

**TOWN OF MOSINEE
MARATHON COUNTY, WISCONSIN
CODE OF ORDINANCES
ADOPTED 2016**

With Amendments:

May 2017; July 2020; August 2020; June 2023

By the Mosinee Town Board

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With the Assistance of
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DIVISION I. GENERAL ADMINISTRATION

ARTICLE 1 FEES & CITATIONS

1-1 Fee schedule

Fees for permits, licenses, and other town services shall be as established from time to time by resolution or ordinance, as required by law, of the town board and set forth in a fee schedule adopted and maintained by the town. A copy of the fee schedule is available for inspection and copying in the office of the town clerk.

1-2 Ordinance enforcement: penalties

- a) Penalty schedule. Penalties for violation of any provision of this Code that are not specifically addressed in the Code shall be subject to the general penalty schedule set forth in this Section; except that if a statute requires a penalty to conform to the statute, then such statutory penalty shall be used.
- b) General penalty. Unless otherwise specifically provided in the penalty schedule referred to in subsection (a) of this section or in this Code, any person who violates any of the provisions of this Code shall, upon conviction, be subject to a penalty as follows:
 - 1) First offense; penalty. For the first offense, forfeiture of not less than \$25.00 nor more than \$500.00 together with the costs of prosecution and, in default of payment of such forfeiture and costs of prosecution, imprisonment in the county jail until such forfeiture and costs are paid, but not for a period exceeding 30 days and not exceeding the penalty authorized by statute.
 - 2) Second offense; penalty. For the second and all subsequent offenses of the same provision or ordinance within one year, forfeiture of not less than \$50.00 nor more than \$1,000.00 for each such offense, together with costs of prosecution and, in default of payment of such forfeiture and costs of prosecution, imprisonment in the county jail until such forfeiture and costs of prosecution are paid, not to exceed 90 days and not to exceed the amount authorized by statute.
- c) Continued violations. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the town from initiating and maintaining any other appropriate action to prevent or remove a violation of any provision of this Code.
- d) Execution against defendant's property. Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any court for violation of any provision of this Code or ordinance of the town, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.

- e) The schedule of cash deposits that may be required for the various ordinance violations shall be in an amount not to exceed the maximum penalty for the particular violation, plus costs, fees, and surcharges imposed under Wis. Stat. ch. 814, for which a citation may be issued.

1-3 Citation authority

The county sheriff's department and any other persons as may be designated by the town board to enforce town ordinances may issue citations authorized in this Code. The Town does hereby authorize the Chairperson and Constable to issue citations.

1-4 Severability

If any provision of these Ordinances is invalid or unconstitutional or if the application of these Ordinances to any person or circumstance is found invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the provision or application of these Ordinances which can be given effect without the invalid or unconstitutional provisions or applications.

1-5 Citation form

- (a) Except as provided in subsection c), the Town prescribes that the form for citations to be issued in the Town of Mosinee for violations of Town Ordinances shall be as provided in this subsection and shall include all of the following:
 - 1) The name and address of the alleged violator.
 - 2) The factual allegations describing the alleged violation.
 - 3) The time and place of the offense.
 - 4) The section of the Ordinance violated.
 - 5) A designation of the offense in a manner that can be readily understood by a person making a reasonable effort to do so.
 - 6) The time at which the alleged violator may appear in court.
 - 7) A statement that in essence informs the alleged violator of all of the following:
 - a) That the alleged violator may make a cash deposit of a specified amount to be mailed to a specified official within a specified time.
 - b) That if the alleged violator makes a cash deposit, he or she need not appear in court unless subsequently summoned.

- c) That if the alleged violator makes a cash deposit and does not appear in court, he or she either will be deemed to have tendered a plea of no contest and submitted to a forfeiture, plus costs, fees, and surcharges imposed under ch. 814, Wis. Stats., not to exceed the amount of the deposit, or will be summoned into court to answer the complaint if the court does not accept the plea of no contest.
 - d) That if the alleged violator does not make a cash deposit and does not appear in court at the time specified, the court may issue a summons or a warrant for the defendant's arrest or consider the nonappearance to be a plea of no contest and enter judgment under Wis. Stat. § 66.0113(3)(d), or the municipality may commence an action against the alleged violator to collect the forfeiture, plus costs, fees, and surcharges imposed under ch. 814, Wis. Stats.
 - e) That if the court finds that the violation involves an Ordinance that prohibits conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment or both, and that the violation resulted in damage to the property of or physical injury to a person other than the alleged violator, the court may summon the alleged violator into court to determine if restitution shall be ordered under Wis. Stat. §800.093.
- 8) A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement that accompanies the citation to indicate that he or she read the statements required under Wis. Stats. § 66.0113(1)(b)7 and shall send the signed statement with the cash deposit.
- 9) Any other information as may be deemed necessary.
- b) The Town Board names the following court, clerk of court, or other official to whom cash deposits are to be made and require that receipts be given for cash deposits.

Clerk of Court
 Marathon County Courthouse
 500 Forest Street
 Wausau, WI 54403

- c) The adoption and authorization for use of a citation under this Ordinance does not preclude the Town from adopting any other Ordinance or providing for the enforcement of any other law or ordinance relating to the same or any other matter. The issuance of a citation under this Ordinance does not preclude proceeding under any other Ordinance or law relating to the same or any other matter. Proceeding under any other Ordinance or law relating to the same or any other matter does not preclude the issuance of a citation under this Ordinance.

