

Chapter 1

Building, Plumbing, Electrical and Heating and Ventilation Codes

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Sec. 10-1-1. Building Code Established.

- (a) **Title.** This Chapter shall be known as the “Building Code of the Town of Westport.”
- (b) **Purpose.** This Chapter provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction, and uses of materials in buildings and/or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished and regulates the equipment, maintenance, use and occupancy of all such buildings and/or structures. Its purpose is to protect and foster the health, safety and well-being of persons occupying or using such buildings and the general public.

Sec. 10-1-2 Permit Required, Fees

Except as otherwise expressly provided in this Chapter, no owner or contractor may construct, erect, alter, enlarge, repair, move, convert to other uses, or demolish any building, structure or mechanical system until a valid permit is obtained from a Municipal Building Inspector. The Wisconsin uniform building permit shall be issued if the requirements for filing and fees are satisfied, and the plans have been conditionally approved.

- (a) The foregoing described work that shall require a building permit includes, but is not limited to:

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- (1) New 1-and 2-family dwellings and commercial buildings including agricultural buildings, detached structures (decks), and detached accessory buildings.
 - (2) Additions that increase the physical dimensions of a building including all garages, decks, balconies, stoops, and similar structures that are attached to any building.
 - (3) Alterations to the building structure, cost shall include market labor value, or alterations to the building's heating, electrical, or plumbing systems.
 - (4) Replacement of major building equipment including furnaces and central air conditioners, water heaters, and any other major piece of equipment shall require a permit except as noted by the Building Inspector.
 - (5) Any electrical wiring for new construction or remodeling excluding new wiring for existing industrial and manufacturing facilities that do not require State mandated building plan review.
 - (6) Any HVAC for new construction or remodeling.
 - (7) Any plumbing for new construction or remodeling.
 - (8) Any new or re-wired electrical service, including services for agricultural buildings.
- (b) Building permit fees.
- (1) At the time of building permit issuance, the applicant shall pay fees as established by applicable state statute, administrative rule, or Town ordinance or resolution, from time to time.
 - (2) If work commences prior to permit issuance, the permit fee shall be double.
- (c) Permit Lapses.
- (1) A building permit, other than Wisconsin Uniform Building Permits shall lapse and be void unless building operations are commenced within six (6) months and if construction has not been completed within twelve (12) months from the date of issuance thereof. Wisconsin Uniform Building Permits shall expire 24 months after issuance if the dwelling exterior has not been completed in accordance with Wis. Admin. Code SPS 320.09(9)(a)5.

Sec. 10-1-3 Adoption of State Codes

- (a) The following Chapters of the Wisconsin Administrative Code, as well as all subsequent future amendments, modifications, and revisions, are adopted by the Municipality and shall be enforced by the Building Inspector.

Ch. SPS 302.31	Plan Review Fee Schedule
Ch. SPS 305	Credentials
Ch. SPS 316	Electrical Code
Chs. SPS 320-325	Uniform Dwelling Code
Ch. SPS 327	Campgrounds
Chs. SPS 361-366	Commercial Building Code
Chs. SPS 375-379	Buildings Constructed Prior to 1914
Chs. SPS 381-387	Uniform Plumbing Code

- (b) The building codes shall apply to the alteration, enlargement or repair of existing 1- and 2-family dwellings constructed prior to June 1, 1980, for which a building permit is required under this Chapter. Submitted building permit applications for alterations or additions to homes built prior to June 1, 1980, may provide alternative methods or materials that, when deemed necessary in the opinion of the Building Inspector, meet the current intent of the code.
- (c) Any act required to be performed or prohibited by an Administrative Code provision incorporated herein by reference is required or prohibited by this Chapter.

Sec. 10-1-4 Certified Municipality Status

- (a) Certified Municipality. The Town of Westport has adopted the Certified Municipality Status as described in SPS 361.60 of the Wisconsin Administrative Code.
 - (1) Responsibilities. The Town shall assume the following responsibilities for the Department of Safety and Professional Services (the “Department”):
 - a. Provide inspection of commercial buildings with certified commercial building inspectors.
 - b. Provide plan examination of commercial buildings with certified commercial building inspectors.
 - (2) Plan Examination. Drawings, specifications, and calculations for all the types of buildings and structures, except state-owned buildings and structures, to be constructed within the limits of the municipality shall be submitted, if the plans are for any of the following:
 - a. Provide inspection of commercial buildings with certified commercial building inspectors.
 - b. All size commercial buildings.
 - c. A certified municipality may waive its jurisdiction for the plan review of a specific project or type of project, or components thereof, in which case plans and specifications shall be submitted to the Department for review and approval.
 - d. The Department may waive its jurisdiction for the plan review of a specific project, agreed to by a certified municipality, in which case plans and specifications shall be submitted to the certified municipality for review and approval.
 - (3) Plan Submission Procedures. All commercial buildings, structures, and alterations, including new buildings and additions less than 25,000 cubic feet, require plan submission as follows:
 - a. Building permit application.
 - b. Application for review - SBD-118, or equivalent.
 - 1. Fees per Table SPS 302.31-2 and SPS 302.31.
 - 2. Fees apply to commercial projects.
 - c. Four sets of plans.

