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CHAPTER 13

TOWN BUILDING CODE
[Code Recreated 11/28/05]

after January 3, 1969, contrary to the provisions of the Town Building Code, shall be deemed a violation and subject to the penalties as prescribed in Section 13.54.

13.01 TOWN BUILDING CODE

- (1) **Title.** Chapter 13 of the Town of Menasha Municipal Code shall be known as the Town Building Code. The Town Building Code shall control all matters concerning the construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of all buildings and structures and their service equipment as herein defined and shall apply to existing or proposed buildings and structures; except as such matters are otherwise provided for, or other ordinances or statutes.
- (2) **Code Remedial.** The Town Building Code shall be construed to secure its expressed intent and insure public safety, health and welfare insofar as they are affected by building construction, through structural strength, adequate egress facilities, sanitary equipment, light and ventilation and fire safety; and in general to secure safety to life and property from all hazards incident to the design, erection, repair, removal, demolition or use and occupancy of buildings, structures, or premises.

13.02 MATTERS COVERED

The provisions of the Town Building Code shall apply to all buildings and structures and their appurtenant constructions, including area and street projections and accessory additions, and shall apply with equal force to municipal, county, state and private buildings, except where such buildings are otherwise specifically provided for by statute.

- (1) **Exemptions.** No building or structure shall be constructed, extended, repaired, removed or altered in violation of these provisions, except for ordinary repairs as defined in Section 13.11 hereof and except further that the raising or lowering or moving of a building or structure as a unit necessitated by a change in legal, trade or widening of a street shall be permitted, provided the building is not otherwise altered or its use or occupancy changed.
- (2) **Matters Not Provided For.** Any requirement essential for structural, fire or sanitary safety of an existing or proposed building or structure, or essential for the safety of the occupants thereof, and which is not specifically covered by the Building Code shall be determined by the Building Official or designees. Building Official or designees shall herein be referred to as "Building Official".
- (3) **Continuation of Unlawful Use.** The continuation of occupancy or use of a building or structure, or of a part thereof which occupancy or use is commenced

13.03 AUTHORITY

These regulations are adopted under the authority granted by s.101.65, Wisconsin Statutes.

13.04 PURPOSE

The purpose of this ordinance is to promote the general health, safety and welfare and to maintain required local uniformity with the administrative and technical requirements of all applicable codes by establishing performance minimums and minimum standards for the design, construction, alteration, use and occupancy of buildings and structural alterations as defined herein and parts thereof and of all systems, including but not limited to: plumbing, heating, ventilation, air conditioning, electrical and fire protection installation within buildings.

13.05 WISCONSIN UNIFORM DWELLING CODE ADOPTED

The Wisconsin Uniform Dwelling Code, Chapters Comm 20-25 and Chapter Comm 27 of the Wisconsin Administrative Code, and all amendments thereto, are adopted and incorporated by reference and shall apply to all buildings within the scope of this ordinance, and the Building Official shall enforce the provisions thereof. Any violation of such codes or amendments thereto shall constitute a violation of this chapter, whether unlawful building alteration, installation, moving or construction involved is specifically covered by other provisions of this Chapter or no, and shall render the violator subject to the penalties contained in this article.

13.06 SCOPE

The scope of this ordinance includes the construction and inspection of one- and two-family dwellings built since June 1, 1980. The building structure and any heating, ventilating, air conditioning, electrical or plumbing systems shall comply with the Town Building Code.

13.07 SCOPE OF UNIFORM DWELLING CODE EXPANDED

Notwithstanding s. Comm 20.05, for the purposes of this code the Wisconsin Uniform Dwelling Code are the standards for construction of the following:

- (1) Additions, alterations and major equipment replacements for one- and two-family dwellings built prior to June 1, 1980.

- (2) Detached garages serving one- and two-family dwellings.

non-requirement of permits shall be at the discretion of the Building Official.

13.08 WINNEBAGO COUNTY ZONING ORDINANCES ADOPTED

The provisions of the Winnebago County General Code Chapter 17 (Town-County Zoning Ordinance, County of Winnebago, Wisconsin) are hereby adopted by reference and made a part of this Chapter as though fully set forth herein with respect to building location and construction. All future amendments, revisions or modifications to the aforementioned Town-County Zoning Ordinance which may hereafter adopted from time to time shall upon adoption be part of this Chapter.

13.12 INSTALLATION OF SERVICE EQUIPMENT

When the installation, extension, alteration or major repair of an elevator, moving stairway, mechanical equipment, refrigerating, air conditioning or ventilating apparatus, plumbing, gas piping, electric wiring, heating system or any other equipment is specifically controlled by the provisions of the Town Building Code or the approved rules, it shall be unlawful to use such equipment until a certificate of approval has been issued therefore by the Building Official.

13.09 MULTIPLE FAMILY, COMMERCIAL AND INDUSTRIAL BUILDINGS

All multiple family, commercial and industrial construction shall be controlled by the Wisconsin Enrolled Commercial Building Code, Chapters 61 through 65 of the Wisconsin Administrative Code, and the adopted provisions of the International Code Council codes: International Building Code, International Energy Conservation Code, International Mechanical Code, and International Fuel Gas Code, and all amendments thereto, which are herein adopted by reference; in all other cases, the Town Building Code shall stay in existence to govern and control construction standards for multiple family, commercial and industrial construction where said standards are not governed or controlled by the Wisconsin Enrolled Commercial Building Code.

13.13 MAINTENANCE

All buildings and structures and all parts thereof, both existing and new, shall be maintained in a safe and sanitary condition. All service equipment, means of egress, devices and safeguards which are required by the Town Building Code in a building, or which were required by a previous Code when the building was erected, altered or repaired, shall be maintained in good working order. The owner or his/her designated agent shall be responsible for the safe and sanitary maintenance of the building or structure and its exit facilities at all times.

13.10 INVALIDITY OF PART

If any section, subsection, paragraph, clause or provision of the Town Building Code shall be adjudged invalid, such adjudication shall apply only to the provisions so adjudged, and the rest of the Town Building Code shall remain valid and effective.

13.14 CHANGE IN EXISTING USE

- (1) **Continuation of Existing Use.** The legal use and occupancy of any structure existing on June 30, 1976, or for which it had been heretofore approved, may be continued without change, except as may be specifically covered in the Town Building Code or as may be deemed necessary by the Building Official for the general safety and welfare of the occupants and the public.
- (2) **Change in Use.** It shall be unlawful to make any changes in the use or occupancy of any structure which would subject it to any special provision of the Town Building Code without approval of the Building Official and his/her certification that such structure meets the provisions of law governing building construction for the proposed new use and occupancy.

13.11 ORDINARY REPAIRS

Ordinary repairs to buildings may be made without application or notice to the Building Official, but such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the exit requirements; nor shall such repairs include ordinary relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety; nor shall any work specifically requiring a permit as per the Town Building Code be included as "ordinary repairs." The final decision regarding the requirement or

13.15 EXISTING BUILDINGS AND ALTERATIONS

- (1) **Alterations Fifty Percent or More.** If alterations or repairs are made costing fifty (50) percent or more of the assessed value of the building as determined by the Town Assessor, then the entire building shall be made to conform to the current building code.

TOWN OF MENASHA CODE

- (2) **Damages Fifty Percent or More.** If the cost of repairs to a building damaged by fire or any other cause is equal to or greater than fifty (50) percent of the assessed value of the building as determined by the Town Assessor before the damage was incurred, then the entire building shall be made to conform to the current building code. *[revised 05/21/01]*
- (3) **Alterations Under Fifty Percent.** If the cost of alterations or repairs described herein is between twenty-five (25) percent and fifty (50) percent of the assessed value of the building as determined by the Town Assessor, the Building Official shall determine to what degree the portions so altered or repaired shall be made to conform to the requirements for new buildings.
- (4) **Alterations Twenty Five Percent or Less.** If the cost of alterations or repairs described herein is twenty-five (25) percent or less of the assessed value of the building as determined by the Town Assessor, the Building Official shall permit restoration of the building to its condition previous to damage or deterioration with the same kind of materials as those of which the building was constructed, provided that such construction does not endanger the general safety and public welfare.
- (5) **Additions Fifty Percent or More.** If the cost of additions described herein is equal to or greater than fifty (50) percent of the assessed value of the building as determined by the Town Assessor, the entire building shall be made to conform to the requirements of the Town Building Code.
- (6) **Additions Under Fifty Percent.** If the cost of additions described herein is less than fifty (50) percent of the assessed value of the building as determined by the Town Assessor, the entire building shall be made to conform with the Town Building Code in respect to means of egress, fire safety, light and ventilation.
- (7) **Part Change in Use.** If a portion of the building is changed in occupancy or to a new use group as defined in Part B, Chapter 3, Section 302 of the Wisconsin Enrolled Commercial Building Code, then that portion shall comply with the requirements of the Town Building Code and the Town of Menasha Fire Prevention Code.
- (8) **Assessed Value.** In applying the provisions of this section, the assessed value of the building shall be determined by the Town Assessor based on current replacement costs.

13.16 OFFICE OF BUILDING OFFICIAL

- (1) **Creation.** There is hereby created the position of Building Official, who shall administer and enforce this ordinance and shall be certified by the State of Wisconsin Department of Commerce, Division of

Safety & Buildings, as specified by Wisconsin Statutes, Section 101.66(2), in the category of Uniform Dwelling Code Construction Inspector. Additionally, this and/or other Town inspectors shall possess the certification categories of UDC HVAC Inspector, UDC Electrical Inspector, and UDC Plumbing Inspector.

