

## **SECTION 1.0 INTRODUCTION**

### **Section 1.01. Authority.**

Pursuant to the authority, powers, and duties granted by Wisconsin Statutes 62.17, 101.65, 101.76, and 101.86 to regulate, prevent, control, and enforce against in the Town of Silver Cliff certain uses, activities, businesses, and operations by persons, that may affect the construction, altering, repairing, demolishing, removing, and/or use of new or existing structures in the town. The Town Board of Silver Cliff, County of Marinette, does ordain these regulations effective in the town.

### **Section 1.02. Title.**

This ordinance shall be known as, referred to, or cited as the Building Permit Ordinance, Town of Silver Cliff, Marinette County, Wisconsin.

### **Section 1.03. Purpose and Intent.**

The purpose of this ordinance is to regulate and control building and construction and to implement the policies set forth in the town of Silver Cliff Comprehensive Plan within the Town of Silver Cliff, Marinette County, for the following purpose: to provide minimal standards for the construction and subsequent modifications of structures including but not limited to: frame structures, manufactured homes, micro-dwellings, mobile homes, and accessory buildings. The intent is to provide an improvement of overall housing quality throughout the Town of Silver Cliff, improving the public health, safety, and general welfare of the population. It is further intended to regulate, by ordinance, persons engaged in building and modifying structures in the Town of Silver Cliff and to assess those persons with appropriate fees for building permits and to enforce, by revocation or penalty, the provisions of these ordinances and the provisions of these permits.

### **Section 1.04. Abrogation and Greater Restrictions.**

It is not intended by this ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.

### **Section 1.05. Interpretation.**

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Town of Silver Cliff, Marinette County, and shall not be deemed a limitation or repeal of any other power granted by Wisconsin Statutes.

### **Section 1.06. Severability.**

If any section, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

### **Section 1.07. Repeal.**

All other ordinances or parts of ordinances of the Town of Silver Cliff, Marinette County, inconsistent or conflicting with this ordinance, to the extent of the inconsistency only, are hereby repealed.

**Section 1.08. Effective Date.**

This ordinance shall be effective after adoption by the Town Board of Silver Cliff and publication or posting as provided by law.

**SECTION 2.0  
RULES AND DEFINITIONS****Section 2.01. Rules.**

In the construction of this ordinance, the rules and definitions contained in this section shall be observed and applied, except when the content clearly indicates otherwise.

- (1) Words used in the present tense shall include the future, and words used in the singular number shall include the plural number, and the plural the singular.
- (2) The word “shall” is mandatory and not discretionary.
- (3) The word “may” is permissive.

**Section 2.02. Definitions.**

**Accessory Buildings.** Structures used for benefit of main buildings. (i.e. garage, tool shed, wood shed, storage shed, pole barn, chicken coop, shipping container, etc.)

**Camping unit.** A framed structure or a tent, teepee, yurt, or other structure with fabric roof or walls that is 400 square feet or less in area, which is used for seasonal overnight camping.

**Condominium.** A legal agreement binding dwelling owners.

**Duplex.** Two (2) dwellings physically and legally connected.

**Dwelling.** A building or that part of a building which is used or intended to be used as a home, residence, or sleeping place by one (1) person or two (2) or more persons maintaining a common household, to the exclusion of all others. (Section 101.71(2) Wis. Statutes)

**Foundation.** That part of a building which is under the ground. Foundations shall be designed and constructed to support the vertical loads of the dwelling, lateral soil pressure, and other loads without exceeding the allowable stresses of materials of which the foundations are constructed.

**Garage.** A building intended to house vehicles and equipment. It is not to be used as a dwelling.

**Lot.** A parcel of land, legally described or subdivided as one (1) lot.

**Manufactured home.** Manufactured home means a structure, transportable in one or more sections, which in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning,

and electrical systems contained therein. The term includes any structure that meets all of the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the U.S. Secretary of Housing and Urban Development and complies with the standards established under Title 42 of the U.S. Code.

**Micro-dwelling (also commonly referred to as tiny house, mini-house, mini-home, etc.).** A building less than 600 square feet which is used or intended to be used as a home, residence, or sleeping place and subject to all the same requirements as larger dwellings. Not a camping unit or recreational vehicle.

**Parcel.** A defined piece of real estate, usually resulting from the division of a large area of land.

**Recreational vehicle.** Includes all vehicles, whether pulled or self-propelled, that are used for temporary habitation. Converted vehicles such as, but not limited to, vans, semi-truck trailers, or buses may be considered recreational vehicles but are not considered mobile homes and are not usually intended for full time habitation. Micro-dwellings on wheels are considered recreational vehicles unless the wheels and transport yoke are removed.

**Setback.** The minimum allowable horizontal distance from a given point or line of reference, such as a thoroughfare right-of-way, ordinary high water mark, or prospective line to the nearest vertical wall or other element of a building.

