

TITLE 15

Building Code

Chapter 1	Building, Plumbing, Electrical and Heating and Ventilation Codes
Chapter 2	Mobile Homes
Chapter 3	Erosion and Stormwater Runoff Control
Chapter 4	Solid Fuel-Fired Outdoor Heating Devices

Title 15 – Chapter 1

Building, Plumbing, Electrical and Heating and Ventilation Codes

Article A Building and Electrical Codes

15-1-1	Building Code Established
15-1-2	Building Permits and Inspection
15-1-3	Design Review
15-1-4	State Uniform Dwelling Code Adopted
15-1-5	Construction Standards; Codes Adopted
15-1-6	Electrical Permits
15-1-7	New Methods and Materials
15-1-8	Unsafe Buildings
15-1-9	Disclaimer in Inspections
15-1-10	Garages
15-1-11	Regulation and Permit for Razing Buildings
15-1-12	Basements; Excavations
15-1-13	Regulations for Moving Buildings
15-1-14	Regulation of Fill Permits
15-1-15 through 15-1-19	Reserved for Future Use

Article B Plumbing Code

15-1-20	Title
15-1-21	Purpose and Scope
15-1-22	State Regulations Adopted
15-1-23	Plumbing Defined
15-1-24	Plumbing Permits
15-1-25	Plumbers to Be Licensed
15-1-26 through 15-1-39	Reserved for Future Use

Article C Penalties; Fees

15-1-40	Fees
15-1-41	Certificate of Occupancy

15-1-42

Penalties

Appendix A: Design Review Submittal Requirements

Sec. 15-1-1 Building Code Established.

- (a) **Title.** This Chapter shall be known as the “Building Code of the Town of Oshkosh: and will be referred to in this Chapter as “this Code,” this Chapter” or “this Ordinance.”
- (b) **Purpose.** This Chapter provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and/or structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished and regulates the equipment, maintenance, use and occupancy of all such buildings and/or structures. Its purpose is to protect and foster the health, safety and well-being of persons occupying or using such buildings and the general public.
- (c) **Scope.** New buildings hereafter erected in, or any building hereafter moved within or into the Town of Oshkosh, 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 pertinent Zoning Codes and amendments thereto to the date this Chapter was adopted and in no way supersede or nullify such laws and the said Zoning Code.

Sec. 15-1-2 Building Permits and Inspection.

- (a) **Permit Required.**
 - (1) **General Permit Requirement.** No building of any kind shall be moved within or into the Town of Oshkosh 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.
 - (2) **Alterations and Repairs.** The following provision 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 exit 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 whatsoever to less than their required strength, the owner of such a building or structure shall cause such structural members to be restored to their required strength; failing in which the building or structure shall be considered a menace to public safety and shall be vacated and thereafter no further occupancy or use of the same shall be permitted until the regulations of this Chapter are complied with.
- (e) **Extent of Deterioration.** The amount and extent of deterioration of any existing building or structure shall be determined by the Building Inspector.
- (b) **Application.** All persons are required to apply for a building permit in categories as specified on the Building Inspection Permit Fee Schedule affecting property and/or structures in the Town of Oshkosh. Building permit application forms will be issued and fees will be collected by the

Town of Oshkosh Building Inspector. Persons who neglect or intentionally do not apply for the applicable building permit and/or refuses to make payment, as specified in Appendix B, are therefore in violation and are subject to a penalty as outlined herein.

- (c) **Design Review.** Design review of the project shall be required if necessary under the provisions of Section 15-1-3.
- (d) **Dedicated Street and Approved Subdivision Required.** Unless a waiver is granted by the Town Board, following a recommendation from the Building Inspector, or his/her designee, no building permit shall be issued.
- (e) **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 (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 Commerce. 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.
- (f) **Waiver of Plans; Minor Repairs.**
 - (1) **Waiver.** If the Building Inspector, or his/her designee, 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 Five Thousand Dollars (\$5,000.00).
 - (2) **Minor Repairs.** The Building Inspector, or his/her 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/her 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.

(g) **Approval of Plans.**

- (1) If the Building Inspector, or his/her designee, determines that the building will comply with this Building Code and with other applicable ordinances and orders of the Town, 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 orders, or which involves the safety of the building or the occupants, except with the written consent of the Building Inspector, or his/her designee.
- (2) In case adequate plans are presented for part of the building only, the Building Inspector, or his/her designee, at his/her discretion, may issue a permit for that part of the building before receiving the plans and specifications for the entire building.

(h) **Inspection of Work; Occupancy Permit.**

- (1) The contractor shall notify the Building Inspector, or his/her designee, when ready for inspections and the Building Inspector, or his/her designee, may inspect after notification all buildings at the following states of construction:
 - (a) Footings and foundation. Prior to pouring of the foundation, the builder shall supply an adequate site plan;
 - (b) General framing, rough electrical, plumbing and heating;
 - (c) Electrical Service;
 - (d) Insulation; and
 - (e) Completion of the structure.
- (2) The builder shall notify the Building Inspector when ready, and the Building Inspector shall inspect all buildings upon completion of the footing forms, before the foundation is backfilled, and again when ready for wall covering (drywall or plaster). The Building Inspector, Heating Inspector, Plumbing Inspector, and Electrical Inspector shall make a final inspection of all new buildings, additions and alterations. If no violation so the Wisconsin Uniform Dwelling Code or this Chapter is found, the Building Inspector shall issue a certificate of occupancy stating the purpose for which the building is to be used. No building or part thereof shall be occupied until such certificate has been issued, nor shall any building be occupied in any manner, which conflicts with the conditions put forth on the certificate of occupancy.

(i) **Revocation of Permits.**

- (1) The Building Inspector, or his/her 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:

- (a) Whenever the Building Inspector, or his/her 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/her.
 - (b) Whenever the continuance of any construction becomes dangerous to life or property.
 - (c) Whenever there is any violation of any condition or provisions of the application for permit or of the permit.
 - (d) Whenever, in the opinion of the Building Inspector, or his/her designee, there is inadequate supervision provided on the job site.
 - (e) Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
 - (f) Whenever there is a violation of any of the conditions of an approval or occupancy given by the Building Inspector, or his/her designee, for the use of all new materials, equipment, methods or construction devices or appliances.
- (2) The notice revoking a building, plumbing, HVAC or electrical certificate of occupancy or approval shall be in writing and may be served upon the applicant of the permit, owner of the premises and his/her agent, if any, and on the person having charge of construction.
 - (3) A revocation placard shall also be posted upon the building, structure, equipment or premises in question by the Building Inspector, or his/her designee.
 - (4) After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this Chapter, shall be procured and fees paid therefore, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this Chapter. However, such work as the Building Inspector, or his/her designee, may order as a condition precedent to the re-issuance of the building permit may be performed, or such work as he/she may require for the preservation of life and safety.
- (j) **Report of Violations.** Town officers shall report at once to the Building Inspector, or his/her designee, any building which is being carried on without a permit as required by this Chapter.

- (k) **Display of Permit.** Building permits shall be displayed in a conspicuous place on the premises where the authorized building or work is in progress at all times during construction or work thereon.
- (l) **Agricultural Buildings.** Building permits are required for all agricultural or commercial buildings if such buildings have electrical or plumbing services.

Sec. 15-1-3 Design Review.

- (a) **Purposes.** Design review is implemented under Town authority to promote the public health, safety and welfare. Requirements for design review and approval apply to uses and developments regardless of the character of the use or development within this Chapter as a permitted use or conditional use in the Zoning Code covering the Town of Oshkosh.
- (b) **Scope of Design Review.**
 - (1) The following developments shall be subject to design review:
 - (a) Development of residential projects consisting of three (3) or more dwelling units.
 - (b) Any commercial development.
 - (c) Any industrial development.
 - (d) Any development, which is to be used for public utility or governmental purposes.
 - (e) Any parking areas capable of holding five (5) or more vehicles.
 - (2) Design review shall be limited to development for which current application is made for a building permit. This Section shall not be deemed to apply to any existing development or use of land, which is not affected by current application for building permit, nor shall this Section apply to any rehabilitated structure, which is not increased, or the use thereof is not changed.
- (c) **Definitions.** For purposes of this Section, the following terms shall be defined in the following manner:
 - (1) **Design Review.** The review of the design of development to determine compliance of such development with the design standards herein expressed.
 - (2) **Development.** Any new construction or exterior improvement to real property for which a building permit may be required, and which would be subject to design review as provided in Subsection (b) hereof.
 - (3) **Town Planning Consultant.** The Regional Planning Commission, or such other Town planning consultant as shall from time to time be appointed by the Town Board.
 - (4) **Design Standards.** The standards which proposed development must meet. Design standards are limited to the following:
 - (a) Land forms and landscape shall be preserved in their natural state, insofar as practicable, by minimizing soil and tree

- removal that is not essential to project development and by retaining grades and contours in keeping with the general appearance of neighboring developed areas.
- (b) Building masses and long, straight building fronts and sides that are visually accessible may be broken up and made more variegated with staggering and offsets, and with landscaping or surficial features. The front facade and street side facades shall be of brick, stone, architectural metal or wood and/or glass including curtain walls. Unfaced concrete block, structural concrete, prefabricated metal siding and the like are discouraged for such facade areas.
 - (c) Within residential development, parking areas that are located in front or street side yards shall have landscape screening and/or screening by fencing having decorative character to soften views of parked vehicles, and shall have decorative landscape treatment at the perimeter of the lot and, for multi-family residential lots containing five (5) or more parking spaces, island areas within the lot to provide break-up of the expanse of paving.
 - (d) Rooftop mechanical equipment, communication dishes and signal receiving antennas which are readily visible when viewed from ground level of adjacent properties or from major public ways shall be softened by screening or covered in a manner that forms an integral part of the building design.
 - (e) External garbage or refuse containers shall be screened from common view by walls, berms or effective landscaping, or combinations thereof.
 - (f) Each development shall provide landscaping, at the time of development of sufficient height and density to accomplish buffering to adjacent properties within five (5) years.
 - (g) Each development shall be so planned and constructed that all surface drainage flows from structures and neighboring properties and follows natural drainage patterns.
 - (h) Storage of materials, fuel, scrap, inoperative vehicles and similar objects in places that are readily visible from public right-of way or neighboring properties shall be minimized and, where necessary to support public health and safety and the property values of adjoining properties, shall be screened to the extent appropriate to support property values and public interests. Where this Code may otherwise establish more stringent standards, such other standards shall govern.
 - (i) Exterior lighting, when used, shall be established, directed and maintained so as not to be cast directly on occupied structures or adjacent properties or be lighted in intensity or colors seriously disturbing to adjacent properties.

- (j) Each development shall allow for proper ingress and egress from roads to site. Internal traffic safety shall be provided by adequate driveway widths, separations between drives, access points, visual clearances and queuing requirements.
- (d) **Development to Comply With Design Standards.** No development subject to design review shall be commenced unless such development complies with all applicable design review standards.
- (e) **Manner of Design Review.**
 - (1) Upon application for a building permit, the applicant shall be advised by the Building Inspector whether compliance with design standards is required by this Section. If such compliance shall be required, the applicant shall be notified of such requirement, and application shall be transmitted by the applicant to the Town Clerk with appropriate fees as provided in this Chapter. (See "Appendix A"). The Town Clerk, upon determining that the application is complete, shall place the application on the agenda of the Town Board at the next regularly scheduled meeting of the Town Board. The applicant shall also provide to the Town Clerk a sufficient number of plans for the development and such other information relating thereto as the Town Clerk or the Town Board may deem necessary for consideration of the development hereunder.
 - (2) The Town Board shall review the application submitted to determine whether the development complies with the design criteria set forth in this Chapter. As part of its review, the Town Board may consult with the Town Planning Consultant and consider such other matters as it may in its discretion consider necessary. The Town Board may, whenever it determines in its discretion that the applicant presents issues of unusual complexity or generates significant interest or impact within the neighborhood or the community in general, cause a public meeting to be held regarding the application. At the meeting in which the Town Board is to consider the application, the Town Board may review the site plan, hear from such interested parties who attend the meeting and may offer its advisory opinion on the application to the Building Inspector.
 - (3) The determination of compliance or noncompliance with this Section shall be made by the Town Board in writing to the applicant and the Building Inspector.
 - (4) No building permit shall be issued for any development until the Building Inspector has received, in writing, the Town Board's determination that the development is in compliance with the design review standards contained in this Chapter. All construction and improvement of the development subject to design review shall conform to approved design plans.

