TITLE15

Building Code

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Chapter 1

Building Code

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Sec. 15-1-1 Building Code Established

(a) **Title.** This Chapter shall be known as the "Building Code of the Town of Taycheedah" and will be referred to in this Chapter as "this Code," "this Chapter" or "this Ordinance."

(b) **Purpose.** This Chapter provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and/or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished and regulates the equipment, maintenance, use and occupancy of all such buildings and/or structures. Its purpose is to protect and foster the health, safety and well-being of persons occupying or using such buildings and the general public.

(c) **Scope.**

(1) New buildings hereafter erected in, or any building hereafter moved within or into the Town, shall conform to all the requirements of this Chapter except as they are herein specifically exempted from part or all of its provisions. Any alteration, enlargement or demolition of an existing building and any installation therein of electrical, gas

heating, plumbing or ventilating equipment which affects the health or safety of the users thereof or any other persons is a "new building" to the extent of such change. The provisions of this Chapter supplement the laws of the State of Wisconsin pertaining to construction and use and the Zoning Code of the Town and amendments thereto to the date this Chapter was adopted and in no way supersede or nullify such laws and the said Zoning Code.

(2) 15-1-1 (c)(2) This Code applies to all dwellings, commercial buildings/structures, swimming pools, garages, structures, buildings, and residential accessory buildings. Not included are children's play structures. *Amended 1-1-21

(3) These regulations are adopted under the authority granted by Sec. 101.65, Wis. Stats.

Sec. 15-1-2 Building Permits and Inspection

(a) **Permit Required.*Amended 1-1-21**

(1) **General Permit Requirement**. No building of any kind shall be moved within or into the Town and no new building or structure, or any part thereof, shall hereafter be erected, or ground broken for the same, or enlarged, altered, moved, demolished, razed or used within the Town, except as herein provided, until a permit therefore shall first have been obtained by the owner, or his/her authorized agent, from the Permit Issuer or his/her designee. Prior to commencing any of the following work, the owner or his/her agent shall obtain a valid permit for:

a. New buildings.
b. Additions that increase the physical dimensions of a building including decks.
c. Alterations to the building structure
d. Exempted are finishing of interior surfaces, and minor repair as deemed by the Permit Issuer.
e. Any electrical wiring for new construction, remodeling, or alterations to the system
f. Any HVAC for new construction, remodeling, or alterations to the system
g. Any plumbing for new construction, remodeling, or alterations to the system
h. Exempt are normal repairs performed in Subsection (a)(l)-(e-J).
i. Re-siding
j. Re-roofing

(2) **Alterations and Repairs**. The following provisions shall apply to buildings altered or repaired: *Amended 1-1-21

a. **Alterations**. When not in conflict with any regulations, alterations to any existing building or structure accommodating a legal occupancy and use but of substandard type of construction, which involves either beams, girders, columns, bearing or other walls, room, heating and air condition systems, arrangement, light and ventilation, changes in location of exit stairways or exits, or any or all of the above, then such existing construction shall be made to conform to the minimum requirements of this Chapter applicable to such occupancy and use and given type of construction.
b. **Repairs.** Repairs for purposes of maintenance, or replacements in any existing building or structure which do not involve the structural portions of the building or structure or which do not affect room arrangement, light and ventilation, access to or efficiency of any exist stairways, or exits, fire protection, or exterior aesthetic appearance and which do not increase a given occupancy or use, shall be minor repairs as deemed by the Permit Issuer.
c. **Alterations When Not Permitted** When any existing building or structure, which, for any reason whatsoever, does not conform to the regulations of this

Chapter, has deteriorated from any cause whatsoever to an extent greater than fifty percent (50%) of the assessed value of the building or structure, as determined by the Town Assessor, no alterations or moving of such building or structure shall be permitted. Any such building or structure shall be considered a menace to public safety and welfare and shall be ordered vacated and thereafter demolished and debris removed from the premises.

d. **Alterations and Repairs Required**. When any of the structural members of any building or structure have deteriorated from any cause whatsoever to less than their required strength, the owner of such a building or structure shall cause such structural members to be restored to their required strength; failing in which the building or structure shall be considered a menace to public safety and shall be vacated and thereafter no further occupancy or use of the same shall be permitted until the regulations of this Chapter are complied with.

e. **Extent of Deterioration**. The amount and extent of deterioration of any existing building or structure shall be determined by the Building Inspector.

(b) **Application**. Application for a building permit shall be made in writing upon a form furnished by the Permit Issuer or his designee and shall state the name and address of the owner of the land and also the owner of the building if different, the legal description of the land upon which the building is to be located, the name and address of the designer, the use to which said building is to be put, cost of the project which shall include market labor value, and such other information as the Permit Issuer may require. *Amended 1-1-21

(c) **Site Plan Approval.**

(1) **Site Plan Approval**. All applications for building permits for any construction, reconstruction, expansion or conversion, except for one (1) and two (2) family residences in residentially zoned districts shall require site plan approval by the Permit Issuer in accordance with the requirements of this Section. The applicant shall submit a site plan and sufficient plans and specifications of proposed buildings, machinery and operations to enable the Permit Issuer or expert consultants to determine whether the proposed application meets all the requirements applicable thereto in this Chapter.

(2) **Requirements.** In acting on any site plan, the Permit Issuer shall consider the following:

a. The appropriateness of the site plan and buildings in relation to the physical character of the site and the usage of adjoining land areas.

b. The layout of the site with regard to entrances and exits to public streets; the arrangement and improvement of interior roadways; the location, adequacy and improvement of areas for parking and for loading and unloading; and shall, in this connection, satisfy itself that the traffic pattern generated by the proposed construction or use shall be developed in a manner consistent with the safety of residents and the community, and the applicant shall so design the construction or use as to minimize any traffic hazard created thereby.

c. The adequacy of the proposed water supply, drainage facilities and sanitary and waste disposal.

d. The landscaping and appearance of the completed site. The Town Board may require that those portions of all front, rear and side yards not used for off-street parking shall be attractively planted with trees, shrubs, plants or grass lawns, and that the site be effectively screened so as not to impair the value of

adjacent properties nor impair the intent of purposes of this Section.

(3) **Effect on Municipal Services.** Before granting any site approval, the Town Board may, besides obtaining advice from consultants, secure such advice as may be deemed necessary from the Building Inspector or other municipal officials, with special attention to the effect of such approval upon existing municipal services and utilities. Should additional facilities be needed, the Plan Commission shall not issue the final approval until the Town has entered into an agreement with the applicant regarding the development of such facilities.

