**TITLE 10**

**Land Use Regulations**

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CHAPTER 1

Building, Plumbing, Electrical, and Heating and Ventilation Code

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**10-1-1 BUII.DING CODE ESTABLISHED.**

1. **Title.** This Chapter shall be known as the "Building Code of the Town of Burke" and will be referred to in this Chapter as "this Code," "this Chapter" or "this Ordinance."
2. **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.
3. **Scope.** New buildings hereafter erected in, or any building hereafter moved within or into the Town of Burke, 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. Any existing building shall be considered a "new building" for the purposes of this Chapter whenever it is used for dwelling, commercial or industrial purposes, unless it was being used for such purpose at the time this Chapter was enacted. The provisions of this Chapter supplement the laws of the State of Wisconsin pertaining to construction and use and the Zoning Code of Dane County and amendments thereto to the date this Chapter was adopted and in no way supersede or nullify such laws and the said Zoning Code.

**10-1-2** **BUII.DING PERMITS AND INSPECTION.**

1. **Permit Required.**

(1) General Permit Requirement. No building of any kind shall be moved within or into the Town of Burke 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 therefor shall first have been obtained by the owner, or his authorized agent, from the Building Inspector.

(2) Alterations and Repairs. The following provisions shall apply to buildings altered or repaired:

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 deemed minor repairs.

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 equalized value of the building or structure, 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 what­ soever 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 Building Inspector, 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 and such other information as the Building Inspector, or is designee, may require.

(c) **Site Plan Approval.**

1. Site Plan Approval. All applications for building permits for any construction, reconstruction, expans10n or conversion, except for one (1) and two (2) family residences in residentially zoned districts, shall require site plan approval by the Plan Commission 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 Plan Commission or its expert consultants to determine whether the proposed application meets all the requirements applicable thereto in this Chapter.
2. Administration. The Building Inspector, or is designee, shall make a preliminary review of the application and plans requiring site plan review and refer them along with a report of his findings to the Plan Commission. The Plan Commission shall review the application and may refer the application and determine whether the application and plans meet all the requirements applicable thereto in this Chapter. Within thirty (30) days of its receipt of the application, the Plan Commission shall authorize the Building Inspector, or is designee, to issue or refuse a building permit.
3. Requirements. In acting on any site plan, the Plan Commission shall consider the following:
   1. The appropriateness of the site plan and buildings in relation to the physical character of the site and the usage of adjoining land areas.
   2. 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.
   3. The adequacy of the proposed water supply, drainage facilities and sanitary and waste disposal.
   4. The landscaping and appearance of the completed site. The Plan Commission 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.
4. Effect on Public Services. Before granting any site approval, the Plan Commission may, besides obtaining advice from consultants, secure such advice as may be deemed necessary from the Building Inspector, or is designee, with special attention to the effect of such approval upon existing municipal services and utilities. Should additional fac1hties 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.
5. Appeals. Denials of building permits continent upon site plan approval may be appealed to the Town Board by filing a notice of appeal with the Town Clerk within seven (7) days of the denial.
6. **Dedicated Street and Approved Subdivision Required.** Unless a waiver is granted by the Town Board, following a recommendation from the Building Inspector, or is designee, 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/or certified survey and required improvements are accepted by the Town Board.
7. **Plans.** With applications for new detached structures or additions, there shall be submitted two (2) complete sets of plans and specifications, 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 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, the signature of the applicant and, if necessary due to the nature of the project, 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 (1) 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 State Department of Industry, Labor and Human Relations. 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.
8. **Waiver of Plans; Minor Repairs.**
   1. Waiver. If the Building Inspector, or his designee, finds that the character of the work is sufficiently described in the application, he may waive the filing of plans for alterat10ns, repairs or moving, provided the cost of such work does not exceed Five Thousand Dollars ($5,000.00).
   2. Minor Repairs. The Building Inspector, or his designee, may authorize minor repairs or maintenance work on any structure or to heating, ventilating or air conditioning systems installed which, in the opinion of the Building Inspector, or his designee, are valued at less than Five Hundred Dollars ($500.00), including the fair market value of labor and materials, 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.
9. **Approval of Plans.**
   1. If the Building Inspector, or his designee, determines that the building will comply with this Building Code and with other applicable ordinances and orders of the Town, 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, or his designee.

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

1. **Inspection of Work.** The contractor shall notify the Building Inspector, or his designee, when ready for inspections and the Building Inspector, or his designee, may inspect after notificat10n all buildings at the following states of construction:
2. Footings and foundation. Prior to pouring of the foundation, the builder shall supply an adequate site plan;
3. General framing, rough electrical, plumbing and heating;
4. Insulation; and
5. Completion of the structure.

If he finds that the work conforms to the provisions of this Chapter, he shall issue a certification of occupancy which shall contain the date and the result of such inspection, a duplicate of which shall be filed in the office of the Building Inspector.

