building alterations shall be done in the Town without a permit therefore from the Electrical Inspector. No permit shall be issued unless satisfactory proof is furnished to the Electrical Inspector, upon his request that the applicant has been employed to perform the work or installation and will be responsible for the performance thereof in the manner required by State law.
- (b) **APPLICATION.** Application for such a permit shall be made on blanks furnished by the Electrical Inspector.
- (c) **INSPECTION OF EXISTING WIRING.** Any owner of any premises in the Town may request electrical inspection of his/her premises at the same fee(s) as new construction.
- (d) **EXCEPTIONS.** Electrical work done on one- and two-family dwellings, pursuant to permit and inspection under Section 15-1-3 of this Chapter, shall be exempt from the provisions of this Subchapter.
- (e) **FEES.** Except as otherwise specifically provided, all inspection fees required under this Chapter shall be collected by the Building Inspector prior to the issuance of the permit. No permit shall be issued or reissued, or inspection performed until the required fees are paid.

SEC. 15-1-23 ELECTRICAL INSPECTIONS.

Any person, upon completion of roughed in wiring, before sheathing or covering any wiring from view, shall notify the Electrical Inspector, and he/she shall, if satisfied upon inspecting the wiring as to workmanship and materials so far completed and installed, give his approval. If convenient for the Inspector and such person installing and wiring, extra inspections may be made as work progresses on wiring on larger or more extensive installations. The cost of such extra inspections shall be paid by the person requesting such extra inspections. Any person desiring an inspection shall notify the Inspector at least forty-eight (48) hours before such an inspection is expected to be completed.

SEC. 15-1-24 Through SEC. 15-1-39. RESERVED FOR FUTURE USE

**ARTICLE C**  
**Plumbing Code**

SEC. 15-1-40 STATE PLUMBING CODE ADOPTED.

The provisions and regulations of Ch. 145, Wisconsin Statutes, and Wis. Adm. Code Chs. SPS 380-387 are hereby made a part of this Chapter by reference and shall extend over and govern the installation of all plumbing installed, altered or repaired in the Town. Any further amendments, revisions and modifications of said Wisconsin Statutes and Administrative Code incorporated herein are intended to be made part of this Chapter.

SEC. 15-1-41 DEFINITIONS.

Plumbing, for purpose of this article, is hereby defined as follows:

- (a) As is stated in Section 145.01(10)(a)1-5, Wisconsin Statutes.
- (b) The construction, connection to or alteration of any drain, soil or waste pipe to carry domestic sewage, stormwater or industrial waste from a point three (3) feet outside of the foundation walls of any building to the private sewage disposal. This definition does not include minor repairs to faucets and the removal of stoppages in soil or waste pipes.

SEC. 15-1-42 COMPULSORY INSPECTION.

The plumber in charge of each installation or repair of plumbing in the Town shall notify the Plumbing Inspector whenever the work is ready for inspection. All plumbing shall be left exposed until such time as the Inspector determines a test is necessary, he may require a water or air test on any part of the entire installation.

SEC. 15-1-43 APPLICATION AND PERMITS.

- (a) No plumbing shall be installed in the Town without first filing an application, with the accompanying fee as provided in Section 15-1-2 of this Chapter, with the Building Inspector, obtaining approval thereof and a permit therefrom. Licensed master plumbers may only receive such permits, except a permit may be issued to a property owner to install plumbing in a single-family residence which is owned and occupied by such owner as his home.
- (b) INSPECTION FEES. Except as otherwise specifically provided, all permit and inspection fees required under this Chapter shall be collected by the Building Inspector prior to the issuance of the permit. No permit shall be issued or reissued, or inspection performed until the required fees are paid.

SEC. 15-1-44 Through SEC. 15-1-49.

RESERVED FOR FUTURE USE.