1. Signed and sealed per SPS 361.31.
2. One set of specifications.
3. Component and system plans.
4. Calculations showing code compliance.

Sec. 10-1-5 Building-HVAC-Electrical-Plumbing Inspector

- (a) **Creation and Appointment.** There is hereby created the office of the Building Inspector. The Building Inspector shall be appointed by the Town. The Building Inspector shall be certified for inspection purposes by the Department in the required categories specific under SPS 305, Wisconsin Administrative Code.
- (b) **Assistants.** The Building Inspector may employ, assign, or appoint, as necessary, assistant inspectors. Any assistant hired to inspect buildings shall be certified as defined in SPS 305, Wisconsin Administrative Code by the Department.
- (c) **Duties.** The Building Inspector shall administer and enforce all provisions of this ordinance.
- (d) **Powers.** The Building Inspector or an authorized certified agent of the Building Inspector may, at all reasonable hours, enter upon any public or private premises for inspection purposes. The Building Inspector may require the production of the permit for any building, plumbing, electrical, or heating work. No person shall interfere with or refuse to permit access to any such premises from the Inspector or his/her agent while in the performance of his/her duties. If the Inspector is refused access to any such premises, then the Inspector is authorized to apply for a special inspection warrant pursuant to Section 66.0119, Stats.
- (e) **Inspection results.** The findings of inspection by the Building Inspector are intended to report conditions of non-compliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the closed structural and non-structural elements or the mechanical systems of the building and premises. No guarantee or warranty of the operation, use, or durability of equipment and materials not specifically cited in the findings of inspection are expressed or implied.
- (f) **Disclaimer Required.** The Building Inspector shall include a disclaimer on every inspection report the Inspector issues that includes the language in Sec. 10-1-5(e).

Sec. 10-1-6 Design Review

- (a) Purpose. Design review is implemented under the Town's authority to promote the public health, safety and welfare. Requirements for design review and approval apply to uses and developments regardless of the character of the use or development within this chapter as a permitted use or conditional use.
- (b) Scope of Design Review.
 - (1) The following developments shall be subject to design review:
 - a. Development of residential projects consisting of three or more dwelling units.
 - b. Any commercial development.
 - c. Any industrial development.

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- d. Any development that is to be used for public utility or governmental purposes.
 - e. Any parking areas capable of holding five or more vehicles.
 - f. Any and all fencing, surfacing of parking areas, exterior lighting, exterior signage and any and all other exterior changes made in projects covered in (a)-(e) above.
- (2) Design review shall be limited to development for which current application is made for a building permit or design review. This section shall not apply to any rehabilitated structure, as long as the size is not increased, the use thereof not changed, or any alteration made that is the type or kind requiring design review pursuant to this section.
- (c) Definitions. For purposes of this section, the following terms shall be defined in the following manner:
- (1) Design Review means the review of the design of development to determine compliance of such development with the design standards herein expressed.
 - (2) Development means any new construction or exterior improvement to real property for which a building permit may be required, and which would be subject to design review as provided at Section (b) above.
 - (3) Town Planning Consultant means such Town planning consultant as shall be contracted by the Town Board upon recommendation by the Plan Commission.
 - (4) Design Standards means the standards that proposed development must meet. Design standards shall be in accordance with all applicable Town ordinances, including but not limited to driveway and culvert requirements. Design standards include the following:
 - a. Land forms and landscape shall be preserved in their natural state, insofar as practicable, by minimizing soil and tree removal that is not essential to project development and by retaining grades and contours in keeping with the general appearance of neighboring developed areas.
 - b. Building masses and long, straight building fronts and sides that are visually accessible may be broken up and made more variegated with staggerings and offsets, and with landscaping or surficial features. The front facade and street side facades shall be of brick, stone, architectural metal or wood and/or glass including curtain walls. Unfaced concrete block, structural concrete, prefabricated metal siding and the like are discouraged for such facade areas.
 - c. Within residential development, parking areas that are located in front or street side yards shall have landscape screening and/or screening by fencing having decorative character to soften views of parked vehicles, and shall have decorative landscape treatment at the perimeter of the lot, and, for multifamily residential lots containing five (5) or more parking spaces, island areas within the lot to provide break-up of the expanse of paving.
 - d. Rooftop mechanical equipment, communication dishes and signal receiving antennas that are readily visible when viewed from ground level of adjacent