(ha) **Occupancy Forbidden Prior to Issuance of Permit.**

1. As used in this section, the term “occupy” includes, but is not limited to, moving personal property into a building; sleeping in a building; performing any of the intended end used of the building (except for testing purposes under the supervision of the contractor); residing in a building or in any other way taking possession of a building.
2. No person may reside in, occupy, or otherwise use any structure until a certification of occupancy has been issued by the Building Inspector pursuant to subsection (h) of this section.
3. No developer, owner, contractor, builder, construction manager, or the person or entity having possession or control of a structure under construction may suffer or permit or allow any person to occupy a structure in violation of this subsection.
4. Any person violating this subsection shall be penalized as provided by sec. 1-1-6 of this Code, each day of continuing violation shall constitute a separate offense.

(i) **Permit Lapses.** Abuilding permit shall lapse and be void unless building operations are commenced within six (6) months or if construction has not been completed within one (1) year from the date of issuance thereof.

(j) **Revocation of Permits.**

1. The Building Inspector, or his designee, 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:
   1. Whenever the Building Inspector, or his designee, 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.
   2. Whenever the continuance of any construction becomes dangerous to life or property.
   3. Whenever there is any violation of any condition or provisions of the application for permit or of the permit.
   4. Whenever, in the opinion of the Building Inspector, or his designee, there is inadequate supervision provided on the job site.

**10-1-3 STATE UNIFORM DWELLING CODE ADOPTED. (adopted 12.15.2021)**

1. **State Code Adopted.** The administrative code provisions describing and defining regulations with respect to one (1) and two (2) family dwelling in Chapters SPS 320 through SPS 325 of the Wisconsin Administrative Code are hereby adopted and by reference made a part of this Chapter as if fully set forth herein.
2. **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 Building Inspector, or his designee.
   3. Additions and alterations, regardless of cost, made to an existing building when deemed necessary in the opinion of the Building Inspector, or his designee, shall comply with the requirements of this Chapter for new buildings. The provisions of Section 10-1-2 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 Section 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.

(c) **Definitions.**

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 Industry, Labor, and Human Relations.
4. Dwelling. "Dwelling" means:
   1. 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

* 1. 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.

1. 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.
2. 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.
3. Person. "Person" means an individual, partnership, firm, or corporation.
4. 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. Wis. Adm. Code Chapter SPS 321 -- Construction Standards

Wis. Adm. Code Chapter SPS 322 -- Ener Conservation Standards Wis. Adm. 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 and Potable Water Standards

(d) **Method of Enforcement**

1. Certification. The Building Inspector shall be certified for inspection purposes by the department m each of the categories specified under SPS 305, Wis. Adm. Code, and by the Department of Health and Social Services in the category of plumbing.
2. Duties. The Building Inspector shall administer and enforce all provisions of this Chapter and the Uniform Dwelling Code.
3. Inspection Powers. The Building Inspector, or his designee, 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, HVAC or heating work. No person shall interfere with or refuse to permit access to any such premises to the Building Inspector, or his designee, while in performance of his duties. If authorized Town

inspectors are denied access to property for inspection purposes, they are empowered to seek an inspection warrant pursuant to Section 66.122, Wis. Stats.

1. Records. The Building Inspector, or his designee, shall perform all administrative tasks required by the Department under the Uniform Dwelling Code. In addition, the Building Inspector, or his designee, shall keep a record of all applications for building permits in a book for such purpose 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 dwelling s shall be kept. The Building Inspector, or his designee, shall make a written annual report to the Town Board relative to these matters.

**10-1-4** **CONSTRUCTION STANDARDS; CODES ADOPTED. (adopted 12.15.2021)**

1. **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.
2. **State Plumbing Code Adopted.** The provisions and regulations of Ch. 145, Wis. Stats., and Wis. Adm. Code Chs. H81, H82, H83 and SPS 381-387 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.
3. **State Electrical Code Adopted.**
   1. Wis. Adm. Code SPS 316 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 dwelling s and additions or modifications to existing one (1) and two (2) family dwellings.
   2. Wis. Adm. Code SPS 316 is hereby adopted by reference and made a part of this article and shall apply to the construction and inspection of new one (1) and two (2) family dwelling s and additions or modifications to existing one (1) and two (2) family dwellings.
4. **Conflicts.** If, in the opinion of the Building Inspector, or his designee, and the Common Council, the provisions of the State Building Code adopted by Sub­ section (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 pro­ visions in determining whether or not the proposed building meets the requirements of this Section.