- (2) **Appointment.** The Building Official shall be appointed by the Town Board, and shall not be removed from office except for cause and after full opportunity has been granted to be heard on specific and relevant charges by and before the appointing authority.
- (3) **Restriction on Employees.** No official or employee connected with the Community Development Department building inspections shall be engaged in or directly or indirectly connected with the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, or the preparation of plans or of specifications therefore, unless he/she is the owner of the building; nor shall such official or employee engage in any work which conflicts with his/her official duties or with the interests of the department.
- (4) **Deputy Building Inspector.** Deputy Building Inspector(s), subject to approval of the Town Board of the Town of Menasha, shall perform all necessary duties under the Town Building Code, including the issuing of permits. The Town Board of the Town of Menasha shall have authority to appoint Deputy Building Inspectors to perform all functions required of the Building Inspector under the Town Building Code.
- (5) **Relief from Personal Responsibility.** The Building Official charged with the enforcement of the Town Building Code, while acting for the Town, shall not thereby render themselves liable personally, and are hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of their official duties. Any suit instituted against any official or employee because of an act performed by them in the lawful discharge of their duties and under the provisions of the Town Building Code shall be defended by the Town Attorney until the final termination of the proceedings. In no case shall the Building Official be liable for costs in any action; suit or proceeding that may be instituted in pursuance of the provisions of the Town Building Code. Any Building Official, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of their official duties in connection therewith.

13.17 DUTIES AND POWERS OF BUILDING OFFICIAL

The Building Official shall enforce all the provisions of the Town Building Code and shall act on any question relative to the mode or manner of construction and the materials to be used in the construction, addition to, alteration, repair, removal, demolition, installation of service equipment, and the location, use, occupancy, and maintenance of all buildings and structures, except as may otherwise be provided for by statutory requirements or as herein provided.

- (1) **Applications and Permits.** The Building Official shall receive all applications, be responsible for all permits issued for the construction and alteration of buildings and structures, the examination of premises for which such permits have been issued, and the enforcement of compliance with the Town Building Code provisions.
- (2) **Building Notices and Orders.** The Building Official shall issue all necessary notices or orders to remove illegal or unsafe conditions, to require the necessary safeguards during construction, to require adequate exit facilities in existing buildings and structures, and to ensure compliance with all the code requirements for the safety, health and general welfare of the public.
- (3) **Inspections.** The Building Official shall make all the required inspections, or may accept reports of inspection of authoritative and recognized services or individuals; and all reports of such inspections shall be in writing and certified by a responsible officer of such authoritative service or by the responsible individual; or may engage such expert opinion as may be deemed necessary to report upon unusual technical issues that may arise.
- (4) **Right of Entry.** The Building Official may enter at any reasonable hour any public or private building, structure or premises in the Town to enforce the provisions of the Town Building Code and may require the production of the permit for any building, plumbing, electrical or HVAC work. No person shall interfere with or refuse to permit access to any such building, structure or premises to the Building Official while in the performance of his/her duties.
- (5) **Official Records.** The Building Official shall keep a record of all applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. File copies of all papers in connection with building operations shall be retained in the official records so long as the building or structure to which they relate remains in existence; and such records shall be furnished to other departments. All such records shall be open to public inspection at all appropriate times
- (6) **Reports.** The Community Development Department shall submit periodic reports as required by the Town

Board, and an annual report summarizing the preceding year to the municipal governing body.

13.18 RULES AND REGULATIONS

- (1) **Rule Making Authority.** The Building Official shall have power as may be necessary in the interest of public safety, health and general welfare, to adopt and promulgate rules and regulations to interpret and implement the provisions of the Town Building Code to secure the intent thereof and to designate requirements applicable because of local climatic or other conditions; but no such rules shall have the effect of waiving working stresses or fire-resistive requirements specifically provided in the Town Building Code or of violating accepted engineering practice involving public safety.
- (2) **Promulgation of Rules.** No rule or regulation shall become effective until after the intention to adopt such rules shall have been published in accordance with local ordinances.
- (3) **Amendment of Rules.** All rules adopted by the procedure herein established shall have the same effect as provisions of the Town Building Code; but such rules may be amended or repealed at any time by the same procedure herein prescribed for their adoption.

13.19 MODIFICATIONS

- (1) **Variations.** When there are practical difficulties involved in carrying out structural or mechanical provisions of the Town Building Code or of an approved rule, the Building Official may vary or modify such provision upon application of the owner or his/her representative, provided that the spirit and intent of the law shall be observed and public welfare and safety be assured.
- (2) **Written Modification.** The application for modification and the final decision of the Building Official shall be officially recorded with the original application for the permit in the permanent records.

13.20 INSPECTIONS

Inspections shall be requested at least twenty-four (24) hours in advance by the applicant/contractor or property owner as applicable. Failure to notify the Building Official of the need for any required inspections including the final inspection shall be a violation of this Chapter and shall be the responsibility of the contractor and/or property owner.

- (1) **Preliminary and Interim Inspections.** Before issuing a permit, the Building Official may examine or cause to be examined all buildings, structures and sites for which an application has been filed for a permit to construct, enlarge, alter, repair, remove, demolish or change the use thereof; and may conduct such inspections from time to time during and upon completion of the work for which a permit has been issued. Records of all such examinations and inspections and of all violations of the Town Building Code shall be maintained.
- (2) **Final Inspection.** Upon completion of the building or structure, and before issuance of the certificate of use and occupancy required in the Town Building Code, a final inspection shall be made and all violations found of the approved plans and permit shall be noted and the holder of the permit shall be notified of the discrepancies. All such violations shall be corrected and reinspected before the certificate of use and occupancy shall be issued.

13.21 STOP WORK ORDER

- (1) **Notice to Owner.** Upon notice from the Building Official that work on any building or structure is being prosecuted contrary to the provisions of the Town Building Code, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work, or posted at the job site; and shall state the conditions under which work may be resumed.
- (2) **Unlawful Continuance.** Any person who shall continue any work in or about the building after having been served with a stop work order, except such work as he/she is directed to perform to remove a violation or unsafe conditions, shall be liable to a penalty as provided in Section 13.54 of this code.

13.22 UNSAFE BUILDINGS

- (1) **Right of Condemnation.** All buildings or structures that are or hereafter shall become unsafe, unsanitary, or deficient in adequate exit facilities, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or which by reason of illegal or improper use, occupancy or maintenance, shall be deemed unsafe buildings or structures. All unsafe buildings shall be taken down and removed or made safe and secure, as the Building Official may deem necessary and as provided in this section. A vacant building, unguarded or open at door or window, shall be deemed a fire hazard and unsafe with the meaning of the Town Building Code.
- (2) **Examination and Record of Damaged Building.** The Building Official shall examine every building or structure reported as dangerous, structurally unsafe or constituting a fire hazard; and shall prepare a report of

unsafe structures and premises, stating the use of the building and the nature of damages, if any, caused by collapse or failure.

- (3) **Notice of Unsafe Building.** If an unsafe condition is found in a building or structure, the Building Official shall give notice of such findings to the owner, agent or person in control of the building or structure and order compliance with the ordinance as hereinafter provided. Such notice shall describe the building or structure deemed unsafe and shall require repairs or improvement to be made to render the building or structures safe and secure, or require the unsafe building or structure or portion thereof to be demolished. Such notice and order shall be in writing on an appropriate form and shall include:
 - (a) A list of the violation(s), with reference to the code sections violated
 - (b) Specification of a reasonable time for compliance.

Such notice and order shall be served upon the owner, agent or person in control of the building or structure. The notice and order shall be deemed to be properly served if such owner, agent or person in control of the building or structure is sent a copy thereof by U.S. Postal Service to his/her last known address and a copy is posted in a conspicuous place in or on the building or structure affected.

- (4) **Restoration of Unsafe Building.** A building or structure condemned by the Building Official may be restored to a safe condition; except that if the damage or cost of reconstruction or restoration is in excess of fifty (50) percent of the assessed value of the building as determined by the Town Assessor, such building shall be made to comply in all respects with the requirements for materials and methods of construction of buildings hereafter erected.
- (5) **Demolition of Unsafe Building.** Whenever the Building Official finds any building or part thereof within the Town to be in his/her judgment so old, dilapidated or so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use that it would be unreasonable to repair the building, the Building Official shall order the owner to raze and remove the building at the owner's expense. Such order and proceedings shall be carried out in the manner prescribed for the razing of buildings in WI Stats. Section 66.0413. Where the public safety requires immediate action, the Building Official shall enter upon the premises with such assistance as may be necessary, and cause the building or structure to be made safe or to be removed, and the expenses of such work shall be billed to the owner of the property and placed as a special lien against the property.

- (6) **Disregard of Unsafe Notice.** Upon refusal or neglect of the person served with an unsafe notice to comply with the requirements of the order to abate the unsafe condition, the Town Attorney shall be advised of all the facts and shall institute the appropriate action to compel compliance.

13.23 EMERGENCY MEASURES

- (1) **Vacating Buildings.** When, in the opinion of the Building Official, there is actual and immediate danger of failure or collapse of a building or structure or any part thereof which would endanger life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the Building, the Building Official is hereby authorized and empowered to order and require the occupants to vacate the same forthwith. The Building Official shall cause to be posted at each entrance to such building a notice reading as follows: "This building is unsafe and its use or occupancy has been prohibited by the Building Official or designees, Town of Menasha." It shall be unlawful for any person to enter such building or structure except for the purpose of making the required repairs or of demolishing the same.
- (2) **Temporary Safeguards.** When, in the opinion of the Building Official, there is actual an immediate danger of collapse or failure of a building or structure or any part thereof which would endanger life, the Building Official shall cause the necessary work to be done to render such building or structure or part thereof temporarily safe, whether or not the legal procedure herein prescribed has been instituted.
- (3) **Closing Streets.** When necessary for the public safety, the Building Official may temporarily close streets, buildings and structures adjacent to such unsafe buildings, and prohibit the same from being used.
- (4) **Emergency Repairs.** For the purpose of this section the Building Official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.
- (5) **Costs of Emergency Repairs.** Costs incurred in the performance of emergency work shall be billed to the owner of the property and placed as a special lien against the property.

13.24 CERTIFICATE OF USE AND OCCUPANCY

- (1) **New Buildings.** No building hereafter erected shall be used or occupied in whole or in part until the certificate of use and occupancy shall have been issued by the Building Official. Commercial, industrial, or multi-family buildings shall also require approval by the Fire Department.

