

CHAPTER 11
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SECTION 11.11 **EROSION CONTROL AND STORM WATER
MANAGEMENT**

(a) **Authority.**

This Ordinance is adopted under the authority granted to the Town Board by the Town meeting under Wis. Stats. § 60.10(2)(c), permitting the Town Board to exercise the powers of a Village Board.

(b) **Findings and Declaration of Policy.**

The Town Board finds that urbanizing land uses have accelerated the process of soil erosion, runoff and sediment deposition in the waters of the Town. It is, therefore, declared to be the policy of this Ordinance to provide for the control and if possible, the prevention of soil erosion, and thereby to preserve the natural resources, control floods and prevent impairment of dams and reservoirs, protect the tax base, and protect and promote the health, safety and general welfare of the people of the Town.

(c) **Intent and Purpose.**

The purpose of this Ordinance is to promote the public health, safety, prosperity, and general welfare of the citizens of the Town, and to conserve the soil, water and related resources and control erosion and sedimentation.

(d) **Definitions**

The following terms, whenever they occur in this Ordinance, are defined as follows:

(1) **Agricultural Lands.** Lands used for production of food and fiber, including but not limited to, general farming, livestock and poultry enterprises, grazing, nurseries, horticulture, viticulture, truck farming, forestry, sod production, cranberry production and wild crop harvesting and includes lands used for on-site structures necessary to carry out such activities.

(2) **Town Engineer.** The professional engineer designated by the Town Board to administer this Ordinance, and includes any other persons who are supervised by the Engineer.

(3) **Control Plan (Erosion and Sediment Control Plan and/or Runoff Control Plan).** A written description approved by the Town Engineer, of methods for controlling sediment or pollution from accelerated erosion on a development area and/or from erosion caused by accelerated runoff from a development area and controlling runoff.

(4) **Cubic Yards.** The amount of material in excavation and/or fill measured by the method of "average end areas."

- (5) **Erosion (Soil Erosion).** The detachment and movement of soil or rock fragments by water, wind, ice or gravity.
- (6) **Excavation.** Any act by which organic matter, earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.
- (7) **Existing Grade.** The vertical location of the existing ground surface prior to excavation or filling.
- (8) **Fill.** Any act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported or moved by human forces to a new location and shall include the conditions resulting therefrom.
- (9) **Grading.** Altering the elevation of the land surface by stripping, excavating, filling, or stockpiling of soil materials or any combination thereof and shall include the land from which the material was taken or upon which it was placed.
- (10) **Land Disturbing Activities or Uses.** Any land alterations or disturbances which may result in soil erosion, sedimentation and/or the increase in runoff, including but not limited to tilling, removal of ground cover, grading, excavating and filling of land, except that the term shall not include such minor land-disturbing activities as home gardens and repair and maintenance of private roads. Additionally, this term does not include agricultural land uses.
- (11) **Land Treatment Measures.** Structural or vegetative practices, or combinations of both, used to control erosion and sediment production, including areas to be protected by fencing.
- (12) **Land Occupier or Occupier of Land.** Any person, partnership, firm, limited liability company or corporation that has an interest in the land either as owner, as tenant in common or joint tenant or holds as a trustee, assignee, or holds as a land contract vendee.
- (13) **Land Users.** Persons who use land, individually or collectively as owners, operators, lessors, renters, occupiers who are providing a service that requires access or alterations of the land in order to perform the service, or by other arrangement which gives them the responsibility of private or public land use.
- (14) **Twenty-Five Year Storms.** Those rainstorms of varying durations and intensities expected to recur on the average of once every 25 years.

- (15) **Twenty-Five Year Storm Runoffs.** The storm water runoffs from the 25 year storms.
- (16) **Parcel.** All contiguous lands under the ownership or control of a land occupier or land user.
- (17) **Peak Flow.** The maximum rate of flow of water at a given point in a channel, watercourse, or conduit resulting from a predetermined storm or flood.
- (18) **Permit.** The signed, written statement issued under this Ordinance authorizing the applicant to engage in general land disturbing uses specified and for a specified period of time.
- (19) **Permittee.** Any person to whom a permit is issued under this Ordinance.
- (20) **Person.** Any individual, corporation, limited liability company, partnership, joint venture, agency, unincorporated association, municipal corporation, county, or state agency within Wisconsin, the federal government, or any combination thereof.
- (21) **Public Lands.** All lands which are subject to regulation by the Town, including, but not limited to:
 - (A) all lands owned or controlled by the Town; and
 - (B) all land, within the political boundaries of the Town, which are owned by another unit of government if that unit of government is acting in a proprietary rather than governmental function.
- (22) **Removal.** Cutting vegetation to the ground or stumps, complete extraction, or killing by spraying.
- (23) **Review Agency.** Any agency designated by the Town for the purpose of seeking technical advice as to the adequacy of erosion and runoff control plans to conform to the standards and criteria of Section 11.11(g).
- (24) **Runoff.** The portion of rainfall, melted snow or irrigation water that flows across the ground surface and eventually is returned to lakes or streams, creeks or other water courses.
- (25) **Sediment.** Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site or origin by air, water, gravity or ice, and has come to rest on the earth's surface at a different site.

- (26) **Sedimentation.** The transportation and deposition of sediment that may ultimately degrade water quality by the presence of suspended solid particles, derived from soils by erosion or discharged into surface waters from other sources; or the deposition of water-borne sediments in stream channels, lakes, reservoirs, or on floodplains, usually because of a decrease in the velocity of the water.
- (27) **Soil Loss.** Soil movement from a given site because of land disturbing activities or by the forces of erosion and redeposited at another site on land or in a body of water.
- (28) **Stop-Work Order.** A means of giving notice to the permittee that the Town Engineer believes that the permittee has violated one or more provisions of this Ordinance. Notice is given both by posting upon the lands where the land disturbing activity occurs one or more copies of a poster stating the violation and by mailing a copy of this poster by certified mail to the permittee at the address shown on the permit.
- (29) **Storm Frequency.** The average period of time in which a storm of a given duration and intensity can be expected to be equaled or exceeded.
- (30) **Storm Sewer.** A closed conduit for conducting collected storm water.
- (31) **Storm water Drainage Facility.** Any element in a storm water drainage system which is made or improved by human activity.
- (32) **Storm water Drainage System.** All facilities used for conducting storm water to, through or from a drainage area to the point of final outlet, including but not limited to, any of the following: conduits and appurtenant features, canals, channels, ditches, streams, culverts, streets and pumping stations.
- (33) **Storm water Runoff.** The waters derived from rains falling within a tributary drainage basin, flowing over the surface of the ground or collected in channels, watercourses or conduits.
- (34) **Structural Measures.** Works of improvement for land stabilization to prevent erosion, sediment or runoff which include, but are not limited to, gully control structures, grass waterways, riprap, detention basins, sediment basins, flood retention dams, diversions, lining channels with rock, concrete or other materials. Contour strip cropping is not a structural measure.

(e) **Land Disturbing Activities Subject to Erosion Control**

(1) **General Requirement.**

Any landowner, land occupier or land user who undertakes, begins, commences or performs land disturbing activities; or who permits another person to do the same, on land subject to this section, shall be subject to the provisions of this Ordinance.

(2) **Land Disturbing Activities Subject to Erosion and Sediment Control.**

Land disturbing activities on public or private lands shall be subject to the erosion and sediment control provisions of this Ordinance, if:

(A) An area of 5,000 square feet or greater will be disturbed by excavation, grading, filling, or other earthmoving activities, resulting in the loss or removal of protective ground cover or vegetation; or

(B) Excavation, fill, or any combination thereof, will exceed 1,000 cubic yards; or

(C) Any public (federal, state or local) street, road or highway is to be constructed, enlarged, relocated or substantially reconstructed; or

(D) Any water course is to be changed, enlarged, or materials are removed from stream or lake beds; or

(E) Any proposed land use by a unit of government or by public or private utilities in which underground conduits, cables, piping, wiring, waterlines, sanitary sewers or storm sewers will be laid, repaired, replaced or enlarged, if such use involves more than 300 linear feet of trenching or land disturbance; or

(F) Any subdivision of land which requires plat approval or any certified survey; or

(G) Any land disturbing activity on slopes greater than 15%; or

(H) Any land disturbing activity on unstable soils as determined by the Town Engineer.

(3) **Land Disturbing Activities Subject to Onsite Detention and Runoff Control.**

Land disturbing activities on public or private lands shall be subject to the onsite detention and runoff control provisions of this Ordinance if:

(A) The land disturbing activity will be a residential development having a gross aggregate area of five acres or more; or

- (B) The land disturbing activity will be a residential development on less than five acres having thirty percent or more of the area as impervious surfaces including roads, buildings, parking facilities and other improvements; or
- (C) All industrial developments with gross aggregate area of 0.2 acres or more; or
- (D) All commercial developments with gross aggregate area of 1.0 acres or more; or
- (E) The land disturbing activity will be a development, other than residential, commercial or industrial, having a gross aggregate area of three acres or more; or
- (F) In the opinion of the Town Engineer, the runoff from the land disturbing activity will create a hazard by exceeding the safe capacity of the receiving water body in the area; or will cause undue channel erosion or an undue increase in water pollution by increased scour and transport of particles; or will otherwise endanger the downstream property owners or their property. Safe capacity is defined as the rate of flow that can be handled without flooding.

(4) **Compliance With This Section.**

The owner, land occupier or land user shall comply with this section by following the procedure of Section 11.11(h) and receiving from the Town Engineer written approval of the control plan and a permit before commencement of any land disturbing activities on lands subject to control under this section.

