

Title 7 - LICENSING AND REGULATION

Chapter 7 - BUILDING CONSTRUCTION

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7.7.1 Title.

This chapter shall be known as the "Building Code of the Town of Grafton" and will be referred to in this chapter as "this code" or "this chapter."

7.7.2 Purpose.

This chapter provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and/or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished and regulates the equipment, maintenance, use and occupancy of all buildings and/or structures. Its purpose is to protect and foster the health, safety and well-being of persons occupying or using buildings and the general public.

7.7.3 Scope.

New buildings hereafter erected in or any building hereafter moved within 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 alteration, enlargement or demolition of an existing building and any installation therein of electrical, gas, heating, plumbing or ventilating equipment which affects the health or safety of the users thereof or any other persons is a "new building" to the extent of such change. Any existing building shall be considered 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 provisions of this chapter supplement the laws of the State of Wisconsin pertaining to construction and use and the Zoning Chapter of the Town and amendments thereto to the date this chapter was adopted and in no way supersede or nullify such laws and said Zoning Chapter.

7.7.4 Definitions.

As used in this chapter, the following terms shall have the meaning indicated.

7.7.4.01 Addition

New construction performed on a dwelling which increases the outside dimensions of the dwelling.

7.7.4.02 Alteration

A substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.

7.7.4.03 Department

The State of Wisconsin Department of Commerce.

7.7.4.04 Dwelling

- (A) 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
- (B) 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.

7.7.4.05 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 stairway or exits, fire protection or exterior aesthetic appearance and which does not increase a given occupancy and use. No building permit is required for work to be performed which is deemed minor repair.

7.7.4.06 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.

7.7.4.07 Person

An individual, partnership, firm or corporation.

7.7.4.08 Uniform Dwelling Code

Those Administrative Code provisions and any future amendments, revisions or modifications thereto contained in the following chapters of the Wisconsin Administrative Code:

- (A) COMM 20. Administrative and Enforcement
- (B) COMM 21. Construction Standards
- (C) COMM 22. Energy Conservation Standards
- (D) COMM 23. Heating, Ventilating and Air Conditioning
- (E) COMM 24. Electrical Standards
- (F) COMM 25. Plumbing and Potable Water Standards

7.7.5 Building Permits and Inspection.

7.7.5.01 General Permit Requirement

No building of any kind shall be moved within the Town and no new building or structure, plumbing, electric, HVAC, or any part thereof shall hereafter be erected, or ground broken for the same, or enlarged, altered, moved, demolished, razed or used within the Town, except as herein provided, until a permit therefor shall first have been obtained by the owner, or his authorized agent, from the Building Inspector or his representative. Any application for a permit submitted to the Building Inspector involving a designated landmark, landmark site or improvement in an historic district shall be filed with the Landmarks Commission. Unless written approval has been granted by the Commission, the Building Inspector shall not issue any permit for any such work.

7.7.5.02 Issuance of Permits

- (A) Payment of Fees. Except as otherwise specifically provided, all permit, license and inspection fees required under this chapter shall be collected by the Town Clerk or designee prior to the issuance of the permit or license, and the Town Clerk or designee shall notify the various inspectors when such fee is paid. No permit or license shall be issued or reissued or inspection performed until the required fees are paid.
- (B) Monthly Reports. The Building Inspector shall make a monthly report to the Town Board of permits issued, fees collected and inspections made.

7.7.5.03 Permit Lapses

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

- (B) One- and Two-Family Dwellings. Permits for one- and two-family dwelling unit construction, remodeling and additions shall be valid for a period of 24 months from date of issuance.
- (C) Reissuance of Permits. In the event any work for which a permit was issued is not completed within 24 months for one- and two-family dwelling units and within one 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 fee prescribed under this chapter is paid. No permit shall be reissued until all approvals required by this chapter at the time of reapplication have been given. The fee for reissuance of a permit shall be 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.

