

14.01 AUTHORITY.

Pursuant to the provisions of §101.65, Wis. Stats., the Town Board does hereby ordain a building code for new one and 2 family dwellings in the Town.

14.02 STATE CODES ADOPTED. (Rep. & rec. #93-341)

(1) WISCONSIN ADMINISTRATIVE CODE. Except as otherwise specifically provided in this code, the current and future provisions describing and defining regulations of the Department of Industry, Labor and Human Relations are hereby adopted and made part of this chapter by reference as if fully set forth herein. Any act required to be performed or prohibited by any current or future provision incorporated herein by reference is required or prohibited by this Code. Any future additions, amendments, revision or modifications to the regulations incorporated hereby are intended to be made a part of the Code in order to secure uniform state-wide regulation. If there is a conflict between codes or interpretations, the most restrictive code or interpretation shall be enforced. The code adopted herein includes, but is not limited to, the following:

- (a) Chapter Comm 20-25 "Uniform Dwelling Code".
- (b) Chapter Comm 50-64 "Building and Heating, Ventilating and Air Conditioning Code" commonly referred to as the "Commercial Building Code".
- (c) Chapter Comm 70 "Historic Building Code".
- (d) Chapter Comm 75-79 "Existing Buildings Code".

(2) Pursuant to Comm §20.02(1)(c), Wis. Adm. Code, the Town Board hereby extends the requirement of the Uniform Dwelling Code and all future amendments, modifications and additions thereto to include all construction, additions, alterations or repair to any existing structure in the Town and any new structures.

(3) ENFORCEMENT.

- (a) The Building Inspector, the Town Fire Department and any other designee of the Town Board shall enforce this section.
- (b) Non-exclusivity.

1. Other Ordinances. Adoption of this section does not preclude the Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.

2. Other Remedies. The issuance of a citation hereunder shall not preclude the Town Board or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

14.03 BUILDING PERMIT REQUIRED. (Rep. & rec. 2009-003)

No building or structure or any part thereof shall hereafter be built, enlarged, altered, structurally repaired or moved within the Town or without the Town if such structure is to be located within the Town, unless a permit therefore is first obtained by the owner or his agent from the Building Inspector. No building or structure or any part thereof shall be demolished unless a permit therefore is first obtained by the owner or his agent pursuant to §17.03(9)(A) of this Code. Once a building permit, zoning permit, electrical

permit, plumbing permit, temporary occupancy permit or demolition permit has been issued under this Code, if that permit expires after commencement of the work without the work being completed, no new permit shall be issued for the project without the express approval of the Town Board. If the Town Board approves such permit, the Town Board may impose reasonable conditions which may include, but not limited to, requiring immediate actions by the applicant to minimize adverse impacts of the project and a financial guarantee in a form and amount approved by the Town Board to ensure compliance with such conditions and timely final completion.

14.04 FEES.

Fee for building permits and all other permits shall be as established by the Town Board by separate resolution.

14.05 COMPLETION DEPOSIT REQUIRED. (Cr. 01-533)

A deposit is required for all new single-family homes. The fee for the deposit shall be as established by Town Board, from time to time, by separate resolution. The sums deposited shall be retained by the Town Clerk until after permanent landscaping of the street yard and any draining ditch has been completed as specified by Section 8.02 (3). In the event any damage is done to the drainage system or road servicing as a result of the construction activities on the property, the deposit shall be used to defray the Town's expense to repair any such damage. The balance of the deposit, after deducting such expenses incurred by the Town to repair the damage, shall be returned to the property owner after the landscaping has been completed and the Building Inspector has found that the building complies with all applicable codes, including the address permanently installed pursuant to Section 8.16(9). The deposit shall be forfeited if occupancy occurs before final inspection or extends after a temporary occupancy permit expires. It shall also be forfeited if the exterior is not finished within 2 years of the date the permit is issued. In the event application for reimbursement of a ditch bond is not made within two (2) years of issuance of the final occupancy permit, or in the event application is made but refused because of the failure of the applicant to comply with the ordinances of the Town of Delafield, such bond shall be forfeited and the money shall be placed in the general fund of the Town of Delafield.

