

Town of Prairie du Sac
Sauk County, WI
Building Permit Ordinance 08-05

1.01 PURPOSE

The purpose of this Ordinance is to regulate residential and related buildings within the Town of Prairie du Sac to assure that construction protects the health and safety of Town residents, preserves agricultural land and productivity, and is designed to enforce the goals and policies set forth in the Sauk Prairie Comprehensive Plan.

1.02 JURISDICTION

Jurisdiction of these regulations shall include all dwelling and accessory buildings on land within the Town of Prairie du Sac.

1.03 AUTHORITY

These regulations are adopted under the statutory authority granted pursuant to sec. 101.65, 101.651, 101.76, and 101.761, and by its adoption of village powers under sec. 60.10(2)(c), 60.22(3), and 61.34(1) of the Wisconsin Statutes.

1.04 DEFINITIONS

- (1) Building Permit. A document granting permission to construct or modify a dwelling, accessory building, or other permanent structures.
- (2) Agricultural Building Permit. A Building Permit granting permission to construct or modify an agricultural accessory building.
- (3) Dwelling. Any structure permanently affixed to the ground which is intended to be occupied as a residence, or an addition or additional story to an existing dwelling.
- (4) Accessory Building. Any structure permanently affixed to the ground which cannot be occupied as a residence, or an addition or additional story to an existing accessory building.
- (5) Town Board. The Town of Prairie du Sac Board of Supervisors.
- (6) Town Clerk. Clerk of the Town of Prairie du Sac.
- (7) Town Building Inspector. The individual hired by the Town board to act in this capacity.
- (8) Town Planning Commission. The Town of Prairie du Sac Planning Commission.
- (9) Agricultural Land. Land within the Town of Prairie du Sac that has produced or is capable of producing a viable crop.

1.05 APPLICATION REQUIREMENTS AND PROCEDURES

(1) Who must apply. No person or entity shall construct or modify a dwelling or accessory building, install or modify a manufactured dwelling or accessory building, or add an addition or additional story to an existing dwelling or accessory building, without first obtaining a Building Permit from the Town Building Inspector. For exemptions see Section 1.07.

(2) Application Procedure. Procedures for the evaluation of the building Permit Application are described in the Town's Applications Guide, a copy of which is available from the Town Clerk or Town Building Inspector

(3) Application Forms. Application forms for Building Permits are available from the Town Clerk or Town Building inspector. Agricultural Building Permits are available only from the Town Clerk.

(4) Supporting Documents. Prior to the approval of a Building Permit, the following documents must have been issued. A copy of each approved document should be submitted with the Building Permit application. These documents are described in the Town's Application Guide, a copy of which is available from the Town Clerk or Town Building Inspector. See exemptions in section 1.07 of this Ordinance.

- (a) Land Division Approval (if this property was divided from a larger one).
- (b) Site Plan Approval.
- (c) Driveway Construction Permit.
- (d) County Zoning/Land Use Permit.
- (e) County Sanitary Permit.
- (f) Erosion Control Plan
- (g) Storm Water Management Plan (if required)

(5) Permit Period. The Building Permit is effective for 24 months from the date of issuance. The permit shall expire after 24 months. If construction of the building or structure has not been completed as indicated on the approved plan by the end of this period, a new application must be submitted and approved.

(6) Revocation of Permit. All Building Permits are issued conditionally. After notice and a hearing, the Town Board may revoke a Building Permit previously issued in the event the applicant fails to maintain compliance with the conditions listed in sec. 1.06 of this Ordinance. The Building Permit is not transferable from one person to another or from one place to another.

(7) Application Fee. An application fee of an amount determined by a resolution of the Town Board will be charged. This fee is specified in the "Application Fee Schedule" in the Applications Guide.

(8) Dwelling Occupancy. Before a dwelling may be occupied, the septic system must be connected, and inspected and approved by the County, and the Town Building Inspector must perform the final inspection and issue a final inspection ticket.

(9) Hearing Procedure. When applying the provisions of this Ordinance, the Town Board shall afford the applicant for a building permit an opportunity to present evidence regarding suitability of the proposed building plan at a public hearing. The Town Board also has the option of holding a public hearing. At this hearing, the Planning Commission shall recite the particular facts upon which it bases its recommendation regarding approval of the building permit application. These facts shall be recorded in the minutes of that public hearing. The Town Board may affirm, modify, or override the Planning Commission's recommendation.