7.7.5.04 Revocation of Permits

- (A) Revocation. The Building Inspector may revoke any building, plumbing, HVAC, or electrical permit, certificate of occupancy, or approval issued under the regulations of this chapter and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:
 - (1) Applicable Documentation. 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 or instruction has been issued to him.
 - (2) Danger. Whenever the continuance of any construction becomes dangerous to life or property.
 - (3) Violations. Whenever there is any violation of any condition or provisions of the application for permit or of the permit.
 - (4) Supervision. Whenever, in the opinion of the Building Inspector, there is inadequate supervision provided on the job.
 - (5) Misrepresentation. 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.
 - (6) Conditions of Approval. 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 or construction devices or appliances.
- (B) Notice of Revocation. The notice revoking a building, plumbing, electrical, or HVAC permit or certificate of occupancy or approval shall be in writing and may be served upon the applicant for the permit, owner of the premises and his agent, if any, and on the person having charge of construction.
- (C) Revocation Placard. A revocation placard shall also be posted upon the building, structure, equipment or premises in question by the Building Inspector.
- (D) Unlawful to Proceed. After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this chapter, shall be procured and fees paid therefor, and thereafter the resumption of any construction or operation shall be in compliance with the regulations 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.

7.7.5.05 Display of Permit

Building permits shall be displayed in a conspicuous place on the premises where the authorized building or work is in progress at all times during construction or work thereon.

7.7.5.06 Application

Application for a building permit shall be made in writing upon a form furnished by the Town of Grafton 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 or other Town officials may require.

7.7.5.07 Site Plan Approval

- (A) Plan Commission Approval. All applications for building permits for any construction, reconstruction, expansion or conversion, except for one- and two-family residences in residentially zoned districts, shall require site plan approval by the Plan Commission.
- (B) Lapse of Site Plan Approval. Except in the case of approved Planned Unit Developments and subject to an extension of time that may be granted by the Plan Commission in six (6) month increments (but for no longer than one (1) additional year), no site plan approval shall be valid for a period longer than one (1) year unless a building permit is issued and construction is actually begun within that period and is thereafter diligently pursued to completion.

7.7.5.08 Plans

- (A) Construction Plans. With such application, there shall be submitted two complete sets of constructions plans and specifications for one- and two-family dwellings and three complete sets of construction plans and specifications for commercial and industrial buildings. Plans shall be drawn to a minimum scale of 1/4 inch to one foot. One set of plans shall be returned after approval as provided in this chapter. The second set shall be filed in the office of the Building Inspector. Plans for buildings involving the State Building Code shall bear the stamp of approval of the State Department of Commerce. One plan shall be submitted which shall remain on file in the office of the Building Inspector. All plans and specifications shall be signed by the designer. Plans for all new one and two-family dwellings shall comply with the provisions of Sec. COMM 20.09(4), Wis. Adm. Code.
- (B) Plot Plans. A plot plan showing the location and dimensions of all buildings and improvements on the lot, both existing and proposed, dimensions of the lot, dimensions showing all setbacks of all buildings on the lot, proposed grade of proposed structure (to Town datum), grade of lot and of the street abutting the lot, grade and setback of adjacent buildings (if adjacent lot is vacant, submit elevation of nearest buildings on same side of street), type of monuments at each corner of lot, watercourses or existing drainage ditches, easements or other restrictions affecting such property, seal and signature of surveyor or a certificate signed by the applicant and a construction erosion

control plan setting forth proposed information and procedures needed for control of soil erosion, surface water runoff and sediment disposition at the building site. Plot plans shall be drawn to a recognized scale.

- (C) Site Plans. With such application, there shall be submitted thirty (30) complete sets of site plans and supplemental information, as well as an electronic version of the submittal package. Supplemental information includes construction drawings, architectural drawings, landscape plans and signage and lighting plans. All submittal packages shall conform to the Town's Site Plan Requirements Checklist.

7.7.5.09 Waiver of Plans

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, repairs or moving.