- a) The Town hereby adopts by reference and incorporates into this Code the provisions of Wis. Stat. chs. 341 to 348 and 350, for which the penalty for violation thereof is a forfeiture, and as from time to time they are amended as if fully set forth herein.
- b) The Town hereby adopts by reference and incorporates into this Code the provisions of Wis. Adm. Code Transportation chs. 110, 347 and 348, except rules pertaining to federal motor carrier safety standards, for which the penalty for a violation thereof is a forfeiture, and as from time to time they are amended as if fully set forth herein.
- c) The Town hereby adopts by reference and incorporates into this Code the provisions of Wis. Stat. § 947.01 entitled “Disorderly conduct” and as from time to time amended as if fully set forth herein.

1-7 Fire Service Charges

- a) A property owner shall be responsible for 100% of the expense incurred for a fire call to a grass or brush fire.
- b) Except for subsection a) above, a property owner shall be responsible for either up to \$800 or one-half the total cost incurred for a fire call, whichever is greater.

1-8 Precondition for grant of Town license or permit.

- a) Current accounts required. As a precondition of obtaining or renewing any Town license or permit, all Town taxes, special assessments, special charges, fees, forfeitures, and any other unpaid debt owed to the Town shall be paid in full on a current basis before the grant or renewal of any Town license or permit.
- b) New applicants. New applicants with outstanding debts to the Town as described in subsection a) above shall be denied the grant of any Town license or permit.
- c) Applicants with existing permissions. Applicants with an existing permission that is not otherwise expiring, but with outstanding debts to the Town as described in subsection a) above, may be denied the grant or renewal of any Town license or permit as follows:
 - 1) If the application is for any type of license or permit that the applicant does not already possess, then such application shall be denied as provided in subsection a) above.
 - 2) If the application is for any type of license or permit that the applicant already possesses, then nonrenewal, suspension, or revocation of such license or permit may occur as follows:
 - i) If the respective license or permit has a required process for nonrenewal, suspension, or revocation pursuant to any statute or ordinance, then pursuant to such statute or ordinance.

- ii) If the respective license or permit does not have a required process for nonrenewal, suspension, or revocation pursuant to any statute or ordinance, then pursuant to the following:

If the Town determines to nonrenew, suspend, or revoke the license or permit, then the holder of the license or permit shall be given at least 10 days' written notice of a hearing, and is entitled to appear and be heard at the hearing as to why the license or permit should not be nonrenewed, suspended, or revoked. A holder of a license or permit that is nonrenewed, suspended, or revoked may within 20 days of the date of the nonrenewal, suspension, or revocation appeal the decision to the Marathon County Circuit Court for certiorari review by filing a written notice of appeal with the Town Clerk, together with a bond executed to the Town, in the sum of \$1,000 with 2 sureties or a bonding company approved by the Town Clerk, conditioned for the faithful prosecution of the appeal and the payment of costs adjudged against the license or permit holder.

1-9 Dog License Tax.

- a) Wis. Stat. § 174.05, and as from time to time it is amended, is hereby adopted and incorporated into this Code of Ordinances by reference as if fully set forth herein.
- b) The Town Board shall cause any enacted additional fee for dog licenses to be reflected in the Town's fee schedule.

ARTICLE 2
PUBLIC RECORDS ACCESS & RETENTION

2-1 Legal Custodian.

- a) The Town Clerk is hereby designated as the legal custodian of the Town and is vested with full legal power to render decisions and carry out the Town's public records responsibilities pursuant to Wis. Stats. Ch. 19, Subchapter II.
- b) Paragraph (a) above notwithstanding, an elective official is the legal custodian of his or her records and the records of his or her office. However, an elective official may designate an employee to act as the legal custodian.
- c) Paragraph (a) above notwithstanding, the chairperson of a committee of elective officials, or the chairperson's designee, is the legal custodian of the records of the committee. Similarly, the cochairpersons of a joint committee of elective officials, or their designees, are the legal custodians of the records of the committee.

2-2 Public Access to Records.

- a) The public may obtain information and access to records in the custody of the clerk or other appropriate legal custodian, make requests for records, or obtain copies of records, and learn the costs of obtaining copies of records from the clerk or other appropriate legal custodian during upon at least 48 hours' written or oral notice of intent to inspect or copy a record.
- b) The legal custodian may require supervision during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.
- c) The Town is not required to create a new record by extracting information from existing records and compiling the information in a new format, except that: any requester has a right to receive a copy of a record which is in the form of a comprehensible audio recording substantially as audible as the original or the Town may instead provide a transcript of the recording to the requester if he or she requests; any requester has a right to receive a copy of information contained in the record assembled and reduced to written form on paper if it is not in a readily comprehensible form; and if a record contains information that is subject to disclosure under Wis. Stat. § 19.35(1)(a) or (am) and information that is not subject to such disclosure, the Town shall provide the information that is subject to disclosure and delete the information that is not subject to disclosure from the record before release.
- d) The Town shall provide a requestor with facilities comparable to those used by its employees to inspect, copy and abstract the record during established office hours. However, the Town is not required to purchase or lease photocopying, duplicating, photographic or other equipment or to provide a separate room for the inspection,

copying or abstracting of records.