- (5) The determinations of the Town Board on site plan applications shall be appealable as administrative interpretations to the Town Board.
- (6) Approval shall be deemed to be given at the end of the forty-five (45) day period from the date of the submission of the application and necessary accompanying documents to the Town Clerk unless the application is rejected in writing or unless the deadline is extended by agreement of the Town Board and the applicant.
- (f) **Recommendations of Town Plan Consultant.** The Town Plan Consultant may, during the design review process, suggest features of site design, and construction, building, and structural design, that are not a part of design standards but that, in the opinion of the Town Planning Consultant, would be desirable to make the development a positive asset to the visual appearance of the community tax base. Compliance with such recommendations shall be not be required of the developer.
- (g) **Fees.** The applicant shall be required to pay the Town Clerk the sum of Twenty-five Dollars (\$25.00), which fee shall be entitled "design review fee", along with the application. In addition, the applicant shall be required to pay the sum of Twenty-five Dollars (\$25.00) per special meeting that the Town Board holds for the purpose of reviewing the applicant's development, plus any out-of-pocket expenses incurred by the Town, including consultant fees, costs of maps, or other related expenses. All of such expenses shall be paid by the applicant prior to the issuance of the building permit.
- (h) **Required Information.** The Town Board shall establish submittal requirements, and all development plans shall contain the information required by said submittal requirements established by the Town Board. The Town Clerk shall make such submittal requirements available to any person requesting the same.

Sec. 15-1-4 State Uniform Dwelling Code Adopted.

- (a) **Adoption of Codes.** Pursuant to §101.12, Wis. Stats., following Wisconsin Administrative Codes and subsequent revisions are adopted for municipal enforcement.

Chs.	COMM 16-17	Electrical Code
Chs.	COMM 20-25	Uniform Dwelling Code
Ch.	COMM 26	Inspection Certification
Ch.	COMM 27	Manufactured Housing
Chs.	COMM 60-66	Commercial Building and Heating Ventilating and Air Conditioning Code
Ch.	COMM 66	Uniform Multi-Family Code
Ch.	COMM 67	Rental Unit Energy Efficiency
Ch.	COMM 69	Barrier Free Design

Ch.	COMM 70	Historic Building Code
Ch.	COMM 71	Solar Energy Systems
Ch.	COMM 73	Illumination
Chs.	COMM 75-79	Existing Building Code
Chs.	COMM 82-86	Uniform Plumbing Code

(b) **Wisconsin Uniform Dwelling Code.**

- (1) **Authority.** These regulations are adopted under the authority granted by §101.65, Wis. Stats.
- (2) **Purpose.** The purpose of this Section is to promote the general health, safety and welfare.
- (3) **Scope.**
 - (a) The scope of this Section includes the construction and inspection of one- and two-family dwellings built since June 1, 1980 and dwellings existing prior to June 1, 1980.
 - (b) Notwithstanding s. Comm 20.05, the scope also includes the construction and inspection of alterations and additions to one- and two-family dwellings built before June 1, 1980. Because such projects are not under state jurisdiction, petitions for variance and final appeals under ss. Comm 20.19 and 20.21, respectively, shall be decided by the municipal board of appeals. Petitions for variance shall be decided per s. Comm 20.19(Intro) so that equivalency is maintained to the intent of the rule being petitioned. As the board of appeals approves petitions for variance, the chief inspector is granted the power to apply the results to similar circumstances by precedent.
 - (c) Notwithstanding s. Comm 20.05, the scope also includes the construction and inspection of detached garages and accessory structures serving one and two family dwellings. The building structure and any heating, electrical or plumbing systems shall comply with the Uniform Dwelling Code. Petitions for variance and appeals shall be handled as in the previous paragraph.
- (4) **Building Inspector.** There is hereby created the position of Building Inspector, who shall administer and enforce this Chapter and shall be certified by Division of Safety & Buildings, specified by §101.66(2), Wis. Stats. in the category of Uniform Dwelling Code Construction Inspector. Additionally, this or other assistant inspectors shall possess the certification categories of UDC HVAC, UDC Electrical, and UDC Plumbing. (NOTE: Contact the Division of Safety & Buildings at (608)261-8500 for certification information.)
- (5) **Building Permit Required.**
 - a) Minimum requirements are sorted by category and then by either base price, value or square footage and shall be determined by resolution of Building Inspection Permit Fee Schedule, plus

\$25.00 to be forwarded to the Wisconsin Department of commerce for a UDC permit seal that shall be assigned to any new dwelling. Those, which meet the adopted resolution minimums, must first obtain a permit for such work from the Building Inspector.

- b) If a person alters a building in excess of \$100 value in any twelve month period, they shall first obtain a building permit for such work from the building inspector. Any structural changes or major changes to mechanical systems that involve extensions shall require permits if over the forgoing thresholds. Restoration or repair of an installation to its previous code- compliant condition as determined by the building inspector is exempted from permit requirements. Residing, re-roofing, finishing of interior surfaces and installation of cabinetry shall be exempted from permit requirements.
- (c) **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 exceed fifty percent (50%) of the equalized value of the structure, said value to be determined by the Building Inspector, or his/her 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/her designee, shall comply with the requirements of this Chapter for new buildings. The provisions of Section 15-1-2 shall also apply.
 - (4) Roof Coverings – Whenever more than twenty-five percent (25%) of the roof covering of a building is replaced in any twelve (12) month period, all roof covering shall be in conformity with applicable 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.
- (d) **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:

- (a) Any building, the initial construction of which is commenced on or after the effective date of this Chapter which contains one (1) or two (2) dwelling units; or
 - (b) An existing structure, or that part of an existing structure, which is used or intended to be used as a one (1) or two (2) family dwelling.
- (5) **Minor Repair.** “Minor Repair” means repair performed for maintenance or replacement purposes on any existing one (1) or two (2) family dwelling which does not affect room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection or exterior aesthetic appearance and which does not increase a given occupancy and use. No building permit is required for work to be performed, which is deemed minor repair.
- (6) **One (1) or Two (2) Family Dwelling.** “A one (1) or two (2) family dwelling” means a building structure which contains one (1) or separate households intended to be used as a home, residence or sleeping place by an individual or by two (2) or more individuals maintaining a common household to the exclusion of all others.
- (7) **Person.** “Person” means an individual, partnership, firm or corporation.
- (8) **Uniform Dwelling Code.** “Uniform Dwelling Code” means those Administrative Code Provisions and any future amendments, revisions or modifications thereto, contained in the following chapters of the Wisconsin Administrative Code:

Wis. Adm. Code Chapter COMM 20 – Administrative and Enforcement

Wis. Adm. Code Chapter COMM 21 – Construction Standards

Wis. Adm. Code Chapter COMM 22 – Energy Conservation Standards

Wis. Adm. Code Chapter COMM 23 – Heating, Ventilation and Air Conditioning

Wis. Adm. Code Chapter COMM 24 – Electrical Standards

Wis. Adm. Code Chapter COMM 25 – Plumbing and Potable Water Standards

(e) **Method of Enforcement.**

- (1) **Certification.** The Building Inspector shall be certified for inspection purposes by the department in each of the categories specified under COMM 26.06, 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/her 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/her designee, while in performance of his/her duties. If authorized Town inspectors are denied access to property for inspection purposes, they are empowered to seek an inspection warrant pursuant to §66.122, Wis. Stats.

- (4) **Records.** The Building Inspector, or his/her designee, shall perform all administrative tasks required by the Department under the Uniform Dwelling Code. In addition, the Building Inspector, or his/her 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 dwellings shall be kept. The Building Inspector, or his/her designee, shall make a written annual report to the Town Board relative to these matters.

Sec. 15-1-5 Construction Standards; Codes Adopted.

- (a) **Portions of State Building Code Adopted.** Chapters COMM 50 through COMM 64 and COMM 66, Wis. Adm. Code (Wisconsin State Building Code) are hereby adopted and made a part of this Chapter with respect to those classes of buildings to which this Building Code specifically applies. Any future amendments, revisions and modifications of said Chs. 50 to 64 incorporated herein are intended to be made a part of this Code. A copy of said Chs. 50 to 64 and amendments thereto shall be kept on file in the office of the Building Inspector, or his/her designee.
- (b) **State Plumbing Code Adopted.** The provisions and regulations of Ch. 145, Wis. Stats. and Wis. Adm. Code Chs. H 81, H 82, H 83 and COMM 25 are hereby made a part of this Chapter by reference and shall extend over and govern the installation of all plumbing installed, altered or repaired in the Town. Any further amendments, revisions and modifications of said Wisconsin Statutes and Administrative Code herein are intended to be made part of this Chapter.
- (c) **State Electrical Code Adopted.**
- (1) Wis. Adm. Code COMM 24 is hereby adopted by reference and made a part of this Chapter and shall apply to the construction and inspection of new one (1) and two (2) family dwellings.
 - (2) Subject to the exceptions set forth in this Chapter, the Electrical Code, Volume 1, and Rules of Electrical Code, Volume 2, of the Wisconsin Administrative Code are hereby adopted by reference and made a part of this Section and shall apply to all buildings, except those covered in Subsection (1) above.

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

Sec. 15-1-6 Electrical and Plumbing Permits.

- (a) 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 regulations 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.
- (b) No electric wiring or other equipment shall be installed or altered without first securing a permit therefore from the Building Inspector, or his/her designee, 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/her 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/her designee.
- (c) 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/her designee, who shall at once inspect, or cause to be inspected, the same. Upon completion of such wiring, the Building Inspector, or his/her designee, shall be notified and shall inspect or cause to be inspected the finished work.

Sec. 15-1-7 New Methods and Materials.

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

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

Sec. 15-1-8 Unsafe Buildings.

Whenever the Town Board, upon the inspection and report of the Building Inspector, or his/her 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, 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 §66.05, Wis. Stats.

Sec. 15-1-9 Disclaimer on Inspections.

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

Sec. 15-1-10 Garages.

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

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

- (a) No building within the Town of Oshkosh shall be razed without a permit from the Building Inspector, or his/her 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 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/her designee.
- (b) 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.

Sec. 15-1-12 Basements; Excavations.