## ARTICLE D

### STANDARDS FOR MAINTENANCE OF PROPERTY

#### SEC. 15-1-50 PROPERTY MAINTENANCE STANDARDS ESTABLISHED

- (a) SCOPE. These standards apply to all structures located in a residential zoning area and to all structures and sites used for residential purposes but zoned for other uses.
- (b) MINIMUM STANDARDS. It shall be unlawful for any person to occupy or use or let or hold out to another for occupancy for use any building, structure or premises which does not comply with the requirements of this Code.
- (c) FOUNDATIONS, EXTERIOR WALLS AND ROOFS. The foundation shall be substantially watertight and protected against rodents and shall be kept in good condition and repair. The foundation elements shall adequately support the building at all points. Every exterior wall shall be substantially watertight, weather tight, protected against rodents, kept in good condition and repair and shall be free of deterioration, holes, breaks, loose or rotting boards or timber, and any other condition which might admit rain or dampness to the interior portions of the walls or interior spaces of the dwelling. All exterior wood surfaces shall be protected by paint, stain or other water and weather resistant treatment. Every roof shall be watertight, weather tight, kept in good condition and repair, and have no dangerous defects. Roof drainage shall be adequate to prevent rainwater from causing dampness in the walls. All cornices, copings, parapets, moldings, belt courses, lintel, sills, and similar projections shall be kept in good repair, free from cracks or defects which make them hazardous or dangerous.
- (d) WINDOWS, DOORS AND HATCHWAYS. Every window shall be fully supplied with transparent or translucent window panes which are substantially without cracks or holes, shall be substantially tight and shall be kept in good condition and repair. Windows, other than fixed windows, shall be easily opened and shall be held in position by window hardware. Exterior doors shall fit substantially tight within its frame and shall be kept in good condition. Window and door frames shall be kept in good condition and shall exclude rain and substantially exclude wind from entering the building or structure. Every basement hatchway shall prevent the entrance of rodents, rain and surface drainage water into the building or structure.
- (e) SCREENS. From June 1st. to September 15th. Screens shall be installed on doors or windows when they are required for ventilation. Screening shall be at least a 14 mesh and shall be attached to its frame in such manner which does not leave openings larger than those in the screen itself. Frames shall be in good condition and repair and shall fit tightly into the window or door frame so as not to allow the passage of insects or rodents. Screens shall be provided with positive attachment

devices to ensure that inserts will not fall from or be dislodged from the door or window frame. A self-closing device shall be provided for screen doors.

- (f) STAIRWAYS AND PORCHES. Every exterior stairway and every porch and its supports shall be kept in good and safe condition and repair and shall be free of deterioration with every rail and balustrade firmly fastened and maintained.
- (g) CHIMNEYS. Every Chimney and chimney flue shall be in good and safe condition and repair.
- (h) GRADING AND DRAINAGE OF LOTS. Every yard, court, driveway or other portion of the lot shall be graded or drained so as to prevent the accumulation of stagnant water on any such surface. Driveways shall be maintained in good condition and repair.
- (i) YARDS. Yards shall be kept substantially clear of debris and shall be provided with adequate lawn or ground cover of vegetation, hedges or bushes. All areas not covered by any of the foregoing shall be treated to prevent dust or the blowing or scattering of dust particles into the air. All trees, bushes or vegetation which overhand a public entrance shall be properly trimmed to avoid obstruction of the view and movements of vehicles and pedestrians.
- (j) INFESTATION. Every building, structure and all exterior appurtenances on the premises shall be adequately protected against rats, mice, termites, and other vermin. Occupants and operators shall be responsible for the extermination of rodents and vermin from that part of the premises under their exclusive control except where more than one unit is infested at the same time and in this instance the owner shall also be responsible for extermination of the infestation.
- (k) EXTERIOR APPEARANCE. Every building and structure shall be kept neat and attractive in appearance. All wooden portions shall be painted, stained or receive other similar treatment as often as necessary to maintain such an appearance. Stone, brick, or other masonry shall be kept adequately pointed and maintained.
- (l) REFUSE, GARBAGE AND RUBBISH. Every building or structure shall have adequate refuse, garbage or rubbish storage facilities. Garbage containers shall all have tight covers and shall be kept in place at all times. No occupant shall accumulate rubbish, refuse, garbage, junk or other materials which may provide harborage for rodents or vermin.
- (m) ACCESSORY STRUCTURES. Every accessory structure shall be kept in good condition and repair, shall not obstruct light and air of doors or windows, shall not obstruct a safe means of access to any building or structure, shall not create fire or safety hazards and shall not provide rat or vermin harborage.
- (n) MAINTENANCE OF PROPERTY COMPLAINT. Complaints alleging a violation of this ordinance shall be commenced by service of written notice of noncompliance upon the property owner. Maintenance of Property Complaint forms are available from the Building Inspector or the Town Office.

