

CHAPTER 42

BUILDING ORDINANCE

SECTION 1 - PURPOSE

The purpose of this ordinance is to provide for the orderly growth and development of the Town of Auburn, and the enhancement of health, safety, and general welfare of the public:

SECTION 2 - MINIMUM SUBDIVISION REQUIREMENTS

All subdivisions within the Township of Auburn, in addition to meeting the requests of *Wis. Stats.* Chapter 236 as amended from time to time, and any Chippewa County subdivision ordinance, shall meet the following minimum requirements:

1. Access to each lot shall be provided from a public street or highway by the Real Estate Developer or person submitting the subdivision plat, or the seller of the property.
2. Any access road or driveway constructed must comply with the terms of the Township of Auburn Driveway Ordinance.
3. All streets and highways in such plats shall be of comparable width, but in no event less than 4 rods wide, to other streets and highways in the general area. All new roads shall be surfaced with a minimum of 6 inches of gravel and bituminous surfacing.
4. The minimum lot size for all lots shall be five acres. Any parcel less than 5 acres previously owned prior to the ordinance may be issued a building permit. However, a parcel under 5 acres totally, that was created before this ordinance, must be sold in its entirety and may not be further subdivided.

SECTION 3 - ALTERATIONS AND IMPROVEMENTS

No building shall hereinafter be erected, placed upon converted, enlarged or structurally altered to the extent of increasing the square foot interior area of said building or structure without first obtaining a building permit.

1. No permit shall be issued for the erection or placement of more than one single family dwelling on any 5-acre parcel or lot with no more than 4 dwellings on a 40 acre parcel. Parcels created by an instrument recorded prior to this ordinance are exempt from this restriction.

2. No dwelling shall be erected or placed upon any parcel or lot of less than 5 acres in size. Smaller parcels created by an instrument recorded prior to this ordinance are exempt from this restriction.

SECTION 4 - APPLICATIONS FOR BUILDING PERMITS

Applications for building permits shall be made to the Town of Auburn through the Town Board Members on forms furnished by the Town and shall include the following:

1. The name and address of the applicant; the owner of the lot; the builder or contractor or architect or engineer.
2. A description of the proposed site for the structure, including a location sketch showing the size of the lot or parcel involved, the exact location, and the proposed use to be made of the structure.
3. Existing public highways and other access routes to the property.
4. Permits for the adequate and safe private sewage disposal system or plans to hookup to a public system, with approximate date of its completion.
5. The proposed manner in which an adequate and safe supply of water will be provided and the approximate date of its completion.
6. Such additional information as the Town Board may from time to time require.

SECTION 5 - PERMIT FEES

The application for the building permit when filed, shall be accompanied by a fee of \$50.00 for new dwelling construction and a fee of \$20.00 for additions onto existing dwellings. State building permits or inspection fees for building code inspections as mandated by the State as of May 1980, are separate additional charges.

An application for a building permit shall be granted or denied in writing by the Town Board within 30 days after the date of filing thereof.

The permit shall expire within two (2) years from the time it is issued unless substantial work has been completed. Any permit issued as a result of any false or misleading statement made in the application for the permit shall be null and void.

No permit for the erection of a dwelling or the placement of a dwelling on any premises shall be granted unless the building shall be of a size of not less than 720 square feet. No permit for a structure to be used as a dwelling shall be granted unless the lot of area upon which the

same is to be placed is at least 5 acres or has been platted prior to the adoption of this ordinance subject to the requirements of Section 2.D.

SECTION 6 - SETBACK RESTRICTIONS

No permit shall be granted for the erection or placement of any structure closer than 25 feet from the boundary line of adjoining properties, nor shall such permit be granted unless the entire sewage disposal system, including the septic tank and rain field, for the use of said premises at least 25 feet from the lot line of the applicant.

The structure must be 80 feet minimum from the center of a public road.