**10-1-5 ELECTRICAL AND PLUMBING PERMITS.**

1. **Electrical Permits.**
2. Except as otherwise provided by this Chapter, all installations of electrical equipment shall conform to and comply with the State Electrical Code, the Wisconsin Statutes, this Chapter and any orders, rules and regulations issued by authority thereof, and with approved electrical standards for safety to persons and property. Where no specific standards for safety are prescribed by this Chapter or by the State Electrical Code, conformity with the relations set forth in the National Electrical Code and in the National Electrical Safety Code shall be prima facie evidence of conformity with approved standards for safety to persons and property.
3. No electric wiring or other equipment shall be installed or altered without first securing a permit therefor from the Building Inspector, or his de­ signee, except that minor 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 Building Inspector, or his designee, and shall state clearly the work planned, alterations to be made, and equipment and materials to be used, and all later deviations from such plan must be submitted to and approved by the Building Inspector, or his designee.
4. 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, it shall be the duty of the person doing such work to notify the Building Inspector, or his designee, who shall at once inspect, or cause to be inspected, the same. Upon completion of such wiring, the Building Inspector, or his designee, shall be notified and shall inspect or cause to be inspected the finished work.
5. **Plumbing Permits.**
6. The construction, reconstruction, installation and alteration of all plumbing, drainage and plumbing ventilation shall conform to this Chapter, the State Plumbing Code adopted by the Department of Health and Social Services and Chapter 145, Wis. Stats.
7. No plumbing or drainage of any kind shall be installed or altered, except that leakage or stoppage repairs may be made, without first securing a permit therefor from the Building Inspector, or his designee. The application for such permit shall be on a form furnished by the Building Inspector, or his designee, and shall state clearly the work planned, alterations to be made, and equipment and materials to be used. All later deviations from such plan must be submitted to and approved by the Building Inspector, or his designee.
8. **Licensed Plumber Required.** All plumbing work shall be done only by a plumber licensed by the State Board of Health, except that a property owner may make repairs or installations in a single-family building owned and occupied by him as his home, provided that a permit is issued, and the work is done in compliance with the provisions of this Chapter.

**10-1-5A ELECTRICAL**

1. **Purpose:** The purpose of this ordinance is to safeguard life and property by regulating and providing for the inspection of the installation and condition of electrical wiring, equipment, and devices; and providing for the licensing of persons, firms and corporations undertaking electrical work; and fixing a penalty for violation of the provisions of this ordinance.
2. **Adoption of the Wisconsin State Electrical Code:** The Wisconsin Administrative Code, Chapters ILHR 16, 17 and Ind 19 and all amendments thereto are hereby adopted by reference and made a part hereof. The Town of Burke hereby takes the responsibilities of electrical inspection of public buildings and places of employment pursuant to ILHR 17, subchapter 11. The Town of Burke shall employ a state certified Commercial Electrical Inspector (COMEL). Except as otherwise regulated by this ordinance, all installations of electrical equipment shall conform to and comply with State Electric Code Volume 2 ILHR 16, the Statutes of the State, and any orders, or electrical standards for safety to persons and property.
3. **Inspection Division-Electrical**: There is hereby created within the Inspection Division the Electrical Section. The section shall be under the direct supervision of the Electrical Inspector. The Electrical Inspector shall have the general authority and control of all matters pertaining to electrical inspections and shall enforce all state laws and Town ordinances relating thereto.

The Town Electrical Inspector shall not engage in the business of electrical wiring and construction either directly or indirectly in the Town and he/she shall have no financial interest in any concern engaged in such business in the Town.

In all respects, the Town Electrical Inspector shall comply with the provisions of ILHR Chapter 17.