- (2) **Buildings Hereafter Altered.** Any building hereafter enlarged, extended or altered to change from one use group as defined in Part B, Chapter 3, Section 302 of the Wisconsin Enrolled Commercial Building Code to another use group, in whole or in part, and any building hereafter altered for which a certificate of use and occupancy has not been heretofore issued, shall not be occupied or used until the certificate has been issued by the Building Official, certifying that the work has been completed in accordance with the provisions of the approved permit; except that any use or occupancy which was not discontinued during the work of alteration shall be discontinued within thirty (30) days after the completion of the alteration unless the required certificate is secured from the Building Official. Commercial, industrial, or multi-family buildings shall also require approval by the Fire Department.
- (3) **Changes in Use and Occupancy.** After a change of use has been made in a building, the reestablishment of a prior use that would not have been legal in a new building of the same type of construction is prohibited unless all the applicable provisions of the Town Building Code are complied with. A change from one prohibited use, for which a permit has been granted, to another prohibited use shall be deemed a violation of the Town Building Code.
- (4) **Partial Occupancy.** Upon the request of a holder of a permit, the Building Official may issue a partial certificate of occupancy for a building or structure before the entire work covered by the permit shall have been completed, provided such portion or portions may be occupied safely prior to full completion of the building without endangering life or public welfare.
- (5) **Issuance of Certificate.** When a building or structure is entitled thereto, the Building Official shall issue a certificate of use and occupancy after the final inspection has been completed and no safety, health or other code violations exist.

PERMITS AND FEES

13.25 APPLICATION FOR PERMIT

(1) When Permit is Required.

- (a) No building of any kind shall be moved within or into the Town and no new building or structure, or any part thereof, shall be erected, or ground broken for the same, or enlarged, altered, or occupancy changed from one use group as defined in Part B, Chapter 3, Section 302 of the Wisconsin Enrolled Commercial Building Code to another use group requiring greater strength or exit or sanitary provisions, changed to a prohibited use, demolished or used within the Town, except as provided in this Chapter, until a permit therefore shall first have been obtained by the owner or his/her authorized agent from the Building Official, except that ordinary repairs as defined in Section 13.11 which do not involve any violation of the Town Building Code shall be exempt from this provision.
- (b) No plumbing, electrical, heating, ventilating or air-conditioning work shall be performed in the Town unless a permit therefore is obtained as required by the provisions of the Town Building Code.
- (c) No building permit shall be issued where a culvert is required, unless a permit for the proper size and type of culvert is first obtained from the Street Department.
- (d) No building permit shall be issued for the erection of a building unless the property upon which the building is proposed to be built abuts a street that has been dedicated for street purposes. In addition, where required the street shall be brought to grade and improved as specified by the Town Board.
- (e) No building permit shall be issued for the construction of any building until sewer (or Winnebago County approved septic system) or holding tank, water (or approved well), grading and graveling are installed in the street necessary to service the property for which the permit is requested.
- (f) No building permit shall be issued for the construction of any building requiring site plan review until a site plan is approved.

(2) **By Whom Application is Made.** Application for a permit shall be made by the owner or lessee of the building or structure, or agent of either, or by the licensed contractor, engineer or architect employed in connection with the proposed work. The full names and addresses of the owner, lessee, applicant, and of the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.

(3) **Description of Work.** The application shall contain a general description of the proposed work, its location, the use and occupancy of all parts of the building or structure and of all portions of the site or lot not covered by the building, and such additional information as may be required by the Building Official.

(4) **Plans and Specifications.** The application for the permit shall be accompanied by not less than two (2) copies of specifications and of plans drawn to a scale not less than one-fourth (1/4) inch per foot, on paper or cloth in ink, or by some other process that will not fade or obliterate, with sufficient clarity and detail dimensions to show the nature and character of the work to be performed. Drawings that do not show all necessary detail shall be rejected. When quality of materials is essential for conformity to the Town Building Code, specific information shall be given to establish such quality; and in no case shall this code be cited or the term "legal" or its equivalent be used as a substitute for specific information. One set shall remain on file in the office of the Building Official. All plans and specifications shall be signed by the designer. Plans for buildings required to comply with the Wisconsin Enrolled Commercial Building Code shall bear a stamp of approval from the Wisconsin Department of Commerce, Safety & Buildings Division.

A complete set of plans for residential construction shall consist of:

- (a) All elevations.
- (b) All floor plans, indicating use of each room.
- (c) Complete construction details.
- (d) Plans of garage when garage is to be built immediately or location of garage when it is to be built at a later date.

(5) **Site Plan.** A site plan of the lot shall be prepared and submitted and shall show the following:

- (a) Location and dimensions of all buildings and structures on the lot, both existing and proposed.
- (b) Dimensions of the lot.
- (c) Dimensions showing distances of all buildings and structures on the lot to each property line.
- (d) Grade of lot and of road opposite lot.
- (e) Water courses or existing drainage ditches.

- (f) Foundation elevations from drainage plan. If no master drainage plan exists, foundation elevations shall be established one (1) foot above the adjacent road elevation. Elevation shall be accompanied by a seal and signature from a registered surveyor or licensed engineer.
 - (g) Erosion control plans.
 - (h) Storm water plans when required.
 - (i) All other site plan requirements of the site plan ordinance when applicable.
- (6) **Engineering Details.** The Building Official may require adequate details of structural, mechanical, plumbing, HVAC and electrical work including computations, stress diagrams and other essential technical data to be filed. All engineering plans and computations shall bear the signature of the engineer or architect responsible for the design.
- (7) **Security for Road Damage.** Prior to the issuance of a building permit as required under the Town Building Code, the Town Board may require that any general contractor execute an agreement to indemnify the Town for loss, damage and injury resulting to the Town of Menasha rights-of-way, ditches, roadways, or road surfaces which result from the construction of a building for which a permit is taken out. The Town of Menasha may further require a deposit for security for payment for such damage and that the amount of the security deposit shall be established by the Town Board.
- (8) **Waiver of Plans.** If the Building Official finds that the character of the work is sufficiently described in the application, he/she may waive the filing of plans.
- (9) **Amendments to Application.** Amendments to a plan, application or other records accompanying the same may be filed at any time before completion of the work for which the permit is sought or issued; and such amendments shall be deemed part of the original application and shall be filed therewith, and any additional fees as may be required shall be paid to the Town of Menasha.

13.26 PERMITS

- (1) **Action on Application.** The Building Official shall examine or cause to be examined all applications for permits and amendments thereto. If the application or the plans do not conform to the requirements of all pertinent laws, the Building Official shall reject such application. Otherwise if the proposed work conforms to the requirements of the Town Building Code, the Winnebago County Zoning Ordinance, and all laws and ordinances applicable thereto, a permit shall be issued. After being conditionally approved, the plans and specifications shall not be altered in any respect which involves any of the above mentioned

ordinances, laws and orders, or which involves the safety of the building or occupants, except with the authorization of the Building Official as described herein in Section 13.25(9).

- (2) **Early Start Permit.** The Building Official may issue an Early Start Permit for footings and foundations only for Commercial or Industrial projects following approval of a site plan. A letter indicating "Permission To Start Construction" for footings and foundations only from the State of Wisconsin Department of Commerce must be issued, and a copy on file with the Building Official, before the Town may issue an Early Start Permit.
- (a) **Footings and Foundations Only.** Only footings and foundations may be constructed after issuance of an Early Start Permit, with inspections properly requested. Until the complete building permit is issued, no further work beyond footings and foundations may be performed. If construction has progressed beyond footings and foundations prior to issuance of the complete building permit, a Stop Work Order may be enforced per Chapter 13.21, and any or all construction completed may be required to be removed. Any work beyond footings and foundations without the proper building permit will be deemed a violation of the Town Building Code and subject to the appropriate penalties.
 - (b) Neither the Building Official nor the Town of Menasha shall be held responsible or liable for any alterations or corrective work necessary to comply with the conditions of the building permit. The holder of an Early Start Permit shall proceed at their own risk with the project and without assurance that a permit for the entire structure will be granted. The holder of an Early Start Permit shall be required to make any changes after the plans have been reviewed, and to remove or replace non-code complying parts of the footings or foundations. If final approval for the entire structure is not granted, any footings or foundations thus placed must be removed.
 - (c) **Permit Fee.** The fee for an Early Start Permit shall be as set forth in Appendix B Fee Schedule, reference this code section, and shall be paid to the Town of Menasha.
- (3) **Expiration of Permit.** Any building permit issued shall become invalid twelve (12) months after the date the building permit is issued. If the building permit expires prior to completion of the project, the applicant shall, if authorized by the Building Official, reapply for a new permit to continue construction. The Building Official shall have the authority to grant an extension of a building permit at his/her discretion.

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- (4) **Permit Lapses.** Any permit issued hereunder shall lapse and be void unless the work for which the permit was obtained shall be commenced within three (3) months from the date of issuance.
- (5) **Previous Approvals.** Nothing in the Town Building Code shall require changes in the plans, construction or designated use of a building for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which shall have been actively prosecuted within three (3) months after issuance and the entire building shall be completed as authorized within one (1) year after the date of issuance of the building permit.
- (6) **Signature to Permit.** The Building Official shall attach his/her signature to every permit.
- (7) **Approved Plans.** The Building Official shall stamp or endorse in writing both sets of corrected plans "Conditionally Approved" and one set of such approved plans shall be retained and the other set shall be kept at the building site, open to inspection of the Building Official at all reasonable times.
- (8) **Revocation of Permits**
 - (a) The Building Official may revoke any permit, certificate of occupancy or approval issued under the regulations of the Town Building Code and may stop construction or demolition for any of the following reasons:
 - (1) Whenever there is a violation of any regulation of the Town Building Code or of any other ordinance, law, lawful order or Wisconsin State Statute relating to the same subject matter.
 - (2) Whenever the continuance of any construction or demolition becomes dangerous to life or property.
 - (3) Whenever there is any violation of any condition or provision of the permit.
 - (4) Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data, specifications or certified site plan on which the issuance of the permit or approval was based.
 - (5) Whenever there is a violation of any of the conditions of an approval or occupancy given by the Building Official.
 - (6) Whenever the property owner fails to allow reasonable inspections of the property.
 - (7) Whenever the Building Official determines that any special circumstances not

specifically listed above warrant a revocation.