**Shed.** A small utility building used for storing materials.

**Shoreland.** Lands bordering the shores of navigable lakes and rivers below the line of ordinary high water—one thousand (1,000) feet from a lake, pond, or flowage and three hundred (300) feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

**Skirting.** Covering of the base of a manufactured or mobile home. This can be done by placing the building on a cement block foundation with walls or on a poured foundation with walls, or by covering the space between the base of the home and the ground with specially designed skirting materials. Fabric is not acceptable.

**Sleeping place.** Any location occupied overnight, regardless of sleeping accommodations. Includes but is not limited to recreational vehicles and tents.

**Structural change.** Includes, but is not limited to, creating a door or window opening, changing the size of a door or window opening, adding, removing, or significantly modifying a building.

**Uniform Dwelling Code (UDC).** The Wisconsin Department of Commerce's administrative codes Comm. 20-25.

## **SECTION 3.0**

### **GENERAL PROVISIONS**

#### **Section 3.01. Uniform Dwelling Code (Wisconsin Department of Commerce).**

The Wisconsin Uniform Dwelling Code (UDC) was adopted by the Town of Silver Cliff by ordinance. All new dwellings constructed in the Town of Silver Cliff require a State of Wisconsin building permit.

#### **Section 3.02. Building Permit Ordinance.**

##### **3.02a. Permit requirements.**

No building, dwelling, micro-dwelling, mobile home, manufactured home, or any part thereof shall hereafter be erected or installed, enlarged, altered structurally, set up, located, relocated, moved, or demolished within the Town of Silver Cliff as hereinafter provided, by any individual, owner, firm, or corporation, until a building permit shall first have been obtained by the said individual, owner, firm, or corporation or its authorized agent, from the building inspector.

##### **3.02b. Issuance of permits.**

No person shall be issued or re-issued a building permit in the Town of Silver Cliff without first submitting to the building inspector of the Town of Silver Cliff the following:

(1) a copy of the site plan showing the position of all proposed and existing buildings in relation to all setbacks

(2) a copy of the Marinette County sanitary permit, if required by county ordinance

(3) a copy of the Marinette County zoning permit, if required by county ordinance

##### **3.02c. Permit issuance for condominiums and duplexes.**

No person shall be issued a building permit for a condominium or duplex in the Town of Silver Cliff without first submitting a comprehensive site plan to the Silver Cliff Planning Commission. (See Section 3.08 of this ordinance.) After the Planning Commission reviews it, the comprehensive site plan shall go to the town board for approval. Upon approval, the applicant must obtain a sanitary permit. The comprehensive site plan and sanitary permit must then be brought to the building inspector, so a building permit can be obtained.

##### **3.02d. Permit violations.**

A person issued a permit will be in violation of this ordinance if the permit holder does any of the following:

(1) fails to meet or comply with the building codes established by the Town of Silver Cliff and the state of Wisconsin and noted herein by this ordinance.

(2) fails to comply with the operational hours ranging from 7:00 AM to 11:00 PM for construction at the construction project site.

(3) fails to install, provide, and maintain adequate physical structures, equipment, and operational control, if determined necessary by the Silver Cliff Town Board, to prevent public nuisances on private and public lands adjacent to the construction project site and to protect public health and safety of persons residing near the construction project site or persons entering the construction project site, including public nuisances associated with noise, dust, littering, odors, fires, explosions, water pollution, air pollution, and erosion.

(4) fails to comply with the Town of Silver Cliff ordinances or County of Marinette shoreland zoning as determined by the County of Marinette.

(5) fails to allow physical access to the construction project site by the Silver Cliff building inspector or designee for inspection purposes upon a twenty-four (24) hour notice to the applicant or permit holder.

**3.02e. Permits are not granted for the following:**

- (1) Constructing additional rooms on recreational vehicles.
- (2) Additions or alterations to structures which are in violation of any town or county ordinance(s) or state statute(s).

**3.02f. Non-permissible structure use**

No accessory building is to be used as a sleeping place or dwelling either full or part-time.

**3.02g. Situations in which a building permit is unnecessary:**

- (1) For any accessory building less than eighty (80) square feet, providing such building conforms to all other building codes
- (2) For any interior or exterior cosmetic improvements or any alterations to an existing building which shall not effect a structural change and which conform to all other building codes.

**3.02h. Setbacks.**

The minimum setback for buildings shall be seventy-five (75) feet from the centerline of any road and seventy-five (75) feet from the high water mark of any stream, river, or lake. Setbacks from all other property lines shall be a minimum of ten (10) feet.

**Section 3.03. Dwelling.**

There shall be allowed only two (2) primary dwelling per recorded parcel of less than five (5) acres. On parcels five (5) acres or larger, additional dwellings may be added, providing the parcel allows for at least two and one half (2 ½) acres per dwelling.

