

## Building Ordinance – 09-14-2021-03

Town of Otter Creek, Dunn County Wisconsin

The Town Board of the Town of Otter Creek, Dunn County, Wisconsin, in order to provide for the orderly growth and development of the Town of Otter Creek, and the enhancement of health, safety and general welfare of the public does ordain as follows:

### Section 1

All subdivisions within the Town of Otter Creek shall meet the following minimum requirements:

- a. 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.
- b. Any access road or driveway constructed must comply with the terms of the Town Driveway Ordinance and must be suitable for emergency vehicle, school bus, and road maintenance equipment access.
- c. All streets and highways in such plats shall be of comparable width, but in no event with a road easement less than 4 rods wide. All new roads submitted by a developer or other person to the town for inclusion as a public road shall be constructed to current Town Road Standards with a minimum of 6" gravel base, 2" thick by 20' wide asphalt surface, and 2' wide gravel shoulders. All expenses for the road shall be paid by the applicant. The town may reject or accept such roads at its discretion.
- d. The minimum lot size for all lots shall be 5 acres, excluding right-of-way. Any lot less than 5 acres which was created before requirements for 5 acre minimum lot sizes, may be issued a building permit. However, an acreage under 5 acres totally, excluding right-of-way, that is platted out before this ordinance, must be sold in its entirety. Such lots may be divided if the new lots are combined with adjacent lots to create at least five acres, excluding right-of-way, when combined with adjacent parcels.

### Section 2

- a. No dwelling or mobile home shall be erected, placed upon, converted, enlarged, or structurally altered to the extent of increasing the square foot interior of the building without first obtaining a town land use permit. Open additions such as decks do not require a permit.
- b. No town land use permit shall be issued for the erection or placement of more than one dwelling on any 5 acre lot, excluding right-of-way.

### Section 3

Applications for land use permits shall be made to the Town through the Town Clerk on forms furnished by the town and shall include the following:

- a. The name and address of the applicant, the owner of the lot, the builder, or contractor.
- b. A description of the proposed site for the structure, including a location sketch showing the size of the lot, the locations of the structure, and locations of roads.
- c. A description of the adjacent structures on abutting land.
- d. Permits for sanitary systems.
- e. Locations of wells or other water supply.

- f. Such additional information that the Town Board may decide to require.

#### Section 4

- a. The Town fee for a land use permit for new dwellings or additions is \$50 payable at the time of applying for a permit.
- b. County Zoning permits are required before the Town will issue a permit.
- c. State Uniform Dwelling Code Permits and inspections are required for many structures and are separate from town land use permits and charges.
- d. The application will be granted by the Clerk, subject to review of the Town Board.
- e. The permit shall expire within 2 years of 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 shall be null and void.

#### Section 5

No mobile home park or court shall be established in the Town of Otter Creek. For purposes of this ordinance, a mobile home court is defined as the placement of more than one mobile home on a 5 acre parcel, excluding right-of-way, or more than one mobile home on smaller parcels that were created prior to the requirement of 5 acre minimum lot sizes. In the event that this ban is nullified by a court decision or Town Board action, the following provisions automatically take effect:

- a. No mobile home parks or courts shall be established in the Town unless a permit is first obtained from the Town Board authorizing the establishment or enlargement of the development.
- b. Permits shall not be issued if the establishment would adversely affect the public health, safety, or general welfare of the Town.
- c. An application for a permit shall contain the same information as the Town requires for a land use permit, plus plans prepared by a licensed engineer, and additional information that the Town Board may require from time to time.
- d. Applications for mobile home park permits shall be filed with the Town Clerk. The Town Board and a building inspector selected by the Board, will review the application to determine whether the applicant, the premises, the proposed design, specifications, and buildings proposed will comply with applicable regulations, ordinances, and laws. A report stating the findings of this review will be filed within 60 days of the application filing. Any grounds for rejecting or accepting the application will be stated in the report.
- e. Applications for mobile home park permits shall be accompanied by a fee of \$1000 to cover costs of investigation and processing, plus regular land use permit fees for all buildings to be installed or erected.
- f. All mobile home parks, modifications of, or additions shall comply with Chapter HSS 177 Wisconsin Administrative Code, which is made part of this ordinance and incorporated by reference as is fully set forth, except that such regulations shall not be deemed to modify any requirements of this ordinance or of any other applicable ordinance of the Town which is more restrictive.
- g. All mobile home parks must provide a storm shelter of adequate size and construction to protect all residents during severe weather. The operators shall submit an emergency plan

which will specify measures taken to protect residents during severe weather. The Town Board shall not issue a permit for a mobile home park until it is satisfied that the safety of court residents is protected during severe weather.

- h. Safe and convenient road access from abutting public roads will be provided to each mobile home site. Such roads will be constructed and maintained by the court management. Roads shall be a minimum of 20' wide with a 2" paved surface and 6" gravel base. All roads must be constructed to allow access for emergency vehicles.

## Section 6

A trailer or mobile home may be installed as a dwelling or commercial structure only if a land use permit is previously obtained. Permitting the use of such trailer or mobile home shall be subject to the restrictions as set forth herein for other dwellings and business structures.

- a. No trailer or mobile home shall be authorized or permitted unless it complies with the terms, conditions, and standards of the National Manufactured Home Construction and Safety Standards Act.
- b. Any mobile home constructed prior to enactment of National Manufactured Home Construction and Safety Standards Act shall be inspected prior to delivery to the Town. The inspection shall insure that the home is structurally sound, in good repair, and is not a hazard to public health or safety. Such homes will be securely attached to a concrete slab or foundation placed under the entire structure and the installation must be inspected to ensure that the installation ensures public safety.
- c. Mobile homes not meeting inspection standards will not be given land use permits.
- d. All inspection fees shall be paid by the applicant to an inspector authorized by the Town Board. Failure to pay required inspection fees will result in revocation of any permits issued.

## Section 7

The Town Board may grant variances from the provisions of this ordinance under conditions where it is determined that unique or special circumstances justify granting a variance.

## Section 8

Violations of this ordinance will subject the violator to a forfeiture of not less than \$100 and not more than \$1000 with each day of continuing violation constituting a separate violation.

## Section 9

Should any section of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole and or part other than the part declared invalid.

## Section 10

This ordinance repeals the building ordinance enacted on May 12, 1993 as amended on October 11, 1994, July 12, 2011, and April 21, 2015, as well as any other ordinance or amendments which may have terms in conflict with this ordinance.

Section 11

This ordinance shall be in force and effective from and after the passage and publication as provided by law.

Introduced and adopted by the Town Board of the Town of Otter Creek, Dunn County, Wisconsin, on September 14, 2021 at the regular Town Board meeting.

Mark Warner, Chairman



Cecil Hayes, Supervisor 1

LeAnn Ralph, Supervisor 2



Bev Bernier, Clerk Treasurer



*posted 9-15-2021*

*effective 9-16-2021*