

**TOWN OF DUNN,  
DANE COUNTY, WISCONSIN  
ORDINANCE 13-1  
TOWN OF DUNN BUILDING CODE**

An Ordinance to repeal and recreate Chapter 13 of the Town of Dunn Building Code providing for the regulation of building construction and providing penalties for non-compliance.

**Section 1: Title and Purpose**

This Ordinance shall be referred to as the “Building Code of the Town of Dunn.” The purpose of this Ordinance is to promote general health, safety, and welfare and to provide certain minimum requirements, provisions, and standards for safe and stable structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses, or demolished, and to regulate the equipment, maintenance, use, and occupancy of all buildings and structures within the Town of Dunn.

**Section 2: Authority**

Whereas under Chapter 60 of the Wisconsin Statutes, the Town of Dunn Town Board has the authority to exercise jurisdiction over the construction of buildings and structures.

**Section 3: Scope**

New and existing buildings and structures hereafter constructed, enlarged, altered, repaired, moved, converted, demolished, or reconstructed in the Town of Dunn shall conform to all the requirements of this Code. The provisions of this Ordinance shall supplement any and all laws of the State of Wisconsin pertaining to construction and use and does in no way supersede to nullify any such orders. Any amendments to any and all laws of State of Wisconsin pertaining to construction and use are hereby adopted.

**Section 4: Definitions**

1. *Addition*: New construction performed on a dwelling which increases the outside dimensions of the dwelling.
2. *Alteration*: A substantial change or modification other than an addition or minor repair to a structure or to systems involved within structure.
3. *Dwelling*: A building, or part of a building, containing living, sleeping, housekeeping accommodations and sanitary facilities for occupancy by one or families.
4. *Minor Repair*: Repair performed for maintenance or replacement purposes on any existing dwelling or structure which does not affect electric, plumbing, HVAC repair work, room arrangement, light and ventilation, access to or efficiency of any exit stairways or exits, fire protection or exterior aesthetic appearance and which does not increase a given occupancy and use.
5. *One (1) or Two (2) Family Dwelling*: A building structure which contains one (1) or separate households intended to be used as a home, residence or sleeping place by an individual or by two (2) or more individuals maintaining a common household to the exclusion of all others.
6. *Persons*: An individual, partnership, firm or corporation.

7. *Uniform Dwelling Code*: The Administrative Code Provisions and any future amendments, revisions, or modifications thereto, contained in the following chapters of the Wisconsin Administrative Code.

### **Section 5: Town of Dunn Building Department**

1. There is hereby established a Building Department for the Town of Dunn which shall be responsible for the supervision of the plumbing, heating, ventilating, electrical, and building codes of the Town of Dunn, and the inspection of all premises.
2. The Town Board shall appoint a state certified Building Inspector in accordance with Wisconsin Administrative Code § SPS 305 and any future amendments thereto.
3. The Building Department of the Town of Dunn shall be under the supervision of the Building Inspector.

### **Section 6: Building Inspector**

1. The Building Inspector shall be properly certified by the Wisconsin Department of Safety and Professional Services.
2. The Building Inspector is hereby authorized by the Town of Dunn to enforce the provisions of this Ordinance and all Wisconsin Administrative Codes and any future amendments thereto as listed in Section 13 of this Code.
3. With the consent of the Town Board, the Town Building Inspector may appoint one or more persons as state certified Deputy Inspector(s) and may delegate to them any of the powers and duties herein conferred upon the Building Inspector.
4. The Building Inspector shall have, except where otherwise provided herein, the general management of all matters pertaining to the Building Department, and shall enforce all state laws, Town ordinances, and lawful orders relating to the construction, alteration, repair, removal, safety, and use of buildings and permanent building equipment.
5. The Building Inspector shall have power to pass upon any question arising under the provisions of this Ordinance relating to buildings, subject to conditions contained in this Ordinance.
6. The Building Inspector shall provide information required to keep a record of all applications for building permits.
7. The Building Inspector shall keep a record of all inspections made and of all removals and condemnations of buildings.
8. The Building Inspector shall make an annual report to the Town Board of the above matters. This yearly report shall cover the period ending the last day of December and shall be filed with the Town Board on or before the first day of March, next thereafter.
9. The Building Inspector shall have the power and authority at all times in the performance of his or her duties, to enter upon any public or private premises and conduct inspection and to require the production of the permit for any building, permanent building equipment, electrical, or plumbing work. Any person interfering with the said Building Inspector while in the performance of his or her duties as prescribed in this Ordinance shall be considered a violation of this Ordinance.

