

## **CHAPTER VI**

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## 6.01 BUILDING CODE ESTABLISHED.

1. Purpose. This ordinance 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.
2. Scope. New buildings hereafter erected in, or any building hereafter moved within or into the Town, shall conform to all the requirements of this ordinance 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 ordinance 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 ordinance was adopted and in no way supersede or nullify such laws and the said Zoning Code. This ordinance applies to all dwellings, commercial building/structures, swimming pools, garages, structures, buildings and residential accessory buildings. Not included in this ordinance are children’s play structures. These regulations are adopted under the authority granted by [Sections 101.65](#) and [101.761](#), Wis. Stats.
3. Definitions. As used in this ordinance, the following terms have the meaning prescribed herein: (Any item not defined herein shall follow the Wisconsin Administrative Code Definitions)
  - a. Addition. Any new construction whereby an existing structure, or building or structure in course of construction, is increased in area or cubical content.
  - b. Alteration. Any change, addition, modification, or repair to any structural part of an existing structure, any change which involves room arrangement, fenestration, exit stairways, fire protection equipment, exits, application of exterior finish materials or cladding, or any modification of signs, parking areas, fencing, canopies, landscaping, site topography or similar site features.
  - c. Building. Any structure erected or constructed of wood, metal, stone, plastic or other materials, which is intended to be used by human beings or animals for occupancy, livery, commerce, education, cultural activities or other purpose. The term does not include children's play structures, agricultural barns, agricultural sheds or agricultural accessory buildings.
  - d. Building Area. The area of a floor is the area bounded by the exterior surface of the building walls or the outside face of columns where there is no wall. Area includes all floor levels such as subbasements, basements, ground floors, mezzanines, balconies, lofts, all stories and all roofed areas including porches and garages, except for cantilevered canopies on the building wall. Use the roof area for free standing canopies.
  - e. Building Inspector. The individual(s) or firm appointed by the Town to exercise all of the powers and duties of a building inspector under Wisconsin State law.
  - f. Construction. Any part or portion of the activity of installing, locating, siting, erecting or raising a building.
  - g. Contractor. Any person, firm or entity which undertakes any activity related to the

- construction of a building other than the mere provision of supplies and or materials.
- h. Demolition. The activity of completely or partially destroying a previously erected or constructed building.
  - i. Electrical. The trade which relates to the design, installation, maintenance and repair of the mechanical equipment, wiring, fixtures and connections which tie a structure to the power grid of an electric generating utility and distribute the electricity through a structure to end uses, including any work which may be performed by a Master Electrician licensed by the State of Wisconsin or a person under the supervision of such an electrician.
  - j. HVAC. An acronym which stands for Heating, Ventilating and Air Conditioning; the trade which installs mechanical equipment, systems and accessory ducting and gratings for the purpose of warming, purifying, cooling and exchanging air in a building.
  - k. Occupancy. The act of utilizing a building for human habitation, use, or occupancy. Any use of a building for any activity which is customarily or routinely associated with utilization of a building as a residence, detached residential accessory structure, or commercial use shall constitute occupancy.
  - l. Owner. The individual, firm or entity which has record title to the real estate on which construction or demolition is taking place.
  - m. Plumbing. The trade which relates to the design, installation and maintenance or repair of pipes, drains, sinks, basins, hot water heating systems, natural gas pipes, grease traps, floor drains, and all other work for which the individual performing the work may either be a Master Plumber licensed by the State of Wisconsin or work under the supervision of such a plumber.
  - n. Repairs. That 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 exit stairways or exits, fire protection or exterior aesthetic appearance and which do not increase a given occupancy and use, shall be deemed minor repairs.
  - o. Stop Work Order. A directive issued with respect to a construction project by a building inspector which compels the owner and any contractor or builder of a building to cease any further work or activity on the construction project until the building inspector has authorized the resumption of the construction project.
  - p. Structure. Anything other than a building which is constructed, erected, and framed of component parts and which is fastened, anchored, or rests on a permanent foundation or on the ground for any occupancy or use whatsoever. It includes fair, carnival and festival open structures; fire escape, stairway, or chute escapes and railings; fences and railings; open air observation, water tank and other towers; traveling cranes.

## **6.02 ADOPTION OF CODES.**

1. The following Chapters of the Wisconsin Administrative Codes, as well as all subsequent revisions, are adopted by the Town of Beloit and shall be enforced by the Building Inspector.
  - a. [Chapter SPS 305](#)                      Credentials
  - b. [Chapter SPS 316](#)                      Electrical Code
  - c. [Chapters SPS 320-325](#)                  Uniform Dwelling Code
  - d. [Chapters SPS 361-366](#)                  Commercial Building Code
  - e. [Chapters SPS 375-379](#)                  Buildings Constructed Prior to 1914
  - f. [Chapters SPS 381-387](#)                  Uniform Plumbing Code

2. Scope of Uniform Dwelling Code Expanded.
  - a. For the purposes of this ordinance, the standards contained in the Wisconsin Uniform Dwelling Code shall be expanded to apply as the standards for construction of the following:
    - i. Additions, alterations and major equipment replacements for one and two family dwellings built prior to June 1, 1980.
    - ii. Detached accessory buildings greater than two hundred (200) sq. ft. serving one (1) and two (2) family dwellings.
    - iii. Frost Protection for Footings and Foundations.
    - iv. Grade-beam slabs are required for structures with a continuous floating slab of reinforced concrete. Slab shall not be less than four (4) inches in thickness. Reinforcement shall be a minimum of six by six (6 x 6) inch, number ten (10) wire mesh or by using 1.5 pounds of fiber mesh per cubic yard of concrete with varying fiber mesh lengths. The slab shall be provided with a thickened edge all around, eight (8) inches wide and eight (8) inches below the top of the slab.
    - v. Structures not constructed with a floating slab shall have footings and foundations placed below frost penetration level, but in no case less than forty-eight (48) inches below grade per [SPS 321](#).
  - b. Detached accessory buildings less than 200 square feet in size, concrete slabs, frost-free footings, and the like are not required, but if they are installed they shall follow (ii) above and/or [SPS 321](#). Wood bearing beams, walls or members in contact with the ground shall be pressure treated or decay resistant type wood per [SPS 321.10](#).

