

**TOWN OF BUFFALO
Marquette County
State of Wisconsin**

ORDINANCE

CHAPTER 12

BUILDING PERMITS

AUGUST 2005

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SECTION 1 – TITLE/PURPOSE

1.A. This ordinance is entitled the Town of Buffalo Building Permit Ordinance.

1.B. This ordinance will also set forth an orderly procedure for obtaining a building permit and will establish permit fees and penalties for failure to obtain a required permit. The purpose of the ordinance is to protect the health, safety and welfare of township residents by assuring that any construction in the Town of Buffalo will comply with:

- 1) County sanitary permit requirements.
- 2) County and state floodplain, wetland and shore land zoning requirements.
- 3) Any state-mandated or county building ordinances that exist at the time of construction.
- 4) State building plan approval procedures for commercial building or residential building with three or more living units.
- 5) Town efforts to locate and record buildings for purposes of providing emergency services and for assessment purposes.

1.C. **Abrogation and Greater Restrictions.** It is not intended by this Ordinance to interfere with, abrogate or annul any existing easements, covenants or other agreements between parties. Whenever the Marquette County Shoreland/Flood Plain, Subdivision or Airport Zoning Ordinances conflict with applicable underlying provisions of this Ordinance or of the Town of Buffalo Subdivision/Land Division Ordinance (Chapter 11), the more restrictive combinations of such ordinances shall govern.

1.D **Interpretation.** The provisions of this Ordinance shall be held to be minimum requirements adopted to promote the health, safety, morals, beauty, aesthetics and general welfare of the Town of Buffalo, Marquette County, Wisconsin, and shall be liberally construed in favor of the Ordinance.

SECTION 2 – AUTHORITY

The town board of the Town of Buffalo has been granted village powers pursuant to Sec 60.10 Wisconsin Statutes and has the specific authority, powers and duties to regulate, prohibit, and restrict construction, alteration, erection, and enlargement of certain structures and buildings in the Town of Buffalo and to act for the health, safety, and welfare of the public.

SECTION 3 – ADOPTION OF ORDINANCE

The town board of the Town of Buffalo, by this ordinance, adopted with a quorum and by a roll call vote by a majority of the town board present and voting, provides the authority for the town to regulate, prohibit, and restrict construction, alteration, erection, and enlargement of certain structures and buildings in the Town of Buffalo

SECTION 4 – DEFINITIONS

As used in this ordinance, the following terms shall have the meanings indicated:

Town means the Town of Buffalo, Marquette, County, Wisconsin.

Town board means the board of supervisors for the Town of Buffalo, Marquette County, Wisconsin and includes designees of the board authorized to act for the board.

Town clerk means the clerk of the Town of Buffalo, Marquette County, Wisconsin.

Tower shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or mono pole towers. The term includes personal communication service towers, radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures, and the like.

Wis. stats. means the Wisconsin Statutes, including successor provisions to cited statutes.

SECTION 5 – COVERAGE

Jurisdiction. The provisions of this Ordinance shall apply to all structures, land, water and air within the Town of Buffalo, Marquette County, Wisconsin.

Compliance. Unless otherwise provided by this Ordinance or applicable State or Federal Law, after the effective date of this Ordinance no structure, land or water shall be developed, and no structure or part thereof shall be located, erected, moved, reconstructed, enlarged, extended, converted or structurally altered without a Building Permit and without full compliance with this Ordinance and all other applicable Town, County and State regulations; provided, however, that this Ordinance shall not govern normal farming operations on farmland, or normal filling, grading or landscaping of land which is incidental to land use and development otherwise permitted under this ordinance.

This requirement applies to all types of buildings, including but not limited to buildings constructed on site, buildings constructed or manufactured elsewhere and moved to the site, mobile homes, modular and manufactured buildings.

All buildings or structures, including signs and Wireless Communications Facilities, regardless of their intended use or size, must meet the minimum requirements listed before a Building Permit will be issued.

A Building Permit is not required for a temporary shelter used for camping or recreation. Examples of temporary shelters are recreation vehicles, tents, and camping trailers.

A shelter is NOT considered temporary if it is left on the property for more than 30 consecutive days or for more than a total of 150 days in a year. Any attempt to circumvent the purpose and spirit of the “temporary shelter” exception will be resolved by requiring an Application for Building Permit for a single-family dwelling.

A Building Permit will be good for one year from the date of issue. If the building is not completed during that time period, a new application and new permit will be required. For purposes of this provision a building is considered complete when the exterior work is complete.

SECTION 6 – MINIMUM REQUIREMENTS FOR ISSUANCE OF BUILDING PERMIT

NO Building Permit will be issued until the following requirements have been satisfied:

1. Applicant must submit a properly completed application form accompanied by the designated fee. Applications for a Building Permit shall be made in writing to the Town Clerk on forms which the Town shall provide and which shall include the following:
 - A. Names and addresses of the applicant, owner of the site, and architect, professional engineer and contractor, if any;
 - B. Description of the subject site by its tax parcel number and fire number, and by its legal description according to the Marquette County, Wisconsin Registry or other land survey;
 - C. Type of structure or work proposed to be done and statement of cost of work proposed to be done or, where not known, good-faith estimate of such cost;
 - D. Applicant must provide written verification from the Marquette County Zoning Department that the proposed building is in compliance with county floodplain, shore land and wetland ordinances and other state mandated or county ordinances that might be relevant to the building site;
 - E. If the proposed building is a commercial building or a residential building with three or more living units, the town will be guided by the State of Wisconsin’s building plan approval procedures.