- e) The Town will impose a fee upon the requester of a copy of a record which may not exceed the actual, necessary and direct cost of reproduction and transcription of the record, unless a fee is otherwise specifically established or authorized to be established by law. Actual, necessary and direct fees for public records requests shall be charged to requestors as follows:
- 1) The costs of photocopying shall be \$0.25 per page.
 - 2) Other methods of reproduction, including but not limited to photographic or transcriptions, shall be at cost.
 - 3) Computer programming expenses required to respond to a request shall be at cost.
 - 4) Mailing or shipping expenses required to respond to a request shall be at cost.
 - 5) Staff time calculated on the pay rate of the lowest paid employee capable of performing the task.
 - 6) Locating a record if the actual cost therefor exceeds \$50.00.
 - 7) The legal custodian shall estimate the cost of all applicable fees and require a prepayment if such estimate exceeds \$5.00.
 - 8) The Town may provide copies of a record without charge or at a reduced charge where the legal custodian determines that waiver or reduction of the fee is in the public interest.
 - 9) Elected and appointed officials of the Town shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.
 - 10) Continuing or ongoing requests are not possible. Requests can only be made and fulfilled for records that exist at the time the request is made.

2-3 Access procedures.

- a) A request to inspect or copy a record shall be made to the legal custodian.
- b) A request is deemed sufficient if it reasonably describes the requested record or the information requested. A request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request and may be denied for those reasons. However, nothing herein this Code shall prevent the legal custodian from contacting the record requestor in an attempt to better identify what

the person is seeking.

- c) Upon request for any record a legal custodian shall as soon as practicable and without unnecessary delay either fulfill the request or notify the requester of the Town's determination to deny the request in whole or in part and the reasons therefor.
- d) A requester may be required to show acceptable identification only when the requested record is being kept at a private residence or whenever security reasons or federal law or regulations require it. Otherwise, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request.
- e) A request may be made orally or in writing and need not be made in person. If a request is made orally, the Town may deny the request orally unless a demand for a written statement of the reasons denying the request is made by the requester within 5 business days of the oral denial. If the Town denies a written request in whole or in part, the requester shall receive from the Town a written statement of the reasons for denying the written request. Every written denial of a request by the Town shall inform the requester that if the request for the record was made in writing, then the determination is subject to review by mandamus under Wis. Stat. § 19.37(1) or upon application to the attorney general or a district attorney.
- f) No record may be destroyed after the receipt of a request for inspection or copying of the record until after the request is granted or until at least 60 days after the date that the request is denied or, if the requester is a committed or incarcerated person, until at least 90 days after the date that the request is denied. Upon written notice that an action relating to a record has been commenced under Wis. Stat. § 19.37, the record may not be destroyed until after the order of the court in relation to such record is issued and the deadline for appealing that order has passed, or, if appealed, until after the order of the court hearing the appeal is issued. If the court orders the production of any record and the order is not appealed, the record may not be destroyed until after the request for inspection or copying is granted.
- g) In limited circumstances a request can experience minor delay in order to properly notify a record subject pursuant to Wis. Stat. § 19.356.

2-4 Limitations on right of access.

- a) Although there is a presumption of access to a record, the legal custodian must also consider whether there are any explicit rights or prohibitions to access in statute or case law, and finally by a balancing test weighing possible harm against benefit to the public.
- b) If a record contains both information that may be made public and information that may not be made public, the custodian shall provide the information that may be made public and redact the information that may not be made public from the record before release. The custodian shall confer with the Town attorney prior to releasing any such record and

shall follow the guidance of the Town attorney when separating out the exempt material.

If in the judgment of the custodian and the Town attorney there is no feasible way to separate the exempt material from the nonexempt material without unreasonably jeopardizing nondisclosure of the exempt material, the entire record shall be withheld from disclosure.

- c) A requester has a greater right of access than the general public to any personally identifiable information pertaining to the individual in a record containing personally identifiable information that is maintained by the Town.

2-5 Retention of Public Records

The Retention of public records until their respective schedules of destruction, as set forth in the “General Records Schedule, Wisconsin Municipal and Related Records” approved by the Wisconsin Public Records Board, and as from time to time it is amended, is hereby adopted and incorporated into this Code of Ordinances by reference as if fully set forth herein.

ARTICLE 3
TOWN BODIES & EMPLOYEES

3-1 Volunteer accounts authorized

- a) The Town grants the members of any fire department, emergency medical technician department, or first responder department serving the Town the exclusive control over the deposit and expenditure of volunteer funds of such a department.
- 1) “Volunteer funds” means funds that are raised by the members of the volunteer department, by other volunteers, or by donation to the volunteer department, for the benefit of the volunteer department.
 - 2) The department shall use an account in the name of the department in a public depository.
 - 3) "Public depository" means a federal or state credit union, federal or state savings and loan association, state bank, savings and trust company, federal or state savings bank, or national bank in this state which receives or holds any public deposits or the local government pooled investment fund.
 - 4) The respective department’s chief or that person’s designee is designated as the department member who shall have control over the deposit and expenditure of the volunteer funds.
 - 5) Specific uses of the volunteer funds shall be determined by the chief or that person’s designee.
 - 6) The chief or that person’s designee shall provide to the town board a report describing the collection, deposit and uses made of the volunteer funds upon its request.
 - 7) Notwithstanding this ordinance volunteer funds shall remain the property of the Town until the funds are disbursed.