- properties or from major public ways shall be softened by screening or covered in a manner that forms an integral part of the building design.
 - e. External garbage or refuse containers shall be screened from common view by walls, beams or effective landscaping, or combinations thereof.
 - f. Each development shall provide landscaping, at the time of development of sufficient height and density to accomplish buffering to adjacent properties within five (5) years.
 - g. Each development shall be so planned and constructed that all surface drainage flows from structures and neighboring properties and follows natural drainage patterns.
 - h. Outside storage of materials, fuel, scrap, inoperative vehicles and similar objects in places that are readily visible from public rights-of-way or neighboring properties shall be prohibited
 - i. Exterior lighting, when used, shall be established, directed and maintained so as not to be cast directly on occupied structures or adjacent properties or be lighted in intensity or colors seriously disturbing to adjacent properties.
 - j. Each development shall allow for proper ingress and egress from roads to site. Internal traffic safety shall be provided by adequate driveway widths, separations between drives, access points, visual clearances and queuing requirements.
- (d) Development to Comply With Design Standards. No development subject to design review shall be commenced unless such development complies with all applicable design review standards, as well as all applicable Town ordinances, including appropriate provisions of Section 10-2-24, “Land Development Policies to Preserve Rural Character”, as determined by the Plan Commission, which shall include at a minimum Sections 10-2-24 (b), (c), (e), (f), (i), (j), (m), (n) and (p); and Section 10-2-26 “Land Development Practices Related to Stormwater Protections”.
- (e) Design Review in the Joint Planning Area. Developments in the Joint Planning Area, as defined in Section 10-2-23 of this Code of Ordinances, subject to design review shall be reviewed by the Joint Planning Committee, as defined in Section 2-5-5 of this Code of Ordinances, pursuant to the Town's design review standards set forth herein. In the Joint Planning Area, the Joint Planning Committee shall act as the Plan Commission in all aspects of design review as authorized below. An appeal of any such decision by the Joint Planning Committee shall not be to the Town Board, but shall be directly to circuit court by remedy of certiorari
- (f) Manner of Design Review.
- (1) Upon application for a building permit, the applicant shall be advised by the Town Administrator (or the Administrator’s designee) whether compliance with design standards is required. If such compliance shall be required, the applicant shall be notified of such requirement, and the application shall be transmitted by the applicant to the Town Administrator with appropriate fees as provided in this Ordinance. The Town Administrator, upon determining that the application is complete, shall place the application on the agenda of the next regular Plan Commission meeting scheduled at least 14 days from the date upon which the Town Administrator determines that

the application is complete. The applicant shall also provide to the Town Administrator a sufficient number of plans for the development and such other information relating thereto as the Town Administrator or the Plan Commission may deem necessary for consideration of the development hereunder.

- (2) The Plan Commission shall review the application submitted to determine whether the development complies with the criteria set forth in this Ordinance. As part of its review, the Plan Commission may consult with the Town Planning Consultant and consider such other matters as it may in its discretion consider necessary. The Plan Commission may, whenever it determines in its discretion that the application presents issues of unusual complexity or generates significant interest or impact within the neighborhood or the community in general, cause a public meeting to be held regarding the application. At the meeting in which the Plan Commission is to consider the application, the Plan Commission may review the site plan, hear from such interested parties who attend the meeting and may offer its opinion on the application to the building inspector.
 - (3) The determination of compliance or noncompliance with this section shall be made by the Plan Commission in writing to the applicant and the building inspector. Such writing may be a copy of the minutes of the Plan Commission meeting at which such action was taken.
 - (4) No building permit shall be issued for any development until the building inspector has received, in writing, the Plan Commission's determination that the development is in compliance with the design review standards contained in this Ordinance. All construction and improvement of the development subject to design review shall conform with approved design plans.
 - (5) The determinations of the Plan Commission on site plan applications shall be appealable as administrative interpretations to the Town Board.
 - (6) Approval shall be deemed to be given at the end of the 45 day period from the date of the submission of the application and necessary accompanying documents to the Town Administrator unless the application is rejected in writing, as noted at subsection (3) above, or unless the deadline is extended by agreement of the Plan Commission and the applicant.
 - (7) A development that has had design review and that has a building/zoning permit is approved for construction only in accord with the directives included in the design review approval. Construction that deviates from Plan Commission directives may not occur within the terms of this Ordinance without prior Town approval. The Town Administrator is responsible for determining whether to give staff approval to such deviations on a finding that they are minor variations.
- (g) Recommendations of Town Planning Consultant. The Town Planning Consultant shall, during the design review process, suggest additional features of site design and construction, building and structural design that are not a part of design standards but that, in the opinion of the Town Planning Consultant, would be desirable to make the development a positive asset to the visual appearance of the community tax base. Compliance with such recommendations may be required of the applicant.