**Section 3.04. Physical Address or Fire Number.**

For purposes of providing an accurate location for emergency medical or fire department response, any parcel which contains a structure, or has provisions for a sleeping place (such as a camper) is required to have a fire number assigned by the town and a fire number sign erected at the entrance to the parcel.

**Section 3.05. Liability.**

This ordinance shall not be construed as assuming any liability on the part of the Town of Silver Cliff for damages to anyone injured or killed or for property destroyed by any defect in any building or equipment, or in any plumbing or electric wiring or equipment.

**Section 3.06. Micro-dwellings.**

**3.06a.** For purposes of permitting, micro-dwellings are treated the same as other dwellings and are subject to the same inspections.

**3.06b.** Micro-dwellings constructed on a permanent frame with wheels and a transport yoke must have their wheels and yokes removed within ninety days, or they will be regulated as recreational vehicles.

**3.06c.** Micro-dwellings which are not erected on a basement or permanent foundation with walls must be skirted within ninety (90) days of placement on lot and must comply as follows:

(1) The type of skirting shall be of a material and color that will blend with the original color, material, and /or design of the micro-dwelling itself.

(2) Any micro-dwelling requiring skirting which exists in the Town of Silver Cliff at the time of the adoption of this ordinance shall be skirted within ninety (90) days of the ordinance adoption date.

**3.06d.** If a micro-dwelling is not erected on a basement or permanent foundation with walls, weather resistant tie-downs shall be used to secure the home.

### **Section 3.07. Manufactured or Mobile Homes.**

Mobile homes built prior to June 15, 1976, which are not certified as to meeting all the required HUD standards, USC 5401-5426, for manufactured homes, shall not be permitted in the Town of Silver Cliff. All manufactured homes permitted in the Town of Silver Cliff must conform to the requirements and specifications found in Wisconsin Department of Commerce's Comm 27 Manufactured Homes Code. Further, the permitted placing of a manufactured home in the Town of Silver Cliff must conform to all the requirements of this ordinance.

### **Section 3.08. Parking of Manufactured or Mobile Homes Outside of a Mobile Home Park.**

**3.08a.** No person shall park a manufactured or mobile home outside of a mobile home park or change its location in the Town of Silver Cliff without first obtaining a building permit from the building inspector.

**3.08b.** All manufactured or mobile homes moved into the Town of Silver Cliff after the adoption of this ordinance shall abide by the following requirements:

(1) The construction of the manufactured or mobile home must not be older than ten (10) years of age at the time of the building permit issuance. Proof of construction date is required.

(2) In addition to complying with the terms of this ordinance, the owner of a manufactured or mobile home shall comply with the conditions of the Marinette County Shoreland Zoning Ordinance whenever applicable. If a zoning permit is required under said ordinance, said permit must be obtained prior to the issuance of any permit by the Silver Cliff building inspector.

(3) A sanitary permit shall be required before a building permit will be granted for the placement of a manufactured or mobile home in the Town of Silver Cliff.

(4) Only two (2) manufactured or mobile homes shall be permitted on a single recorded tract of land in the Town of Silver Cliff, except in cases covered by Section 3.03. However, any owner of a single recorded tract of land on which there are three (3) or more manufactured /mobile homes shall be deemed to be operating a mobile home or manufactured home park and shall comply with all of the requirements of the Wisconsin administrative code SPS326.

(5) Individual manufactured/ mobile homes set up on a parcel of land in the Town of Silver Cliff are required to be installed in accordance to the Department of Commerce Chapter 27 guidelines.

(6) Manufactured and mobile homes are required to be placed on a full basement, blocked crawl space, or slab. Manufactured and mobile homes must have their wheels and transport yoke removed. Weather resistant tie-downs shall be used to secure the home.

(7) If the applicant wishes to appeal the age requirement as stated in Section 3.08b(1), the applicant shall retain a State of Wisconsin certified home inspector to perform and document a complete home inspection, including general overall appearance, exterior, roof, chimney, kitchen, bathroom(s), interior, flooring, windows, attic, electrical, structure, sub-structure, plumbing, laundry, water heater, and heating and cooling systems. A copy of that report shall be supplied to the Town Planning Commission along with pictures of the interior and exterior of the structure. The applicant shall then apply for a variance. After receiving a variance request and the fee for said variance, as listed in the building permit fees section, the Town Planning Commission will review the variance request. If recommended for approval, the approval of the Town Board of Silver Cliff will also be needed prior to the issuance of a building permit. All other related building permit requirements also must be met.

**3.08c.** All existing manufactured and mobile homes which do not conform to the standards set forth in Sections 3.07 and 3.08 (a) and (b) above, at the time of adoption of this ordinance, shall not be affected by said conditions--however, the said non-conforming manufactured or mobile home, upon removal from the property where it was located at the time of adoption of this ordinance, may not be moved to another location within the Town of Silver Cliff.