- (a) **Basement Subflooring.** First floor subflooring shall be completed within sixty (60) days after the basement is excavated.
- (b) **Fencing of Excavations.** The owner of any premises on which there exists an opening or excavation which is located in close proximity to a public sidewalk or street right-of-way as to constitute a hazard to pedestrian or vehicular traffic shall erect a fence, wall or railing at least four (4) feet high between such opening or excavation and the public right-of-way.
- (c) **Closing of Abandoned Excavations.** Any excavation for building purposes or any uncovered foundation which shall remain open for more than three (3) months shall be deemed abandoned and a nuisance and the Building Inspector, or his/her designee, shall order that unless the erection of the building or structure on the excavation or foundation shall commence or continue forthwith suitable safeguards shall be provided to prevent accidental injury to children or other frequenters or that the excavation or foundation be filled to grade. Such order shall be served upon the owner of record or the owner's agent, here an agent is in charge of the premises, and upon the holder of an encumbrance of record in the manner provided for service of a summons in the circuit court. If the owner or the holder of an encumbrance of record cannot be found, the order may be served by posting it on the premises and make publication in the official newspaper for two (2) consecutive publications at least ten (10) days before the time for compliance stated in the order commences to run.

Such time shall be not less than fourteen (14) nor more than twenty (20) days after service. If the owner of the land fails to comply with the order within the time required, the Building Inspector, or his/her 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/her designee, on the cost thereof, pursuant to provisions of §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/her 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/her designee, to condemn and raze said building or structure in accordance with the applicable provisions of §66.05(2)(a), Wis. Stats.

Sec. 15-1-13 Regulations for Moving Buildings.

- (a) **General Requirements.**
- (1) No person shall move any building or structure upon any of the public ways of the Town of Oshkosh without first obtaining a permit therefore from the Building Inspector, or his/her designee, and upon payment of the required fee. Every such permit issued by the Building Inspector, or his/her designee, 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 the Town employees with regard to possible damage to landscaping. The mover shall be liable for any damage to landscaping along the route (i.e., trees, shrubs, sod, etc.)
 - (3) Issuance of moving permit shall further be conditioned on approval of the moving route by the Town Board and Sheriff's Department.
- (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 Town Chairperson or his/her 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/her 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/her designee, has made an investigation of such building at the location from which it is to be moved and it 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/her designee, and he/she 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 therefore shall give a bond to the town of Oshkosh in a sum to be fixed by the Building Inspector, or his/her 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 its 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/her 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)(1) 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/her designee, and reasonably adopted or calculated to prevent the occurrences set forth herein.

- (f) **Insurance.** The Building Inspector, or his/her designee, shall require, in addition to the said bond above indicated, public liability insurance covering injury to one (1) person in the sum of not less than 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.

Sec. 15-1-14 Regulation of Fill Permits.

(a) **Fill Permit Required.**

- (1) A fill permit is required before the activity of filling of land. Permit applications shall be reviewed and approved by the Town Board of Supervisors.
- (2) A county, state or federal permit may be required, in addition to a permit under this Section, if county, state or federal laws are applicable to filling.
- (3) Applicants shall also be required to obtain a Building Permit under the Town Zoning section as a condition of the issuance of a permit under this section.
- (4) All permit applicants shall submit a drainage-site plan for the property on which fill is to be deposited.
- (5) Permits issued under this section shall be valid for a period of six (6) months from the date of issuance. Permits shall be renewed without cost provided that the permittee has at all times complied with this section and any conditions placed upon the issuance of the permit.
- (6) Conditions addressing height, fill area, slope, erosion control measures, drainage requirements, or similar concerns may be required as conditions of permit or drainage plan approval.

(b) **Limitations.**

- (1) Maximum fill is limited to three feet (3'), not to exceed one-foot (1') over the crown of the road. Limited areas of bank stabilization, backfilling behind rip rap, "pothole filling", or similar measures may exceed the maximum fill of three feet (3') height.

- (2) Surface water runoff after filling activity shall not adversely affect upstream, downstream, or adjacent properties.
- (3) Fill shall not be deposited within of three feet (3') from the property line unless the adjacent property is being filled in compliance with this section.
- (4) Dredging, ditching or excavating (hereinafter "ditching") are permitted, provided that ditching does not adversely affect either upstream or downstream drainage, or drainage onto adjacent properties, and further provided that excavated material is deposited in compliance with section.
- (5) Fill may be deposited to a height of four inches (4") or less on a one-time basis without a permit provided drainage is not adversely affected, except not in floodway or wetland.
- (6) Fill material may not contain manmade materials, petroleum, petroleum products, petroleum byproducts, hazardous substances, hazardous materials or toxic substances.
- (7) The final grade after completion of filling may be required documented by an engineer, surveyor or other qualified professional at the discretion of the town board. The property owner and permittee under this section shall be jointly and severally responsible for compliance with this fill permit requirement.

Sec. 15-1-15 through Sec. 15-1-19 Reserved for Future Use.

Article B: Plumbing Code

Sec. 15-1-20 Title.

This Article shall be known as the “Plumbing Code of the Town of Oshkosh,” and will be referred to in this Chapter as this “Code” or “this Article.”

Sec. 15-1-21 Purpose and Scope.

- (a) The purpose of this Article is to provide minimum regulations, provisions and requirements in the Town of Oshkosh to insure safety and adequacy to persons and property wherever plumbing is installed and to all alterations or improvements, including replacement of any apparatus or device pertaining to plumbing.
- (b) The provisions of this Article shall apply to every building, or portion of a building, devoted to a new use for which the requirements are in any way more stringent than the requirements covering the previous use.

Sec. 15-1-22 State Regulations Adopted.

- (a) **Adopted by Reference.** Chapter §145, Wis. Stats.; the State Plumbing Code, COMM 82-86, Wis. Adm. Code, are hereby adopted and by reference made a part of this Article with the same force and effect as though set out in full.
- (b) **To Be on File.** A copy of the State Plumbing Code shall be on file in the offices of the Plumbing Inspector.

Sec. 15-1-23 Plumbing Defined.

In this Article, “plumbing” means and includes:

- (a) All piping, fixtures, appliances, equipment, devices and appurtenances in connection with the water supply, water distribution and drainage systems, including hot water storage tanks, water softeners and water heaters connected with such water and drainage systems, and the installation thereof.
- (b) The construction, connection or installation of any drain or waste piping system from the outside or proposed outside foundation walls of any building to the mains or other sewerage system terminal within the bounds of or beneath an area subject to easement for highway purposes, including private domestic sewage treatment and disposal systems, and the alteration of any such systems, drains or waste piping.
- (c) The water service piping from the outside or proposed outside foundation walls of any building to the main or other water utility service terminal

within the bounds of or beneath an area subject to easement for highway purposes and its connections.

- (d) The water pressure systems other than municipal systems as provided in Ch. §144, Wis. Stats.
- (e) A plumbing and drainage system so designed and vent piping so installed as to keep the air within the system in free circulation and movement; to prevent with a margin of safety unequal air pressures of such force as might blow, siphon or affect trap seals or retard the discharge from plumbing fixtures or permit sewer air to escape into the building; to prohibit cross-connection, contamination or pollution of the potable water supply and distribution systems; and to provide an adequate supply of water to properly service, cleanse and operate all fixtures, equipment, appurtenances and appliances served by the plumbing system.

Sec. 15-1-24 Plumbing Permits.

- (a) **Required.** No work contemplated by this Article shall be started until a permit therefore has been obtained from the Plumbing Inspector or his/her authorized agent, provided no permit shall be required for minor repairs to faucets or the removal of stoppages in soil and waste pipes.
- (b) **Application.** The application shall be in writing upon forms which the Plumbing Inspector shall provide and shall include the name of the owner and the description of the property on which the work is to be done, along with such pertinent information as the Plumbing Inspector may require, and shall state that the property owner and the applicant will be bound by the subject to the provisions of this Article.
- (c) **Issuance, Term, Suspension and Revocation.** When the Plumbing Inspector is satisfied that the work proposed by the applicant can be done in conformity with the provisions of this Article and after the appropriate fees have been paid to him, he shall issue the permit. Such permit shall allow for the continuous performance of the work named thereon. A permit shall automatically expire when work ceases for a period of sixty (60) days without good and reasonable cause for same as may be approved by the Plumbing Inspector and shall automatically expire on completion of the work for which it is used, provided that Plumbing Inspector may, upon notice, suspend or revoke such permit for violation of the provisions of this Article.
- (d) **Restrictions on Issuance.**
 - (1) No plumbing permit shall be issued to any person who is in violation of this Article until such violation has been corrected.
 - (2) No plumbing permit shall be issued to any person against whom an order issued by the Plumbing Inspector is pending, provided this restriction may be waived by the Plumbing Inspector.

Sec. 15-1-25 Plumbers to Be Licensed.

All plumbing work shall be done only by a plumber licensed by the State of Wisconsin for such work, provided a property owner may make repairs or installations in a single-family building owned and occupied by him/her as his/her home if a permit therefore is issued and the work is done in compliance with the provisions of this Article.

Sec. 15-1-26 through Sec. 15-1-39 Reserved for Future Use.

Sec. 15-1-40 Fees.

All building permit fees required by this Code and is established in Exhibit A at the end of Chapter 1. These fees shall be subject to review and amendment. If a building permit is not obtained prior to commencement of construction, the fees shall be doubled.

Sec. 15-1-41 Certificate of Occupancy.

- (a) **New Buildings.** No building hereafter erected shall be used or occupied in whole or in part until all inspections required hereunder have been made and the Building Inspector has issued a Certificate of Use and Occupancy upon such forms as may be designated by the Building Inspector.
- (b) **Buildings Altered.** No building hereafter enlarged, extended, or altered to change from one use to another, in whole or in part, and no building hereafter altered for which a Certificate of Use and Occupancy has not been issued heretofore, shall be occupied or used until a certificate certifying that the work has been completed in accordance with the provisions of the approved permit. See Section 15-1-20(h).
- (c) **Existing Buildings.** Upon written request from the owner of an existing building, the Building Inspector shall issue a Certificate of Use and Occupancy provided there are no violations of law or orders of the building officials pending and it is established that the alleged use of the building has heretofore existed. Nothing in this Code shall prevent the continuance of the use and occupancy of a lawfully existing building unless such use is deemed to endanger public safety and welfare.
- (d) **Temporary Occupancy.** Upon the request of the holder of a building permit, the Building Inspector may issue a temporary certificate of occupancy for a building or structure, or part thereof, before the entire work covered by the building permit shall have been completed, provided such portion or portions may be occupied safely prior to full completion of the building without endangering life or public welfare.

Sec. 15-1-42 Penalties.

- (a) Any building or structure hereafter erected, enlarged, altered or repaired or any use hereafter established in violation of the provisions of this Chapter shall be deemed an unlawful building, structure or use. The Building Inspector, or his/her 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/her designee or other Town officials constitute a defense. Compliance with the provisions of this Chapter may also be enforced by injunction order at the suit of the owner or owners of any real estate within the jurisdiction of this Chapter.

- (b)
 - (1) If an inspection reveals a noncompliance with this Chapter or the Uniform Dwelling Code, the Building Inspector, or his/her 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. COMM 20.10(1)(c), Wis. Adm. Code.
 - (2) 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/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/her designee, after satisfactory evidence has been supplied that the cited violation has been corrected.
 - (3) Each day each violation continues after the thirty (30) day written notice period has run shall constitute a separate offense. Nothing in this Chapter shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this Chapter or the Uniform Dwelling Code.
 - (4) If any construction or work governed by the provisions of this Chapter or the Uniform Dwelling Code is commenced prior to the issuance of a permit, double fees shall be charged.
- (c) Any person feeling aggrieved by an order or a determination of the Building Inspector, or his/her 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.
- (d) Except as may otherwise be provided by the Statute or Ordinance, no officer, agent or employee of the Town of Oshkosh charged with the enforcement of this Chapter shall render himself personally liable for any damage that may accrue to persons or property as result of any act required or permitted in the discharge of his/her 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/her duties under this Chapter shall be defended by the legal representative of the Town until the final determination of the proceedings therein.

