

ORDINANCE NO. 2020-1

AN ORDINANCE TO ESTABLISH BUILDING PERMIT REQUIREMENTS AND FEES AND PENALTIES FOR VIOLATION OF SAID ORDINANCE IN THE TOWN OF KICKAPOO, VERNON COUNTY, WISCONSIN.

1.0 TITLE/PURPOSE

(1) This ordinance is entitled the Town of Kickapoo Building Permit Ordinance.

(2) This ordinance will also set forth an orderly procedure for obtaining a building permit and will establish permit fees and penalties for failure to obtain a required permit. The purpose of the ordinance is to protect the health, safety and welfare of township residents by assuring that any construction in the Town of Kickapoo will comply with:

(a) County sanitary permit requirements.

(b) County and state floodplain, wetland and shore land zoning requirements.

(c) Any state-mandated or county building ordinances that exist at the time of construction.

(d) State building plan approval procedures for commercial or residential buildings.

(e) Town efforts to locate and record buildings for purposes of providing emergency services and for assessment purposes.

(3) The provisions of this Ordinance shall be held to be minimum requirements adopted to promote the health, safety, aesthetics and general welfare of the Town of Kickapoo, Vernon County, Wisconsin, and shall be liberally construed in favor of the Ordinance.

2.0 AUTHORITY

The Town Board of the Town of Kickapoo has the specific authority, powers and duties to regulate, prohibit, and restrict construction, alteration, erection, and enlargement of certain structures and buildings in the Town of Kickapoo and to act for the health, safety, and welfare of the public pursuant to Wis. Stat. sec. 60.61(1m)(a).

3.0 ADOPTION OF ORDINANCE

The Town Board of the Town of Kickapoo, by this ordinance, adopted with a quorum and by a roll call vote by a majority of the town board present and voting,

provides the authority for the town to regulate, prohibit, and restrict construction, alteration, erection, and enlargement of certain structures and buildings in the Town of Kickapoo

4.0 DEFINITIONS

As used in this ordinance, the following terms shall have the meanings indicated:

- (1) “Local building code” means this ordinance.
- (2) “Town” means the Town of Kickapoo, Vernon, County, Wisconsin.
- (3) “Town Board” means the board of supervisors for the Town of Kickapoo, Vernon County, Wisconsin and includes designees of the board authorized to act for the board.
- (4) “Town Clerk” means the clerk of the Town of Kickapoo, Vernon County, Wisconsin.
- (5) “Wis. Stats.” means the Wisconsin Statutes, including successor provisions to cited statutes.

5.0 COVERAGE

(1) Jurisdiction. The provisions of this Ordinance shall apply to all structures, land, water and air within the Town of Kickapoo, Vernon County, Wisconsin.

(2) Compliance. Unless otherwise provided by this Ordinance or applicable State or Federal Law, after the effective date of this Ordinance no structure, land or water shall be developed, and no structure or part thereof shall be located, erected, moved, reconstructed, enlarged, extended, converted or structurally altered or remodeled without a Building Permit and without full compliance with this Ordinance and all other applicable Town, County and State regulations; provided, however, that this Ordinance shall not govern normal farming operations on farmland, or normal filling, grading or landscaping of land which is incidental to land use and development otherwise permitted under this ordinance. This requirement applies to all types of buildings, including but not limited to buildings constructed on site, buildings constructed or manufactured elsewhere and moved to the site, mobile homes, modular and manufactured buildings. All buildings or structures regardless of their intended use or size, must meet the minimum requirements listed before a Building Permit will be issued. A Building Permit is not required for a temporary shelter used for camping or recreation. Examples of temporary shelters are recreation vehicles, tents, and camping trailers. A shelter is NOT considered temporary if it is left on the property for more than 30 consecutive days or for more than a total of 150 days in a year. Any attempt to circumvent the purpose and spirit of the “temporary shelter” exception will be resolved by requiring an Application for Building Permit for a single-family dwelling.

(3) Permit Validity. A Building Permit will be good for one year from the date of issue. If the building is not completed during that time period, a new application and new permit will be required. For purposes of this provision a building is considered complete when the exterior work is complete.

