

VILLAGE OF ELM GROVE PLAN COMMISSION

DEMOLITION PERMIT ADDENDUM

The following forms AND signatures must be submitted with a Demolition Permit Request.

Permit Forms for Demolition Projects

Permit forms can be obtained at the Village Hall front desk. Applicants are required to pull permits for the following activities:

1. Demolition Permit – Utilize the standard Building Permit application. Check the category identifying “Razing”. This permit is required to be submitted with the request to the Plan Commission.
2. Well Capping/Abandonment – Utilize the Plumbing Permit application and submit directly to the Building Inspector.

Please complete the Permit forms to the best of your ability. To ensure proper processing, double check each permit for:

- The property owners name, email, address, project location and current telephone number.
- The contractor(s) name, address, license number and current telephone number.
- List the estimated project cost.
- Sign and date the permit forms.

Property Access Statement

I understand that every permit authorizing demolition of a dwelling issued by the Plan Commission shall be conditioned upon the agreement of the owner of the subject property that if any work pursuant to a permit authorizing demolition of a dwelling is undertaken in violation of any provision of the Village code, then the Village will have the right at all times, but not the obligation, to enter onto the subject property and to cause any and all work to be done and action to be taken to cure such violation.

I acknowledge that these individuals will not notify me prior to entering my property.

I acknowledge that the owner of the subject property shall be jointly and severally responsible for all costs and expenses incurred by the Village, and that the Village has the right to draw upon the letter of credit submitted as a requirement of demolition.

Owner Signature: _____

Waiver for Special Contract Fees

In accordance with Elm Grove Code of Ordinance §30-3, any special professional services required to process your application or finalize your project will be billed to you in accordance with all applicable provisions of §30-3 and will be subject to all appeal rights as stated in §30-3. These services include, but are not limited, work of the Village Attorney and Village Engineer.

I have read, understand, and do hereby acknowledge the provisions of Elm Grove Code of Ordinance §30-3.

Owner Signature _____

Print Name(s) _____

Date _____

Property Address (current mailing address):

Tree Removal Permit Required

In accordance with Elm Grove Code of Ordinances §266-5D, no person shall remove or damage any Public Tree as outlined in §266-5. If, during construction, a Public Tree will be impacted, a Tree Removal Permit is required. Please be advised, Tree replacement obligations will be incurred by the applicant.

I have read, understand, and do hereby acknowledge the provisions of Elm Grove Code of Ordinance §266-5.

Owner Signature _____

General Contractor (Demolition Permit Holder) _____

Print Name(s) _____

Date _____

Demolition/Construction Code of Conduct

All applicants will be charged \$40.00 for the Code of Conduct sign when receiving the demolition permit.

The Village of Elm Grove requires all construction personnel to follow all rules and regulations. Violations may result in stop of work, fines of \$100 - \$1,000 a day for each offense, and/or a revoked permit per Chapter I, Article II. All references to the Village code of ordinance can be viewed at www.elmgrovetwi.org.

Construction Hours (§ 208-4):

7:30 a.m. to 8:00 p.m. Monday through Friday

9:00 a.m. to 4:00 p.m. Saturdays

No work on Sundays or Federal Holidays in which the Village Hall is closed.

Delivery of construction materials or services to residentially zoned sites -

7:30 a.m. to 6:00 p.m. Monday through Saturday

Electric Generators (§ 208-4):

Gasoline, natural gas, propane or diesel fueled portable electric generators to power construction, excavation or demolition equipment are prohibited.

Keep Elm Grove Clean:

Keep streets free of mud and debris (§208-3).

Do not litter – use trash receptacles (§208-3).

Maintain erosion control measures in place throughout the construction and demolition (§106-17 D 3).

Follow stormwater management procedures (§325-30).

Control dust with onsite water supply (§106-17 D 5).

Obey Traffic Rules:

Keep streets open for use. (§ 275-4).

Do not disturb culvert grading or neighboring landscaping (§106-17 D 6).

Damages to the road are the responsibility of the property owner (§106-17 D 6).