### **Section 7: Permits Required**

1. *State of Wisconsin Residential Building Permit Required*: No person shall build or cause to be built any residential dwelling without first obtaining any required state uniform

building permit for such dwelling. Such building permit issued shall be filed with the Town Building Department.

2. *State of Wisconsin Commercial Building Permit Required:* No person shall build or cause to be built any commercial structure without first obtaining any required state building permits. Such building permit issued shall be filed with the Town Building Department including any state approved building plans.
3. *General Town of Dunn Building Permit Required:*
  - a. No building or structure of any kind or any part thereof, shall be erected, or ground broken for the same, or enlarged, altered, moved, demolished, razed or used within the Town, except as herein provided, until a building permit has been obtained by the owner, or his/her authorized agent, from the Town's Building Inspector, or his or her designee.
  - b. Except as provided in (e), no person shall install or have installed any electrical wiring in the Town of Dunn without first obtaining a building permit from the Town Building Inspector if the project involves the installation of new or an addition to any electrical wiring, electrical service, feeder, or branch circuit serving any of the following: A dwelling, accessory building, a farm, a public building, structure, or premises, a place of employment, a campground, a manufactured home community, a public marina, pier, dock, or wharf, or a recreational vehicle park.
  - c. No person shall install or have installed any plumbing work in the Town of Dunn without first obtaining a building permit from the Town Building Inspector, or his or her designee.
  - d. No person shall install or have installed any heating or air conditioning equipment in the Town of Dunn, except exempt buildings according to Wisconsin Statutes, without first obtaining a building permit from the Town Building Inspector, or his or her designee. The installation of heating equipment or air conditioner shall be approved by the Building Inspector.
  - e. Under emergency conditions, necessary installations may commence without obtaining a permit, provided the owner of the premises where the installation is to occur, or their agent, submits a building permit application to the Town of Dunn for the installation and submits the applicable building permit fee, according to the current fee schedule, no later than the next business day after commencement of the installation.
4. *Municipal Sewer Installation Permit Required:* All residential, commercial or industrial building installations for connection to or with a municipal sewer system shall be performed only after a permit is issued by the appropriate Town Sanitary District. The installation of any sewer connections shall be approved by the Plumbing Inspector of such Sanitary District.
  - a. *Sewer Lateral Replacement:* In the event of a sewer connection within a sanitary district, connection must be made with a sewer lateral that is compliant with current Uniform Dwelling Code and sanitary district regulations, if there is an existing lateral that is not compliant with current Uniform Dwelling Code or sanitary district regulations, or if the existing lateral does not pass a pressure test, or if the existing lateral is of clay material, it must be replaced with a compliant lateral prior to making the new connection.

- b. *Road Excavation Permit Required:* If a road cut is required to make connection to municipal sewer system, a road excavation permit is required from the Town of Dunn Highway Superintendent.

### **Section 8: Town of Dunn Building Permit**

1. *Building Permit Application:* Application for a building permit shall be made in writing upon a form furnished by the Building Inspector, or his/her designee. The Building Inspector, or his/her designee, may require a complete set of plans and specifications. Such application shall be submitted to the Town.
2. *Approval of Building Permit:* If the Building Inspector finds that the proposed building or project will comply with all provisions of this Code, all other applicable Ordinances of the Town of Dunn, and all laws and lawful orders of the State of Wisconsin, he or she shall then issue a building permit.
3. *Alteration of Building Plans:* The Building Permit shall be kept at the site of the proposed project or building. At the time of issuance of such building permit, the Building Inspector shall officially approve the plans and thereafter the plans and specifications shall not be altered in any respect which involves any provisions of this Ordinance, laws or orders or which involves the safety of the building, except with the written consent of the Building Inspector. In the case inadequate plans are presented, the Building Inspector may at his or her discretion, issue a permit for a part of the building or project before receiving the plans and specifications for the entire building or project. It shall be unlawful to commence work on any building unless a permit or a signed waiver of plans has been issued by the Building Inspector.
4. *Building Permit Fee:* Before the issuance of a building permit, the owner, or his or her agent, shall pay to the Town of Dunn a fee as listed on the current fee schedule.
5. *Building Permit Lapses:* Except for commercial electrical permits, a building permit will expire after 24 months from the date of issuance. If the work is not completed in 24 months, a new building permit must be applied for. Commercial electrical permits shall expire 12 months after the date of issuance.