7.7.5.10 Approval of Plans

- (A) Building Permit. If the Building Inspector determines that the building will comply in every respect with all ordinances and orders of the Town and all applicable laws and orders of the State of Wisconsin, he 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 building. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above-mentioned ordinances, laws or orders, or which involves the safety of the building or the occupants, except with the written consent of the Building Inspector.
- (B) Partial Permit. In case adequate plans are presented for part of the building only, the Building Inspector, at his discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building.

7.7.5.11 Dedicated Street and Approved Subdivision Required

No building permit shall be issued unless the property on which the building is proposed to be built abuts a right-of-way that has been dedicated for street purposes. No building permits shall be issued until the subdivision and required improvements are accepted by the Town Board, upon the recommendation of the Plan Commission.

7.7.5.12 Improvements and Deposit Required

- (A) Driveway. No building permit shall be issued by the Building Inspector for the construction of any type of building or structure on any land adjacent to a public street until a driveway for vehicular traffic has been provided from the public street; such driveway shall be constructed of approved granular materials placed over a culvert pipe located in the drainage adjacent to such street in accordance with a culvert permit issued by the Town of Grafton. In no case shall the granular material or subsequent permanent surfacing be constructed higher than the adjacent shoulder of the public street, and said granular driveway shall extend to the right-of-way line before a building permit is issued. The bottom course of the driveway shall be installed over its full length and width from the public street right-of-way to the residential garage immediately after the building foundation has been approved by the Building Inspector and should be maintained until the completion of the house, but in no case shall an occupancy certificate be issued until the upper course of the granular driveway has been installed. The bottom course of the driveway may be constructed of large-size stones or crushed rock, except along that part adjacent to the culvert pipe, and the upper course shall consist of fine to medium well-graded crushed gravel or crushed rock.

- (B) Cash Deposit. No building permit shall be issued by the Building Inspector for construction of a residential, commercial, industrial or agricultural building on any land adjacent to a public street until a cash deposit in the amount determined by the Town Board has been made by the applicant for each building permit. Such payment shall be made to the Building Inspector at the time of application for issuance of a building permit and the amount of such deposit shall be retained by the Town Treasurer until an occupancy permit has been granted for such building on the premises. In the event that any damage is done to the drainage as a result of such construction or any dirt, ground, soil, organic material or any other debris is deposited, tracked, pushed or left on the pavement or shoulder of any public street as a result of such construction, said deposit shall be used to defray the Town's expenses to repair any such damage or do such cleanup work as is necessary. In the event that no damage has occurred to such drainage and roadway and cleanup by the Town is not necessary, said deposit shall be refunded to the applicant for the building permit at the time a certificate of occupancy has been granted for such building.
- (C) Penalty. Any person, firm, company or corporation who or which violates any of the provisions of 7.7.5.12, who by means of a vehicle enters or leaves a parcel of land from or onto a public road without doing so over an approved driveway, or who resists the enforcement of this 7.7.5.12 shall upon conviction be subject to a penalty as provided in 7.7.19.

7.7.5.13 Inspection of Work

- (A) Notification. The builder shall notify the Building Inspector when ready for inspections and the Building Inspector shall inspect within two business days after notification all buildings at the following states of construction:
 - (1) Footings and foundation
 - (a) Footings: prior to pouring of the footing but after forms are set.
 - (b) Foundation: the foundation wall prior to backfilling.
 - (2) General framing, rough electrical, plumbing and heating.
 - (3) Insulation.
 - (4) Completion of the structure. For commercial and industrial buildings only, this means that the entire building, interior and exterior, shall be completed and comply with all provisions of the State Building Codes, conditional use permit and the approved plans as submitted to the Building Inspector. Signs, landscaping and decorative lighting do not need to be completed before the occupancy permit can be issued unless specifically noted by the Plan Commission. Requests to occupy a building prior to the aforementioned requirements being completed require approval of the Town Board.
- (B) Certificate of Occupancy. If the Building Inspector finds that the work conforms to the provisions of this chapter, he/she shall issue a certificate of occupancy which shall contain the date and the result of such inspection, a duplicate of which shall be filed in the office of the Building Inspector.