(4) **Appeals.** Denials of building permits continent upon site plan approval may be appealed to the Board of Appeals by filing a notice of appeal with the Town Clerk within ten (10) days of the denial.

(d) **Dedicated Street and Approved Subdivision Required.** No building permit shall be issued unless the property on which the building is proposed to be built abuts a street that has been dedicated for street purposes. No building permits shall be issued until the subdivision and required improvements are accepted by the Town Board.

(e) **Utilities Required.**

(1) **Residential Buildings.** No building permit shall be issued for the construction of any residential building until water, grading and graveling are installed in the streets necessary to service the property for which the permit is required, a sanitation permit or sewer connection authorization is received, and a receipt for payment of electrical hookup is presented to the Building Inspector.

(2) **Occupancy.** No person shall occupy any building until sewer, water, grading and graveling are installed in the streets necessary to service the property and a certificate of occupancy shall not be issued until such utilities are available to service the property.

(f) **Plans.** With such application, there shall be submitted three (3) complete sets of plans and specifications, or electronic dimensioned building plans, including a plot plan showing the location and dimensions of all buildings and improvements on the lot, both existing and proposed, dimensions of the lot, dimensions showing all setbacks of all buildings on the lot, proposed grade of proposed structure (to Town datum), grade of lot and of the street abutting lot, grade and setback of adjacent buildings if the adjacent lot is within seventy-five (75) feet of the subject lot (if adjacent lot is vacant, submit elevation of nearest buildings on same side of street), type of monuments at each corner of lot, water courses or existing drainage ditches, easements or other restrictions affecting such property, seal and signature of surveyor or a certificate signed by the applicant and a construction erosion control plan setting forth proposed information and procedures needed for control of soil erosion, surface water runoff and sediment disposition at the building site. Plans, specifications and plot plans shall be drawn to a minimum scale of one-quarter (1/4) inch to one foot [fireplace details to three-quarters (3/4) inch to one (1) foot]. One (1) set of plans shall be returned after approval as provided in this Chapter. The second set shall be filed in the office of the Building Inspector. Plans for buildings involving the State Building Code shall bear the stamp of approval of the Wisconsin Department of Safety and Professional Services (formerly the Wisconsin Department of Commerce, State Department of Industry, Labor and Human Relations), or authorized delegated plan reviewers stamp of approval. One (1) plan shall be submitted which shall remain on file in the office of the Building Inspector. All plans and specifications shall be signed by the designer. Plans for all new one (1) and two (2) family dwellings shall comply with the provisions of SPS 320.09, Wis. Adm. Code. *Amended 1-1-21

(g) **Waiver of Plans; Minor Repairs.**

(1) **Waiver.** If the Building Inspector finds that the character of the work is sufficiently described in the application, he may waive the filing of plans for alterations, repairs or moving, provided the cost of such work does not exceed Two Thousand Dollars ($2,000.00).

(2) **Minor Repairs.** The Building Inspector may authorize minor repairs or maintenance work on any structure or to heating, ventilating or air conditioning systems installed therein with a fair market value of less than Five Hundred Dollars ($500.00), as determined by the Building Inspector, including market value of labor, which do not change the occupancy area, exterior aesthetic appearance, structural strength, fire protection, exits, light or ventilation of the building or structure without issuance of a building permit.

(h) **Approval of Plans.**

(1) If the Building Inspector determines that the building will comply in every respect with all Ordinances and orders of the Town and all applicable laws and orders of the State of Wisconsin, he shall issue a building permit which shall state the use to which said building is to be put, which shall be kept and displayed at the site of the proposed building. After being approved, the plans and specifications shall not be altered in any respect which involves any of the above-mentioned Ordinances, laws or orders, or which involves the safety of the building or the occupants, except with the written consent of the Building Inspector.

(2) In case adequate plans are presented for part of the building only, the Building Inspector, at his discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building.

(i) **Inspections**.

(1) The following inspections shall be requested forty-eight (48) hours in advance by the applicant/contractor or property owner as applicable:

a. Footing/foundation.
b. Rough carpentry, HVAC, electric and plumbing.
c. Draintile/basement floor,
d. Underfloor plumbing/electric service.
e. Insulation.
f. Final carpentry, HVAC, electric and plumbing,
g. Erosion control.

(2) Failure to request any inspection will be the responsibility of the contractor and/or property owner,

(3) specifications for the entire building.

(j) **Permit Lapses.** A building permit shall lapse and be void unless building operations are commenced within six (6) months or if construction has not been completed within two (2) years from the date of issuance thereof,

(k) **Revocation of Permits.**

(1) The Building Inspector or the Town Board may revoke any building, plumbing or electrical permit, certificate of occupancy, or approval issued under the regulations of this Chapter and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:

a. Whenever the Building Inspector shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with and that the holder of the permit refused to conform after written warning or construction has been issued to him.

b. Whenever the continuance of any construction becomes dangerous to life or property,

c. Whenever there is any violation of any condition or provisions of the application for permit or of the permit,

d. Whenever, in the opinion of the Building Inspector, there is inadequate supervision provided on the job site,

e. Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based,

f. Whenever there is a violation of any of the conditions of an approval or occupancy given by the Building Inspector for the use of all new materials, equipment, methods or construction devices or appliance.

(2) The notice revoking a building, plumbing or electrical certificate of occupancy or approval shall be in writing and may be served upon the applicant of the permit, owner of the premises and his agent, if any, and on the person having charge of construction.

(3) A revocation placard shall also be posted upon the building, structure, equipment or premises in question by the Building Inspector.

(4) After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this Chapter, shall be procured and fees paid therefore, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this Chapter. However, such work as the Building Inspector may order as a condition precedent to the reissuance of the building permit may be performed, or such work as he may require for the preservation of life and safety.

(l) **Report of Violations.** Town officers shall report at once to the Building Inspector any building which is being carried on without a permit as required by this Chapter,

(m) **Display of Permit.** Building permits shall be displayed in a conspicuous place on the premises where the authorized building or work is in progress at all times during construction or work thereon.

Sec. 15-1-3 State Uniform Dwelling Code Adopted

(a) **Adoption of Codes.**

(1) The following Wisconsin Administrative Codes, as from time to time amended, are adopted for municipal enforcement: **Amended 1-1-21*

Ch. SPS 316 Electrical Code
Chs. SPS 320-325 Uniform Dwelling Code
Ch. SPS 305 Licenses, Certifications & Registrations
Chs. SPS 361-366 Commercial Buildings & Structures
Chs. SPS 375-379 Buildings Constructed Prior to 1914
Chs. SPS 381-387 Plumbing Code

(2) Any act required to be performed or prohibited by an Administrative Code provision incorporated herein by reference is required or prohibited by this Chapter. Any future amendments, revisions or modifications of the Administrative Code provisions incorporated herein are intended to be made part of this Chapter to secure uniform statewide regulation of one (1) and two (2) family dwellings in this Town. A copy of these

administrative code provisions and any future amendments shall be kept on file in the Town Clerk's Office.