(f) **Erosion And Sedimentation Control Regulations For Lands Not Otherwise Subject To This Ordinance**

Any landowner, land occupier or land user who permits excessive erosion to adjacent land, public streets or bodies of water from land not otherwise subject to this Ordinance shall be deemed in violation of this Ordinance and subject to the penalties provided in Section 11.11(j). Erosion is excessive if, in the opinion of the Town Engineer, an unsafe condition results in the streets, if undue sedimentation of lakes and streams occurs or if the public health, safety or general welfare of the citizens of the Town of Lodi is harmed.

(g) **Standards And Criteria**

(1) **Effect of Compliance.**

Compliance with the standards and criteria of this section shall not bar a nuisance action or other civil action brought by any injured public or private party for damage to property upon which the erosion directly occurred or to property or other rights which were damaged by erosion, sedimentation or runoff.

(2) **Standard for Erosion and Sediment Control for Land Disturbing Activities.**

The Town Engineer shall neither approve plans nor issue permits required by this Ordinance for land disturbing activities unless erosion and sedimentation during and after the land disturbing activity will not exceed that which would have been eroded if the land had been left in its undisturbed state and/or are controlled in accordance with the Town Erosion and Sediment Control Specifications, or other Technical Guidelines as developed by the U.S. Department of Agriculture, Soil Conservation Service.

(3) **Standards for Onsite Detention and Runoff Control for Land Disturbing Activities.**

Land disturbing activities subject to onsite detention and runoff control regulation under this Ordinance shall not exceed the more stringent of the two following standards:

- (A) The peak rate of runoff after the proposed activities shall not be greater than the peak rate which would have resulted from the same storm event occurring over the site of the proposed activity with the land in its natural undeveloped state; or
- (B) The peak runoff rate shall be limited to a rate prorated on the basis of the safe capacity of the existing or proposed storm water drainage facilities.
- (C) Further, land disturbing activities subject to onsite detention and runoff control regulation by this Ordinance shall provide for detention of the increased storm water runoff which would result from the proposed land disturbing activity. Storage shall be sufficient to store this increased runoff for a 25 year storm of any duration. Storm water detention may be provided by the landowner/land user onsite or adjacent to the site or may be provided by the Town, with costs prorated as provided in Section

11.11(h)(7) of this Ordinance. Estimated runoff and required storage capacity shall be calculated in accordance with the latest edition of Urban Hydrology for Small Watersheds -Technical Release Number 55 by the U.S. Department of Agriculture, Soil Conservation Service.

(4) **Standard for Tracking.**

The Town Engineer shall neither approve any plan nor issue a permit for any land disturbing activity under this Ordinance unless satisfied that adequate provisions are made to prevent the tracking or dropping of dirt or other materials from the site onto any public or private street.

(5) **Design Criteria, Engineering Standards and General Principles.**

The applicant for a permit may employ any structural or nonstructural measures believed to be necessary to achieve all applicable standards set out in this Ordinance. However, the Town Engineer or review agency is required to evaluate these measures to determine that they follow currently accepted design criteria and engineering standards.

The following general principles shall be used by the Town Engineer or review agency when evaluating control plans and granting permits under this Ordinance:

- (A) The smallest practical area of land shall be exposed at any given time during development.
- (B) Such minimum area exposure shall be kept to as short a duration of time as is practicable.
- (C) Temporary vegetation, mulching or other cover shall be used to protect areas exposed during development.
- (D) Provision shall be made to effectively accommodate the increased runoff caused by changed soil and surface conditions during and after development according to the standards contained in this Ordinance.
- (E) Permanent, final plant covering or structures shall be installed as soon as possible.
- (F) The plan of development shall relate to the topography and soils of the site so that the lowest potential for erosion is created.
- (G) Natural plant covering shall be retained and protected and shall be deemed a dominating factor in developing the site.

(h) **Application and Issuance of Permits**

(1) **Permit Required; Procedure and Fee.**

Unless specifically exempted from this Ordinance, no land occupier or land user may undertake a land disturbing activity subject to this Ordinance without receiving a permit from the Town Engineer prior to commencing the proposed activity. Each land occupier or land user desiring to undertake a regulated activity subject to this Ordinance shall submit to the Town Engineer an application for a permit together with the appropriate fee required by this Ordinance.

(2) **Exceptions to this Requirement are as Follows:**

(A) The owner and occupier of public lands are exempt from payment of any permit fees;

(B) For its convenience, the Town Engineer may enter into an agreement with public or private utilities and governmental units to waive the need for a permit for each individual land disturbing activity, if the utility or governmental unit agrees to adopt and follow a procedure for each land disturbing activity which meets all applicable standards contained in this Ordinance. Further, the agreement shall provide that in the event that a utility or governmental unit activity fails to meet the standard, the agreement shall terminate and the utility or governmental unit shall be subject to the penalties of this Ordinance.

(3) **Control Plan Required.**

Unless specifically exempted by this Ordinance, every applicant for a permit under this Ordinance shall develop and shall submit a plan to control erosion, sedimentation and runoff which would result from the proposed activity.

(4) **Contents of the Control Plan.**

The control plan shall contain such information which the Town Engineer or review agency may reasonably need to determine soil erosion, sedimentation and runoff control. The Town Engineer and/or review agency may require the following, as well as any other information which, in the judgment of the Engineer and/or review agency, is needed to evaluate the control plan:

(A) A map of the site location at a scale of not smaller than one inch equals 100 feet showing the location of predominant soil types and the existing vegetative cover.

- (B) A topographic map of the site location, including enough of the contiguous properties to show existing drainage patterns and watercourses that may affect or be affected by the proposed development of the site, and also show the site boundaries. Scale of not less than one inch equals 100 feet is to be used.
- (2) A plan of the site at a scale of not smaller than one inch equals 100 feet showing:
- (A) Name, address and telephone number of the land occupier, along with the name and telephone number of the party responsible for maintaining erosion control structures.
 - (B) Limits of natural floodplain(s), based on a 100 year flood, if any.
 - (C) A schedule indicating the anticipated starting and completion dates of the development sequence and the time of exposure of each area of land disturbing activity prior to the completion of effective measures for erosion and sediment control.
 - (D) Proposed topography of the site location with a maximum of two foot contour intervals showing:
 - (i) Location of proposed land disturbing activity, proposed disturbance of protective cover, any proposed additional structure on the site, areas to be seeded or mulched, areas to be vegetatively stabilized and areas to be left undisturbed.
 - (ii) Elevations, dimensions, locations of all proposed land disturbing activities including where topsoil will be stockpiled, so that topsoil will not contribute to erosion and sedimentation.
 - (iii) The finished grade, stated in feet horizontal to feet vertical, of cut and fill slopes.
 - (iv) Kinds of utilities and proposed areas of installation.
 - (v) Proposed paved and covered areas in square feet or to scale on a plan map.
 - (vi) Makeup of proposed surface soil (upper six inches) on areas not covered by buildings, structures or pavement.

Description shall be in such terms as: original surface soil, subsoil, sandy, heavy clay or stony.

- (vii) Proposed kind of cover on areas not covered by buildings, structures or pavement. Description shall be in such terms as: lawn, turfgrass, shrubbery, trees, forest cover, riprap or mulch.
- (E) Plans and hydraulic computations of all temporary or permanent structural or nonstructural measures or other protective devices to be constructed in connection with, or as part of, the proposed work showing:
- (i) Estimated surface runoff of the area based upon ten and 25 year frequency storm events. Peak flows based upon synthetic storm frequency events calculated using Urban Hydrology for Small Watersheds - TR55 shall be required in the event that storm runoff or stream flow data is not available in the area.
 - (ii) Estimated rate of discharge in cubic feet per second at the point or points of discharge from the site location based upon ten and 25 year frequency storm events.
 - (iii) The storm event frequency or recurrence interval and discharge rate in cubic feet per second on which the design of plans for the site location is based.
 - (iv) Proposed provisions to carry runoff to the nearest adequate outlet, such as a curbed street, storm drain or natural drainage way.
 - (v) Design computations and applicable assumptions for all structural measures for erosion and sediment pollution control and water management. Volume and velocity of flow shall be given for all surface water conveyance measures and pipe outfalls. Surface runoff computations shall be submitted to the Town Engineer in accordance with current administrative guidelines as approved by the Town Plan Commission.
 - (vi) Estimate of cost of erosion and sediment control and water management structures and features.

- (vii) Provisions for maintenance of control facilities including easements to insure short as well as long-term erosion and sediment pollution control and storm water management.
 - (viii) Seeding mixtures and rates, lime and fertilizer application rates, and kind and quantity of mulching for both temporary and permanent vegetative control measures.
 - (ix) Methods to prevent tracking of soil off the site of the land disturbing activity.
- (5) **Review of Application and Control Plan and Issuance of Permits.**
- (A) The applicant shall submit a permit application and any required fee and control plan to the Town Engineer.
 - (B) If the Town has a designated review agency, the Town Engineer shall forward the application and control plan to the review agency which shall determine the adequacy of the plan's contents to control erosion, sedimentation and runoff during and after the land disturbing activities pursuant to Section 11.11(g)(5) of this Ordinance. The review agency shall inform the Town Engineer of its recommended disposition of the plan within four weeks of its receipt of the control plan. If the review agency recommends disapproval, such recommendation shall be in writing. If the Town lacks a review agency, these duties shall be performed by the Town Engineer.
 - (C) The Town Engineer shall inform the applicant in writing whether or not the control plan is approved within five weeks from the date of receipt of the completed application, control plan and required fee.
 - (D) If the application is approved, the Town Engineer shall issue the permit.
 - (E) If additional information is required in order to evaluate the application, the Town Engineer shall so notify the applicant, who shall promptly submit the required information. Further review and approval or disapproval shall occur as specified in Section 11.11(l) of this Ordinance, with applicable time limits determined from the date of receipt of the additional information.
 - (F) If the application is disapproved, the Town Engineer shall specify in writing the reasons for disapproval. The applicant may resubmit

a new or modified control plan or may appeal the Town Engineer's decision pursuant to Section 11.11(l).