APPENDIX A

TOWN OF OSHKOSH DESIGN REVIEW SUBMITTAL REQUIREMENTS

Exhibits are required to portray the design aspects of a development requiring approval under the Design Review Ordinance. One set of the submittals identified in the following paragraph is needed for permanent file and must be photo reduced by the applicant, following the Town Board design approval and prior to building permit issuance, to a sheet size of 8-1/2" x 14".

Nine (9) sets of the following professionally prepared plans at an appropriate scale shall be submitted:

- (1) **A detailed landscape plan and specifications**, including proposed new plantings of trees and shrubs by location, species, variety, number and size; the location and size of existing trees, and existing and proposed lawn areas. Guarantee is required that all plants be in place and alive and healthy for the duration of use of the approved development.
- (2) **Plot plan or site plan**, including a property survey showing property and street pavement lines, gross area in square feet of the parcel, easements and public utilities; all yard setbacks, and water setback if applicable, existing and proposed buildings, including all buildings within fifty (50) feet of the parcel's boundaries; existing and proposed finish contours and spot elevations with drainage flow arrows; driveways and loading and parking areas with paving type and parking stalls designated; the proposed number and the required number of parking spaces by county zoning; the maximum number of vehicles of the owner, employees, patrons, residents and guests on the site at any time and the number parked during the evening hours; location, height, type, color, hours of illumination and light spread diagram of exterior lighting standards and fixtures; and location, type and screening of outdoor storage areas, refuse containers and electric or other detached equipment or structure.
- (3) **Building floor plan**, showing building uses with the gross and individual floor use areas noted in square feet.
- (4) **Exterior elevations and roof plans**, including method and materials to screen exterior electrical, heating, air conditioning, or other attached equipment; designation of roof and façade material type, color and texture; all attached signs; and related building elevations and exterior material type, color and texture of existing structures to remain on the site.

- (5) **Detailed sign plans**, showing design, size material and color as well as landscape plantings for ground signs and lighting, if applicable. Signs shall also be shown on the landscape, site and elevations plans.

Developments not involving buildings may omit submissions (3) and (4) above. Developments without signs may omit submission (5) above.

- (6) **Also required as exhibits** is an adequate number of color **photographs** depicting the existing development site, including buildings and other existing features, and illustrating adjacent and opposite buildings and features on lands owned by the applicant or others. Photos of similar development on other sites may be submitted. The applicant shall **color one set** of the proposed site, building elevation and sign plans. **Samples** must also be submitted illustrating the proposed exterior building material(s), texture and color.

TOWN OF OSHKOSH DESIGN REVIEW CHECKLIST

1. Proposed building or site occupant(s) _____
Use(s) of building or site _____
2. Location _____
Address _____
3. Name, address and telephone number of applicant:

4. Date of Plan Commission meeting _____
Time of meeting _____
5. Nine (9) sets of required plans (with one colored) submitted? _____
Required photos submitted? _____
Building materials samples with colors submitted? _____
6. Has the proposed development and use been approved under the Zoning Code (where applicable)? _____
Are all required setbacks met or exceeded? _____
7. Site Plan

What is the land area of the lot or parcel? _____ square feet

Have all existing trees over 3" in caliper been shown on the plan? _____

Are existing property lines, street pavements, easements and utilities shown? _____

Are existing buildings on the site and within fifty (50) feet adjoining the site shown? _____

Are existing and proposed contours shown with drainage flow arrows? _____

Will storm drainage flooding, ponding or other drainage problem occur on the property, on other properties or on public streets as a result of this development? _____

Are all parking, service and loading areas paved? _____
Are there curbs? _____

Are the auto and truck parking quantities shown? _____
By zoning requirements? _____
By this plan? _____
By maximum demand at any one time? _____
By evening/weekend use? _____

Has all of the required information on exterior lighting been provided? _____

Do you understand that exterior lighting shall be established, directed and maintained so as not be cast directly on occupied structures or adjacent properties or users of public rights-of-way and, if these standards are not met in the opinion of the Town Board, the lighting must be immediately changed or removed at the owner's expense as may be ordered by the Town Board? _____

8. Landscape Plan

Have existing trees (3" or more in size) been preserved to the extent practicable? _____

Is there screening of parking lots? _____

Is there decorative landscape treatment at the perimeter of the site/lot? _____

Have storage areas, refuse containers, detached equipment (e.g. transformers) and structures been shown and screened from common view from adjoining properties and public rights-of-way? _____

Existing and proposed lawn areas shown? _____

Detailed tree and shrub planting list and specifications shown on plan, including at least one shade tree of 3" or more caliper or a four (4) foot minimum conifer tree per nine thousand (9,000) square feet of lot area? _____

Will the landscape planting be of sufficient height and density within five (5) years or less to provide buffering to adjacent properties? _____

Are all ground mounted identification/advertising signs landscaped? _____

Do you guarantee that all lawns and plantings will be in place and maintained attractive and healthy for the duration of the use of the development? _____

9. Building Floor Plan

Is the gross area of floor shown on the plan in square feet? _____

Are the respective component floor use areas designated and shown in square feet? _____

10. Exterior Building Elevations and Roof Plans

Has all rooftop equipment, etc., been covered or screened as an integral part of the design? _____

Has all exterior roof and façade material been designated on the plans? _____

Have existing buildings to remain been shown and have the exterior materials been designated? _____

Have proposed wall mounted signs been shown on the building elevation plans? _____

11. Detailed Sign Plans

Are the design, size, material, color and lighting of all proposed signs included? _____

Do you understand that signs may not be changed or added to the building or site without another design review and approval by the Town, except for changes to approved signs where the lettered message or logo are the only change while color, size of the sign or letters or logo, and materials remain unchanged? _____

Title 15 – Chapter 2

Mobile Homes

15-2-1	Definitions
15-2-2	Permitted Uses and Structures
15-2-3	Mobile Homes Limited to Parks Only
15-2-4	Mobile Home Park License and Application
15-2-5	Inspection and Enforcement
15-2-6	Mobile Home Park Standards
15-2-7	Water Supply
15-2-8	Service Buildings and Accommodations
15-2-9	Waste and Garbage Disposal
15-2-10	Number of Spaces Per Parcel
15-2-11	Operation of Mobile Home Parks; Responsibilities of Park Management
15-2-12	Responsibilities and Duties of Mobile Home Park Occupants
15-2-13	Additional Regulations on Mobile Homes and Mobile Home Parks
15-2-14	Compliance with Plumbing, Electrical and Building Code Ordinances
15-2-15	Limitations on Signs
15-2-16	Standards for General Site Planning for Mobile Home Communities

Sec. 15-2-1 Definitions.

The following definitions are used in this Chapter:

- (a) **Unit.** Any mobile home unit. HUD sticker homes are not considered a unit or mobile home.
- (b) **Non-dependent Unit.** A mobile home that has a complete toilet and bath or shower facilities.
- (c) **Mobile Home Park.** Any park, camp, court, site, plot, parcel or tract of land designed, maintained, intended or used for the purpose of supplying a location or locations or accommodations for three (3) or more mobile homes and shall include all buildings used or intended for use as part of the equipment thereof, whether or not a charge is made for the use of the mobile home park and its facilities. "Mobile Home Park" shall not include automobile or mobile home sales lots on which unoccupied mobile homes are parked for the sole purpose of inspection and sale.
- (d) **Space.** A plot of ground within a mobile home park designed for the accommodation of one (1) mobile home unit.

- (e) **Person.** An individual, partnership, firm, corporation, association, trust, whether owner, lessee, licensee or their agent, heir or assignee.
- (f) **Dependent Mobile Home.** A mobile home which does not have complete bathroom facilities.
- (g) **Licensee or Operator.** Any person licensed to operate and maintain a mobile home park under this Chapter.
- (h) **Licensing Authority.** The Town of Oshkosh.
- (i) **Mobile Home Subdivision.** A parcel of land platted for subdivision according to all requirements of the Town of Oshkosh Subdivision Ordinance and comprehensive plan designed or intended for lots to be conveyed by deed to individual owners for residential occupancy primarily by mobile homes.
- (j) **Residential Mobile Home.** A single-family dwelling built on or before October 1, 1974, in accordance with the ANSI Code (American National Standards Institute) or in accordance with the HUD Code (Housing & Urban Development), both of which govern the heating and cooling systems, electrical systems, fire safety, body and frame construction, thermal protections and plumbing systems. All said homes shall bear the proper approved Wisconsin insignia as required by the Wisconsin Administrative Code, COMM 20.12-20-17. "Mobile Home" also means any coach, cabin, trailer, house car or other structure of four hundred (400) square feet interior floor area or greater which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped or used for sleeping, eating or living quarters or as a place of business, or is intended to be so used, whether mounted upon wheels or supports or capable of being moved by its own power or transported by another vehicle, and includes any additions, attachments, foundations, annexes and appurtenances thereto. If the wheels are removed or the mobile home is set on a foundation, the mobile home shall be considered real property for purposes of taxation. For purposes of this Chapter, a manufactured home is not a mobile home. HUD sticker homes are not a mobile home.
- (k) **Statutory Definitions.** In addition to the above definitions, definitions contained in §66.058 of the Wisconsin Statutes shall also be applicable.
- (l) **Trailer.** A trailer is a coach or other structure of under four hundred (400) square feet in floor area transported by a motor vehicle.

Sec. 15-2-2 Permitted Uses and Structures.

The following principal uses and structures are permitted within mobile home parks;

- (a) **One-Family Detached Mobile Homes (residential mobile home).** In mobile home park communities, recreational vehicles shall not be occupied as living quarters and sales lots shall not be permitted, but dwellings may be sold on lots they occupy in residential use.

- (b) **Permitted Accessory Uses and Structures.** Uses and structures that are customarily accessory and clearly incidental to permitted principal uses and structures shall be permitted, except for those requiring specific approval as provided below.
- (c) **Rental.** No mobile home park site shall be rented for a period of less than thirty (30) days.

Sec. 15-2-3 Mobile Homes Limited to Parks Only.

- (a) It shall be unlawful, except as provided in this Chapter, for any person to park or use any mobile home on any street, alley, highway or road or other public place, or on any parcel of land or other space within the Town of Oshkosh.
- (b) No person shall park, locate or place any mobile home outside of a licensed mobile home park in the Town of Oshkosh except unoccupied mobile homes may be parked on the lawfully situated premises of a licensed mobile home dealer for the purposes of sale display; the lawfully situated premises of a vehicle service business for purposes of servicing or making necessary repairs; the premises leased or owned by the owner of such mobile home for purposes of sale display for a period not exceeding one hundred twenty (120) days, provided no business is carried on therein, or in an accessory private garage, building or rear yard of the owner of such mobile home, provided no business is carried on therein.
- (c) It is the intent of this Chapter to recognize mobile homes constructed prior to October 1, 1974, as distinct and different from units designated as Mobile Homes within the definitions of this Chapter and to prohibit units not meeting the requirements for Mobile Homes as defined herein. Units constructed prior to 1974 are prohibited.

Sec. 15-2-4 Mobile Home Park License and Application.