SECTION 7 - HEALTH, SAFETY, AND ENVIRONMENTAL RISKS

No permit shall be issued if the proposed location of the building or structure shall increase the fire hazard of the area or if the building or structure is to be used for a purpose which would be hazardous to the general area in which it would be located.

In areas of the Township where the Town Board judges there is a significant public health or environmental risk due to the potential of ground or surface water contamination from sewage systems, the Town Board shall have the authority to deny building permits unless the applicant can present plans for a sewage treatment system that has no discharge to ground or surface water.

SECTION 8 – FORFEITURES

Any person, firm, or corporation who violates, disobeys, neglects, omits, tries to willfully circumvent the intent of the ordinance, refuses to comply with this ordinance, or resists enforcement of any of its provisions, shall be subject to forfeiture in the amount of not less than \$10.00 nor more than \$100.00. Each day of continuing violation shall constitute a separate violation. Nothing herein shall prevent the Township of Auburn from enforcement of its rights by a criminal or civil process.

CHAPTER 43

BUILDING INFORMATION PERMIT

SECTION 1 – TITLE AND PURPOSE

The purpose of this ordinance is for the Town to have information regarding the type, size, and location of all buildings and structures constructed, reconstructed, remodeled, removed, or demolished after the effective date of this ordinance.

SECTION 2 – AUTHORITY

The Town Board of the Town has the authority under s. 60.61, Wis. Stats., and general authority under its village powers under s. 60.22, Wis. Stats., to adopt this ordinance.

SECTION 3 –DEFINITIONS

In this ordinance:

- A. “Building” means any building or structure and any installation, construction, reconstruction, or remodeling, enlargement, alteration, removal, or demolishing of a building or structure within the Town, including but not limited to one- and two-family dwellings, manufactured homes, mobile homes, temporary or seasonal dwellings, garages, agricultural structures, and outbuildings.
- B. “Mobile Home” means a manufactured home that is HUD certified and labeled under the National Mobile Home Construction and Safety Standards Act of 1974. A mobile home is a transportable structure, being eight (8) feet or more in width (not including the overhang of the roof), built on the chassis and designated to be used as a dwelling with or when connected to the required utilities.
- C. “Owner” means any person having a legal or equitable interest in a building. “Owner” does not include any person whose legal or equitable interest in a building is a security interest derived solely from the extension of credit to permit construction or remodeling of the building or purchase of the building by a third party.
- D. “Town” means the Town of Auburn, Chippewa County, Wisconsin, and includes the Town’s officers, employees, and agents when appropriate.
- E. “Town Board” means the Board of Supervisors for the Town of Auburn, or any person designated to act for the Town Board.
- F. “Town Clerk” means the Clerk of the Town of Auburn or his or her deputy or agent.

- G. “Wis. Stats.” means the Wisconsin Statutes, as currently adopted and including successor provisions.

SECTION 4 – REQUIREMENT FOR BUILDING INFORMATION PERMIT

The owner of any building or structure in the Town, unless exempt under this ordinance, who constructs, installs, remodels, reconstructs, enlarges, alters, removes, or demolishes any Building within the Town shall seek and obtain from the Town a Town Building Information Permit prior to commencing, or causing the commencement of any construction, installation, remodeling, reconstruction, enlargement, altering, removing, or demolishing of any building.

SECTION 5 – EXEMPTIONS FROM PERMIT REQUIREMENT

The requirement in Section 4 to obtain a Town Building Information Permit shall not apply to any of the following:

- A. Buildings or structures owned by the Town.
- B. Additions, remodeling, reconstruction, enlargement, or alterations to Buildings, when the cost of the work, including labor, shall be less than \$1,000.00 within a 12-month period.
- C. The restoration or repair of building equipment, such as furnaces, central air conditioners, water heaters, and similar mechanical equipment and building repairs (such as new roofing), without the alteration of or addition to the building or structure.
- D. Fences or other similar enclosures.
- E. New Buildings of less than 200 square feet.

