

## **CHAPTER 30**

### **BUILDING CODE**

#### **30.01 SOUTHEASTERN WISCONSIN CODE ADOPTED**

Pursuant to the authority of Section 66.035 of the Wisconsin Statutes, the Southeastern Wisconsin Uniform Building Code in the form prepared by the Milwaukee Metropolitan Uniform Building Code Commission under date of January 1967, together with all subsequent revisions, amendments and supplements to such code, is hereby adopted and incorporated by reference as Section 30.01 to 30.50 of the Town Code of the Town of Lisbon.

A copy of the Southeastern Wisconsin Uniform Building Code shall be on file and open to public inspection in the office of the Town Clerk for two (2) weeks prior to the adoption of this chapter, and shall remain permanently on file and open to public inspection from and after the adoption of this chapter.

#### **30.02 DISPOSITION OF BUILDING PERMIT FEES**

The Building Inspector shall make a monthly report to the Town Board showing fees collected pursuant to the building code and permits issued. The Building Inspector shall remit all fees collected to the Town Treasurer and shall be paid as compensation for his services and expenses incurred a sum equal to 75% of all such fees collected. Payment shall be authorized by the Town Board at its meeting immediately following the end of each month.

#### **30.03 BOARD OF APPEALS**

The Board of Appeals created under the zoning ordinance of the town shall also serve as the Board of Appeals under the building regulations herein adopted.

#### **30.04 UNIFORM DWELLING CODE**

- (a) The State of Wisconsin, Administrative Code, Chapter Ind, 22.01 Uniform Dwelling Code as adopted and effective December 1, 1978, and all amendments hereto, is adopted and incorporated in this code by reference.
- (b) The Building Inspector and his delegated representatives are hereby authorized and directed to administer and enforce all of the provisions of Chapter Ind. 22.01, Uniform Dwelling Code.

#### **30.05 BUILDING INSPECTOR**

- (a) Created.  
There is hereby created the office of Building Inspector of the Town of Lisbon. The Building Inspector shall be charged with enforcement of all Building codes within the Town of Lisbon, such duties as are imposed by statute, and such other duties as required under the provisions of the Town Code or are required by action of the Town Board.
- (b) Appointment  
The Building Inspector shall be appointed by the Town Chairperson and approved by the Town Board for a term of two (2) years, or until his successor shall be duly appointed and qualified. Terms shall expire of May 1 of odd numbered years.
- (c) Fees  
The compensation of the Building Inspector shall be established by the Town Board, from time to time. Fees shall be set by resolution adopted by the Town Board from time to time
- (d) Deputy  
In case of the absence or the inability of the Building Inspector to act, the Town Board may appoint a Deputy Building Inspector who shall have the same powers as the Building Inspector.

(e) Qualifications

The person chosen to fill the office of Building Inspector shall have the following qualifications.

- (1) He shall be of good moral character.
- (2) He shall be versed in all methods of building construction, the Statutes and Administrative Code of the State of Wisconsin relating to Building Codes, the Uniform Dwelling Code, and such other codes, administrative regulations or statutes as govern the construction of buildings within the town.

(f) Records

There shall be kept in the office of the Building Inspector a complete record of all applications and permits regularly numbered in the order of their issuance. There shall also be kept in the office of the Building Inspector a record of all inspections made and other official work performed under the provisions of the Building Code or the Town Code, and so arranged so as to afford prompt information concerning issuance of building permits.

(g) Duties

The Building Inspector shall visit and inspect all buildings and premises and make a thorough examination of all aspects of building construction. Where the Building Inspector, upon inspection, determines that a dangerous or unsafe condition exists, he shall notify the person owning, using, operating or constructing the structure and require the structure to be placed in a safe condition.

- (h) The Building Inspector shall have the right at any reasonable time to enter any building or premises except occupied dwellings in the discharge of his official duties and for that purpose shall be given prompt access upon notification to the proper authority. He shall have the right to order discontinuance of electric service to premises where he is denied access or entry. No person shall interfere with or refuse to permit access to any such premises by the Building Inspector.