7.7.5.14 Enforcement

- (A) Certified Inspector to Enforce. The Building Inspector and his delegated representatives are 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 Ch. COMM 5, Wis. Adm. Code.

- (B) Subordinates. The Building Inspector may appoint, as necessary, subordinates, which appointments shall be subject to confirmation by the Town Board.
- (C) Duties. The Building Inspector shall administer and enforce all provisions of this chapter and the Uniform Dwelling Code.
- (D) Inspection Powers. The Building Inspector or an authorized certified agent may at all reasonable hours enter upon any public or private premises for inspection purposes and may require the production of the permit for any building, plumbing, electrical or heating work. No person shall interfere with or refuse to permit access to any such premises to the Building Inspector or his/her agent while in performance of his/her duties.
- (E) 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 purpose 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.
- (F) Report of Violations. Town officers shall report at once to the Building Inspector any building that is being carried on without a permit as required by this Chapter.

7.7.6 Construction Standards and Codes Adopted.

7.7.6.01 State Uniform Dwelling Code Adopted

The Administrative Code provisions describing and defining regulations with respect to one- and two-family dwellings in Ch. COMM 20 through COMM 25, Wis. Adm. 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 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 the Town. A copy of these Administrative Code provisions and any future amendments shall be kept on file in the Town Clerk's office.

7.7.6.02 State Commercial Building Code Adopted

Chapters COMM 61 through COMM 65, Wis. Adm. Code (Wisconsin State Building Code), are hereby adopted and made a part of this chapter with respect to those classes of buildings to which this Building Code specifically applies. Any future amendments, revisions and modifications of said Chs. 61 to 65 incorporated herein are intended to be made a part of this code. A copy of said Chs. 61 to 65 and amendments thereto shall be kept on file in the office of the Building Inspector.

7.7.6.03 State Plumbing Code Adopted

The provisions and regulations of Sec. 145, Wis. Stats., and Chs. COMM 25 and COMM 82 through 85, Wis. Adm. Code, 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 herein are intended to be made part of this chapter.

7.7.6.04 State Electrical Code Adopted

- (A) Wisconsin Administrative Code. The following chapters of the Wisconsin Administrative Code are adopted by reference and made a part of this chapter:
 - (1) COMM 16. Electrical Code, Volume 2
 - (2) COMM 17. Electrical Inspection and Certification of Electrical Inspectors and Master Electricians
 - (3) COMM 17. Subchapter H, Electrical Inspection of Public Buildings and Places of Employment
 - (4) COMM 24. Electrical Standards
- (B) Electrical Work. All electrical work shall be done by qualified persons and/or State of Wisconsin licensed and insured electrical contractors, with the following exceptions
 - (1) Residential property owners may replace electrical fixtures, appliances and equipment or make minor repairs with a proper permit (if required) and approval from the Town Electrical Inspector. All work shall conform to this chapter and Ch. COMM 16, Wis. Adm. Code.
 - (2) Residential property owners may move electrical fixtures, switches, boxes, etc., if part of a construction project where a building permit is issued and inspections are made. All work shall conform to this chapter and Ch. COMM 16, Wis. Adm. Code.
 - (3) Electrical wiring may be done which involves adding not more than two circuits provided that proper permits and approvals are obtained from the Town Electrical Inspector prior to that work being done. All work shall conform to this chapter and Ch. COMM 16, Wis. Adm. Code.