- (G) Failure by the Town Engineer to render a written decision within five weeks of receipt of the completed application, control plan and any required fee shall be deemed to be approval of the plan as submitted, and the applicant may proceed as if the permit has been issued, unless notified of an additional information requirement.
- (6) **Permit; Conditions.**
All permits issued under this Ordinance shall be issued subject to the following conditions and requirements and any permittee who begins to perform any land disturbing activity authorized by permit shall be deemed to have accepted all of these conditions:
- (A) All land disturbances, construction and development will be done pursuant to the control plan as approved by the Town Engineer.
 - (B) The permittee shall give at least two working days notice to the Town Engineer in advance of the start of any land disturbing activity.
 - (C) The permittee shall file a notice of completion of all land disturbing activities and/or the completion of installation of all onsite detention facilities within 10 days after completion.
 - (D) Approval in writing must be obtained from the Town Engineer prior to any modifications to the approved control plan.
 - (E) The permittee will be responsible for maintaining all roads, road rights-of-way, streets, runoff and drainage facilities and drainage ways as specified in the approved plan until they are accepted and dedicated to a governmental entity.
 - (F) The permittee will be responsible for repairing any damage at his or her expense to all adjoining surfaces and drainageways caused by runoff and/or sedimentation resulting from activities which are not in compliance with the approved plan.
 - (G) The permittee must provide and install at his or her expense all drainage, runoff control and erosion control improvements required by this Ordinance and the approved control plan, and also must bear his or her proportionate share of the total cost of offsite improvements to drainageways based upon the existing developed drainage area or planned development of the drainage area, as determined by the Town Engineer.

- (H) No work will be done on the site during any period of time that the average hourly wind velocity at the location of the land disturbing activity exceeds 20 miles per hour, unless provision has been made to eliminate dust and blowing dirt.
 - (I) No portion of the land which undergoes the land disturbing activity will be allowed to remain uncovered for greater than two weeks after notice is given to the Town Engineer that the land disturbing activity is completed.
 - (J) The permittee shall permit the Town Engineer to enter onto the land regulated under this Ordinance for the purpose of inspecting for compliance with the approved control plan and permit.
 - (K) The permittee authorizes the Town Engineer to perform any work or operations necessary to bring the condition of the lands into conformity with the approved control plan or plan as modified by the Town Engineer and further consents to the Town placing the total of the costs and expenses of such work and operations upon the tax roll as a special charge against the property.
- (7) **Permit Duration.**
Permits issued under this Ordinance shall be valid for a period of six months from the date of issuance by the Town Engineer and all work must be completed prior to the expiration date of the permit. The Town Engineer may extend the expiration date of the permit if the Engineer finds that an extension will not cause an increase in erosion, sedimentation or runoff. The Town Engineer is further authorized to modify the plans if necessary to prevent any increase in sedimentation, erosion or runoff resulting from any extension.
- (8) **Fees For Engineering Review and Enforcement.**
- (A) Any person who submits an application for approval of an erosion control plan or issuance of a permit required by this Ordinance shall pay a fee equal to the Town's actual cost for engineering work by the Town Engineer and/or review agency incurred by the Town in connection with review of the erosion control plan, including any inspections required to assure compliance with the plan. The fee shall be paid prior to issuance of the permit if the engineering review fees have been billed by that time. If billed to the Town after issuance of the permit, the fee shall be paid within 30 days of its receipt by the applicant. Failure to pay such fee

within 30 days shall be grounds for revocation of the permit, issuance of a stop work order, and/or charging the cost as a special charge against the property pursuant to Wis. Stats. § 66.0627, in the discretion of the Town Board.

- (B) If the Town Engineer and/or review agency is required to undertake any enforcement action under Sections 11.11(f), 11.11(j)(4) or 11.11(k)(3) of this Ordinance, all fees charged to the Town by the Engineer shall be collected by the Town from the person or persons violating the Ordinance, unless a Court of record expressly dismisses an action to enforce the Ordinance or finds that the Engineer's actions lacked a reasonable basis under this Ordinance. If unpaid by the responsible party within 30 days of submission, the Town shall enter the cost as a special charge against the property pursuant to Wis. Stats. § 66.0627.

(i) **Time for Compliance**

Land disturbing activities commenced after the effective date of this Ordinance shall comply with all provisions of the Ordinance.

(j) **Administration**

(1) **Delegation of Authority.**

The Town Board shall designate the Town Engineer to administer and enforce the provisions of this Ordinance, under its direction. The Town Engineer may seek technical advice from the Columbia County Land Conservation District or the U.S. Department of Agriculture, Soil Conservation Service as to the adequacy of any proposed plan and permit application submitted to the Town.

(2) **Administrative Duties.**

In the administration and enforcement of this Ordinance, the Town Engineer shall perform the following duties:

- (A) Keep an accurate record of all plan data received, plans approved, permits issued, inspections made and other official actions and make a periodic permit activity report to the Lodi Plan Commission.
- (B) If the Town has a designated review agency, the Engineer shall forward permit applications and control plans for review to the review agency. The Town Engineer may issue permits required by Section 11.11(h) of this Ordinance under the procedure set forth herein only upon the recommendation of the review agency.

- (C) Investigate all complaints made to the application of this Ordinance.
- (D) Revoke any permit granted under this Ordinance if it is found that the holder of the permit has misrepresented any material fact in the permit application or plan; or has failed to comply with the plan as originally approved or as modified in writing subsequently by the Town Engineer; or has violated any of the other conditions of the permit as issued to the applicant.

(3) **Inspection Authority.**

The Town Engineer is authorized to enter upon any public or private lands affected by this Ordinance to inspect the land prior to permit issuance for the purpose of determining whether to approve the plan and after permit issuance to determine compliance with this Ordinance. If permission cannot be received from the land occupier or user, entry by the Town Engineer shall be by special inspection warrant pursuant to Wis. Stats. §§ 66.0119 and 66.0121.

(4) **Enforcement Authority.**

The Town Engineer is authorized to post a stop work order upon land which has had a permit revoked or to post a stop work order upon land which is currently undergoing any land disturbing activity in violation of this Ordinance. The Town Engineer shall supply a copy of each stop work order to the Town Attorney. In lieu of the stop work order, the Town Engineer may issue a written cease and desist order to any land occupier or land user whose activity is in violation of this Ordinance. These orders shall specify that the activity must be ceased or brought into compliance with the Ordinance within seven days. Any revocation, stop work order or cease and desist order shall remain in effect unless retracted by the Town Board, the Town Engineer or by a court of general jurisdiction; or until the land disturbing activity is brought into compliance with the Ordinance. The Town Engineer is authorized to refer any violation of this Ordinance or of a stop work or cease and desist order issued pursuant to this Ordinance to the Town Attorney for the commencement of further legal proceedings.

(k) **Violations**

(1) **Penalties.**

Any person, either owner or occupant of the premises, who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any of the provisions of this Ordinance shall be subject to a forfeiture in accordance with Section 1.21 of this Code.

- (2) **Enforcement by Injunction.**
Compliance with the provisions of this Ordinance may also be enforced by injunctive relief at the suit of the Town. It shall not be necessary to prosecute for forfeiture before resorting to injunction proceedings.
- (3) **Performance of Work by the Town Engineer.**
Where the Town Engineer determines that the holder of a permit issued pursuant to this Ordinance has failed to make any improvements or to follow practices as approved in the plan; or has failed to comply with the time schedule as included in the plan, the Town Engineer or a party designated by the Town Engineer may enter upon the land and perform the work or other operations necessary to bring the condition of said land into conformity with the requirements of the approved plan. The Town Engineer shall keep a detailed accounting of the costs and expenses of performing this work and these costs and expenses shall be entered on the tax roll as a special charge against the property pursuant to Wis. Stats. § 66.0627 and collected with any other taxes levied thereon for the year in which the work is completed.

(1) **Appeals**

- (1) **Authority.**
The Town Plan Commission shall:
 - (A) Hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the Town Engineer in administering this Ordinance.
 - (B) Authorize upon appeal in specific cases such variances from the terms of this Ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship, so that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done.
- (2) **Procedure.**
The rules, procedures, duties and powers of the Town Plan Commission shall apply to this Ordinance.
- (3) **Who May Appeal.**
Appeals may be taken by any person aggrieved or by an officer, department, board or bureau of the Town affected by the order, requirement, decision or determination made by the Town Engineer. For the purpose of this Ordinance, aggrieved person shall include applicant and property owners who own land which is subject to the Ordinance.

- (4) Pursuant to Wis. Stats. § 68.16, the Town Board elects that the procedures set forth in this section for administrative review of decisions under this Ordinance shall apply in lieu of the procedures of Wis. Stats. Chap. 68, except for Wis. Stats. §§ 68.14 and 68.15.

