

Buildings and structures' requiring a building permit pursuant to the provisions of this Ordinance shall not be occupied or put into use until the local building official has inspected such building or structure, finds compliance with this Ordinance and gives a written certificate of occupancy and use to the owner or his agent to occupy and/or use the building or structure in the manner approved by the issuance of a valid building permit.

103.8 Penalties

Any person, group, firm or corporation, whether a principle, agent, employee or otherwise, violating, causing, or permitting the violations of the provisions of this Ordinance shall be guilty of a misdemeanor. Such person, group, firm or organization shall be deemed to be guilty of a separate offence for each day during which any portion of any violation of this Ordinance is permitted or continued by such person, group, firm or corporation.

In addition, the Town of Portage by action of the Town Council may also institute injunction, mandamus, abatement or any other appropriate action or actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, or maintenance or use.

104.0 SUPPLMENTARY AND QUALIFYING REGULATIONS APPLICABLE WITHIN ALL ZONES

104.1 Intent and Effect

The intent of this section is to accumulate under one heading regulations which apply to two or more zones rather than to repeat them several times. The regulations hereinafter set forth

in this section qualify or supplement the zone regulations appearing elsewhere in this Ordinance.

104.2 Lots in Separate Ownership

(Change 1-9-2019)

No residential building may be built on a lot smaller than the required size.

104.3 Yard Space for One Building Only

(Change 1-9-2019)

The required yard or open space for any building shall be located on the same lot as the building. No part of any building constructed can cross another property line even if the lot in question belongs to the same person, then lots must be legally joined to create one lot.

104.4 Every Dwelling Unit to be on a Lot

Every dwelling unit shall be located and maintained on a lot as defined in this Ordinance. Such lot shall have the required frontage on an existing or dedicated public street or on a right-of-way which has been approved by the Board of Adjustment.

104.5 Yards to be Unobstructed - Exceptions

Every part of a required yard shall be open to the sky and unobstructed except for accessory buildings in a rear yard.

104.6 Only One Dwelling per Lot

Only one dwelling structure shall be located on any lot.

104.7 Sale or Lease of Required Space

No space needed to meet the width, yard, area, coverage, parking, or other requirements of this Ordinance for a lot or building may be sold or leased away from such lot or building.

104.8 Area of Accessory Buildings

No accessory building or group of accessory buildings in any residential zone shall cover more than 25% of the rear yard.

104.9 Accessory Buildings Prohibited as Living Quarters

Living or sleeping quarters in any building other than the main residential building are prohibited.

104.10 Additional Height Allowed for Public Buildings

Public buildings and churches may be erected to any height provided the building is set back from the required building setback lines a distance of at least 11 feet for each additional foot of building height above the maximum height otherwise permitted in that zone.

104.11 Fence Height Regulations

For the purpose of this subsection, solid fence is any fence, hedge, or wall which substantially blocks vision. An open, see-through fence is any fence, hedge, or wall which permits substantially un-obstructed vision.

1. Front Yard - A 4'-high solid fence, or a 7'-high open, see-through fence is permitted.

2. Street Side Yard - A 4'-high solid fence or a 7'-high open, see-through fence is permitted.

3. Interior Side Yard

a. Front property line back 30'- A 4' solid fence or a 7' open, see-through fence is permitted.

b. 30' from front property line to back property line - A 7' solid or open, see-through fence is permitted.

4. Rear Yard - A 7' solid or open, see-through fence is permitted. Regardless of other fence height regulations, there shall be no obstruction to clear view of intersecting streets as defined in the next subsection.

104.12 Clear View of Intersecting Streets

No fence; hedge, wall, landscaping or other structure which obstructs clear view shall be placed on any corner lot within a triangular area formed by the *street* property lines and a line connecting them at points 40 feet *from* the intersection of the street lines except a reasonable number of trees pruned high enough to permit unobstructed vision to automobile drivers.

104.13 Effect of Street Plan

Wherever a front or side yard is required for a building, which abuts on a proposed *street* designated by the Planning Commission as a future street, the depth of such front or side yard shall be measured from the planned street lines.

104.14 Storage of Junk and Debris in Residential Zones Prohibited

No yard *or* other open space surrounding an existing building in any residential zone or which is hereafter provided around any building in any residential zone shall be used for the storage of junk, debris, or inoperable vehicles. No land in any zone shall be used for such purposes except as specially permitted herein or allowed by Conditional Use Permit. Any vehicle which has not been in operation for 180 days shall be considered inoperable.

104.15 Lighting Regulations

No spotlight *or* floodlight shall be installed in any way which will permit the direct rays of such light to penetrate into any other property. No light, sign, or advertising structure as regulated by this Ordinance shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision; or at any location where by reason of position, shape, or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device.

104.16 Sign Regulations

1. Purpose - The purpose of the sign regulations is to encourage well-designed and visually compatible signs with their surroundings. It is desirable to promote and encourage the use of freestanding identification signs, which are of a low-profile, planter-type design.

2. Setback - All business signs shall be setback from public streets a distance of at least five (5') feet from the property line.

3. Height - No free-standing sign shall be permitted with a maximum height of more than six (6') feet above the street level immediately adjoining the sign. The maximum width shall be ten (10') feet.

4. Information on Signs - All business signs shall display only information pertaining to products or services sold on premises.

5. Animated Signs - Animated signs are prohibited in all zones.

6. Signs in Residential Zones - No business signs shall be allowed in any residential zone with the following exceptions:

a. Signs pertaining to the sale or lease of residential property,

b. Name plates,

c. Signs indicating the office of a professional person or home occupation, and

d. Such signs shall not exceed four square feet in area.

7. Signs in General Commercial, Neighborhood Commercial, and Future Industrial Zones -

a. Free-standing signs of up to 60 sq. ft. in area are a conditional use.

b. No signs are permitted that are greater than 60 square feet in area.

c. Wall signs of up to 30 square feet in area are a conditional use.

d. No wall signs are permitted that are greater than 30 square feet in area.

e. Temporary signs of up to 30 square feet in area and which are used for no more than 30 days are conditional use.

f. Temporary signs shall not exceed 30 square feet in area nor be used for more than 30 days.

8. Signs on Public Property - Signs on public property shall be approved by the Planning Commission and Town Council as a Conditional Use.

9. Public Information Signs - Public Information signs are publicly owned signs which provide a service function to public traveling in or through Portage. These signs shall indicate such information as:

a. the location of or directions to businesses, public facilities, private institutions, points of interest, and other communities;

b. a brief description of the type of service provided (for example, Acme Brothers - Groceries). Public information signs are not intended to serve as advertising signs for profit making organizations. Public information signs shall not exceed 30 square feet in area and shall be of a uniform design throughout Portage. Public information signs are a conditional use in all zones.

10. Compliance - No sign erected before the adoption of this Ordinance shall be moved, to a new location on the lot or building or enlarged or replaced unless it complies with the provisions of this Ordinance.

11. Permits Required - Regardless of cost, no sign shall be erected or placed within the Town of Portage without first making application for and obtaining, a building permit, except that temporary political posters, temporary signs advertising property for sale or lease, name plates, and signs

indicating an approved home occupation or the office of a professional need not obtain a building permit.

104.17 Pollution Prevention

All state and local codes concerning air and water quality and solid water disposal are hereby adopted by reference.

104.18 Water and Sewage Disposal Requirements

Before a building permit or use permit is granted, the applicant shall present written evidence of approval by the State Division of Health of the proposed sewage disposal system and the culinary water system where a non-municipal source is used.