

**#213-18**  
**ORDINANCE BUILDING INFORMATION PERMIT**

**SECTION I - TITLE AND PURPOSE**

The title of this ordinance is the Town of Freedom Building Information Permit Ordinance. 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, as well as to determine whether or not a driveway permit is required.

**SECTION II - 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 III - ADOPTION OF ORDINANCE**

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, requires a town building information permit for all buildings constructed, reconstructed, remodeled, removed, or demolished as provided in this ordinance.

**SECTION IV - DEFINITIONS**

In this ordinance:

- A. "Building" means any building or structure and any installation constructed, reconstructed, remodeled, enlarged, altered, removed, or demolished for any use 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. "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.
- C. "Town" means the Town of Freedom, Sauk County, Wisconsin, and includes the town's officers, employees, and agents when appropriate.
- D. "Town board" means the Board of Supervisors for the Town of Freedom, or any person designated to act for the town board.
- E. "Town clerk" means the Clerk of the Town of Freedom or his or her deputy or agent.
- F. "Wis. stats." means the Wisconsin Statutes, including successor provisions.

**SECTION V - SUBDIVISION AND NUMBERING OF THIS ORDINANCE**

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lowercase letters. Subdivisions may be divided into subdivision paragraphs designated by

lowercase Roman numerals. Reference to a “section,” “subsection,” “paragraph,” or “subdivision” includes all divisions of the referenced section, subsection, paragraph, or subdivision.

## SECTION VI - 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 or structure 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 if it includes any of the following:

### A. New Buildings

- A permit under this ordinance will not be issued until the applicant provides proof of a land use permit issued by Sauk County Planning and Zoning. The application for a permit must be accompanied with a copy of the Sauk County Planning and Zoning permit and all associated plans and documentation.
- New buildings shall include any structure exceeding 150 square feet such as, but not limited to, swimming pools, both above and below ground, permanent hunting blinds with a foundation, balconies, porches, decks, fireplaces, chimneys, and towers, including communication towers (communication towers require Town Board approval) which are considered buildings requiring a land use permit by Sauk County Planning and Zoning.
- Buildings with an exterior size of 150 square feet or less do not require a building permit, as long as they are not designed or used for human habitation.

### B. Modification of Existing Buildings

- Any building modification which results in a change of the size or exceeding \$2,000 in material value will require a permit under this ordinance. A permit under this ordinance will not be issued without proof of a land use permit issued by Sauk County Planning and Zoning as applicable. The application for a permit must be accompanied with a copy of the Sauk County Planning and Zoning permit and all associated plans and documentation.
- A request for a building permit that is for a modification of a building such as a shed, barn, hunting shack that increases the external size (footprint or height) by 50% or less will require a building permit.

### C. Interior or Exterior Modifications.

- A building permit is required for interior or exterior modifications if the material value of the performed work exceeds \$2,000.00.

- Periodic maintenance such as painting (interior or exterior), or replacement of roof does not require a building permit unless it significantly affects the value of the property, such as replacement of a shingle roof with a metal roof or replacing the siding with metal siding.

D. Structures That Are Not Buildings

- Structures that are not considered buildings by Sauk County Planning and Zoning, require a permit under this ordinance including permanently enclosed hunting stands, signs, TV antenna towers, solar panels,

## SECTION VII - EXEMPTIONS FROM PERMIT REQUIREMENT

The requirement in Section VI 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 \$2,000.00 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 without the alteration or addition to the building or structure.

D. Fences or other similar enclosures.

## SECTION VIII - 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:

- County sanitary permits.
- Town, county, or state driveway permits.
- State one- and 2-family dwelling code permits.
- 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 IX - TOWN BUILDING PERMIT FORM, ISSUANCE, AND FEE

The town board is authorized to approve by resolution a Town Building Information Permit form, and designate the person or persons authorized to issue the permits. The fee for a permit is \$35.00.

#### SECTION X - PENALTIES

Any person that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of \$105.00 (3x the permit fee), 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 XI - SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

#### SECTION XII - EFFECTIVE DATE

This ordinance is effective on publication or posting.

The town clerk shall properly publish this ordinance as required under s. 60.80, Wis. Stats.

Adopted this 17th day of April, 2018.

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Dennis Rehr, Chairman

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Greg Anstett

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Gerd Muehllehner

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Andy Zimmer

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Dale Klungenmeyer

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Attest: Jennifer Roloff – Town Clerk