SEC. 15-1-52 THROUGH SEC. 15-1-59. RESERVED FOR FUTURE USE

## ARTICLE E

### Permit Fees, Penalties, Violations

#### SEC. 15-1-60 PERMIT FEES.

- (a) **BUILDING PERMIT FEE SCHEDULE.** The Town Board sets the Building Permit and Inspections Fee Schedule by Town Board Resolution. A copy of the fee schedule is available from the Building Inspector and/or at the Town Office.
- (b) **COLLECTION.** The fees referred to in this Chapter shall be assessed and collected by the Building Inspector for the inspection of new buildings and structures, additions and alterations. Fees are collected in advance from owner or agent and shall include any mechanical fees which apply.
- (c) **DETERMINATION OF SQUARE FOOTAGE.** For the purpose of determining the fee on the basis of square foot, floor area measurements shall be taken from outside of building at each floor level, including basement and attic space if floor is installed.
- (d) **DETERMINATION OF ESTIMATED COST FEES.** For the purpose of determining the fee on the basis of estimated cost, it shall represent the actual cost for alterations and repairs to existing buildings, including all labor and material less the cost of real estate and installation of electrical, heating and plumbing equipment and septic system, as if done by competitive bids.
- (e) **COMPLETION DEPOSIT REQUIRED.** A deposit of \$500.00 is required for all single, two family and multi-family dwellings. The deposit shall be refunded after the project is completed and the Building Inspector has found that the building complies with all applicable codes. The deposit shall be forfeited if occupancy occurs before final inspection or extends after a temporary occupancy permit expires. It shall also be forfeited if the exterior is not finished within 2 years of the date the permit is issued.

#### SEC. 15-1-61 VIOLATIONS.

- (a) Any building or structure hereafter 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, 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, or to cause such building or structure or use to be removed. 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 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) (1) 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 Section SPS 320.21, Wis. Adm. Code.

- (2) 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 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 from maintaining any appropriate action to prevent or remove a violation of any provision of this Chapter or the Uniform Dwelling Code.
  - (4) If any construction or work governed by the provisions of this Chapter or the Uniform Dwelling Code is commenced prior to the issuance of a permit, double fees shall be charged.
- (c) Any person feeling aggrieved by an order or a determination of the Building Inspector may appeal from such order or determination to the Town Board.

#### SEC. 15-1-62 PENALTIES

The enforcement of this ordinance and all other ordinances relating to building shall be by means of the withholding of building permits, imposition of forfeitures and injunctive action. The forfeiture shall be **not less than \$25.00 nor more than \$1,000.00**, together with the costs of prosecution. Each day of violation shall constitute a separate offense.

#### SEC. 15-1-63 CONFLICT OF ORDINANCE

- (a) If any case where a provision of this Ordinance is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance of this Town existing on the effective date of this Ordinance, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.
- (b) If any Section, Subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect; and to this end the provisions of this Ordinance are hereby declared to be severable.

#### SEC 15-1-64 DEFINITIONS.

- (a) Accessory Building or Structure. A detached building or structure in a secondary or subordinate capacity from the main or principal structure.
- (b) Addition. New Construction performed on a dwelling which increases the outside dimensions of the dwelling.
- (c) Alteration. A substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling. To remodel.

- (d) Approved. Approval by the local, county or state authority having such administrative authority.
- (e) Building. Shall mean a fixed construction with walls, foundation and roof, such as a house, garage, etc.
- (f) Building Code. Uniform Dwelling Code, Plumbing, Electrical, HVAC, and Commercial Building Code.
- (g) Building Inspector. The designated Building Inspector of the Town or his/her representative.
- (h) Department. Department of Safety and Professional Services.
- (i) Dwelling.
  1. Any building, the initial construction of which is commenced on or after the effective date of this chapter, which contains one or two dwellings, units or
  2. An existing structure, or that part of an existing structure, which is used or intended to be used as a one- or two- family dwelling.
- (j) Fence. A permanent decorative fence (e.g. split rail, picket, wood, plastic). Fence within this ordinance does not mean a fence used for agricultural purposes or a wire mesh fence around a garden.
- (k) Junk. Garbage, waste, refuse, trash, any used motor vehicle upon which no current license plate is displayed, any inoperable motor vehicle, any used tire or used motor vehicle part, and any scrap material such as metal, paper, rags, cans or bottles.
- (l) Maintenance. Ordinary maintenance repairs include internal and external painting, decorating, paneling and the replacement of doors, windows and other non-structural components. Ordinary maintenance repairs **does not** include structural modification or additions.
- (m) Minor Repair. Repair performed for maintenance or replacement purposes on any existing one- or two-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.
- (n) New Building. Buildings erected after this ordinance is enacted. For the purpose of this ordinance "new buildings" shall not include buildings used exclusively for agricultural purposes.
- (o) One- or Two-Family Dwelling. A building structure which contains one or separate households intended to be used as a home residence or sleeping place by an individual or by two or more individuals maintaining a common household, to the exclusion of all others.
- (p) Owner. Person having a legal or equitable interest in the dwelling. Does not include any person whose legal or equitable interest in the dwelling is a security interest derived solely from the extension of credit to permit construction or remodeling of the dwelling or purchase of the dwelling by a third party.
- (q) Owner/Occupant. Any individual, who, alone or jointly or severally with others shall have legal title to any premise, dwelling or dwelling unit and lives, sleeps, cooks or eats in the dwelling unit.