- (h) Recommendations of Fire and EMS Department. The applicable Fire and EMS Departments shall, during the design review process, have the opportunity to suggest additional features of site design and construction, building and structural design that, in the opinion of the Fire and EMS Departments, would improve the development. Compliance with such recommendations may be required of the applicant.
- (i) Fees. The applicant shall be required to submit a design review fee in the amount commensurate with the Town's fee schedule to the Town Administrator along with the application. In addition, the applicant shall be required to pay an additional sum for a special meeting of the Plan Commission such special meeting is held for the purpose of reviewing the applicant's development, plus any out-of-pocket expenses incurred by the Town or the Plan Commission, including consultant fees (engineering, legal or planning), costs of maps, or other related expenses. All of such expenses shall be paid by the applicant prior to issuance of the building permit.
- (j) Required Information. All development plans shall contain the information required by the submittal requirements established below. The Town Administrator shall make such submittal requirements available to any person requesting the same.
- (k) Violation and Penalties. Any person who shall violate this section shall, upon conviction, be subject to forfeiture of not less than ten dollars (\$10), nor more than two hundred dollars (\$200), together with all costs of prosecution and penalty assessment, if any. Each day each violation continues shall constitute a separate offense. Nothing in this section shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this section.
- (l) Submittal Requirements.
 - (1) All exhibits required for the permanent file (noted in the following paragraphs) must be submitted reduced in size to 8-1/2" x 14". However, larger mounting boards, material samples, or other exhibits not meeting this criteria may be used for Commission presentation.
 - (2) Twelve (12) black or blue-line prints (one of which shall be colored) of the following required drawings shall be submitted to the Town Administrator for presentation to the Commission:
 - a. A scaled floor plan with rooms/uses labeled.
 - b. A complete set of building plans.
 - c. An adequate number of color photographs (Polaroid-type) required to illustrate the site, including buildings and other existing features. Photos may also be used to illustrate installations on other sites that are similar to the applicant's proposal.
 - (3) A site plan for review is required, containing the following information:
 - a. Scale and north arrow.
 - b. Location of site and address if available.
 - c. All property and street pavement lines.
 - d. Existing and proposed contours.
 - e. Building heights.
 - f. Gross area of building stated in square feet.
 - g. Net area utilized or devoted to patrons.

- h. Total square feet of office area
 - i. Density (building and occupants)
 - j. Setbacks for side yards, front and back yards, and setback from high water mark, if appropriate
 - k. Gross area of parcel(s) stated in square feet.
 - l. If parking is involved, show calculations for determining the required number of off-street parking spaces as required by applicable zoning ordinance. Give the number of spaces actually proposed. Give the maximum number of employees, customers, and office vehicles that would be at the facility at any one time
 - m. Proposed ingress and egress to the site, including on-site parking area(s), parking stalls, and adjacent streets. Delineate traffic flow with directional arrows and indicate the location of direction signs or other motorist's aides (if any).
 - n. Calculations for determining the number of trees to be placed within the proposed parking area must be shown, as well as the designation of required buffer screens (if any) between the parking area and adjacent property.
 - o. Location of all isolated trees having a diameter of six (6) inches or more. (Tree masses may be shown with a diagrammatic outline and a written inventory of individual trees included.)
 - p. Existing landscaping that will be retained and proposed landscaping shall be differentiated and shown on the plan. The type, size, number, and spacing of all plantings must be illustrated.
 - q. Location of all existing (to remain) and proposed buildings on the site and all buildings within fifty (50) feet of the site's boundaries.
 - r. Location of all existing (to remain) and proposed lighting standards, complete with routing of electrical supply and isofootcandle diagram.
 - s. Zoning classification for the entire site.
- (4) Elevations. Complete elevations of all proposed construction and related elevations of existing structures (if any) are required containing the following information.
- a. Scale.
 - b. All signs to be mounted on the elevations.
 - c. Designation of the kind, color, and texture of all primary materials to be used.
- (5) Section Profiles. Two (2) section profiles through the site are required containing the following information.
- a. Scale.
 - b. Buildings.
 - c. Lighting fixtures and standards.
 - d. Signs.
- (6) Material Samples. Material samples are required for all major materials.
- (7) Lighting Standard Drawing. A scaled drawing of the proposed lighting standard(s) is required and should contain the following information.
- a. All size specifications.