**30.06 BOND REQUIRED**

(a) Amount of Bond

At the time of application for a building permit involving the modification or remodeling of an existing building, or the construction of any new building, where the total cost of the modification, remodeling or construction is anticipated to exceed \$5,000 or at the time of application for a building permit which involves erection or construction of a swimming pool, the applicant shall deposit a cash bond with the Town Clerk in the following amounts.

- (1) The sum of \$300.00 where the building permit involves the modification or remodeling of any residential structure, or involves the construction or erection of a swimming pool;
- (2) The sum of \$500.00 where the building permit involves construction of a residential structure, provided however, that an additional sum of \$100.00 per unit shall be deposited with the Town Clerk where the residence or construction involves a multi-family structure of not less than four (4) units.
- (3) The sum of \$500.00 or such other amount as the Town Board may determine from time to time, where the building permit involves the modification, remodeling or construction of any other building or structure.

(b) Use of Bond Proceeds

The bond proceeds shall be held by the Town Clerk until such time as an occupancy permit has been issued, at which time the bond proceeds, or the portion thereof remaining on deposit with the Town Clerk, shall be returned to the applicant. In the event any town road or right-of-way, or any culvert or drainage ditch adjacent to the applicant's property, is damaged incident to the modification, remodeling or construction of any building or structure, or the erection or construction of any swimming pool, the Town Clerk shall use the bond proceeds to the extent sufficient, to indemnify the town with respect to any repair costs incurred by the town, it being the sole responsibility of the applicant to repair any damage caused to the road, right-of-way, culverts, or drainage ditches adjacent to the property of the applicant where such damage occurs incident to construction or remodeling activities contemplated by issuance of the building permit. In addition, the Town Clerk shall use the bond proceeds, to the extent sufficient, to pay any additional inspection fees incurred by the town as to any inspections undertaken at the direction of the Town Building Inspector which are in excess of those contemplated in the fee charged for issuance of the building permit. The Town Clerk shall notify the property owner promptly in writing of any funds to be retained by the town for such damages, and the applicant may thereafter, within thirty (30) days, apply to the Town Board for the review of any such charges. The decision of the Town Board shall be final.

(c) Forfeiture

In the event any person for whom a building permit has been issued occupies a building, or commences use of a swimming pool facility before the final inspection of the building or swimming pool has occurred, and before an occupancy permit has been issued as provided under the terms of this code, then in that event the cash bond on deposit with the Town Clerk shall be deemed forfeited. Notice of such forfeiture shall be promptly sent to the applicant.

(d) Release of Bond

At such time as the final inspection of the building and/or swimming pool has occurred, and an occupancy permit has been issued for the building and/or swimming pool, the Building Inspector shall notify the Town Clerk who shall remit the applicant to proceeds of the cash bond remaining on deposit with the Town Clerk.

### **30.07 UNIFORM STREET ADDRESS SYSTEM**

(a) Establishment

There is hereby established a uniform system of numbering properties fronting on all streets, highways, and rights-of-way in the Town of Lisbon, and all existing residences and places of business, and all residences and places of business which are hereafter constructed, shall be numbered in accordance with the provisions of this section.

(b) County System Applies

The uniform address system for the Town of Lisbon shall be based on, and become a part of, a uniform address system for Waukesha County, as recommended by the County Board on November 12, 1957. All provisions herein relating to the establishment of a uniform address system for the County are hereby approved and such provisions as are applicable to the Town of Lisbon, as more specifically set forth in the following section, are hereby adopted by the Board of the Town of Lisbon.

(c) Affixing Numbers

Whenever any residence or place of business shall be erected or occupied in the Town of Lisbon, it shall be the duty of the owner or occupant to procure the correct number and street

name from the Building Inspector and, prior to occupancy of any residence or place of business, install, or cause to be installed those numbers on the premises parallel to the side of the street on which the home and/or business is located; in a place clearly visible from the road, no more than 25 feet from the edge of the road pavement; within ten (10) feet of either side edge of the driveway; between two (2) feet and five (5) feet above the finished grade at the point of installation. Homes and businesses sharing a common driveway or located on a private road shall have numbers at the intersection with the public road, at each split, fork, or intersection thereafter, and on the property itself as specified in this ordinance.