- (a) Per Section 15-2-8, it shall be unlawful for any person to establish, operate or maintain, or permit to be established, operated or maintained upon any property owned, leased or controlled by him a mobile home park within the limits of the Town of Oshkosh without first having obtained a license for each such mobile home park from the Town Board pursuant to this Chapter. Such license shall expire one (1) year from the date of issuance but may be renewed under the provisions of this Chapter for additional periods of one (1) year.
- (b) The application for such license or the renewal shall be accompanied by a fee of Two Dollars (\$2.00) for each space in the existing or proposed mobile home park, provided that the minimum fee shall not be less than Twenty-five Dollars (\$25.00), and a surety bond in the amount of Five Thousand Dollars (\$5,000.00), which shall guarantee:

- (1) The collection by the licensee of any monthly parking permit fee required by the Town and the payment of such fees to the Town Clerk;
 - (2) The payment by the licensee of any fine or forfeiture, including legal costs imposed upon or levied against said license for a violation of the ordinances of the said Town pursuant to which said license is granted, and shall also be for the use and benefit, and may be prosecuted and recovery had thereon, by any person who may be injured or damaged by reason of the licensee violating the provisions of this Chapter.
- (c) The application for a license or a renewal thereof shall be made on forms furnished by the Town Clerk shall include the name and address of the owner in fee of the lands upon which said mobile home park is to be located (if the fee is vested in some person other than the applicant, a duly verified statement by that person that the applicant is authorized by him to construct or maintain the mobile home park and to apply for a license), and the location and legal description of the premises upon which the mobile home park is to be or is located as will readily identify and definitely locate the premises. The application shall be accompanied by two (2) copies of the complete mobile home park plan showing the following, either existing or as proposed: (1) the extent and area used for mobile park purposes; (2) roadways and driveways; (3) location of space for mobile homes; (4) location and number of sanitary conveniences, including toilets, washrooms, laundries and utility rooms to be used by occupants of spaces; (5) method and plan of sewage disposal; (6) method and plan of garbage removal; (7) plan for water supply; (8) plan for lighting of spaces; (9) plan for rubbish disposal; (10) designated green space for leisure activities; (11) all other matters required of this Chapter. If the existing or proposed mobile home park is designed to serve non-dependant mobile home units, such plans shall clearly set forth the location of all sewer and water pipes and connections.
- (d) Every licensee shall furnish the Town Clerk and Town Assessor with information on mobile homes added to the mobile home park within five (5) days after their arrival on forms prescribed by the Wisconsin Department of Revenue.
- (e) Prior to approval of a mobile home park, the Town Board shall hold a public hearing on the application. Notice of such hearing shall be mailed to all property owners within a five hundred (500) foot radius of the proposed site.
- (f) Licenses granted under this Section shall be subject to revocation or suspension by the governing body for cause in accordance with §66.058(2), Wis. Stats. and the procedures in that Section shall be followed. "Cause" as used in this Subsection, shall include, but not be limited to:

- (1) Failure or neglect to abide by the requirements of this Chapter or the laws or regulations of the State of Wisconsin relating to mobile home parks and their operation.
- (2) Conviction of any offense under the laws of the State or Ordinances of the Town relating to fraudulent or misleading advertising or deceptive practices regarding the sale or renting of mobile homes or the leasing or rental of mobile home spaces or sale, lease or operation of park facilities.
- (3) Operation or maintenance of the mobile home park in a manner inimical to the health, safety or welfare of park occupants or the inhabitants of the Town including, but not limited to, repeated violations of laws or ordinances relating to health, sanitation, refuse disposal, fire hazards or morals.
- (4) Transfer or sale of an ownership interest in any mobile home space or the underlying land other than to another eligible licensee. Such action shall also subject the owner of the underlying land to all requirements of the state or municipal subdivision control laws and regulations regardless of the size or number of lots or spaces so transferred or sold.

Sec. 15-2-5 Inspection and Enforcement.

No mobile home park licensee shall be issued until the Town Board, or its designee, shall have inspected and reviewed for compliance with this Chapter each application and the premises on which mobile homes will be located to insure compliance with the regulations, ordinances and laws applicable thereto. No licensee will be renewed without a re-inspection of the premises. For the purposes of making inspections and securing the enforcement of this Chapter, such officials or their authorized agents shall have the right and are hereby empowered to enter on any premises on which a mobile home is located, or about to be located, and to inspect the same and all accommodations connected therewith at any reasonable time.

Sec. 15-2-6 Mobile Home Park Standards.

- (a) Each mobile home space within a mobile home park shall be clearly defined and shall contain at least five thousand (5,000) square feet of land area for the exclusive use of the occupant; such space shall be no less than forty (4) feet in width and no less than one hundred (100) feet in depth. The area occupied by a mobile home shall not exceed fifty percent (50%) of the total area of the mobile home space (including any awnings, carports, vehicles or attachments thereto). Each mobile home space shall be landscaped in accordance with the plans approved by the Town Board. The mobile home park shall be so arranged that all spaces shall face or abut on an approved public roadway giving easy access thereto. Each space shall have a ten (10) square feet by twenty (20) square feet paved

- off-street parking space for an automobile. The yard shall be landscaped except for necessary driveway and sidewalk needs, which shall not exceed one-half (1/2) the width of the space. Temporary storage shall not be allowed on lawn areas.
- (b) Roadways within the mobile home park shall be at least sixty-six (66) feet in width and shall be surfaced to Town specifications. There shall be a concrete sidewalk along both sides of the roads, access drives off roads to all parking spaces, and mobile home spaces shall be paved.
 - (c)
 - (1) A minimum of two (2) off-street parking spaces surfaced with bituminous concrete or similar material capable of carrying a wheel load of four thousand (4,000) pounds shall be provided for each mobile home space.
 - (2) Each mobile home park shall maintain paved off-street parking lots for guests of occupants in the amount of one (1) parking space for each mobile home space. Such parking shall be located within three hundred (300) feet of the mobile homes to be served.
 - (d) Each space shall be properly landscaped with at least one (1) tree and hedges, grass, fences, windbreaks and the like. All mobile home parks shall have a greenbelt or buffer strip not less than twenty (20) feet wide along all boundaries. Unless adequately screened by existing vegetative cover, all mobile home parks shall be provided within such greenbelt or buffer strip with screening of natural growth or screen fence, except where the adjoining property is also a mobile home park. Compliance with this requirement shall be made within five (5) years from the granting of the mobile home park developer's permit. Permanent planting shall be grown and maintained at a height of not less than six (6) feet. Screening or planting requirements may be waived or modified by the governing body if it finds that the exterior architectural appeal and functional plan of the park, when completed, will be materially enhanced by modification or elimination of such screen planting requirements.
 - (e) No mobile home shall be parked closer than five (5) feet to the side lot lines nor closer than twenty (20) feet to the front lot line or within twenty-five (25) feet of the rear lot line.
 - (f) There shall be an open space of at least ten (10) feet between the sides of adjacent mobile homes. Automobiles may park no closer than five (5) feet to the side of any mobile home; automobiles shall not, however, be parked nearer than five (5) feet to any side lot line.
 - (g) No tents shall be erected or occupied on any space, and there shall be no outdoor camping anywhere in the mobile home park.
 - (h) All non-dependant units must be connected to public water and sanitary sewer systems, and plans for disposal of surface storm water shall be approved by the Town Board.
 - (i) Every mobile home space shall be furnished with an electric service outlet. Such outlet shall be equipped with an externally operated switch or fuse with not less than sixty (60) amperes capacity and a heavy-duty outlet receptacle. All utility lines shall be placed underground.

- (j) No mobile homes shall be parked in a mobile home park outside of a designated space therein.
- (k) Each mobile home space shall contain a paved area upon which said mobile home is to be placed. Said paved area shall be at least as large as the mobile home which is to be placed thereon.
- (l) The mobile home park shall be so arranged that no dependant unit shall be located further than two hundred (200) feet from the toilets and service buildings provided for herein, and walkways to such buildings shall be paved and well lighted.
- (m) The mobile home park shall contain a recreation area. The recreation area shall be a minimum of one (1) acre for each fifty (50) sites. The minimum recreation area in a mobile home park shall be one (1) acre.

Sec. 15-2-7 Water Supply.

- (a) An adequate supply of pure water furnished through a pipe distribution system connected directly with the public water main with supply faucets located not more than two hundred (200) feet from any dependant mobile home shall be furnished for drinking and domestic service in all mobile home parks.
- (b) Individual water service connections provided for direct use of an independent unit shall be so constructed that they will not be damaged by the parking of such mobile home. Such system shall be adequate to provide twenty (20) pounds per square inch pressure and capable of furnishing a minimum of one hundred twenty-five (125) gallons of water per day per space.
- (c) No common drinking vessels shall be permitted, nor shall any drinking water faucets be placed in any toilet room.
- (d) Every mobile home park servicing dependent units shall provide an abundant supply of hot water at all reasonable hours for bathing, washing and laundry facilities.

Sec. 15-2-8 Service Buildings and Accommodations.

- (a) Every mobile home park designed to serve dependent units shall have erected thereon suitable buildings for housing toilets, lavatories, showers, slop sinks and laundry facilities as required by this Chapter and by the State of Wisconsin Administrative Code, such buildings to be known as service buildings. Service buildings shall be located not more than two hundred (200) feet from any mobile home space. Such service buildings shall be of permanent construction and adequately lighted, screened and ventilated.

Cross Reference: Section 7-5-1 Monthly Parking Fee;
Limitations on Parking

- (b) There shall be provided separate toilet rooms for each sex. Water flush toilets shall be required. Toilets shall be provided for each sex in the ratio of one (1) toilet for each six (6) dependant units or fraction thereof and shall have separate compartments. Every male toilet room shall contain one (1) urinal for each sixteen (16) dependant units, but in no case shall any male toilet be without one (1) urinal. Toilet rooms shall contain lavatories with hot and cold running water in the ratio of one (1) lavatory for each two (2) water closets.
- (c) Separate bathing facilities for each sex shall be provided with one (1) shower enclosed in a compartment at least four (4) feet square in size for each six (6) dependant units or fraction thereof. Each shower compartment shall be supplemented by an individual dressing compartment which shall be at least sixteen (16) square feet in size.
- (d) Laundry facilities shall be provided on the ratio of one (1) double tray unit and one (1) conventional type washing machine or one (1) automatic washing machine, with electric outlet, for each eight (8) units. Sufficient drying facilities shall be available.
- (e) Floors of toilets, showers and the laundry shall be concrete, tile or similar material impervious to water and easily cleaned and pitched to a floor drain.

Sec. 15-2-9 Waste and Garbage Disposal.

- (a) All liquid wastes from showers, toilets, laundries, faucets, lavatories, etc., shall be discharged into a sewer system.
- (b) Every space designed to serve a non-dependant unit shall be provided with waste disposal connections which shall comply with all applicable state plumbing codes. The sewer connections shall be provided with suitable fitting so that watertight connections can be made. Such connections shall be so constructed so that they can be closed when not connected and trapped in such a manner as to be maintained in an odor-free condition.
- (c) All sanitary facilities in any unit which are not connected with a public sewer system by approved pipe connections shall be sealed and their use is hereby declared unlawful.
- (d) Mobile home park residents shall comply with all Town refuse disposal and recycling requirements.

Sec. 15-2-10 Number of Spaces Per Parcel.

- (a) There shall be at least ten (10) spaces in each mobile home park and no more than two hundred (200) spaces; all requirements of this Chapter for the issuance of a license shall be complied with prior to the issuance of such license. All accommodations required by this Chapter shall be based upon the total park capacity according to the accepted plans.

- (b) Mobile homes shall not be placed in campgrounds. A travel trailer shall not be parked and left unoccupied anywhere in the Town for more than five (5) days.
- (c) Mobile homes, irrespective of where located, shall be tied down.