- b. Information on lighting intensity (number of watts, isofootcandle diagram, etc.)
- c. Materials, colors.
- d. Ground or wall anchorage details.

Sec. 10-1-7 Unsafe Buildings

- (a) Whenever the Building Inspector shall find that any building or structure, or any part thereof, is dangerous to life or adjoining property by reason of bad conditions, defective construction, overloaded floors, decay, lack of guards against fire, general dilapidation or other cause, the Inspector shall order the owner of or tenant thereof to cause the same to be made safe or to be removed, as in the judgment of the Building Inspector may be necessary; and the Inspector shall also affix a notice of such order in a conspicuous place on the outside wall of the building. No person shall remove or deface such notice. The owner or tenant of such building or structure shall thereupon immediately cause the same to be made safe, or to be removed, as ordered.

Any person who fails to comply with any such order shall be guilty of a violation of this section.

- (b) Where the public safety requires immediate action, the Building Inspector 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 expense of such work may be recovered by the Town in an action against the owner or tenant.
- (c) If the Town Board, upon receiving an inspection report from the Building Inspector, finds any building or structure or part thereof within the Town is so old, dilapidated, or out of repair and consequently dangerous, unsafe, unsanitary, or otherwise unfit for human habitation and unreasonable to repair, order the owner of the building to raze the building, in accordance with the provisions of Sec. 66.0413, Wis. Stats.

Sec. 10-1-8 Regulation and Permit for Razing Buildings

- (a) No building within the Town of Westport shall be razed without a permit from the Building Inspector, or his/her designee. A snow fence or other approved barricade shall be provided as soon as any portion of the building is removed and shall remain during razing operations. After all razing operations have been completed, the foundation shall be filled at least one (1) foot above the adjacent grade, the property raked clean, and all debris hauled away. Razing permits shall lapse and be void unless the work authorized thereby is commenced within six (6) months from the date thereof or completed within thirty (30) days from the date of commencement of said work. Any unfinished portion of work remaining beyond the required thirty (30) days must have special approval from the Building Inspector, or his/her designee.
- (b) All debris must be hauled away at the end of each day for the work that was done on that day. No combustible material shall be used for backfill, but shall be hauled away. There

shall not be any burning of materials on the site of the razed building (the only exception for burning is for a fire department practice burn of a standing building from where the materials that are illegal to burn have already been removed). If any razing or removal operation under this Section results in, or would likely result in, an excessive amount of dust particles in the air creating a nuisance in the vicinity thereof, the permittee shall take all necessary steps, by use of water spraying or other appropriate means, to eliminate such nuisance. The permittee shall take all necessary steps, prior to the razing of a building, through the employment of a qualified person in the field of pest control or by other appropriate means, to treat the building as to prevent the spread and migration of rodents and insects therefrom during and after the razing operations.

Sec. 10-1-9 Basements; Excavations.

- (a) Basement Subflooring.** First floor subflooring shall be completed within sixty (60) days after the basement is excavated.
- (b) Fencing of Excavations.** The owner of any premises on which there exists an opening or excavation which is located in close proximity to a public sidewalk or street right-of-way as to constitute a hazard to pedestrian or vehicular traffic shall erect a fence, wall or railing at least four (4) feet high between such opening or excavation and the public right-of-way.
- (c) Closing of Abandoned Excavations.** Any excavation for building purposes or any uncovered foundation which shall remain open for more than three (3) months shall be deemed abandoned and a nuisance and the Building Inspector, or his/her designee, shall order that unless the erection of the building or structure on the excavation or foundation shall commence or continue forthwith, suitable safeguards shall be provided to prevent accidental injury to children or other frequenters, or that the excavation or foundation be filled to grade. Such order shall be served upon the owner of record or the owner's agent, where an agent is in charge of the premises, and upon the holder of an encumbrance of record in the manner provided for service of a summons in the circuit court. If the owner or the holder of an encumbrance of record cannot be found, the order may be served by posting it on the premises and make publication in the official newspaper for two (2) consecutive publications at least ten (10) days before the time for compliance stated in the order commences to run. Such time shall be not less than fourteen (14) nor more than twenty (20) days after service. If the owner of the land fails to comply with the order within the time required, the Building Inspector, or his/her designee, shall cause the excavation or foundation to be filled to grade. The cost of such abatement shall be charged against the real estate and entered on the next succeeding tax roll as a special charge and shall bear interest at a rate established by the Town Board from the date of the report by the Building Inspector, or his/her designee, on the cost thereof, pursuant to the provisions of Sec. 66.0627, Wis. Stats.
- (d) Vacant Buildings.** Whenever any building or structure is vacant and the doors and windows or any part thereof have been removed or opened, leaving the interior of such building or structure exposed to the elements and accessible to trespassers, then such building or structure shall be deemed to be dangerous, unsafe, and a public nuisance. The Building Inspector, or his designee, shall give the owner thereof written notice to secure said building or structure and comply with Town Code requirements within thirty (30) days of the date of said notice.

