

NO. 2.02
TOWN OF LIBERTY (VERNON COUNTY)
BUILDING PERMIT ORDINANCE

CONTENTS

- Section 1. Title/Purpose
- Section 2. Authority
- Section 3. Building Permit Application Required
- Section 4. Minimum Requirements for Issuance of Building Permit
- Section 5. Procedure and Fees
- Section 6. Penalties
- Section 7. Definitions
- Section 8. Effective Date

1. TITLE/PURPOSE

This ordinance is entitled the Town of Liberty Building Permit Ordinance.

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 Liberty will comply with:

- A. county sanitary permit requirements
- B. county and state floodplain, wetland and shoreland zoning requirements
- C. any other state-mandated or county zoning ordinances that exist at the time of construction
- D. state building plan approval procedures for commercial building or any residential building with three or more living units
- E. minimum township requirements for driveway access, site development and construction standards (see Section 4)
- F. township efforts to locate and record buildings for purposes of providing emergency services and for assessment purposes

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 building permit.

2. AUTHORITY

The Town Board of the Town of Liberty has been granted village powers pursuant to Sec. 60.10 (1988 – 1989) Wis. Stats. and have the specific authority, powers, and duties pursuant to Sec. 60.10, 60.22, 66.036, 101.65, and 101.651 Wis. Stats to regulate, prohibit and restrict construction, alteration, erection, and enlargement of certain structures and buildings in the Town of Liberty and to act for the health, safety and welfare of the public.

3. BUILDING PERMIT APPLICATION REQUIRED

A Building Permit is required for construction, erection or placing of any building or structure larger than 100 square feet on land in the Town of Liberty. A Building Permit is also required for any remodeling or repair that increases the exterior dimensions of any building by 100 square feet or that enlarges a smaller building to a total area of 100 square feet or larger. Exterior dimensions will be used to determine area.

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.

If the building will be or could be used as a dwelling, the Wisconsin Administrative Building Permit Application (SBD-8254) will be used. For other buildings a Town of Liberty Building Permit Application (LIB-BP-1) will be used.

All buildings or structures, regardless of their intended use or size must meet the minimum requirements listed in Section 4 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 would be RV's, 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 and Building Permit for a single-family dwelling. To verify that the time constraints are being met, the owner should notify the town Agent whenever the Temporary Shelter is being placed on the property and when it is being removed.

A Building Permit will be good for one year from the date of issue. If the building is not completed during the 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.

4. MINIMUM REQUIREMENTS FOR ISSUANCE OF BUILDING PERMIT

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

- A. Applicant must submit a properly completed application form accompanied by the designated fee.
- B. Applicant must submit a copy of sanitary permit obtained from the Vernon County Zoning Department, or a written waiver from the County Zoning Office verifying that a sanitary permit is not needed for the building.
- C. Applicant must provide written verification from the Vernon County Zoning Department that the proposed building is in compliance with county floodplain, shoreland and wetland ordinances and any other state-mandated or county ordinances that might be relevant to the building site.

- D. Unless an approved driveway already exists to provide access to the property, the applicant must first obtain a Driveway Permit from the Liberty Town Board (if the driveway enters from a town road) or from the appropriate county or state office (if the driveway enters from a county or state highway). The driveway must then be completed and approved BEFORE building construction begins.
- E. If the proposed building is a commercial building or a residential building with three or more living units, the town will be guided by the State of Wisconsin's building plan approval procedures.
- F. SETBACKS. No construction will be allowed within 30 feet of a town road right-of-way line. (For example, in the case of a three rod road, the right-of-way line is approximately 25 feet from the centerline of the road. Therefore no construction would be allowed within 55 feet of the road's centerline.)

For a building located on a state highway, the minimum setback will be 110 feet from the centerline or 42 feet from the right-of-way, whichever is greater.

For a building located on a county highway, the minimum setback will be 75 feet from the centerline or 42 feet from the right-of-way, whichever is greater.

No construction will be allowed within 30 feet of any of the other boundaries of the parcel or lot.

- G. 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 blowing and that will not create an environmental hazard or aesthetic nuisance.
- H. The applicant must demonstrate to the Town Board that the building and building site proposed will not cause severe and unacceptable environmental damage and that the building will not itself be vulnerable to geographical or environmental hazards. This will have to be determined on a case-by-case basis, but at a minimum the following issues must be addressed:
 - 1) whether the building site will be vulnerable to storm water runoff and melted snow runoff
 - 2) whether the building site involves an area of soil instability (e.g. slope greater than 30%, organic soils, peats or mucks at or near the surface)
 - 3) if the proposed building site is within 2000 feet of the boundaries of a presently operating or permanently closed Landfill, the Board will not approve a permit for a dwelling unit until the applicant has in place a water system that conforms to all applicable State

Administrative Codes, and the Board reserves the right to attach other conditions to the Permit.

If questionable issues arise from these and similar considerations and if no alternative site on the property can be agreed on, and if the Board therefore feels that it could not approve the application, the Town Board will hold a Public Hearing prior to final action on the Building Permit Application.

At the Hearing, the Board will publicly state why it feels the proposed building will have significant negative impact on the environment and/or why it feels that the proposed building will negatively affect the health, safety or welfare of the public. The applicant will then have opportunity to provide written or verbal testimony from a licensed engineer, architect, or other professional that the construction can be accomplished without these negative effects. The burden is on the applicant to prove that the construction will not create significant negative impacts on the environment or the public. Any expenses involved in resolving the issue will be paid by the applicant.