**Sec. 15-2-11 Operation of Mobile Home Parks;
Responsibilities of Park Management.**

- (a) (1) In every mobile home park there shall be located an office of the attendant or person in charge of said park. A copy of the park license and of this Chapter shall be posted therein and the park register shall, at all times, be kept in said office.
- (2) A fire number shall be assigned to each mobile home park, with a lot number assigned to each individual mobile home lot or parcel.
- (b) The attendant or person in charge and the park licensee shall operate the park in compliance with this Chapter and regulations and Ordinances of the Town and State and their agents or officers and shall have the following duties:
 - (1) Maintain a register of all park occupants, to be open at all times to inspection by state, federal and municipal officers, which shall show:
 - (a) Names and addresses of all owners and occupants of each mobile home.
 - (b) Number of children of school age.
 - (c) State of legal residence.
 - (d) Dates of entrance and departure of each mobile home.
 - (e) Make, model, year and serial number or license number of each mobile home and towing or other motor vehicles and state, territory or country which issued such licenses.
 - (f) Place of employment of each occupant, if any.
 - (2) Notify park occupants of the provisions of this Chapter and inform them of their duties and responsibilities and report promptly to the proper authorities any violations of this Chapter or any other violations of law which may come to their attention.
 - (3) Report to Town authorities all cases of persons or animals affected or suspected of being affected with any dangerous communicable disease.
 - (4) Supervise the placement of each mobile home on its stand which includes securing its stability and installing all utility connections and tiedowns.
 - (5) Maintain park grounds, buildings and structures free of insect and rodent harborage and infestation and accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.
 - (6) Maintain the park free from growth of noxious weeds.
 - (7) Maintain the park free of litter, rubbish and other flammable materials, provide portable fire extinguishers of a type approved by the Fire Chief

in all locations designated by the Chief and maintain such extinguishers in good operating condition and cause every area within the park designated as a fire lane by the Fire Chief to be kept free and clear of obstructions.

- (8) Check to insure that every mobile home unit has furnished, and in operation, a substantial, fly-tight, watertight, rodent proof container for the deposit of garbage and refuse in accordance with the ordinances of the Town. The management shall provide stands for all refuse and garbage containers so designated as to prevent tipping and minimize spillage and container deterioration and facilitate cleaning.
- (9) Provide for the sanitary and safe removal and disposal of all refuse and garbage at least weekly. Removal and disposal of garbage and refuse shall be in accordance with the laws of the State of Wisconsin and the Ordinances and regulations of the Town.
- (10) Collect a security deposit equal to three (3) months' parking fee for each occupied nonexempt mobile home within the park and remit such fees and deposits to the Town Clerk.
- (11) Allow inspections of park premises and facilities at reasonable times by municipal officials or their agents or employees.

Sec. 15-2-12 Responsibilities and Duties of Mobile Home Park Occupants.

- (a) Park occupants shall comply with all applicable requirements of this Chapter and regulations issued hereunder and shall maintain their mobile home space, its facilities and equipment in good repair and in a clean and sanitary condition.
- (b) Park occupants shall be responsible for proper placement of their mobile homes on the mobile home stand and proper installation of all utility connections in accordance with the instructions of the park management.
- (c) No owner or person in charge of a dog, cat or other pet animal shall permit it to run at large or to cause any nuisance within the limits of any mobile home park.
- (d) Each owner or occupant of a nonexempt mobile home within a mobile home park shall remit to the licensee or authorized park management the cash deposit and monthly parking permit fee.
- (e) It shall be the duty of every occupant of a park to give the park license or management, or his agent or employee, access to any part of such park or mobile home premises at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this Chapter or any law or Ordinance of the State or Town or lawful regulation or order adopted thereunder.
- (f) Mobile homes shall be parked only on the mobile home stands provided and shall be placed thereon in accordance with all requirements of this Chapter.

- (g) No mobile home owner or occupant shall conduct in any unit or any mobile home park any business or engage in any other activity which would not be permitted in single-family residential areas in the Town.
- (h) No person shall discharge any wastewater on the surface of the ground within any mobile home park.
- (i) No person shall erect or place upon any mobile home space any permanent or temporary structure intended to be used for dwelling purposes or in connection with any mobile home unit except as specifically authorized by this Chapter.

Sec. 15-2-13 Additional Regulations on Mobile Homes and Mobile Home Parks.

- (a) Wrecked, damaged or dilapidated mobile homes shall not be kept or stored in a mobile home park or upon any premises in the Town. The Town Board shall determine if a mobile home is damaged or dilapidated to a point which makes it unfit for human occupancy. Such mobile homes are hereby declared to be a public nuisance. Whenever the Town Board so determines, it shall notify the licensee or landowner and owner of the mobile home in writing that such public nuisance exists within the park or on lands owned by him giving the findings upon which his determination is based and shall order such home removed from the park or site or repaired to a safe, sanitary and wholesome condition of occupancy within a reasonable time, but not less than thirty (30) days.
- (b) The Town Board or its lawful agents or employees are authorized and directed to inspect mobile home parks not less than once in every twelve (12) month period to determine the health, safety and welfare of the occupants of the park and inhabitants of the Town as affected thereby and the compliance of structures and activities therein with this Chapter and all other applicable laws of the State and ordinances of the Town.
- (c) Fires in mobile home parks shall be made only in stoves and other cooking or heating equipment intended for such purposes. Outside burning is prohibited except by permit and subject to requirements or restrictions of the Fire Chief.
- (d) All plumbing, building, electrical, oil or gas distribution, alterations or repairs in the park shall be in accordance with the regulations of applicable laws, ordinances and regulations of the State and municipalities and their authorized agents.
- (e) All mobile homes in mobile home parks shall be skirted with foundation siding. Areas enclosed by such skirting shall be maintained free of rodents and fire hazards. Such foundation siding/skirting shall be fire and weather resistant, pre-finished material surrounding the entire perimeter of a home and completely enclosing a space between the exterior wall of such home and the ground. Foundation siding shall be properly vented, harmonious and compatible with the house and installed within sixty (60) days from the date of placement on the site.

- (f) Storage under mobile homes is prohibited.

Sec. 15-2-14 Compliance with Plumbing, Electrical and Building Code Ordinances.

All plumbing, electric, electrical, building and other work on or at any mobile home park under this Chapter shall be in accordance with the Ordinances of the Town and the requirements of the State Plumbing, Electrical and Building Codes and the regulations of the State Board of Health. Licenses and permits granted under this Chapter grant no right to erect or repair any structure, to do any plumbing work or to do any electric work.

Sec. 15-2-15 Limitations on Signs.

In connection with mobile home parks under this Chapter, no sign intended to be read from any public way adjoining the district shall be permitted except:

- (a) No more than one (1) identification sign, not exceeding twenty (20) square feet in area, for each principal entrance.
- (b) No more than one (1) sign, not exceeding four (4) square feet in area, advertising property for sale, lease or rent, indicating "Vacancy" or "No Vacancy," maybe erected at each principal entrance.
- (c) In the case of new mobile home communities consisting in whole or in part of mobile home subdivisions or condominiums, one (1) sign, not exceeding twenty (20) square feet in area, may be erected for a period of not more than two (2) years at each principal entrance to advertise the sale of lots or dwellings.
- (d) No source of illumination for any such signs shall be directly visible from adjoining streets or residential property, and no such signs shall be erected within five (5) feet of any exterior property line.

Sec. 15-2-16 Standards for General Site Planning for Mobile Home Communities.

The following guides, standards and requirements shall apply in site planning for mobile home communities:

- (a) **Principal Vehicular Access Points.** Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Merging and turnout lanes and/or traffic dividers shall be required where existing or anticipated heavy flows indicate need. In general, minor streets shall not be connected with streets outside the district in such a way as to encourage the use of such minor streets by substantial amounts

of through traffic. No lot within the community shall have direct vehicular access to a street bordering the development.

- (b) **Access for Pedestrians and Cyclists.** Access for pedestrians and cyclists entering or leaving the community shall be by safe and convenient routes. Such ways need not be adjacent to or limited to the vicinity of vehicular access points. Where there are crossings of such ways and vehicular routes at edges of planned developments, such crossings shall be safety located, marked and controlled and where such ways are exposed to substantial vehicular traffic at edges of communities, safeguards may be required to prevent crossings except at designated points. Bicycle paths, if provided, shall be so related to the pedestrian way system that street crossings are combined.
- (c) **Exterior Yards for Mobile Home Parks; Minimum Requirements; Occupancy.** The following requirements and limitations shall apply to yards at the outer edges of mobile home communities:
 - (1) **Along Public Streets.** Where mobile home park communities adjoin public streets along exterior boundaries, a yard at least twenty-five (25) feet in minimum dimensions shall be provided adjacent to such streets. Such yard may be used to satisfy open space depth requirements for individual dwellings but shall not contain carports, recreational shelters, storage structures or any other structures generally prohibited in yards adjacent to streets in residential districts. No direct vehicular access to individual lots shall be permitted through such yards, and no group parking facilities or active recreation areas shall be allowed therein.
 - (2) **At Edges of Mobile Home Parks (Other Than at Streets or Alleys).** Where mobile home parks are so located that one (1) or more boundaries are at the edges of mobile home parks and adjoining neighboring districts without an intervening street, alley or other permanent open space at least twenty (20) feet in width, an exterior yard at least twenty (20) feet in minimum dimension shall be provided. Where the adjoining area is residential, the same limitations on occupancy and use of such yards shall apply as stated above concerning yards along public streets. Where the adjoining area is nonresidential, such yards may be used for group or individual parking, active recreation facilities or carports, recreational shelters or storage structures.
- (d) **Ways for Pedestrians and/or Cyclists in Exterior Yards.** In any exterior yard, required or other, ways for pedestrian and/or cyclists may be permitted, if appropriately located, fenced or landscaped to prevent potential hazards arising from vehicular traffic on adjacent streets or other hazards and annoyances to users or to occupants of adjoining property. When otherwise in accord with the requirements concerning such ways set forth above, approved ways in such locations shall be counted as common recreation facilities and may also be used for utilities easements.

- (e) **Yards, Fences, Walls or Vegetative Screening at Edges of Mobile Home Parks.** along the edges of mobile home parks, walls or vegetative screening shall be provided where needed to protect residents from undesirable views, lighting, noise, or other off-site influences or to protect occupants of adjoining residential districts from potentially adverse influences within the mobile home community. In particular, extensive off-street parking areas and service areas for loading and unloading other than passenger vehicles, and for storage and collection of trash and garbage, shall be screened.
- (f) **Internal Relationships.** The site plan shall provide for safe, efficient, convenient and harmonious groupings of structures, uses and facilities, and for appropriate relation of space inside and outside buildings to intended uses and structural features. In particular:
 - (1) **Streets, Drives and Parking and Service Areas.** Streets, drives and parking and service areas shall provide safe and convenient access to dwellings and community facilities and for service and emergency vehicles, but streets shall not be so laid out as to encourage outside traffic to traverse the community, nor occupy more land than is required to provide access as indicated, nor create unnecessary fragmentation of the community into small blocks. In general, block size shall be the maximum consistent with use, the shape of the site and the convenience and safety of the occupants.
 - (2) **Vehicular Access to Streets.** Vehicular access to streets from off-street parking areas may be direct from dwellings if the street or portion of the street serves fifty (50) units or less. Determination of units served shall be based on normal routes anticipated for traffic. Along streets or portions of streets serving more than fifty (50) dwellings units, or constituting major routes to or around central facilities, access from parking and service areas shall be so combined, limited, located, designed and controlled as to channel traffic conveniently, safely and in a manner that minimizes marginal traffic friction, and direct vehicular access from individual dwellings shall generally be prohibited.
 - (3) **Ways for Pedestrians and Cyclists; Use by Emergency, Maintenance or Service Vehicles.**
 - (a) Walkways shall form a logical, safe and convenient system for pedestrian access to all dwellings, project facilities and principal off-street pedestrian destinations. Maximum walking distance in the open between dwelling units and related parking spaces, delivery areas and trash and garbage storage areas intended for use of occupants shall not exceed one hundred (100) feet.
 - (b) Walkways to be used by substantial numbers of children as play areas or routes to school, bus stops or other destinations shall be so located and safeguarded as to minimize conflicts with normal automotive traffic. If an internal walkway system is

provided, away from streets, bicycle paths shall be incorporated in the walkway system. Street crossings shall be held to a minimum on such walkways and shall be located and designated to provide safety and shall be appropriately marked and otherwise safeguarded. Ways for pedestrians and cyclists, appropriately located, designed and constructed may be combined with other easements and used by emergency, maintenance or service vehicle but shall not be used by other automotive traffic.