Failure to comply with said written notice shall be sufficient grounds for the Building Inspector, or his/her designee, to condemn and raze said building or structure in accordance with the applicable provisions of Sec. 66.0413, Wis. Stats.

Sec. 10-1-10 Fences.

- (a) **Fences Defined.** For the purpose of this Section, a "fence" is herein defined as a barrier consisting of vegetation, wood, stone or metal intended to prevent ingress or egress. For the purpose of this Section, the term "fence" shall include plantings, such as hedges and shrubbery. No fence shall be constructed of unsightly or dangerous materials which would constitute a nuisance. This Section shall not regulate agricultural fences, which shall be governed by the Wisconsin Statutes.
- (b) **Permit Required.** Before work is commenced on the construction or erection of a residential or commercial fence or on any major alterations, additions, remodeling or other improvements, an application for a fence permit to construct, erect, alter, remodel or add a fence must be submitted in writing to the Building Inspector. Plans and specifications and pertinent explanatory data, including type of construction and materials, shall be submitted to the building Inspector at the time of application. No work or any part of the work shall be commenced until a permit for such work is obtained by the applicant. The Building Inspector may refuse to issue a fence permit if the proposed material or design is unsightly, hazardous or would create a nuisance.
- (c) **Fences Categorized.** Fences shall be categorized into five (5) classifications:
- (1) **Boundary Fence.** A fence placed on or within three (3) feet of the property lines of adjacent properties.
 - (2) **Protective Fence.** A fence constructed to enclose a hazard to the public health, safety and welfare.
 - (3) **Architectural or Aesthetic Fence.** A fence constructed to enhance the appearance of the structure or the landscape.
 - (4) **Hedge.** A row of bushes or small trees planted close together which may form a barrier, closure or boundary.
 - (5) **Picket Fence.** A fence having a pointed post, stake, pale or peg placed vertically with the point or sharp part pointing upward to form a part of the fence.
- (d) **Height of Fences Regulated.**
- (1) A fence, wall, hedge or shrubbery may be erected, placed, maintained, planted or grown on residentially zoned property or adjacent thereto to a height not exceeding six (6) feet above the ground level, except that no such fence, wall, hedge or shrubbery which is located in a required front or corner side yard shall exceed a height of three (3) feet. Where such lot line is adjacent to a non-residentially zoned property, there shall be an eight (8) foot limit on the height of a fence, wall, hedge, or shrubbery along such lot line.
 - (2) No fence, wall, hedge or shrubbery shall be erected, placed, maintained or grown along a lot line on any non-residentially zoned property, adjacent to a residentially zoned property, to a height exceeding eight (8) feet.
 - (3) In any residential district, no fence, wall, hedge or shrubbery shall be erected, constructed, maintained or grown to a height exceeding three (3) feet above the street

- grade nearest thereto, within twenty-five (25) feet of the intersection of any street lines or of street lines projected.
- (e) **Setback for Residential Fences.** Fences may be constructed alongside lot lines, but shall not extend into the front setback area as extended to the side lot lines.
 - (f) **Security Fences.** Security fences are permitted on the property lines in all districts except residential districts, but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.
 - (g) **Prohibited Fences.**
 - (1) No residential or commercial fence shall be constructed which is in a dangerous condition, conducts electricity, is designed to electrically shock or which uses barbed wire.
 - (2) Barbed wire may be used in an agriculturally zoned area or in an industrially zoned area if the devices securing the barbed wire to the fence are ten (10) feet above the ground or height and project toward the fenced property and away from any public area.
 - (h) **Fences to be Repaired.** All fences shall be maintained and kept safe and in a state of good repair. The finished or decorative side of a fence shall face the adjoining property.
 - (i) **Temporary Fences.** Fences erected for the protection of plantings or to warn of a construction hazard, or for similar purposes, shall be clearly visible or marked with colored streamers or other such warning devices at four (4) foot intervals. Such fences shall comply with the setback requirements set forth in this Chapter. The issuance of a permit shall not be necessary for temporary fences as described herein, but said fences shall not be erected for more than sixty (60) days.
 - (j) **Nonconforming Fences and Hedges.** Any fence or hedge existing on the effective date of this Section and not in conformance with this Section may be maintained, but any alteration, modification or improvement of said fence shall comply with this Section.