3-2 Board of Review

- a) Alternate members for board of review.
- 1) Pursuant to Wis. Stats. §§70.47(1) & (6m)(c), the town establishes and shall maintain a public list of names of persons eligible and appointed by the town board to serve as alternate members of the board of review.
 - 2) The list shall be arranged and maintained by the town clerk in a priority order of probable and likely service as an alternate and kept in the office of the clerk. The town clerk shall notify any named member who has been lawfully removed under Wis. Stats. §§ 70.47 (6m) (a) or (b), and shall then notify the alternate member of his or her appointment to replace another member of the board of review.

- 3) The alternate, once notified, if he or she approves the appointment, and if the appointment would not violate Wis. Stat. § 19.59, shall then take the oath of office and act as a member of the board of review under Wis. Stat. § 70.47 (6m) (c).
 - 4) In addition, the appointed town clerk, if a resident of the town, is appointed with this ordinance as a regular voting member of the board of review.
- b) Confidentiality of income and expense records.
- 1) The town provides by this ordinance for the confidentiality of information about income and expenses that is provided to the assessor pursuant to Wis. Stat. § 70.47(7)(af), with the necessary exceptions for persons using the information in the discharge of duties imposed by law or the duties or their office or by order of a court.
 - 2) Information provided to the town pursuant to Wis. Stat. § 70.47(7)(af) is not subject to the right of inspection and copying pursuant to Wis. Stat. § 19.35(1), the state public records law, unless a court determines that it is inaccurate.
- c) Procedures and criteria for allowing alternative forms of sworn testimony.
- 1) Pursuant to Wis. Stat. § 70.47(8) the board of review may consider requests from a property owner or the property owner's representative to appear before the board under oath by telephone or to submit written statements under oath to the board of review.
 - 2) In order for a property owner or property owner's representative to submit a request to testify by phone or submit a sworn written statement, he or she must first comply with the following procedures:
 - i) The legal requirement to provide notice of intent to appear at board of review must be satisfied; and
 - ii) An Objection Form for Real Property Assessment (PA-115A) must be completed and submitted to the board of review as required by law.
 - iii) If the two requirements above have been met, a Request to Testify by Telephone or Submit a Sworn Written Statement at Board of Review (Form PA-814) may be submitted to the town clerk. Such requests must be submitted in time to be considered by the board at the first meeting of the board of review.
 - 3) The board may consider any or all of the following factors when deciding whether to grant or deny the request:

- i) The requester's stated reason(s) for the request as indicated on the PA-814;
 - ii) Fairness to the parties;
 - iii) Ability of the requester to procure in person oral testimony and any due diligence exhibited by the requester in procuring such testimony;
 - iv) Ability to cross examine the person providing the testimony;
 - v) The board of reviews technical capacity to honor the request; and
 - vi) Any other factors that the board deems pertinent to deciding the request.
- d) The Town Board shall set forth the salaries of the members of the Board of Review.

3-3 Grievance procedure

- a) Purpose. This grievance procedure is adopted pursuant to s. 66.0509(1m), Wis. Stat., and is intended to provide a timely and orderly review of disputes regarding: employee terminations, employee discipline, and workplace safety.
- b) Definitions for terms used in this document:

DAYS. "Days" means calendar days, excluding legal holidays as defined in s. 995.20, Wis. Stat.

DISCIPLINE. "Discipline" means any employment action that results in disciplinary suspension without pay, disciplinary reduction in pay or other benefits, disciplinary demotions and terminations. The term "discipline" does not include verbal notices or reminders, written reprimands, performance evaluations, documentation of employee acts and/or omissions in an employment file, nondisciplinary demotions, non-disciplinary adjustments to compensation or benefits, actions taken to address job performance such as establishment of a performance improvement plan or job targets; placing an employee on paid leave pending an internal investigation; or other personnel actions taken by the employer for non-disciplinary reasons.

HEARING OFFICER. "Hearing Officer" means the impartial hearing officer required pursuant to s. 66.0509(1m)(d)2, Wis. Stat. The hearing officer selected by the town board is _____.

TERMINATION. "Termination" means a discharge from employment for rule violations, poor performance, acts detrimental to the employer or other acts of misconduct. The term "termination" does not include: a voluntary quit, completion of seasonal employment, completion of temporary assignment, completion of contract, layoff or failure to be recalled from layoff at the expiration of the recall period; retirement, job abandonment ("no call, no show" or other failure to report to

work); or termination of employment due to medical condition, lack of qualification or license, or any other cessation of employment not involving involuntary termination.

WORKPLACE SAFETY. "Workplace Safety" means any alleged violation of any standard established under state law or rule or federal law or regulation relating to workplace safety.

c) Process and Timelines:

- 1) The employee must file a written grievance with the town clerk within 10 days of the termination, discipline or actual or reasonable knowledge of the alleged workplace safety issue. So that an earnest effort can be made to resolve the matter informally, the grievant must discuss the issue with his/her immediate supervisor prior to filing the written grievance. However, in the case of a termination, such a meeting is not required. Grievance forms may be obtained from the clerk. The town clerk shall inform the employee's immediate supervisor and the town chair about receipt of the written grievance as soon as practicable.
- 2) The employee's immediate supervisor will meet with the grievant within 10 days of receipt of the written grievance. The supervisor will provide the grievant with a written response within 10 days of the meeting. A copy of the supervisor's response shall be filed in the clerk's office. If no one has been designated the employee's immediate supervisor, the employee will meet with the town chair who shall then provide the written response.
- 3) The employee may request an appeal to the hearing officer by filing a written request with the town clerk within 10 days of receiving the written response. The town clerk shall notify the town chair and employee's supervisor about the filing of the request for a hearing as soon as practicable. The town will work with the hearing officer and grievant to schedule a mutually agreeable hearing date.
- 4) The hearing officer shall provide the employee and employee's supervisor with a written decision no later than 30 days after the hearing date. The hearing officer shall also provide the town clerk with a copy of the decision for filing in the clerk's office.
- 5) The non-prevailing party may file a written request with the town clerk for an appeal to the town board within 10 days of receipt of the hearing officer's decision. The clerk shall notify the town chair about the request as soon as possible. The town board shall decide the matter and issue a written decision within 45 days of the filing of the appeal. The town board may sustain, deny or modify the recommendation of the impartial hearing officer. The decision of the town board shall be final and binding. A copy of the board's decision shall be provided to the employee and filed in the town clerk's office.