### **Section 9: Revocation of Permits**

1. If the Building Inspector shall find at any time that the provisions of this Ordinance, laws, orders, plans, or specifications are not being complied with, he or she shall revoke the building permit and written notice of such action shall be posted at the site of the work. While any such permit is revoked, it shall be unlawful to do any further work upon such building until the permit is re-issued, excepting such work as the Building Inspector shall, through written order, require to be done as a condition precedent to the re-issuance of the permit.
2. The Building Inspector, or his/her designee, may revoke any building permit, certificate of occupancy, or approval issued under the regulations of this Ordinance and may stop construction or use of approved new materials, equipment, methods of construction, devices or appliances for any of the following reasons:
  - a. Whenever the Building Inspector, or his/her designee, shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being

- complied with and that the holder of the permit refused to conform after written warning has been issued to him/her.
- b. Whenever the continuance of any construction becomes dangerous to life or property.
  - c. Whenever there is any violation of any condition or provisions of the application for permit or of the permit.
  - d. Whenever, in the opinion of the Building Inspector, or his/her designee, there is inadequate supervision provided on the job site.
  - e. Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
  - f. Whenever there is a violation of any of the conditions of an approval or occupancy given by the Building Inspector, or his/her designee, for the use of all new materials, equipment, methods or construction devices or appliances.
3. The notice revoking a building permit shall be in writing and may be served upon the applicant of the permit, owner of the premises and his/her agent, if any, and on the person having charge of construction.
  4. A revocation placard shall also be posted upon the building, structure, equipment or premises in question by the Building Inspector, or his/her designee.
  5. After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this Ordinance, shall be procured and fees paid therefor, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this Ordinance. However, such work as the Building Inspector, or his/her designee, may order as a condition precedent to the reissuance of the building permit may be performed, or such work as he/she may require for the preservation of life and safety.

### **Section 10: Building Bond Required for New Home and Commercial Construction**

1. *Bond and Bond Fee Required:* Before a building permit is granted, the party applying shall give a bond in the sum for which is listed in the current fee schedule. This bond is required if the party intends to build a new one-family dwelling, two-family dwelling, multi-family dwelling, or commercial building. The funds will be deposited in an escrow account and will earn interest at the same rate as Town deposits. If the construction or alteration of the building is not completed prior to the expiration of the building permit, the deposit will be retained by the Town of Dunn and will not be refunded to the party. If the party subsequently seeks to obtain a new building permit, a new bond will be required.
2. *Bond Penalty Fee:* The bond fee shall double if the owner, or his agent, start building, enlarging, altering, repairing, or demolishing a building without a permit. Only 50% of the bond fee will be eligible for return.
3. *Return of the Bond:* Ninety (90) days after project completion and final building inspections, the Town will determine whether the bond and accrued interest will be returned. The bond amount and accrued interest will be returned if all of the following conditions have been met:

- a. The project has been completed within two (2) years from the issuance date of the building permit; and
  - b. The project is in compliance with the requirements and/or conditions of the project which may include but is not limited to; Town conditions and requirements for siting, driveway permit, building permit, conditional use permit, variance, zoning, shoreland zoning, erosion control, stormwater management conditions, lot-line grade specifications, shoreland and wetland mitigation provisions, or other provisions required by the Town; and
  - c. The project has not caused damage. If damage occurred, the damage must have been restored or repaired to its prior condition, or within a reasonable condition as determined by the Town Highway Superintendent; and
  - d. The road right-of-way area has not been altered in a manner that undermines drainage or road maintenance; and
  - e. Adequate ground cover of at least 80% has been established in the road right-of-way area.
4. *Forfeiture of Bond:* Ninety (90) days after project completion and final building inspections, the Town Highway Superintendent will determine whether the bond will be forfeited for failure to meet all requirements and/or conditions imposed on the project. Forfeiture of the bond does not diminish the property owner's obligation to comply to project requirements and/or conditions imposed. The amount forfeited will be determined by the Town's Highway Superintendent. Project requirements and/or conditions may include, but are not limited to, the responsibility to restore the road(s) and road right-of-way areas. Forfeited bond funds will not be used by the Town to bring the project into compliance. The full bond amount, or a portion of the bond, will be forfeited if any one of the following conditions apply:
- a. The project is not completed within two (2) years from the issuance date or expiration date of the building permit, whichever is later;
  - b. The project is not in compliance with the requirements and conditions of the project which may include but are not limited to; Town conditions and requirements for siting, driveway permit, building permit, conditional use permit, variance, zoning, shoreland zoning, erosion control, stormwater management conditions, lot-line grade specifications, shoreland and wetland mitigation provisions, or other provisions required by the Town;
  - c. The project has caused damage and the damages have not been remediated or restored to prior condition or within a reasonable condition as determined by the Town Highway Superintendent;
  - d. The road right-of-way area has been altered in a manner that undermines drainage or road maintenance.
  - e. Adequate ground cover of at least 80% has not been established in the road right-of-way area.