### **6.03 DELEGATED MUNICIPALITY STATUS.**

1. Delegated Municipality. The Town has adopted the Delegated Municipality Status as described in [SPS 361.60](#) of the Wisconsin Administrative Code.
2. Responsibilities. The Town shall assume the following responsibilities for the Department of Safety and Professional Services (Department):
  - a. Provide inspection of commercial buildings with certified commercial building inspectors.
  - b. Provide plan examination of commercial buildings with certified commercial building inspectors.
3. Plan Examination. Drawings, specifications and calculations for all the types of buildings and structures, except state-owned buildings and structures, to be constructed within the limits of the Town of Beloit shall be submitted, if the plans are for any of the following:
  - a. A new building or structure.
  - b. An addition to a building or structure.
  - c. An alteration of a building space, element, or structure.
  - d. A certified or delegated municipality may waive its jurisdiction for the plan review of a specific project or types of projects, or components thereof, in which case plans and specifications shall be submitted to the Department for review and approval.
  - e. The department may waive its jurisdiction for the plan review of a specific project, where agreed to by a certified municipality, in which case plans and specifications shall be submitted to the certified municipality for review and approval.

4. Plan Submission Procedures. All commercial buildings, structures and alterations, including new buildings and additions require plan submission as follows:
  - a. Building permit application;
  - b. Application for review – State of Wisconsin SBD-118 or Municipal Equivalent;
    - i. Fees per municipal fee schedule.
    - ii. Fees apply to all commercial projects.
  - c. Four (4) sets of plans;
  - d. Signed and sealed per [SPS 361.31](#);
  - e. One (1) set of specifications;
  - f. Component and system plans; and
  - g. Calculations showing code compliance.

#### **6.04 BUILDING PERMITS AND INSPECTIONS.**

1. Permit Required. No owner or contractor may commence construction of any building or mechanical system prior to obtaining a valid permit from the Town of Beloit Building Inspector.
2. 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 Building Inspector or his/her designee.
  - a. Prior to commencing any of the following work, the owner or his/her agent shall obtain a valid permit for:
    - i. New buildings including agricultural buildings, detached structures (decks) and detached accessory buildings.
    - ii. Additions that increase the physical dimensions of a building including decks.
    - iii. Alterations to the building structure where the reported cost shall include market labor value, or alterations to the building's heating, electrical or plumbing systems.
    - iv. Replacement of major building equipment including furnaces, and central air conditioners, water heaters and any other major piece of equipment shall require a permit.
    - v. Any electrical wiring for new construction or remodeling.
    - vi. Any HVAC for new construction or remodeling.
    - vii. Any plumbing for new construction or remodeling.
    - viii. Any new or re-wired electrical service, including services for agricultural buildings.
    - ix. Any moving or relocating of structures including site work and applicable foundation system.
    - x. Any work on subterranean structures, footings, foundations or retention walls.
3. Application. Application for a building permit shall be made in writing upon a form furnished by the Building Inspector or his/her 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 may require.

4. 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 Building Inspector in accordance with the requirements of this ordinance. The applicant shall submit a site plan and sufficient plans and specifications of proposed buildings, machinery and operations to enable the Building Inspector or expert consultants to determine whether the proposed application meets all the requirements applicable thereto in this ordinance.
  - a. Requirements. In acting on any site plan, the Building Inspector shall consider the following:
    - i. The appropriateness of the site plan and buildings in relation to the physical character of the site and the usage of adjoining land areas.
    - ii. 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 hereby.
    - iii. The adequacy of the proposed water supply, drainage facilities and sanitary and waste disposal.
    - iv. The landscaping and appearance of the completed site. The Plan Commission and/or Town Zoning Administrator/Planner 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 ordinance.
  - b. Effect on Municipal Services. Before granting any site approval, the Plan Commission and/or Town Zoning Administrator/Planner 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 Town Board shall not issue the final approval until the Town has entered into an agreement with the applicant regarding the development of such facilities.
  - c. Appeals. Denials of building permits contingent upon site plan approval may be appealed to the Board of Adjustment 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.
    - i. 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.

- ii. 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. Waiver of Plans; Minor Repairs.

- i. Waiver. If the Building Inspector finds that the character of the work is sufficiently described in the application, he/she 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).
- ii. 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 One Thousand Dollars (\$1,000.00), 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.

5. Submission of Plans. The owner or contractor shall, with respect to any proposed construction or demolition, submit two (2) sets of building plans to the Inspector for any work which expands the size of a building, any new building or as required by the Inspector. If a new building or building addition is proposed, a plat of survey stamped by a surveyor licensed by the State of Wisconsin, drawn to scale showing such proposed work and existing buildings and property lines shall be submitted. A third set of plans may be requested at the discretion of the Building Inspector for the Assessor. The Building Inspector may require the owner or contractor to submit plans for any construction or demolition project when the Building Inspector determines that it is necessary to review such plans to assure that the proposed project will comply with all applicable codes.

6. Approval of Plans.

- a. If the Building Inspector determines that the building will comply in every respect with all ordinances of the Town and all applicable laws of the State of Wisconsin, he/she 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 which involves the safety of the building or the occupants, except with the written consent of the Building Inspector.
- b. In case adequate plans are presented for part of the building only, the Building Inspector, at his/her discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building.

7. Authority and Enforcement.

- a. Creation and Appointment. The Building Inspector shall be appointed by the Town of Beloit Board of Supervisors. The Building Inspector shall be certified for inspection purposes by the Department in the required categories specified under [SPS 305](#), Wisconsin Adm. Code.