The Building Inspector shall receive a fee pursuant to Section 1.08 from the deposit, or such other sum as may be approved by the Town Board from time to time, to defray the cost of inspecting the premises to ensure compliance with this ordinance, as well as other applicable regulations and ordinances of the Town of Delafield.

14.06 COMMERCIAL PROPERTY EXTERIOR MAINTENANCE CODE. (Cr. 2002-08-012)

(1) This Section shall be known as the Town of Delafield Commercial Property Exterior Maintenance Code.

(2) APPLICABILITY. The provisions of this section shall apply uniformly to the maintenance of all buildings or structures and surrounding areas, irrespective of when or under what condition or conditions such building were originally constructed.

(3) DEFINITIONS.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Accessory building or structure means a detached building or structure in a secondary or subordinate capacity from the main building.

Approved means approved by the local authority having such administrative authority.

Basement means a portion of the building partly underground but having less than half its clear height below the average grade of the adjoining ground.

Blight means an impaired condition leading to deterioration.

Blighting influence means a condition having an adverse effect on surrounding properties.

Commercial Building means a structure enclosed within exterior walls or fire walls, built, erected and framed of component-structured parts designed for non-residential purposes and for the generation of income, including multi-family buildings as defined herein.

Debris means broken concrete, bricks, blocks or other mineral matter; bottles, porcelain and other glass or crockery; boxes; lumber (new or used), posts, sticks or other wood; tree branches, brush, yard trimmings, grass clippings, and other residues; paper, rags, cardboard, excelsior, rubber, plastic, wire, tin and metal items; discarded goods or appliances, junk lawn mowers, tar paper, residues from burning, or any similar materials which constitute health, fire or safety hazards or a serious blighting influence upon the neighborhood or the Town in general.

Deterioration means the condition or appearance of a building or structure, characterized by breaks, holes, rot, crumbling, cracking, peeling, rusting, inadequate paint or other evidence of decay or neglect.

Dilapidated means a condition of decay or partial ruin by neglect or misuse.

Multi-family building for purposes of this ordinance means multi-family residential buildings with three or more dwelling units.

Noxious weeds means as defined in Section 66.0407, Wis. Stats. (1999-2000).

Premises means lot, plot or parcel of land, including the buildings or structures or any part of the land.

Reasonably tight means that the item so described shall fit so as to exclude wind, rain or moisture or vermin, pests, bugs, insects, rodents or other similar items.

Refuse means the same as debris.

Rubbish means combustible and noncombustible waste materials, except garbage; and the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard clippings, tin cans, metals, mineral matter, glass, crockery and dust, and other similar materials.

Workmanlike means accomplished in a reasonably skillful manner.

Yard means an open space at grade on the same lot as the building or structure located between such building or structure and the adjoining lot line, and/or the street line.

(4) INTENT AND PURPOSE.

(a) Purpose. The purpose of this Section is to recognize the private and public benefits resulting from the safe, sanitary, and attractive maintenance of commercial buildings, structures, yards, or vacant areas as well as multi-family buildings. Attractive and well-maintained property will enhance the neighborhood and Town and provide a suitable

environment for increasing physical and monetary values.

(b) Unsafe and Dangerous Conditions. It is recognized that there may now be or may, in the future, be commercial buildings, structures, yards, or vacant areas and combinations thereof which are so dilapidated, unsafe, dangerous, unhygienic, or inadequately maintained so as to constitute a menace to the health, safety, and general welfare of the people ' The establishment and enforcement of minimum commercial property maintenance standards is necessary to preserve and promote the private and public interest.

(5) SAFE, SANITARY, AND ATTRACTIVE MAINTENANCE OF PROPERTY. Minimum Requirements. Every owner or operator shall improve and maintain all property under their control to comply with the following minimum requirements:

(a) Drainage. All courts, yards, or other areas on the premises shall be properly graded to divert water away from any building or structure so as to prevent the accumulation of stagnant water on any such surface. Driveways shall be maintained in good condition and repair.