### **Section 11: Stormwater Management**

All development shall be maintained so that it shall not interfere with the drainage of public highways, side ditches, or roadside areas or with any existing structure in the road right-of-way. It is the property owner's responsibility to restore the road right-of-way area. All stormwater gutters and/or downspouts must terminate more than five (5) feet from the lot line and must be

directed towards rain gardens within the limits of the owner's property, roadside ditches, swales, or waterways. Downspouts may not be directed toward structures or improvements on neighboring properties. Water generated from roofs or other impervious surfaces must be discharged more than five (5) feet from the lot line and directed to rain gardens within the limits of the owner's property, roadside ditches, swales, or waterways.

## **Section 12: Inspections**

1. *Inspection:* Buildings shall be inspected at such times and in such manner as may be necessary to secure compliance with the laws, ordinances, rules, and orders applicable thereto. After final inspection, no structural part of said buildings shall be changed.
2. *Certificate of Occupancy:* Buildings shall have final inspection before occupancy. If on final inspection by the Building Inspector finds no violation of this Code or any other ordinances or laws, the Building Inspector shall thereupon issue a certificate of occupancy. No building or part thereof shall be occupied until such certificate has been issued except with the written consent of the Building Inspector, nor shall any building be occupied in any manner which conflicts with the conditions set forth in the certificate of occupancy.
3. *Disclaimer:* The purpose of the inspections under this Ordinance is to improve the quality of housing in the Town of Dunn. The inspections and the reports and findings issued after the inspections are not intended as, nor are they to be construed, as a guarantee. In order to so advise owners and other interested persons the following disclaimer shall be applicable to all inspections: "These findings of inspection contained herein are intended to report conditions of noncompliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical systems or the closed structural and nonstructural elements of the building and premises. No warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied."

## **Section 13: Adoption of State of Wisconsin Codes**

Whereas, the Town Board of the Town of Dunn, Dane County, Wisconsin, hereby elects to adopt the provisions of the following Wisconsin Administrative Codes in their entirety. Any future amendments are hereby adopted and incorporated herein as of the effective date. It shall be the duty of the Building Inspector to enforce the provisions thereof. Any violation of said Codes or amendments thereto to the effective date of this Ordinance shall constitute a violation of this Code. The following Wisconsin Administrative Codes are hereby adopted:

1. Ch. SPS 305; Licenses, Certifications, and Registrations
2. Ch. SPS 316; Electrical
3. Ch. SPS 318; Elevators, Escalators, and Lift Devices
4. Chs. SPS 320-325; Uniform Dwelling Code
5. Chs. SPS 361-366; Commercial Building Code
6. Chs. SPS 380-387; Plumbing

## **Section 14: Unsafe Buildings**

1. Whenever the Building Inspector shall find that any building or structure, or any part thereof, is dangerous to life, or adjoining property, by reason of bad conditions, defective construction, overloaded floors, decay, lack of guards against fire, general dilapidation,

infestation of animals, or other cause, he or she shall order the owner of or tenant thereof to cause the same to be made safe or to be removed, as in the judgement of the Building Inspector may be necessary; and he or she shall also affix a notice of such order in a conspicuous place on the outside wall of the building and no person shall remove or deface such notice. The owner or tenant of such building or structure shall thereupon immediately cause the same to be made safe, or to be removed, as ordered. Any person who fails to comply with any such order shall be in violation of this Ordinance.

2. Where public safety requires immediate action, the Building Inspector shall enter upon the premises with such assistance as may be necessary, and cause the building or structure to be made safe or to be removed, and the expense of such work may be recovered by the Town in an action against the owner or tenant.

### **Section 15: Existing Buildings**

Alterations, installations, or repairs shall conform to any building code or State of Wisconsin Codes that applied when the alterations, installations, or repairs were altered, installed, or repaired. Alterations, installations, or repairs may be required to be brought into compliance with current code requirements as determined by the Building Inspector and within the time period determined by the Building Inspector when a hazard to life, health or property exists or is created by the installation.