(b) Existing Buildings. The "Wisconsin Uniform Dwelling Code" shall also apply to buildings and conditions where:

(1) An existing building to be occupied as a one (1) or two (2) family dwelling, which building was not previously so occupied.

(2) An existing structure that is altered or repaired, when the cost of such alteration or repair during the life of the structure exceeds fifty percent (50%) of the equalized value of the structure, said value to be determined by the Town Assessor.

(3) Additions and alterations, regardless of cost, made to an existing building when deemed necessary in the opinion of the Building Inspector shall comply with the requirements of this Chapter for new buildings. The provisions of Section 15-1-2 shall also apply.

(4) Roof Coverings — Whenever more than twenty-five percent (25%) of the roof covering of a building is replaced in any twelve (12) month period, all roof covering shall be in conformity with applicable Sections of this Chapter.

(5) Additions and alterations — Any addition or alteration, regardless of cost, made to a building shall be made in conformity with applicable Sections of this Chapter.

(n) **Definitions.** The following definitions shall be applicable in this Chapter:

(1) **Addition.** "Addition" means new construction performed on a dwelling which increases the outside dimensions of the dwelling.

(2) **Alteration.** "Alteration" means a substantial change or modification other than an addition or minor repair to a dwelling or to systems involved within a dwelling.

(3) **Department.** "Department" means the Department of Commerce.

(4) **Dwelling.** "Dwelling" means:

a. Any building, the initial construction of which is commenced on or after the effective date of this Chapter which contains one (1) or two (2) dwelling units; or

b. An existing structure, or that part of an existing structure, which is used or intended to be used as a one (1) or two (2) family dwelling.

(5) **Minor Repair.** "Minor repair" means repair performed for maintenance or replacement purposes on any existing one (1) or two (2) family dwelling which does not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection or exterior aesthetic appearance and which does not increase a given occupancy and use. No building permit is required for work to be performed which is deemed minor repair.

(6) **One (1) or Two (2) Family Dwelling.** "A one (1) or two (2) family dwelling" means a building structure which contains one (1) or separate households intended to be used as a home, residence or sleeping place by an individual or by two (2) or more individuals maintaining a common household to the exclusion of all others.

(7) **Person.** "Person" means an individual, partnership, firm or corporation.

(8) **Uniform Dwelling Code.** "Uniform Dwelling Code" means those Administrative Code Provisions and any future amendments, revisions or modifications thereto, contained in the following chapters of the Wisconsin Administrative Code:

Wis. Adm. Code Chapter SPS 320 — Administrative and Enforcement
Wis. Adm. Code Chapter SPS 321 — Construction Standards
Wis. Adm. Code Chapter SPS 322 — Energy Conservation Standards
Wis. Adm. Code Chapter SPS 323 — Heating, Ventilating and Air Conditioning
Wis. Adm. Code Chapter SPS 324 — Electrical Standards
Wis. Adm. Code Chapter SPS 325 — Plumbing

*Amended 1-1-21

(b) **Method of Enforcement.**

(1) **Certified Inspector to Enforce.** The Building Inspector and his delegated representatives are hereby authorized and directed to administer and enforce all of the provisions of the Uniform Dwelling Code. The Building Inspector shall be certified for inspection purposes by the Department in each of the categories specified under SPS 305, Wis. Adm. Code. *Amended 1-1-21

(2) **Subordinates.** The Building Inspector may appoint, as necessary, subordinates as authorized by the Town Board.

(3) **Duties.** The Building Inspector shall administer and enforce all provisions of this Chapter and the Uniform Dwelling Code.

(4) **Inspection Powers.** The Building Inspector or an authorized certified agent may at all reasonable hours enter upon any public or private premises for inspection purposes and may require the production of the permit for any building, plumbing, electrical or heating work. No person shall interfere with or refuse to permit access to any such premises to the Building Inspector or his agent while in performance of his duties.

(5) **Records.** The Building Inspector shall perform all administrative tasks required by the Department under the Uniform Dwelling Code. In addition, the Building Inspector shall keep a record of all applications for building permits in a book for such purposes and shall regularly number each permit in the order of its issue. Also, a record showing the number, description and size of all buildings erected indicating the kind of materials used and the cost of each building and aggregate cost of all one (1) and two (2) family dwellings shall be kept.

Sec. 15–4 Construction Standards; Codes Adopted *Amended 1-1-21

(a) **Portions of State Building Code Adopted.** Chapters SPS 361 through SPS 366, Wis. Adm. Code (Wisconsin State Building Code) are hereby adopted and made a part of this Chapter with respect to those classes of buildings to which this Building Code specifically applies. Any future amendments, revisions and modifications of said Chs. 361 to 366 incorporated herein are intended to be made a part of this Code.

(b) **State Plumbing Code Adopted.** The provisions and regulations of Ch. 145, Wis. Stats., and Wis Adm. Code SPS 325, SPS 381 through SPS 387 are hereby made a part of this Chapter by reference and shall extend over and govern the installation of all plumbing installed, altered or repaired in the Town. Any further amendments, revisions and modifications of said Wisconsin Statutes and Administrative Code herein are intended to be made part of this Chapter.

(c) **State Electrical Code Adopted.**

(1) Wis. Adm. Code SPS 324 is hereby adopted by reference and made a part of this Chapter and shall apply to the construction and inspection of new one (1) and two (2) family dwellings and additions or modifications to existing one (1) and two (2) family dwellings.

(2) Subject to the exceptions set forth in this Chapter, the Electrical Code, Volume 1, and Rules of Electrical Code, Volume 2, of the Wisconsin Administrative Code are hereby adopted by reference and made a part of this Section and shall apply to all buildings, except those covered in Subsection (1) above.

(d) **Conflicts.** If, in the opinion of the Building Inspector and the Town Board, the provisions of the State Building Code adopted by Subsection (a) of this Section shall conflict with the provisions of the Federal Housing Administration standards in their application to any proposed building or structure, the Inspector and/or the Town shall apply the most stringent provisions in determining whether or not the proposed building meets the requirements of this Section.