7.7.6.05 Existing Buildings

- (A) Code. An existing building to be occupied as a one- or two-family dwelling, which building was not previously so occupied, shall conform to the Wisconsin Uniform Dwelling Code.
- (B) Additions and Alterations. Additions and alterations, regardless of cost, made to an existing building when deemed necessary in the opinion of the Building Inspector shall comply with the requirements of this chapter for new buildings. The provisions of Sec. 7.7.2 and Sec. 7.7.3 shall also apply.
- (C) Roof Coverings. Whenever more than 25% of the roof covering of a building is replaced in any twelve-month period, all roof covering shall be in conformity with applicable sections of this chapter.
- (D) Provisions for Alterations and Repairs. The following provisions shall apply to buildings altered or repaired:
 - (1) Alterations. When any existing building or structure accommodates a legal occupancy and use but is of a substandard type of construction, then alterations which involve beams, girders, columns, bearing or other walls, room arrangement, heating and air-conditioning systems, light and ventilation, or changes in location of exit stairways or exits, or any or all of the above, may be made in order to bring such existing construction into conformity with the minimum requirements of this chapter applicable to such occupancy and use and given type of construction, when not in conflict with any other regulations.
 - (2) Repairs. Repairs for purposes of maintenance, or replacements in any existing building or structure which do not involve the structural portions of the building or structure or which do not affect room arrangement, light and ventilation, access to or efficiency of any 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.

7.7.7 New Methods and Materials.

7.7.7.01 State Approval Needed

All materials, methods of construction and devices designed for use in buildings or structures covered by this chapter and not specifically mentioned in or permitted by this chapter shall not be so used until approved in writing by the State Department of Commerce 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.

7.7.7.02 Installation

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 State Department of Commerce. The data, tests and other evidence necessary to prove the merits of such material, method of construction or device shall be determined by the State Department of Commerce.

7.7.8 Unsafe Buildings.

7.7.8.01 Razing Order

Whenever the Building Inspector and Town Board find any building, plumbing, electrical, HVAC, or part thereof within the Town to be, in their judgment, so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human occupancy or use and so that it would be unreasonable to repair the same, they shall order the owner to raze and remove such building, plumbing, electrical, HVAC, or part thereof or, if it can be made safe by repairs, to repair so as to make it safe and sanitary, or to raze and remove at the owner's option, such order and proceedings shall be as provided in Sec. 66.0413, Wis. Stats.

7.7.8.02 When Alterations or Moving Not Permitted

When any existing building or structure which, for any reason whatsoever, does not conform to the regulations of this chapter has deteriorated from any cause whatsoever to an extent greater than 50% of the assessed value of the building or structure, no alterations or moving of such building or structure shall be permitted. Any such building or structure shall be considered a menace to public safety and welfare and shall be ordered vacated and thereafter demolished and debris removed from the premises.

7.7.8.03 Alterations and Repairs Required

When any of the structural members of any building or structure have deteriorated from any cause whatsoever to less than their required strength, the owner of such a building or structure shall cause such structural members to be restored to their required strength, failing in which the building or structure shall be considered a menace to public safety and shall be vacated and thereafter no further occupancy or use of the same shall be permitted until the regulations of this chapter are complied with.

7.7.8.04 Extent of Deterioration

The amount and extent of deterioration of any existing building or structure shall be determined by the Building Inspector.

7.7.9 Disclaimer on 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: "These findings of inspection contained herein are intended to report conditions of noncompliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical systems or the closed structural and nonstructural elements of the building and premises. No warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied."

7.7.10 Garages and Detached Accessory Buildings

All Wisconsin Uniform Dwelling Code and construction standards shall apply to residential garages and detached accessory buildings. The State of Wisconsin Commercial Building Code shall apply to all other structures, except noncommercial agricultural buildings.

7.7.11 Razing Buildings.

7.7.11.01 Permit and Completion Requirements

No building within the Town of Grafton shall be razed without a permit from the Building Inspector. A snow fence or other approved barricade shall be provided as soon as any portion of the building is removed and shall remain during razing operations. After all razing operations have been completed, the foundation shall be filled at least one foot above the adjacent grade, the property raked clean, and all debris hauled away. Razing permits shall lapse and be void unless the work authorized thereby is commenced within six months from the date thereof or completed within 30 days from the date of commencement of said work. Any unfinished portion of work remaining beyond the required 30 days must have special approval from the Building Inspector.