- (b) The notice revoking a permit, certificate of occupancy or approval shall be in writing and shall be served upon the applicant for the permit, owner of the premises and his agent, if any, and on the person in charge of construction.
 - (c) A revocation placard shall also be posted upon the building structure, equipment or premises in question by the Building Official.
 - (d) 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 or demolition operation whatsoever on the premises, excepting such work as the Building Official may order to be done as a condition precedent to the re-issuance of the permit, or as the Building Official may require for the preservation of human life and safety. Before any construction or operation is again resumed, a new permit, as required by the Town Building Code, shall be procured and fees paid therefore and thereafter the resumption of any construction or operation shall be in compliance with the regulation of the Town Building Code.
- (9) **Posting of Permit and Plans.** A true copy of the building permit shall be kept on the site of operations open to public inspection during the entire time of prosecution of the work and until the completion of the same.

13.27 CONDITIONS OF PERMIT

- (1) **Payment of Fees.** No permit shall be issued until the fees have been paid.
- (2) **Compliance with Code.** The permit shall be a license to proceed with the work and shall not be construed as authority to violate, cancel or set aside any of the provisions of the Town Building Code, except as specifically stipulated by modification or legally granted violation as described in the application.
- (3) **Compliance with Permit.** All work shall conform to the approved application and plans for which the permit has been issued and any approved amendments thereto.
- (4) **Compliance with Site Plan.** All new work shall be located strictly in accordance with the approved site plan.

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- (5) **Change in Site Plan.** No lot or site plan shall be changed, increased or diminished in area from that shown on the site plan, unless a revised diagram showing such changes accompanied by the necessary affidavit of owner or applicant shall have been filed and approved; except that such revised site plan will not be required if the change is caused by reason of an official street opening, street widening or other public improvement.
- (6) **Street and Sidewalk Occupancy Prohibited.** The issuance of a building permit by the Building Official does not convey the right to occupy any street, alley, right-of-way or sidewalk or part thereof either temporarily or permanently, nor does it permit any other encroachments upon public property during the construction permitted by such permit.
- (7) **Cleanliness - Removal of Debris.** Every building shall be kept reasonably clean, during construction and after construction, and shall be kept reasonably free from any accumulation of dirt, filth, rubbish, garbage, excess building materials or other matter in or on the same, or in the yards, courts, passages, areas or alleys connected with or belonging to same. Streets shall be kept clear and clean of boards, nails or other debris, and shall be further kept clean of accumulation of dirt, mud or ground. The holder of the permit, whether it be the owner of the premises upon which construction is being undertaken, or the general contractor, or any subcontractor on said building project, shall be responsible for hauling all rubbish and debris away from the construction site, at the permit holder's expense, or the expense of the owner or contractor, as agreed between the parties, all at no cost to the Town of Menasha. Failure on the part of the contractor or subcontractor as permit holder to comply with these requirements shall result in the owner of the property being held responsible. Failure on the part of the owner of the property (either as permit holder or due to noncompliance by the contractor or subcontractor permit holder) to comply with these requirements shall result in the Town of Menasha causing any debris to be removed, and any expenses incurred from such action by the Town of Menasha shall be billed to the owner of the property and placed as a special lien against the property. This section includes residential, commercial and industrial construction and any remodeling of existing residential, commercial or industrial properties. This section may be enforced, as herein provided, or under public nuisances, under the abatement thereof.
- involved, be approved until the additional fees shall have been paid.
- (2) **Special Fees.** The payment of the fees for the construction, alteration, removal or demolition and for all work done in connection with or concurrently with the work described by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that may be prescribed by law or ordinances for water taps, sewer connections, electrical permits, HVAC permits, plumbing permits, erection of signs and display structures, marquees or other appurtenant structures, or fees for inspections, certificates of use and occupancy or other privileges or requirements, both within and without the jurisdiction of the Building Official.
- (3) **Fees.** The fees for building permits shall be as set forth in Appendix B Fee Schedule, reference this code section. If work commences prior to permit issuances, the Building Official has the authority to require the payment of double fees to the Town.
- (4) **Escrow Fees.** Escrow fees shall be as set forth in Appendix B Fee Schedule, reference this code section. Escrow fees shall be deposited with the Town when required as set forth in Appendix B Fee Schedule, reference this code section. Any interest earned on escrow funds shall remain with the Town. Escrow fees shall be returned to the payee upon completion of the building for which the building permit was issued if the following conditions are met: the Building Official is properly notified for all required inspections, and the applicant has received a certificate of use and occupancy prior to occupancy of the building. The failure to meet any of the above conditions shall cause forfeiture of the escrow fees. Fees for re-inspection required due to work not being complete after inspections are requested shall also be deducted from the escrow.
- (5) **Refunds.** In the case of a revocation of a permit, abandonment or discontinuance of a building project, or change of contractor or subcontractor, refunds shall be at the discretion of the Building Official. A written request for a refund shall be required from the permit holder prior to issuance of the refund. If a refund is granted, the base fee of the permit shall be retained by the Town. Once a permit has expired, no fees shall be refunded.

13.28 FEES

- (1) **Fees Required.** No permit to begin work for new construction, alteration, removal, demolition or other building operation shall be issued until the fees prescribed in this code shall have been paid to the Town, nor shall an amendment to a permit, necessitating an additional fee because of an increase in the square footage or estimated cost of the work

13.29 PUBLIC PROTECTION FUND

- (1) **Purpose.** A public protection fee is hereby established for all new construction occurring in the Town of Menasha, for which a building permit is issued after the 1st day of October, 1986. The establishment of the public protection fee is to insure adequate provisions for police and fire protection for the residents of the Town of Menasha. It is necessary to the residents of the Town of Menasha that the facilities and capital expenditures necessary to the operation of police and fire departments, and necessary to: police and fire protection be preserved and furthered by an equitable apportionment of the presently owned facilities and equipment, which equitable apportionment will occur by this assessment and contribution of new construction, which shall be used for the purpose of fire protection and police protection facilities and capital expenditures.
- (2) **Fee Established.** The public protection fee is hereby established for all residential (including garages), commercial and industrial buildings as follows:
 - (a) Buildings not fully (<100%) sprinklered shall be assessed a fee of four cents (\$0.04) per square foot, including garages, but excluding sub grade excavations of six feet or more.
 - (b) Buildings are fully (100%) sprinklered shall be assessed a fee of two cents (\$0.02) per square foot or fifty (50) percent of fee as stated in Section (2)(a) above. In addition, a maximum of \$300.00 is established.
 - (c) Additional fees, over and above those established in (2)(a) and (b) for multiple family dwelling units shall be established in the sum of \$25.00 per dwelling unit - which is defined as a building or group of rooms within a building where one person or a group of persons resides as a family unit.
 - (d) An additional fee shall also be assessed for each floor of a building which is 80 feet at any point above ground level. This fee shall be \$10.00 per foot.
[Example: if a building has a floor at 85 feet and a floor at 93 feet aboveground level, a \$50.00 fee will be assessed for the floor at 85 feet and a \$130.00 fee for the floor at 93 feet. A total of \$180.00]
- (3) **Method of Assessment.**
 - (a) In all cases the method of assessment hereunder shall be by assessment at the time that a building permit is obtained from the Town of Menasha. No building permit shall be issued without the payment of the above established fees to the Town of Menasha Building Official or designees prior to the issuance of the said permit.

- (b) **Public Protection Fee, Use of.** Any public protection fees assessed pursuant to this ordinance shall be placed in a nonlapsing fund to be used for the Town of Menasha Police and Fire Departments, but may be applied to either department on any occasion as desired by the Town Board being in charge of the Police and Fire Departments. No rule of equality with regard to the Police and Fire Departments shall apply. Any expenditure made for Police and Fire Departments shall be of the nature of a capital expenditure or repairs or upkeep to capital investment property having previously been made by the Police or Fire Departments. In no event shall any of the funds collected be used for current operating expenses of either the Fire Department or the Police Department or of any other Department of government of the Town of Menasha. The monies to be placed in a nonlapsing fund shall not be included in the general fund and shall be designed separately as an asset of the Town of Menasha on its municipal budget.

13.30 TOWN OF MENASHA FEE SCHEDULE

Fees shall be as set forth in Appendix B Fee Schedule, reference this code section.

ELECTRICAL CODE

13.31 STATE CODE ADOPTED

The National Electrical Code, Wisconsin Administrative Code Chapter Comm 16 and Wisconsin Uniform Dwelling Code Chapter Comm 24 and all amendments thereto, are adopted by reference as a part of this chapter.

13.32 LICENSING AND ADMINISTRATION

- (1) No person shall engage in the business of installation, servicing or repairing of electrical equipment without complying with all licensing requirements of the State of Wisconsin, Department of Commerce.
- (2) Exception. A homeowner may personally wire his/her own single-family dwelling, but a permit must be procured and work inspected and approved by the Building Official. A homeowner must prove his/her competence to conform with all rules and regulations. A "homeowner" is defined as a person owning and occupying as his/her permanent address a single-family dwelling.

- (3) The Building Official may cause the turning off of all electrical currents to any equipment which he/she finds to be in an unsafe condition and may cut or discontinue electrical services in case of emergency and where such electrical currents are dangerous to life or property or may interfere with the work of the Fire Department. No person shall reconnect any equipment thus cut off until permission is given by the Building Official.

13.33 ELECTRICAL PERMITS AND FEES

- (1) **Permit Required.** The Building Official shall issue permits for all electrical installations for light, heat or power upon the filing of proper application which shall be made on forms available from the Building Official and shall describe the nature of the work as well as such other information as may be required for inspection. In no case shall any electrical work be started unless a permit has been obtained, unless the same be exempt. The Building Official may require the applicant to furnish plans and specifications covering the work to be done. No permit shall be required for repairs made necessary for the proper maintenance of an existing installation.
- (2) **Permit Fees.** Permit fees shall be as set forth in Appendix B Fee Schedule, reference this code section.
- (3) **No electrical permit shall be granted to anyone who has failed to comply with this Chapter.** Bad faith or unreasonable delay in the performance of any work covered by this Chapter or failure to respond promptly to official communications shall be deemed sufficient reason for withholding permits, and the master electrician shall be held responsible for the violation of these regulations by himself/herself or any of his/her employees.
- (4) **Taking Out Permit for Another Prohibited.** No electrical contractor shall take out a permit for work to be done by another contractor. Violation of this subsection shall be cause for revocation of the contractor's permit, and the Building Official may refuse the work.