SECTION 6 – OTHER REQUIREMENTS REMAIN APPLICABLE

The issuance of this Town Building Information Permit does not relieve the owner from any of the following:

- A. Obtaining any permit that may be required by any other state law or local ordinance, including but not limited to any of the following:
 - 1. County sanitary permits.
 - 2. Town, county, or state driveway permits.
 - 3. State one- and 2-family dwelling code permits.

4. Any other applicable permit under Town or county ordinance or state law.
- B. Complying with any other requirement, ordinance, or law, including, but not limited to, those governing zoning, subdivision, land division, and setbacks.

SECTION 7 – TOWN BUILDING PERMIT FORM, ISSUANCE, AND FEE

The Town Board is authorized to approve by resolution a Town Building Information Permit form, designate the person or persons authorized to issue the permits, and establish a fee for issuance of the permits.

- A. The initial fee is set at \$50.00 for new structures and \$20.00 for altering an existing structure. Each structure shall require a separate fee.
- B. Any two (2) Town Board members shall approve or deny each application in writing within 30 days after the date of filing. Any application not acted on timely shall be deemed denied.
- C. Applications for building permits shall be filed on forms furnished by the Town and shall include the following:
 1. The name and address of the applicant; the owner of the real estate; and the builder or contractor or architect or engineer.
 2. The legal description of the land on which the proposed structure will be located.
 3. The dimensions of the lot or parcel.
 4. Existing public highways and other access routes to the lot or parcel.
 5. A location sketch drawn to scale and showing the size of the lot or parcel involved, the exact location of the structure, the proposed use to be made of the structure and the physical attributes of the lot or parcel.
 6. Permits for the adequate and safe private sewage disposal systems or plans to connect to a public system, with approximate date of completions.
 7. The proposed manner in which an adequate and safe supply of water will be provided to the property and the approximate date of completion.
 8. If the dwelling is a mobile home, the following additional information is required: the manufacturer, model number, date of manufacture, the size of the mobile home, and a certificate of inspection by the Town Board or its authorized representative who shall inspect the mobile home before it is installed to insure that it is in good repair and does not present any hazards

to health or safety. The inspection requirement is waived for new mobile homes.

9. Such additional information as the Town Board may, from time to time, require.
- D. The building permit shall expire two years from the date it is issued unless substantial work has been completed.
- E. A permit issued as a result of any false or misleading statement contained in the application for the permit shall be null and void.
- F. Failure to comply with any condition stated on a permit shall be violation of this ordinance.

SECTION 8 – PERMIT REQUIREMENTS

No permit shall be issued for:

1. The erection or placement of any Building on any lot or parcel that does not comply with the minimum lot size required under separate Town ordinances.
2. The erection or placement of any Building closer than 50 feet from the boundary line of adjoining properties.
3. The erection or placement of any Building closer than 80 feet from the center of any public road.
4. The erection or placement of any Building unless the entire sewage disposal system for use on the property, including the septic tank and drain field, is at least 50 feet from any boundary of the lot or parcel.
5. The placement of any Mobile Home on any lot or parcel unless the Mobile Home complies with the requirements of the National Manufactured Home Construction and Safety Standards Act (42 U.S.C. §§ 5401 to 5426) and Chapter 101 of the Wisconsin Statutes.

SECTION 9 – MOBILE HOME REQUIREMENTS

All Mobile Homes located in the Town shall comply with the following requirements:

- A. Except as provided herein, all Mobile Homes shall be permanently affixed to the real estate so as to be an integral part thereof, using one of the following methods:
 1. Footings: Concrete footings not less than 12 inches in diameter shall be placed not more than 10 feet apart and installed to a depth of not less than 48 inches below the surface of the ground. A support pier that is either

cylindrical in shape or 8 inches by 6 inches in size shall be placed upon each footing, but not less than 10 feet apart and the Mobile Home shall be held fast to the piers by anchors at its four corners.