Sec. 10-1-11 Regulations for Moving Buildings.

- (a) **General Requirements.**
 - (1) No person shall move any building or structure upon any of the public ways of the Town of Westport without first obtaining a permit therefor from the Building Inspector, or his/her designee, for the moving of a building shall designate the route to be taken, the conditions to be complied with and shall limit the time during which said moving operations shall be continued.
 - (2) A report shall be made by Town employees with regard to possible damage to trees. The estimated cost of trimming, removal and replacement of public trees, as determined by the Town, shall be paid to the Building Inspector, or his/her designee, prior to issuance of the moving permit.
 - (3) Issuance of moving permit shall further be conditioned on approval of the moving route by the Town Board.
- (b) **Continuous Movement.** The movement of buildings shall be a continuous operation during all the hours of the day and at night, until such movement is fully completed. All such operations shall be performed with the least possible obstruction to thoroughfares. No

building shall be allowed to remain overnight upon any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant or any other public facility. Lights shall be kept in conspicuous places at each end of the building during the night.

- (c) **Street Repair.** Every person receiving a permit to move a building shall, within one (1) day after said building reaches its destination, report that fact to the Building Inspector, or his/her designee, inspect the streets or roads over which said building has been moved and ascertain their condition. If the removal of said building has caused any damage to any street or highway, the person to whom the permit was issued shall forthwith place them in as good repair as they were before the permit was granted. On the failure of the said permittee to do so within ten (10) days thereafter to the satisfaction of the Town Board, the Town shall repair the damage done to such streets and hold the person obtaining such permit and the sureties on his bond responsible for the payment of same.

(d) **Conformance with Code and Permit.**

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

(2) **Permit Review.** No permit shall be granted to move a building that is more than five (5) years old into the Town except that anyone desiring to move a building more than five (5) years old into the Town may apply, in writing, to the Town Board for a permit. The Town Board may, after a hearing thereon, grant such a permit after considering the following:

- a. Architectural design of such building.
- b. Condition of such building.
- c. Desires of adjoining landowners.
- d. Nature of other buildings in neighborhood.

Notice of such hearing shall be given, in writing, to all adjoining landowners and notice shall be published once in a newspaper published in Dane County. Applicant shall pay for the costs of such notices and publication, and for all other related costs and fees, including costs of special meetings and review fees of engineers or attorneys.

(e) **Bond.**

(1) Before a permit is issued to move any building over any public way in the town, the party applying therefor shall give a bond to the Town of Westport in a sum to be fixed

- by the Building Inspector, or his/her designee, and which shall not be less than One Thousand Dollars (\$1,000.00), said bond to be executed by a corporate surety or two (2) personal sureties to be approved by the Town Board or designated agent conditioned upon among other things, the indemnification to the Town for any costs or expenses incurred by it in connection with any claims for damages to any persons or property, and the payment of any judgment together with the costs and expenses incurred by the Town in connection therewith arising out of the removal of the building for which the permit is issued.
- (2) Unless the Building Inspector, or his/her designee, upon investigation, shall find it to be a fact that the excavation exposed by the removal of such building from its foundation shall not be so close to a public thoroughfare as to permit the accidental falling therein of travelers or the location, nature and physical characteristics of the premises and the exposed excavation, such as to make intrusion upon the premises and the falling into such excavation of children under twelve (12) years of age unlikely, the bond required by Subsection (e)(1) shall be further conditioned upon the permittee erecting adequate barriers and within forty-eight (48) hours, filling in such excavation or adopting and employing such other means, devices or methods approved by the Building Inspector, or his/her designee, and reasonably adopted or calculated to prevent the occurrences set forth herein.
- (f) **Insurance.** The Building Inspector, or his/her designee, shall require, in addition to the said bond above indicated, public liability insurance covering injury to one (1) person in the sum of not less than One Million Dollars (\$1,000,000.00) and for one (1) accident in a sum not less than Two Million Dollars (\$2,000,000.00), together with property damage insurance in a sum not less than Five Hundred Thousand Dollars (\$500,000.00), or such other coverage as deemed necessary. The Town shall be listed as an additional insured.

