

Ordinance No. 01-04-06-02

An Ordinance Creating Section 14-72 of the Village of Fontana on Geneva Lake Municipal Code Regarding Permits to Raze Buildings and Structures

The Village Board of the Village of Fontana on Geneva Lake, Walworth County, Wisconsin, do hereby ordain as follows:

Section I. Section 14-72 of the municipal code for the Village of Fontana on Geneva Lake Municipal Code is hereby created as follows:

Sec. 14-72. Permits to raze buildings and structures.

- (a) *Permit required.* No building or structure within the Village of Fontana shall be razed, demolished, removed or wrecked without first procuring a permit issued by the Village of Fontana Building Inspector.
- (b) *Permit term.* The work authorized by a raze permit shall be commenced within fourteen (14) calendar days from the date of issuance of such permit and shall be continuous until the work is completed or thirty (30) consecutive days, which ever is less. The term "continuous" shall mean the normal rate of progress in keeping with good demolition practices. The Building Inspector may extend the permit term due to circumstances beyond the applicant's control, such as weather, upon due diligence having been exercised.
- (c) *Application for raze permit.* An application for a permit to raze, demolish, remove or wreck a building or structure or part thereof shall include the following information:
 - (1) The location of the building or structure to be razed.
 - (2) The length, width and height of the building or structure to be razed.
 - (3) The name, address and telephone number of the owner of the building or structure, if different.
 - (4) The name, address and telephone number of the contractor performing the work.
 - (5) The date upon which proposed work is to commence.
 - (6) The date upon which proposed work is to be completed.
 - (7) A description of the method of demolition to be used, including the type of equipment to be used to complete such demolition (ball, clamshell, bulldozer, by hand, etc).
 - (8) The location where waste materials will be disposed of.
 - (9) A description of all methods to be used to prevent water runoff and soil erosion from the site to neighboring properties and public roads, as well as a description of all methods to be used to protect existing trees located on or adjacent to the construction site.
- (d) *Notice to utilities.* Before such permit shall be issued, the building inspector shall be satisfied that the owner or his agent has notified in writing all utilities having service connections with the building or structure of his intention to so raze such building at least five (5) days prior to the commencement of the razing, demolishing, removal.
- (e) *Plumbing Work.* Any person demolishing or moving a building or structure that is served by sewer or water, or both, shall engage a licensed master plumber under permit to properly abandon the building sewer or water service, or both, immediately inside the front lot line on private property. Such plumbing permit shall be obtained from the building inspector after receiving approval for abandonment from the utilities department.

- (f) *Building sewer disconnection.* The building sewer shall be disconnected at the front lot line and a pipe or bulkhead installed. On a vitrified clay or concrete sewer a pipe shall be cemented into the bell or hub. If the pipe bell or hub is broken, a swab and six inches of concrete shall be inserted in the sewer as a permanent bulkhead. On a cast iron sewer a cast iron plug with a lead caulk joint or rubber tite joint shall be installed.
- (g) *Hazardous materials.* All commercial properties shall meet the requirements regarding the removal of hazardous waste and hazardous and toxic substances, as defined by Wisconsin Administrative Code and the Wisconsin Department of Natural Resources.
- (h) *Insurance required.* Any person razing, demolishing, removing or wrecking a building or structure shall keep in force insurance. The applicant shall furnish to the Village a current certificate of insurance which names the Village of Fontana as a certificate holder and evidencing the following coverage:
 - (1) General liability insurance of not less than \$300,000.00 which shall apply to any and all claims related to the razing, demolishing, removing or wrecking of the building or structure, including personal injuries and property damage.
- (i) *Indemnity.* Every person to whom permission has been granted under the terms of this Article and the general ordinances for the razing, demolishing, removal or wrecking of any building or structure shall, at all times, assume full responsibility for such work, and shall, at all times, release, hold harmless and indemnify the Village of Fontana and all of its agents and employees from any and all responsibility, liability, loss or damage resulting to any persons or public or private property, or caused by or incidental to the razing, demolishing, removal or wrecking process.
- (j) *Bond required.* If required by the Village of Fontana, any person making application for a permit shall execute in the favor of the Village of Fontana a good and sufficient bond to the Village of Fontana, in the sum to be determined by the village, but not less than \$5,000.00, with good and sufficient security, conditioned, among other things that the principal shall pay any and all damages which may be caused to any property, public or private, within the Village of Fontana when such injury or damage shall be inflicted by the applicant, his agent, employee, contractor, or subcontractor, and such bond shall be conditioned also that the applicant shall serve, indemnify and protect the Village of Fontana from any and all liability, and that he will, in all respects, comply with the ordinances of the Village of Fontana and comply with the terms of his permit and be conditional upon his faithful performance of the razing, demolishing, removal or wrecking. The form of such bond must be approved by the Village Attorney.
- (k) *Construction practices.* The razing, demolishing, removal or wrecking of a building or structure shall be conducted in a manner that is safe and that does not adversely affect the environment.
- (l) *Fences or barricades.* A construction fence or other approved barricade shall be provided as soon as any portion of the building or structure is removed, and shall remain in place during razing operations.
- (m) *Protection of trees.* The procedures to protect trees and natural vegetation during construction shall be followed as outlined in Section 18-28 of the Village of Fontana on Geneva Lake Municipal Code, Natural Resource Conservation Ordinance.
- (n) *Debris removal.* All debris must be hauled away at the end of each week for the work that was done in that week. No combustible material shall be used for backfill, but it shall be hauled away. There shall not be ant burning of materials on the construction site
- (o) *Excavations filled.*
 - (1) Excavations shall be filled with solid fill within thirty (30) days of issuance of permit. Such excavations shall be protected and enclosed with appropriate fences

or barriers, and other safety features as deemed necessary by the Building Inspector.

- (2) Excavations shall not be filled with any materials subject to deterioration. It is unlawful to fill any such excavation without inspection and approval by the Building Inspector or Director of Public Works. Voids in filled excavations shall not be permitted.
- (p) *Clearing and leveling of the site.* The site shall be properly cleared of debris, rubbish and pavement and shall be properly graded and leveled to conform with the adjoining grade of neighboring properties. When so graded and leveled, the site shall be seeded, sodded or treated in some other manner acceptable to the Building Inspector to prevent blowing dust, dirt or sand.
- (q) *Nuisance dust particles.* If any razing or removal operation results in or would likely result in an excessive amount of dust particles in the air creating a nuisance in the vicinity thereof, the applicant shall take all necessary steps, by use of water spraying or other appropriate means, to eliminate such nuisance.
- (r) *Penalty for violation.* Any person who shall violate any provision of this article or any order, rule or regulation made under this article, shall be subject to a penalty as provided in Section 1-11 of the Village of Fontana on Geneva Lake Municipal Code.

Effective Date: This ordinance shall be in full force and effect upon and from its passage, approval and publication as required by law.

Passed and Adopted by the Village Board of Trustees of the Village of Fontana on Geneva Lake, Walworth County, Wisconsin, this 4th day of January, 2006.

By: _____

Thomas W. Whowell, President

Attest: _____

Dennis L. Martin, Clerk