1.06 CONDITIONS

The Town Clerk or Town Building Inspector shall issue or re-issue a Building Permit in the Town of Prairie du Sac only if all of the following conditions are satisfied as determined in the discretion of the Town Board:

- (1) The construction project will not interfere with or fail to comply with the goals, standards, and policies set forth in the Sauk Prairie Comprehensive Plan.
- (2) The Town board shall approve a building site that has the least substantial adverse impact on agricultural land.
- (3) The applicant complies with all applicable county, state, and Town building codes and ordinances.
- (4) The applicant agrees to install, provide, and maintain adequate, temporary sanitary facilities at the site during construction which are sufficient to prevent a public health hazard.
- (5) The applicant or applicant's contractor(s) will prevent any public nuisance associated with noise, dust, odors, fires, explosions, water pollution, air pollution, and erosion.

1.07 EXEMPTIONS

- (1) Agricultural Accessory Building. Agricultural accessory buildings do not require any of the supporting documents listed in sec. 1.05(4) of this Ordinance except an Agricultural Building Permit.
- (2) Additions or Additional Stories. Additions or additional stories do not require a Site Plan Approval or any of the other supporting documents listed in sec. 1.05(4) of this Ordinance except a Building Permit, erosion control plan, and County permits.
- (3) Improvements, Alterations, or Additions Costing \$1000 or Less. Improvements or alterations to an existing building or addition of an accessory building costing \$1000 or less do not require a Building Permit or any of the other supporting documents listed in sec. 1.05(4) of this ordinance unless electrical work, plumbing work, or changes to supporting structures are involved.

- (4) Maintenance and Repair. A Building Permit is not required for maintenance or repairs regardless of cost. Maintenance or repairs includes painting or siding a dwelling, accessory building, or structure; replacing windows or doors; installing gutters or downspouts; and putting new shingles on a roof.

1.08 PENALTIES

Any person or entity who violates this Ordinance shall, upon conviction, pay a forfeiture of \$100.00 plus applicable surcharges and court costs per violation. Each day that the violation continues to exist shall constitute a separate offense. This Ordinance may be enforced by a civil action. A violation of this Ordinance is deemed a public nuisance and may be enjoined. If construction requiring a building permit is begun without a building permit, a permit must be obtained and the permit fee may be doubled.

1.09 SEVERABILITY

The provisions of this Ordinance shall be deemed severable. It is expressly declared that the Town Board would have passed the other provisions of this Ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this Ordinance is held invalid, the remainder of the Ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

1.10 DISCLAIMER

The Town of Prairie du Sac does not, by issuing a Building Permit, warranty or make assurance of any kind whatsoever, specifically as to whether the building which is the subject of the permit is safe, suitable for its intended purpose, merchantable, or in compliance with any applicable codes or regulations.

1.11 EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after the day after passage and publication as required by law.

(1) Town Board Approval. This Ordinance was adopted by the Town Board on this 12th day of August, two thousand and eight.

APPROVED BY:

s/ Ronald Lins
Ronald Lins, Chairman

s/ John Lichtenheld
John Lichtenheld, Supervisor

s/ Thomas Murphy
Thomas Murphy, Supervisor

s/ David Lundgren
David Lundgren, Supervisor

s/ Thomas Schneller
Thomas Schneller, Supervisor

ATTESTED BY:

s/ Richard Nolden
Richard Nolden, Clerk

(2) Public Notice

(a) Public Review. A notice was published in the Eagle-Capital newspaper on July 23, 2008 to inform residents that a final draft of this Driveway Ordinance was on file with the Town Clerk for a two-week period (July 23 –August 6, 2008) during which it was available for inspection.

(b) Posting. This Notice of Adoption of Ordinances relating to this Ordinance was posted on July 30, 2008 at the Prairie du Sac Town Hall.

(c) Publication. A Notice of Adoption of Ordinances relating to this Ordinance was published in the Eagle-Capital newspaper, the publication of record for the Town of Prairie du Sac on August 20, 2008.