(m) Interpretation of Ordinance

(1) **Abrogation and More Restrictive Requirements.**

It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

(2) **Interpretation.**

In its interpretation and application, the provisions of this Ordinance shall be minimum requirements liberally construed in favor of the Town of Lodi and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

(3) **Severability.**

If any provision of this Ordinance is invalid or unconstitutional, or if the application of this Ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.

History Note: Adopted 5/30/89

SECTION 11.21 BUILDING CODES**(a) Building Permits****(1) Permits Required.**

No person shall build, excavate for, erect or construct any building or structure, nor enlarge, remodel, move, convert or demolish any building or structure, or cause the same to occur, without obtaining a building permit therefor from the Building Inspector. This Ordinance shall not be construed to require a building permit for minor repairs not exceeding \$500.00 (excluding electrical and plumbing) which do not change the size, occupancy, structural strength, fire protection, ventilation, exits or lights of the building or structure.

(2) Application and Permit.

(A) Any person desiring a building permit shall file with the Town Clerk-Treasurer an application therefor in writing on a blank form to be furnished for that purpose. Upon filing, the Town Clerk-Treasurer shall furnish the building permit application to the Building Inspector for processing.

(B) Every such application for a permit shall describe the land upon which the proposed building or work is to be done, either by lot or block or tract, tax certificate number and street number, if any, or similar general description that will readily identify and definitely locate the proposed building or work. Every such application shall show the use or occupancy of all parts of the building and such other reasonable information as may be required by the Building Inspector.

(C) If the application is for a new one-family or two-family dwelling, the Building Inspector shall utilize the statutory building permit application form.

(D) Copies of the plans and specifications and a plot plan showing the location of the proposed building and of every existing building thereon, shall accompany every application for a permit, and shall be filed in duplicate with the Building Inspector. Plans shall be drawn to scale upon substantial paper or cloth and the essential parts shall be drawn to a scale of not less than one-eighth inch to one foot. Plans and specifications shall be of sufficient clarity to indicate the nature and character of the work proposed and to show that the law will be complied with. Computations, strain sheets, stress diagrams and other data necessary to show the correctness of the plans, shall accompany the plans and specifications when required by the Building Inspector.

- (E) All plans shall bear the name of the architect, engineer or person responsible for their preparation.
- (F) The application, plans and specifications filed by an applicant for a permit shall be checked by the Building Inspector and if found to be in conformity with the requirements of this Ordinance and all other laws or Ordinances applicable thereto, the Building Inspector shall, upon receipt of the required fee, issue a permit therefor. When the Building Inspector issues the permit, he or she shall endorse in writing, or stamp both sets of plans and specifications "Approved." One such approved set of plans and specifications shall be retained by the Building Inspector as a public record, and one such approved set of plans and specifications shall be returned to the applicant, which set shall be kept on such building or work at all times during which the work authorized thereby is in progress and shall be open to inspection by public officials.

Such approved plans and specifications shall not be changed, modified or altered without authorization from the Building Inspector, and all work shall be done in accordance with the approved plans.

- (3) **Posting of Permit.**
With every permit issued, the Building Inspector shall issue to the applicant an appropriate card properly filled out evidencing issuance of the permit. It shall be the duty of such applicant to place such card in a conspicuous place on the premises where the building is to be erected, the card to be unobstructed from public view and available for the Building Inspector to mark.
- (4) **Limitation.**
A permit under which no work is commenced within six months after issuance shall expire. This does not preclude the renewal of a permit if the conditions under which the permit was originally issued have remained unchanged and there has been no change in the law that would adversely affect the permit.
- (5) **Revocation.**
The Building Inspector may revoke a permit or approval issued under the provisions of this Ordinance in case there have been any false statements or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.

(6) **Inspections.**

- (A) Inspections required under the provisions of this Ordinance shall be made by the Building Inspector.
- (B) The Building Inspector, upon notification from the permit holder or agent, shall cause to be made the following inspections of buildings and either approve that portion of the construction which has been completed or shall notify the permit holder or agent wherein the construction fails to comply with the law, regulations or orders, and it shall be the duty of the permit holder or his agent to notify the Building Inspector when ready for such inspections. The Building Inspector then shall make such inspections as soon as possible and within twenty-four (24) hours after notification, unless delayed by weather or other circumstances beyond the control of the Building Inspector. Inspections shall be made of all new buildings, additions and alterations and of buildings where application for new use is wanted. Normally, inspection will be made as follows:
- (C) **Footing Inspection.** Footing Inspection is to be made when the necessary forms have been erected and all reinforcing steel, when necessary, is in place and the materials for the footing have been delivered on the job.
- (D) **Foundation Inspection.** Foundation Inspection is to be made after the necessary forms are erected and all reinforcing steel is in place and when all materials for the foundations have been delivered on the job. Foundation Inspection is to be made after the foundation is in place and before the superstructure is placed thereon.
- (E) **Frame Inspection.** Frame Inspection is to be made after the roof, all framing, fire blocking, and bracing is in place and all pipes, chimneys and vents are complete. No lath or plasterbase of any kind or any insulation between the studs shall be applied to any building until the frame inspection, electrical inspection, plumbing inspection, heating and ventilating inspections have been made and the work approved. Where Wall Board is used in place of Sheeting, no siding shall be placed until the application of such substitution for wood sheeting is approved.
- (F) **Final Inspection.** Final Inspection is to be made after the building is completed and is ready for occupancy. The permit holder or agent shall make written application to the Building Inspector for Final Inspection.

- (G) The Building Inspector may require further inspections when, due to topography or the materials used in construction, special circumstances exist which make such further inspections necessary.
- (7) **Permit Fees.**
No permit shall be issued by the Building Inspector until fees as established under Section 2.71 have been paid.
- (8) **Demolition of 1 and 2 Family House and Related Structures.**
- (A) **Standards:**
- (i) Notify all utilities prior to any demolition.
 - (ii) Disconnect all utilities at the property line in accordance with Utility regulations. In no case shall live utilities be left in the lot. During demolition, sewer pipes shall be protected to prevent entrance of sand, earth or other foreign materials. Upon completion of demolition, the ends of all underground sewer or drainpipes shall be securely stopped with water-tight and durable material. The house sewer shall be abandoned inside the lot line by a licensed master plumber.
 - (iii) 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.
 - (iv) Foundations shall be removed to a minimum depth of 2 feet below ground surface.
 - (v) All building material shall be removed from the site and disposed of at the end of each day. All debris including tanks, asbestos and other associated materials shall be dealt with in accordance with local, state and federal regulations
 - (vi) All debris including tanks, asbestos and other associated materials shall be dealt with in accordance with local, state and federal regulations.
 - (vii) No debris shall be buried or burned on site.
 - (viii) Foundation holes shall be filled with soil to at least (1) foot above adjacent grade, graded to a smooth surface, seeded and mulched within 45 days unless a building permit has been issued for a new structure on the site.

- (ix) An erosion control plan shall be submitted indicating how sediment will be contained on site. This shall include provisions to prevent tracking of sediment on public roads.
 - (x) Wells shall be abandoned in accordance with Wis. Admin. Code Chap. NR 812.
 - (xi) Site shall be inspected by the Building Inspector and all utilities to make sure all codes are met.
 - (xii) 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 shall have special approval from the Building Inspector.
 - (xiii) The permittee shall take all necessary steps by use of water spraying or other appropriate means to eliminate the nuisance of excessive dust particles in the air.
- (B) Abandoned Premises And Protection Of Property; Fill Dirt, Basement Subflooring.
- (i) Abandoned Excavations. Any excavation which exists for thirty (30) days or more where construction has not been commenced therein shall be considered abandoned and shall be refilled and leveled to grade by the owner of such lot or parcel of land within ten (10) days after receiving a written notice from the Building Inspector of such requirement; upon the failure of such owner to comply with such requirements within the stated period, the work may be done by the Town or its agent and the expense thereof shall be assessed against such lot or parcel of land as a special tax pursuant to Wis. Stats. § 66.0627, to be collected in the same manner as are other real estate taxes.
 - (ii) Vacant Buildings. Whenever any building or structure is vacant and the doors and windows 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 menace to public safety. The Building Inspector 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 Town to condemn and raze said building or structure in accordance with the applicable provisions of Wis. Stats. § 66.0413(2)(c).

- (iii) Protection of Adjoining Property. When the owner of any lot or plot of land, in the Town, in making improvements, is about to excavate or cause an excavation to be made, which excavation in any way affects any building or structure on any adjoining lot, a notice shall be given to all owners of adjoining lots at least ten (10) days prior to commencing the excavation in order to give the adjoining owners a reasonable opportunity to protect their property at their own expense according to law. Such notice shall describe the extent and character of the excavation work about to be done.

- (9) Penalty.
Penalty for starting work prior to issuance of a fully approved building permit shall be double the normal fees for such work, in addition to any other penalties provided elsewhere.

- (10) Enforcement.

- (A) Whenever the Building Inspector determines that any construction of a building or structure is occurring without the prior issuance of a building permit or contrary to the terms of a building permit previously issued, the Building Inspector shall order the work stopped by written notice served on any person engaged in doing such work or causing such work to be done. Such person shall immediately stop such work until authorized by the Building Inspector to proceed with the work. The issuance or granting of a permit or approval of plans or specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this Ordinance. No permit presuming to give authority to violate, or to fail to comply with provisions of this Ordinance shall be valid except insofar as the work or use which it authorizes is lawful. If, subsequent to the issuance of a permit, errors shall be discovered in the application, plans, specifications or execution of the work, the Building Inspector may require the correction of said errors in said application, plans, specifications or construction and may rescind the building permit and prevent further building operations in violation of this ordinance or any other laws or Ordinances applicable thereto.