13.34 ELECTRICAL INSPECTIONS

- (1) **Residential.** Upon the completion of the wiring of any residential building or before any wiring is to be hidden from view, the person doing the same shall notify the Building Official with at least twenty-four (24) hours' notice, and the Building Official shall inspect the installation within two (2) business days of the time such notice is received. If, upon inspection, it is found that such installation is fully in compliance with the National Electrical Code, the Town Building Code and all applicable codes and does not constitute a hazard to life or property, the Building Official shall approve the same and authorize concealment of such wiring or connection for electrical service. Such

inspection and approval shall not in any case constitute a guarantee against imperfection by either the Town or the Building Official. If the installation is incomplete or not strictly in accordance with the National Electrical Code, the Town Building Code and all applicable codes, the Building Official shall issue orders to the person installing the same to remove all hazards and make the necessary changes or additions prior to concealment. Concealment of electric work before inspection or failure to comply with the orders of the Building Official shall constitute a violation of this chapter.

- (2) **Commercial.** Upon the completion of the wiring of any commercial, industrial, or multi-family building or before any wiring is to be hidden from view, the person doing the same shall notify the Town of Menasha's commercial electrical inspector with at least twenty-four (24) hours' notice, and the Town of Menasha's commercial electrical inspector shall inspect the installation within two (2) business days of the time such notice is received. If, upon inspection, it is found that such installation is fully in compliance with the National Electrical Code and all applicable codes and does not constitute a hazard to life or property, the Town of Menasha's commercial electrical inspector shall approve the same and authorize concealment of such wiring or connection for electrical service. Such inspection and approval shall not in any case constitute a guarantee against imperfection by either the Town or the Town of Menasha's commercial electrical inspector. If the installation is incomplete or not strictly in accordance with the National Electrical Code and all applicable codes, the Town of Menasha's commercial electrical inspector shall issue orders to the person installing the same to remove all hazards and make the necessary changes or additions prior to concealment. Concealment of electric work before inspection or failure to comply with the orders of the Town of Menasha's commercial electrical inspector shall constitute a violation of this chapter.

13.35 LIABILITY OF OWNER OF ELECTRICAL WIRING AND EQUIPMENT

This Chapter shall not be construed to relieve from or lessen the responsibility or liability of any party owning, operating, controlling or installing any electrical equipment for damages to anyone injured or any property destroyed by any defect therein, nor shall the municipality be held as assuming any such liability by reason of inspection authorized herein, or certificate issued as herein provided.

**HEATING, VENTILATING AND AIR
CONDITIONING CODE**

13.36 STATE CODE ADOPTED

The Wisconsin Uniform Dwelling Code Chapters Comm 22 and Comm 23, Wisconsin Administrative Code, and all amendments thereto, are hereby adopted as part of this Chapter.

13.37 LICENSING AND ADMINISTRATION

- (1) No person shall engage in the business of installation, servicing, repairing or cleaning of heating or ventilation or air conditioning equipment without complying with all licensing, registration, and certification requirements of the State of Wisconsin, Department of Commerce.
- (2) HVAC Contractor. A person registered as required above and the person, firm, partnership or corporation who employs such registration shall be a registered HVAC Contractor for purposes of this Chapter.
- (3) Exception. A homeowner may personally perform the work described in paragraph (1) in his/her own single-family dwelling, but a permit must be procured and work inspected and approved by the Building Official. A "homeowner" is defined as a person owning and occupying as his/her permanent address a single-family dwelling.

13.38 HVAC PERMITS AND FEES

- (1) **Permit Required.** A permit shall be required for new installations and additions and alterations to any type of heating, ventilating and air conditioning installation, and any type of ductwork. This shall include fireplaces, wood-burning stoves, and similar equipment.
- (2) **Fees.** Permit fees shall be as set forth in Appendix B Fee Schedule, reference this code section.
- (3) No HVAC permit shall be granted to anyone who has failed to comply with this Chapter. Bad faith or unreasonable delay in the performance of any work covered by this Chapter or failure to respond promptly to official communications shall be deemed sufficient reason for withholding permits, and the HVAC Contractor shall be held responsible for the violation of these regulations by himself/herself or any of his/her employees.
- (4) **Taking Out Permit for Another Prohibited.** No HVAC Contractor shall take out a permit for work to be done by another contractor. Violation of this subsection shall be cause for revocation of the contractor's permit, and the Building Official may refuse the work.

13.39 HVAC INSPECTIONS

In any new building or addition, immediately upon completion and prior to use of those portions of the installation which are thereafter concealed or covered, the HVAC Contractor must notify the Building Official with at least twenty-four (24) hours' notice. The Building Official shall make inspection within two (2) business days after notice for inspection. No person shall lath, plaster or cover any such work before inspection has been made. If, upon inspection, it is found that such installation is fully in compliance with the Town Building Code and does not constitute a hazard to life or property, the Building Official shall approve the same and authorize concealment of such work. Such inspection and approval shall not in any case constitute a guarantee against imperfection by either the Town of Menasha or the Building Official. If the installation is incomplete or not strictly in accordance with the Town Building Code, the Building Official shall issue orders to the person installing the same to remove all hazards and to make the necessary changes or additions prior to concealment. Concealment of HVAC work before inspection or failure to comply with the orders of the Building Official shall constitute a violation of this Chapter.

13.395 SOLID FUEL-FIRED OUTDOOR HEATING DEVICES *[Added 12/1/05][Moved 5/8/06]*

(1) Definitions

Solid Fuel-Fired Outdoor Heating Device: Any equipment, device or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source.

Stacks or Chimneys: Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a solid fuel-fired heating device; especially that part of such structure extending above a roof.

(2) Regulations

- (a) All solid fuel-fired outdoor heating devices shall be installed, operated and maintained in strict conformance with the manufacture's instructions and regulations and all other applicable local, state and federal standards.
- (b) All solid fuel-fired outdoor heating devices shall be approved by the Department of Commerce through an approved testing agency.
- (c) All solid fuel-fired outdoor heating devices shall be provided with written documentation from the manufacturer that the device meets the EPA emission criteria identified in 40CFR Part 60 Sub Part AAA, Section 6.532(b)(2).

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- (d) All solid fuel-fired outdoor heating devices shall be provided with written documentation from the manufacturer that the device is or is in the process of being registered with the Department of Commerce Boiler Division.
 - (e) All solid fuel-fired outdoor heating devices shall, in addition, be operated and maintained as follows:
 - (1) Fuel shall be only natural untreated wood, or other solid fuel specifically permitted by the manufacturer such as corn or other pellets specifically designed for the solid fuel-fired outdoor heating device.

The following fuels are prohibited:

 - (a) Processed wood products other than wood
 - (b) Petroleum in any form
 - (c) Rubber
 - (d) Plastic
 - (e) Garbage
 - (f) Painted wood or treated wood
 - (g) Any other items not specifically allowed by the manufacturer.
 - (f) All solid fuel-fired outdoor heating devices shall only be operated from September 1 through May 31.
- (3) A Solid Fuel-Fired Outdoor Heating Device may be installed in the Town of Menasha in accordance with the following provisions:
- (a) The solid fuel-fired outdoor heating device shall be located at least 301 feet from all exterior property lines.
 - (b) The solid fuel-fired outdoor heating device shall have a chimney that extends at least 15 feet above the ground surface. If there are any residences within 500 feet, the chimney shall also extend at least 2 feet higher above the ground surface than the height of the roofs of all such residences. All chimneys greater than 15 feet in height above the ground shall be provided with documentation from the manufacturer specifying that the solid fuel-fired outdoor heating device will function with this increased chimney height and how the chimney shall be supported.
 - (c) The owner of the solid fuel-fired outdoor heating device shall obtain a HVAC permit from the Town of Menasha before installing a solid fuel-fired outdoor heating device.
 - (d) All solid fuel-fired outdoor heating devices must be installed by contractors qualified to install the device in accordance with all codes and manufacturer's guidelines.

(4) **Nuisance**

Should any solid fuel-fired outdoor heating device permitted under this ordinance become hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood as determined by the building inspector and/or fire chief, then the owner shall correct, improve or abate the nuisance using whatever means are necessary in accordance with this Section. If the nuisance can not be abated then operation of the device shall be discontinued until a solution to the nuisance can be found.

(5) **Penalties**

Any person, firm, corporation, business or entity who fails to comply with any provisions of Section 13.395 shall, upon conviction thereof, forfeit an amount set forth in Appendix C Fines and Penalties, plus the cost or prosecution for each violation; and, in default of payment of such forfeiture and cost shall be imprisoned in the county jail until payment thereof, but not exceeding 30 days. Each day of violation shall represent a separate violation of the ordinance as described herein.

PLUMBING CODE

13.40 STATE CODE ADOPTED

Chapters Comm 81 through Comm 87, Comm 91, Wis. Adm. Code, and Chapter 145, WI Stats., are hereby adopted as part of this chapter. The provisions thereof and of this chapter shall govern all plumbing, private sewage disposal, and drainage work. No plumbing, private sewage disposal, and drainage work shall be done except in accordance with said codes and this chapter.

13.41 LICENSING AND ADMINISTRATION

- (1) No person shall engage in the business of installation, servicing, repairing or cleaning of plumbing equipment without complying with all licensing, registration and certification requirements of the State of Wisconsin, Department of Commerce, and of Wisconsin State Statute 145.
- (2) Exception. A homeowner may personally perform the work described in paragraph (1) in his/her own single-family dwelling, but a permit must be procured and work inspected and approved by the Building Official. A "homeowner" is defined as a person owning and occupying as his/her permanent address a single-family dwelling.