(d) Size and Dimension of Numbers

The minimum size of the numbers assigned under the uniform address system to be installed shall be 2-1/4 inches wide and 3-1/2 inches high. The letters and numbers assigned shall be black on white or a reflective background. The numbers shall be installed at a place clearly visible from the traveled portion of the road. Mailboxes may serve to display the house numbers if there are located within ten (10) feet of the driveway and provided there is no other mailbox adjacent. House numbers displayed on mailboxes must be placed two (2) feet and five (5) feet above the finished grade at the point of installation. In instances where more than one (1) mailbox exists, house numbers must also be placed on each individual property as prescribed by the ordinance.

(e) Penalty

If the owner or occupant of any residence or place of business fails to comply with the provisions of this ordinance, the Law Enforcement officer, Building Inspector/Code Enforcement Officer, or designated representative of the Fire Department, shall serve written notice requiring compliance with this section by the owner or occupant. If the owner or occupant neglects to comply with the notice issued by the Building Inspector for a period of ten (10) days, then, in that event, the owner or occupant shall, upon conviction of a violation of this ordinance, be subject to a forfeiture of not less than \$50.00 per day for each day the violation continues, together with the cost of prosecution.

### **30.08 LAND DISTURBANCE**

(a) Definitions

1. Necessary Backfill – Material placed immediately adjacent to a new building/or building addition for the purpose of covering planned sub-surface walls and foundations. Includes material to support access to the building such as, driveways, sidewalks, steps and stoops.
2. Minor Grading Permit – Permit processed by the Building Inspector for land disturbing activities which are not associated with new building/or building addition that disturbs less than 6,000 square feet and/or 60 cubic yards. A minor grading or Conditional Use permit is not required for farming activities such as plowing or tilling of the soil.
3. Grading Permit – Permit issued by the Building Inspector for land disturbance activities, which are not associated with new building/or building addition, where Waukesha County has jurisdiction and that disturbs more than 6,000 square feet and/or 60 cubic yards. A Grading or Conditional Use permit is not required for farming activities such as plowing or tilling of the soil.
4. Major Grading Permit – Permit issued and approved by the Plan Commission after a public hearing. A major grading permit is required where Waukesha County does not

have jurisdiction and where land disturbance is in excess of 60 cubic yards or 6,000 square feet.

5. Land Disturbing Activity – Land disturbing activity means any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover, that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of the state. Land disturbing construction activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling and grading activities. The import of more than fifteen cubic yards of wood or tree material in excess of five- inch diameter and longer than 24 inches shall be considered land-disturbing activity.
6. Conditional Use – A use which may not conform with permitted uses of a category but which may be permitted by the terms of this ordinance provided that certain conditions specified herein or as may be determined to be necessary by the Town are required as part of the permit issued by the Town pursuant to this ordinance. A Conditional Use permit requires a public hearing held by the Plan Commission.

(b) Preservation of topography

1. In order to protect the property owner from possible damage due to change in the existing grade of adjoining lands, and to aid in preserving and protecting the natural beauty and character of the landscape, no change in the existing topography of any land shall be made which would result in: increasing any portion of the slope to a ratio greater than three (3) horizontal to one (1) vertical, within a distance of twenty (20) feet from the property line, except with the approval of the Building Inspector in consultation with the Town storm water engineer; or which would alter the existing drainage or topography in any way as to adversely affect the adjoining property. In no case shall any slope exceed the normal angle of slippage of the material involved and all slopes shall be protected against erosion.
2. Retaining walls shall be a minimum of 5' from the property line to allow maintenance without crossing onto adjacent property. All retaining walls shall be reviewed and approved by the Building Inspector. In addition, retaining walls over 4' in height require Plan Commission approval for location, height, building materials and aesthetics. Any retaining wall proposed within 5' of the property line requires approval of the Town Plan Commission. No retaining wall shall be constructed in a manner that would adversely affect surface drainage on the adjacent property.
3. Fill or grading considered by the Building Inspector to be necessary backfill and/or excavation for an otherwise permitted structure may be permitted without the necessity of securing a Conditional Use permit as long as said fill or grading is accessory to said construction and does not create slopes greater than three (3) horizontal to one (1) vertical and does not extend to a distance greater than thirty (30) feet from the foundation and does not divert runoff directly onto adjacent property or adversely affect adjoining property. In order to make such a determination, the property owner shall submit a grading plan of existing and proposed grades on the subject lot and adjacent lands (extending a minimum of 50' onto the abutting property) where said accessory fill and/or grading is closer than twenty (20) feet to a property line. The Grading Plan shall include existing and proposed: topography, driveways, buildings, septic systems, wells and drainage patterns. An as-built survey upon completion of the work shall be filed with the Town Building Inspector to ensure adherence to the Grading Plan.