Title 15 – Chapter 3

Erosion and Stormwater Runoff Control

15-3-1	Title
15-3-2	Finding and Declaration of Purpose
15-3-3	General Provisions
15-3-4	Definitions
15-3-5	Land-Disturbing Activities Subject to Erosion, Sediment, Onsite Detention and Runoff Control
15-3-6	Erosion and Sedimentation Control Regulations for Any Lands Whether Otherwise Subject to This Chapter or Not
15-3-7	Standards and Criteria
15-3-8	Application and Issuance of Permits
15-3-9	Violations
15-3-10	Appeals
15-3-11	Effective Date

Sec. 15-3-1 Title.

This Chapter shall be known, cited and referred to as the “Erosion and Stormwater Runoff Control Ordinance”.

Sec. 15-3-2 Finding and Declaration of Purpose.

The Town finds that urbanizing land uses have accelerated the process of soil erosion, runoff and sediment deposition in the waters of the Town of Oshkosh. Therefore, it is declared to be the purpose of this Chapter to control and prevent soil erosion and minimize stormwater runoff increases and thereby to preserve the natural resources, control floods and prevent impairment of dams and reservoirs, protect the quality of public waters, protect wildlife, protect the tax base and protect and promote the health, safety and general welfare of the people of the Town of Oshkosh.

Sec. 15-3-3 General Provisions.

- (a) **Applicability.** This Chapter applies to the use of lands within the incorporated boundaries of the Town of Oshkosh.
- (b) **Severability of Provisions.** If any section, provision or portion of this Chapter is judged unconstitutional or invalid by a court, the remainder of this Chapter shall not be affected thereby.

- (c) **Performance Time Requirement.** All action required in this Chapter shall be conducted as soon as possible as determined by the Administrative Authority.

Sec. 15-3-4 Definitions.

For the purpose of this Chapter, certain words used herein are defined as follows:

- (a) **Administrative Authority.** Means the governmental employee designated by the Town Board to administer this Chapter and includes any other governmental employees who are supervised by the said administrator, for the implementation and enforcement of this Chapter.
- (b) **Agricultural Land Uses.** Means alterations or disturbances of the land used for the production of food and fiber.
- (c) **Cease and Desist Order.** Is a means of giving notice to the permittee or violator that the Administrative Authority believes that the permittee or violator has violated one (1) or more provisions of this Chapter. Notice is given by posting upon the lands where the disturbing activity occurs, one (1) or more copies of a poster so stating the violation by mailing a copy of this poster by certified mail to the permittee or violator at the address shown on the permit or to the violator at any address of record.
- (d) **Town.** Means the Town of Oshkosh Town Board.
- (e) **Control Plan (Erosion and Sediment Control Plan and Runoff Control Plan).** Is a plan approved by the Administrative Authority, of methods for controlling soil erosion, surface water runoff and sediment deposition caused by or resulting from land-disturbing activities.
- (f) **Detention Storage.** Is the temporary detaining or storage of stormwater in reservoirs, under predetermined and controlled conditions, with the rate of discharge therefrom regulated by installed devices.
- (g) **Erosion (Soil Erosion).** Is the detachment and movement of soil or rock fragments by water, wind, ice and gravity.
- (h) **Existing Grade.** Means the vertical location of the existing ground surface prior to excavating or filling.
- (i) **Grading.** Is altering the elevation of the land surface by stripping, excavating, filling, stockpiling of solid materials or any combination thereof and shall include the land from which the material was removed or upon which it was placed.
- (j) **Land-Disturbing Activities or Uses.** Any land changes which may result in soil erosion, sedimentation and/or the increase in runoff, including, but not limited to, filling, removal of ground cover, grading, excavating and filling of land, except that the term shall not include such minor land-disturbing activities as home gardens and repair and maintenance of private roads. Additionally, this term does not include agricultural land uses and wildlife plantings.
- (k) **Land in Its Natural Undeveloped State.** Shall mean land which has runoff characteristics equivalent to runoff curve number (CN) 70, as used

in the runoff methodology promulgated by the United States Soil Conservation Service National Engineering Handbook.

- (l) **Land Treatment Measures.** Structural or vegetative practices, or combinations of both, used to control erosion and sediment production, including areas to be protected by fencing.
- (m) **Peak Flow.** The maximum rate of flow of water at a given point in a channel, watercourse or conduit resulting from a predetermined storm or flood.
- (n) **Public Lands.** All government owned lands which are subject to regulation by the Town; including but not limited to:
 - (1) All lands owned or controlled by the Town.
 - (2) All lands which are owned by another unit of government.
- (o) **Runoff.** The portion of rainfall, melted snow or irrigation water that flows across the ground surface.
- (p) **Sediment.** Solid material, both mineral and organic, that is in suspension, is being transported or has been moved from its site of origin by air, water or ice and has come to rest on the earth's surface at a different site.
- (q) **Sedimentation.** The transportation and deposition of sediment.
- (r) **Soil Loss.** Soil moved from a given site because of land-disturbing activities or by the forces of erosion and redeposited at another site on land or in a body of water.
- (s) **Stormwater Runoff.** The portion of rainfall that reaches a stream, lake, channel, storm, sewer, street or other improvement during or soon after a storm.
- (t) **Structural Measures.** Works of improvement for land stabilization to prevent erosion, sediment or runoff.
- (u) **Storm Frequency.** The average period of time which a storm of a given duration and intensity can be expected to be equaled or exceeded.

Sec. 15-3-5 Land-Disturbing Activities Subject to Erosion, Sediment, Onsite Detention and Runoff Control.

- (a) **General Requirement.** Any owner, occupant or user who undertakes, commences or performs land-disturbing activities; or who permits another person to do the same, on land subject to this Section, shall be subject to this Chapter.
- (b) **Land-Disturbing Activities Subject to Erosion and Sediment Control.** Activities on public lands and on all private lands shall be subject to this Chapter, if:
 - (1) An area of four thousand (4,000) square feet or greater will be disturbed resulting in the loss or removal of protective ground cover or vegetation.
 - (2) Excavation, fill, or any combination thereof, will exceed four hundred (400) cubic yards.
 - (3) Any public (federal, state or local) street, road or highway is to be constructed, enlarged, relocated or substantially reconstructed.

- (4) Any use by a unit of government or by public or private utilities in which underground pipe or facilities will be laid, repaired, replaced or enlarged for a distance over three hundred (300) feet.
 - (5) There is a subdivision of land as defined in the Subdivision Regulations of the Town of Oshkosh.
- (c) **Land-Disturbing Activities Subject to On-Site Detention and Runoff Control.** Activities on public lands and on all private lands shall be subject to this Chapter if:
- (1) The activity will be a residential development having a gross aggregate area of five (5) acres or more.
 - (2) The activity will be a residential development on less than five (5) acres and more than three (3) acres, having fifty percent (50%) or more of the area as impervious surfaces.
 - (3) The activity will be a development, other than residential, having a gross aggregate area of three (3) acres or more.
 - (4) In the opinion of the Administrative Authority, the runoff from the activity will exceed the safe capacity of the existing drainage facilities and/or receiving water body; or cause undue channel erosion; or increase water pollution by scour and transport of particles; or endanger the downstream property.
- (d) **Compliance With This Section.** The owner, occupant or user shall be in compliance with this Section if the procedure of Section 15-3-8 is followed.

Sec. 15-3-6 Erosion and Sedimentation Control Regulations for Any Land Whether Otherwise Subject to This Chapter or Not.

Any person, firm or corporation who causes or permits erosion, sediment deposits, tracking or dropping of dirt on adjacent land, public streets or bodies of water from any land, whether otherwise subject to this Chapter or not, shall be deemed in violation of this Chapter and subject to the penalties provided in Section 15-3-9.

Sec. 15-3-7 Standards and Criteria.

- (a) **Standard for Erosion and Sediment Control for Land-Disturbing Activities.** Plans will not be approved nor permits issued unless erosion and sedimentation leaving the site during and after the land disturbance will not exceed that which would have eroded if the land had been left in its undisturbed state and/or are controlled in accordance with established procedures, including but not limited to, "Minimizing Erosion in Urbanizing Areas" or other technical guidelines as developed by the County Soil and Water Conservation District in cooperation with the U.S. Department of Agriculture, Soil Conservation Service.

- (b) **Standards for On-Site Detention and Runoff Control for Land-Disturbing Activities.** Activities subject to on site detention and runoff control regulation under this Chapter shall comply with the following standards:
- (1) The peak runoff rate after the proposed activities shall not be greater than the peak rate which would have resulted from the same storm event occurring over the site with the land in its natural undeveloped condition for storms of twenty-four (24) hours duration and recurrence intervals of two (2), five (5), ten (10), twenty-five (25), fifty (50) and one hundred (100) years.
 - (2) Where on-site detention is used for runoff control, the detention facilities shall safely contain and/or safely pass the runoff of a one hundred (100) year storm of any duration.
 - (3) Determination of on-site detention volumes shall be computed by established procedures equivalent to and calibrated against that procedure promulgated by the United States Soil Conservation Service in its National Engineering Handbook or the technical publication entitled, "Urban Hydrology for Small Watershed, TR-55", and accepted by the Town Engineer.
- (c) **Standard for Tracking.** For plan approval and issuance of a permit there must be adequate provisions to prevent the tracking or dropping of dirt or other materials from the site onto any public or private street.
- (d) **Design Criteria, Engineering Standards and General Principals.**
- (1) The applicant, for a permit, may employ structural or nonstructural measures necessary to achieve all applicable standards set out in this ordinance. However, these measures accepted design criteria and engineering standards.
 - (2) The following general principles shall be used when evaluating control plans and granting permits under this Chapter.
 - (a) The smallest area of land shall be exposed for the shortest period of any given time during development.
 - (b) The rough grading of the lot shall include backfilling the basement and all excess earth shall be hauled off the lot.
 - (c) Accommodation of the increased runoff caused by changed soil and surface conditions during and after development.
 - (d) Permanent, final plant covering or structures shall be installed prior to final acceptance.
 - (e) The plan of development shall relate to the topography and soils of the site so that the lowest potential for erosion is created.
 - (f) Natural plant covering shall be retained and protected and shall be deemed a dominating factor in developing the site and temporary vegetation, mulching or other cover shall be used to protect the area exposed during the land-disturbing activity.

Sec. 15-3-8 Application and Issuance of Permits.

(a) Permit Required; Procedure and Fee.