Sec. 15-1-5 Electrical Permits and Inspections *Amended 1-1-21

(a) **State Code Adopted.** All electrical work, including the placing of wires and other equipment, shall conform to the Wisconsin State Electrical Code.

(b) **Permit.** No electric wiring or other equipment shall be installed or altered without first securing a permit therefore from the Permit Issuer, except that repairs or replacements of broken or defective sockets, switches or base receptacles may be made without a permit. The application for such permit shall be on a form furnished by the Permit Issuer and shall state clearly the work planned, alterations to be made and equipment and materials to be used. Any later deviations from such plan shall be submitted to and approved by the Electrical Inspector.

(c) **Inspection of Work.** After roughing in the wiring of any building and before any such work is covered up or upon completion of any outside wiring construction work, the person doing such work shall notify the Electrical Inspector who shall at once inspect the same. Upon completion of such wiring, the Electrical Inspector shall be notified and shall inspect the finished work. If he/she finds that the work conforms to the State Electrical Code, he/she shall issue a certificate of compliance which shall contain the date and an outline of the result of such inspection, a duplicate of which shall be filed in the office of the Permit Issuer. No such electrical equipment shall be used until such certificate has been issued.

Sec. 15-1-6 Plumbing Permits and Inspections

(a) **Plumbing Defined.** For the purpose of this Chapter, "plumbing" is defined as follows:

(1) As defined in Sec. 145.0l(l0), Wis. Stats.

(2) The construction, connection to or alteration of any drain, soil or waste pipe to carry domestic sewage, stormwater or industrial waste from any building to the sewer lateral at the curb or other disposal terminal including the private sewage disposal or treatment plant. This definition does not include minor repairs to faucets and the removal of stoppages in soil or waste pipes. *Amended 1-1-21

(b) **Inspectors**. The plumber in charge shall notify the Plumbing Inspector whenever any work is ready for inspection. All plumbing work shall be left exposed until the Inspector has completed his examination and inspection. When, in the opinion of the Plumbing Inspector, a test in addition to the provisions of SPS 382.21, Wis. Adm. Code, is necessary, he may require a water or air test on all or part of the installation. *Amended 1-1-21

(c) **Applications and Permits.**

(1) **Application.** No plumbing shall be installed in the Town without first filing and application and receiving a permit. Each application shall be approved by the Plumbing Inspector before a permit to install plumbing may be issued. Only licensed master plumbers may receive such permits, except that a permit may be issued to a property owner to install plumbing in a single family residence which is owned and occupied by such owner as his home.

(2) **Permit.** A permit shall be applied for and received before excavating in any street, alley or other public way to repair, alter or install plumbing. No charge shall be made for such permit, but the applicant shall furnish a bond when street excavations are involved, pursuant to Title 6, Chapter 2 of this Code of Ordinances.

Sec. 15-1-7 New Methods and Materials

(a) All materials, methods of construction and devices designed for use in buildings or structures covered by this Section and not specifically mentioned in or permitted by this Section shall not be so used until approved in writing by the State Department of Commerce for use in buildings or structures covered by the Wisconsin State Building Code, except sanitary appliances, which shall be approved in accordance with the State Plumbing Code.

(b) Such materials, methods of construction and devices, when approved, must be installed or used in strict compliance with the manufacturer's specifications and any rules or conditions of use established by the State Department of Safety and Professional Services (DSPS). The data, test and other evidence necessary to prove the merits of such material, method of construction or device shall be determined by the State Department of Commerce. *Amended 1-1-21

Sec. 15-1-8 Unsafe Buildings

Whenever the Building Inspector or Town Board find any building or part thereof within the Town to be, in their judgment, so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human occupancy or use and so that it would be unreasonable to repair the same, they shall order the owner to raze and remove such building or part thereof or, if it can be made safe by repairs, to repair and make safe and sanitary, or to raze and remove at the owner's option. Such order and proceedings shall be as provided in Sec. 66.0413, Wis. Stats.

Sec. 15-1-9 Disclaimer on Inspections

The purpose of the inspections under this Chapter is to improve the quality of housing in the Town of Taycheedah. The inspections and the reports and findings issued after the inspections are not intended as, nor are they to be construed, as a guarantee. In order to so advise owners and other interested persons, the following disclaimer shall be applicable to all inspections under this Chapter: "These findings of inspection contained herein are intended to report conditions of noncompliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical systems or the closed structural and nonstructural elements of the building and premises. No warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied."

Sec. 15-1-10 Garages

Private garages shall be built in accordance with the general construction standards established in the Wisconsin Uniform Dwelling Code.

Sec. 15-1-11 Regulation and Permit for Razing Buildings

(a) **Demolition Permit Required.** All persons who demolish or cause to be demolished any structure or part of a structure larger than one hundred forty-four (144) square feet within the Town of Taycheedah shall apply for and obtain a demolition permit from the building inspection prior to undertaking any steps to demolish the structure. *Amended 2-13-23

(b) **Application.** An application for a permit to demolish all or part of a building shall include the following information:

(1) The name and address of the owner of the building on date of application and, if different, on date of demolition;

(2) The name, address and telephone number of the contractor(s) performing the demolition work;

(3) The date upon which demolition is to commence;

(4) The date by which demolition shall be complete;

(5) A list of all hazardous waste and hazardous and toxic substances (as defined by NR 181.12 and 158.03(4), Wis. Adm. Code *as amended from time to time*) contained in the building, a statement as to whether the building contains asbestos [as defined by Sec. 254.11, Wis. Stats.], and a detailed description of the method to be used in removing, transporting and disposing of any hazardous waste, hazardous and toxic substances, and asbestos;

(6) A detailed description of how and where the waste materials resulting from the demolition will be transported and disposed of (including the description of the route to be used by trucks in hauling the waste);

(7) A description of the method of demolition to be used; and

(8) A description in detail of all methods to be used to prevent water runoff and soil erosion from the site to neighboring properties and to prevent releasing unreasonable amounts of dust from the site;

(9) Along with the application for permit for demolition, the applicant shall present a release from all utilities serving the property, stating that their respective service connections and appurtenant equipment such as meters and regulators have been removed or sealed and plugged in a safe manner.

(c) **Demolition.** The demolition shall be conducted in a manner that is safe and that does not adversely affect the environment.

(d) **Clearing and Leveling the Site.** The site of any demolition shall be properly cleared of debris, rubbish and pavement and shall be properly graded and leveled to conform with the adjoining grade of the neighboring property; and when so graded and leveled, the site shall be seeded, sodded or treated in same other manner acceptable to the Building Inspector so as to prevent blowing dust, dirt, or sand. Excavations remaining after demolition shall be filled, graded and leveled off, not later than thirty (30) consecutive days after demolition is completed.