2. Slab: A concrete slab not less than 4 inches thick, and the width and length of the Mobile Home shall be placed on the surface of the ground, and the Mobile Home shall be held fast to the slab by anchors at its four corners.
- B. Except as provided herein, no Mobile Home shall be transported to or placed or stored on any lot or parcel or on any street or highway within the Town or used or occupied by any person until footings and well and sanitary sewage systems shall be first installed, inspected and found to be in compliance with the provisions of this ordinance.
 - C. Skirting made of metal, wood, fiberglass, or other suitable material that is compatible in appearance with the mobile home exterior shall be installed and maintained so as to cover the space between the bottom of the Mobile Home and the surface of the ground or slab and extend around the Mobile Home to its complete length and width.
 - D. The Mobile Home site shall be inspected to verify proper installation of the footings, if that method is used, to determine that the foundation, the septic and the well have been properly installed. A final inspection shall be performed to determine that the Mobile Home has been properly anchored. The inspector shall be approved by the Town and the cost of inspection paid by the owner of the lot or parcel.
 - E. Footings shall not be installed until the excavation of the footings has been inspected. The owner of the lot or parcel on which the Mobile Home is intended to be placed shall notify the inspector not less than 24 hours before the installation of the concrete footings.
 - F. A Mobile Home may be placed on a lot or parcel for which a building permit has been issued and may be occupied by the owner of such lot or parcel for a period of time not to exceed two years from the date of the permit without complying with the requirements of paragraph A of this section, provided that a permanent building is in the construction process.

SECTION 10 – PENALTIES

Any person that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$100.00, nor more than \$2,500.00, plus the applicable surcharges, assessments and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the Town Board may seek injunctive relief from a court of record to enjoin further violations.

SECTION 11 – SPECIAL ASSESSMENT

Should any driveway or highway access be constructed in violation hereof and the owner of the parcel refuses or neglects to correct the same within thirty (30) days of notice being sent to the record owner, then, in that event, the Town may enter on the premises without further notice and correct any violations found. The costs of said corrections shall be chargeable against the owner and may be assessed against and collected from the affected real estate as a special assessment or special tax. This remedy is in addition to all other available under this ordinance or otherwise provided for by law.

CHAPTER 44

MOBILE HOMES AND MANUFACTURED HOMES

SECTION 1 - PURPOSE

The purpose of this ordinance is to provide for minimum standards for mobile home parks to promote the public health, safety and welfare; regulating the location of mobile homes and recreational mobile homes and fixing penalties for violations.

SECTION 2 – AUTHORITY

The Town Board of the Town of Auburn has the specific authority under s. 175.25, Wis. Stats. and general authority under its village powers to adopt this ordinance. The provisions of 1969 Wis. State Stats. 66.058 are hereby adopted by reference, except as hereinafter amended.

SECTION 3 – DEFINITIONS

- A. Camper: A mobile living unit designed for recreational living which is either (1) mounted upon and/or conveyed by a motor driven vehicle, or (2) contained within and a part of a motor vehicle.
- B. Camper Parking Site: A site designed for the purpose of allowing owners and/or users of campers the privilege to temporarily park campers.
- C. “Licensee” means any person licensed to operate and maintain a mobile home park under this section.
- D. “Licensing authority” means the Town Board of the Town of Auburn.
- E. “Park” means mobile home park.
- F. “Person” means any natural individual, firm, trust, partnership, association or corporation.
- G. “Mobile home” is a vehicle manufactured or assembled prior to June 15, 1976, designed to be towed as a single unit or in sections on a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction; which has an overall length in excess of 45 feet. Within mobile home parks, “mobile home” includes a structure which has been certified and labeled as a manufactured home under Wisconsin law.