4. Land Disturbance activities extending greater than thirty (30) feet from the foundation may be allowed subject to issuance of a Minor Grading Permit without benefit of a Conditional Use Permit unless the quantities and the area of fill exceeds six thousand (6,000) square feet and/or sixty (60) cubic yards. This provision excludes the area normally associated with septic system installation, backfilling and grading around the foundation, as defined in Section 30.08(A) 1 above, and normal driveway construction. Further, no fill or alterations on existing topography shall be allowed under any circumstances that will alter the drainage or topography in a way that will adversely affect the surrounding lands. In making such a determination, the Building Inspector shall have the authority to determine the affect of the construction or fill on surrounding property and require improvements and/or facilities as may be in the best interest of preserving the topography and drainage system and which will have the effect of lessening the impacts on either upstream, downstream or adjacent properties. Land Disturbance activities such as the placement of fill, excavation, and other earth moving activities in excess of the above stated (Sec. (B) 4.) may be allowed subject to issuance of a Conditional Use Permit as long as said fill, excavation or earth moving activities do not occur in a wetland as indicated on the Final Wisconsin Wetlands Inventory Maps for Waukesha County or subsequently revised by hydraulic analysis and approved by the Army Corps of Engineers and/or the Department of Natural Resources. The Conditional Use Permit requires Town Plan Commission approval. The performance of such land disturbance must not impede drainage or reduce the floodwater storage capacity of any floodland or flood fringe areas or violate state and federal regulations.

(c) Design Standards for Land Disturbance Activities

Land Disturbance activities, unless otherwise indicated, shall comply with the following Design Standards:

1. For any land disturbing activity proper erosion control measures shall be installed and maintained throughout the entire project and until the vegetation is established, and a Stormwater and Erosion Control permit shall be issued, if required.
2. For major earth altering activities requiring a Conditional Use Permit, a grading plan meeting requirements of Section 30.08, prepared by the owner's professional engineer, landscape architect or architect, who shall be registered in the State of Wisconsin, shall be submitted to the Town and then reviewed and approved by the Town Plan Commission upon recommendation of the Town Engineer.
3. A deadline for completion of the entire project shall be established. The Town Plan Commission must approve of any extensions to the deadline established.
4. No other work is authorized. All work shall be completed in accordance with the approved plans.
5. No adverse drainage, runoff, erosion or sedimentation shall take place onto adjoining properties or to environmentally sensitive areas public or private roads and right of ways.
6. An As-Built survey of the land disturbance prepared by the Owner's Professional Engineer shall be prepared and submitted to the Building Inspector within 30 days of the completion of grading and landscaping to assure compliance with the approved plan. If the applicant does not produce the required grading plan the Building Inspector shall authorize the Town Engineer to produce an As-built survey of the land disturbance and charge the Owner as a current service the cost of producing the plan.

(d) Landscape and Other Berms

Landscape berms which are greater than three, (3) feet above existing topography require Town Plan Commission approval. All berms shall comply with all requirements of Section 30.08 and the following design standards. A property owner desiring to exceed these standards must request a public hearing with notice sent to all property owners within 300' of the subject property.