Name of construction foreperson: _____

Telephone number of construction foreperson: _____

Code of Ordinance Section Related to Special Contract Fees

§ 30-3. Special charge for Village professionals contract fees

- (1) a. Whenever the offices of the Village Attorney, Village Engineer or any other of the Village's contract professional staff are contacted for current services regarding a specific person's property, development or other special matter in the Village of Elm Grove by:
 1. The Village President, Village Board member, Village Board Committee member, or Village Commission member or any representative, agent or designee of the same; or
 2. A property owner or any person or entity or a respective representative, if said contact results in a charge to the Village of Elm Grove for that professional's time and services and said service is not a service provided to the Village of Elm Grove as a whole; then the Village Manager shall be authorized to charge said person or entity for the current service provided and/or pursuant to the provision of Section 66.0627, Wis. Stats., to impose a special charge for that current service to the benefited property owner for the fees incurred by the Village.
- b. This ordinance shall be enforced on the basis of the policy as established by the Village upon a recommendation of the Village Board Finance and Licensing Committee, by resolution enacted by the Village Board and revised from time to time that shall include schedules for cash deposits and other means of securing payment to the Village.
- (2) The Village Manager is authorized to invoice each person or entity for special charges, allowing a period of time not more than thirty (30) days to pay for provided current services. The invoice shall include an itemized statement of the professional service fees provided.
- (3) The Village Clerk shall give each property owner, invoiced for current services, notice that a hearing may be requested before the Village Board Finance and Licensing Committee regarding the charges against the property. If a hearing is timely requested in writing within twenty (20) calendar days of the mailing of the invoice for current services, the matter shall be heard in accordance with the provisions of this Section 30-3 on the issue of the cost of professional fees incurred to benefit a specific land owner.
- (4) If any amount remains unpaid after the thirty (30) days allowed for payment where no hearing has been timely requested, the Village Clerk shall automatically charge that delinquent amount, plus any applicable penalty and/or interest against the current or next tax roll as a delinquent tax against the property pursuant to Wis. Stats. § 66.0627. In the event the invoice rendered to a property owner or

the time allowing for payment precludes placement on the current year's tax roll, any such delinquent charge shall be extended to the following year's tax roll.

- (5) Upon receipt of a timely request for a hearing on the invoice for special charges, the Village Board Finance and Licensing Committee shall hold a hearing regarding same at its next regular meeting or, at its discretion, at a special meeting. Such hearing shall be preceded by posted public notice and written notice to the property owner.
- (6) When a timely hearing has been requested, no current charges for special services shall be placed on the tax roll until a hearing has been held and a decision has been rendered and reduced to writing. A copy shall be sent via first class mail, postage prepaid, to the property owner. Only that part of the charges for special services approved by the Village Board Finance and Licensing Committee may be placed on the tax roll after the property owner has been given thirty (30) days to pay from the date of the Village Board Finance and Licensing Committee decision.

The Village, in addition or instead of the above, may follow any other legal means to collect the amounts due.

Code of Ordinance Sections Related to Code of Conduct

§ 106-3 H. Building Permit

Code of conduct signs required. No person shall be issued a building permit for the demolition, construction, and/or modification of the exterior of any structure within the Village unless such person has first purchased a demolition and construction code of conduct sign from the Zoning Administrator as required under the provisions of § 335-42E(3). The fee for code of conduct signs shall be approved by resolution from time to time as established by the Village Board. Failure to obtain and/or display said sign throughout the course of demolition, modification, and/or construction shall constitute a violation of this chapter and, in addition to all other applicable penalties, shall be grounds for the issuance of a stop-work order. [Added 4-22-2003]

§ 335-42. Restrictions, prohibitions and exemptions.

- (3) Demolition and construction code of conduct signs required. [Added 4-22-2003EN]
 - (a) For purposes of this chapter, the term "code of conduct sign" shall mean the sign approved by the Village Board of Trustees and obtained from the Zoning Administrator to notify contractors, subcontractors, and materialmen of applicable provisions of this Code of Ordinances pertaining to operation and maintenance sites involving the demolition, construction, and/or remodeling of the exterior of any structure or building in the Village.
 - (b) All persons applying for demolition and/or building permits for the demolition, construction, or remodeling of the exterior of any structure or building within the Village shall purchase a code of conduct sign from the Zoning Administrator at the fee established from time to time by the Village Board of Trustees prior to issuance of any building permit.
 - (c) The code of conduct sign required under this subsection shall be posted in the ground no closer than seven feet to the roadway pavement edge and driveway, and no further than 15 feet from the roadway pavement edge and driveway, in such a manner as to be clearly visible from the driveway and roadway. The code of conduct shall be prominently displayed in this manner throughout the time any demolition and/or building permit is required to be displayed under this Code of Ordinances.
 - (d) The requirement for purchase and posting of a code of conduct sign may be waived by the Zoning Administrator in writing based on the Zoning Administrator finding that proposed construction or remodeling cannot reasonably be anticipated to cause a disturbance to occupants of neighboring residential property or obstruct, damage, or cause material to be deposited on Village streets.

Code of Ordinance Section Related to Injury to Public Trees and Shrubs

§ 266-5 Injury to Public Trees and Shrubs prohibited.

A. Damage to Public Trees. No person shall, upon public property without permission from the Village Forester, do or cause to be done by others any of the following acts:

- (1) Secure, fasten, nail, or run any rope, wire, sign, or materials around, into, or through a Tree or Shrub, or prune a Tree or Shrub, except in emergencies such as storms or accidents.
[Amended 2-26-2013]
- (2) Break, injure, mutilate, deface, kill or destroy any Tree or Shrub or permit any fire to burn where it will injure any Tree or Shrub.
- (3) Permit any toxic chemical, gas, smoke, oil or other injurious substance to seep, drain or be emptied upon any Tree or Shrub or their root zone.
- (4) Remove any guard stake or other device or material intended to protect a Public Tree or Shrub or close or obstruct an open space about the base of a Public Tree or Shrub designed to permit access of air, water or fertilizer.
- (5) Topping. It shall be unlawful as a normal practice for any person or firm to top any street tree, park tree, or other Trees on public property. Trees severely damaged by storm or other causes, or certain Trees under utility wires or other obstructions where standard pruning practices are impractical, are exempt from this chapter.
- (6) Trimming of public elms and oaks during growing season. No person or firm shall, from April 15 until October 1, trim any public elm or oak tree without permission of the Forester. Exceptions are for storm-damaged Trees that were damaged in the current growing season. Any emergency trimming of elms and oaks during the growing season must have wounds treated with a wound treatment compound or nontoxic thick paint at the time of limb removal.