7.7.11.02 Cleanup and Mitigation

All debris must be hauled away at the end of each day for the work that was done on that day. Combustible material shall not be used for backfill but shall be hauled away. There shall not be any burning of materials on the site of the razed building. If any razing or removal operation under this section results in, or would likely result in, an excessive amount of dust particles in the air creating a nuisance in the vicinity thereof, the permittee shall take all necessary steps, by use of water spraying or other appropriate means, to eliminate such nuisance. The permittee shall take all necessary steps, prior to the razing of a building, through the employment of a qualified person in the field of pest control or by other appropriate means, to treat the building as to prevent the spread and migration of rodents and insects therefrom during and after the razing operations.

7.7.12 Basements and Excavations.

7.7.12.01 Basement Subflooring

First floor subflooring shall be completed within 60 days after the basement is excavated.

7.7.12.02 Fencing of Excavations

The owner of any premises on which there exists an opening or excavation which is located in close proximity to a public sidewalk or street right-of-way as to constitute a hazard to pedestrian or vehicular traffic shall erect a fence, wall or railing at least four feet high between such opening or excavation and the public right-of-way.

7.7.12.03 Closing of Abandoned Excavations

Any excavation for building purposes or any uncovered foundation which shall remain open for more than three 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 accidental injury to children or other frequenters or the excavation or foundation shall 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 making publication in the official newspaper for two consecutive publications at least 10 days before the time for compliance stated in the order commences to run. Such time shall be not less than 14 nor more than 20 days after service. If the owner of the land fails to comply with the order within the time required, the Building Inspector shall cause the excavation or foundation to be filled to grade. The cost of such abatement shall be charged against the real estate and entered on the next succeeding tax roll as a special charge and shall bear interest at a rate established by the Town Board from the date of the report by the Building Inspector on the cost thereof, pursuant to the provisions of Sec. 66.0627, Wis. Stats.

7.7.13 Discharge of Clear Waters.

7.7.13.01 Discharge

No person shall cause, allow or permit any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purpose of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises owned or occupied by said person to discharge into or onto a sanitary disposal system.

7.7.13.02 Nuisance

The discharge into or onto a sanitary disposal system from any roof drain, surface drain, subsoil drain, drain from any mechanical device, gutter, ditch, pipe, conduit, sump pump or any other object or thing used for the purposes of collecting, conducting, transporting, diverting, draining or discharging clear water from any part of any private premises is hereby declared to be a public nuisance and a hazard to the health, safety and well-being of the residents of the Town and to the protection of the property.

7.7.13.03 Groundwater

Where deemed necessary by the Building Inspector, every house shall have a sump pump installed for the purpose of discharging clear waters from foundation drains and ground infiltration and, where the building is not serviced by a storm sewer, shall either discharge into an underground conduit leading to a drainage ditch, gutter, or dry well or shall discharge onto the ground surface in such other manner as will not constitute a nuisance as defined herein.

7.7.13.04 Stormwater

All roof drains, surface drains, drains from any mechanical device, gutters, pipe, conduits or any other objects or things used for the purpose of collecting, conducting, transporting, diverting, draining or discharging stormwaters shall be discharged either to a storm sewer, a dry well, an underground conduit leading to a drainage ditch or onto the ground surface in such other manner as will not constitute a nuisance as defined herein.

7.7.13.05 Storm Sewer Lateral

Where municipal storm sewers are provided and it is deemed necessary by the property owner and/or the Town to discharge clear waters from a parcel of land, a storm sewer lateral shall be installed and connected to the storm sewer main at the expense of the owner.

7.7.13.06 Conducting Tests

If the Building Inspector or his designated agent suspects an illegal clear water discharge as defined by this chapter or by any other applicable provision of the Wisconsin Administrative Code as it may, from time to time, be amended, he may, upon reasonable notice and at reasonable times, enter the private premises where such illegal clear water discharge is suspected and conduct appropriate tests to determine whether such suspected illegal clear water discharge actually exists.