- 6) All timelines may be extended by mutual written agreement of the town board and employee. Without such agreement, a failure of the employee to adhere to any of the specified timelines shall preclude any further consideration of the grievance.
 - 7) If the last day on which an event is to occur is a Saturday, Sunday, or legal holiday, the time limit is extended to the next day which is not a Saturday, Sunday or legal holiday. A grievance or request for an appeal is considered timely if received by the town clerk during normal business hours or if postmarked by 11:59 p.m. on the due date.
 - 8) If the grievance is not answered within the time limits, at any stage, the employee may proceed to the next available step within 7 days.
 - 9) The grievant and town board may mutually agree in writing to waive a step or multiple steps within the procedure.
 - 10) Granting the requested or agreed upon remedy resolves the grievance.
- d) Grievance Requirements. The written grievance must contain:
- 1) A statement of the pertinent facts surrounding the nature of the grievance.
 - 2) The date the incident occurred or the date the alleged workplace safety concern was discovered.
 - 3) The steps taken to informally resolve the grievance, the individuals involved in the attempted resolution, and the results of such discussion.
 - 4) The specific remedy requested; and
 - 5) A description of the workplace safety rule alleged to have been violated, if applicable.
- e) Supervisor's Response. The supervisor's written response to the employee's written grievance must contain:
- 1) A statement of the date the meeting between the employee and supervisor was held.
 - 2) A decision as to whether the grievance is sustained or denied.
- f) Procedure before the Hearing Officer. The hearing officer shall define the issues, identifying areas of agreement and identifying the issues in dispute and hear evidence and arguments. The hearing officer will determine whether the town acted in an arbitrary and capricious manner. A decision will not have been arbitrary or capricious if it was

made in the best interest of the town. In all cases, the grievant shall have the burden of proof to support the grievance. This process does not involve a hearing before a court of law; thus, the rules of evidence will not be strictly followed. However, no factual findings may be based solely on hearsay evidence. The hearing officer may require the employee and town to submit materials related to the grievance and witness lists in advance of the hearing in order to expedite the hearing. The hearing officer shall sustain or deny the decision of the employee's supervisor. The hearing officer is not given authority to modify the decision made by the employee's supervisor. The hearing officer is not given authority to grant in whole or in part the specific request of the grievant. Within 30 days after the hearing, the hearing officer will issue a decision in writing indicating the findings and reasons for the decision. If the hearing officer's decision on any grievance is appealed, only the issues raised in the hearing may be appealed. Issues are not subject to modification in the appeal process.

- g) Hearing Officer's Decision. The hearing officer's written decision must contain:
 - 1) A statement of pertinent facts surrounding the nature of the grievance.
 - 2) A decision as to whether the grievance is sustained or denied, with the rationale for the decision.
 - 3) A statement outlining the timeline to appeal the decision.
- h) Representation. Both the employee and the town may be assisted by a representative of their own choosing in person or by teleconference at any point during the grievance process.
- i) Consolidation. The employee's immediate supervisor and/or the hearing officer may consolidate grievances where a reasonable basis for consolidation exists. If more than one employee is grieving the same issue or circumstance, a single grievance form may be used. A group grievance must be signed by all grieving employees and must indicate that it is a group grievance at the first step in the grievance process.
- j) Costs. Any expense incurred by an employee in investigating, preparing, or presenting a grievance shall be the sole responsibility of the employee. Each party (employee and employer) shall bear its own costs for witnesses and all other out-of-pocket expenses, including possible attorney fees. The fees of the impartial hearing officer shall be divided equally between the parties with the employee(s) paying half and the employer paying the other half. The fees of the hearing officer will be:_____.

3-4 Election workers

- a) The town clerk shall have discretion to reduce the required number of election officials at a polling place from 7 to 5 or 3.

- b) The town clerk shall have discretion to utilize one additional inspector to serve at each polling place without regard to party affiliation who shall serve as a greeter to answer questions and to direct electors to the proper locations for registration and voting and who shall be available to substitute for other election officials who must leave the room during the voting process.
- c) The town clerk shall have discretion for the selection of alternate officials or the selection of 2 or more sets of officials to work at different times on election day, and may establish different working hours for different officials assigned to the same polling place.

3-5 Elimination of tax collection bond.

- a) The Town Treasurer is exempted from giving the bond specified in Wis. Stat. § 70.67(2).
- b) The Town hereby obligates itself to pay, in case the Town Treasurer fails so to do, all state and county taxes that the Town Treasurer is required to pay to the County Treasurer.

3-6 Reimbursement of expenses.