By signing the application, the applicant agrees that all construction materials will be staged and stored in an orderly manner that will prevent them from wind blown debris and will not create an environmental hazard or aesthetic nuisance. Building permits are not transferable from one person to another.

SECTION 7 – APPLICATION/PERMIT

7.A. An Application for a Building Permit shall be made in writing upon a form furnished by the Town Clerk and shall include the following:

1. Name, address and phone number of the owner of the land.
2. Name, address and phone number of the owner of the building, if different
3. Name, address and phone number of the designer/architect/engineer, if any.
4. Tax parcel number of the land.
5. Type of structure.
6. Existing or intended use of the structure.
7. Number of families to be accommodated, if applicable.

7.B. Applications for a building permit shall be accompanied by:

1. A location sketch drawn to scale, showing the location, actual shape and dimensions of the lot to be built upon,
2. The exact size and location of the structure on the lot,
3. The distances between the nearest point on the structure and the center line of the highway,
4. Such other information with regard to the proposed building and neighboring lots or buildings as may be called for on the application or may be necessary to provide for the enforcement of this Ordinance.

SECTION 8 – FIRE NUMBERS

New homes, buildings or premises that require the establishment of a fire number shall be charged an additional fee to cover the cost and installation of the fire sign. Such fee shall be established by the Town Board and reviewed from time to time.

SECTION 9 – FEES

Fees for building permits shall be established by the Town Board and reviewed from time to time. All fees shall be paid to the Town Clerk before any permit shall be issued.

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| Commercial Buildings | \$250.00 |
| - Commercial Building Additions | 50.00 |
| New Single Family House | 100.00 |
| - Additions to existing Single Family House | 30.00 |
| Multiple Family Housing | \$ 250.00 or # of units x \$100.00 whichever is greater |
| Enclosed Porch (Covered & Screened) | 25.00 |
| Deck (Any Size) | 25.00 |
| Swimming Pool (In Ground) | 50.00 |
| Swimming Pool (Above Ground) | No Permit Required |
| Out Buildings 101 To 1,000 Sq. Ft. | 30.00 |
| 1,001 Sq. Ft. & Over | 50.00 |
| Silos & Bins | 15.00 |
| Roofing & Siding | No Permit Required |
| Demolition (Demolition Permit required) | No Charge |
| (Note: a Fire district permit is required for burning buildings) | |

SIGNS

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| Sign Permit (smaller than 32 sq. ft.) | 30.00 |
| Billboard Permit (larger than 32 sq. ft.) | 200.00 |
| Billboard Permit Annual Renewal | 50.00 |
| Temporary Sign | 25.00 |
| (Note: Realtor, campaign and yard/garage sale signs are exempt.) | |

COMMERCIAL TOWERS

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| Building Permit for A Tower (Up To 100 Feet High) | 1,000.00 |
| (\$5.00 per Ft. Additional 101 Ft. & over) | |
| Tower Accessory Buildings | 50.00 |
| Tower Accessories added | 50.00 |
| Annual Renewal Fee | 250.00 |

SECTION 10 – EXEMPTIONS

No building permit shall be required for:

- Maintenance repairs regardless of cost. (Maintenance repairs do not increase the size, height or depth of a building);
- Above ground swimming pools;
- Siding & roofing;
- Realtor (For Sale) signs;
- Campaign Signs;
- Yard sale / garage sale signs;
- Outbuildings under 101 Sq. Ft.

SECTION 11 – PENALTY PROVISION

General Penalty. Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:

1. First Offense – Penalty. Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, forfeit not less than One Hundred (\$100.00) nor more than Three Hundred Dollars (\$300.00), together with the cost of prosecution including reasonable attorneys' fees and, in default of payment of such forfeiture and cost of prosecution including reasonable attorneys' fees shall be added to the property tax, with an interest rate, with interest, at the current interest rate charged for delinquent property taxes.
2. Second Offense – Penalty. Any person found guilty of violating any or part of this Ordinance who shall previously have been convicted of a violation of the same Ordinance within one (1) year shall, upon conviction thereof, forfeit not less than Three Hundred Dollars (\$300.00) nor more than One Thousand (\$1,000.00) for each such offense, together with the cost of prosecution including reasonable attorneys' fees and, in default of payment of such forfeiture and cost of prosecution including reasonable attorneys' fees, shall be added to the property tax, with interest, at the current interest rate charged for delinquent property taxes.
3. Continued Violations. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.
4. Other Remedies. The Town shall have any and all other remedies afforded by the Wisconsin Statutes in addition to the forfeitures and costs of prosecution, including reasonable attorneys' fees above. The town board may seek injunctive relief from a court of record to enjoin further violations.

SECTION 12 – SEVERABILITY

Each of the provisions of the ordinance is severable and if any provision is held invalid for any reason, the remaining provisions shall not be affected but shall remain in full force and effect.

SECTION 13 – EFFECTIVE DATE

This Ordinance is effective on publication.

The town clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. stats.

Adopted this 11th day of July 2005.

Effective Date: August 8, 2005

Gene R. Mucciolo, Chair

Jan Banicki, Supervisor

Fred Wollenberg, Supervisor

Attest: _____
Donna Seddon, Town Clerk