7.7.14 Duplex Service Connections.

Each unit of a duplex shall have a separate water and sewer service.

7.7.15 Moving Buildings.

7.7.15.01 General Requirements

- (A) Permit Required. No person shall move any building or structure upon any of the public ways of the Town without first obtaining a permit therefor from the Building Inspector, posting the required bond, filing proof of adequate insurance coverage, and paying the required fee. Every such permit issued by the Building Inspector for the moving of a building shall designate the route to be taken and the conditions to be complied with and shall limit the time during which said moving operations shall be continued.
- (B) Trees. A report shall be made to the Town Clerk with regard to possible damage to trees. The estimate shall be made by the moving contractor who shall also be responsible for trimming the trees in a manner which is least harmful to them.
- (C) Route. Issuance of moving permit shall further be conditioned on approval of the moving route by the Town Clerk.
- (D) Town Buildings Only. No building shall be moved into the Town of Grafton from outside of the Town.

- (E) Plan Commission Approval. Before the Building Inspector shall issue a permit for the removal and relocation of an existing building, it shall first be presented to the Plan Commission for approval. This section is not intended to prohibit the relocation of a building within the boundary of the lot on which said building is located, provided that it meets all the provisions of the Zoning Chapter.

7.7.15.02 Continuous Movement

The movement of buildings shall be a continuous operation during all the hours of the day and at night, until such movement is fully completed. All such operations shall be performed with the least possible obstruction to thoroughfares. No building shall be allowed to remain overnight upon any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant or any other public facility. Lights shall be kept in conspicuous places at each end of the building during the night.

7.7.15.03 Street Repair

Every person receiving a permit to move a building shall, within one day after said building reaches its destination, report that fact to the Building Inspector who shall thereupon, in the company of the Town Clerk, inspect the streets, highways and curbs and gutters over which said building has been moved and ascertain their condition. If the removal of said building has caused any damage to any street or highway, the person to whom the permit was issued shall forthwith place it in as good repair as it was before the permit was granted. On the failure of said permittee to do so within 10 days thereafter to the satisfaction of the Town Board, the Town shall repair the damage done to such streets and hold the person obtaining such permit and the sureties on his bond responsible for the payment of the same.

7.7.15.04 Conformance With Code

No permit shall be issued to move a building within the Town and to establish it upon a location within said Town until the Building Inspector has made an investigation of such building at the location from which it is to be moved and is satisfied from such investigation that said building is in a sound and stable condition and of such construction that it will meet the requirements of this Building Code in all respects. A complete plan of all further repairs, improvements and remodeling with reference to such building shall be submitted to the Building Inspector, and he shall make a finding of fact to the effect that all such repairs, improvements and remodeling are in conformity with the requirements of this Building Code and that, when the same are completed, the building as such will so comply with said Building Code. In the event a building is to be moved from the Town to some point outside the boundaries thereof, the provisions with respect to the furnishing of plans and specifications for proposed alterations to such building may be disregarded.

7.7.15.05 Bond

- (A) Amount. Before a permit is issued to move any building over any public way in the Town, the party applying therefor shall give a bond to the Town of Grafton in the sum set by the Town Board , said bond to be executed by corporate surety or two personal sureties to be approved by the Town Attorney and Town Board conditioned upon, among other things, the indemnification to the Town for any costs or expenses incurred by it in connection with any claims for damages to any persons or property, and the payment of any judgment together with the costs and expenses incurred by the Town in

connection therewith arising out of the removal of the building for which the permit is issued.