- b. Assistants. The Building Inspector may employ, assign or appoint, as necessary, assistant inspectors. Any assistant hired to inspect buildings shall be certified as defined in [SPS 305](#), Wisconsin Adm. Code, by the Department.
  - c. Duties. The Building Inspector shall administer and enforce all provisions of this ordinance.
  - d. Powers. The Building Inspector or an authorized certified agent of the Building Inspector may, at all reasonable hours, enter upon any public or private premises for inspection purposes. The Building Inspector 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 Inspector or his/her agent while in the performance of his/her duties. In the event that the Inspector is refused access to any such premises, then the Inspector is authorized to apply for a special inspection warrant pursuant to [Section 66.0119](#), Wis. Stats.
8. Issuance of Permit.
- a. The Inspector shall issue the requested permit if the owner or contractor demonstrates that all state, county and local submission requirements are satisfied. If a permit is issued, it shall be posted at the job site in a visible location from the street. Permits are valid for Ninety (90) Days. Permits may be extended for thirty (30), ninety (90), or up to one hundred eighty (180) days with the Building Inspector's approval and payment of permit fees. Further, the owner or contractor must demonstrate that all state, county and local laws have been complied with in regard to the property for which the permit has been requested.<sup>1</sup>
  - b. By accepting a permit, the applicant, owner or contractor grants the Building Inspector the right of access to the real estate on which the permitted construction or demolition will occur.
  - c. Permits are issued conditionally on the condition that the owner and/or contractor(s) shall conform to the requirements of all applicable codes, zoning ordinances and setback requirements in constructing the building.
  - d. No permit shall be issued to any person who is in violation of this ordinance until such violation has been corrected.
  - e. No permit shall be issued to any person to whom an order has been issued by the Building Inspector.
  - f. It shall be the responsibility of the installer or contractor to determine if a permit is required and to obtain the same prior to commencing work
9. Fees and Permit Issuance. At the time of building permit application issuance, the applicant shall:
- a. Pay fees as established periodically by resolution of the Town Board of Supervisors.
  - b. Provide to the inspector a list of all contractors performing work on the premises.
  - c. Where applicable, applicant must provide evidence of contractor's licensure that will be performing the work.
  - d. If under State of Wisconsin Statutes there are requirements set forth requiring a professionally licensed Engineer or Architect supervising the project, provide evidence of whom is the supervising design professional is over the work by providing:
    - i. Stamped plans in accordance with [SPS 361.31](#)

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<sup>1</sup> Ordinance No. 17-08 adopted 8/9/2017



- ii. Letter of supervision, signed SBD – 118 form, or other acceptable documentation as set forth by the municipality.
- e. If work commences prior to permit issuances, the permit fee shall double.
- f. If work commences prior to permit issuance without properly licensed and/or credentialed individuals as described in local ordinance or State of Wisconsin Statute, the fees specified by the municipality may be quadrupled.

10. Inspections.

- a. To permit inspection of a building project at all necessary phases without causing delay for the owner, the owner and/or contractor shall request all of the following inspections in conformity with the appropriate time frame defined in the Wisconsin Administrative Code or at least 48 hours in advance by the applicant/contractor or property owner as applicable:
  - i. Footing
  - ii. Foundation
  - iii. Backfill
  - iv. Rough Carpentry, HVAC, Electric and Plumbing
  - v. Drain tile/Basement Floor
  - vi. Underfloor Plumbing
  - vii. Electric Service
  - viii. Insulation
  - ix. Final Carpentry, HVAC, Electric & Plumbing
  - x. Erosion Control
  - xi. Driveway/Culvert
  - xii. Final Occupancy
- b. Failure to request any inspection will be the responsibility of the contractor and/or property owner. No construction shall be deemed approved by default or lack of inspection by the Building Inspector.
- c. The permit holder or the permit holder's representative shall notify the Inspector when the stages of construction are reached that require an inspection. All ladders, scaffolds and test equipment required to complete an inspection or test shall be provided by the property owner, permit holder or their representative. If upon any inspection, it is found that a required inspection cannot be made because work to be inspected has been covered or concealed, the permit holder or agent shall uncover the work, as directed by the Inspector, and no approval of covered or concealed work shall be given until the required inspection can be made and the work complies with the applicable regulations of this code.
- d. The expense of uncovering or exposing any work which must be inspected, where such work was required by the failure of the owner, contractor or their authorized representative to request any inspection, will be the responsibility of the contractor and/or property owner.

11. Records. The Building Inspector shall perform all administrative tasks required by the Department under all codes. In addition, the Inspector shall keep a record of all applications for permits and shall number each permit in the order of its issuance.

12. Revocation of Permits/Stop Work Order. The Building Inspector may issue a stop work order for a project to prevent further non-complying work. No person, firm or entity may continue

a construction project after a stop work order has been issued. The person, firm or entity which receives such a stop work order may contest the validity of the same by requesting a hearing before the Town Board. The Town Board shall hear the appeal within fourteen (14) days. The Town shall affirm the stop work order unless the owner or contractor shows that the Building Inspector erred in determining that the construction project violated a provision or provisions of the State building codes.

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

#### **6.05 NEW METHODS AND MATERIALS.**

1. All materials, methods of construction and devices designed for use in buildings or structures covered by this ordinance and not specifically mentioned in or permitted by this ordinance shall not be used until approved 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 Wisconsin State Building Code. The data, test and other evidence necessary to prove the merits of such material, method of construction or device shall be determined by the Wisconsin State Building Code.

**6.06 REGULATIONS FOR MOVING BUILDINGS.** No person shall move any building or structure upon any of the public ways of the Town without first obtaining a Conditional Use Permit. Said permit shall be granted by the Town Plan Commission and Town Board with such conditions as may be necessary.

#### **6.07 RAZING AND DEMOLITION.**

1. Demolition Permit Required. No person, firm or entity may cause the demolition of any structure or part of a structure greater than four hundred (400) square feet in area without having first applied for and obtained a demolition permit from the Building Inspector. No person, firm or entity may undertake any steps to demolish the structure prior to receiving a permit.
2. Application. An application for a permit to demolish all or part of a building shall include the following information:
  - a. The name and address of the owner of the building on date of application and, if different, on date of demolition;
  - b. The name, address and telephone number of the contractor(s) performing the demolition work;
  - c. The date upon which demolition is to commence;
  - d. The date by which demolition shall be complete;

- e. A list of all hazardous waste and hazardous and toxic substances (as defined by [Section NR 706](#), Wisconsin Administrative Code as amended from time to time) contained in the building, a statement as to whether the building contains asbestos (as defined by [Section NR 445](#), Wisconsin Administrative Code), 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;
  - f. 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);
  - g. A description of the method of demolition to be used; and
  - h. 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;
  - i. 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.
3. Demolition. The demolition shall be conducted in a manner that is safe and that does not adversely affect the environment.
4. Clearing and Leveling the Site.
- a. 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 some other manner acceptable to the Building Inspector 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.
  - b. Excavations from demolished buildings or structures shall not be filled with any materials subject to deterioration. The Building Inspector, upon notification by the permit holder, the owner or his agent, in writing and upon forms provided by the Building Inspector for that purpose, shall within twenty-four (24) hours inspect each excavation, or part thereof, before filling any excavation.
  - c. It shall be unlawful to fill any such excavation without inspection and approval of the Building Inspector. Voids in filled excavations shall not be permitted. Basement or crawl space floors shall be broken into no larger than four (4) foot x four (4) foot pieces to allow storm and ground water to pass through.
5. 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. The permit holder shall give the Building Inspector seventy-two (72) hour's written notice prior to any removal, transportation or disposal of hazardous waste, hazardous and toxic substances, and asbestos.