1. **The Electrical Inspector Shall Be Certified By The State Of Wisconsin As A Commercial Electrical Inspector (Comel).** The Electrical Inspector shall be appointed by the building inspector subject to confirmation by the Town Board. The Electrical Inspector shall inspect or cause to be inspected all electrical work as outlined in the Code within the Town of Burke
2. **Authority To Enter Premises:** The Electrical Inspector or his/her authorized agent (a certified commercial electrical inspector or certified as Uniform Dwelling Code electrical inspector inspecting only one and two family dwellings acting in the Electrical Inspector's absence) may enter any building or premises in the discharge his/her official duties for the purpose of making any inspection or test of the electrical wires, equipment or devices contained therein. The Electrical Inspector or his/her authorized agent shall be given access to any premises upon request made to the owner or person in immediate charge of the premises.
3. **Records:** There shall be kept in the Division of Inspection a complete record of all applications and per its regularly numbered in the order of their issues, of all inspections made and other official work performed under the provisions of this code, so arranged to promptly afford information concerning electrical installation. The Electrical Inspector shall prepare a monthly report summarizing the number of inspections made and activities of the division and file copies of such report with the building inspector.
4. **Inspections:**
   1. The Electrical Inspector shall make a thorough examination in a building of all the electrical wires and equipment installed within the Town of Burke in a building being rewired in part and, when such wires or equipment are found to be in a dangerous or unsafe condition, the inspector shall notify the person, firm or corporation owning, using, operating or installing the same to place them in a safe condition. Any person, firm or corporation failing or refusing to make the necessary repairs or changes shall be further subject to the penal provisions as set forth under Section 16(c).
   2. Upon the completion of the wiring on any building or before any wiring is to be hidden from view, it shall be the duty of the person, firm or corporation doing the same to notify the Electrical Inspector who shall inspect the installation within 48 hours or two working days of the time such notice is received. If, upon inspection, it is found that such installation is fully in compliance with this Chapter and does not constitute a hazard to life or property, the inspector shall approve the same and authorize concealment of such wiring or connection for electrical service. If the installation is incomplete or not strictly in compliance with this Chapter, the inspector shall issue orders to the person, firm or corporation installing the same to remove all hazards and make the necessary changes or additions. Concealment of electrical work before inspection or failure to comply with the order of the Electrical Inspector shall constitute an offense punishable in accordance with the provisions of Section 16c.
   3. Certificate of Inspection. Current shall not be turned on to any electrical installation until a certificate of inspection and approval has been issued by the Electrical Inspector.
5. **Authority To Stop Electrical Work:**
6. Whenever any electrical work is being done contrary to the provision of this code, the Electrical Inspector may order the work stopped by notice in writing served on any person(s) or form engaged in the doing or causing such work to be done, and any such person or firm shall forthwith stop such work until authorized by the Electrical Inspector to commence and proceed with the work.
7. Authority to discontinue electrical system. The Electrical Inspector may order the disconnecting of all electrical current from any electrical system which is found to be in an unsafe condition and order the disconnecting of electrical current in cases of emergency and where such electrical currents are dangerous to life or property or may interfere with the work of the Fire Department. No person shall reconnect any equipment until permission is given by the Electrical Inspector.
8. **Information:** All requests for information pertaining to and involving an interpretation of this Code shall be submitted in detail to the Electrical Inspector. The Electrical Inspector shall not design or lay out any electrical installation or act in the capacity of a consulting engineer or designer.
9. **Town Not Liable:** This Code shall not be construed to relieve from or lessen the responsibility or liability of any person supplying electricity to, or selling, renting, leasing, owning, using, operating, controlling, installation, altering, repairing, removing, replacing, disturbing, connecting, disconnecting or maintaining any electrical wiring, device or equipment, for damages to persons or property caused by any defect therein in therefrom; nor shall the Town be held as assuming any such responsibility or liability by reason of the issuance or revocation of any license, permit or certificate, or the inspection or re-inspection authorized by the Code, or be reason of the approval or disapproval of any electrical equipment, sales, rentals, drawings, plans, specifications, materials, samples, test reports, literature, information or schedules authorized in this Code. Nor shall the Town be held liable for any damages resulting from the enforcement of this Code.
10. **License Qualifications and Revocation:**
    1. Master Electrician certification from the State of Wisconsin shall serve as qualification unless provided otherwise in this Code for a license to work in the Town of Burke. In the case of a firm or corporation that an employee has such certification and terminates employment with the firm or corporation, said license shall automatically be revoked.
    2. The Electrical Inspector may investigate any charges or complaints filed which may be brought against the holder of a license and revoke such license for repeated violations or noncompliance with any of the provisions of this Code on the part of the licensee or any person performing any work under their direction. An aggrieved party may appeal to the Electrical Inspector, or to the Town Board in said order.
11. **Electrical License.** No persons, firm or corporation shall alter, install, or repair electrical wires and apparatus for any purpose whatsoever in the Town of Burke without first having procured a license from the Town of Burke as provided in this Chapter.
12. Application/Renewal application for a license shall be made on forms furnished by the Building Inspector or the Electrical Inspector. An applicant shall pay a fee as outlined in Section 15 prior to renewing his/her license. The license for the person, firm or corporation installing or altering any electrical wiring or equipment, shall expire on the thirtieth (30) day of September. For each yearly renewal of such license in the month of October, a fee as outlined in Section 15 shall be paid. All such licenses shall be issued for one year commencing on October first (1st) and expiring on September thirtieth (30th) following, unless sooner resolved. The fees for such licenses shall be paid to the Town Treasurer and credited to the general Town fund and no license shall be held valid unless signed by the Town Clerk. The supervising electrician shall hold a valid Wisconsin Master Electrician Certification.
13. Maintenance License. Any firm or corporation may be granted a maintenance license upon the condition that such firm or corporation regularly employs a Town approved electrician who has charge of the electrical work in the plant. Such license shall permit the holder to repair electrical wires and apparatus within the plant of the firm or corporation. · At the time of making application for a license, the firm or corporation making the application shall file, in writing, a certificate with affidavit naming the person who shall be in charge of such maintenance work and the number of years they have been engaged as a practical electrician. This electrician must provide verification of the apprenticeship board having certified them as a journeyman maintenance electrician.
14. License Nontransferable. Licenses issued pursuant to the terms of this Chapter shall not be transferable.
15. Revocation and Suspension. Any license granted under the provisions of this Chapter may be suspended by the Town Board and appeals for such period of time as they shall determine but not to exceed ninety (90) days or may be revoked by such board if the licensee violates any ordinance or law relating to electrical work or is guilty of installing electrical construction which is a hazard to life or property, but no license shall be suspended or revoked unless the licensee has been notified in writing of charges against them and the time, place, when, and where they may appear before the board to answer such charges. When a license is suspended, such license shall be automatically reinstated on the date specified in the order of suspension unless the suspension shall have been because of a faulty installation of electrical construction, in which case such license shall be reinstated only upon correction of the faulty installation. When a license is revoked, a new license shall not again be granted to the licensee until requirements of this Chapter have been met.
16. **All electrical wiring or electrical work** done on all new houses, rental buildings, and buildings used for commercial purposes in the Town must be done by a Town licensed electrical contractor, except as noted below.
    1. A Master Electrician or Journeyman electrician must be on the job site at all times while electrical work is being done.
    2. In a building used for commercial purposes only the building as described in the State of Wisconsin approved plans is covered by the original Town of Burke building permit. Any tenants of this building that require additional wiring for specified purposes must have an additional permit issued by the Town of Burke and the additional wiring must be performed by a licensed electrician, whom has a valid license from the Town, and be inspected by the Town Electrical Inspector.
    3. After an occupancy permit has been issued for a house, the owner/occupant may perform certain electrical operations as outlined in (n).
17. **Homeowner's Privilege.**
18. A property owner may personally install electrical wiring in his/her own single-family dwelling owned by and occupied by him/her as a permanent residence, provided that said owner shall:
    * 1. Apply for and secure a permit in accordance with this Code.
      2. Pay the required fees.
      3. Do the work himself/herself in accordance with the Code.
      4. Apply for inspection.
      5. Receive the approval of the electrical inspector.
19. The property owner's privilege does not apply to the following:
    * 1. New electrical services, service upgrades, or underground wiring.
      2. New construction prior to the issuance of an occupancy permit.
      3. In-ground swimming pools, interior or exterior spas or hot tubs
      4. Wiring over 120 Volts (Meters, Switch boxes 220V 440V
      5. Wiring in a two (2) family dwelling.
      6. Any rental property.
20. If the Electrical Inspector deems that the homeowner is incapable of installing the wiring per N.E.C. and ILHR 16, then the inspector may condemn the installation and require the homeowner to hire a licensed electrical contractor.
21. **PERMITS FOR LIGHT, HEAT AND POWER INSTALLATIONS.**

