

## CHAPTER 9

### BUILDING AND CONSTRUCTION

- 9.01 Construction Codes
- 9.02 Building Permits
- 9.03 Occupancy and Open Houses
- 9.04 Road Construction
- 9.05 Driveway Construction

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#### 9.01 CONSTRUCTION CODES

##### (1) Uniform Dwelling Code.

- (a) Authority. These regulations are adopted under the authority granted by Section 101.65, Wisconsin Statutes.
- (b) Purpose. The purpose of this ordinance is to promote the general health, safety and welfare of the Town.
- (c) Scope. The scope of this ordinance includes the construction and inspection of one and two family dwellings built since August 1999. Notwithstanding Section ILHR 20.05, the scope also includes the construction and inspection of detached garages serving one and two family dwellings. The building structure and any heating, electrical or plumbing systems shall comply with the UNIFORM DWELLING CODE.
- (d) Wisconsin Uniform Dwelling Code Adopted. The Wisconsin Uniform Dwelling Code, and all amendments shall apply to all building within the scope of this ordinance.

##### (2) Public Structures.

- (a) Authority. These regulations are adopted under the authority granted by Section 101.12, Wisconsin Statutes.
- (b) Purpose. The purpose of this ordinance is to promote the general health, safety and welfare of the Town.
- (c) Scope. The scope of this ordinance includes the construction, renovation, repair or improvement, and the inspection of, all public buildings located within the Town.
- (d) Adoption of Codes. The Wisconsin Commercial Building Code, Chapters SPS 360 – 366, Wis. Admin. Code and Buildings Constructed Prior to 1914 Code, Chapters, SPS 375 – 379, Wis. Admin. Code are adopted and shall apply within the scope of this ordinance.

#### 9.02 BUILDING PERMITS.

- ##### (1) Building Permit Required. No person shall alter, in excess of \$500.00 value, in any twelve month period, build, add onto or alter any building with the scope of this ordinance without first obtaining 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. Restoration or repair of an installation to its previous code-compliant condition as determined by the building inspector is exempt from permit requirements. Residing, reroofing finishing of interior surfaces and installations of cabinetry shall be exempted from permit requirements.

- (2) Building Permit Fee. The building permit fee shall be determined by resolution.
- (3) Sanitation Units and Dumpsters. Sanitation units and dumpsters are required at all new home and commercial building sites.

9.03 OCCUPANCY AND OPEN HOUSES. No dwelling may be occupied without permission of the Building Inspector. Open houses without final inspections are prohibited. The Town Board will adopt, by resolution, penalties for violation of this section.

9.04 ROAD CONSTRUCTION

- (1) Purpose. The purpose of this Ordinance is to establish street and/or road right-of-way standards, including, but not limited to, width, materials of construction, grades, drainage and names. The Town Board of the Town of Chase, Oconto County, Wisconsin, being duly authorized under §60.20(27), Wis. Stats., does ordain as follows:
- (2) Developer Agreement. All streets and roads hereafter constructed in the Town of Chase shall be constructed in accordance with the terms and conditions of a Development Agreement and meet all of the requirements as provided in this Ordinance. Failure to do so shall prohibit the Town Board from accepting any portion of such road or street in the Town of Chase and shall prohibit the Town of Chase from expending any funds on said street or road for maintenance purposes.
- (3) Construction Standards. Effective as October 14, 2002, all proposed roads and/or existing private roads that are to be donated or given (deeded) to the Town of Chase, and all new street right-of-ways developed by the Town of Chase, shall conform to the following:
  - (a) Right-of-Way Width:
    - 1. The minimum width of a right-of-way in a residential area shall be 66 feet (4 rods). The minimum width of a right-of-way in areas zoned (or petitioned to be zoned) commercial or industrial shall be 80 feet.
    - 2. No roads shall terminate without provisions for a cul-de-sac (turn-around) with a minimum radius of 75 feet paved, even if temporary in nature.
    - 3. All proposed roads shall extend to the boundary of the tract being divided.
    - 4. Gravel to be paved over prior to 50% lot sales or one (1) year after acceptance.
  - (b) Specifications:

1. All trees, stumps, brush, boulders and buildings shall be removed from the entire width and length of the right-of-way. None of the same is to be buried in the right-of-way.
  2. The side slopes in cut and in fill areas shall conform to those shown in Figure 1, Town of Chase Typical Finished Section.
  3. The centerline grade shall not exceed plus or minus 7%.
  4. All side slopes shall be covered with topsoil and seeded with grass and/or clover capable of being within the right-of-way.
  5. If sand lift is required, a minimum of 8 inches must be used.
- (c) Roadway Width:
1. Residential: The driving width of residential roads shall be 11 feet with a shoulder of 2 feet per lane. The total driving width shall be 22 feet.
  2. Commercial: The driving width of commercial roads shall be 13 feet with a shoulder of 2 feet per lane. The total driving width shall be 26 feet.
- (d) Roadway Material Specifications:
1. The driving portion of the roadway shall be surfaced with 12 inches of crushed rock.
  2. The gradation of the roadway gravel shall conform to Wisconsin Department of Transportation, Division of Highways, Specifications 304, Gradation 13.
  3. After gradation, said roadway shall have a bituminous asphalt hot mix application 2-1/2" deep minimum, compacted in residential subdivisions, and 22 feet wide in confirmation with the Wisconsin Department of Transportation, Division of Highway requirements.
  4. The developer shall include a bid, letter of credit, and an improvement list and cost estimate as established through execution of a Development Agreement between the Town and the developer. The Town may require additional asphalt or base material depending on road function and average daily traffic. Any modification to the asphalt surface or base requirement will be determined prior to execution of a Development Agreement.
- (e) Roadway Drainage:
1. Water Accumulation: The highway shall not impede the general flow of surface water or stream water in any unreasonable manner so as to cause either an unnecessary accumulation of waters flooding or water soaking uplands, or an unreasonable accumulation and discharge of surface waters flooding or water soaking uplands. (From §88.87, Wis. Stats.)
  2. All roads intersecting other roads shall have a minimum of a 24-inch culvert. Larger culverts may be required by a decision of the Town Board. Culverts shall extend one (1) foot beyond the tow of the shoulder slope.

- (f) Road Names: The name of a Town road shall be submitted to the Town Board and the Properly Listing Office, Oconto County Courthouse.
- (g) Road Signs: All stop signs, traffic control signs and road name signs shall be erected and maintained by the Town Board. Any of the above signs required for a recorded subdivision or similar development shall be paid for by the developer and not the Town.
- (h) Right-of-Way Description:
  - 1. All right-of-ways shall be a part of a recorded subdivision or recorded as Certified Surveys, with all survey irons in place.
  - 2. All right-of-ways shall be deeded to the Town for Town road purposes regardless of whether or not said right-of-ways are included in a recorded subdivision or certified survey map.
- (i) Abandonment of Cul-De-Sacs: At such time as a private party seeks to extend a Town road from a cul-de-sac on an existing Town Road, that party shall comply with all other provisions of this Ordinance; and in addition thereto, shall work with the Town to abandon the existing cul-de-sac. The private party shall pay all costs of abandonment including, but not limited to the following: surveying, site preparation, landscaping and legal costs. Legal title to any abandoned cul-de-sac shall revert to the adjoining landowners in accordance with Wisconsin law.
- (j) Roads in Subdivisions:
  - 1. The developer shall enter in a Development Agreement with the Town to assure Town road standards and specifications are met.
  - 2. The Town Board shall not approve any subdivisions unless and until the subdivider shall post a security bond (cash or irrevocable letter of credit) meeting the approval of the Town Board as a guaranty that all road improvements will be made in accordance with the Development Agreement.
  - 3. All sub-base improvements shall be completed within one (1) year after the effective date of the Development Agreement. Final surface application/paving shall occur within two (2) years of the effective date of the Development Agreement. If developer is unable, for reasons beyond its reasonable control, to complete the road improvements within the allotted time period, the Town, at its sole discretion, may allow developer an additional period of time to complete the improvements. At a minimum, such bond shall be in a amount of 120% of the estimated costs of said improvements.