5. PROCEDURE AND FEES

An agent acting on behalf of the Town of Liberty has been appointed by the Town Board to act as its agent in handling Building Permit Applications.

Before beginning ANY construction activity, the applicant should:

- 1) request an application form from the Agent
- 2) complete the application and submit it to the Agent with a check for the required fee
- 3) provide all supporting documents requested by the Agent, including required documentation from the Vernon County Zoning Department and required Driveway Permit or approval.

The Agent will review the application, make certain that all supporting documents, permits and waivers have been obtained by the applicant (see Section 4, Minimum requirements) and are attached, then forward the application and attachments to the Town Board for their review.

The Board will, within 30 days, either approve the application or meet with the applicant informally to discuss modifications. If agreement is not reached in these informal meetings, the Board will order a Public Hearing on the matter, and will then either approve or deny the application.

When Board approval has been obtained, along with approvals of any changes from the Vernon County Zoning Department, the Agent will issue the Permit and building construction may begin.

The Permit must be prominently displayed at the construction site.

FEES. Fees will be set by the Town Board and will be reviewed annually by the Board to see that the fee is sufficient to cover the costs of administration. One half the

amount of the fee will be set aside to pay direct expenses to the town official who issues the permit and the other half of the fee will go into the town's general revenues to pay for the indirect costs of administration.

The following fees will take effect with adoption of this ordinance:

Dwelling Unit (any size)	\$50
Building other than dwelling unit (between 100 sq. ft. and 250 sq. ft.)	\$10
Building other than dwelling unit (250 sq. ft. or larger)	\$35
Enlargement of existing building (see Section 3. paragraph 1)	\$10
Permit applied for AFTER beginning Construction (ANY type or size of building)	\$250 *

- Construction must stop immediately until the Building Permit is approved. If any changes are subsequently required by the terms of the permit, all changes will be made at the applicant's expense.

6. PENALTIES

Any building or structure constructed, erected or placed on land in the Town of Liberty in violation of any of the provisions of this Ordinance shall be deemed an unlawful building or structure.

Any person, who constructs, erects or places a building or structure on land in the Town of Liberty in violation of any provision of this Ordinance shall be required to forfeit not less than \$10 or more than \$100 for a first offense, and not less than \$100 or more than \$150 for subsequent offenses. Each day a violation continues constitutes a separate offense. These forfeitures are in addition to the Permit Fees listed above.

7. DEFINITIONS

For the purpose of this Ordinance the following definitions shall be used:

BUILDING. Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery or materials. It includes structures erected or built on site and structures made elsewhere and moved to the site.

BUILDING SITE. The space or area of ground upon which a building is to be erected, which it will cover exactly, and the adjacent ground which will be or could be affected by the existence of the building (in terms of drainage, water table, soil

disturbance, and resulting erosion, compaction, absorption, increased traffic and similar environmental factors.)

LANDFILL. A solid waste disposal site or facility. This definition also includes a solid waste land disposal site that has been closed in accordance with DNR regulations and which is no longer operating as a Landfill.

MANUFACTURED HOME. A dwelling unit that is primarily assembled at an off-site location, with interior electrical wiring, plumbing, and interior finishing substantially installed before location on the final site, but which is still not ready for occupancy without substantial preparation and construction at the site.

MOBILE HOME. Any structure originally designed to be capable of transportation by motor vehicle upon public highways which does not require substantial on-site fabrication and which is intended for occupancy as a year-round residence.

RECREATIONAL VEHICLE. A vehicle having an overall length of 45 feet or less and a body width of 8 feet or less primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper and motor home.

ROADWAY. That portion of a highway which is improved, designed or ordinarily used for vehicular travel, excluding the berm or shoulder.

SETBACK. The required minimum distance between a structure and any lot line or highway right-of-way line.

SLOPE. A measure of the steepness of a site, expressed as a per cent. For example, a slope which rises 3 vertical feet for every 10 horizontal feet is a 30% slope. Also called **GRADE** or **GRADIENT**.

TEMPORARY SHELTER. A term applied to recreational vehicles, tents, camping trailers and similar shelters **WHILE THEY ARE BEING USED FOR CAMPING AND RECREATION**. This ordinance does not address or regulate RV's and camping trailers owned by residents of the township and stored by the resident on their own property **AS LONG AS** the RV or trailer is not being used as a dwelling **AND** the resident has a lawful permanent dwelling on the property. To verify that the time constraints in item 3 (paragraph 5) are being met, the owner should notify the Agent whenever the Temporary Shelter is being placed on the property and when it is being removed.

TENT. A portable lodge of canvas, strong cloth, or synthetic material stretched and sustained by poles, ropes, or rods, or any similar portable lodge designed for transient recreational use.

TRAILER. A portable vehicle designed and used for temporary sleeping purposes while its occupants are actively engaged in the pastime of camping.

8. EFFECTIVE DATE

This Ordinance shall take effect after a Public Hearing and adoption by the Board of the Town of Liberty and posting as required by law.

ADOPTED: May 18, 1999

VOTE FOR: 3 AGAINST: 0

/S/ DANNY DEEVER – Town Chairman

/S/ R. CRAIG STARR – Town Supervisor

/S/ WILLIAM OLIVER – Town Supervisor

/S/ JUDY DAILY – Town Clerk

Resolution to adopt a part of Code of Ordinances: April 12, 1999

Code on file and open for public inspection: beginning April 19, 1999

Public Hearing: April 19, 1999

****Updates approved at April 17, 2006 Board meeting****