The Building Inspector or Inspector shall issue permits for electrical installations of light, heat and power, as covered within the scope of the Wisconsin State Electrical Code, Volume II, upon the filing of proper applications, which describe the nature of the work as well as such other information as may be required for inspection. In no case shall any such electrical work be done unless a permit has been obtained.

Exceptions:

* 1. Any person manufacturing or repairing electrical appliances and employing a competent electrical repair person shall not be required to have a permit for their testing work.
  2. No permit shall be required for minor repair work such as repairing drop cords, flush and snap switches, replacing fuses or changing lamp sockets.
  3. No permit shall be required for portable devices such as grinders, drills, portable signs, washing machines, vacuum cleaners, radios, electric refrigerators, and similar devices not permanently wired but intended to be connected to the circuit by a flexible cord and plug. However, proper approved wiring is to be installed, together with approved receptacle and plug.
  4. No permit shall be required for the installation, alteration or repair of electrical generation, transmission or distribution equipment that is owned and operated by an electrical utility company or the Town.
  5. No permit shall be required for the installation, alteration or repair of signal or communication equipment where such equipment is owned and operated by a public utility company or the Town.

1. **PERMIT FEES AND LICENSE FEES.**
   1. Fees for permits for electrical installations, except for electrical installations done by the Town for which no permit fee is to be charged, will be examined during the yearly budget review and adjusted fees will be effective the following January.
   2. License fees will also be examined during the yearly budget review and adjusted fees to be effective the following January.
   3. Fees and penalties for violations will be listed separately from the ordinance.
   4. Administrative fees shall be approximately 10% of the permit fees.
   5. All permit fees shall be paid to the Town Treasurer and credited to the general fund, and no permit shall be issued or valid unless approved by an office of the Inspection Department and the fee paid to the Town in the amount required for such permit. The fees for permits provided by this Chapter shall become the property of the Town and shall be refundable if the permit is not used. In such cases only that portion of the permit fee in excess of $45 shall be refunded if the permit is not used.
   6. If the licensee shall fail to obtain a permit before an electrical installation has been started, except in emergency cases, the total fees for such permit shall be double the regular fee.
   7. No further permits are to be issued to any licensee or homeowner until all arrears in fees have been paid and all lawful orders to the Electrical Inspector have been complied with.
   8. The connection for replacement appliances and equipment such as furnaces, signs, air compressors, air conditioners, water heaters and like equipment shall constitute an extension of an existing or new branch circuit. The connection shall comply with current electrical code.
   9. Existing installations which have been declared as a hazard to life and property shall be made safe. The installation of any permanent wiring and equipment to correct this hazard will constitute an extension of existing or new circuit.
   10. Sign Installations. No permit for electrical installation in connection with a permanent or temporary sign in this Town shall be issued until the permit required by Section 12 of this Code has been approved by the Town Board and issued by the Building Inspector for the erection of such sign.
   11. Permit Expiration. A permit is good for a maximum of 12 months from the date of issue.
   12. Outstanding Permits. Any holder of a license that has been revoked shall be required to complete all permits that have been issued to that license holder prior to revocation within thirty (30) days or other such time as directed by the Board.
   13. New signs or related property improvements in BAA-M. Any electrical or other permits issued by the Town for new signs or related property improvements in the Boundary Adjustment Area – Madison (“BAA\_M”) shall be issued on the condition that the City of Madison approve that the proposed sign complies with the City of Madison Sign Control Ordinance (Chapter 31, MGO) as may be amended from time to time. A map showing the BAA-M is attached as Exhibit 3 to the final Town of Burke, Village of DeForest, City of Sun Prairie and City of Madison Cooperative Plan, dated January 5, 2007 (the “Plan”) and is incorporated herein by reference. A copy of Exhibit 3 to the Plan is on file in the office of the Town of Burke Clerk/Treasurer.
2. **APPEALS TO THE TOWN BOARD.** Such written notice of appeal shall be accompanied with the sum of $25 payable to the Town Treasurer. Regardless of the outcome of the appeal, such fee shall be retained by the Town and no refund of such fee or any portion thereof shall be granted.
3. **TEMPORARY WORK.**
   1. On applying for a permit for temporary work, a specified period of time during which such wiring is to remain in service must be stated, but not exceeding ninety (90) days or otherwise determined by the Inspection Department. Service shall be cut off at the end of this period and shall not again be connected without permission from the Electrical Inspector. For buildings where conduit wiring is required, special permits for a temporary work and exposed wiring, lights, power for building operations, display decorative wiring, etc. for use for a limited period, such to discontinuance and complete removal at expiration, and to condemnation and revocation within such period.