13.42 PLUMBING PERMITS AND FEES

- (1) **Permit Required.** No plumbing shall be done in the Town of Menasha without a permit being first issued therefore by the Building Official and the paying of the proper fees. Any plumbing shall conform to all provisions of the state law codes, and ordinances of the Town of Menasha.
- (2) **Permit Restrictions, Cancellations, and Withholding of Permits.** No permit for plumbing in a new or relocated building shall be issued:
 - (a) Until the Building Official is satisfied that all unused sewer and water services to the premises are sealed.
 - (b) Until a sewer permit and building permit have been issued.
 - (c) No plumbing or sewer permit shall be granted to anyone who has failed to comply with this Chapter. Bad faith or unreasonable delay in the performance of any work covered by this Chapter or failure to respond promptly to official communications shall be deemed sufficient reason for withholding permits, and the master plumber shall be held responsible for the violation of these regulations by himself/herself or any of his/her employees.
- (3) **Fees.** Permit fees shall be as set forth in Appendix B Fee Schedule, reference this code section.
- (4) **Taking Out Permit for Another Prohibited.** No Plumbing Contractor shall take out a permit for work to be done by another contractor. Violation of this subsection shall be cause for revocation of the contractor's permit, and the Building Official may refuse the work.

13.43 PLUMBING INSPECTIONS

The Building Official shall be notified for inspection in accordance with requirements of this code and of the Wisconsin Administrative Code. Notification shall be with twenty-four (24) hours' notice. The Building Official shall make an inspection within two (2) business days after notice for inspection. If, upon inspection, it is found that such installation is fully in compliance with the Town Building Code and does not constitute a hazard to life or property, the Building Official shall approve the same and authorize concealment of such work. Such inspection and approval shall not in any case constitute a guarantee against imperfection by either the Town or the Building Official. If the installation is incomplete or not strictly in accordance with the Town Building Code, the Building Official shall issue orders to the person installing the same to remove all hazards and to make the necessary changes or additions prior to concealment. Concealment of plumbing work before inspection or failure to comply with the orders of the Building Official shall constitute a violation of this

Chapter.

13.44 DISCHARGING OF DRAINS AND SEWERS

- (1) No person shall discharge domestic sewage, industrial wastes or septic tank effluent onto the surface of the ground, into any drainage ditch, or into any waters of the State, or into any storm sewer or drain, or permit the same to be so discharged.
- (2) Roof-leaders, surface drains, ground water drains, foundation footing drains, and other clear water drains shall be connected wherever possible with a storm sewer, but they shall not be connected to a building sewer which discharges into a sanitary sewer or private sewage treatment plant. Air conditioning and clear water drains not described herein shall also discharge to storm drains or sewers unless special permission is obtained from the Building Official, where an unnecessary hardship would result and the spirit of this subsection will be observed. If storm water or clear water is being discharged into a sanitary sewer the Building Official shall give the offending person notice to disconnect within an amount of time to be determined by the Building Official. Failure to disconnect after such notice shall authorize the Building Official to cause disconnection. Any costs incurred from such disconnection shall be billed to the owner of the property and placed as a special lien against the property. The Building Official may, in the alternative, institute action for violation of this subsection.

13.45 SUMP PUMP REGULATIONS

- (1) Sump pump discharge in any manner other than as specified by this ordinance shall constitute a violation thereof and shall subject the offender to penalties as set forth in the Town Building Code Section 13.54.
- (2) Every foundation drain shall be connected to a sump pit containing an approved sump pump pursuant to the regulations set forth in the plumbing regulations of the Town of Menasha, as specified elsewhere in the Town of Menasha Municipal Code, in the regulations of the Town of Menasha Utility District, and the Wisconsin Uniform Dwelling Code.
- (3) Sump pumps are to be installed for the purpose of discharging clear water from foundation drains and ground infiltration and shall either discharge into an underground conduit leading to a drainage ditch for that purpose, or shall discharge onto the ground of the property owner at least two (2) feet or more from the building from which the water is being pumped, and not closer than ten (10) feet from the property of adjacent owners. The place of discharge shall be determined at the point where the water is discharged upon the ground from hoses, pipes and other connections to the sump pump.

- (4) A violation of this ordinance shall occur where the discharge creates icing problems on Town roads or walkways, or creates a situation causing damages to Town roads or to Town property, or creates ponds of standing water or flows over adjoining property. If such condition exists or is created, the Building Official shall require the owner of the property discharging the water to install an underground lateral or surface discharge connection which shall cause the water from the sump pump to be discharged in such a manner as not to interfere with the use of property by adjacent property owners.

13.46 BACKFLOW PREVENTION VALVES

Contractors shall install backflow prevention valves in all new structures.

MISCELLANEOUS

13.47 FENCING ORDINANCE

- (1) **Permit Required.** No fence shall be built, enlarged, altered or replaced within the Town unless a permit therefore is first obtained from the Building Official by the owner or his/her agent.
- (2) **Fence Regulations General**
- (a) All fences placed on property zoned or used for residential purposes shall comply with the provisions of this section. The regulations contained herein shall be deemed to be in addition to regulations existing under the Town-County Zoning Ordinance, County of Winnebago, Wisconsin.
- (b) **Definition.** For the purpose of this ordinance a “fence” is herein defined as an enclosing barrier consisting of vegetation, wood, stone, plastic or metal intended to prevent straying from within or intrusion or access from without. For the purpose of this ordinance the term “fence” shall be construed to include plantings such as hedges.
- (c) **Side and Rear Property Line Setback.** No fence shall be erected or planted along residential property lines with any portion closer than six (6) inches to the lot line unless adjoining property owners have consented in writing to install a fence on the property line.
- (3) **Front Yard Fences.** Fences including hedges or row planting in the first thirty (30) feet from the front property line shall not exceed four (4) feet in height, nor shall they be placed within the first two (2) feet from the front property line. Said fences shall be of minimum fifty (50) percent open type.
- (4) **Side and Rear Yard Fences.** Fences placed in the rear or side yard shall not be more than six (6) feet in

height, except that hedges may be permitted to grow to a natural height of 10 feet, except where a side yard has an abutting street line, in which the planting or fence shall not exceed four (4) feet in height.

- (5) **Vision Corners.** No owner of any residential property or occupant of any residential property abutting a public street shall permit any fence on his/her property to be so placed and maintained as to obstruct the vision of a user of a street at its intersection with another street or public thoroughfare. The vision corner is described as a triangular area enclosed by a straight line connecting a point on each street right-of-way which point is thirty (30) feet from their intersection. Fences erected or allowed to exist upon said property in such vision corner shall not exceed two-and-a-half (2-½) feet in height. Said fences shall be a minimum of two-thirds (2/3) open to vision equally distributed throughout the fence length and height located within the defined vision corner. Plantings in such vision corner shall be maintained in such a fashion as to provide unobstructed vision from two-and-a-half (2-½) feet above the centerline elevation of the abutting pavement to ten (10) feet above the said centerline elevation. In the case of arterial streets intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to fifty (50) feet.
- (6) **Non-Corner Double Frontage.** On lots with double street frontage but not on a corner, fence structures shall conform to the front yard requirements of Section 13.47(3) for both streets, except where one street is officially designated “restricted access.”
- (7) **Materials.** Barbed wire fences, electrical fences, spike or sharp picket fences, single, double and triple strand fences, or fences constructed of any other material that shall be deemed to create a nuisance or a hazard are hereby prohibited.
- (8) **Exceptions.** Protective fences and boundary fences on publicly owned lands or semipublic lands such as church, school education institutions, utility substations, etc. are excluded from the provisions of this section, except that where such fences incorporate the use of barbed wire such barbed wire shall not be less than seven (7) feet above ground level. Arms or extensions which project from the fence must project into the lot proper.
- (9) **Swimming Pool Fencing.** Fences for swimming pools shall be as per the requirements of Section 13.47 of the Town Building Code.
- 13.48 BUILDING IDENTIFICATION**
- (1) **Building Identification Required.** Each residence, place of business including commercial and/or industrial and all other buildings required by the Building Official shall for the health and safety of the

residents and property display a legible identification number, said numbers being three (3) inches or larger in contrasting colors to the building to which they are attached. Said numbers shall be located in a conspicuous and obvious place facing the street either directly above or within three (3) feet to the left or to the right of the upper half of the main entrance to the building. In the event there are two main entrances or front doors, both doors shall contain within three (3) feet thereof the same numbers.

- (2) In addition to the above requirements, where mail delivery is provided in main boxes located at or adjacent to the roadway in front of the building to be identified, the owner shall place the building identification numbers with numerals no smaller than two (2) inches in height on mail boxes which stand adjacent to or on the roadway. It shall be unlawful to cover any of these numbers at any time, and it shall be further required that in the event that the numbers become covered by snow or otherwise, it shall be the duty of the owner of the premises to uncover said numbers so that they shall remain clearly visible.
- (3) **Identification Practices Prohibited.** It shall be a violation of this ordinance to display numbers attached to the front door, main door or any door of the building, including the garage door. Manuscript or numeral in writing shall not be permitted to satisfy the provisions of this ordinance. The numerals and numbering required under this ordinance shall be of the Arabic type numerals.
- (4) **New Buildings.** For newly constructed buildings, the identification numbers shall be placed no later than the date of issuance of the occupancy permit. Identification numbers for buildings shall be designated by the Town of Menasha through the office of the Community Development Director of the Town of Menasha. No numbers shall be assigned, changed or replaced upon the building without first being approved by the Community Development Director of the Town of Menasha.
- (5) **Building Official's Approval.** The Building Official shall have the authority to require that additional building identification be placed either upon the building or at a position between the building and the roadway which will allow for ease of building identification.
- (6) **Multi-family Dwelling.** In addition to the above requirements, multi-family dwellings that have storage rooms, cages or facilities separate from the resident's dwelling shall have the same type of numbering (dwelling number or letter) affixed to the front door of the storage area. Multi-family dwellings that have vehicle parking below the dwelling shall have parking stalls affixed with numbers or letters that correspond with the occupants' residence. Detached garages shall likewise be affixed with identification that corresponds with the occupants' residences.

- (7) **Penalty Clause.** The Building Official shall cause the building identification to be placed on the building in the event of noncompliance. Any costs incurred from such action shall be billed to the owner of the property and placed as a special lien against the property.

