

Title: AN ORDINANCE TO PAY FOR DAMAGE TO TOWN PROPERTY

Effective Date: 10/8/2007

Category: Building Codes

STATE OF WISCONSIN

TOWN OF LAGRANGE

WALWORTH COUNTY

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ORDINANCE NO. 2007-09

AN ORDINANCE TO PAY FOR DAMAGE TO TOWN PROPERTY CAUSED BY CONSTRUCTION AND ASSURED BUILDING COMPLETION

WHEREAS construction of new structures and larger construction projects has caused damage to town roads, ditches and culverts costing property taxpayers not responsible for the damage; and

WHEREAS a financial incentive would assist in insuring that those who take out building permits get final inspections and occupancy permits.

NOW THEREFORE the Town Board of LaGrange repeals and recreates Ordinance No 2006-06 as follows:

SECTION 1. Application. This ordinance shall apply to all construction projects in the Town of LaGrange costing \$5000 or more regardless of whether or not a building permit is required.

SECTION 2. Regulation.

A. All persons, firms and associations shall give a refundable bond payable to the Town of LaGrange in cash, check or money order, to the building inspector before commencing any construction project in which the cost of construction and materials is \$5000 or more. The amount of the bond shall be established by the Town Board by motion and may be different for projects costing more. The building inspector shall not issue a building permit until after receipt of the bond.

B. The building inspector shall promptly turn the bond over to the town treasurer who shall deposit and hold the bond in an account.

C. The highway commissioner shall inspect the Town's right of way for damage to town roads, signs, ditches and culverts and inform the treasurer of the amount to withhold from the refund. The treasurer shall issue a refund to the person, firm or association that paid the bond, after construction is complete and the building inspector has issued an occupancy permit, when an occupancy permit is required.

D. The person receiving the refund may appeal the decision of the highway commissioner to the Town Board within 30 days of the treasurer issuing the refund.

### SECTION 3. Occupancy Bond.

No building permit shall be issued unless the application is accompanied by a deposit of money to be held by the Town treasurer in amounts to be determined by the Town Board by motion from time to time. If the structure is occupied prior to issuance of an occupancy permit the Town Board may order the bond be forfeited in the amount of the Town's costs of enforcement. If the Inspector issued the occupancy permit or passed final inspection prior to occupancy of the structure then the Inspector shall request the bond be returned to the person who paid the bond.

SECTION 4. Enforcement. This ordinance may be enforced by the town building inspector by issuing stop work orders and citations.

SECTION 5. Penalty. Any person who violates this ordinance shall forfeit a minimum of \$500 up to a maximum of \$1000 and the costs of repairing any damage to the town right of way. The Walworth County Circuit Court shall commit offenders to the Walworth County jail for failure to pay. Each day a violation takes place or continues shall be a separate offense. Bond is set at \$100 for violations in which there is no damage.

SECTION 5 Severability and Repeal of Conflicting Ordinances.

A. The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town Board would have passed the other provisions of this ordinance irrespective as to whether or not one or more provisions may be declared invalid and 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, other persons or circumstances shall not be affected thereby.

B. All ordinances and parts of ordinances in conflict with this ordinance heretofore enacted by the Town of LaGrange are hereby repealed.

Adopted on motion of Supervisor Schramm, seconded by Supervisor Bromley on the 8th day of October, 2007.

Attest:

Crystal Hoffmann, Clerk

Approved:

Frank Taylor, Town Chairman

Mark Bromley, Supervisor

Donald Sukala, Supervisor

Richard Callaway, Supervisor

Jeff Schramm, Supervisor