   2. EMERGENCY WORK. In emergency work, the person doing or causing such work to be done shall report the same to the Electrical Inspector the next business day after beginning work, and such work shall be done in accordance with the provisions of this Code.
   3. MUNICIPAL ELECTRICAL WORK. Requirements shall be the same for any electrical work on or in any building owned by the Town of Burke, except that no fee shall be charged for an electrical permit issued to the Town of Burke.
   4. UNSAFE EQUIPMENT. No person shall keep, offer for sale or sell, within the Town, any appliances, equipment or fixtures designed for or intended to be used for the production, transmission or utilization of electrical current or power unless said appliances, equipment or fixtures are approved by the Electrical Inspector in accordance with the requirements set forth in the Wisconsin State Electrical Code.
4. **COMPLIANCE REQUIRED.** All wiring shall be done according to, Wisconsin State Electrical Code, Volume II and the Code of Ordinance of the Town of Burke.
5. **CERTIFICATE OF INSPECTION**. No certificate of inspection shall be issued unless the electric light, power or heating installation and all other electrical apparatus connected with it are in strict conformity with the provisions of the Chapter, and the rules and regulations of the Wisconsin State Electrical Code issued by the Department of Industry, Labor and Human Relations, under authority of the state statutes.
6. **ARBITRATION.** When the Electrical Inspector condemns all or part of the electrical installation of any building, the owner within five (5) days after receiving written notice from the Electrical Inspector may file a petition in writing for review of said actions of the Electrical Inspector to said Board. The Board shall at once proceed to determine whether said electrical construction complies with this Chapter, and within three (3) days shall make a decision in accordance with its findings. Petitions filed shall be accompanied by fees in accordance with Town Ordinance 16(c). No appeal shall be processed until such fees are paid in full.
7. **PENALTY.** Any person who shall violate any provision of this Chapter shall be subject to the penalty provided in Section 16(c) of this Code. Each violation and each day a violation continues or occurs shall constitute a separate offense. This Section shall not preclude the Town from maintaining any appropriate action to prevent or remove a violation of this Chapter.
8. **SEVERABILITY.** If any section, subsection, paragraph, clause or provision of this Code shall be adjudged by the course to be invalid, such adjudication shall apply only to this Section, subsection, paragraph, clause or provision so adjudged and the rest of this Code remains effective and in force.

**10-1-6 NEW METHODS AND MATERIALS.**

* 1. 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 Industry, Labor and Human Relations 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.
  2. 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 Industry, Labor and Human Relations. 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 Industry, Labor and Human Relations.

**10-1-7** **UNSAFE BUILDINGS.**

Whenever the Town Board, upon the inspection and report of the Building Inspector, or his designee, finds any building or part thereof within the Town to be, in its 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, the Town Board may 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. The Town Board shall give specific reasons for its determination. Such order and proceedings shall be as provided in Sec. 66.05, Wis. Stats.

**10-1-8 DISCLAIMER ON INSPECI1ONS.**

The purpose of the inspections under this Chapter is to improve the quality of housing in the Town of Burke. 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: "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."

**10-1-9 GARAGES.**

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

**10-1-10 REGULATION AND PERMIT FOR RAZING BUILDINGS.**

* 1. No building within the Town of Burke shall be razed without a permit from the Building Inspector, or his designee. 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. After all razing operations have been completed, the foundation shall be filled at least one (1) foot above the adjacent grade, the property raked clean, and all debris hauled away. 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, or his designee.
  2. All debris must be hauled away at the end of each day for the work that was done on that day. 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. 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. 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.

**10-1-11 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, or his designee, shall order that unless the erection of the building or structure on the excavation or foundation shall commence or continue forthwith suitable safe­ guards 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 services. If the owner of the land fails to comply with the order within the time required, the Building Inspector, or his designee, 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, or his designee, on the cost thereof, pursuant to the provisions of Sec. 66.60, Wis. Stats.

**(d) Vacant Buildings.** Whenever any building or structure is vacant and the doors and windows or any part thereof have been removed or opened, leaving the interior of such building or structure exposed to the elements and accessible to trespassers, then such building or structure shall be deemed to be dangerous, unsafe, and a menace to public safety. The Building Inspector, or his designee, shall give the owner thereof written notice to secure said building or structure and comply with Town Code requirements within thirty (30) days of the date of said notice. Failure to comply with said written notice shall be sufficient grounds for the Building Inspector, or his designee, to condemn and raze said building or structure in accordance with the applicable provisions of Sec. 66.05(2)(a). Wis. Stats.