#### **6.08 FENCES, WALLS AND HEDGES REGULATED.**

- 1. Permit Required. No fence, wall or hedge of any kind shall be erected, installed or grown within the Town of Beloit until a permit therefore shall first have been obtained by the owner,

or his/her authorized agent from the Building Inspector or his/her designee. The owner or his/her agent shall submit, and certify the accuracy thereof, plans and specifications showing the type, size, location and height of the fence, wall or hedge. The fee for such Permit shall be established by resolution of the Town of Beloit Board of Supervisors from time to time and shall be paid when application for the permit is made.

2. Residential Regulations. Within a residential district in the Town of Beloit, any fence, wall or hedge that is erected, installed or grown shall be subject to and conform to the following:
  - a. No fence, wall or hedge shall exceed seventy-two (72) inches in height from the ground level vertically to the top of such fence, wall or hedge.
  - b. No fence, wall or hedge which extends beyond the front of the residence or extends into the front yard setback, shall exceed thirty-six (36) inches in height from the ground level vertically to the top of such fence, wall or hedge.
  - c. No fence, wall or hedge may extend unto, encroach, or overhang any adjoining private property, public right-of-way, or public land unless a written and recorded easement permitting such encroachment is in place.
  - d. No fence shall be constructed using barbwire strands, electrically charged wire or other device determined to be dangerous or hazardous by the Building Inspector on all or any part of the fence.
  - e. No fence, wall or hedge shall be permitted where it is determined by the Building Inspector that it will interfere with the observation of pedestrian or vehicular traffic, or render adjacent streets and/or sidewalks unsafe.
  
3. Commercial Regulations. Within a commercial district in the Town of Beloit any fence, wall or hedge that is erected, installed or grown shall be subject to and conform to the following:
  - a. No fence, wall or hedge shall exceed one hundred twenty (120) inches in height from the ground level vertically to the top of such fence, wall or hedge.
  - b. Any fence, wall or hedge which extends beyond the front of the principal building or extends into the front yard setback, shall not exceed a height measured from the ground vertically to the top of such fence, wall or hedge, determined by the Building Inspector to be compatible and harmonious with adjoining properties.
  - c. No fence, wall or hedge may extend unto, encroach or overhang any adjoining private property, public right-of-way, or public land unless a written and recorded easement permitting such encroachment is in place.
  - d. No fence of less than eighty-four (84) inches shall be constructed using barbwire strands, electrically charged wire or other device determined to be dangerous or hazardous by the Building Inspector on all or any part of the fence.
  - e. No fence, wall or hedge shall be permitted where it is determined by the Building Inspector that it will interfere with the observation of pedestrian or vehicular traffic, or render adjacent streets and/or sidewalks and/or private property unsafe.
  
4. Swimming Pool Fences.
  - a. Fencing Required. All outdoor swimming pools of two (2) feet in depth or more shall be completely enclosed by a fence not less than fifty-four (54) inches and not more than seventy two (72) inches in height from ground level vertically to the top of the fence.
  - b. Construction Standards. Fences and gates shall be constructed of decay and corrosion resistant material and shall not have gaps in excess of four (4) inches in width. All gates

shall be of the same height as the fence and be fitted with self-closing and self-latching devices.

5. Maintenance. All fences and hedges shall be kept and maintained in good condition by the owner of the property upon which it is located so as to prevent them from being hazardous or unsightly.

**6.09 OCCUPANCY PERMIT.** If the Building Inspector, after completing all required inspections, finds that a building has been constructed in accordance with the applicable codes, then the Inspector shall issue an occupancy permit. If the building fails to comply with the code in minor respects which do not threaten the safety, health or welfare of the building's occupants, the Building Inspector may issue a temporary occupancy permit for thirty (30) days or a specified term. No person may have occupancy of a building until an occupancy permit is issued.

**6.10 UNSAFE BUILDINGS AND SAFETY DURING CONSTRUCTION.**

1. Whenever the Building Inspector determines that any building or structure is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation, occupancy or use, and so that it would be unreasonable to repair the same, the Inspector shall recommend to the Town Board an order be sent to the owner to raze and remove all or part thereof, or if such structure can be made safe and sanitary by repairs, is at the owner's option. Such orders and proceedings shall be as provided in [Section 66.0413](#), Wis. Stats.
2. Whenever the construction of any building, structure, equipment, or additions thereto, or alterations, or repairs thereto, or removal, or demolition thereof is being done contrary to the regulations of this code, the conditions of a certificate of appropriateness issued pursuant thereto, the conditions of conditional use or zoning approval pursuant thereto, or is being done in an unsafe or dangerous manner, or not in accordance with the approved plans, specifications, and data, or with the terms of the permit granted therefor, the Inspector shall post a placard on the premises notifying the owner, contractor and all other available and applicable parties of the issues and proceed to recommend to the Town Board that an order be sent such work to be stopped at once and thereafter confirm such order by a written order served on the owner of the premises and on the person engaged in doing or causing such work to be done, and any such persons shall immediately stop all such work until satisfactory evidence is presented to the Inspector and municipality that all of the provisions of the permit, this code, conditions of a certificate of appropriateness issued pursuant thereto, all applicable zoning approvals, Wisconsin Administrative Code, all other lawful orders of the Wisconsin Department of Safety and Professional Services and other laws and ordinances applicable thereto will be complied with, at which time work can again be resumed providing authority is procured from the Inspector to recommence with the work.
3. When in the judgment of the Inspector of a building or structure or part thereof is extremely unsafe and in danger of structural failure or collapse, or the property is unsafe to the public or users of the property the Inspector may order the owner or agent to immediately provide temporary safeguards, for the protection of the general public and upon installation of such safeguards, may permit the occupancy or use of the building, structure or property to continue or resume on a limited basis as directed by the Inspector.