6.0 MINIMUM REQUIREMENTS FOR ISSUANCE OF BUILDING PERMIT

No Building Permit will be issued until the following requirements have been satisfied:

(1) Applicant must submit a properly completed application form accompanied by the designated fee. Applications for a Building Permit shall be made in writing to the Town Clerk on forms which the Town shall provide and which shall include the following:

(a) Names, addresses and telephone numbers of the applicant, owner of the site, and architect, professional engineer and contractor, if any;

(b) Description of the subject site by its tax parcel number and fire number, and by its legal description according to the Vernon County, Wisconsin Registry or other land survey;

(c) Type of structure or work proposed to be done and statement of cost of work proposed to be done or, where not known, good-faith estimate of such cost;

(d) Applicant must provide written verification from the Vernon County Zoning Department that the proposed building is in compliance with county floodplain, shore land and wetland ordinances and other state mandated or county ordinances that might be relevant to the building site;

(e) If the proposed building is a commercial building or a residential building, the Town will be guided by the State of Wisconsin's building plan approval procedures.

(f) Existing or intended use of the structure.

(2) Applications for a building permit shall be accompanied by:

(a) A location sketch drawn to scale, showing the location, actual shape and dimensions of the lot to be built upon,

(b) The exact size and location of the structure on the lot,

(c) The distances between the nearest point on the structure and the center line of the highway,

(d) Such other information with regard to the proposed building and neighboring lots or buildings as may be called for on the application or may be necessary to provide for the enforcement of this Ordinance.

(3) By signing the application, the applicant agrees that all construction materials will be staged and stored in an orderly manner that will prevent them from wind blown debris and will not create an environmental hazard or aesthetic nuisance. Building permits are not transferable from one person to another.

7.0 FIRE NUMBERS

New homes, buildings or premises that require the establishment of a fire number shall be charged an additional fee to cover the cost and installation of the fire sign. Such fee shall be established by the Town Board and reviewed from time to time.

8.0 FEES

Fees for building permits shall be established by the Town Board and reviewed from time to time. All fees shall be paid to the Town Clerk before any permit shall be issued. Fees for building permits under this ordinance shall not apply where the applicant is required to pay inspection or permit fees under the state residential or commercial building codes.

9.0 EXEMPTIONS

No building permit shall be required for:

Maintenance repairs regardless of cost. (Maintenance repairs do not increase the size, height or depth of a building or require electrical, plumbing or structural modifications)

Siding & roofing

Outbuildings under 256 Sq. Ft.

10.0 PENALTY PROVISION

(1) General Penalty. Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:

(a) First Offense – Penalty. Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, forfeit not less than One Hundred (\$100.00) nor more than Three Hundred Dollars (\$300.00), together with the cost of prosecution including reasonable attorneys’ fees.

(b) Second Offense – Penalty. Any person found guilty of violating any or part of this Ordinance who shall previously have been convicted of a violation of the same Ordinance within one (1) year shall, upon conviction thereof, forfeit not less than Three Hundred Dollars (\$300.00) nor more than One Thousand (\$1,000.00) for each such offense, together with the cost of prosecution including reasonable attorneys’ fees.

(c) Continued Violations. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

(2) Other Remedies. The Town shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution, including reasonable attorneys’ fees above. The town board may seek injunctive relief from a court of record to enjoin further violations.

11.0 EFFECTIVE DATE

This Ordinance is effective on publication. The town clerk shall properly publish this ordinance or a notice of adoption of this ordinance as required under s. 60.80, Wis. Stats.

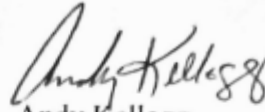
12.0 REPEAL OF PRIOR ORDINANCES

This Ordinance repeals any previously adopted Building Permit Ordinance in the Town of Kickapoo other than any ordinance adopting the Uniform Dwelling Code.

Adopted this 14 day of July 2020.



Jeff Clements
Town Chairman



Andy Kellogg
Town Supervisor



Burdette Nelson
Town Supervisor

ATTEST:



Alan Buss, Town Clerk

Date Adopted:
Date Recorded:
Date Notice Published:
Effective Date:

July 14, 2020
July 20, 2020
July 23, 2020
July 23, 2020