- (1) Unless specifically excluded by this Chapter, no owner, occupant or user may undertake an activity subject to this Chapter without receiving a permit. Each owner, occupant or user desiring to undertake a regulated activity subject to this Chapter shall submit an application for a permit together with the appropriate fee. The permit fee schedule is One Dollar (\$1.00) per one thousand square feet of gross lot area to be developed.
- (2) Exceptions to this requirement are as follows:
 - (a) No permit fee shall be assessed against public lands unless those public lands are being developed for private purposes.
 - (b) The Town may enter into an agreement with public or private utilities and governmental agencies to waive the need for a permit for each individual activity, if they will agree to follow this Chapter.
 - (c) Any subdivision of land as defined by the Subdivision Regulations of the Town of Oshkosh shall pay a permit fee of Twenty-Five Dollars (\$25.00), plus reimburse the Town for the actual costs sustained, for administration of this Chapter related to the subdivision, in lieu of the permit fee of One Dollar (\$1.00) per one thousand (1,000) square feet for a gross lot area to be developed.

(b) Control Plan Required.

- (1) Unless specifically exempted by this Chapter, every applicant for a permit shall submit a plan to control erosion, sedimentation and runoff which would result from the proposed activity.
- (2) Permit applicants are exempted from the requirement of the submission of a control plan if the proposed activity is on one (1) acre or less of land, and the permit devices and to implement all the control techniques which are necessary to meet all applicable standards in Section 15-3-7 of this Chapter.

(c) Contents of the Control Plan. The Control Plan required by Section 15-3-8(b) shall contain such information needed to determine soil erosion, sedimentation and runoff control:

- (1) A map of the site location showing the location of the predominant soil types.
- (2) A topographic map of the site location, including the contiguous properties, existing drainage patterns and watercourses affected by the proposed development of the site and the existing vegetative cover.

- (3) A plan of the site showing:
- (a) Name, address and telephone number of the occupant and party responsible for maintaining erosion control.
 - (b) Limits of natural floodplain(s), based on a one hundred (100) year flood, if any.
 - (c) A timing schedule indicating the anticipated starting and completion dates of the development sequence.
 - (d) Proposed topography of the site location with a maximum of two (2) foot contour intervals showing:
 - 1. Location of activity, disturbance of protective cover, any additional structure on the site, areas to be seeded or mulched, areas to be vegetatively stabilized and areas to be left undisturbed.
 - 2. Elevations, dimensions, location of all activities including where topsoil will be stockpiled.
 - 3. The finished grade, stated in feet horizontal to feet vertical, of cut and fill slopes.
 - 4. Kinds of utilities and areas of installation, including special erosion control practices for utility installation.
 - 5. Paved and covered areas in square feet or to scale on a plan map.
 - 6. Makeup of surface soil (upper six (6) inches) on areas not covered by buildings, structures or pavement.
 - 7. Kind of cover on areas not covered by buildings, structures or pavement.
 - (e) Plans and hydraulic computations for all structural or nonstructural measures or other protective devices to be constructed in connection with the proposed work showing:
 - 1. Estimated rate of discharge in cubic feet per second at all structural or nonstructural measures and at the point of discharge from the site location for the two (2) through one hundred (100) year frequency storm event after development.
 - 2. Estimated rate of discharge in cubic feet per second from the site for the two (2) through one hundred (100) year frequency storm event prior to development.
 - 3. Provisions to carry runoff to the nearest adequate outlet.
 - 4. Design computations and applicable assumptions for all structural measures for erosion and sediment pollution control and water management. Volume and velocity of flow must be given for all surface water conveyance measures and pipe outfalls.
 - 5. Provisions for perpetual maintenance of control facilities including easements.

6. Seeding mixtures and rates, lime and fertilizer application rates and kind and quantity of mulching for both temporary and permanent vegetative control measures.
- (4) Methods to prevent tracking of soil off the site of activity.
- (d) **Review of Application.**
- (1) The Administrative Authority shall review all permit applications accompanied by the control plan, if required, and the appropriate fee and shall determine if measures are adequate to meet all the applicable standards as set out in Section 15-3-7. The determination shall be done within ten (10) workdays from the receipt. The applicant will be informed in writing whether the control plan is approved, disapproved and modified or if additional information is required. Failure to render a written decision within ten (10) workdays shall be deemed to mean approval of the plan, as submitted and the applicant may proceed as if a permit has been issued.
 - (2) In the event that the plan is disapproved, and the applicant may resubmit a new control plan or may appeal the Administrative Authority's decision as provided in Section 15-3-10. No additional permit fee is required.
- (e) **Permit; Conditions.** All permits under this Chapter shall be issued subject to the following conditions and requirements:
- (1) All land disturbances will be done pursuant to the approved control plan.
 - (2) The permittee gives two (2) working days notice in advance of the start of any activity.
 - (3) The permittee shall file a notice within ten (10) days after completion of land-disturbing activities.
 - (4) Approval in writing must be obtained prior to any modifications to the approved control plan.
 - (5) The permittee shall be responsible for maintaining all proposed public roads, road right-of-ways, streets, runoff and drainage facilities and drainageways as specified in the approved plan until they are accepted and become the responsibility of the Town.
 - (6) The permittee shall be responsible, at permittee's expense, for repairing any damage to all adjoining surfaces and drainageways caused by runoff and/or sedimentation resulting from permittee's activities.
 - (7) The permittee shall provide and install at permittee's expense all drainage, runoff control and erosion control improvements as required by this Chapter and the approved control plan and shall provide perpetual maintenance on all these private control facilities.
 - (8) No portion of the land which is disturbed will be allowed to remain uncovered for greater than two (2) weeks after notice is given that the activity is completed.

- (9) The permittee agrees to permit the Administrative Authority to enter onto the land regulated under this Chapter for the purpose of inspecting for compliance with the approved control plan and permit.
 - (10) The permittee authorizes the Administrative Authority to perform any work or operations necessary to bring the condition of the lands into conformity with the approved control plan and further consents to the Town collecting the total of the costs and expenses of such work and operating as a special charge against the property for current services rendered as provided by law.
- (f) **Permit Duration.** Permits issued under this Chapter shall be valid for a period of six (6) months from the date of issuance. The Administrative Authority is authorized to extend the expiration date of the permit. The Administrative Authority is authorized to modify the plans to prevent any increase in sedimentation, erosion or runoff resulting from any extension.

Sec. 15-3-9 Violations.

- (a) **Penalties.** Any person, firm, company or corporation, either owner or occupant of the premises, who fails to comply with any of the provisions of this Chapter shall be subject to a forfeiture as provided in Section 1-1-6. Each day that a violation exists or continues shall constitute a separate offense.
- (b) **Enforcement by Injunction.** Compliance with the provisions of this Chapter may also be enforced by injunctive order at the suit of the Town of Oshkosh.
- (c) **Performance of Work by the Administrative Authority.** Where it is found that any of the provisions of this Chapter are not being observed on particular lands, the Administrative Authority is hereby authorized to require the owner, occupant or user to perform the work or land treatment measures within ten (10) working days and to order that if the owner, occupant or user fails to perform, the Administrative Authority may go on the land and bring the condition of said lands into conformity with the requirements of this Chapter and recover the costs and expenses thereof from the owner. In the event that the owner fails to pay the amount due, it shall be collected as a special charge for current services rendered upon the property as provided by law.

Sec. 15-3-10 Appeals.

- (a) **Authority.** The Town Board shall:
 - (1) Hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the Administrative Authority in administering this Chapter.

- (2) Authorize upon appeal in specific cases such variances from the terms of this Chapter as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this Chapter will result in unnecessary hardship, so that the spirit of this Chapter shall be observed, public safety and welfare secured and substantial justice done. Such variance may be granted to two (2) or more property owners, including governmental agencies who submit one (1) runoff control plan for two (2) or more parcels of land. In the event it is in the interest of the Town of Oshkosh to participate with another property owner(s) in a runoff control plan and contribute available storm water detention capacity, or construct storm water detention on Town lands, the other participant(s) shall reimburse the Town an amount equal to the value of the Town lands used but not less than the fair market value of unimproved lands plus the estimated construction cost of the detention capacity that would have been required of the other participant(s) to serve their lands in order to comply with this Chapter.
- (b) **Procedure.** The rules, procedures, duties and powers of the Town Board shall apply to appeals under this Chapter.
- (c) **Who May Appeal.** Appeals may be taken by any person, firm or corporation aggrieved or by an officer, department, board or commission of the Town of Oshkosh affected by the order, requirement, decision or determination made by the Administrative Authority. For the purpose of this Chapter, "aggrieved person" shall include applicants and property owners who own land which is subject to the Chapter.

Title 15 – Chapter 4

Solid Fuel-Fired Outdoor Heating Devices

15-4-1	Definitions
15-4-2	Regulations
15-4-3	Installation
15-4-4	Nuisance
15-4-5	Penalties

Sec. 15-4-1 Definitions.

- (a) Solid Fuel-Fired Outdoor Heating Device: Any equipment, device or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source.
- (b) Stacks or Chimneys: Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a solid fuel-fired heating device; especially that part of such structure extending above a roof.

Sec. 15-4-2 Regulations.

- (a) All solid fuel-fired outdoor heating devices shall be installed, operated and maintained in strict conformance with the manufacture's instructions and regulations and all other applicable local, state and federal standards.
- (b) All solid fuel-fired outdoor heating devices shall be approved by the Department of Commerce through an approved testing agency.
- (c) All solid fuel-fired outdoor heating devices shall be provided with written documentation from the manufacturer that the device is or is in the process of being registered with the Department of Commerce Boiler Division.
- (d) All solid fuel-fired outdoor heating devices shall, in addition, be operated and maintained as follows:
 - (1) Fuel shall be only natural untreated wood, or other solid fuel specifically permitted by the manufacturer such as corn or other pellets specifically designed for the solid fuel-fired outdoor heating device.

The following fuels are prohibited:

- (a) Processed wood products other than wood
- (b) Petroleum in any form
- (c) Rubber
- (d) Plastic
- (e) Garbage

- (f) Painted wood or treated wood
 - (g) Any other items not specifically allowed by the manufacturer.
- (e) All solid fuel-fired outdoor heating devices shall only be operated from September 1 through May 31.

Sec. 15-4-3 Installation.

A Solid Fuel-Fired Outdoor Heating Device maybe installed in the Town of Oshkosh in accordance with the following provisions:

- (a) The solid fuel-fired outdoor heating devices shall be located at least 200 feet from all exterior property lines.
- (b) The solid fuel-fired outdoor heating device shall have a chimney that extends at least 15 feet above the ground surface. If there are any existing and future residences within 500 feet, the chimney shall also extend at least 2 feet higher than the roof peak elevation of all such residences. All chimneys greater then 15 feet in height above the ground shall be provided with documentation from the manufacturer specifying that the solid fuel-fired outdoor heating device will function with this increased chimney height and how the chimney shall be supported.
- (c) The owner of the solid fuel-fired outdoor heating device shall obtain a permit from the Town of Oshkosh before installing a solid fuel-fired outdoor heating device.
- (d) All solid fuel-fired outdoor heating devices must be installed in accordance with all codes and manufacturer's guidelines.

Sec. 15-4-4 Nuisance.

Should any solid fuel-fired outdoor heating device permitted under this ordinance become hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood as determined by the Town Board, then the owner shall correct, improve or abate the nuisance using whatever means are necessary in accordance with this Section. If the nuisance can not be abated then operation of the device shall be discontinued until a solution to the nuisance can be found.

Sec. 15-4-5 Penalties.

Any person, firm, corporation, business or entity who fails to comply with any provisions of Section 15-4 shall, upon conviction thereof, forfeit an amount set forth in Appendix C Fines and Penalties, plus the cost or prosecution for each violation; and, in default of payment of such forfeiture and cost shall be imprisoned in the county jail until payment thereof, but not exceeding 30 days. Each day of violation shall represent a separate violation of the ordinance as described herein.