- H. "Unit" means a mobile home unit.
- I. "Manufactured home" is a structure which has been certified and labeled as a manufactured home under 42 U.S.C. Section 5401-5426, or which has been certified and labeled as a manufactured home under Section 101.90-101.96, WI State Stats, and Chapter ILHR 27 of the Wisconsin Administrative Code, and: [Revised 5/18/98]
1. Is designed to be used as a dwelling;
 2. When placed on-site;
 3. Is off its wheels;
 4. Is properly connected to utilities;
 5. Is installed in accordance with the manufacturer's instructions or a plan certified by a registered architect or engineer so as to insure proper support for the home; and
 6. Has no tow bars or wheels attached to it

In all respects, manufactured homes are subject to the same standards as site built homes.

- J. "Mobile home park" means a facility in the town where 2 or more of any combination of mobile homes, manufactured homes, manufactured dwellings, or camping units, are installed or parked on a parcel for dwelling or sleeping purposes regardless if any change is made for the accommodation, unless waived in writing by the Town Board.
- K. "Recreational mobile home" is a vehicular unit designed as a temporary living quarters for recreational, camping or travel use which is mounted or drawn by another vehicle. For purpose of the ordinance, a "Park Model" is defined as a recreational mobile home.

SECTION 4 – MOBILE HOMES

- A. There is hereby imposed on each owner of a non-exempt, occupied mobile home in the Town of Auburn a monthly parking fee as determined in accordance with Sec. 66.0435(3) of the Wisconsin Statutes which is hereby adopted by reference and made part of this Chapter as if fully set forth herein. It shall be the full and complete responsibility of the licensee to collect the proper amount from each mobile homeowner. Licensees shall pay to the Town Treasurer such parking permit fees on or before the 10th day of the month following the month for which such fees are due in accordance with the terms of this Chapter and such regulations as the Town Treasurer may reasonably promulgate.

1. Licensee of Mobile Home Parks shall furnish information to the Town's Clerk on mobile homes added to their park within five days after arrival of such home, on forms prescribed by the Department of Revenue in accordance with Section 66.0435 (3)(c) of the Wisconsin Statutes.
 2. Occupants or owners of non-exempt mobile homes parked outside of a mobile home park shall remit such fees directly to the Town Treasurer as provided in Subsection (a). It shall be the full and complete responsibility of the licensee of a mobile home park to collect such fees from each occupied non-exempt mobile home therein and to remit such fees to the Town Treasurer as provided in Subsection (a).
 3. If a non-exempt mobile home is located outside of a licensed park, the monthly parking permit fee shall be paid by the owner of the land on which it stands and the owner of the land shall comply with the reporting requirements of Sec. 66.0435(3)(c), Wisconsin Statutes. Fees shall be transmitted to the Town Treasurer on or before January 10 and July 10 of each year, as provided by Sec. 66.0435(3)(e), Wisconsin Statutes.
 4. A park operator who is required by this Ordinance to collect the monthly parking permit fee from the mobile home owner may deduct, for administrative expenses, 2% of the monthly fees collected.
- B. It shall be unlawful for any person to park any mobile home in the Town of Auburn at any site other than a licensed mobile home park, except as specifically authorized in the Town ordinance. A recreational vehicle shall not be considered a mobile home for the purpose of this Section.
- C. The Town Board may, in its discretion, and by a uniform rule, limit the number of occupants in any mobile or manufactured home occupying a space in a licensed mobile home park, for reasons of health and public welfare.
- D. The minimum size for all lots on which a mobile or manufactured home is located shall comply with existing subdivision ordinances. An owner of a parcel of less than five acres created before the effective date of this ordinance may be issued a permit, but not for more than one principle building for each such contiguous lot.