### **Section 16: Occupancy of Public Areas**

1. Application to place material or machinery on public grounds or roadways shall be in writing and shall describe the premises on which such material or machinery is desired to be placed and shall specify the character of the material for which the permit is desired.
2. Before a permit is granted by the Town of Dunn Public Works Highway Superintendent, the applicant applying shall give a bond in accordance with the Town of Dunn fee schedule. The bond shall protect the Town of Dunn against all liabilities, judgments, costs and expense that may accrue in consequence of the placement of such material or machinery in the roadway or public ground by the applicant or by his contractor, agents or employees.
3. Such permit shall expire after thirty (30) days of issuance. The Town Highway Superintendent may extend any such permit as may be reasonably necessary.
4. Such permit shall not authorize the use of more than one-half of the public roadway.
5. No such permit shall be issued where the placing of any machinery upon the roadway will unreasonably interfere with the public safety and convenience, or where there is sufficient room for such material or machinery on the same lot or premises which is accessible from any street or alley.

### **Section 17: Moving Buildings**

1. *Moving Permit Required:* A person shall first obtain a permit from the Building Inspector, or his/her designee, before moving any structures over 120 square feet over Town or County roads. Exempt from the application requirements in (3) are structures which are not being moved over any Town or County roads.
2. *Wrecking and Building Permit Required:* In the event a building is to be placed within the boundaries of the Town of Dunn, a Town of Dunn building permit must also be

obtained for the new location of said building. In the event a building is to be removed, a Town of Dunn wrecking permit must also be obtained said building.

3. *Application Requirements:* The following must be submitted along with an application to move a building:

- a. *Permit Fee:* Before the Town shall issue a permit to move a building, a fee in the amount as listed in the current fee schedule, shall be paid to the Town of Dunn. The fee shall double if the owner, or his agent, start any or all portions of the moving process without first having an approved permit.
- b. *Moving Plan:* The applicant shall submit a moving plan that describes the road route and schedule for said move and must address inconvenience to neighbors, interruption of utilities, and shall not damage trees along the route.
- c. *Certificate of Insurance:* The Town requires the submission of proof of public liability insurance in the sum of not less than One Million Dollars (\$1,000,000.00) and the certificate must list the Town of Dunn as an additional insurer. This requirement may be waived with Town Board approval.
- d. *Bond:* Before a moving permit is granted, the applicant must give a bond in the sum as stated in the Town's current fee schedule. This requirement may be waived with Town Board approval. If not waived, the funds will be deposited in an escrow account and will earn interest at the same rate as Town deposits.
  - i. *Return of the Bond:* Ninety (90) days after project completion and final building inspections, the Town will determine whether the bond and accrued interest will be returned. The bond amount and accrued interest will be returned if all of the following conditions have been met:
    1. The project has been completed within six (6) months from the issuance date of the moving permit;
    2. The project has not caused damage or caused the Town to incur additional expense(s). If damage occurred, the damages must have been restored or repaired to its prior condition, or within a reasonable condition as determined by the Town Highway Superintendent;
    3. The road right-of-way area has not been altered in a manner that undermines drainage or road maintenance.
    4. Adequate ground cover of at least 80% has been established in the road right-of-way area.
  - ii. *Forfeiture of Bond:* Ninety (90) days after project completion the Town will determine whether the bond will be forfeited for failure to meet all requirements and/or conditions imposed on the project. Forfeiture of the bond does not diminish the property owner's obligation to comply to project requirements and/or conditions imposed. Project requirements and/or conditions may include, but is not limited to, the responsibility to restore the road(s) and road right-of-way areas. Forfeited bond funds will not be used by the Town to bring the project into compliance. The full bond amount, or a portion of the bond, will be forfeited if any one of the following conditions apply:
    1. The project is not completed within six (6) months from the issuance date;

2. The project has caused damage or costs have been incurred by the Town and the damages have not been remediated or restored to prior condition or within a reasonable condition as determined by the Town Highway Superintendent;
  3. The road right-of-way area has been altered in a manner that undermines drainage or road maintenance.
  4. Adequate ground cover of at least 80% has not been established in the road right-of-way area.
4. *Permit Conditions:* The issuance of a moving permit is conditioned upon the following:
- a. The moving of a building shall be continuous during all hours of the day and night until completed, with the least possible obstruction to thoroughfares.
  - b. Lights shall be kept in visible locations at each end of the building during hours of night light.
  - c. The applicant, or his/her designee, shall notify any applicable utility companies.
  - d. One lane of traffic must remain passable unless special permission is granted by the Town.
  - e. All applicants must notify residents affected by potential road delays and/or closures and any scheduled power outages with a Town approved notice no less than ten (10) days prior to move. Mailings and signs are required.
  - f. All applicants must report any changes to the moving schedule to the Town.
  - g. The applicant must report the commencement of the move to the Town within one day after reaching the building's destination.
    - i. The Town Highway Superintendent shall thereupon inspect the streets and highways in the Town over which said building has been moved and determine their conditions. If the removal of said building has caused any damage to the streets or highways, the building-mover shall immediately repair them in as good repair as they were before the permit was granted. Failure to repair roadways to their previous conditions is a violation of this Code and violations are subject to the provisions of Section 19 of this Code.