- a) The Town Board may provide for reimbursement of expenses necessarily incurred by any officer or employee of the Town in the performance of official Town duties. The Board may determine who is eligible for expense reimbursement, which expenses are reimbursable, and the amount of reimbursement. Expenses reimbursable under this section include, but are not limited to:
 - 1) Traveling expenses, including mileage, lodging, and meal expenses.
 - 2) Costs associated with programs of instruction related to the officer's or employee's office or employment.
- b) The Town Board may purchase handbooks and manuals that will materially assist Town officials and employees in the performance of official duties.

3-7 Code Definitions.

- a) For purposes of this Code of Ordinances, the following words have the following meanings unless clearly indicated otherwise in the text:
 - 1) “Town” or “Township” means the Town of Mosinee, Marathon County, Wisconsin.
 - 1) “Town Board” or “Board” means the Town’s Town Board.

3-8 Alternative Procedure for Bills and Vouchers.

- a) Payment of financial claims against the Town which are in the nature of bills and/or vouchers may be made from the Town treasury under Wis. Stat. § 66.0607 after the Town Clerk reviews and approves in writing each bill or voucher as a proper charge against the treasury, after having determined that:
 - 1) Funds are available under the Town budget to pay the bill or voucher.
 - 2) The item or service covered by the bill or voucher has been duly authorized by the Town Board.
 - 3) The item or service covered by the bill or voucher has been supplied or rendered in conformity with the authorization.
 - 4) The claim appears to be a valid claim against the Town.
- b) The Town Clerk may require submission of proof to determine compliance with the conditions under Section 3-8.a).1) to 4).
- c) The Town Clerk is required to file with the Town Board at least monthly a list of the claims approved under this Ordinance, showing the date paid, name of claimant, purpose, and amount.

3-9 Parliamentary Procedure.

- a) Town Officers may fully participate in Town Board meetings via teleconference or videoconference.
- b) Any participation in a meeting under Section 3-9.a) must still comply with the Wisconsin Open Meetings law, Wis. Stat. ch. 19 subch. V.

**ARTICLE 4
HIGHWAYS**

4-1 Naming.

Town highways shall be named by the Town Board subject to Marathon County Ordinance § 9.91 Uniform Addressing System.

4-2 Through highways.

- a) The Town hereby declares the following highways under its exclusive jurisdiction to be through highways:

[List highways or portions of them that should be through highways where the intersection is of two Town highways.]

- b) The Town shall have installed and maintain stop signs at the following locations:

[List a description of each place where a stop sign should be. You do not have to list where the state or county already has one to make its highways through highways.]

- c) The Town shall have installed and maintain yield signs at the following locations:

[List a description of each place where a yield sign should be. You do not have to list where the state or county already has one to make its highways through highways.]

4-3 Driveway Approvals

- a) Any person must have town approval on the following prior to the construction of any driveway connecting to a town highway:

- 1) The location of a proposed driveway's connection point with any town highway;
- 2) The angle and grade of the proposed driveway's connection point to any town highway;
- 3) Whether and of what size, if any, a culvert will be required at the driveway's connection point with any town highway.

4-4 Marathon County ATV/UTV Ordinance Sec. 7.125 adopted by reference.

- (1) *Intent.* To create uniform procedures and requirements for the use and operation of All-Terrain Vehicles and Utility Terrain Vehicles on Marathon County routes and trails.
- (2) *Definitions.* In this section, words and phrases used herein shall have the meaning as defined by § 23.33(1), Wis. Stats., unless otherwise defined herein. All-terrain vehicles (hereinafter referred to as ATVs) shall have the definition given in § 340.01(2g), Wis. Stats. Utility terrain vehicles (hereinafter referred to as UTVs) shall have the definition

given in § 23.33(1)(ng), Wis. Stats. Any reference to a Wisconsin Statute Section or Administrative Code Regulation is a reference to that specific chapter, section, code, or its successor chapter, section, or code. Any future amendments, revisions, or modifications of the statutes or administrative code incorporated herein are intended to be made part of this Code in order to secure uniform statewide regulation of all-terrain vehicles.

- (3) *Statutory authority.* Marathon County is authorized to designate highways as ATV/UTV routes pursuant to §§ 23.33(8)(b) and 59.02, Wis. Stats., and is authorized to enact ordinances regulating ATVs and UTVs on designated routes and trails pursuant to § 23.33(11)(a), Wis. Stats.
- (4) *Designating ATV/UTV routes.* The Marathon County Highway Commissioner (Commissioner) may designate ATV/UTV routes following due consideration of the recreational value and after weighing possible dangers, public health, liability concerns, terrain involved, traffic density, and history of automobile traffic on potential and existing routes.
 - (a) *Duties of Highway Commissioner.*
 - (i) The Commissioner shall designate which portions of county highways are ATV/UTV routes. The Commissioner will update the Infrastructure Committee with respect to the status of, and changes to, ATV/UTV routes.
 - (ii) The Commissioner shall ensure that all routes designated pursuant to this section are properly posted.
 - (iii) The Commissioner shall establish the official ATV/UTV route opening and closing dates for each year. Dates shall be posted on the Marathon County website in a place visible to the public.
 - (iv) All routes established pursuant to this section shall be reviewed annually by the Commissioner to consider the continued value, efficacy, and need for the ATV/UTV routes.
 - (b) *Application process for route designation.* The Commissioner shall develop policies and procedures for consideration of, and designation of, ATV/UTV routes in accordance with the requirements of § 23.33, Wis. Stats., Wis. Admin. Code NR § 64, and the provisions of this section.
 - (i) *Municipalities.* Any town, village, or city in Marathon County may apply to the Commissioner and request that portions of county highways be designated as ATV/UTV routes. Applications shall be completed on a form prescribed by the Commissioner and must be in compliance with the policies and procedures developed by the Commissioner for the designation of ATV/UTV routes. The town, village, or city must further affirm that the municipality will pay for the costs to make, install, and maintain ATV/UTV route signs.
 - (ii) *ATV/UTV clubs.* An organization that has assembled as a recognized