# 10-1-12 GENERAL FENCES (created 3.17.2010 amended 5.16.2018)

(a) Residential fences

(1) **Definitions.**

i."Fences" are defined for the purpose of this Ordinance as an independent structure forming a barrier at grade between lots, between a lot and a street or an alley, or between portions of property, and includes but is not limited to a wall or latticework screen, but excludes a hedge or natural growth, and excludes a barrier that is fewer than 18 inches in height that is used to protect plant growth.

ii. "Residential" is defined for the purpose of this Ordinance as land which is used primarily for residential living, and includes single family residences, multiple family residences, and apartments.

(2) **Requirements and Restrictions**.

(i) The maximum dimension of wood posts shall be six (6) inches nominal.

(ii) The maximum dimension of boards shall be one (1) by eight (8) inches nominal.

(iii) The maximum diameter of individual poles of a stockade fence shall be three (3) inches nominal.

(iv) The use of doors intended for buildings or plywood sheets is prohibited for use as a gate.

(v) Subject to terms of this Section, all structural elements of the fence shall face the interior of the lot on which the fence is erected unless otherwise exempted by the Building Inspector. *(In other words, the* *more aesthetic side of the fence shall face the neighbor's property).*

(vi) Barbed wire and electrical fences are prohibited.

(vii) Front yards, side yards, and rear yards for purposes of this Section are determined as provided by Dane County's Zoning Code.

(viii) Side and rear yard fences may be located on the lot line.

(3) **Fence Height**.

(i) Fences in side and rear yards shall not exceed eight (8) feet in height. Fences on side yards shall not extend beyond the front building line of the dwelling.

(4) **Decorative Fences in Front Yards**.

Only decorative fences may be erected in front yards, subject to the following requirements:

(i) Decorative fences shall be defined as a fence constructed of materials such as wood, stone, metal or composite materials. Wire, chain link, or cyclone type fencing materials are prohibited.

(ii) In no case may a decorative fence be closer than six (6) inches to the property

line, so that both sides of the fence can be properly maintained by the owner or caretaker of the fence. No fencing shall be allowed in a road right-of-way or easement. No fence shall be erected on any corner lot within ten (10) feet from the traveled portion of any public highway. Decorative fences are also prohibited in any location where such barrier creates a potentially hazardous site-line situation, as determined by the Building Inspector.

(iii) No decorative fence shall exceed three (3) feet in height. The Town Board may allow the height of a decorative fence erected in a front yard to be up to eight (8) feet in height if the Town Board determines that the height will not adversely affect the health, safety, and general welfare of Town residents.

(6) **Fence Permit Required.**

No fence shall be erected in the Town until a permit for the same has been granted by the Building Inspector. A permit fee, and specifications or a design sketch of the fence, shall be submitted along with the application for permit to the Building Inspector.

(7) **Maintenance.**

All fences shall be maintained in a neat, sightly manner, in accordance with Town of Burke Ordinance Section 9, Chapter 6.

(8) **Nonconforming Fences**.

All non-conforming fences existing on the effective date of this section or any amendment of this Section may be continued provided that only fences that are in actual use, maintained, and do not create or continue a hazard may be so continued. No nonconforming fence shall be extended, enlarged, reconstructed, or altered unless the fence is brought into conformance with this Section 10-1-12.

(9) **Fence Gates**.

All gates shall swing in toward the property on which the fence is erected.

(b) **Business, Commercial, or Industrial Fences**

(1) Definitions. “Business, Commercial, or Industrial" is defined for the purpose of this Ordinance as land which is used primarily for non-agricultural business, commercial or industrial purposes.

(2) **Requirements and Restrictions**. The definition of “fence” and all of the requirements and restrictions in Section 1 apply to this Section, except that fences may be up to eight (8) feet in height in back or side yard, and up to six (6) feet in height in front yards, and that barbed tops are permitted on fences not less than six (6) feet in height. Rolled or concertina type barbed wire is prohibited.

(c) **Partition Fences.** Owners and occupants of adjoining lands used and occupied for farming or grazing purposes shall keep and maintain partition fences as required by the applicable provisions of Chapter 90 of the Wisconsin Statutes.

10-1-13 **REGULATIONS FOR MOVING BUIIDINGS.**

(a) **General Requirements.**

(1) No person shall move any building or structure upon any of the public ways of the Town of Burke without first obtaining a permit therefor from the Building Inspector, or his designee, and upon the payment of the required fee. Every such permit issued by the Building Inspector, or his des1gnee, 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) 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 Building Inspector, or his designee, 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) **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.

(c) **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, or his designee, inspect the streets or roads 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.

(d) **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, or his designee, 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, or his designee, 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.

(e) **Bond.**

(1) Before a permit is issued to move any building over any public way in the Town, the party applying therefor shall give a bond to the Town of Burke in a sum to be fixed by the Building Inspector, or his designee, and which shall not be less than One Thousand Dollars ($1,000.00), 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.