- (B) **Barriers.** Unless the Building Inspector, upon investigation, shall find it to be a fact that the excavation exposed by the removal of such building from its foundation shall not be so close to a public thoroughfare as to permit the accidental falling therein of travelers or the location, nature and physical characteristics of the premises and the exposed excavation such as to make intrusion upon the premises and the falling into such excavation of children under 12 years of age unlikely, the bond required by 7.7.15.05(A) shall be further conditioned upon the permittee erecting adequate barriers and, within 48 hours, filling in such excavation or adopting and employing such other means, devices or methods approved by the Building Inspector and reasonably adopted or calculated to prevent the occurrences set forth herein.

7.7.15.06 Insurance

The Building Inspector shall require, in addition to said bond above indicated, public liability insurance covering injury to one person in the sum of not less than \$100,000 and for one accident in a sum not less than \$200,000, together with property damage insurance in a sum not less than \$50,000, or such other coverage as deemed necessary.

7.7.16 Designated Address Marker.

7.7.16.01 Address Markers

The Town of Grafton shall furnish to each property owner the markers, which may variously be described as the address markers for the property. The address markers are primarily to indicate the address and assist the Ozaukee County Sheriff’s Department or the Fire Department for an emergency response call by or for locating a specific property. These markers shall be installed on a steel post by the Town of Grafton. The height of the post shall be between four and five feet so that the numbers are clearly visible from the driven portion of a street or highway adjoining the property. Said post and numbers shall be installed within 10 feet of either side of the driveway entrance leading into the property and within 10 feet of the road right-of-way limits. The sign shall be perpendicular to the adjacent roadway center line and project towards the roadway from the post.

7.7.16.02 Driveway Length Designations

For addresses within the Town that have driveways of 1,000 feet or greater, the Town of Grafton shall furnish additional signage to be on the same post with address markers required above. The additional signage shall provide the Fire Department with the necessary information regarding the length of the driveway. The Town Board, by resolution, shall officially approve the size, color, content, form, and location of the driveway length sign on the post of the address markers. All new building construction within the Town, which has driveways of 1,000 feet or greater, shall indicate the total length of the driveway in the building permit application and pay the appropriate fee for issuance of the appropriate sign with said application as listed on the Town’s Annual Fee Schedule.

7.7.16.03 Unlawful Removal or Relocation of Address Markers/Driveway Length Designations

It shall be unlawful for any person to relocate or remove any such designated address marker, driveway length sign and/or post once it has been installed in accordance with

7.7.16.01 and 7.7.16.02. Removal or relocation of the said signs and/or post may result in the assessment of a reinstatement fee.

7.7.17 Fees

The fees for building permits shall be as determined by resolution of the Town Board.

7.7.18 Severability.

If any section, clause, provision or portion of this chapter, or of the Wisconsin Administrative Code adopted by reference, is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

7.7.19 Enforcement; Violations and Penalties.

7.7.19.01 Unlawful Buildings or Structures

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 and Town Attorney, who shall bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure or the establishment of such use or to cause such building, structure or use to be removed, and such violation may also be subject to a penalty as provided in Title 1 of this Code. 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.

7.7.19.02 Process for Noncompliance

- (A) Notification. If an inspection reveals a noncompliance with this chapter, 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 10 days after written notification unless an extension of time is granted.
- (B) Posting at Site. If, after written notification, the violation is not corrected within 10 days, a stop-work order may be served on the owner or his 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.
- (C) Separate Offense. Each day each violation continues after the ten-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.
- (D) Construction Prior to Permit. 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 and a stop-work order shall be posted at the site.

7.7.19.03 Appeal

Any person feeling aggrieved by an order or a determination of the Building Inspector may appeal from such order or determination to the Zoning Board of Appeals. Those procedures customarily used to effectuate an appeal to the Zoning Board of Appeals shall apply.

7.7.19.04 Liability

Except as may otherwise be provided by statute or ordinance, no officer, agent or employee of the Town of Grafton charged with the enforcement of this chapter shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this chapter. Any suit brought against any officer, agent or employee of the Town as a result of any act required or permitted in the discharge of his duties under this chapter shall be defended by the legal representative of the Town until the final determination of the proceedings therein.

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