(b) Weeds. All exterior property areas shall be kept free from noxious weeds as required by this Code of Ordinances. Where weed cutting is required, the Weed Commissioner shall perform said weed cutting or arrange for said weed cutting and process the charge therefore as a special assessment against the benefitted property.

(c) Debris. Every commercial building or structure and shall have adequate refuse, garbage or rubbish storage facilities. Garbage containers shall all have tight covers and shall be kept in place at all times. No occupant shall accumulate rubbish, boxes, lumber, metal, animal feces or other materials, which may provide harborage for rodents or vermin. All animal feces shall be removed within twenty-four (24) hours.

(d) Fence and Retaining Wall Requirements. No person shall allow or permit any fence or retaining wall to deteriorate to a condition that is not in accord with the following provisions:

1. All fences shall be properly maintained and kept in good repair or shall be removed. If paint or other preservatives have been applied to the exterior surface, it shall be repainted, resurfaced or otherwise treated in a workmanlike manner when its conditions is a serious blighting influence on surrounding property.

2. Retaining walls shall be structurally sound. No retaining wall shall be constructed or maintained in such a manner as to cause the repeated spillage of mud, gravel or debris upon any public sidewalk, street, alley or adjoining property.

(e) Exterior Surfaces.

1. Exterior Walls and Foundation. Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions, which might admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building and shall be capable of affording privacy. Every foundation and exterior wall shall be reasonably weather tight, rodent proof and insect proof. The foundation elements shall adequately support the building at all points. Any hazardous sagging or bulging shall be properly repaired to a level or

plumb position. All chimneys and breaching shall be constructed and maintained so as to insure that it safely and properly removes the products of combustion from the building.

2. Paint Exterior surfaces of buildings and structures not inherently resistant to deterioration shall be treated with a protective coating of paint or other suitable preservative, which will provide adequate resistance to weathering and maintain an attractive appearance. Any exterior surface treated with paint or other preservative shall be maintained so as to prevent chipping, cracking or other deterioration of the exterior surface or the surface treatment and to present an attractive appearance. All paint or other preservative shall be applied in a workmanlike fashion when its condition is a serious blighting influence on surrounding property.

3. Roofs. All roofs shall be maintained so as not to leak, and all water shall be so drained and conveyed from the roof so as not to cause damage to the exterior walls, eaves, soffits or foundation. Gutters and downspouts, when provided, shall be adequately secured, kept free of obstruction, and in a reasonably good state of repair.

(f) Yard Areas. Yard areas of real estate shall not be permitted to deteriorate or remain in a condition that is not in accord with the following: Yard areas shall be kept in a clean and sanitary condition, free from any accumulation of combustible or non-combustible materials (which are not used as an integral part of the authorized business carried out on the premises), debris, or refuse. Unless in a properly zoned district and screened by a visual barrier at least five (5) feet high, yards shall not be used to store appliances, furnaces, hot water heaters, water softeners, or building material not used within five (5) days, or any unsightly bulk items, unless these items are raw materials used in the business carried out on the premises.

Exterior areas in a natural state shall be kept free of diseased or fallen trees, branches, brush, debris and noxious weeds.

(g) Sidewalks, Walks and Drives.

1. Sound Condition and Good Repair. Sidewalks, walks, drives, parking areas and other concrete, asphalt, bricked, graveled, stoned or similarly treated areas shall be kept in sound condition and good repair. Conditions resulting in dust, dirt, loose stones or other aggregate being repeatedly deposited upon the adjacent public or private property shall be corrected. Approved walks shall provide all-weather access to buildings or structures.

2. Snow and Ice Removal. The owner, occupant or person in charge of a commercial building in the Town, fronting upon or adjoining any street, and the owner or person in charge of any unoccupied commercial residence building or lot, fronting or adjoining any street, shall remove and clear away or cause to remove and clear away, all snow and ice from the public sidewalk and any curb ramps for the handicapped, in front of or adjoining such commercial building or unoccupied lot, as the case may be, within 24 hours after the snow or ice has ceased falling; provided that when ice has formed on any sidewalk that it cannot be

removed, then hazard shall be minimized by the use sand, abrasive material or any product designed to prevent ice from forming or hasten melting so as not to be injurious to the health and safety of the public, until removal can be completed.