13.49 SWIMMING POOLS

- (1) **Definition of Swimming Pool.** A "swimming pool" is any structure, basin chamber or tank containing or capable of containing an artificial body of water intended for use by the owner or owners for swimming, diving or recreation bathing having a depth of two (2) feet or more at any point.
- (2) **In-ground Private Residential Swimming Pool Requirements.**
 - (a) The inside edge of the wall of any in-ground private swimming pool shall not be closer than seven (7) feet to any side lot line or rear lot line. The accessory building structure or pool equipment shall not be closer than seven (7) feet to any side or rear lot line.
 - (b) Swimming pools that are filled with water before permanent fence is installed must be protected by a temporary enclosure. This in no case shall exceed thirty (30) days from the time the pool is filled with water.
 - (c) Permanent fencing shall be no less than four (4) feet nor more than six (6) feet in height and shall have gates of equal height with latches designed to prevent the entrance of children under the age of seven (7) years. The gates shall be kept securely latched at all times whether the pool is or is not in use.
 - (d) Pools completely enclosed by a structure with secure doors to prevent the entry of children under the age of seven (7) years shall not be required to meet the fencing requirements established hereunder.
- (3) **Above-ground Private Residential Swimming Pool Requirements.**
 - (a) No part of any aboveground private residential swimming pool, including platforms, railings, accessory buildings or pool equipment shall be closer than seven (7) feet to a side property line or rear property line, nor closer than thirty (30) feet to a street property line or closer than the setback line of the main building structure, whichever is greater.
 - (b) Above-ground pools shall be enclosed with adequate and secure fence at least four (4) feet in height above adjoining grade to prevent the entrance of children under the age of seven (7) years. Fence requirements as set forth in Section 13.47 shall apply.

- (c) Above-ground pools with walls that are at least four (4) feet in height at all points around said pool or that have platforms and railings that are four (4) feet or more in height above grade are not required to provide enclosing fencing.
- (d) Where an above-ground pool is permitted without being enclosed with a four (4) foot high fence, the ladders and/or stairways serving such pool shall be adequately secured to prevent entry into the pool at all times that the pool is not in use.
- (4) **Inflatable Swimming Pools.** Inflatable above-ground swimming pools must also meet all code requirements for above-ground swimming pools as described in Section 13.49(3) above, including fencing requirements.
- (5) **Permits Required.**
 - (a) A pool permit shall be applied for and obtained prior to the installation of any private residential swimming pool.
 - (b) The application for permit shall be accompanied by a site plan drawing of the premises upon which the proposed pool is to be installed. The site plan shall show the shape and size of the lot, the location and size of all buildings, structures and fences existing or proposed, any other information affecting the premises. The site plan shall be accurate and dimensioned.
 - (c) Plumbing installations for the operation of a swimming pool are required to be done in compliance with the Town Building Code under a plumbing permit issued by the Town of Menasha.
 - (d) Electrical installations made for the operation of a swimming pool are required to be done in compliance with the National Electrical Code and the Town Building Code under an electrical permit issued by the Town of Menasha.
- (6) **Drainage.** The drainage of swimming pools shall be directed to a public storm sewer or catch basin connected to the public storm sewers. Drainage shall be controlled to prevent any adverse effect on adjoining property.
- (7) **Enforcement and Penalty.**
 - (a) Any person who shall violate any portion of this section of the code regulating swimming pools shall be subject to the penalties as set forth in the Section 13.54.
 - (b) In addition to the penalties specified above for violation of this ordinance, the Town of Menasha by its Building Official shall have the following powers to check the health and safety of residents

in the event of violations of this ordinance: The Building Official, upon notice of a violation of this ordinance shall immediately, in writing, notify the person of such complaint and such violation and in writing direct them to make immediate corrections within fifteen (15) days of the date of the Building Official's directive in writing. In the event the repairs, changes or corrections cannot be made within fifteen (15) days, the Building Official shall have authority to extend the time allowed for corrections. In the event the repairs are not made within the fifteen (15) day period or other extended period as granted by the Building Official in writing, the Building Official shall have the authority to go upon the premises and secure the pool area or take whatever action is necessary, on a temporary basis, to prevent harm, injury or death to residents on the premises or frequenters thereto. All costs incurred under this section shall be billed to the owner of the property where said swimming pool exists, and in the event they are not paid they shall be placed as a special lien against the property.

- (c) When the Building Official is of the opinion there is an immediate danger to the public or public health which would endanger life, the Building Official shall cause the necessary work to be done to render such swimming pool safe or the removal of such swimming pool when deemed necessary, whether or not legal procedure herein prescribed has been instituted. All costs incurred in such action shall be billed to the owner of the property where said swimming pool exists and placed as a special lien against the property.

13.50 BILLBOARDS AND SIGNS

- (1) **Purpose.** The purpose of this ordinance is to provide a uniform set of regulations relating to all billboard/off-premises signs in the Town of Menasha.
- (2) **Intent.** It is the intent of this ordinance to promote the public health, safety, welfare and comfort of the general public within the Town of Menasha.
- (3) **Scope of Regulations.** Except as may otherwise be noted herein, the regulations of this ordinance shall govern all billboards/off-premises signs in the Town of Menasha.
- (4) **Definitions.** For purposes of interpreting and enforcing this ordinance, the following definitions shall apply:
 - "Billboards" or "Off-premises signs".* Signs which advertise or call attention to goods, products,

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individuals, businesses, and/or services not sold, available or located on the premises or property on which the sign is located. Off-premises signs are typically of two main types:

- (a) Poster Panels or Bulletins, normally mounted on a building wall or freestanding structure with the message/display in the form of pasted paper.
 - (b) Painted Bulletins, where the message/display is painted directly on the background of a wall-mounted or freestanding sign facing.
- (5) **Enforcement.** The Community Development Director or his/her designee shall have the authority, as may be necessary, to enforce and administer this ordinance.
- (6) **Permit Required.** Permits shall not be required for a change of copy on any billboard/off-premises sign, nor for the repainting, cleaning and other normal maintenance or repair of a lawfully existing billboard/off-premises sign or sign structure.
- (7) **Regulations.**
- (a) It is hereby determined that the number of billboard/off-premises signs existing in the Town of Menasha is excessive and distracting to motorists and pedestrians, creates a traffic hazard, and mars the appearance of the Town.
 - (b) Billboard/off-premises signs are hereby prohibited with the exception described in (7)(c) and (7)(d) in the Town and no billboard/off-premises sign may be constructed, erected or placed upon any premises, public or private, within the Town on or after January 25, 1993.
 - (c) Billboard/off-premises signs existing prior to January 25, 1993 may be legal nonconforming signs and may be permitted to be continued and maintained in their current location/condition provided such signs also meet the following requirements:
 - (1) The sign(s) was (were) covered by a sign permit or a permit for construction/erection of the sign(s) was (were) issued prior to the date of the adoption of this section, if one was required.
 - (2) If no sign permit was required for the sign(s) in question and the sign(s) was (were) in all respects in compliance with applicable laws/ordinances on the date such sign was constructed/installed.
 - (d) Church and Business Directional and Off-Premises Signage

- (1) **Church Directional Sign Program.** A church directional sign is a standardized sign placed by the Town on Town-owned public property at the intersection of a major thoroughfare and a minor street on which said church is located. In order to qualify for the program the church must not be visible from the proposed intersection.
 - (a) Churches, which otherwise are complying with the sign ordinance requirements, may request a church directional sign by paying an application fee and an annual charge for the maintenance and upkeep of said sign as set by resolution.
 - (b) Such directional sign(s) shall be constructed by the Town and shall be of the type determined by the Town. Such sign(s) shall replace the normal directional sign(s).
 - (c) No such device shall be erected without the approval of the Town Board following a recommendation from the Planning Commission.
 - (d) Church directional signs are provided by the Town for the convenience of the public and are subject to removal at any time.
- (2) **Business Directional Signs.** A business directional sign is a standardized sign placed by the Town at the intersection where a minor street intersects a major thoroughfare indicating the directions to a business with access located on the minor street. A business may qualify for a business directional sign if said business is not visible upon approaching the intersection. A business directional sign shall be located on public property.
 - (a) Businesses which otherwise are complying with the sign ordinance requirements may request that their sign be placed on the business directional sign by paying an application fee and an annual charge for the maintenance and upkeep of said sign as set by resolution.
 - (b) Such directional sign(s) shall be constructed by the Town and shall be of the type determined by the Town. Such sign(s) shall replace the normal directional sign(s).
 - (c) No such device shall be erected without the approval of the Town Board

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following a recommendation from the Planning Commission.

- (d) Business directional signs are provided by the Town for the convenience of the public and are subject to removal at any time.
- (3) Off-premises sign shall allow for the identification of multiple businesses or industries.
- (4) Off-premises sign shall be limited to one (1) sign per business or industrial area.
- (5) These areas shall be determined by the Town Board as necessary.
- (6) All off-premises signs shall be reviewed by the Town Planning Commission and a recommendation of approval or denial shall be made to the Town Board based on the above criteria and other information provided by the applicant, staff and others at a regular Town Planning Commission Meeting.
- (7) The Town Board shall approve or deny the recommendation of the Planning Commission based on compliance with the above criteria and any other information deemed appropriate to the off-premises sign, and furthermore reserves the right to approve or deny the request for an off-premises sign on a case-by-case basis.
- (e) A billboard/off-premises sign which has been designated as legal nonconforming may retain such designation so long as the following conditions are complied with:
 - (1) No structural modification of a legal nonconforming sign is permitted. Structural modification shall not include changing of the sign copy or normal maintenance such as cleaning, painting, or scraping of the sign or sign structure.
 - (2) The sign shall not be relocated.
 - (3) The sign shall not be replaced.
- (f) A legal nonconforming billboard/off-premises sign or sign structure which, by any means, is destroyed or damaged may be restored only after the owner has shown that the damage to such sign did not exceed fifty (50) percent of the assessed value of such sign existing at the time it became legal nonconforming. If such sign or sign structure is destroyed or damaged to an extent exceeding fifty (50) percent of the aforesaid value, it shall be removed within sixty (60) days of the date of damage occurred and

shall not be reconstructed or replaced in the Town of Menasha. If restoration of a sign damaged to less than fifty (50) percent of the aforesaid value is not completed within six (6) months of the date damage occurred, such sign shall be removed and shall not be reconstructed or replaced in the Town of Menasha. "Removal" as referred to in this ordinance shall include both the sign and sign structure regardless of which incurred the damage. Restoration of a damaged sign shall first require issuance of a sign permit.