B. Excavation and construction. No person or entity shall excavate any ditches, tunnels or trenches or install pavement within the drip line of any Public Tree unless said plans have been noted and approved by the Department of Public Works and have been reviewed and approved by the Forester. In the process of obtaining street excavation permission for the proposed work, the applicant shall indicate conflicts with and/or disruption to, existing Public Trees resulting from said work. All Public Trees near any excavation or construction of any building structure or street work shall be sufficiently guarded and protected by those responsible for such work to prevent an injury to said Trees.

C. Landscaping. Except for the Village Department of Public Works, no person or entity shall, with or without intent, disturb or destroy existing roots within the drip line of any Public Trees without first obtaining permission of the Forester. No person or firm, with or without intent, will increase soil depth to any existing grade within the drip line of any Public Trees without permission of the Forester. Any soil added without permission will be removed at the offender's expense.

D. Tree Removal Permit Required.
[Added 2-26-2013]

- (1) No person shall Remove or damage any Public Tree as outlined in § [266-5](#). If, during Construction, a Public Tree will be impacted, a Tree Removal Permit is required. Tree replacement obligations will be incurred by the applicant.
- (2) A Tree Removal Permit fee shall be established and reviewed or amended by the Village Board. The fee shall be waived for local units of government, school districts and for the Removal of a Tree pursuant to the provisions of the Village Code of Ordinances concerning the Removal of Hazardous Trees.
- (3) A Tree Removal Permit shall require the protection of other Trees located on, or adjacent to, the subject property.

E. Application for Tree Removal Permit.

[Added 2-26-2013]

(1) A Tree Removal Permit application shall be submitted on a form approved by the Village Manager or his/her designee along with a Tree Removal Permit Fee.

(2) The Tree Removal Permit shall be issued by the Village Manager or his/her designee upon determination that the application form has been properly completed, that the applicable permit fee has been paid, and the required replacement obligation, if any, has been satisfied.

F. Application forms, fees, rules, and appeals.

[Added 2-26-2013]

(1) The Village Manager or his/her designee is hereby authorized to establish any incidental rules or regulations that may be necessary to implement the provisions of this chapter, including the preparation of the application, permit, or other forms.

(2) In the event the applicant objects to a determination of the Village Manager's designee in connection with a Tree Removal Permit or Tree Removal Permit application under this chapter, an applicant may appeal such determination by filing a written appeal with the Village Manager within 10 days after the Village Manager's designee's determination. The appeal shall set forth with particularity the aspects of the Village Manager's designee's determination from which the appeal is sought and the basis on which the applicant believes the Village Manager's designee's determination was inconsistent with the standards of this chapter. The Village Manager shall notify, in writing, the person filing the appeal of his/her decision regarding the appeal.

(3) The decision of the Village Manager may be appealed to the Village Board of Trustees within 30 days of the Village Manager's decision. The decision of the Village Board of Trustees shall be final.

G. Tree Replacement Obligations. Whenever a Tree Removal Permit is subject to a Tree Replacement Obligation due to the removal of a Significant Tree, the Village Manager or his/her designee shall determine what the tree replacement obligation shall be. The obligation shall be based on the size of the Significant Tree(s) affected and subject to the following terms:

[Added 2-26-2013]

(1) The Village Manager or his/her designee shall require the applicant to replace the Significant Tree(s) Removed with new Trees, each of which shall have a minimum caliper of not less than two inches. The total caliper of replacement tree(s) shall equal or exceed the DBH of the tree(s) removed, unless the Village Manager or his/her designee determines that full replacement would result in unreasonable crowding of Trees upon the right-of-way adjacent to the Subject Property as administered per § 266-5H(4).

(2) The Village Manager or his/her designee shall have prior approval of all species of Trees to be planted on the property when the planting of replacement Trees is required.

(3) An applicant shall be required to replace any replacement Tree that does not survive the second anniversary of its installation.

(4) If the adjacent Village property cannot accommodate the replacement Trees, the applicant will pay a fee in lieu of planting replacement Trees on Village property of \$400 per Tree Removed. The Village shall then use such funds to purchase and plant Trees elsewhere on Village property.

(5) Permit Revocation occurs when there is a violation of any provision of this chapter and shall be grounds for revocation of any permit or approval issued pursuant to this chapter.