**3.08d.** Manufactured and mobile homes which are not erected on a basement or permanent foundation with walls must be skirted within ninety (90) days of placement on lot and must comply as follows:

(1) The type of skirting shall be of a material and color that will blend with the original color, material, and /or design of the manufactured or mobile home itself.

(2) Any manufactured home or mobile home requiring skirting which exists in the Town of Silver Cliff at the time of the adoption of this ordinance shall be skirted within ninety (90) days of the ordinance adoption date.

### **Section 3.09. Multi-unit buildings.**

Condominiums and duplexes require two and a half (2.5) acres per unit. The building of multi-unit buildings requires the approval of a comprehensive site plan. The site plan should include all adjacent properties, any proposed and existing buildings, common areas and limited common areas, as well as existing and planned roads, driveways, parking areas, utilities, septic facilities, land contours, physical features of note (hills, wetlands, nature conservancies, rocky outcrops, and waterways), and planned vegetation modifications. Any construction or modification to shorelands also requires county and possibly WDNR approvals.

## SECTION 4.0

### PERMIT FEES AND REQUIREMENTS

#### Section 4.01. Permit Fees.

**The below fee schedule is a list of the fees charged by the Town of Silver Cliff. Additional fee amounts are set and will be collected by the building inspector.**

**(1) A fee of \$75.00 shall be charged for the following:**

- (a) New construction of a dwelling.
- (b) The setting of a dwelling. (mobile, sectional, micro, modular, or any other style of dwelling)
- (c) Relocation of any existing dwelling.

**(2) A fee of \$75.00 shall be charged for the following:**

- (a) Garages
- (b) Sheds
- (c) Accessory buildings
- (d) All other buildings not designed for human habitation including, but not limited to, shipping containers.
- (e) Additions or structural changes made to existing dwellings, garages, sheds, or accessory buildings
- (f) Variance request for manufactured/mobile homes over ten (10) years {Section 3.08b(7)}

**A fee of \$100 shall be charged for any request for a building variance, EXCEPT for a mobile home age variance.** Fee is nonrefundable and must be paid before any action will be taken on a variance request.

**(3) A fine of \$350.00 shall be charged for the following:**

- (a) Construction of a building without having first obtained a building permit
- (b) Building a structure of a type other than that for which a building permit has been obtained (ie. using a garage permit to build a dwelling.)

**(4) No fee.**

No fee will be charged for a building permit to remove a structure from a lot.  
(Please note—a no-cost permit is still needed for the demolition of a building.)

#### Section 4.02 Conditions attached to building permits.

- (1) All permitted construction shall be done in accordance with Wisconsin Uniform Dwelling Code (UDC) construction requirements.
- (2) The permit is valid for two (2) years.
- (3) Expired permits may be renewed for the cost of the original permit fee.

- (4) Any permit issued in conflict with the provisions of this ordinance shall be null and void.
- (5) Existing buildings destroyed beyond 50% shall be repaired or razed within twelve (12) months.
- (6) Proposed building sites must consist of property which is not enrolled in any forest management program. If property is being withdrawn from a forest management program for the purpose of building, a minimum of two and one half (2 ½) acres must be withdrawn before building commences.

#### **Section 4.03. Penalties.**

Upon being notified of a violation, the offender has thirty (30) days to correct said violation and notify the Town Board of Silver Cliff or its designee of the correction. Failure to comply may result in a daily fine, as set forth in the Town of Silver Cliff Resolution to Adopt a Fine/Forfeiture Schedule until said violation is corrected. Failure to correct the violation in a second consecutive 30-day period or failure to pay the fine may result in a municipal court appearance. The offender may be liable for all outstanding fines and court costs.

#### **Section 4.04. Issuance of permits.**

**4.04a.** Upon receipt of the fees prescribed by this ordinance, and provided all applicable ordinance or other legal requirements have been met, the building permit shall be issued by the Silver Cliff building inspector to the individual, owner, firm, or corporation, or its agent.

**4.04.b.** The building inspector shall keep a record of all permits issued and fees collected.

**4.04.c.** Building permits shall be posted in plain view near by the fire number of the parcel. Permits shall be protected from the elements.

#### **Section 4.05. Inspection.**

Wisconsin law mandates inspections during different phases of construction of all new dwellings in the State. Dwelling construction inspections are provided by a State of Wisconsin-licensed building inspection service contracted by the Town of Silver Cliff.

### **SECTION 5.0**

#### **ADOPTION**

This ordinance shall take effect upon passage and publication as required by law.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by the Town Board of the Town of Silver Cliff.

Dee Farley, Town Chair \_\_\_\_\_ Supervisor Jim Fencel \_\_\_\_\_

Supervisor Scott Volkmann \_\_\_\_\_ Lisa Weinrich, Clerk