- (r) Person. An individual, partnership, association, firm or corporation.
- (s) Plumbing. Includes all of the following supplied facilities and equipment; water pipes, waste pipes, water closets, sinks, lavatories, bathtubs, shower baths, catch basins, drains, vents and any other similar supplied fixtures, and the installation thereof, together with all connections to water, or septic.
- (t) Premises. A plated lot or part thereof or unplated lot or parcel of land or plot of land, either occupied or unoccupied by any dwelling or non-dwelling structure and includes any such building, accessory structure or other structure thereon.
- (u) Properly Connected. Connected in accordance with all applicable code and Ordinance of this Town. Provided that the application of this definition shall not require the alteration or replacement of any connection in good working order and not constitute a hazard to life or health.
- (v) Refuse. Refuse means combustible and non-combustible rubbish, including but not limited to paper, wood, metal, glass, cloth and products thereof, litter and street rubbish, ashes and lumber, concrete and other debris resulting from the construction or demolition of structures.
- (w) Remodel. To substantially improve, alter, or otherwise change the structure of a building, or change the location of exits, but shall not include maintenance, redecoration, reroofing or alteration of mechanical or electrical systems.
- (x) Repairs. Work completed for the purposes of maintenance or replacements in existing structures which do not involve the structural portions of the building or structure and which do not effect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection or exterior aesthetic appearance and which do not increase the given occupancy or use.
- (y) Rubbish. Combustible wastes such as paper, cardboard, plastic containers, yard clippings and non-combustible wastes such as tin cans, glass and crockery.
- (z) Safety. Condition of being reasonably free from danger and hazards which may cause accidents or disease.
- (aa) Structure. Anything constructed or erected, the use of which requires a permanent or temporary location on or in the ground, stream bed or lake bed, which includes but is not limited to, objects such as buildings, factories, sheds and cabins, mobile homes, gas or liquid storage tanks, bridges and culverts.
- (bb) Undefined Words. Words not specifically defined in this Chapter shall have the common definition set forth in a standard dictionary.

SEC. 15-1-65 THROUGH SEC. 15-1-69      RESERVED FOR FUTURE USE

## Design Review

4/14/2008

### SEC. 15-1-70 DESIGN REVIEW ESTABLISHED

- (a) **PURPOSE.** Design review is implemented under municipal authority to promote the public health, safety and welfare. Requirements for design review and approval apply to uses and developments regardless of the character of the use or development within this chapter as a permitted use or conditional use.
- (b) **Scope of Design Review.**
- (1) The following developments shall be subject to design review:
    - a. Development of residential projects consisting of three or more dwelling units per lot.
    - b. Any commercial development.
    - c. Any industrial development.
    - d. Any development that is to be used for public utility or governmental purposes.
    - e. Any parking areas capable of holding five or more vehicles.
    - f. Any and all fencing, surfacing, or resurfacing, of parking areas, exterior lighting, exterior signage and any and all other exterior changes made in projects covered in (a) thru (e) above.
  - (2) Design review shall be limited to development for which current application is made for a building permit or design review. This section shall not apply to any rehabilitated structure, as long as the size is not increased, the use thereof not changed, or alteration made that is the type or kind not requiring design review pursuant to this section.
- (c) **DEFINITIONS.** For purposes of this section, the following terms shall be defined in the following manner:
- (1) ***Design Review*** means the review of the design of development to determine compliance of such development with the design standards herein expressed.
  - (2) ***Development*** means any new construction or exterior improvement to real property for which a building permit may be required, and which would be subject to design review as provided at Section (b) above.
  - (3) ***Town Planning Consultant*** means such Town planning consultant as shall be contracted by the Town Board upon recommendation by the Plan Commission.
  - (4) ***Design Standards*** means the standards that proposed development must meet. Design standards shall be in accordance with all applicable Town ordinances, including but not limited to driveway and culvert requirements. Design standards are limited to the following:

- a. Land forms and landscape shall be preserved in their natural state, insofar as practicable, by minimizing soil removal and fill and tree removal that is not essential to project development and by retaining grades and contours in keeping with the general appearance of neighboring developed areas.
- b. Building masses and long, straight building fronts and sides that are visually accessible may be broken up and made more variegated with staggering and offsets, and with landscaping or surficial features. The front facade and the street side facades shall be of brick, stone, architectural metal or wood and/or glass including curtain walls. Unfaced concrete block, structural concrete, prefabricated metal siding and similar materials are discouraged for such façade areas.
- c. Parking areas that are located in front or street side yards shall have landscape screening and/or screening by fencing having decorative character to soften views of parked vehicles, and shall have decorative landscape treatment at the perimeter of the lot, and, for multi-family residential lots containing five (5) or more parking spaces, island areas within the lot to provide break-up of the expanse of paving.
- d. Rooftop mechanical equipment, communication dishes and signal receiving antennas that are readily visible when viewed from ground level of adjacent properties or from major public ways shall be softened by screening or covered in a manner that forms an integral part of the building design where practicable.
- e. External garbage or refuse containers shall be screened from common view by walls, berms or effective landscaping, or combinations thereof.
- f. Each development shall provide a complete landscaping plan showing the landscaping as it will exist within 2 years of receiving a building permit. Trees, shrubs and other vegetation shall be of sufficient height and density to accomplish buffering to adjacent properties within five (5) years.
- g. Each development shall be so planned and constructed that all surface drainage flows from structures and neighboring properties and follows natural drainage patterns.
- h. Outside storage of materials, fuel, scrap, inoperative vehicles and similar objects in places that are readily visible from public rights-of-way or neighboring properties shall be prohibited.
- i. Exterior lighting, when used, shall be established, directed and maintained so as not to be cast directly on

occupied structures or accent properties or be lighted in intensity or colors seriously disturbing to adjacent properties.

- j. Each development shall allow for proper ingress and egress from roads to site. Internal traffic safety shall be provided by adequate driveway widths, separations between drives, access points, visual clearances and queuing requirements

#### SEC 15-1-71 DEVELOPMENT TO COMPLY WITH DESIGN STANDARD

No development subject to design review shall be commenced unless such development complies with all applicable design review standards, as well as all applicable Town ordinances.

#### SEC 15-1-72 MANNER OF DESIGN REVIEW

- (a) Upon application for a building permit, the applicant shall be advised by the Town Building Inspector whether compliance with design standards is required. If such compliance shall be required, the applicant shall be notified of such requirement, and the application shall be transmitted by the applicant to the Town Building Inspector with appropriate fees as provided in this Ordinance. The Building Inspector, upon determining that the application is complete, shall submit the application to the Chair of the Plan Commission for placement on the agenda of the next regular Plan Commission meeting scheduled within 31 days from the date upon which the Building Inspector determines that the application is complete. The applicant shall also provide to the Building Inspector a sufficient number of plans for the development and such other information relating thereto as the Building Inspector or the Plan Commission may deem necessary for consideration of the development being proposed.
- (b) The Plan Commission shall review the application submitted to determine whether the development complies with the criteria set forth in this Ordinance. As part of its review, the Plan Commission may consult with the Town Planning Consultant and consider such other matters as it may in its discretion consider necessary. The Plan Commission may, whenever it determines in its discretion that the application presents issues of unusual complexity or generates significant interest or impact within the neighborhood or the community in general, cause a public hearing to be held regarding the application. At the meeting in which the Plan Commission is to consider the application, the Plan Commission may review the site plan, hear from such interested parties who attend the meeting and may offer its opinion on the application to the Building Inspector.