3. **Dumping Snow.** No person shall plow or dump snow on any public street, alley or public property or upon the property of another, without the express permission of the owner of the property.

4. **Penalty.** Any person who shall violate any of the provisions of this subsection shall be required to forfeit not less than \$1.00 nor more than \$5.00 for the first offense. Each day a violation continues or occurs shall constitute a separate offense and shall be subject to a forfeiture of \$5.00 for each day the violation continues. Failure to pay may result in a term not exceeding five days in the county jail.

(h) **Erosion.** Whenever erosion of the soil repeatedly causes the soil to spill over into the sidewalk, street, alley or adjoining property, the condition shall be corrected as necessary through: erection a retaining wall; grading; installation of sod; and the planting of grass or other suitable ground cover.

(i) **Windows and Doors.** Every window, storm-window or door combination, screen, exterior door, and basement hatchway shall be weather tight, watertight, and rodent proof and kept in sound condition and in proper repair. All door and window hardware shall be installed and maintained in proper working condition. Exterior doors, when closed, shall fit reasonably well within their frames. Every window sash shall be fully supplied with glass windowpanes, glazing or an approved substitute, which is without open cracks or holes. Windows, other than fixed windows, shall be easily opened and shall be held in position by window hardware. Every basement hatchway shall prevent the entrance of rodents, rain and surface drainage water into the building or structure.

(j) **Outside Stairs and Porches.** Every outside stair, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon, and shall be kept in proper condition and repair and shall present an attractive appearance. All exterior stairs and steps and every appurtenance thereto shall comply with the requirements specified in the Wisconsin Administrative Code and shall have rail and balustrade firmly fastened and maintained.

(k) **Accessory Structures.** Every accessory structure shall be kept in good condition and repair, shall not obstruct access of light or air to doors or windows, shall not obstruct a safe means of access to any building or structure, shall not create fire or safety hazards and shall not provide rat or vermin harborage. All accessory structures, which are in, deteriorated condition and which are not repairable shall be removed.

(l) **Removal of Debris.**

1. No person shall dispose of rocks, trees, stumps, waste building material, or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of any land in the Town, except at approved disposal sites.

2. No landowner shall allow an accumulation of rocks, trees, stumps,

waste building material or other debris from land development, building construction, street grading, or installation of underground utilities upon the surface of his land for a period of more than ten (10) days.

3. All land filling operations shall be leveled off to permit the mowing of the weeds between June 1 and November 1. This includes the removal of stones, bottles, wire, and other debris that will interfere with mowing operations.

(m) Vandalism and/or Dilapidation.

1. Danger of vandalism and/or dilapidation. If it is found upon inspection of any vacated commercial building within the Town that the building is in danger of vandalism and/or dilapidation by the weather or elements, the Town shall order the owner to make the building secure against vandalism and/or dilapidation in a workmanlike manner.

2. Restoration. Damaged or vacant commercial buildings need to be restored to comply with this Code within three months of the original damage or vacation.

3. Windows. Boarded-up windows will- not be allowed except in the case of fire, natural disaster or an emergency. In the case of an emergency, the boarded-up windows will only be allowed for a three-month period.

(n) Chimneys and Towers. All chimneys, towers, cooling towers, smoke stacks and similar appurtenances shall be maintained in a structurally safe condition and in good repair.

(o) Overhead Extensions. All canopies, marquees, signs, metal awnings, fire escapes, stand pipes, exhaust ducts and similar overhead extensions shall be maintained in good repair and be properly anchored so as to be kept in a safe condition.

(p) Graffiti.

1. Definition. Within this section, "graffiti" means the intentional inscription, word, figure or design marked, scratched,, etched, drawn or painted with spray paint, liquid paint, ink, chalk, dye or other similar permanent substance on property without the expressed permission of the owner or operator of the commercial property. Commercial property includes without limitation, real or personal property such as buildings, fences, structures equipment, walls,, signs or parts thereof, whether permanent or not.