(e) **Removal and Disposal.** Removal, transportation and disposal of all hazardous waste, hazardous and toxic substances, and asbestos shall be conducted in compliance with all applicable state, federal and local statutes, ordinances and regulations.

(f) **Miscellaneous Provisions.**

(1) 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.

(2) 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 must have special approval from the Building Inspector.

(3) All debris must be hauled away at the end of each week for the work that was done on that week. No combustible material shall be used for backfill, but shall be hauled away. There shall not be any burning of materials on the site of the razed building.

(4) If any razing or removal operation under this Section results in, or would likely result

in, an excessive amount of dust particles in the air creating a nuisance in the vicinity thereof, the permittee shall take all necessary steps, by use of water spraying or other appropriate means, to eliminate such nuisance.

(5) The permittee shall take all necessary steps, prior to the razing of a building, through the employment of a qualified person in the field of pest control or by other appropriate means, to treat the building as to prevent the spread and migration of rodents and insects therefrom during and after the razing operations.

Sec. 15-1-12 Basements; Excavations

(a) **Basement Subflooring.** First floor subflooring shall be completed within sixty (60) days after the basement is excavated.

(b) **Fencing of Excavations.** The owner of any premises on which there exists an opening or excavation which is located in close proximity to a public sidewalk or street right-of-way as to constitute a hazard to pedestrian or vehicular traffic shall erect a fence, wall or railing at least four (4) feet high between such opening or excavation and the public right-of-way.

(c) **Closing of Abandoned Excavations.** Any excavation for building purposes or any uncovered foundation which shall remain open for more than three (3) months shall be deemed abandoned and a nuisance and the Building Inspector shall order that unless the erection of the building or structure on the excavation or foundation shall commence or continue forthwith suitable safeguards shall be provided to prevent accidental injury to children or other frequenters or that the excavation or foundation be filled to grade. Such order shall be served upon the owner of record or the owner's agent, where an agent is in charge of the premises, and upon the holder of an encumbrance of record in the manner provided for service of a summons in the circuit court. If the owner or the holder of an encumbrance of record cannot be found, the order may be served by posting it on the premises and make publication in the official newspaper for two (2) consecutive publications at least ten (10) days before the time for compliance stated in the order commences to run. Such time shall be not less than fourteen (14) nor more than twenty (20) days after service. If the owner of the land fails to comply with the order within the time required, the Building Inspector shall cause the excavation or foundation to be filled to grade. The cost of such abatement shall be charged against the real estate and entered on the next succeeding tax roll as a special charge and shall bear interest at a rate established by the Town Board from the date of the report by the Building Inspector on the cost thereof, pursuant to the provisions of Sec. 66.0703, Wis. Stats.

Sec. 15-1-13 Regulations for Moving Buildings

(a) **General Requirements.**

(1) No person shall move any building or structure upon any of the public ways of the Town without first obtaining a permit therefore from the Permit Issuer and upon the payment of the required fee. Every such permit issued by the Permit Issuer for the moving of a building shall designate the route to be taken, the conditions to be complied with and shall limit the time during which said moving operations shall be continued.

(2) The party moving the building shall notify the Town at least 48 hours before the move commences. A representative of the Town shall perform a pre-move and post move inspection of the route. A representative of the Town shall escort the move. An hourly fee will be charged for the escort. A report shall be made by Town employees with regard to possible damage to trees. The estimated cost of trimming, removal and replacement of public trees, as determined by the Town, shall be paid to the Town Clerk prior to issuance of the moving permit.

(3) Issuance of moving permit shall further be conditioned on approval of the moving route by the Town Board.

(b) **Moving Damaged Buildings.** No building shall be repaired, altered or moved within or into the Town that has deteriorated or has been damaged by any cause (including such moving and separation from its foundation and service connections in case of moved buildings) fifty percent (50%) or more of its equalized value and no permit shall be granted to repair, alter or move such building within or into the Town. Furthermore, if the equalized assessed value of the building is not within twenty percent (20%) of the surrounding buildings where the building is proposed to be moved to, no permit shall be granted unless the building is improved to be within the twenty percent (20%). Such determination shall be made by the Building Inspector, who may seek a recommendation from the Town Assessor.

(c) **Continuous Movement.** The movement of buildings shall be a continuous operation during all the hours of the day and at night, until such movement is fully completed. All such operations shall be performed with the least possible obstruction to thoroughfares. No building shall be allowed to remain overnight upon any street crossing or intersection or so near thereto as to prevent easy access to any fire hydrant or any other public facility. Lights shall be kept in conspicuous places at each end of the building during the night.

(d) **Street Repair.** Every person receiving a permit to move a building shall, within one (1) day after said building reaches its destination, report that fact to the Building Inspector, inspect the streets, highways and curbs and gutters over which said building has been moved and ascertain their condition. If the removal of said building has caused any damage to any street or highway, the person to whom the permit was issued shall forthwith place them in as good repair as they were before the permit was granted. On the failure of the said permittee to do so within ten (10) days thereafter to the satisfaction of the Town Board, the Town shall repair the damage done to such streets and hold the person obtaining such permit and the sureties on his bond responsible for the payment of same.

(e) **Conformance with Code.** No permit shall be issued to move a building within or into the Town and to establish it upon a location within the said Town until the Building Inspector has made an investigation of such building at the location from which it is to be moved and is satisfied from such investigation that said building is in a sound and stable condition and of such construction that it will meet the requirements of this Building Code in all respects. A complete plan of all further repairs, improvements and remodeling with reference to such building shall be submitted to the Building Inspector, and he shall make a finding of fact to the effect that all such repairs, improvements and remodeling are in conformity with the requirements of this Building Code and that, when the same are completed, the building as such will so comply with said Building Code. In the event a building is to be moved from the Town to some point outside the boundaries thereof, the provisions with respect to the furnishing of plans and specifications for proposed alterations to such building may be disregarded.

(f) **Bond.**

(1) Before a permit is issued to move any building over any public way in the Town, the party moving the structure shall provide a bond to the Town of Taycheedah in a sum to be fixed by the Building Inspector and which shall not be less than Five Thousand Dollars ($5,000.00), said bond to be executed by a corporate surety or two (2) personal sureties to be approved by the Town Board or designated agent conditioned upon, among other things, the indemnification to the Town for any costs or expenses incurred by it in connection with any claims for damages to any persons or property, and the payment of any judgment together with the costs and expenses incurred by the Town in connection therewith arising out of the removal of the building for which the permit is issued. The party applying for the permit shall also provide a bond in the amount of Five Hundred Dollars ($500.00).