- (c) The determination of compliance or noncompliance with this section shall be made by the Plan Commission in writing to the applicant and the Building Inspector. Such writing may be a copy of the minutes of the Plan Commission meeting at which such action was taken.
- (d) No building permit shall be issued for any development until the Building Inspector has received, in writing, the Plan Commission's determination that the development is in compliance with the design review standards contained in this Ordinance. All construction and improvement of the development subject to design review shall conform with approved design plans.
- (e) The determinations of the Plan Commission on site plan applications shall be appealable as administrative interpretations to the Town Board.
- (f) Approval shall be deemed to be given at the end of the 60-day period from the date of the submission of an acceptable application and necessary accompanying documents to the Building Inspector unless the application is rejected in writing, as noted at subsection (3) above, or unless the deadline is extended by agreement of the Plan Commission and the applicant.
- (g) A development that has had design review and that has a building/zoning permit is approved for construction only in accord with the directives included in the design review approval. Construction that deviates from Plan Commission directives may not occur within the terms of this Ordinance without prior Plan Commission approval. The Building Inspector is responsible for determining whether to give staff approval to such deviations on a finding that they are minor variations.
- (h) **Recommendations of Town Planning Consultant.** The Town Planning Consultant shall, during the design review process, suggest additional features of site design and construction, building and structural design that are not a part of design standards but that, in the opinion of the town Planning Consultant, would be desirable to make the development a positive asset to the visual appearance of the community tax base. Compliance with such recommendations may be required of the applicant.
- (i) **Recommendations of Fire and EMS Department.** The applicable Fire and EMS Departments shall, during the design review process, have the opportunity to suggest additional features of site design and construction, building and structural design that, in the opinion of the Fire and EMS Departments, would improve the development. Compliance with such recommendations may be required of the applicant.

### SEC 15-1-73 FEES

The applicant shall be required to submit a design review fee, plus building permit fees to the Building Inspector along with the application. In addition, the applicant shall be required to pay the additional sum for the purpose of the Plan Commission reviewing the applicant's development, plus any out-of-pocket expenses incurred by the Town or the Plan Commission, including consultant fees (engineering, legal or planning), costs of maps, or other related expenses. All of such expenses shall be paid by the applicant prior to issuance of the building permit.

### SEC 15-1-74 REQUIRED INFORMATION

All development plans shall contain the information required by the submittal requirements established below. The Building Inspector shall make such submittal requirements available to any person requesting the same.

### SEC 15-1-75 VIOLATIONS AND PENALTIES

Any person who violates this section shall, upon conviction, be subject to a forfeiture together with all costs of prosecution and penalty assessment, if any. Each day each violation continues shall constitute a separate offense. Nothing in this section shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this section. See the current Town of Sun Prairie fee schedule for appropriate forfeitures.

### SEC 15-1-76 SUBMITTAL REQUIRMENTS

- (a) All exhibits required for the permanent file (noted in the following paragraphs) must be submitted reduced in size to 8-1/2" x 14". However, larger mounting boards, material samples, or other exhibits not meeting these criteria may be used for Commission presentation.
- (b) All submittals shall include but not be limited to twelve (12) black or blue-line prints (one of which shall be colored) of the following required drawings shall be submitted to the Building Inspector for presentation to the Plan Commission:
  - (1) A scaled floor plan with rooms/uses labeled.
  - (2) A complete set of building plans.
  - (3) An adequate number of color photographs required to illustrate the site, including buildings and other existing features. Photos may also be used to illustrate installations on other sites that are similar to the applicant's proposal.
- (c) A site plan for review is required, containing the following information:
  - (1) Scale and north arrow.
  - (2) Location of site and address if available.
  - (3) All property and street pavement lines, including color and cement designs.
  - (4) Existing and proposed contours.