ATV/UTV club may apply to the Commissioner and request that the Commissioner designate an ATV/UTV route within Marathon County. Applications shall be completed on a form prescribed by the Commissioner and must be in compliance with the policies and procedures developed by the Commissioner for the designation of ATV/UTV routes. An ATV/UTV club must further affirm that the club will pay for the costs to make, install, and maintain ATV/UTV route signs.

- (iii) The County Board of Supervisors may rescind or modify the designation of an ATV/UTV route by enactment of an ordinance rescinding or modifying the designation.
- (iv) Application requirements. An application for designation of an ATV/UTV route, at a minimum, include the following:
 - 1. A map showing the proposed ATV/UTV route on the county highway system.
 - 2. A map showing any ATV/UTV trails leading to the proposed route.
 - 3. A statement explaining why the proposed route should be designated as an ATV/UTV route.
 - 4. If the applicant is an ATV/UTV club, the names and addresses of its officers, the date when the organization was established or incorporated, and the number of members.
 - 5. A statement that the applicant will be financially responsible for payments for the installation and maintenance of required ATV/UTV route signs.
 - 6. Any municipality in which the segment of a county roadway being proposed as an ATV/UTV route exists must have adopted the regulations in subsection (6) of this provision for the application to be considered.
- (v) Appeal. The Commissioner's determination regarding an application for or continuation of a designated ATV/UTV route may be appealed by the person aggrieved as provided in Chapter 24 of the Marathon County Code of Ordinances. In the event of an appeal, the review of the Commissioner's initial determination shall be conducted by the county administrator or his or her designee.

(5) *Designating ATV/UTV trails.* The Wausau and Marathon County Parks, Recreation, and Forestry Director (Director) may designate ATV/UTV trails following due consideration of the recreational value and after weighing possible dangers, public health, liability concerns, and terrain involved.

(a) *Duties of Director.*

- (i) The Director shall designate which portions of county land are designated as ATV/UTV trails. The Director will update the Infrastructure Committee with respect to the status of, and changes to, ATV/UTV trails.
 - (ii) The Director shall ensure that all trails designated pursuant to this section are properly posted.
 - (iii) The Director shall establish the official ATV/UTV trail opening and closing dates for each year. Dates shall be posted on the Marathon County website in a place visible to the public.
 - (iv) All trails established pursuant to this section shall be reviewed annually by the Director to consider the continued value, efficacy, and need for the ATV/UTV trails.
- (b) *Application process for trail designation.* The Director shall develop policies and procedures for consideration of, and designation of, ATV/UTV trails in accordance with the requirements of § 23.33, Wis. Stats, Wis. Admin. Code NR § 64, and the provisions of this section.
- (i) Municipalities. Any town, village, or city in Marathon County may apply to the Director and request that portions of county lands be designated as ATV/UTV trails. Applications shall be completed on a form prescribed by the Director and must be in compliance with the policies and procedures developed by the Director for the designation of ATV/UTV trails. The town, village, or city must further affirm that the municipality will pay for the costs to make, install, and maintain ATV/UTV trail signs.
 - (ii) ATV/UTV clubs. An organization that has assembled as a recognized ATV/UTV club may apply to the Director and request that the Director designate an ATV/UTV trail within Marathon County. Applications shall be completed on a form prescribed by the Director and must be in compliance with the policies and procedures developed by the Director for the designation of ATV/UTV trails. An ATV/UTV club must further affirm that the club will pay for the costs to make, install, and maintain ATV/UTV trail signs. The Director may require an ATV/UTV club to execute a trail maintenance contract and obtain or maintain insurance as required by Marathon County.
 - (iii) The County Board of Supervisors may rescind or modify the designation of an ATV/UTV trail by enactment of an ordinance rescinding or modifying the designation.
 - (iv) Application requirements. An application for designation of an ATV/UTV trail must, at a minimum, include the following:
 - 1. A map showing the proposed ATV/UTV trail in relation to the county highway system.