1. The top of berms within 50' of the property line shall have a maximum height of 8' above existing property line elevation or centerline elevation of abutting street pavement, whichever is greater. Beyond 50' from the property line, berms may increase in height by 1 foot for each additional 25' from the property line, to a maximum height of 12' above property line or abutting road centerline pavement elevation.
2. The toe (base) of the berm must be a minimum of 10' from all front yard, side yard and rear yard property lines.
3. Decorative or landscape berms shall be undulating and staggered. The top of berm shall vary in height from maximum height to 2/3 maximum height and back again, for every 100' along the top of the berm. High and low points must be at least 15' long. For every 100' of berm length at least two low points in the berm undulation are required. Side slopes of the berm must be 3 to 1 maximum and be mowable. Berms constructed to protect from storm water events shall not be required to be undulating.
4. Berms shall be landscaped in accordance with a landscape plan approved by the Town Plan Commission. The plan shall include the installation and mature height and diameter of all vegetation, and the types of all vegetation use proposed timetable for installation; and seeding mixtures.
5. The berm shall be mowed and maintained on a regular basis similar to that of normal lawn maintenance, or as determined by the Town Plan Commission. Any vegetation that dies within 3 years of installation shall be replaced with the same or substantially similar materials and within an amount of time as specified by the Town Plan Commission.
6. If the berm cannot be completed and vegetated prior to October 1st of the calendar year, the area shall be properly mulched over the winter season until work can recommence the following spring.
7. No berm shall interfere with vision of adjacent roads, easements, or driveways nor be constructed within any public right-of-way or highway expansion area designated on the current Waukesha County Official Highway Width Map or within a Vision Easement.
8. The berm shall not adversely impact the existing drainage patterns in the area, or appropriate measures shall be taken to alleviate adverse drainage (swales, etc.).
9. The type of material used to construct the berm shall be approved by the Town Plan Commission.
10. A minimum of 4 inches of topsoil shall be used on the entire berm for revegetation purposes.
11. A minimum setback of 50' is required from all wetland, floodplain, and corridor areas.
12. Berms may extend across property lines with written permission of the adjacent property owner (maximum berm height shall be based on existing property line elevation prior to berm construction). Berms extending over property lines will require the granting of reciprocal easements over the berm area. In addition a maintenance agreement is required to be prepared and submitted to the Town Attorney for review and approval. Berm easement and maintenance agreement must be signed by all parties involved and recorded in the Waukesha

County Register of Deeds Office. Easements must provide permission for the Town to implement the provisions of the Conditional Use Permit, including reimbursement for plan implementation expenses incurred by the Town of Lisbon.

13. A financial guaranty in the form of a cash deposit or letter of credit equaling 115% of the estimated cost of the grading and plant materials shall be submitted to the Town. Said surety will be released by the Town Board upon recommendation of the Town Engineer upon completion of the project in accordance with the conditional approval.
14. As a condition of the Conditional Use Permit the Town may require a deed restriction to run with the land that provides maintenance requirements for the land disturbing activity.

(e) Site Protection

1. Any property where Land Disturbance activities occur as may be authorized thru the issuance of a Minor Grading Permit or a Conditional Use Permit, shall be required to protect the disturbed land surface of the lot or building site that is susceptible to erosion while under construction and which is not occupied with buildings, dedicated parking areas or other hard surfaced areas with suitable stabilization measures. Said disturbed areas shall be permanently stabilized and continuously maintained with suitable vegetative cover or other approved landscape material, and in any case, shall be required to conform to the provisions of the Waukesha County Construction Site Erosion Control Ordinance #146-158. To ensure performance, a financial guarantee in the form of a cash deposit or letter of credit, approved by the Town Attorney, may be required by the Town Plan Commission.

(f) Waukesha County Permit

1. Any property that requires a permit for earth altering activities from Waukesha County shall be exempted from the seeking a Conditional Use Permit from the Town of Lisbon. A Grading Permit issued by the Lisbon Building Inspector shall be required.

REVISIONS TO MASTER CODE			
SECTION	R&R / CREATED	ORD WHICH UPDATED IT	UPDATED ON DATE
30.05(c)	R&R	04-17	2017-04-03