- (B) Any person violating any of the provisions of the Township of Lodi Building Permit Ordinance, the Building Permit Fee

Ordinance, the Building Inspector Ordinance or any of the State Building Codes adopted by referenced by the Township of Lodi shall, upon conviction thereof, forfeit not less than \$50.00 nor more than \$200.00 for each violation, and shall also pay all costs and expenses incurred in the case. Each day that such violation continues to exist shall constitute a separate and distinct offense. Collection of such forfeitures shall conform to Wis. Stats. Chap. 778.

- (C) The options set forth in (1) and (2) above are alternative procedures. The Town may elect to proceed on any particular violation under (1), (2) or both, or may assess the penalty set forth in (h) of this Ordinance, as the case may be.

History Note: Adopted 1/16/90; amended February 2/15/90; amended 10/30/90; amended through 1994 codification, amended 2/26/96; amended 9/28/99; amended 12/27/05; amended 7/29/08.

(b) **State Codes Adopted**

- (1) The Wisconsin Administrative Code Chaps. SPS 320 – 325 in effect as of September 29, 2015, and all subsequent amendments, additions and recodifications thereto are hereby adopted and incorporated herein by reference, and shall apply to new one- and two-family residential buildings and structures, as well as additions or alterations to all existing one-and two-family residential buildings and structures and to accessory buildings.
- (2) The Wisconsin Administrative Code Chap. SPS 316 in effect as of November 23, 2010, and all subsequent amendments, additions and recodifications thereto are hereby adopted and incorporated herein by reference, and shall apply to all installations within the scope of said Chapter.

History Note: Adopted July 28, 1992; amended by Ord. No. 2010-20, 11/30/20 and recodification 8/25/15.

(c) **Installation of Manufactured Homes**

- (1) **Applicability.**
Pursuant to the general police powers of the Town of Lodi, this section shall govern the installation of all manufactured homes as defined in Wis. Stats. § 101.91(2) and 42 U.S.C. § 5402(6). This section shall not be construed to impose any construction and/or safety standards that are covered under 42 U.S.C. § 5403 or any federal standards or regulations adopted to effectuate its provisions. This section shall not apply to any mobile home or mobile home park as those terms are defined in Sections 6.01(a)(1) or 6.01(a)(2) of this Code.

(2) **Installation.**

All manufactured homes shall be installed on foundations pursuant to the provisions of the Wis. Admin. Code Chap. SPS 326.12.

History Note: The above and foregoing Ordinance was duly adopted at a regular meeting of the Town Board of the Town of Lodi held on the 22nd day of May, 2001; amended by Ord. No. 2010-19, 11/30/10.

SECTION 11.31 FENCES AND HEDGES**(a) Authority.**

This Ordinance is adopted under the authority granted to the Town Board by the Town Meeting under Wis. Stats. § 60.10(2)(c), permitting the Town Board to exercise the powers of a Village Board.

(b) Findings and Declaration of Policy.

The Town Board finds that it is urbanizing at a fast rate in its residential areas. In order to regulate and restrict the use of fences and hedges in these areas, it has been found that written regulations must be created to insure the safety, general welfare, aesthetics and to maintain property values for the persons living in these densely developed residential districts.

(c) Fences Defined.

For the purpose of this Ordinance, a "fence" is defined as an enclosed barrier consisting of vegetation, wood, stone or metal intended to prevent ingress or egress. For the purpose of this Ordinance, 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.

(d) Fences Categorized.

Fences shall be categorized into five (5) classifications:

- (1) Lot Line Fence. A fence that is placed on or within the designated setback of the property line 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, enclosure or boundary.
- (5) Picket Fence. A fence having a pointed post, stake, pale or peg laced vertically with the point or sharp part pointing upward to form a part of the fence.

(e) Fences on Commercial Properties.

Special concerns exist for commercial properties, especially those which abut residentially zoned property. As new commercial structures are erected, the properties on which they exist shall become subject to the following regulations:

- (1) Landscaping Plan. Each owner shall submit a landscaping plan to the Plan Commission. Before any landscaping plan is implemented and before any

building upon or use of the land is made, said landscaping plan must be approved by the Plan Commission. The minimum landscaping plan which may be approved shall include grassy areas. However, when deemed advisable by the Commission, other plantings, such as trees, shrubs or bushes may be required. The Plan Commission shall review said plan with the consideration that the proposed landscaping should:

- (A) Assist in controlling noise;
 - (B) Provide adequate visibility for traffic;
 - (C) Provide proper shielding of parking lots or storage yards; and
 - (D) Be designed to make the area visually compatible with the surrounding neighborhoods and to aesthetically minimize any adverse impact of the industry upon the neighboring community.
- (2) **Front Setback.** The front setback area of the parcel shall not be used for the parking of any owner or employee automobiles, trucks, equipment, or for the storage of any material whatsoever. The front setback area shall be devoted to planting and other landscaping, with the exception of the driveways and sidewalks, and not more than three parking stalls to be reserved for customer parking.
- (3) **Rear Yard Setback.** A distance of 50 feet from residential property shall be maintained at all times.
- (4) **Outside Storage.** Outside storage is prohibited in the front and side yards of the previously-described land. Outside storage is permitted only in the back yard in an area directly behind any building on the parcel and in an area no wider than the building. All outside storage must be screened from view from any public street, or from abutting residential property. The type, density, height and width of screening to be used must first be approved by the Plan Commission.
- (f) **Height of Fences Regulated.**
- (1) Solid fences and walls more than six (6) feet in height shall be considered as buildings, and the appropriate requirements of this Ordinance shall be applied accordingly.
 - (2) In residential subdivision plats, fences, walls, and hedges shall not exceed 3-1/2 feet in height when located in a front yard or in the street side yard of a corner lot.

- (3) 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.
 - (4) Lot line fences cannot exceed six feet in height and cannot be forward of the front face of the house, except as provided below.
 - (5) Fences in front yards shall be decorative only; at least 50% of their fence area must be air space and must not be more than 3-1/2 feet in height.
 - (6) Lakeshore residential lots may have boundary fences, parallel to the side lot line. From the front setback line to the street and from the lakeshore facing house building line to the lake, fences may not exceed 3-1/2 feet in height and all other restriction heretofore stated.
 - (7) Fences must be kept in good repair. Decorative sides must face outward. Except in areas where Agricultural land and Residential districts abut, fences may not have barbed wire, razor wire, electric wire, hazardous wire edges or similar materials.
- (g) **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.
- (h) **Fences Enclosing Swimming Pools.**
- (1) **Swimming Pool Defined.** For purposes of this section, the term “swimming pool” shall mean any receptacle or artificial pool of water, regardless of temperature, which has at any point a depth of more than two feet, whether above or below the ground, and is used or intended to be used by the owner thereof or invitees for bathing, muscle relaxation or swimming, and includes all structures, appurtenances, equipment, appliances and other facilities appurtenant thereto and intended for the operation and maintenance of the pool. This definition shall include all receptacles commonly referred to as “hot tubs,” “whirlpools,” and “Jacuzzis” unless such pools are covered and locked at all times when not in use by an adult.
 - (2) **Fences Required.** Prior to the time when any water is placed in a swimming pool, the swimming pool shall be surrounded by a security fence that is a minimum of four feet in height. All gates shall be secured when the pool is unattended.
 - (3) **Exception.**
 - (a) A fence shall not be required where the swimming pool is an above ground pool with sides four feet in height or taller. Any pool

ladders shall be removable and be removed when the pool is not in use and steps to decks abutting these pools shall be secured with gates when unattended.

- (b) A fence shall not be required for spas or hot tubs that have hard covers that can be locked in place or swimming pools with power safety covers that meet the standards set forth in ASTM F 1346-91. All such covers shall be put in place and locked when not in use or directly monitored by an adult.

(i) **Fence Maintenance.**

All fences shall be maintained in a neat, sightly manner and in a state of good repair, and the finished side or decorative side of a fence shall face adjoining property. The Building Inspector may order the removal of any fence not so maintained or constructed per this Ordinance.

(j) **Temporary Fences.**

Fences erected for the protection of planting or to warn of 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 Ordinance. 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 forty-five (45) days. Temporary snow fences, installed solely for purposes to control wind movement of snow, shall not be required to comply with the provisions of this Ordinance, providing such snow fences are only in place during winter months when snowfall is likely.

(k) **Prohibited Fences.**

No fence shall be constructed which is in a dangerous condition, or which conducts electricity or is designed to electrically shock or which uses barbed wire, provided, however, that barbed wire may be used in industrially zoned areas 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 public area.

(l) **Obstructing View.**

No person shall, after the effective date of this Ordinance in any district, construct or maintain a wall, fence, shrubbery or trees on any lot which unreasonably obstructs or interferes with traffic visibility on any curve, hill or intersection. All state and federal highways are hereby designated Class A highways. All County Trunk Highways not designated Class A are hereby designated Class B. All other roads in the Town not designated Class A or B are hereby designated Class C. In each quadrant of every street intersection there shall be designated a visual clearance triangle bounded by the street centerlines and a line connecting them three hundred (300) feet from a Class A highway intersection, two hundred (200) feet from a Class B highway intersection and one hundred fifty (150) feet from a Class C highway intersection. If two (2) highways of different class intersect, the greater distance shall apply to both centerlines. Within this triangle, no object

over two and one-half (2-1/2) feet in height above these streets shall be allowed if it obstructs the view across the triangle. Posts of open fences are excluded from this provision. Tree trunks shall be exempt where they are unbranched to a height of ten (10) feet and located a minimum of thirty (30) feet apart. Agricultural crops and natural growth shall be exempt from this provision, but shall not extend into road rights-of-way.

