

Chapter 77

Building Permits

[HISTORY: Adopted by the Town Board of the Town of Omro 6-14-1999 by Ord. No. 1999-3. Amendments noted where applicable.]

§ 77-1 Permits required; purpose.

- A. Every person who constructs, enlarges, alters or otherwise improves a building or structure; installs a manufactured building; moves a building onto a parcel where the value of the improvement to such property exceeds \$1,000; razes, demolishes or removes an existing structure or building shall seek and obtain a building permit from the Town of Omro before commencing such work. The fee for such permit shall be as established by the Town Board of the Town of Omro from time to time.
- B. The Town of Omro has not adopted any building codes including the Wisconsin Uniform Dwelling Code. The purpose of this chapter is to provide the Town with information needed to administer the affairs of the Town. This is not a safety ordinance. Consequently, the Town does not inspect for compliance with that Code. It is the responsibility of an applicant to ensure compliance with applicable county, state and federal regulations.

§ 77-2 Application for permit.

The application and permit shall designate the premises upon which the improvement will take place. The permit may not be amended if the person changes the premises in the Town of Omro for the construction project. The application for the permit shall contain:

- A. The name of the applicant.
- B. The address of the construction project.
- C. The telephone number, if any, at the construction project and the residential telephone number of the applicant, if any.
- D. Type of building permit sought.
- E. Description of the site upon which construction is to occur. This may be either the property address or legal description.
- F. Description of the type of structure involved.
- G. Estimated cost of project and value of improvement.
- H. Plot plan showing dimensions from the proposed structure to any public or private street, highway or right-of-way.

§ 77-3 Issuance of permit.

[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

The Town of Omro building permit shall be issued by the Town Building Inspector within 10 days of filing of the application therefor. The Town of Omro building permit shall expire within six months of issuance unless substantial construction or other activities have commenced. The permit is valid for one year from the date of issue. It may be renewed for one additional year without charge. Thereafter, a new application needs to be filed. No Town of Omro building permit shall be issued until Winnebago County issues any required zoning permits for the project. Where sanitary sewer is not available, the Town of Omro building permit shall not be issued until a county sanitary permit is issued. Otherwise a sanitary permit must be issued by the sanitary district providing service.

§ 77-4 Setback.

[Amended 11-20-2017; at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]

After the effective date of this chapter, no new building or structure may be constructed within 50 feet of the right-of-way of any public or private road, street, alley or any other public right-of-way. No existing building or structure shall be altered in such a way as to create a new or increased dimensional intrusion into such fifty-foot setback. This provision shall control regardless of any less restrictive setback provision of other applicable regulations. On the following roads the setback shall be 30 feet or the county setback, whichever is greater:

- A. Clark Street.
- B. Cleve Street.
- C. East Reighmoor Road.
- D. West Reighmoor Road.
- E. Springbrook Lane.
- F. Vande Street.
- G. On the west side of Hayfield Drive beginning where it intersects Leonard Point Road extending for a distance of 300 feet to the south, the setback shall be 30 feet.

§ 77-5 Variance.

- A. The Town Board of the Town of Omro shall serve as a variance committee for purposes of this chapter. As such the Town Board may hear appeals from orders or decisions of the Town Building Inspector made pursuant to this chapter. It may act upon any variance requests pursuant to the standards established in this chapter. Any person aggrieved by a decision of the Town Building Inspector may appeal to the Town Board. Such appeals must be taken within 15 days of the date the decision or ruling of the Town Building Inspector was recorded in writing by the person aggrieved. The appeal must be filed with the Town

Chairperson. It must be in writing and state the specific reasons for the appeal. The appeal shall stay any legal action unless the court of record rules otherwise. The Town Board shall hold public hearings on disputed matters. It shall provide notice to the parties of the dates for the hearings. The Town Board shall decide the matter within a reasonable time after the public hearing. The aggrieved person may appear with or without legal counsel. Decisions of the Town Board must be made by majority vote. The Town Board shall state the grounds for its determinations and decisions in writing.

- B. Variance to the terms of this chapter should be granted only when requiring literal compliance with the terms of this chapter would cause the applicant unnecessary hardship. There must also be a unique property limitation present and (evidence) that the public interest will be protected by granting the variance.

§ 77-6 Enforcement, violations, penalties, additional fees.

- A. Enforcement. It shall be the duty of the Town Building Inspector to enforce this chapter.
- B. Violations. It shall be unlawful to construct or use any building or structure without complying with the provisions of this chapter. In case of any violation, the Town Board, the Town Building Inspector, or any owner of property within 500 feet of the proposed work who would be specifically damaged by such violation may institute appropriate action or proceedings to enjoin a violation of this chapter. An injunction may be sought from a court of competent jurisdiction by any of such parties to enforce this chapter. Every building or structure placed or maintained in violation of this chapter is a public nuisance, and the creation thereof may be enjoined and maintenance thereof may be abated by an action instituted by the Town or any citizen who lives in or within 500 feet thereof.
- C. Penalties. Any person, firm or corporation who fails to comply with the provisions of this chapter or any order of the Town Building Inspector issued in accordance with this chapter or who resists enforcement shall, upon conviction thereof, be subject to a penalty, which shall be as follows:
 - (1) First offense. Any person who shall violate any provision of this chapter shall, upon conviction thereof, forfeit not less than \$5 nor more than \$500, together with the cost of prosecution. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
 - (2) Second offense. Any person found guilty of violating any provision of the chapter who has previously been convicted of a violation of the same ordinance within one year shall, upon conviction thereof, forfeit not less than \$10 nor more than \$500 for each such offense, together with the costs of prosecution. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
 - (3) Continued violation. Each violation and each day a violation continues shall constitute a separate offense. Nothing in this chapter shall preclude the Town from maintaining an appropriate action to prevent or remove a violation of any provision of this chapter.
 - (4) Execution against defendant's property. Whenever any person fails to pay any forfeiture and

costs of prosecution upon the order of any court for violation of any provision of this chapter, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.

- (5) Nolo contendere plea and stipulated forfeiture. A person to whom a citation, summons or order of any person authorized by the Town Board to issue a citation to enforce the provisions of this chapter may appear before the issuing officer not less than 72 hours prior to the time established for appearance in court and enter a plea of nolo contendere to such charges and forfeit the sum of \$100 plus the penalty assessment, court costs, jail assessment, municipal fee and automation fees set by §§ 814.63, 302.46(1) and 814.86, Wis. Stats. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- (6) Additional fees. When any work is begun on site without first obtaining a permit therefor as required herein, the Town Building Inspector shall have the power and authority to stop work until a permit has been procured. The permit fee specified herein shall be doubled, but the payment of such doubled fees shall not relieve any person from fully complying with all of the regulations of this chapter nor any other penalties prescribed herein.

§ 77-7 Repeal of inconsistent ordinances.

All existing Town ordinances, parts of Town ordinances or amendments thereto in conflict with any provisions of this chapter are hereby repealed.

§ 77-8 Severability.

The various provisions of this chapter are declared to be severable and should any part be held to be invalid, such invalidity shall apply only to the part in question, and shall not affect the remainder of the chapter.

§ 77-9 Effective date.

This chapter shall be in full force and effect from and after the later of its passage and publication in the Omro Herald.