(2) Unless the Building Inspector, or his designee, 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, or his designee, and reasonably adopted or calculated to prevent the occurrences set forth herein.

(f) **Insurance.** The Building Inspector, or his designee, shall require, in addition to said bond above indicated, public liability insurance covering injury to one (1) person in the sum of not less than One Hundred Thousand Dollars ($100,000.00) and for one (1) accident in a sum not less than Two Hundred Thousand Dollars ($200,000.00), together with property damage insurance in a sum not less than Fifty Thousand Dollars ($50,000.00), or such other coverage as deemed necessary.

10-1-14 **SWIMMING POOLS.**

(a) **Definition**. A private or residential swimming pool is an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than one and one-half (1-1/2) feet located above or below the surface of ground elevation, used or intended to be used solely by the owner, operator or lessee thereof and his family and by friends invited to use it and includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool.

(b) **Exempt Pools.** Storable children's swimming or wading pools, with a maximum dimension of fifteen (15) feet and a maximum wall height of fifteen (15) inches and which are so constructed that it may be readily disassembled for storage and reassembled to its original integrity are exempt from the provisions of this Section.

(c) **Permit Required.** Before work is commenced on the construction or erection of private or residential swimming pools or on any alteration, additions, remodeling or other improvements, an application for a swimming pool building permit to construct, erect, alter, remodel, or add must be submitted in writing to the Building Inspector, or his designee. Plans and specifications and pertinent, explanatory data should be submitted to the Building Inspector, or his designee, at the time of application. No work or any part of the work shall be commenced until a written permit for such work is obtained by the applicant. The minimum building permit fee pursuant to the Building Code shall accompany such application.

(d) **Construction Requirements.** In addition to such other requirements as may be reasonably imposed by the Building Inspector, or his designee, the Building Inspector, or his designee shall not issue a permit for construction as provided for in Subsection (b), unless the following construction requirements are observed:

(1) All materials and methods of construction in the construction, alteration, addition, remodeling or other improvements and pool installation shall be in accord with all state regulations and code and with any and all Ordinances of the Town now in effect or hereafter enacted.

(2) All plumbing work shall be in accordance with all applicable Ordinances of the Town and all state codes. Every private or residential swimming pool shall be provided with a suitable draining method and, in no case, shall waters from any pool be drained into the sanitary sewer system, onto lands of other property owners adjacent to that on which the pool is located on in the general vicinity.

(3) All electrical installations, including lighting and heating but not limited thereto, which are provided for, installed and used in conjunction with a private swimming pool shall be in conformance with the state laws and Town Ordinances regulating electrical installations.

(e) **Setbacks.** No swimming pool shall be located, constructed, or maintained closer to any side or rear lot line than is permitted in the Dane County Zoning Code for an accessory building.

(f) **Fence.**

(1) Pools within the scope of this Section which are not enclosed with a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the pool, or shall have a cover or other protective device over such swimming pool of such design and material that the same can be securely fastened in place and when in place shall be capable of sustaining a person weighing two hundred fifty (250) pounds. Such cover or protective device shall be securely fastened in place at all times when the swimming pool is not in actual use for swimming or bathing purposes. Such fence or wall shall not be less than four (4) feet in height and so constructed as not to have voids, holes, or openings larger than four (4) inches in one (1) dimension. Gates or doors shall be kept locked while the pool is not in actual use.

(2) The pool enclosure may be omitted where portable pools are installed above ground and have a raised deck around the entire £001 perimeter with an attached enclosed railing a minimum of thirty-six (36) inches high on the top or sidewalls a minimum of thirty-six (36) inches high.

(g) **Filter System Required.** All private swimming pools within the meaning of this Chapter must have, in connection therewith, some filtration system to assure proper circulation of the water therein and maintenance of the proper bacterial quality thereof.

**10-1-15** **FEES**

(a) At the time the application for a building permit is filed, the applicant shall pay fees set forth by Town Board resolution and any other fees which may be specifically designated by State Statute or Town Ordinance.

**10-1-16 SEVERABILTIY.**

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.

**10-1-17 PENALTIES AND VIOLATIONS.**

1. 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, or his designee, 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 his designee or other Town officials constitute a defense. Compliance with the provisions of this Chapter may also be enforced by in-junctional order at the suit of the owner or owners of any real estate within the jurisdiction of this Chapter.
2. If an inspection reveals a noncompliance with this Chapter or the Uniform Dwelling Code, the Building Inspector, or his designee, shall notify the applicant and the owner, in writing, of the violation to be corrected. All cited violations shall be corrected within thirty (30) days after written notification unless an extension of time is granted pursuant to Sec. SPS 320, Wis. Adm. Code.
3. If, after written notification, the violation is not corrected within thirty

(30) 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, or his designee, after satisfactory evidence has been supplied that the cited violation has been corrected.

1. Each day each violation continues after the thirty (30) day written notice period has runs hall 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.
2. 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.

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

(c) Except as may otherwise be provided by the Statute or Ordinance, no officer, agent, or employee of the Town of Burke 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.