(2) Unless the Building Inspector, upon investigation, shall find it to be a fact that the excavation exposed by the removal of such building from its foundation shall not be so close to a public thoroughfare as to permit the accidental falling therein of travelers or the

location, nature and physical characteristics of the premises and the exposed excavation, such as to make intrusion upon the premises and the falling into such excavation of children under twelve (12) years of age unlikely, the bond required by Subsection (e)(l) shall be further conditioned upon the permittee erecting adequate barriers and within forty-eight (48) hours, filling in such excavation or adopting and employing such other means, devices or methods approved by the Building Inspector and reasonably adopted or calculated to prevent the occurrences set forth herein.

(g) **Insurance.** The Permit Issuer shall require, in addition to the said bond above indicated, public liability insurance covering injury to one (1) person in the sum of not less than Five Hundred Thousand Dollars ($500,000.00) and for one (1) accident, aggregate not less than One Million Dollars ($1,000,000), together with property damage insurance in a sum not less than Five Hundred Thousand Dollars ($500,000.00), or such other coverage as deemed necessary.

(h) **Town Board Approval.**

(1) No such permit shall be issued unless it has been found as a fact by the Town Board by at least a majority vote, after an examination of the application for the permit which shall include exterior elevations of the building and accurate photographs of all sides and views of the same and in case it is proposed to alter the exterior of said building, plans and specifications of such proposed alterations and after a view of the building proposed to be moved and of the site at which it is to be located, that the exterior architectural appeal and functional plans of the building to be moved or moved and altered, will not be so at variance with either the exterior architectural appeal and functional plan of the buildings already constructed or in the course of construction in the immediate neighborhood or in the character of the applicable district established by the zoning ordinances of the Town or any ordinance amendatory thereof or supplementary thereto, as to cause a substantial depreciation of the property values of said neighborhood within said applicable district. In case the applicant proposed to alter the exterior of said building after moving the same, he/she shall submit, with his/her application papers, complete plans and specifications for the proposed alterations. Before a permit shall be issued for a building to be moved and altered, the applicant shall give a cash bond to the Town Board, which shall not be less than Five Thousand Dollars ($5,000.00) to be executed in the manner provided in subsection hereof to the effect that he will, within a time to be set by the Town Board, complete the proposed exterior alterations to said building in the manner set forth in his/her plans and specifications. This bond shall be in addition to any other bond or surety which may be required by other applicable ordinances of the Town. No occupancy permit shall be issued for said building until the exterior alterations proposed to be made have been completed.

(2) Upon application being made to the Building Inspector, he/she shall request a meeting of the Town Board to consider application for moving permits which he/she has found comply, in all respects, with all other ordinances of the Town. The Town Board may, if it desires, hear the applicant for the moving permit in question and/or the owner of the lot on which it is proposed to locate the building in question, together with any other persons, either residents or property owners, desiring to be heard, give such notice of hearing as they may deem sufficient. Such hearing may be adjourned for a reasonable length of time and within forty-eight (48) hours after the close of the hearing, the Town Board shall, in writing, make or refuse to make the finding required by Subsection (8) hereof and file it in the office of Town Clerk who shall send a copy of it to the Building Inspector.

Sec. 15-1-14 Fees and Bonds

(a) **Fees.** Permit fees under this Chapter shall be as established by resolution of the Town Board.

(b) **No Permit Penalty.** In the event work is commenced prior to obtaining a building permit, all fees shall be doubled but the total not less than a $100.00 penalty.

(c) **Bonds.** Bonds under this Chapter shall be as established by resolution of the Town Board.

(1) **Occupancy Bond.** An Occupancy Bond shall be paid by the applicant when applying for any permit for new residential, new commercial, new accessory structure, and any addition to any residential or commercial construction. The bond shall be returned to the applicant upon the final approved inspection. If, during final inspection, the Building Inspector directs corrective work and said corrective work is not completed or the space is being used or occupied, part or all of the bond may be forfeited to the Town of Taycheedah.

(a) The Occupancy Bond shall be refunded upon completion of a Certificate of Occupancy. The Building Inspector upon completion of final inspections must sign the Certificate of Occupancy. The Occupancy Bond will be forfeited to the Town of Taycheedah if occupancy is taken prior to the issuance of a Certificate of Occupancy.

(b) Temporary Occupancy Certificate may be issued by the Building Inspector upon the owner's written request. However, a fee, as determined by resolution of the Town board, will be assessed monthly, for every full or portion of a month, to the owner/contractor until such time as all aspects of construction are complete, the final inspections are complete and the inspectors sign, date and issue a Certificate of Occupancy.

(2) **Performance Bond.** A Performance Bond shall be paid when applying for a permit that requires any general construction, electrical and/or plumbing inspections, as determined by the Permit Issuer and/or Building Inspector. The Performance Bond will be refunded upon submission, to the Town Clerk, of the applicable inspector's signed statement on the reverse side of the building permit. Failure to have all required inspections completed prior to the expiration of the permit will result in a forfeiture of the entire bond to the Town of Taycheedah.

Sec. 15-1-15 Severability

If any section, clause, provision or portion of this Chapter, or of the Wisconsin Administrative Code adopted by reference, is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

Sec. 15-1-16 Penalties and Violations

(a) Any building or structure hereafter erected, enlarged, altered or repaired or any use hereafter established in violation of the provisions of this Chapter shall be deemed an unlawful building, structure or use. The Building Inspector shall promptly report all such violations to the Town Board and Town Attorney who shall bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building or structure or the establishment of such use of buildings in violation of this Chapter or to cause such building, structure or use to be removed and may also be subject to a penalty as provided in general penalty provisions of the Code of Ordinances. In any such action, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Building Inspector or other Town officials constitute a defense. Compliance with the provisions of this Chapter may also be enforced by injunctional order at the suit of the owner or owners of any real estate within the jurisdiction of this Chapter.

(b) (1) If an inspection reveals a noncompliance with this Chapter or the Uniform Dwelling Code, the Building Inspector shall notify the applicant and the owner, in

writing, of the violation to be corrected. All cited violations shall be corrected within five (5) days after written notification unless an extension of time is granted pursuant to SPS 320.21, Wis. Adm. Code. *Amended 1-1-21

(2) If, after written notification, the violation is not corrected within five (5) days, a stop-work order may be served on the owner or his or her representative and a copy thereof shall be posted at the construction site. Such stop-work order shall not be removed except by written notice of the Building Inspector after satisfactory evidence has been supplied that the cited violation has-been corrected. Each day each violation continues after the five (5) day written notice period has run shall constitute a separate offense. Nothing in this Chapter shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this Chapter or the Uniform Dwelling Code.