- (g) At such time as the owner of any building or lot, on which a legal nonconforming billboard/off-premises sign is located, requests Planning Commission/Town Board approval for any change to the use, zoning, building or lot upon which premises said sign is located, the Planning Commission/Town Board may require that such legal nonconforming sign be removed as a condition of approval.
- (h) Any sign which does not wholly comply with the provisions of this ordinance and which is not classified as legal nonconforming shall be ordered removed. If the sign owner, lessee or owner of the premises on which such sign is located fails to remove such sign, the Community Development Director may contract for removal of such sign(s) and assess all costs associated with such removal as a special tax against the property on which the sign(s) was (were) located, such tax to be collected in the same manner as property taxes are collected in the Town of Menasha.
- (8) **Appeals.** The Town of Menasha Board of Supervisors may waive or modify the provisions of this ordinance where, in its judgment, such waiver modification would further the public interest and uphold the purpose and intent of this ordinance as set forth in Sections 13.50(1) and 13.50(2) above respectively. Any request for an appeal to this ordinance shall first be presented to the Planning Commission for review and recommendation to the Town Board of Supervisors.
- (9) **Severability.** If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby. If an application of this ordinance to a particular sign or sign structure is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other sign or structure not specifically included in said judgment.

13.51 MOVING OF BUILDINGS

- (1) **Permit Required.** No building shall be moved over the streets or roads of the Town unless approved by

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the Community Development Director and the Building Official, and a permit issued for said move.

- (2) **Procedure.** Any person wishing to move a building over the streets or roads of the Town shall make application to the Building Official on a form available from the Building Official. Such application shall be signed by the owner of the property to where the building is being moved. The Community Development Director and the Building Official shall review the application, and shall either approve or disapprove the request for a building move. Upon approval, the Building Official shall issue a moving permit for relocation of the building in accordance with the application and in accordance with all Town ordinances and State law. The moving permit shall be limited in scope to only provide for the relocation of a building in accordance with all Town ordinances and State law.
- (3) **Permit to State Requirements.** Every permit issued shall state all conditions to be complied with; designate the route to be taken; and the limit of time for removal.
 - (a) The moving of the building shall be continuous during all hours of the day until the moving is completed, to cause the least possible obstruction to streets or roads.
 - (b) No building shall be allowed to remain stationary overnight on any street or road, crossing or intersection.
 - (c) Red warning lights shall be placed conspicuously at both ends of the building during the night.
 - (d) The mover of the building shall report daily to the Town of Menasha Fire Department and the Town of Menasha Police Department the location of the building on the street or road.
 - (e) The mover of the building shall contact the Town of Menasha Fire Department and Town of Menasha Police Department as to the date and time of the move.
 - (f) If a building being moved must remain stationary on a street or road for any period of time, permission for such shall be obtained from the Community Development Director and the Building Official and shall be so placed as to permit easy access to any fire hydrant.
 - (g) The building shall be of such length, height and width that in the opinion of the Building Official it will not interfere with power lines, trees and other structures along the route to be traveled.
 - (h) No building shall be moved over a bridge in the Town.
- (4) **Moving Damaged Buildings.** For any building that has deteriorated or has been damaged by any cause (including such moving and separation from its foundation and service connections in the case of moved buildings), if the cost of repairs is greater than fifty (50) percent of its assessed value as determined by the Town Assessor, said building shall not be moved within or into the Town, and no permit shall be granted to move said building within or into the Town.
- (5) **Permits to be Granted.**
 - (a) **Permit Fees.** Permit fees, including applicable escrow, shall be as set forth in Appendix B Fee Schedule, reference this code section, and shall be paid to the Town.
 - (b) The applicant shall deposit with the Town a bond of \$2,000.00 with acceptable surety running to the Town conditioned that he/she will save and indemnify the Town against any costs, expenses, or damages which may in any way accrue against the Town by reason of moving and will hold the Town harmless against all liabilities, judgments, costs and expenses as a consequence of the granting of a permit.
- (6) **Inspector to be Appointed.** The mover of any building to whom a permit has been granted shall notify the Building Official of the time when moving is to begin. The Building Official may appoint an inspector to be present during the moving operations to supervise such moving. The appointment of an inspector in no way relieves the mover from any liability for damage that may be done during the moving operation.
- (7) **Buildings Moved Within Town.** No building shall be moved from one location to another location within the Town limits without certain conditions being met.
 - (a) The Building Official shall issue a moving permit for the relocation of said building in compliance with all building and zoning regulations. No building moving permit shall be issued until approved by the Community Development Director and the Building Official.
 - (b) No building shall be moved from one location to another location within the Town if said building has been in existence more than fifty (50) percent of its estimated life expectancy as set forth in *Marshall & Swift, Marshall Valuation Service*.
 - (c) No building shall be moved from outside the corporate limits of the Town to within the corporate limits of the Town, unless approved by the Community Development Director and the Building Official.
- (8) **Buildings Moved From Within Town to Outside of Town.** No building shall be moved from within the Town to outside the Town unless approved by the

Community Development Director and the Building Official and a moving permit issued.

- (9) **Moving of Small Buildings on Trucks or Trailers.**
- (a) Smaller buildings of one story in height and not more than fourteen (14) feet wide inclusive of any projections may be moved on a truck or trailer equipped with pneumatic tires.
 - (b) All conditions required for the moving of buildings shall be met except for Subsection (3)(h). The following will replace it:
 - (h) A police escort shall be required if a bridge is to be crossed.

(10) **Time Limitations and Special Provisions.**

- (a) **Time Limitation.** No hole or open basement foundation established for the purpose of moving a building from the site or to the site shall remain open for more than thirty (30) days from the date the hole or basement foundation is established. Prior to the end of the thirty (30) day time frame, a building shall be placed upon the hole or open basement foundation site, or the hole shall be filled or open basement foundation site shall be removed and the site restored to grade.
- (b) **Time Limitation Expiration.** In the event the hole or open basement foundation is not covered with a building as provided herein, then the Town shall provide notice to the owner of the land that pursuant to the police powers of the Town if the open hole or open basement foundation is not covered with a building within thirty (30) days, then the Town, at the Town's discretion, may fill any hole or remove any basement foundation and restore the site to grade. Any costs incurred by the Town's action as set forth herein shall be billed to the owner of the property and placed as a special lien against the property.
- (c) **Protective Fences.** All sites which have either a hole or basement located on the lot for the purpose of moving a building to the site or from the site shall have a protective fence surrounding the hole or basement foundation. The protective fence shall be at least four (4) feet tall and shall not allow for a six (6) inch sphere to pass through the fence. The fence shall be in good condition and shall prevent entry onto the hole site. The protective fence as described herein shall remain at the site during all times the hole or basement foundation remains open. However, no protective fence shall be allowed for a period of time to exceed thirty (30) days from the date the hole or open basement foundation is established.

13.52 DEMOLITION OF BUILDINGS OR REMOVAL OR RELOCATION OF MOBILE OR MANUFACTURED HOMES

Service Connections. Before a building can be demolished or removed or a mobile or manufactured home can be moved or relocated, the owner or agent shall notify all utilities having service connections within the building such as water, electric, gas, sewer and other connections. A permit to demolish, remove or relocate a building shall not be issued until a release is obtained from the utilities, stating that their respective service connections and appurtenant equipment such as meters and regulators have been removed or sealed and plugged in a safe manner.

13.53 REMOVAL OF BUILDINGS

Whenever a building is demolished or removed, or a mobile or manufactured home moved or relocated, the premises shall be maintained free from all unsafe or hazardous conditions by the proper regulation of the lot, restoration of established grades and the installation of all necessary fences in accordance with the ordinances.

- (1) **Time Limitation.** No hole or open basement foundation established for the purpose of moving a building from the site shall remain open for more than thirty (30) days from the date the hole or basement foundation is established. Prior to the end of the thirty (30) day time frame, a building shall be placed upon the hole or open basement foundation site, or the hole shall be filled or open basement foundation site shall be removed and the site restored to grade.
- (2) **Time Limitation Expiration.** In the event the hole or open basement foundation is not covered with a building as provided herein, then the Town shall provide notice to the owner of the land that pursuant to the police powers of the Town if the open hole or open basement foundation is not covered with a building within thirty (30) days, then the Town, at the Town's discretion, may fill any hole or remove any basement foundation and restore the site to grade. Any costs incurred by the Town's action as set forth herein shall be billed to the owner of the property and placed as a special lien against the property.
- (3) **Protective Fences.** All sites which have either a hole or basement located on the lot for the purpose of moving a building from the site shall have a protective fence surrounding the hole or basement foundation. The protective fence shall be at least four (4) feet tall and shall not allow for a six (6) inch sphere to pass through the fence. The fence shall be in good condition and shall prevent entry onto the hole site. The protective fence as described herein shall remain at the site during all times the hole or basement foundation remains open. However, no protective fence shall be allowed for a period of time to exceed thirty (30) days from the date the hole or open basement foundation is established.

13.54 VIOLATIONS

It shall be unlawful for any person to construct, use, occupy, or maintain any building or structure in violation of any provisions of this code, or to cause, permit or suffer any such violations to be committed. It shall be the responsibility of the offender to abate the violation as expeditiously as possible. Each violation and each day a violation exists or continues shall constitute a separate offense. If, in any action, a permit was issued, it shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Building Official constitute a defense.

- (1) **Prosecution of Violation.** Any person who fails to comply with the provisions of this ordinance shall, upon conviction thereof, be penalized in accordance with the current procedures and policies of the Town of Menasha Municipal Court. A fine of at least \$100.00 but not greater than \$1500.00, together with the costs of prosecution, shall be charged to the offender for each offense.

- (2) **Abatement of Violation.** The imposition of the penalties herein prescribed shall not preclude the Town Attorney from instituting appropriate action to prevent unlawful construction or to restrain, correct or act, conduct business or use of a building or structure in or about any premises. The Town Attorney is hereby authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises or to stop an illegal act, conduct business or use of a building or structure in or about any premises. In addition, the Town, upon successful prosecution and/or enforcement of the Town ordinance, shall be entitled to reasonable attorneys' fees and costs for the prosecuting of the same.