2. Public Nuisance. The existence of graffiti on commercial property within the Town is expressly declared to be a public nuisance as it affects the public health, safety and welfare.

3. Graffiti Prohibited. No owner or operator of commercial property within the Town may maintain or allow any graffiti to remain upon the property when the graffiti is visible from the street or other public or

private property.

4. Notification.

a. If it is determined by the Code Enforcement Officer or authorized representative, that graffiti exists on commercial property in violation of this section, the Town shall notify the property owner or operator of property in writing with the issuance of a notice to abate. The notice may be given to the property owner or operator by certified mail, return receipt requested, or in the manner provided for service of summons in the circuit court. If the owner or operator cannot be found, the notice may be served by posting it on the main entrance to the property.

b. The notice shall identify the commercial property affected, describe the location of the graffiti and direct that the graffiti be removed within 30 days of receipt of the notice. If the owner or operator of property fails to remove graffiti within the time specified in the notice, the owner or operator of property may be subject to penalties as provided within the Town code.

5. Abatement

a. Abatement shall be completed within 30 days of receipt of the notice.

b. The minimum compliance of any order shall be obliteration of graffiti by primer paint. Removal of the graffiti with primer paint and matching building paint or other suitable removal system appropriate to the surface shall be encouraged.

c. Payment of a monetary forfeiture does not relieve the owner or operator of property of the duty to abate the graffiti nuisance.

6. Penalty.

a. Upon the failure of an owner or operator of property to abate the graffiti within the prescribed time, an owner or operator of property shall be subject to the issuance of a citation and monetary forfeiture in an amount as set forth in the penalty section of the Town Code.

b. In addition to the penalties set forth herein, the Town may commence a nuisance action in the Waukesha County Circuit Court to abate a violation of this section.

(6) FIXING RESPONSIBILITY OWNERS, OPERATORS AND OCCUPANTS. Every owner, operator, or occupant of a commercial property, or part thereof shall maintain that portion of the exterior of the

property controlled by him.

(7) ENFORCEMENT, SERVICE OF NOTICES AND ORDERS AND HEARINGS.

(a) Enforcement. The Code Enforcement Officer shall enforce the provisions of this article and is authorized and directed to make inspections in response to a complaint or when he has good reason to believe a violation is being committed. Whenever the Code Enforcement Officer determines that there are reasonable grounds to believe that there has been a violation of any provision of this Chapter or ' of any rule or regulation adopted pursuant thereto, he shall give notice of such alleged violation to the person or persons responsible therefore and commence an enforcement action as set forth in this subsection or through Section §25.04 of this Code.

(b) Entrance Onto and Into Property. For the purpose of making inspections, the Code Enforcement Officer is authorized to enter onto commercial property and into property to examine and survey at all reasonable times the exterior portions of all commercial buildings, structures or premises. If the Code Enforcement Officer is denied access to a commercial building, structure or premises, he may apply to the circuit court for a special inspection warrant.

(c) Notice of Violation. Whenever the Code Enforcement Officer determines that any commercial building or structure and/or other exterior area fails to meet the requirements as set forth in this article, he shall issue a notice in writing setting forth the alleged failures or violations and advising the owner, occupant or agent that such failures or violations must be corrected, and specifying a specific date for their correction. Notice shall be sent by certified mail.

(d) Enforcement. The Code Enforcement Officer, shall enforce the provisions of this article by forfeiture action and/or injunction.

(e) Appeals. Any person aggrieved by an order of the Code Enforcement Officer in the enforcement of this article may, within twenty (20) days from the date of receipt of such order, appeal to the board of zoning appeals of the Town. Jurisdiction over such appeals is granted to such board of zoning appeals. Such appeal shall be made and shall be governed by the provisions of law relating to appeals to the board of zoning appeals under the zoning code.

(8) EXCEPTIONS. This article does not apply to farms and to residential properties with less than three (3) dwelling units.

14.10 PENALTY.

Except as otherwise provided herein, any person who shall violate any of the provisions of this chapter or any rule, regulation or order made hereunder shall, upon conviction thereof, be subject to a penalty as provided in §25.04 of this Code.