(m) **Non-Conforming Fences and Hedges.**

Any fence or hedge existing on the effective date of this Ordinance and not in conformance with this Ordinance may be maintained, except where creating a safety hazard. Any alteration, modification or improvement of said fence or hedge shall comply with this Ordinance.

(n) **Severability.**

The various provisions of this Ordinance are deemed severable and it is expressly declared that the Town Board would have passed other provisions hereof irrespective of whether or not one or more provisions may be declared invalid. If any provision or the application thereof to any person or circumstances is held invalid, the remainder of the Ordinance and application of such provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect.

(o) **Enforcement.**

The Building Inspector or any other law enforcement officer designated by the Town Board shall enforce the Fence Ordinance. Any costs associated in enforcing a non-compliant fence or hedge into conformance will be borne by the property owner. Any costs that are not paid (costs associated with the removal or reconstruction to enforce compliance), they will be placed on the tax roll as a special charge pursuant to Wis. Stats. § 66.0627, including 1-1/2% interest per month against the amount that is outstanding.

History Note: Adopted through 1994 codification; amended 3/25/03; repealed and recreated by Ord. No. 2015-04, 05/26/15.

SECTION 11.41 **SITE PLAN REVIEW****(a) Purpose and Intent.**

This Section provides minimum regulations, provisions and requirements for safe, aesthetically pleasing design and quality standards for improvements to land other than single-family or two-family residential dwellings, agricultural structures, or accessory buildings. Its purpose is to protect and foster public health, safety and welfare. In addition, this Section is intended to encourage commercial, industrial, agriculture, and business development in the Town of Lodi that is consistent with the desire to preserve the rural character of the Town, while providing a diversified tax base to help make the Town more affordable. This Section is implemented under Town authority to promote and protect the public health, safety and welfare; to protect property values and the property tax base; to protect the beauty and amenities of landscapes and developments; to assist in the full implementation of the Town's Comprehensive Plan; and fulfill its vision to preserve productive farmland, precious wetlands, shoreland areas, sheltering woodlands, wildlife habitats, open spaces and scenic views.

(b) Scope of Site Plan Review Authority.

The following developments shall be subject to site plan review:

- (1) Any commercial development, including but not limited to offices, retail, and commercial service.
- (2) Any industrial development, including but not limited to manufacturing, trucking, and warehousing.
- (3) Any multiple family residential developments, including any building with three or more dwelling units.
- (4) Any development of public utility, institutional, or governmental facilities, as may be limited by Wisconsin Statutes.
- (5) Any designated parking area including five or more parking spaces associated with the above developments, or as required by Columbia County.
- (6) Any upgrade or addition or change to the exterior of any of the above developments that results in an increase in the building floor area that is 25 percent or greater than the current floor area.

(c) Site Plan Review Procedure.

- (1) **Application.** Applications for building permits for any construction, expansion or conversion of structures other than single family or two-family residences, agricultural structures or agricultural accessory buildings shall require site plan approval from the Town Board, upon

recommendation of the Plan Commission, in accordance with the requirements of this Section. The applicant shall submit 13 sets of site plans, including specifications of proposed structures, machinery and uses to enable the Town Board, Plan Commission or their expert consultants to determine whether the proposed application meets all requirements applicable to this Section. Applicants may meet with Town staff to review site plan issues prior to the submission of site plans.

(2) **Site Plan Application Submittal Requirements.**

- (A) Site plans shall be prepared in recognized architectural scale. Scale of plan, site size, building area and lot coverage, and north arrow shall be shown. Site plans shall include the area surrounding the proposed development at the same level of detail as the site plan. The site plan shall show the relationship of the proposed development of the site to the surrounding streets, buildings, lots, parking, landscape, topography and any other important features.
- (B) Document title, date prepared, applicable Owner's and Developer's names and addresses noted. Where applicable, names and addresses of all professionals involved in any preparation of the design plans shall be provided.
- (C) Existing and proposed topography shown at a contour interval of not less than two feet indicating proposed grade on a preliminary grading plan and the location of proposed improvements.
- (D) Building and yard setback lines indicated.
- (E) Locate all outdoor lighting proposed to illuminate the site. Provide lighting type and product information.
- (F) Indicate and locate all electrical and other easements on the subject property.
- (G) Locate existing and general location of proposed municipal services and proposed connection locations, if applicable.
- (H) Locate any proposed Storm water management facilities, including retention/ detention areas.
- (I) Identify existing and proposed road names.
- (J) Locate existing and proposed public and private road rights-of-way.
- (K) Show all drives, curb cuts, and ingress/egress locations.

- (L) Identify and show the locations of all driveways on adjoining property within 200 feet of the subject project.
 - (M) Identify parking area and show number of spaces.
 - (N) Show location and type of proposed and existing landscaping plantings and buffer areas for adjoining properties.
 - (O) Show pedestrian sidewalks and walkway locations.
 - (P) Sketch outline of any development phasing plan.
 - (Q) Provide a written project summary including operational information, construction schedule and estimate of project value (including all site improvement costs).
 - (R) Provide building elevations, drawn to scale, showing building materials to be used.
 - (S) List external building materials and note building front design standards identified in this ordinance.
 - (T) Where applicable, 100-year recurrence interval floodplain and floodway shall be indicated.
 - (U) Where applicable, wetlands as delineated in the WDNR Wetland Inventory and a 75 foot setback line from such wetlands shall be shown.
 - (V) When proposed buildings are located within 100 feet of an existing building, the elevation of the existing building shall be included in the site plan at the same scale and level of detail.
 - (W) Where applicable, show Columbia County Shoreland and Wetland Zoning setbacks and restrictions.
- (3) **Administration.**
- (A) Upon requesting a building permit, the Applicant shall be advised by the Town Clerk-Treasurer if a site plan review is required. If required, a copy of this ordinance and a site plan review application shall be provided to the Applicant.
 - (B) The Plan Commission, or its designee, shall make a preliminary review of the application and site plan. This review shall determine if the application is complete. If complete, a report of findings, along with the application and site plan shall be submitted to the Plan Commission, a minimum of one month prior

to the Plan Commission meeting. If incomplete, the Applicant shall be notified and advised of items missing or incomplete. Appearance before the Plan Commission shall not be scheduled unless it has been determined that the application meets all submittal requirements. Within 60 days of receipt of the complete application, the Town Board, acting upon recommendation of the Plan Commission, shall authorize the Building Inspector, or designee, to issue or reject a building permit.

- (C) As a part of the building permit issuance process, the site plan application shall be reviewed by the Plan Commission, which may consult with any professional consultants retained by the Town for such purpose, at Applicant's expense.
 - (D) Upon approval of the application, compliance with all applicable conditions and other Town Ordinances, and execution of a development agreement if required, the Building Inspector, or designee, may issue or reject a building permit.
 - (E) The applicant shall comply with all applicable Town, Sanitary District and Utility District services agreements and escrow account requirements as a condition of review under this Ordinance.
- (4) **Site Plan Review Standards.** In acting on any site plan, the Plan Commission and Town Board shall consider the following:
- (A) The layout of the site with regard to ingress and egress to public streets, the arrangement and improvement of interior traffic patterns, roadways/driveways; the location of areas for parking and for loading and unloading. The traffic pattern shall be designed to minimize traffic hazards.
 - (B) The layout of the site with regard to bicycle and pedestrian accommodation. This shall include the following characteristics:
 - (i) Mixed use buildings shall emphasize pedestrian orientation by utilizing walkways and similar elements.
 - (ii) Pedestrian connections should be provided between buildings and adjoining sites.
 - (iii) Pedestrian connections should be provided between parking areas and buildings.
 - (iv) Mixed use buildings shall incorporate bicycle racks on an improved surface near a primary entrance and be properly lit.

- (C) The adequacy of the proposed water supply, drainage, sanitary and waste disposal services.
 - (D) The landscaping and appearance of the completed site. This shall include requirements for building design and any trees, shrubs, plants or grass lawns, and screening, so as to not impair the value of adjacent properties nor impair the intent of this Section.
 - (E) The adequacy of erosion control and Storm water management approaches.
 - (F) The relationship to the Town Comprehensive Plan, any applicable adopted Town design guidelines Official Map, and other Town ordinances.
 - (G) Any Columbia County ordinances that may apply, including but not limited to zoning, subdivision, and shoreland/wetland regulations.
- (5) **Effects of Public Service.** Prior to approval of the application, the Plan Commission and Town Board may obtain advice from the Building Inspector, professional consultants, or others, including whether development of the property in the manner set forth in the site plan will place additional impacts upon existing municipal services and utilities. Should additional facilities be needed, the Town Board shall not issue the final approval until the Town has entered into an agreement with the applicant regarding the development of such facilities at the Applicant's expense.
- (d) **Site Plan Design Standards.**
- (1) **Grading.** Grading shall:
 - (A) insure a positive drainage consistent with established water runoff patterns in the area;
 - (B) allow for installation and maintenance of appropriate landscape materials;
 - (C) allow for natural topography to be maintained in the development of the site;
 - (D) provide screening of unpleasant views;
 - (E) comply with grading standards identified in Chapters 10 and 11 of this Code of Ordinances, and with other Storm water management and erosion control regulations promulgated by the Town, Columbia County, and the Wisconsin Department of Natural

Resources.