- (5) Building heights.
- (6) Gross area of building stated in square feet.
- (7) Net area utilized or devoted to patrons.
- (8) Total square feet of office area.
- (9) Density (building and occupants).
- (10) Setbacks for side yards, front and back yards, and setback from high water mark, if appropriate.
- (11) Gross area of parcel(s) stated in square feet.
- (12) If parking is involved, show calculations for determining the required number of off-street parking spaces as required by applicable zoning ordinance. Give the number of spaces actually proposed. Give the maximum number of employees, customers, and office vehicles that would be at the facility at any one time. Parking lots must be constructed to be dust-free.
- (13) Proposed ingress and egress to the site, including on-site parking area(s), parking stalls, and adjacent streets. Delineate traffic flow with directional arrows and indicate the location of direction signs or other motorist's aides (if any).
- (14) Calculations for determining the number of trees to be placed within the proposed parking area must be shown, as well as the designation of required buffer screens (if any) between the parking area and adjacent property.
- (15) Location of all isolated trees having a diameter of six (6) inches or more. (Tree masses may be shown with a diagrammatic outline and a written inventory of individual trees included.)
- (16) Existing landscaping that will be retained and proposed landscaping shall be differentiated and shown on the plan. The type, size, number, and spacing of all plantings must be illustrated.
- (17) Location of all existing (to remain) and proposed buildings on the site and all buildings within fifty (50) feet of the site's boundaries.
- (18) Zoning classification for the entire site.
- (19) Elevations. Complete elevations of all proposed construction and related elevations of existing structures (if any) are required containing the following information.
  - a. Scale.
  - b. All signs to be mounted on the elevations.
  - c. Designation of the kind, color, and texture of all primary materials to be used.
- (20) Material Samples. Material samples are required for all major materials.
- (21) A scaled drawing of the existing and proposed lighting standard(s) is required and should contain the following information.
  - a. All size specifications and routing of electrical supply lines.
  - b. Information on lighting intensity (numbers of watts, is footcandle diagram, etc.)

- c. Materials, colors.
  - d. Ground or wall anchorage details.
- (22) A scale drawing of ground signs, location on site and an actual elevation view.

SEC 15-1-77 SECTION PROFILES

Two (2) section profiles through the site are required containing the following information.

- a. Scale.
- b. Buildings.
- c. Lighting fixtures and standards.
- d. Signs.

SEC 15-1-78 CERTIFIED MUNICIPALITY STATUS

Certified Municipality. The Town of Sun Prairie has adopted the Certified Municipality Status as described in SPS 361.60 of the Wisconsin Administrative Code.

Responsibilities. The Town shall assume the following responsibilities for the Department of Safety and Professional Services (Department):

1. Provide inspections of all size commercial buildings with certified commercial building inspectors.
2. Provide plan reviews of all size commercial buildings with certified commercial building inspectors.

Plan Examination. Drawings, specifications, and calculations for all the types of buildings and structures, except state-owned buildings and structures, to be constructed within the limits of the municipality shall be submitted, if the plans are for any of the following:

All commercial buildings, without size limitations [Appointed Agent per Wis. Stat. § 101.12(3g)].

Notes.

A certified municipality may waive its jurisdiction for the plan review of a specific project or type of project, or components thereof, in which case plans and specifications shall be submitted to the Department for review and approval.

The Department may waive its jurisdiction for the plan review of a specific project agreed to by a certified municipality, in which case plans and specifications shall be submitted to the certified municipality for review and approval.

Plan Submission Procedures. All commercial buildings, structures, and alterations, including new buildings and additions less than 25,000 cubic feet, require plan submission as follows:

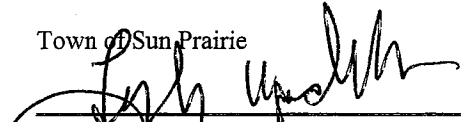
1. Building permit application.
2. Application for review - SBD-118, or equivalent.
  - a. Fees per Table SPS 302.31-2 and SPS 302.31.
  - b. Fees apply to commercial projects.
3. Four sets of plans.
  - a. Signed and sealed per SPS 361.31.
  - b. One set of specifications.
  - c. Component and system plans.
  - d. Calculations showing code compliance.

The clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. Stats.

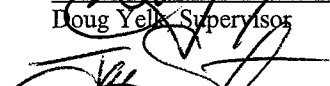
This ordinance shall be in full force and effect after its passage and publication.

Adopted this 2nd day of February, 2004  
Amended this 10<sup>th</sup> day of June, 2024


Town of Sun Prairie

  
\_\_\_\_\_  
Lyle Updike, Chairperson

  
\_\_\_\_\_  
Doug Yelk, Supervisor

  
\_\_\_\_\_  
Joe Seltzer, Supervisor

ATTEST:

  
\_\_\_\_\_  
Rhonda L. Wiedenbeck, Town Clerk

6-10-24  
Date

Posted: June 12, 2024

Published: June 21, 2024