**6.11 VIOLETIONS AND PENALTIES.**

1. Prohibition. No person, entity, or firm may construct, remodel, demolish or repair any building in a manner which violates any provision or provisions of this ordinance.
2. Every person, firm or entity which violates this code shall, upon conviction, forfeit not less than Twenty Five Dollars (\$25.00) nor more than One Thousand Dollars (\$1,000.00) for each day of non-compliance, together with the costs of prosecution.
3. Violations discovered by the Building Inspector shall be corrected within thirty (30) days, or more if allowed by the Inspector, after written notice is given. Violations involving life safety issues shall be corrected in a reasonable time frame established by the Building Inspector.
4. Compliance with the requirements of this ordinance is necessary to promote the safety, health and well-being of the community and the owners, occupants and frequenters of buildings. Therefore, violations of this ordinance shall constitute a public nuisance which may be enjoined in a civil action.

**6.12 VARIANCE.** The Town of Beloit shall hear requests for variances from the building code to the extent the Board of Adjustment has authority to hear and grant variances. The Board of Adjustment shall approve, conditionally approve, or deny a requested variance. The Board of Adjustment may grant a variance from a Code requirement only if the variance is permitted by state law and if the performance of the proposed variance is equal to or greater than the code requires.

**6.13 APPEALS.** Any person feeling aggrieved by an order of the Building Inspector may, within twenty (20) days thereafter, appeal from such order to the Town Administrator. The Town of Administrator will follow procedures explained in Wisconsin Statutes [Chapter 68](#), to arrive at a final determination. Final determinations may be reviewed as explained in Wisconsin Administrative Rules [SPS 320.21](#).

**6.14 DISCLAIMER AND NON-LIABILITY FOR DAMAGES.** This ordinance shall not be construed as an assumption of liability by the municipality or the Building Inspector for damages because of injuries sustained or property destroyed by any defect in any dwelling or equipment.

**6.15 SEVERABILITY.** If any ordinance or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific ordinance or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

**6.16 ILLICIT DISCHARGE.**

1. Authority. This ordinance is adopted under authority granted by [Chapter 283](#) Wis. Stats and [NR 216.07\(3\)](#) Wis. Adm. Code. The provisions of this ordinance are not intended to limit any other lawful regulatory powers of the Town of Beloit.

2. Purpose. The purpose of this ordinance is to provide for the health, safety and general welfare of citizens through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) to comply with requirements of the Wisconsin Pollutant Discharge Elimination System (WPDES) permit process. The intent of this ordinance is:
  - a. To prohibit the discharge, spilling or dumping of non-storm water substances or materials into waters of the state or the MS4;
  - b. To identify non-storm water discharges or flows that are not considered illicit discharges; and
  - c. To establish legal authority to carry out all inspection, surveillance, monitoring and enforcement procedures necessary to ensure compliance with this ordinance.
3. Jurisdiction. This ordinance shall apply to illicit discharges located within the boundaries and jurisdiction of the Town of Beloit.
4. Definitions. For the purposes of this ordinance, the following shall mean:
  - a. Best Management Practices (BMP's). Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. BMP's also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.
  - b. DNR. Wisconsin Department of Natural Resources.
  - c. Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property or the environment when improperly treated, stored, transported, disposed of or otherwise managed.
  - d. Illicit Discharge. Any discharge to the MS4 that is not composed entirely of storm water except discharges authorized by a WPDES permit or exempted by this ordinance.
  - e. Illicit Connections. An illicit connection is defined as either of the following:
    - i. Any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the MS4 regardless of whether said drain or connection had been previously allowed, permitted or approved by the Town; or
    - ii. Any drain or conveyance connected from a commercial or industrial land use to the MS4 which has not been documented in plans, maps or equivalent records and approved by the LCD.
  - f. Industrial Activity. Activities subject to WPDES or NPDES Industrial Permits as defined in 40 CFR, Section 123.25, Wis. Stats.
  - g. Municipal Separate Storm Sewer System (MS4). A conveyance or system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains, which meet all of the following criteria:
    - i. Owned or operated by a municipality;
    - ii. Designed or used for collecting or conveying storm water; and

- iii. Which is not a combined sewer conveying both sanitary and storm water.
  - h. National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit. A permit issued by the United States Environmental Protection Agency (EPA) or by a State under authority delegated pursuant to [33 USC 1342\(b\)](#) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group or general area-wide basis.
  - i. Non-Storm Water Discharge. Any discharge to the storm drain system that is not composed entirely of storm water.
  - j. Permittee. The owner or operator of an MS4 authorized to discharge storm water into waters of the state in the Town of Beloit.
  - k. Permitted Area. The areas of land under the jurisdiction of the Town of Beloit that contribute to discharge from the Town's MS4 which are regulated under a Municipal WPDES Permit pursuant to [Subch. I of NR 216](#) Wis. Adm. Code.
  - l. Person. Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.
  - m. Pollutant. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals, animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.
  - n. Premises. Any building, lot, parcel of land or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
  - o. Storm Water. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.
  - p. Town. The Town of Beloit.
  - q. Town Board. The Board of Supervisors of the Town of Beloit.
  - r. Wastewater. Any water or other liquid, other than uncontaminated storm water, discharged from a facility.
  - s. WPDES Permit. A Wisconsin Pollutant Discharge Elimination System permit issued pursuant to [Section 283.31](#), Wis. Stats. by the DNR.
5. Remedies Not Exclusive. The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the Town Board to seek cumulative remedies.
6. Discharge Prohibitions.
- a. No person shall discharge or cause to be discharged into the MS4 or waters of the state any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
  - b. The commencement, conduct or continuance of any illicit discharge to the MS4 is prohibited except as described as follows:



- i. The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, individual residential car washing, natural riparian habitat or wetland flows, swimming pools (if dechlorinated – typically less than one (1) PPM chlorine), firefighting activities and any other water source not containing pollutants.
  - ii. Dye testing is an allowable discharge, but requires a verbal notification to the Town prior to the time of the test.
  - iii. The prohibition shall not apply to any non-storm water discharge permitted under an WPDES permit, waiver or waste discharge order issued to the discharger and administered under the authority of the Wisconsin DNR, provided that the discharger is in full compliance with all requirements of the permit, waiver or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.
7. Ultimate Responsibility. The standards set forth herein and promulgated pursuant to this ordinance are minimum standards. Therefore, this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.
8. Notification of Spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illicit discharges or pollutants discharging into storm water, the MS4, or waters of the state, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the Town in person or by phone or facsimile immediately. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Town within three (3) business days of the phone notice.
9. Industrial or Construction Site Discharges. Any person subject to an industrial or construction site WPDES storm water discharge permit or a Town of Beloit Construction Site Erosion Control or Storm Water Management Permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Town prior to the allowing of discharges to the MS4.
10. Inspections.
  - a. The Town shall be permitted to enter and inspect any property subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force that require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to the Town.

- b. The Town shall be permitted ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of a WPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.
- c. If the Town has been refused access to any part of the premises from which storm water is discharged, and the Town is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Town may seek issuance of an inspection warrant from any court of competent jurisdiction.

11. Enforcement and Penalties.

- a. Any illicit discharge initiated after the effective date of this ordinance by any person, firm, association, or corporation subject to the provisions of this ordinance shall be deemed a violation unless conducted in compliance with the requirements of this ordinance.
- b. Every violation of this ordinance is a public nuisance. Compliance with this ordinance may be enforced by an injunction order at the suit of the Town. It shall not be necessary to prosecute for forfeiture before resorting to injunction proceedings.
- c. When the Town finds that a person has violated a prohibition or failed to meet a requirement of this ordinance, the Town may order compliance by written notice of violation to the responsible person via certified mail. Such notice may require without limitation:
  - i. The performance of monitoring, analyses and reporting;
  - ii. The elimination of illicit connections or discharges;
  - iii. That violating discharges, practices or operations shall cease and desist;
  - iv. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
  - v. The implementation of source control or treatment BMP's.
- d. Upon receipt of written notification from the Town, the responsible person shall correct the activity as necessary to meet the specifications and schedule set forth in the notice.
- e. If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by the Town or a contractor and the expense thereof shall be charged to the violator. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the Town or designed contractor to enter upon the premises for the purposes set forth above.
- f. If the responsible person does not comply with the provisions of a notice of violation, the Town may request the Town Attorney to obtain a cease and desist order in any court with jurisdiction.
- g. Any person, firm, association or corporation violating any of the provisions of this ordinance shall be subject to a forfeiture of no less than Five Hundred Dollars (\$500.00), nor more than Five Thousand Dollars (\$5,000.00), and the costs of prosecution, including staff time, per offense. Each day a violation exists shall constitute a separate offense.
- h. In lieu of enforcement proceedings, penalties and remedies authorized by this ordinance, the Town may impose upon a violator alternative compensatory actions, such as attendance at compliance workshops, and creek cleanup.

12. Cost Abatement of the Violation. Within thirty (30) days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within thirty (30) days. If the amount due is not paid within a timely manner as determined by the decision of the Town Board or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

#### **6.17 DRIVEWAYS; CULVERTS AND DRAIN TILE.**

1. Permit Required<sup>2</sup>. No person shall construct or install any driveway, private road, drainage tile or culvert in a public right-of-way of the Town of Beloit without first obtaining a permit for such installation from the Town of Beloit. Included within the scope of this requirement are commercial driveways.
2. Driveway, Culvert and Drainage Tile Location, Design and Construction Permit Required.
  - a. Building Permit Issuance. No building permit shall be issued by the Town of Beloit until the requirements of Sections 1 & 2 have been complied with by the property owner.
  - b. Application. Application for a permit for a driveway or drainage tile or culvert installation shall be made to the Building Inspector of the Town of Beloit upon forms made available at the Town Hall.
  - c. Installation Authorization. The application for driveway drainage tile or culvert installation shall be the responsibility of the property owner or contractor associated with the project. The Town does not incur costs, or the labor associated with the physical installation of culverts for private access to a property.
3. General Requirements. The location, design and construction of driveways shall be in accordance with the following:
  - a. General Design. Private driveways shall be of such width and so located that all of such driveways and their appurtenances are within the limits of the frontage abutting the street of the property served. Driveways shall not provide direct ingress or egress to or from any street intersection area and shall not encroach upon or occupy areas of the street right-of-way required for effective traffic control or for street sign or signals. A driveway shall be so located and constructed that vehicles approaching or using it shall have adequate sight distance along the street. The edge of the driveway, at the center of the highway ditch, shall not be closer than twenty (20) feet from the edge of another driveway at its closest side, at the center of the highway ditch, except by special permission from the Town Board, and driveways shall in all cases be placed wherever possible as not to interfere with utilities in place.
  - b. Island Area. The island area in the street right-of-way between successive driveways or adjoining a driveway and between the highway shoulder and right-of-way shall constitute a restricted area and may be filled in and graded.
  - c. Driveway Approach to Town Road.
    - i. The apron from the center of the culvert to the road pavement must have a minimum of a three (3) feet to ten (10) feet taper on each side of the apron.

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<sup>2</sup> Ordinance No. 17-33 adopted 12/18/2017

Example: If the distance from the center of the culvert to the pavement is ten (10) feet, then the apron must be three (3) feet wider on each side than the width at the culvert.