- (2) **Landscaping Standards and Objectives.** Landscape standards recognize the functional importance of, and the public benefits associated with a well-designed landscaped area which enhances landscape features in the visual environment, promotes public safety, moderates the microclimate and reduces nuisances, such as noise and glare. All landscaping shall be in harmony with the community character as described in the Comprehensive Plan, the design of the site and buildings, and the character and uses of adjacent properties. The standards set forth below fulfill those objectives.

(A) Landscaping Standards.

- (i) **Planting Plan.** Applicants shall have professionally designed a Landscape Planting Plan that most effectively achieves the desired aesthetic results. The Landscape Planting Plan shall show any parking lot tree islands or perimeter plantings, all materials to be planted and list the plant type and size at time of planting and maturity. Plan and landscape material shall be selected and sited to reflect both ornamental and functional characteristics.
- (ii) **Approved Materials.** The Applicant may use decorative fences, earth berms, ground covers, and existing vegetation and shrubs of a mature height of not less than 2 feet, except for unsuitable species described below. These features shall contribute to the overall landscaping objectives. The scale and nature of landscape materials shall be appropriate to the site and structure and shall be regularly maintained.
- (iii) **Irrigation.** Irrigation systems shall be designed as not to overspray public walks, paved areas and buildings.
- (iv) **Existing Trees.** The preservation of desirable existing trees is strongly encouraged, and techniques to preserve them during construction shall be indicated on the Landscape Planting Plan.
- (v) **Unsuitable Species.** Several shrubs and trees, which are not native to Wisconsin, have an established a history of spreading to nearby parks and conservancy areas. These non-native plants tend to become overly abundant and ultimately eliminate many desirable native species. The control and eradication of these unsuitable plants creates a costly management problem. The following species of plant material are unsuitable for use as landscape plants:

- Honeysuckle (*Lonicera x-bella*, *Lonicera morrowi*, *Lonicera tartarica*)
- Buckthorn (common), *Rhamnus cathartica*
- Tall hedge Buckthorn, *Rhamnus frangula*
- Norway Maple, *Acer platanoides*
- Box elder, *Acer negundo*
- Cottonwood, *Populus deltoids*
- White poplar, *Populus alba*
- Purple loosestrife, *Lythrum salicaria*

(B) Tree Islands and Planted Areas. All landscaped islands within parking lots and landscaped areas with trees shall be a minimum of 4 feet in width as measured from the inside of any curb or frame.

(3) **Screening Standards.**

(A) Parking Areas. Parking areas shall be planned and landscaped to provide a screened buffer for the purpose of obstructing light beams and reducing noise nuisances, providing adequately screened spaces for the designated parking use, and blending with the overall desired community appearance.

(i) Landscape buffering shall be provided around:

- a. Perimeters adjacent to public rights-of-way;
- b. Interior areas and immediate perimeters to the parking area; and
- c. Perimeters of lots adjacent to other property.

(B) Off-Street Parking and Loading Areas.

(i) All loading areas, and open off-street parking areas for five or more vehicles, will require the planting of trees. The standards are designed to enhance the visual environment, promote public safety, and reduce nuisances such as noise and glare.

(ii) All off-street vehicular parking areas with five or more vehicles shall be accompanied by the planting of canopy trees at a rate of 1 canopy-type tree for each 10 parking spaces. Canopy trees shall be located in protected tree islands within the parking lot or within 15 feet of the periphery of the parking area surface.

(C) Adjacent Residence Screening. A screened parking barrier for the purpose of obstructing light beams and reducing noise nuisances

shall be provided for sites having off-street parking areas for five or more vehicles within 25 feet of an adjoining lot line facing any lands zoned or used for residential purposes. The parking barrier shall have a minimum height of four feet above the surface of the parking area. Barrier may consist of wood or masonry fencing, walls, a berm, or the use of dense, all-season plant material. Plant materials used for screening shall be of suitable size and density to accomplish the screening objective within three years from the time of planting.

- (D) Industrial and Commercial Parking Lot and Loading Area Buffering. A landscaped parking lot and loading area buffer has the purpose of achieving desired aesthetic and environmental results from both within the interior and along the perimeter of parking areas. This is accomplished by planting perimeter landscaping, and/or tree islands in required parking areas. The following standards apply:
- (i) Buffer the parking area effectively from views from public rights-of-way and public recreation sites.
 - (ii) Comply with landscape requirements in this Section, and reference any design guidelines adopted for the particular part of the Town.
 - (iii) Designs should strive for some level of diversity in utilizing landscape elements. This may include some combination of trees and shrubs, fence and landscape berms.
 - (iv) Plans for parking areas shall indicate snow storage areas.
- (E) Mechanical Equipment, Loading Docks, Storage, Service and Trash Areas. Mechanical equipment, loading docks, outdoor storage areas, service areas, and trash areas shall be screened for the purpose of providing a desirable aesthetic view and reducing loading area noise. Evergreen trees and shrubs, walls with materials related to and compatible with the building, or some combination, shall be used for screening. Outdoor trash bins shall be located within a trash enclosure that is integrated into the overall site and building design.
- (4) **Building Design.** Any new construction or exterior improvement to real property that is within the scope of this Section, and for which application for a building permit is required, shall comply with the following criteria:
- (A) Buildings shall be designed to complement the immediate neighborhood and rural character of the Town.

- (B) Building design shall be of high quality, and shall address requirements stipulated by other Town ordinances and recommendations of adopted design guidelines.
 - (C) Materials shall be of high quality, with low-maintenance materials preferred. For example, this could include brick, native stone, bevel siding or other similar high quality materials.
 - (D) Colors shall be harmonious with other buildings in the neighborhood and/or with the rural setting.
 - (E) Buildings shall have an attractive and obvious front or entrance facade. All facades facing public streets shall be of similar quality.
 - (F) Building facades visible from public streets shall be designed to have no more than 50 feet in length that is unbroken by changes in colors, materials, wall heights, architectural details, and/or window placements. Blank facades shall be prohibited.
 - (G) Building elevations shall be designed to blend with the surrounding natural and built environment.
 - (H) Additions shall relate to the existing building in terms of scale, materials, and color, in order to be visually pleasing and to blend with the natural environment, unless the Town Board determines that certain upgrades are warranted to meet the objectives of the Comprehensive Plan or design guidelines for the area.
 - (I) The architectural design of any outbuilding or accessory structure shall be compatible with the primary building.
 - (J) No building shall have a footprint greater than 5,000 square feet. Footprints up to 7,000 square feet may be approved where landscaping, unique architectural features or other site factors are found to mitigate the visual impact of the building or the character of the surrounding area.
 - (K) No building shall be higher than thirty-five (35) feet as measured by a vertical line drawn from the building's lowest exposed ground level elevation to a point equal in elevation to the building's highest elevation.
- (5) **Building Relationships.**
- (A) New developments shall consider activities on adjacent properties with relationship to access from abutting roads, parking areas, service areas, building setbacks, height of structures, and color and materials of adjacent or nearby buildings.

- (B) In the development of the site, areas with high visibility to residential units shall be landscaped in a manner complementary to the building forms.
 - (C) The relationship of any building to the public street should be completed in a manner that presents a properly located structure. The following standards shall apply to corner lots:
 - (i) Corner lot setbacks can be measured from either street.
 - (ii) Driveway entrances shall be located a maximum distance from the intersection.
 - (iii) For mixed use developments that face a street or driveway intersection, the building should be developed to include a modest articulation of the building mass at the corner, or utilize special architectural features.
 - (D) Building should be oriented with an acceptable face to the street. For water front property, there should be an acceptable face from both the street and the lake.
 - (E) Energy conservation shall be considered in the orientation of buildings with respect to the sun where possible.
 - (F) Buildings shall be oriented to minimize their impact on the adjacent properties.
 - (G) Adjoining properties are encouraged to develop shared facilities such as driveways, parking areas, and pedestrian amenities.
- (6) Maximum Impervious Surface Area Coverage
- (A) Impervious surface area shall be limited to 50% of the total lot area.
 - (B) Impervious surface shall include the building foot prints, driveway, and any of the hard surface area on the site.
 - (C) Use of permeable surfaces are encouraged (pavers, porous asphalt, etc.) and if used, will not be included in the impervious surface calculations.
 - (D) Outbuildings factor into the determination of impervious surface area calculations.

(7) **Lighting.**

- (A) Exterior illumination shall be provided, as appropriate, to illuminate building facades, illuminate building identification signage if desired, ensure safety of the property, illuminate parking and service areas, and minimize light spill over onto adjacent properties, the public right-of-way, navigable waters, and the night sky.
- (B) Deflective lighting styles (90 degree downcast, cutoff fixtures) shall be utilized to avoid light shining onto neighboring property, public rights of way, navigable waters, and the night sky.
- (C) Illumination should achieve a lighting level of 1 foot candle at entries and parking areas unless located adjacent to a property line. Exterior lights shall not have more than 0.5 footcandle intensity at the property lines.
- (D) Illumination shall be the minimum necessary to meet security and safety considerations of the property or to illuminate signage, parking or service areas during the hours of usage but not create a nuisance for adjoining property owners.
- (E) Mercury vapor lamps and metal halide lamps using mercury shall not be used unless a variance is requested due to requirements for accurate color rendition. Fully shielded fixtures shall be used.
- (F) The height of the luminaries shall be in scale with the building and site design and in no case shall exceed the height of 18 feet.
- (G) No outdoor signage shall be permitted that blinks, revolves, flashes, or changes intensity.

