

CHAPTER 11 BUILDING

Building Permit

11.1 BUILDING PERMIT REQUIRED

- 11.2 Adoption of State Codes. The various State of Wisconsin building and safety codes applicable to residential and commercial structures in towns, including by way of illustration but not limitation the Uniform Dwelling Code, the State Building Code, the Plumbing Code, and the Electrical Code are hereby adopted by reference and declared to be in full force and effect in the Town of Lyndon.
- 11.3 Appointment of Building Inspector/Zoning Administrator. The Town Board shall appoint one or more persons or firms as Building Inspector and Zoning Administrator. The persons or firms appointed may be part-time employees of the Town. The Board shall appoint a sufficient number of persons as Building Inspector(s) so that the Building Inspector(s) collectively are certified by the State of Wisconsin to inspect for compliance with all state codes that are applicable to the structure under inspection. The Building Inspector shall also serve as the Zoning Administrator, unless the Town Board designates a different person, persons or firm as Zoning Administrator.
- 11.4 Functions of Building Inspector/Zoning Administrator. The function of the Building Inspector(s) is to ensure compliance with all State of Wisconsin building and safety codes that are applicable to the structure under inspection. The function of the Zoning Administrator is to ensure that the proposed construction complies with the Town of Lyndon Zoning Code.
- 11.5 Building Permit Required. 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 structurally repaired within the Town except as herein provided, until a permit therefore shall have been obtained by the owner or the owner's authorized agent from the Building Inspector and/or Zoning Administrator, or other authorized agent of the Town of Lyndon.
- 11.6 When Building Permit Not Required – Small Projects. Section 11.4 shall not apply and no building permit shall be required when the market value of the construction, enlargement, alteration, moving, demolition, razing, or structural repair does not exceed \$1,000.00. Market value shall be the higher of (a) the actual amounts expended or (b) the reasonable amount that would have been charged by a competent and experienced contractor.
- 11.7 When Building Permit Not Required – Non-structural Repairs and Maintenance. Regardless of the value of the project, provided that the project does not increase a given occupancy or use, Section 11.4 shall not apply and no building permit shall be required when the project is limited to: (a) repairs for the purpose of maintenance, (b) repairs and replacements in any existing building or structure which do not involve more than 25% of the total square footage of the building or structure, (c) 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 existing stairways or exits, or (d) exterior aesthetic appearance.
- 11.8 Zoning Review – Prerequisite to Building Permit. No building permit shall be issued until the Zoning Administrator determines that the proposal fully complies with the Town of Lyndon Zoning Code.
- 11.9 Permit Fees. Permit fees shall be established by resolution of the Town Board.
- 11.10 Expiration of Permit. A building permit shall lapse and become void if construction has not been completed within one (1) year after the date of issuance of the permit, unless the applicant obtains a renewal permit prior to the expiration of the original permit.
- 11.11 Failure to Obtain Permit. No one may begin excavation, construction, demolition, or alteration on a project for which a building permit is required prior to obtaining a permit. Double permit fees shall be charged if any such work is begun prior to issuance of a permit, and triple fees shall be charged if the permit is not obtained within ten (10) calendar days after the Zoning Administration or Plan

Commission provides written notice to the property owner of failure to obtain a permit. Such written notice shall be personally served on the owner or sent by certified mail with return receipt.

11.12

Penalties and Violations. Regardless of any contractual arrangements with any contractor, it shall be the responsibility of the property owner(s) to comply with this Chapter. Any property owner who performs, or allows others to perform, any act on his or her property that is in violation of any part of this Chapter, including the State codes adopted by reference, shall be subject to one or more of the following, in the discretion of the Town Board: (a) a forfeiture of \$100.00 to \$500.00, (b) an additional daily forfeiture of one percent (1%) of the value of the project for each day the violation is not remedied after the Building Inspector/Zoning Administrator provides written notice to the property owner of the violation, by personal service or by certified mail with return receipt, (c) an order of the Circuit Court permitting razing of the noncompliant structure, and (f) a special assessment against the real property of the property owner for the amounts due to the Town under the preceding subsections.

11.20 MODIFICATIONS1. Height:

The district height limitations stipulated elsewhere in this Ordinance may be exceeded but such modifications shall be in accord with the following:

- A. Architectural projections such as spires, belfries, parapet wall, cupolas, domes, flues, and chimneys are exempt from the height limitations of this Ordinance.
- B. Special structures such as elevator penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, and smoke stacks are exempt from the height limitations of this Ordinance.
- C. Essential services, utilities, water towers, electric power, and communication transmission lines are exempt from the height limitations of this Ordinance.
- D. Communication structures such as radio and television transmission and relay towers, aerials, and observation towers shall not exceed in height 3 times their distance from the nearest lot line.
- E. Agricultural structures such as barns, silos, tanks, and windmills shall not exceed in height 2 times their distance from the nearest lot line.
- F. Public or semi-public facilities, multiple-family structures, and commercial and industrial structures may be erected to a height of 60 feet, provided all required yards are increased not less than one foot for each foot the structures exceed the district's maximum height requirement.
- G. Any structure located within an area surrounding an existing airport and which is subject to additional height regulations, shall not exceed the heights therein established.

2. Yards and Fences:

The yard requirements stipulated elsewhere in this Ordinance may be modified as follows:

- A. Uncovered stairs, landings, terraces, porches, balconies, and fire escapes may project into any yard, but not to exceed 6 feet and not closer than 20 feet to any lot line.
- B. Architectural projections such as chimneys, flues, sills, eaves, belt courses, and ornaments may project into any required yard but such projection shall not exceed 3 feet.
- C. Residential fences are permitted on the property lines in residential districts but shall not in any case exceed a height of 6 feet, shall not exceed a height of 4 feet in the street yard, and shall not be closer than 1 foot to any existing public right-of-way.
- D. Security fences are permitted on the property lines in all districts except residential districts, but shall not exceed 10 feet in height.
- E. Accessory uses and detached accessory structures are permitted in the rear and side yards of all lots. When located in a side yard, they shall be not closer to the lot line than the minimum required side yard for the principal structure and in any case they shall not be closer than 10 feet to the principal structure, shall not exceed 15 feet in height, shall not occupy more than 10 percent of the lot area, and shall not be closer than 3 feet to any lot line.
- F. Essential services, utilities, electric power, and communication transmission lines are exempt from the yard and distance requirements of this Ordinance.

3. Additions:

Additions in the street yard of existing structures may be permitted but shall not project beyond the average of the existing street yards on the abutting lots or parcels.

4. Average Street Yards:

The required street yards may be decreased in any Residential or Business District to the average of the existing street yards of the abutting structures on each side but in no case less than 15 feet in such districts.