SECTION 5 – MOBILE HOME PARKS

Mobile Home Parks are not permitted without continuing compliance with all applicable state laws and town ordinances including the following:

- A. No mobile home park shall be established or enlarged in to Town of Auburn unless a permit shall be first obtained from the board of supervisors.
- B. No permit shall be issued if the establishment or operation of a particular mobile home park shall be determined by the board of supervisors to adversely affect the public health, safety or general welfare of the Town.
- C. An application for a permit to establish or enlarge a mobile home park or court shall contain the information required for a building permit, together with such additional information as the board of supervisors may from time to time require.
- D. Applications for mobile home park permits shall be filed with the Town Clerk with copies for the Town Chairman and an Inspector designated by the Town, together with a detailed emergency plan which will specify measures to be taken to protect the safety of people in the mobile home park during a weather emergency.
- E. The Town Chairman and the Inspector shall investigate and determine whether the applicant, the land on which the mobile home park will be located, the proposed design and specifications thereof, and all buildings proposed to be constructed thereon comply with the applicable regulations, ordinances, laws of the state and town and report their findings in writing to the governing body not more than sixty days after the filing of the applications. Any application not acted on by the Town in a timely manner shall be deemed denied.
- F. Applications for mobile home park permits shall be accompanied by a fee of \$1,000.00, plus regular building permit fees for each proposed building or structure within the proposed mobile home park. Each park shall also pay an annual inspection fee of \$100.00.
- G. All mobile home parks, modifications of, or additions or extensions to existing parks shall comply with all applicable provisions of the Wisconsin Administrative Code which is hereby made part of this ordinance and incorporated herein by reference as if fully set forth, except that such regulations shall not be deemed to modify any requirement to this ordinance or any other applicable ordinance of this Town which is more restrictive.
- H. All mobile home parks shall construct an underground storm shelter of adequate size and construction to protect all residents of the mobile home park during severe weather.
- I. The Board of Supervisors shall not issue a permit for a mobile home park unless it is satisfied that an adequate plan exists for the management of the trailer court to protect the safety of its residents during severe weather.

- J. Mobile home parks shall have safe and convenient vehicular access from abutting public streets and highways to each mobile home space. Entrances to park shall be designed to minimize congestion and traffic hazards and to allow free movement of traffic on adjacent streets and highways.
- K. Mobile home park owners shall be subject to the fees and provisions of Section 66.0435 as amended from time to time.
- L. Mobile home parks are subject to the same acreage restrictions per unit as other dwellings located within the Town.
- M. Any licensed mobile home park operator or owner of land on which a mobile home park is located, shall timely notify the Town Clerk of information requested in writing by the Town Clerk, including the number of all manufactured dwellings, mobile homes, manufactured homes, or camping units installed, parked, or removed at any specific time periods in the mobile home park. This information shall be provided by the owner of the land or the operator of the mobile home park within 5 days after written request from the Town Clerk. The information requested shall be on a form provided by the Town Clerk.
- N. No person may, in any mobile home park in the Town create or maintain or cause or allow the creation or maintenance of a public nuisance or a substantial threat or danger to the health or safety of the public, including to those persons who are occupants or tenants of the mobile home park.

SECTION 6 – EXEMPTIONS

Mobile homes in the Town of Auburn parked at any site other than a licensed mobile home park prior to the initial adoption (prior to codification date) of this ordinance are exempt from the provisions of Section 5.B. of this ordinance; all other provisions of this ordinance apply. A recreational mobile home shall not be considered a mobile home for the purpose of this Section.

SECTION 7 – PENALTY PROVISION

Any person who violates any portion of this ordinance, or any permittee who allows violation of this ordinance shall, upon conviction thereof, forfeit not less than one hundred dollars (\$100.00) nor more than two thousand five hundred dollars (\$2,500.00), together with costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County Jail until said forfeitures and costs are paid, but not exceeding thirty (30) days. Each day a violation exists or continues shall be considered a separate offense under this ordinance. In addition, the Town Board may seek injunctive relief from a court of record to enjoin further violations.

SECTION 8 – SPECIAL ASSESSMENT

Should any driveway or highway access be constructed in violation hereof and the owner of the parcel refuses or neglects to correct the same within thirty (30) days of notice being sent to the record owner, then, in that event, the Town may enter on the premises without further notice and correct any violations found. The costs of said corrections shall be chargeable against the owner and may be assessed against and collected from the affected real estate as a special assessment or special tax. This remedy is in addition to all other available under this ordinance or otherwise provided for by law.