Sec. 10-1-12 Swimming Pools.

- (a) **Definition.** A private or residential swimming pool is an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than one and one-half (1-1/2) feet located above or below the surface of ground elevation, used or intended to be used solely by the owner, operator or lessee thereof and his/her family and by friends invited to use it and includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool.
- (b) **Exempt Pools.** Storable children's swimming or wading pools, with a maximum dimension of fifteen (15) feet and a maximum wall height of fifteen (15) inches and which are so constructed that it may be readily disassembled for storage and reassembled to its original integrity are exempt from the provisions of this Section.
- (c) **Permit Required.** Before work is commenced on the construction or erection of private or residential swimming pools or on any alteration, additions, remodeling or other improvements, an application for a swimming pool building permit to construct, erect, alter, remodel or add must be submitted in writing to the Building Inspector, or his/her designee.

Plans and specifications and pertinent, explanatory data should be submitted to the Building Inspector, or his/her designee, at the time of application. No work or any part of the work shall be commenced until a written permit for such work is obtained by the applicant. The minimum building permit fee pursuant to the Building Code shall accompany such application.

- (d) Construction Requirements.** In addition to such other requirements as may be reasonably imposed by the Building Inspector, or his/her designee, the Building Inspector, or his/her designee shall not issue a permit for construction as provided for in Subsection (b), unless the following construction requirements are observed:
- a. All materials and methods of construction in the construction, alteration, addition, remodeling or other improvements and pool installation shall be in accord with all state regulations and code and with any and all Ordinances of the Town now in effect or hereafter enacted.
 - b. All plumbing work shall be in accordance with all State Statutes and Administrative Codes and Town Ordinances. Every private or residential swimming pool shall be provided with a suitable draining method and, in no case, shall waters from any pool be drained into the sanitary sewer system, onto lands or other property owners adjacent to that on which the pool is located or in the general vicinity.
 - c. All electrical installations, including common bonding grid, lighting and heating but not limited thereto, which are provided for, installed and used in conjunction with a private swimming pool, shall be in conformance with all applicable state statutes and administrative codes and Town Ordinances regulating electrical installations.
- (e) Setbacks.** No swimming pool shall be located, constructed or maintained closer to any side or rear lot line than is permitted in the Dane County Zoning Code for an accessory building.
- (f) Fence.**
- a. Pools within the scope of this Section which are not enclosed with a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the pool, or shall have a cover or other protective device over such swimming pool of such design and material that the same can be securely fastened in place and when in place shall be capable of sustaining a person weighing two hundred fifty (250) pounds. Such cover or protective device shall be securely fastened in place at all times when the swimming pool is not in actual use for swimming or bathing purposes. Such fence or wall shall not be less than four (4) feet in height and so constructed as not to have voids, holes or openings larger than four (4) inches in one (1) dimension. Gates or doors shall be kept locked while the pool is not in actual use.
 - b. The pool enclosure may be omitted where portable pools are installed above ground and have a raised deck around the entire pool perimeter with an attached enclosed railing a minimum of thirty-six (36) inches high on the top or sidewalls a minimum of thirty-six (36) inches high.
- (g) Filter System Required.** All private swimming pools within the meaning of this Chapter must have, in connection therewith, some filtration system to assure proper circulation of the water therein and maintenance of the proper bacterial quality thereof.

Sec. 10-1-13 Severability

If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections, or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

Sec. 10-1-14 Violations and Penalties

- (a) Prohibition. No person, entity, or firm may construct, remodel, demolish, or repair any building, structure, or fence in a manner which violates any provision or provisions of this ordinance, or act or fail to act in a manner which violates any provision or provisions of this ordinance.
- (b) Every person, firm, or entity which violates this code shall, upon conviction, forfeit not less than \$25.00 nor more than \$1,000.00 for each day of non-compliance, together with the costs of prosecution.
- (c) Violations discovered by the Town shall be corrected within 30 days, or more if allowed by the Town, after written notice is given. Violations involving life safety issues shall be corrected in a reasonable time frame established by the Building Inspector.
- (d) Compliance with the requirements of this ordinance is necessary to promote the safety, health, and well-being of the community and the owners, occupants, and frequenters of buildings. Therefore, violations of this ordinance shall constitute a public nuisance that may be enjoined in a civil action.

Adopted by the Town of Westport, Dane County, WI on this date 4/15/2024