### **Section 18: Wrecking Buildings**

1. *Wrecking Permit Required:* No building within the Town of Dunn shall be wrecked without first obtaining a wrecking permit from the Building Inspector, or his/her designee. The applicant must pay a permit fee, pursuant to the current fee schedule. An owner, or his agent, who wishes to demolish or burn a building must first:
  - a. *Applicants Wrecking Buildings:*
    - i. Provide proof that the owner has obtained any necessary sanitary district permit(s) or that the appropriate sanitary district has been notified of the project;
    - ii. Provide proof that the owner has obtained any necessary DNR permit(s); and
    - iii. Provide proof that the owner has obtained any necessary erosion control permits pursuant to any applicable state, county, and/or local regulations; and

- iv. Provide proof that the owner has obtained any necessary Dane County Public Health permits or that Dane County Public Health has been notified of the project; and
  - v. Provide proof that the owner has obtained any necessary utility company permits or that the utility companies have been notified of the project; and
  - vi. Provide proof that the property owner has authorized the applicant to remove the structure.
- b. *Applicants Burning Buildings:*
- i. Must be in accordance with the exceptions under Wisconsin Administrative Code NR 429.04; and
  - ii. Provide proof to the Town that the owner has obtained any necessary DNR permit(s) to burn the building; and
  - iii. Provide proof of liability insurance which provides coverage for all damages including potential damage to adjacent properties in the sum of not less than Two Million Dollars (\$2,000,000.00) and lists the Town of Dunn as an additional insured if the structure scheduled to be burned is within one hundred (100) feet of a structure or dwelling under the ownership of a different individual.
2. *Permit Period:* Wrecking permits shall lapse and be void unless the work authorized thereby is completed within three (3) months from the date of issuance. Any unfinished portion of work remaining beyond three (3) months must have special approval from the Building Inspector, or his/her designee.
  3. All debris or removed materials must be hauled away within 72 hours of their removal from the structure. No combustible material shall be used for backfill and shall be hauled away.
  4. If any wrecking or removal operation under this Section results in, or would likely result in, an excessive amount of dust particles in the air creating a nuisance in the vicinity thereof, the permittee shall take all necessary steps, by use of water spraying or other appropriate means, to eliminate such nuisance.
  5. If applicable, the permittee shall take all necessary steps, prior to the wrecking of a building, through the employment of a qualified person in the field of pest control or by other appropriate means, to treat the building as to prevent the spread and migration of rodents and/or insects therefrom during and after the wrecking operations.
  6. If any foundation is not removed and is buried, a deed restriction must be recorded which describes the approximate of location and depth of the abandoned foundation. A copy of the recorded deed restriction must be submitted to the Town.
  7. The site shall be restored to existing grade and vegetative cover shall be established.

### **Section 19: Penalty for Violation**

Fees shall be assessed according to the Town's current fee schedule if the owner, or his agent, start building, enlarging, altering, repairing, or demolishing a building without a permit.

Any person, firm or corporation who violates, disobeys, omits, neglects, or refused to comply with or who resists the enforcement of any of the provisions of this Ordinance shall upon conviction thereof forfeit not less than \$125.00 nor more than \$1,000.00 for each day of noncompliance. Each day that a violation is permitted to exist shall constitute a separate offense.

**Section 20: Severability**

The provisions of this Ordinance shall be deemed severable and it is expressly declared that the Town Board would have passed the other provisions may be declared invalid and if any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

**Section 21: Effective Date**

This Ordinance shall be in full force and effect from and after its passage and publishing as required by law and shall apply to all buildings, alterations, or repairs which require a building permit within the Town of Dunn on and after said effective date.

It is intended that this Code adopted by the Town Board on the 15th day of June 2020.

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Edmond P. Minihan, Town Chair

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Cathy Hasslinger, Town Clerk Treasurer