(3) If any construction or work governed by the provisions of this Chapter or the Uniform Dwelling Code is commenced prior to the issuance of a permit, double fees shall be charged.

(c) Any person feeling aggrieved by an order or a determination of the Building Inspector may appeal from such order or determination to the Board of Appeals. Those procedures customarily used to effectuate an appeal to the Board of Appeals shall apply.

(d) Except as may otherwise be provided by the Statute or Ordinance, no officer, agent or employee of the Town of Taycheedah charged with the enforcement of this Chapter shall render himself personally liable for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties under this Chapter. Any suit brought against any officer, agent or employee of the Town as a result of any act required or permitted in the discharge of his duties under this Chapter shall be defended by the legal representative of the Town until the final determination of the proceedings therein.

Chapter 2

Surface Water Drainage, Construction Site Erosion and Mineral Extraction

Sec. 15-2-1 Purpose and Applicability

(a) **Authority.** The Town Board has delegated the authority to administer and enforce surface water drainage and construction site erosion to Fond du Lac County.

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Chapter 3

Fair Housing

15-3-1 Statement on Fair Housing
15-3-2 Definitions as Used in This Chapter
15-3-3 Unlawful Practices
15-3-4 Exemptions
15-3-5 Enforcement

Sec. 15-3-1 Statement on Fair Housing

(a) **Statement of Purpose.** It is hereby declared to be the policy of the Town of Taycheedah to assure equal opportunity to all persons to live in adequate housing facilities regardless of race, family status, color, religion, ancestry, national origin, sex, handicap, sexual preference, marital status of persons maintaining a household, lawful source of income, place of birth, or age, and, to that end, to prohibit discrimination in housing by any persons.

(b) **State Statutes Adopted.**

(1) **Adopted by Reference.** The statutory provisions of Sec. 101.02, Wis. Stats., and subsequent amendments thereto, are hereby adopted by reference and made a part of this Chapter as if fully set forth herein.

(2) **Implementation.** The officials and employees of the Town of Taycheedah shall assist in the orderly prevention and removal of all discrimination in housing within the Town of Taycheedah by implementing the authority and enforcement procedures set forth in Sec. 101.02, Wis. Stats.

State Law Reference: Sec. 101.02, Wis. Stats.

Sec. 15-3-2 Definitions as Used in This Chapter

(a) **Dwelling.** Any building, structure, or portion thereof which is occupied as, or designed for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction thereof of any such buildings or structure.

(b) **Family.** One or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy and receivers.

(c) **Real Property.** Buildings, structures, lands, tenements, leaseholds, cooperatives and condominiums.

(d) **Discrimination/Discriminatory Housing Practice.** Any difference in treatment based upon

race, color, religion, sex, sexual preference, ancestry, handicap, marital status, place of birth or national origin; or any act that is unlawful under this Chapter.

(e) **Person.** Individuals, children, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations and all other groups or combinations.

(f) **Owner.** Lessee, sub-lessee, co-tenant, assignee, managing agent or other person having the right of ownership or possession, or the right to sell, rent or lease any housing accommodation.

(g) **Financial Institution.** Any person as defined herein, engaged in the business of lending money or guaranteeing loans.

(h) **Real Estate Broker/Real Estate Salesman.** Any individual qualified by law, who, for a fee, commission, salary or for other valuable consideration, or who with the intention or expectation of receiving or collecting same, lists, sells, purchases, rents or leases any housing accommodations, including options thereupon, or who negotiates or attempts to negotiate a loan, secured by a mortgage or other encumbrance, upon transfer of any housing accommodation; or who is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with a contract whereby he undertakes to promote the sale, purchase, rental or lease of any housing accommodation through its listing in a publication issued primarily for such purpose; or an individual employed by or acting on behalf of any of these.

(i) **Housing Accommodation/Dwelling.** Any building, mobile home or trailer, structure, or portion thereof which is occupied as, or designed, or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any real property, as defined herein, used or intended to be used for any of the purposes set forth in this Subsection.

(j) **Mortgage Broker.** An individual who is engaged in or who performs the business or services of a mortgage broker as defined by Wisconsin Statutes.

(k) **Open Market.** The market which is informed of the availability for sale, purchase, rental or lease of any housing accommodation, whether informed through a real estate broker or by advertising by publication, signs or by any other advertising methods directed to the public or any portion thereof, indicating that the property is available for sale, purchase, rental or lease.

Sec. 15-3-3 Unlawful Practices

In connection with any of the transactions set forth in this Section which affect any housing accommodation on the open market, or in connection with any public sale, purchase, rental or lease of any accommodation, it shall be unlawful within the Town for a person, owner, financial institution, real estate broker or real estate salesman, or any representative of the above, to:

(a) Refuse to sell, purchase, rent or lease, or deny to or withhold any housing accommodation from a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or

(b) To discriminate against a person in the terms, conditions or privileges of the sale, purchase, rental or lease of any housing accommodation, or in the furnishing of facilities or services in connection therewith; or

(c) To refuse to receive or transmit a bona fide offer to sell, purchase, rent or lease any housing accommodation from or to a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or

(d) To refuse to negotiate for the sale, purchase, rental or lease of any housing accommodation to person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or

(e) To represent to a person that any housing accommodation is not available for inspection, sale, purchase, rental or lease when in fact it is so available, or to refuse to permit a person to inspect any housing accommodation, because of his race, color, religion, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or

(f) To make, publish, print, circulate, post or mail, or cause to be made, published, printed, circulated, posted, or mailed, any notice, statement or advertisement, or to announce a policy or to sign or to use a form of application for the sale, purchase, rental, lease or financing of any housing accommodation, or to make a record of inquiry in connection with the prospective sale, purchase, rental, lease or financing of any housing accommodation, which indicates any discrimination or any intent to make a discrimination; or

(g) To offer, solicit, accept or use a list of any housing accommodation for sale, purchase, rental or lease with the understanding that a person may be subjected to discrimination in connection with such sale, purchase, rental or lease, or in the furnishing of facilities or services in connection therewith; or

(h) To induce directly or indirectly, or attempt to induce directly or indirectly, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation by representing that the presence or anticipated presence of persons of any particular race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth in the area to be affected by such sale, purchase, rental or lease will or may result in either:

(1) The lowering of property values in the area;

(2) An increase in criminal or antisocial behavior in the area; or

(3) A decline in the quality of schools serving the area.