(8) **Utilities and Storm Water.**

- (A) It shall be the goal of the Town to eliminate overhead wiring within the Town. New development and major additions shall make provision for underground service.
- (B) All development shall connect to the public sanitary sewer and water system, if present.
- (C) In all developments, utility cabinets and meters shall be screened using appropriate materials that do not detract from the aesthetic appearance of nearby structures.
- (D) Storm water runoff to lakes and streams shall not be directly discharged but must be detained by means of rain gardens,

infiltration areas, and bioswales or detention basins.

- (E) Storm water appurtances shall be integrated into the site landscape.
 - (F) Ground mounted television and satellite receivers shall be screened.
- (9) **Driveways.**
- (A) All driveways shall conform to the Town driveway standards.
 - (B) Driveways shall be combined between adjoining parcels whenever possible.
 - (C) Driveways that are constructed of permeable hard surface including pavers, porous pavement and other permeable materials, shall be exempt from the impervious surface area computations.
 - (D) Clear vision triangles shall be maintained for safe ingress and egress.
- (10) **Signage.**
- (A) Signs shall conform to Columbia County standards where not specifically overwritten by this section.
 - (B) The primary purpose of a sign shall be to identify a business located at a specific site. The sign's message should be limited to the business name or the logo of the business occupying the site.
 - (C) Sign design should conform to the architectural character of the building.
 - (D) Signs shall not be permitted on top of any roof and should not project above the eave line of the building.
 - (E) Any signs on awnings shall be directly applied to the awning.
 - (F) Multiple tenant buildings and complexes shall develop a Master Sign Program for the entire development.
 - (G) No outdoor signage shall be permitted that blinks, revolves, flashes, or changes intensity.
- (11) **Parking.**
- (A) All parking shall be provided off-street.
 - (B) Building parking design shall maximize opportunities for

pedestrian and vehicular circulation between adjacent sites such as joint access easements and common driveways.

- (C) Parking shall be integrated within the project and visually de-emphasized.
- (D) Surface parking areas facing a public street shall be buffered by landscaping.
- (E) Parking design shall maximize the opportunity for shared parking, access entries, and driveways in order to minimize the number of curb cuts.

(e) **Administration and Enforcement.**

- (1) **VariANCES.** Variances may be recommended by the Plan Commission and approved by the Town Board where literal compliance with the specifications and standards would be ineffective or unnecessary. Topographic constraints, existing vegetation, existing buildings, traffic safety, or compliance with fire or other public safety requirements or other similar issues may also necessitate variances. The Applicant shall address the following criteria when requesting a variance:

- (A) The specific conditions that are unique to the Applicant's site that do not exist on other land.
- (B) The manner in which the strict application of the standards of this Ordinance would deprive the Applicant of a reasonable use of the land in the manner equivalent to the use permitted other landowners.
- (C) Reasons that a variance to the standard would preserve not harm the public safety and welfare and not alter the essential aesthetics of the area.

(2) **Fees.**

- (A) **Amount.** The fee for review of the design review application shall be \$125.00. The fee shall be paid at the time of submission of the application.
- (B) **Reimbursements.** The applicant shall reimburse the Town for its actual cost for consulting fees and disbursements associated with the review of the proposed project, including but not limited to review by the consulting engineer, planning consultant and legal counsel. If the applicant is not the owner of the subject property, a deposit of \$800 shall be made with the Town Treasurer to be held in escrow to be drawn upon as the Town incurs the expenses. If

necessary, the escrow shall be replenished if the review expenses exceed or are likely to exceed the remaining amount. Unpaid consultant expenses incurred in reviewing owner applications shall be collected as a special charge pursuant to Wis. Stats. §66.0627.

(3) **Penalties.** Any person violating any provision of this Section shall, upon conviction, pay penalties in accordance with Section 1.21 of the Lodi Municipal Code. Each day a violation continues shall be deemed a separate violation. Nothing herein shall preclude the Town from maintaining a separate action to prevent, abate, or remove violations.

(4) **Development Agreement.** To assure that the approved plans, terms, and conditions of site plan approval will be met, the Town Board may require the Applicant and/or property owner to enter into a development agreement with the Town that specifies responsibilities. Such agreement shall be signed and executed prior to the issuance of a building permit.

(5) **Severability.** The provisions of this Section shall be deemed severable, and it is expressly declared that the Town Board would have passed the other provisions of this Section irrespective of whether or not one or more provisions may be declared invalid. If any provision of this Section or the application thereof to any person or circumstances is held invalid, the remainder of the Section and the application of such provisions to other persons or circumstances shall not be affected thereby.”

History Note: Adopted effective September 28, 1999; amended by Ord. No. 2009-22 on 09/29/09 and reformatted by 2015 recodification.

SECTION 11.51 **OFFICIAL MAP****(a)** **Intent**

It is the intent of the Town Board to establish an Official Map for the purpose of serving and promoting the public health, safety, convenience, economy, orderliness, and general welfare of the community; to further the orderly layout and use of land; to stabilize the location of real property boundary lines; to ensure proper legal descriptions and proper monumenting of land; to facilitate adequate provision for transportation, parks, playgrounds, and storm water drainage; and to facilitate the further subdivision of large tracts into smaller parcels of land.

(b) **Authority**

This Ordinance is enacted under the authority granted by Wis. Stats. § 62.23(6).

(c) **Official Map**

There is hereby established, as the Official Map of the Town of Lodi, the Map which accompanies and is made a part of this Ordinance bearing the date of May 30, 2005. This map is hereby designated as the "Official Map of the Town of Lodi" and all notations, references, and other information shown thereon shall be as much a part of this Ordinance as though the matters and information thereon were fully described herein. The Official Map shall show the location and extent of all platted and existing streets, highways, drainageways, parkways, parks and playgrounds, airports and airport affected areas, and historic districts within the corporate limits of the Town of Lodi as theretofore laid out, adopted and established by law, except the drainageways outside the Town limits shall not be included on the Official Map.

(d) **Change and Additions**

- (1) The Town Board may change or add to the Official Map so as to establish the exterior lines of, widen, narrow, extend, or close any platted, existing, proposed, or planned streets, highways, drainageways, parkways, and parks or playgrounds, except that drainageways outside the Town limits shall not be included on the Official Map.
- (2) The Town Board shall refer any change or addition to the Official Map to the Town Plan Commission for review and report thereon prior to adoption. The Town Plan Commission shall report its recommendation to the Town Board within 60 days.
- (3) A public hearing of parties in interest and citizens before the Town Board shall be required before any changes or additions to the Official Map are effective. Notice of the public hearing shall be published as a Class 2 notice pursuant to Chapter 985 of the Wisconsin Statutes.
- (4) Changes and additions made by duly approved subdivision plats shall not require a public hearing if the change or additions do not affect any land outside the area being platted.

(e) **Building Permits**

- (1) For the purpose of preserving the integrity of the Official Map, no building permit shall hereafter be issued for any building in the bed of any existing or proposed street, highway, drainageway, or parkway shown on the Official Map. No permit for the erection of any building shall be issued unless a street or highway giving access to such proposed structure has been duly placed on the Map.
- (2) The Town Building Inspector may require each applicant for a building permit to submit a plan, prepared and certified by a registered land surveyor, showing accurately the location of any proposed building with reference to any street, drainageway, or parkway shown on the Official Map.

(f) **Municipal Improvements**

No public sewer or other municipal street utility or improvement shall be constructed in any street, highway, or parkway within the jurisdictional area of this Ordinance until such street, highway, or parkway is duly placed on the Official Map.

(g) **Appeals**

The Plan Commission shall have the power to review any administrative decision of the Town Building Inspector to deny a permit for the erection of a structure under this Ordinance and to grant relief from the requirements of this Ordinance under the provisions of Wis. Stats. §§ 62.23(6)(e),(f), and (g).

(h) **Certified Copy of Map**

There shall be a certified copy of the Official Map described in Section 5.00. The certified copy shall be kept in the office of the Town Clerk-Treasurer, and shall be available for inspection by any interested person during regular office hours. The certified copy shall bear on its face a certification that it is a true copy of the Official Map described in and accompanying this Ordinance and shall show the date of adoption of this Ordinance and shall be signed by the Town Chair and countersigned by the Town Clerk-Treasurer. Thereafter no change or addition to such Official Map shall become effective until it shall have been indicated by the appropriate convention on the aforesaid certified copy of the Official Map and a certificate placed thereon or attached thereto bearing the number and date of adoption of the amending ordinance. The certificate shall be signed by the Town Chair and countersigned by the Town Clerk-Treasurer.

(i) **Map to Be Filed with Register of Deeds**

Upon adoption of the Official Map or any amendment thereto, the Town Clerk-Treasurer shall immediately record a true copy of the Official Map, as adopted or amended, with the Register of Deeds of the County of Columbia, Wisconsin.

(j) Enforcement

The Town Building Inspector shall enforce the provisions of this Ordinance.

(k) Penalties

- (1) Any person, firm, or corporation who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, be subject to a forfeiture as set forth in Section 1.21 of this Code.
- (2) No damages shall be allowed for the taking by any governmental agency, for street, highway, drainageway, or parkway purposes, any building erected in violation of this Ordinance.

(l) Severability

If any section or part of this Ordinance is adjudged unconstitutional or invalid by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. All other ordinances or parts of ordinances of the Town inconsistent with this Ordinance to the extent of the inconsistency only are hereby repealed.

History Note: Subchapter 5, Official Map, created by Ordinance adopted 5/31/05; amended through codification; entire Chapter reformatted during 2015 recodification.

4832-9555-4854, v. 1