

**Town of Perry  
Dane County, WI**

**Building Ordinance**

**1.01 PURPOSE**

The purpose of this Ordinance is to regulate residential and related buildings within the Town of Perry to assure that the type, method, and site of construction protects the health and safety of Town residents, preserves agricultural land, and is designed to enforce the goals and policies set forth in the Town of Perry Land Use Plan.

**1.02 JURISDICTION**

Jurisdiction of these regulations shall include all Dwellings, Accessory Buildings (Farm and Non-Farm), and Other Non-Farm Development including inground swimming pools on land within the Town of Perry.

**1.03 AUTHORITY**

These regulations are adopted under the statutory authority granted pursuant to sec. 101.65, 101.651, 101.76, and 101.761, and by its adoption of village powers under sec. 60.10(2)(c), 60.22(3) and 61.34(1) of the Wisconsin Statutes.

**1.04 DEFINITIONS**

- (1) Dwelling. Any structure permanently affixed to the ground which is intended to be occupied as a residence, or an addition or additional story to an existing dwelling.
- (2) Accessory Building. Any structure permanently affixed to the ground which cannot be occupied as a residence, or an addition or additional story to an existing accessory building.
- (3) Swimming Pools. Inground Pool - A private or residential swimming pool is a permanent structure containing a body of water in a receptacle or other container used or intended to be used solely by the owner, operator, or lessee thereof and his family, and by friends invited to use it, and includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool.  
Exempt Pool: Storable above-ground pool, not permanently affixed to the ground, which are so constructed that they may be readily disassembled for storage and reassembled to their original integrity are exempt from the provisions of this section.
- (4) Town Board. The Town of Perry Board of Supervisors.
- (5) Town Clerk. Clerk of the Town of Perry.

- (6) Start of construction shall be when any earth disturbing activity takes place that could lead to the construction of a building, i.e. leveling a site, roughing in a site, topsoil removal, cut and/or fill activity.

### **1.05 APPLICATION REQUIREMENTS AND PROCEDURES**

- (1) Who must apply. No person or entity shall construct a dwelling or accessory building, install a manufactured dwelling or accessory building, or add an addition or additional story to an existing dwelling or accessory building, without first obtaining a Building Permit approved by the Town Board.
- (2) Application Forms. The Town Board shall approve a form for applications for building permits. These are available from the Town Clerk.
- (3) To apply. Submit a completed Building Permit Application with the appropriate fee to the Town Clerk.
- (4) Application Review. Procedures for the evaluation of the Building Permit Application by the Town Board are described in the Town's Application Guide, a copy of which is available from the Town Clerk.
- (5) Supporting Documents. If the Building Permit Application is approved, the following documents, if required, must be submitted to the Town Clerk before a Building Permit will be issued. These documents are described in the Town's Application Guide, a copy of which is available from the Town Clerk.
- (a) Land Division Approval (if this property was divided from a larger one.)
  - (b) Site Plan Approval.
  - (c) County Erosion Control Plan (for the building site).
  - (d) Completed Driveway Inspection Report (if driveway is needed).
  - (e) County Zoning Permit (if required).
  - (f) County Sanitary Permit (for dwellings only).
  - (g) Wisconsin Administrative Building Permit Application (if required).
  - (h) Approved County Farm Income Certification (for dwellings only in A-1 Excl. Zoning)
- (6) Site Views. Site viewings will be conducted to ensure compliance with the Plan (see Town of Perry Applications Guide for procedure.) Site viewings will not be required for home additions, decks, or attached garages.
- (7) Revocation of Permit. All Building Permits are issued conditionally. After notice and a hearing, the Town Board may revoke a Building Permit previously issued in the event the applicant fails to maintain compliance with the conditions listed in sec. 1.06 of this Ordinance. The Building Permit is not transferable from one place to another.

- (8) Application Fee. An application fee of an amount determined by a resolution of the Town Board will be charged. This fee is specified in the “Application Fee Schedule” in the Application Guide.

### **1.06 CONDITIONS**

A Building Permit will be issued in the Town of Perry only if all of the following conditions are satisfied as determined by the discretion of the Town Board:

- (1) The construction project will not interfere with or fail to comply with the goals, standards, and policies set forth in the Town of Perry Land Use Plan.
- (2) The applicant complies with all applicable County, State and Town building codes and ordinances.
- (3) The applicant agrees to install, provide, and maintain adequate, temporary sanitary facilities at the site during construction which are sufficient to prevent a public health hazard.
- (4) The applicant’s plans will prevent any public nuisance associated with noise, dust, odors, fires, explosions, water pollution, air pollution, and erosion.
- (5) The applicant will install and maintain adequate physical structures and/or operational controls to prevent trespassing, littering, and discharging of waste and to prevent nuisances on private and public lands adjacent to the construction project site.

### **1.07 VARIANCES**

- (1) Where the Town finds that unnecessary hardships may result from strict compliance with this Ordinance, the Town may vary the regulations so that substantial justice may be done, provided that the public interest is secured and that such variation will not have the effect of nullifying the intent and purpose of this Ordinance.
- (2) The Town will consider granting a variance for siting agricultural accessory buildings on Choice soils under the following circumstances:
  - a. The proposed site is adjacent to existing agricultural buildings;
  - b. Alternative locations on non-Choice soils would hinder the operating efficiencies of the agricultural operations.
  - c. Other circumstances that the Town may deem reasonable in order to prevent an undue hardship to the applicant.
- (3) Any modifications or variance thus granted shall be entered in the minutes of the Town Board setting forth the reasons which, in the judgment of the Town Board, justified the modification or variance.

### **1.08 PENALTIES**

Any person or entity who violates this Ordinance shall, upon conviction, pay a forfeiture of \$100.00 plus applicable surcharges and court costs per violation. Each day that the violation continues to exist shall constitute a separate offense. This Ordinance may be enforced by a civil action. A violation of this Ordinance is deemed a public nuisance and may be enjoined.

### **1.09 SEVERABILITY**

The provisions of this Ordinance shall be deemed severable. It is expressly declared that the Town Board would have passed the other provisions of this Ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this Ordinance is held invalid, the remainder of the Ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

### **1.10 DISCLAIMER**

The Town of Perry does not, by issuing a building permit, warranty or make assurance of any kind whatsoever, specifically as to whether the building which is the subject of the permit is safe, suitable for its intended purpose, merchantable, or in compliance with any applicable codes or regulations.

### **1.11 EFFECTIVE DATE**

This Ordinance shall take effect and be in force from and after the day after passage and publication as required by law.

(1) Town Board Approval. This Ordinance was adopted by the Town Board on this \_\_\_\_ day of \_\_\_\_\_, 2014

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Roger Kittleson, Chairman

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Ken Hefty, Supervisor

\_\_\_\_\_  
Mick Klein Kennedy, Supervisor

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Attest: Mary L. Price, Town Clerk

Published: \_\_\_\_\_, 2014.