- ii. The sides of the apron, at least to the culvert, should be beveled down to grade so as to have no abrupt surface that could damage a snow plow or create a hazard to any vehicle that should travel off the pavement.
  - iii. No barricade, fence or guard that extends higher than the roadbed may be constructed in the area from the pavement to the center of the culvert.
- d. Restricted Areas. The restricted area between successive driveways may be filled in and graded only when the following requirements are complied with:
- i. The filling or draining shall be to grades approved by the Town Engineer and, except where highway drainage is by means of curb and gutter, water drainage of the area shall be directed away from the street roadbed in a suitable manner.
  - ii. Culvert extensions under the restricted area shall be of the same size and of equivalent acceptable material as the culvert under the driveway. Intermediate catch basins are required where the total culvert length is greater than three hundred (300) feet and/or where a bend or curve in the pipe is required.
  - iii. Where no street side ditch separates the restricted area from the street roadbed, permanent provisions may be required to separate the area from the street roadbed to prevent its use for driveway or parking purposes by construction of a border, curb, rail or posts as may be required by the Town Board.
4. Relocation of Utilities. Any costs of relocating utilities shall be the responsibility of the property owner with approval of the Town Board necessary before any utility may be relocated and the driveway installed.
5. Variances. Any of the above requirements may be varied by the Town Board in such instances where the peculiar nature of the property or the design of the street may make the rigid adherence to the above requirement impossible or impractical.
6. Special Requirements for Commercial and Industrial Driveways. The following regulations are applicable to driveways serving commercial or industrial establishments:
- a. Width of Drive. No part of a private driveway located within the dedicated area of a public street shall, except as hereinafter provided, have a width less than twenty-four (24) feet or greater than thirty (30) feet in length measured at right angles to the center line of said driveway, except as increased by permissible radii. In instances where the nature of the commercial or industrial activity or the physical characteristics of the land would require a driveway of greater width than herein specified, the Town Board in its discretion may permit a driveway of additional width.
  - b. Angular Placement of Driveway. The angle between the center line of the driveway and the curb line or road edge shall be no be less than seventy degrees (70°).
7. Special Requirements for Residential Driveways. The following regulations are applicable to driveways serving residential property:
- a. Width. Unless special permission is first received from the Town Board, or committee thereof, a residential single-type driveway shall be no greater than thirty (30) feet wide at the curb line or pavement edge and eighteen (18) feet wide at the outer or street edge

of the sidewalk; residential double-type driveways shall be no greater than thirty (30) feet wide at the curb line and thirty (30) feet wide at the outer or street edge of the sidewalk.

- b. Angular Placement. The center line of the drive may be parallel to the property line of the lot where access is required or at right angles to the curb line or pavement edge.

8. Prohibited Driveways and/or Filling.

- a. No person, firm or corporation shall place, construct, locate in or cause to be placed, constructed or located in, any obstruction or structure within the limits of any public road, highway or street in the Town of Beloit except as permitted by this ordinance. As used herein the word “structure” includes private driveways, a portion of which extends into any public road, highway or street, and which is in non-conformance with this ordinance.
- b. No portion of a driveway shall be closer than fifty (50) feet from the nearest edge of the right-of-way of an intersecting public road at an intersection. At street intersections, a driveway shall not provide direct ingress or egress to or from the street intersection area and shall not occupy areas of the roadway deemed necessary by the Town for effective traffic control or for highway signs or signals.
- c. The grade of that portion of any private driveway located within the limits of any public road, highway or street shall be such as shall meet the grade of the existing public roadway at its edge and not cause an obstruction to the maintenance or clearing of such public roadway.
- d. Drainage from driveways shall run into adjacent ditches and not onto the road pavement.
- e. Filling of ditches and/or culverts located within a public right-of-way is prohibited without written approval from the Town.
- f. The placement of lawn sprinkler pipes in a road right-of-way is prohibited.

9. Special Requirements for Agricultural Driveways.<sup>3</sup> The following regulations are applicable to driveways serving the A-1 Agricultural (Farmland Preservation) District:

- a. Width of Drive. No part of a private driveway located within the dedicated area of a public street shall, except as hereinafter provided, have a width less than twenty-four (24) feet or greater than thirty (30) feet in length measured at right angles to the center line of said driveway, except as increased by permissible radii. In instances where the nature of the Agricultural activity or the physical characteristics of the land would require a driveway of greater width than herein specified, the Town Board in its discretion may permit a driveway of additional width.
- b. Setback. Driveway setbacks in the A-1 Agricultural District shall be a minimum of ten feet (10') from the adjacent property line.
- c. Angular Placement of Driveway. The angle between the center line of the driveway and the curb line or road edge shall be no less than seventy degrees (70°).
- d. Surface Material. Material used for the surface of a driveway in an agricultural district shall be gravel or better.
- e. Drainage. Culvert required. Section 6.17 (10), Culvert and Drainage Tile Construction Standards, shall continue to be enforced in the agricultural district.
- f. All other. All other general regulations not specified in this section shall remain enforced.

10. Culvert and Drainage Tile Construction Standards.

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<sup>3</sup> Ordinance No. 17-33 adopted 12/18/2017

- a. Size. Culverts and drainage tiles shall be installed prior to construction work being commenced on the property served. The drainage tile or culvert must be a minimum of fifteen (15) inches in diameter and must be of an arched type. All culverts shall be constructed of galvanized steel or reinforced concrete and shall be of new manufacture, unless specifically accepted by the Building Inspector.
- b. Gauge. The minimum wall thickness for the galvanized steel or plastic pipe culverts shall be in accordance with the following:

<u>Pipe Diameter</u>	<u>Gauge</u>
15 to 24 inch	16
30 to 36 inch	14
42 to 54 inch	12
60 to 72 inch	10
78 to 84 inch	8

The class of reinforced concrete pipe shall be in accordance with the following:

<u>Height of Cover (in feet)</u>	<u>Class of Pipe</u>
0-2	IV
2-3	III
3-6	II

- c. Drainage. The culverts and drainage tiles shall be placed in the ditch line at elevations that will assure proper drainage. The end of the drainage tile or culvert, at the center of the highway ditch, shall not be closer than five (5) feet from any property line. The grade at the location where the drainage tile or culvert is to be installed shall be approved by the Town Engineer.
- d. End Walls. No concrete or stone end walls or any other material that could constitute a menace to highway safety may be used. The ground surrounding the end of the driveway shall be sloped in a gentle slope back to the highway ditch. However, standard apron sections, either metal or concrete, may be used.
- e. Sloping Arms. When the driveway is in an area sloping up from the highway, the general design depicted in the typical Town Road Standards shall apply.
- f. Backfill Material. Material used for backfilling shall be of a quality acceptable to the Building Inspector and shall be free from frozen lumps, wood or other extraneous or perishable materials. The minimum cover, measured from the top of the pipe to the top of the sub grade shall be six (6) inches. A minimum of eight (8) yards of granulated Number 1 crushed rock must be used to cover the drainage tile or culvert.
- g. Erosion Control. Erosion control measures shall be implemented as necessary to control erosion, or as directed by the Building Inspector.
- h. State/County Approvals.
  - i. If the proposed installation of the drainage tile or culvert is adjacent to a state highway, a state highway permit for said installation must be obtained from the Wisconsin Department of Transportation.
  - ii. If the proposed installation of the drainage tile or culvert is adjacent to a county trunk highway, a county trunk highway permit for said installation must be obtained from the Rock County Highway Department.
- i. Maintenance Responsibility. The driveway or drainage tile or culvert maintenance shall always be the sole responsibility of the property owner.