9.05 DRIVEWAY ORDINANCE

- (1) Purposes. The primary reasons for the Ordinance include but are not limited to the following:
  - (a) Provide safe vehicle access to public roadways (ingress/egress).
  - (b) Provide adequate access for emergency vehicles to service improved property and life.

- (c) Protect public investment in town roads by preventing costly road maintenance.
  - (d) Prevent water drainage and siltation from private driveways onto public roadways.
  - (e) Protect graded ditches and roadsides, and prevent erosion into Town water ways.
- (2) Definitions. In this Ordinance the term “driveway” is defined to mean private driveway, road, field road or other means of access where travel occurs from a public road (whether by easement or ownership) not considered to be part of the public road for the purpose of gaining access through any part of a private parcel of land or which connects or will connect with any public roadway.
- (3) Scope. The following regulations apply to the construction or modification of private driveways on lands in the Town.
- (4) Driveway Permit.
- (a) Applicability. A Town Driveway Permit is required for:
    - 1. Construction of a new driveway
    - 2. Improvements, modifications and reworking of an existing driveway which changes the driveway grade or location. Existing driveway surface maintenance does not require a driveway permit.
    - 3. Construction of a new residential, commercial, industrial or animal confinement structure to be served by an existing driveway.
  - (b) Applications. Driveway permit application forms and information can be obtained from the Building Inspector.
- (5) General Conditions.
- (a) Any new public or private driveway, or any driveway alleged to be existing, road, field road or other means of travel through any part of a private parcel of land, which connects or will connect with any public roadway, is subject to the terms of this Ordinance.
  - (b) No person shall improve, modify or rework a driveway, with the exception of routine maintenance, which changes the existing topography of the land without consulting the Town of Chase Inspector to determine the applicability of obtaining a Driveway Permit from the Town Inspector. Application forms and information can be obtained from the Town Inspector if a permit is required.
  - (c) Any proposed driveway construction, improvement or modification requiring a driveway permit shall be accompanied by an erosion control plan presented to the Town Inspector prior to the issuance of a driveway permit. An erosion control plan shall include the driveway owner’s intentions and timing to re-seed, mulch, ditch, place culverts and apron end walls, and carry out other erosion control practices which will be accomplished within ninety (90) days after beginning driveway construction or modification. If an engineer’s plan (detailed site plan) of the driveway is prepared, an erosion control plan shall describe practices which are not mentioned or required in the engineer’s plan.
- (6) Existing Driveways and Field Roads.

- (a) When washing or other conditions created by existing driveways or field roads become a potential hazard to a public road and emergency vehicle access to property, the Town Board or the Inspector will notify the property owner of the conditions. Any property owner failing to correct such condition within thirty (30) days after notice by the Town Board shall be subject to the penalties of this ordinance and shall also be liable for any costs incurred by the Town to eliminate the hazard, as provided in §66.60(16), Wis. Stats.
  - (b) Existing driveways, determined to have a hazard as defined in this Section, shall be brought into compliance with the terms of this Ordinance to the extent determined practical by the Town Inspector. Hazards as determined by the Town Inspector, to include, but not limited to, the following mandatory review criteria: Driveway width, height and width clearance, and ingress/egress angle.
- (7) Application Procedures.
- (a) The applicant must submit to the Building Inspector a completed driveway permit application.
  - (b) The applicant, who may be the owner, agent, contractor or designee, shall submit a location construction plan showing scale, north arrow, lot dimensions, existing and/or proposed buildings, driveway location, driveway specifications, including grade, slope, width, length of the driveway, culvert location/size, surface and base materials, and erosion control procedures. The plan must be legible and submitted on an 8.5" x 11", 8.5" x 14", or 11" x 17" sheet of paper.
  - (c) The application and location plan shall be reviewed by the Town Inspector for conformance with this Ordinance and all ordinances, rules, regulations and plans which affect it. The Town Inspector shall, within fifteen (15) days from the date of submission of the application and location construction plan, approve or deny the issuance of a driveway permit.
  - (d) With the approval of the Town Inspector, the driveway permit may allow for the excavation of the site to provide for site preparation and to provide fill for the proposed driveway.
  - (e) The applicant shall notify the Town Inspector within seven (7) days of completion of the driveway to allow inspection of the driveway per the terms of the approved permit.
- (8) Minimum Requirements.
- (a) Authorization for a driveway is subject to the approval of the Town of Chase Inspector.
  - (b) For property with existing structures, if there is no clear evidence, as determined by the Town Inspector and the Oconto County Zoning Administrator, that the driveway has been used during the last 12 months, the Town Inspector review process is required. If there is a dispute on the adequacy of an alleged existing driveway, the decision of the Town Board will be the deciding factor.
  - (c) The following specifications shall apply for Town roads:

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| 1.  | Maximum number of units served by a driveway                                   | 1  |
| 2.  | Maximum driveway length  | 1,000 feet                                 |
| 3.  | Minimum driveway surface width   | 12 feet                                    |
| 4.  | Minimum width clearance  | 26 feet                                    |
| 5.  | Minimum height clearance free of trees, wires, etc.                            | 18 feet                                    |
| 6.  | Maximum grade<br>(grades >20% will require an engineer's plan)                 | 30%  |
| 7.  | Minimum side yard setback  | 10 feet                                    |
| 8.  | Angle of entry   | 90 degrees                                 |
| 9.  | Culvert diameter minimum   | 15 inches, or equivalent<br>if required    |
| 10. | Apron End Walls  | Required                                   |
| 11. | Culvert Length   | 26 feet                                    |
| 12. | Site distance  | Consistent with Oconto<br>County standards |
| 13. | Others   | See attached driveway<br>details           |
| 14. | Access to County or State Highways shall conform to County or State Standards. |  |
- (d) For a new driveway, at least one 26 feet in length and 18 feet in width segment of road surface shall be provided for each 300 feet of driveway length to provide for the safe passage of meeting and emergency vehicles. At the dead end of all new driveways, a turnaround radius (minimum) of 25 feet, or some other suitable method to allow vehicles to turn around, shall be provided as determined by the Town Inspector.
- (e) The driveway within the area of the public right-of-way shall slope away for a minimum of 10 feet from the public road at a minimum of 1% and a maximum of 5%, or a slight dip across the drive shall be placed just before the culvert at the entrance to a public road, or crowning of the driveway surface shall be completed to prevent debris from washing onto the public road.
- (f) A new concrete driveway surface shall not extend within the area of public right-of-way.
- (g) Construction of a new driveway in accordance to Section 9.05(4) of this Ordinance shall have at least four inches (4") of two-inch (2") rock on the roadbed, covered with two inches (2") of three-quarter inch (3/4") gravel. Substitution for suitable material can be agreed upon by the Town Inspector. A field road, which is a road used only for agricultural purposes and not leading to a structure, is exempt from this provision.
- (h) If culverts are required for a new driveway, all applicants at a minimum shall install and cover with gravel a Corrugated Metal Pipe (CMP) culvert, minimum 15-inch in diameter or the equivalent, 26 feet in length, with apron end walls, at the ditchline unless determined unnecessary by the Town Inspector. Examples could be driveway location on the crest of a hill or shallow ditch depth. This condition may be waived or modified on

showing of hardship or difficulty by the Town Board and, in the case of County or State highways, approved by the Oconto County Highway Department or district engineer of the Wisconsin Department of Transportation. Illegal culverts will be removed at landowners' expense.

