

Town of Kinnickinnic Building Code Ordinance # 2020-1

1.12) CONSTRUCTION DAMAGE DEPOSIT

A.) *Road Damage Deposit Required.* Before a building permit is granted by the Building Inspector for any residential or commercial construction, the party applying for the permit shall provide to the Town a road damage deposit in the form of either a letter of credit or cash deposit in the amount required by the Town Fee Schedule resolution. The form of the letter of credit shall be subject to the approval of the Town Board.

B) *Use of Road Damage Deposit/Property Owner Responsibility for Repair Damage to Road Caused by Construction.* The Town shall hold the letter of credit/cash deposit until the occupancy permit has been issued. If, at the time of occupancy, the roadway has not been damaged and all erosion control measures per Sec. 1.12(C) have been maintained, the letter of credit/cash deposit shall be held until the roadway has been restored to Town standards and the erosion control measures have been completed. If the property owner does not perform the necessary repair of erosion control work within the time set by the Town Board, the Town shall perform or contract for performance of the work using the letter of credit/cash deposit and, if the Town incurs additional expenses, the additional expenses shall be paid by the permit applicant and/or property owner who shall be jointly liable therefore. If said additional expenses remain unpaid, they shall be certified to the County as a special charge under Wis. Stat. Sec. 66.0627 to be assessed against the property and collected along with property taxes. The letter of credit/cash deposit shall be maintained at its full amount throughout the construction process. If the letter of credit/cash deposit is used to make repairs or install erosion control measures a stop work order shall be issued against the construction project and no further work or construction shall be undertaken until the letter of credit/cash deposit is restored to its full original amount.

C.) *Erosion Control Measures.* Erosion control measures for construction sites must conform to local, County, and State requirements.

- (1) All required erosion control measures must be installed at the start of construction and be maintained until construction is completed and the site is permanently stabilized.
- (2) Erosion control measures must be inspected by the property owner or contractor after each rain event and any repairs or clean up of sediment shall be completed within 24 hours of such event.
- (3) Written orders from the Town or County to repair or install erosion control measures must be completed within 48 hours of notice to do so which may be given in writing, e-mail, personal contact or by phone.
- (4) If after 48 hrs the required corrections have not been completed the Town shall:
 - (a.) Place a stop work order on the site.
 - (b.) Draw on the Construction Damage Deposit under Sec. 1.12 to complete all necessary corrections and clean up to stabilize the site.
 - (c.) Have the Construction Damage Bond restored to its full original amount under Section 1.12 (B) and pay for any additional costs and fees the Town shall have incurred. After all costs and fees have been reimbursed to the Town the stop work order shall be lifted and work may commence.

1.13) OCCUPANCY CERTIFICATES. No new building as defined in section 1.3 shall be occupied prior to the issuance of a Certificate of Occupancy. If the property is occupied prior to a final inspection and a certificate of occupancy being issued, the Town shall retain the Road Damage Deposit as required under Sec. 1.11 (A) and the appropriate action shall be taken by the Town to gain compliance. Any costs incurred by the town for inspections, repairs, work or legal expenses shall be retained from the Road Damage Deposit. Any remaining funds shall be returned. Any costs to the Town above the Road Damage Deposit shall be billed to the property owner or become a lien against the property per State Statute. If all requirements of the Town have been complied with at the time the occupancy permit is issued, the Town shall refund the Road Damage Deposit.