- j. Liability. The permittee, his/her successors or assigns, agree to hold the Town of Beloit, its agents and employees, harmless against any action for personal injury or property damage sustained by reason of this permit.
  - k. Snow Removal. The Town of Beloit does not assume any responsibility for the removal or clearance of snow, ice or sleet, or the opening of windrow of such material, upon any portion of any driveway or entrance or any opening of any drainage tile or culvert along any Town highway, even though snow, ice or sleet is deposited or windrowed on said driveway or entrance or drainage tile or culvert by its authorized representatives engaged in normal winter maintenance operations.
11. Cost of Installation. The cost of the installation and materials associated with the drainage tile or culvert shall be borne by the property owner or person applying for the drainage tile or culvert installation. The Town of Beloit will not be held responsible for any costs, damage to infrastructure and property, or liability associated with the installation and use of said items.
12. Concrete Driveway within Right-of-Way. No portion of a private driveway extended into the right-of-way, if concrete, may be installed within five (5) feet of the hard surface of the public highway unless this last five (5) feet of hard surface slopes away from the public highway and toward the parcel of property on which it abuts. If the public highway has not been surfaced, then this prohibition shall refer to the point where the edge of the hard surface will be installed on the public highway. The specific purpose of this Section is to prevent and eliminate obstructions within a portion of the right-of-way which may prove hazardous to maintenance vehicles, snowplows and other like equipment used in maintaining the street or highway.
13. Variances. Any person seeking relief from compliance with any provision of this ordinance or its standards shall apply to the Board of Adjustment of the Town of Beloit for a variance.
14. Installation of Temporary Drain Tiles. The Building Inspector is authorized to issue a temporary drain tile installation permit to an applicant under the following circumstances:
- a. The temporary permit must be in writing signed by the Building Inspector or his/her duly authorized representative.
  - b. The temporary permit will authorize the applicant to install the temporary drain tile by his own work force.
  - c. All the specifications contained in this ordinance must be observed in the installation of the temporary drain tile permit.
  - d. The temporary drain tile permit shall continue only during the construction period.
  - e. After the construction period, the temporary drain tiles shall be removed and a permanent drain tile installed upon the terms and specifications of this ordinance.
15. Additional Authority Granted to the Building Inspector. The Town Board does hereby grant to the Building Inspector authority as follows regarding the subject of this ordinance:
- a. Authority to authorize the drain tile installation, both temporary and permanent, to be installed by a qualified owner or qualified contractor provided all the specifications of this ordinance are complied with.
  - b. If the specifications are not met to the satisfaction of the Building Inspector (or designee), the owner may be required to reconstruct, regrade or remove the specified at the sole cost of the owner and/or contractor.

- c. If the installation of the drain tile, culvert or driveway causes any damage to the road, or any other infrastructure, it is the responsibility of the installer to pay for any damages. That includes, but is not limited to: paving, grading and cost of replacement of infrastructure or utilities within the right of way.
16. Repair or Modification of Existing Drain Tile Installations. Any repair or modification cannot commence without the application and issuance of a building permit by the Building Inspector. To the extent applicable all such repairs or modifications must comply with this ordinance. The Building Inspector is authorized to impose such specifications upon the permit so as to insure compliance with the applicable requirements. Nothing contained herein, however, shall be construed to require the complete relocation of an existing drain tile.
17. Enforcement. All costs incurred by the Town relating to the enforcement of this ordinance or in making the determinations or inspections necessary hereunder shall be paid by the property owner, including, but not limited to, Town administrative costs and engineers' and attorneys' fees. If a property owner refuses to comply with the ordinance, the Town may install the culverts or drainage tiles and charge back the cost or additional costs thereof as a special charge pursuant to [Section 66.0809](#), Wis. Stats.

**6.18 CHARGE-BACK OF TOWN CONTRACTOR FEES.**

1. Whenever either the Town Board, Town Administrator or Town Clerk, or other Town Official has authorized a property owner/business owner/resident to contact the Town Attorney, Engineer or any other of the Town's contracted professional staff, or Town Staff or Officials must contact such contracted staff on behalf of a property/business owner/resident, and said contact results in a charge to the Town of Beloit for that professional's time and services, and said service is not supplied directly to the benefit of the Town of Beloit as a whole, then the Town Clerk shall, pursuant to the provisions of [Section 66.0809](#), Wis. Stats, charge that service to said property owner/business owner/resident for the fees incurred by the Town.
2. Fees Incurred for Certified Survey Maps and Subdivisions. Professional fees incurred by the Town in approving certified survey maps and subdivisions will all be charged back to the owner of the property upon which said certified survey map or subdivision is being developed.
3. Property Owner Allowed Time to Pay. The Town Clerk shall give each property owner billed for current services as provided for herein a period of time not to exceed thirty (30) days to pay and thereafter if that charge remains unpaid, the Town Clerk shall automatically charge that delinquent bill against the current or next tax roll as a delinquent tax against the property as provided by law. In the event the statement rendered to the property owner or the time given for the property owner to pay is too late in the current year for the charge, when it becomes delinquent, to be extended on that year's tax roll, then the delinquent charge shall be extended to the following year's tax roll. Interest shall accrue at the rate of 1 1/2 percent (1.5%) per month on charges which remain unpaid commencing thirty (30) days after the property owner is billed for services by the Town Clerk.
4. Fees Charged for Permits Issued to Municipalities Agencies or Other Governmental Organizations. Whenever it is requested that the Town of Beloit grant approvals to any other municipality, agency or other governmental body and that permit process requires the



assistance of the contracted professional staff of the Town, those fees shall also be charged back to the municipality, agency or governmental body seeking the permit.