(i) To make any misrepresentations concerning the listing for sale, purchase, rental or lease, or the anticipated listing of any of the above, or the sale, purchase, rental or lease of any housing accommodation in any area in the Town for the purpose of inducing or attempting to induce any such listing or any of the above transactions; or

(j) To engage in or hire to be done, or to conspire with others to commit acts or activities of any nature, the purpose of which is to coerce, cause panic, incite unrest or create or play upon fear, with the purpose of either discouraging or inducing, or attempting to induce, the sale, purchase, rental or lease, or the listing for any of the above, of any housing accommodation; or

(k) To retaliate or discriminate in any manner against a person because he has opposed a practice declared unlawful by this Chapter, or because he has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding, hearing or conference under this Chapter; or

(l) To aid, abet, incite, compel or coerce any person to engage in any of the practices prohibited by this Chapter; or to obstruct or prevent any person from complying with the provisions of this Chapter; or any orders issued thereunder; or

(m) By canvassing, to commit any unlawful practices prohibited by this Chapter; or

(n) Otherwise to deny to, or withhold any housing accommodation from, a person because of his race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth; or

(o) For any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part, in the making of commercial real estate loans, to deny a loan or other financial assistance to a person

applying for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loans or other financial assistance because of the race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance which is to be made or given; or

(p) To deny any qualified person access to or membership or participation in any multiple-listing service, real estate brokers organization, or other service, organization or facility relating to the business of selling or renting dwellings, or to discriminate against him in their terms or conditions of such access, membership, or participation, on account of race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth.

Sec. 15-3-4 Exemptions

This Chapter shall not apply to:

(a) A religious organization, association, or society or any nonprofit institution or organization operating, supervised, or controlled by or in conjunction with a religious organization, association, or society, which limits the sale, rental, or occupancy, of dwellings which it owns or operates for other than commercial purpose to persons of the same religion, or which gives preference to such persons, unless membership in such religion is restricted on account of race, color, religion, ancestry, national origin, handicap, marital status, sexual preference, sex, age, or place of birth.

(b) A private club not in fact open to the public, which as an incident to its primary purpose or purposes, provides lodgings which it owns or operates for other than a commercial purpose, and which limits the rental or occupancy of such lodgings to its members or gives preference to its members.

(c) Any single-family house sold or rented by an owner; provided, that such private individual owner does not own more than three such single-family houses at any one time; provided further, that in the case of the sale of any such single-family house by a private individual not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale the exemption granted by this Subsection shall apply only with respect to one such sale within any twenty-four (24) month period; provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or served on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than three (3) such single-family houses at any one time; provided further, the sale, or rental of any such single-family house shall be excepted from the application of this Chapter only if such house is sold or rented:

(1) Without the use of any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person; and

(2) Without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of the provisions of 42 United States Code Section 3604; and

(3) Without the violation of Section 15-3-3 of this Chapter; but nothing in this provision shall

prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title.

(d) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

Sec. 15-3-5 Enforcement

Any person aggrieved by an unlawful practice prohibited by this Chapter may file a complaint with the Town Board within thirty (30) days after the aggrieved person becomes aware of the alleged unlawful practice and in no event more than sixty (60) days after the alleged unlawful practice has occurred. The Town Board or duly authorized representative shall receive each complaint and attempt to resolve each complaint. Failure to achieve a resolution acceptable to both parties and compliance with this Chapter shall cause the Town Board to forward the complaint and findings to appropriate state and federal agencies.

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Chapter 4

Grievances Regarding Access to Public Buildings, Services and Employment

Sec. 15-4-1 Grievance Procedure Regarding Access to Public Buildings, Programs, Services and Employment

(a) **Statement of Purpose.**

(1) The Town of Taycheedah, in complying with the Americans with Disabilities Act (ADA), 42 USC Sec. 12101, has developed a plan by which access to all Town programs, facilities, services and employment is guaranteed to all citizens. A transition plan has been adopted by the Town Board and is available from the Town Clerk. An ADA Coordinator has been appointed and an ADA Compliance Committee established. Concerns and/or complaints can be addressed to the ADA Coordinator, care of the Town Clerk.

(2) The ADA Coordinator and ADA Compliance Committee shall be annually appointed by the Chairperson, subject to confirmation by the Town Board, at the Board's organizational meeting. The ADA Compliance Committee should consist of three (3) members, and should, if possible, have representatives from the following fields:

a. Business and/or non-profit organization,
b. Education,
c. Disabled representative.
d. Elected official,
e. Health/medical.

(3) Town letterhead and other applicable printed notices should contain the words "An equal opportunity/affirmative action employer."

(4) An ADA Committee meeting shall be treated as any other Town committee meeting and notice shall be posted a minimum of twenty-four (24) hours prior to the meeting.

(b) **Complaint Procedure.**

(1) Complaints shall be filed with the ADA Coordinator, in care of the Town Clerk.

(2) A complaint shall be filed in writing, contain the name and address of the person filing it, and briefly describe the alleged violation or complaint.

(3) A complaint should be filed within thirty (30) days after the complainant becomes aware of the alleged problem.

(4) An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by the ADA Coordinator.

(5) A written determination as to the validity of the complaint and description of the resolution, if any, shall be issued by the ADA Coordinator and a copy forwarded to the complainant no later than twenty (20) days after its filing.

(6) The Town Clerk shall maintain the files and records of the Town relating to the complaints filed.

(c) **Appeals.**

(1) If unresolved, the complainant or ADA Coordinator may ask that the complaint be forwarded to

the ADA Compliance Committee. The Committee may establish rules to review the complaint and will issue its written decision within thirty (30) days. Review will be conducted in public with a minimum twenty-four (24) hour notice. All proceedings will be transcribed and maintained. The Committee will also review requests or suggestions from disabled persons regarding access to and participation in public facilities, services, activities and functions in the community.

(2) If unresolved, the complainant or ADA Coordinator may ask that the complaint be heard by the Town Board and that a determination be made within thirty (30) days of the ADA Compliance Committee's hearing. The decision by the Board shall be final. An open, public meeting of the Town Board shall precede the vote.

(d) **Other Remedies.** The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other state or federal remedies. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies. However, the Town believes that resolution of the complaint will be more promptly achieved if the Town is able to provide a remedy before the complaint is brought to an external organization.

(e) **Due Process.** This Section shall be construed to protect the substantive rights of interested persons and to meet appropriate due process standards.

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