- (i) Construction access to building sites shall be through a single access to minimize ditchline disturbance and control erosion. Pursuant to subsection (8)(h), a culvert and apron end walls must be in place prior to final inspection.
- (j) No land with a grade of more than 30% shall be disturbed for the construction of a new driveway.
- (k) An engineer's plan (detailed site plan) showing adequate erosion control and stabilization measures is required for any segment of the proposed new driveway which disturbs land with a grade of more than 20% and less than 30%.
- (l) For a new driveway, the side banks shall be graded to a slope of no more than one foot (1') of vertical rise in each three feet (3') of horizontal distance, except where retaining walls and/or other erosion control measures are installed as specified in a detailed site plan approved by the Town Inspector.
- (m) Curves in a new driveway shall have an inside radius of no less than thirty-six feet (36').
- (n) Pursuant to subsection (8)(i), banks, slopes and ditchlines for a new driveway shall be seeded promptly to control erosion.
- (o) Once the construction of the new driveway has begun, all specified erosion controls, including retaining walls, ditching, culverts and apron end walls, crowing, mulching and matting shall be completed within ninety (90) days.
- (p) All costs of construction of said driveway, including the cost of the culverts, apron end walls, and detailed site plan, if necessary, shall be paid by the property owner requesting the permit.
- (q) An area 26 feet in width and 18 feet in height shall be cleared along the driveway right-of-way in order to permit the safe passage of emergency vehicles. In cases where such clearing would be environmentally damaging, the Town Inspector will determine if failure to clear will prevent or interfere with emergency service or create a safety hazard. A field road not serving a structure is exempt from this requirement.
- (r) It will also be the responsibility of the owner, agent or contractor to clean any mud or other debris deposited on the public town roads the same day it was deposited. If the applicant or agent fails to clean the roads in the required time period, the Town will have it cleaned and charge all costs to the applicant.
- (s) When Town roads are being resurfaced or other work done, driveway culverts may be replaced at Town Board discretion.
- (t) The Town will pay for driveway culverts being replaced during road construction.

- (u) All culverts removed from a Town right-of-way during construction will become the property of the Town. Used culverts replaced at residents' expense will be their property.
  - (v) Used culverts will be inspected by the Town Board and sold at a cost determined by the Town.
- (9) Requirements for an Engineering Plan (Detailed Site Plan)
- (a) The Town may require an engineering plan (detailed site plan) prepared by a licensed engineer or person of relevant experience prior to any proposed driveway construction or modification. A detailed site plan is required:
    1. For a driveway or segment of a driveway whose construction requires the disturbance of land with a slope of more than 20% and less than 30%.
    2. For a driveway or segment of a driveway which requires a retaining wall or other special erosion control measure as determined by the Town Inspector.
  - (b) The detailed site plan shall include the following:
    1. The precise location of the driveway or segment of driveway which requires a detailed site plan relative to the parcel.
    2. Grade of the driveway showing no segment exceeding 30%.
    3. Location and structure of any retaining walls.
    4. Location and size of any culverts.
    5. Cross-section of the driveway.
    6. The required mulching, matting or other erosion control
    7. Existing and proposed buildings.
  - (c) Construction of a driveway shall not commence until the detailed site plan, if required, is approved by the Town Inspector and a Town driveway permit is issued and, when applicable, any necessary approvals are obtained from Oconto County or the State of Wisconsin (See §86.07, Wis. Stats.)
  - (d) The preparation of a detailed site plan does not guarantee the approval of a driveway permit application.
- (10) Permit Fee. A driveway permit application and inspection fee, as established by the Town of Chase Board, shall be paid to the Town prior to the start of any construction. The applicant must receive a driveway permit prior to receiving a Town Building Permit in accordance with Section 9.05(4) of this Ordinance. No building permit will be issued until an approved driveway is in place. The cost of a driveway permit shall be \$70.00, or such other amount as is subsequently adopted by the Town Board.
- (11) Noncompliance. Any landowner who installs a new driveway, or removes or alters any existing driveway in accordance with Section 9.05(4) without Town Inspector approval, shall be charged an inspection fee of \$150.00, together with any and all costs of repairs, corrections or restoration. An additional inspection fee of \$150.00 will be charged if a second inspection is required. Should the landowner fail to pay the inspection fee and/or repair/correction/restoration costs, said charges will be placed on the tax roll of said landowner.