2. A map showing any ATV/UTV routes leading to the proposed trail.
 3. A statement explaining why the proposed trail should be designated as an ATV/UTV trail.
 4. If the applicant is an ATV/UTV club, the names and addresses of its officers, the date when the organization was established or incorporated, and the number of members.
 5. A statement that the applicant will be financially responsible for payments for the installation and maintenance of required ATV/UTV trail signs.
 6. If the proposed trail travels on private property, a statement from the owner of said property attesting that the landowner will consent to the creation of a trail on said property.
- (c) *Appeal.* The Director's determination regarding an application for or continuation of a designated ATV/UTV trail may be appealed by the person aggrieved as provided in Chapter 24 of the Marathon County Code of Ordinances. In the event of an appeal, the review of the Director's initial determination shall be conducted by the county administrator or his or her designee.
- (6) *Regulation of ATVs and UTVs.* Except as otherwise provided herein, the statutory provisions of § 23.33, Wis. Stats., and Wis. Admin. Code NR § 64, which create, describe, and define regulations with respect to ATVs and UTVs, are adopted and, by reference, made a part of this Code as if fully set forth herein.
- (a) *Operator and rider requirements.* Any person who operates or rides as a passenger on an ATV or UTV on a roadway that is an ATV/UTV route in Marathon County designated pursuant to § 23.33(8)(b)1, Wis. Stats., or an ATV/UTV trail in Marathon County designated pursuant to § 23.33(8)(c), Wis. Stats., must meet the following requirements:
- (i) Any operator or passenger shall comply with all federal, state, and local laws, orders, regulations, restrictions, and rules, including those outlined in § 23.33, Wis. Stats., and Wis. Admin. Code NR § 64. All ATV/UTV rules of operation outlined in § 23.33, Wis. Stats., and Wis. Admin. Code NR § 64 are adopted and incorporated in this section.
 - (ii) No person may operate an ATV or UTV without having attained the age of 16.
 - (iii) No person may operate an ATV or UTV without a valid driver's license.
 - (iv) All operators shall have a liability insurance policy in force on any ATV or UTV operated on an ATV/UTV route or trail. The liability insurance policy must have the following minimum coverages:

1. \$10,000.00 for property damage.
 2. \$25,000.00 for the injury or death of one person.
 3. \$50,000.00 for the injury or death of more than one person.
- (b) *Rules of operation.* The operation of an ATV or UTV on a roadway that is an ATV/UTV route in Marathon County designated pursuant to § 23.33(8)(b)1, Wis. Stats., or an ATV/UTV trail in Marathon County designated pursuant to § 23.33(8)(c), Wis. Stats., is subject to the following rules of operation:
- (i) Any operator or passenger shall comply with all federal, state, and local laws, orders, regulations, restrictions, and rules, including those outlined in § 23.33, Wis. Stats., and Wis. Admin. Code NR § 64. All ATV/UTV rules of operation outlined in § 23.33(3), Wis. Stats. are adopted and incorporated in this section.
 - (ii) Operators may only operate on a designated ATV/UTV route or trail if said route or trail is signed in accordance with § 23.33(8)(e), Wis. Stats., and Wis. Admin. Code NR § 64.12(7).
 - (iii) Speed limits.
 1. Operators on ATV/UTV routes shall observe a speed limit not to exceed 30 miles per hour or the posted speed limit on the roadway, whichever is less.
 2. Operators on ATV/UTV trails shall observe a speed limit not to exceed 35 miles per hour or the posted speed limit on the trail, whichever is less.
 - (iv) Operators shall ride in single file.
 - (v) Operators may not operate an ATV or UTV on an ATV/UTV route at any time before or after Operating Hours. Operating Hours are designated as one hour before sunrise and one hour after sunset.
 - (vi) All ATVs and UTVs must operate with fully functional headlamps, tail lamps, and brake lights.
 - (vii) Every ATV or UTV shall be equipped, maintained, and operated to prevent excessive or unusual noise. No person shall operate an ATV or UTV on an ATV/UTV Route unless the vehicle is equipped with a muffler or other effective noise-suppressing system in good working order and in constant operation.
- (c) *Enforcement.*
- (i) Any act that is required or is prohibited by any statute or administrative code provision incorporated herein by reference is required or prohibited

by this Code.

- (ii) The Marathon County Sheriff's Office, local law enforcement agencies, and the Marathon County Parks, Recreation and Forestry Department shall have authority to enforce this section pursuant to § 23.33(12), Wis. Stats.

(d) *Penalties.*

- (i) Any forfeiture for a violation of State Statute or Administrative Code adopted by reference in this section shall conform to the forfeiture permitted to be imposed for violation of said statutes or code provisions as set forth therein.
- (ii) Any violation of a section of this section without a penalty specified by statute or administrative code shall have a cash deposit requirement of \$50.00 plus court costs. A cash deposit requirement of \$150.00 plus court costs will be required for a second violation of this section within a 12-month period.

Severability. The provisions of this section shall be deemed severable and it is expressly declared that Marathon County would have passed the other provisions of this section irrespective of whether or not one or more provisions may be declared invalid. If any provision of this section or the application to any person or circumstances is held invalid the remainder of the ordinance and the application of such provisions to other person's circumstances shall not be deemed affected.

4-5 Class B Highways.

- a) Pursuant to Wis. Stat. § 349.15(2), the Town hereby designates as class "B" highways and imposes those weight limitations set forth in Wis. Stat. § 348.16 upon the following Town highways:
 - 1) All Town highways.
- b) The Town shall cause the appropriate traffic signage to be placed upon the above-designated highways.
- b) Application may be made to the Town Board for a permit to allow trip(s) in excess of the weight limitations hereby imposed upon an application and the payment of a fee for the consideration of such permit as determined by the Town Board. An operator granted a permit must keep a written copy of such permit in the permitted vehicle.

4-6 Special or Seasonal Weight Limitations.

- a) Wis. Stat. § 349.16 is hereby incorporated into this Ordinance by reference as if fully set forth herein and as from time to time amended.

- b) For purposes of this Ordinance, the officer in charge of maintenance of Town highways is the Town Chairperson and/or his or her designee(s).
- c) Application may be made to the Town Board for a permit to allow trip(s) in excess of the weight limitations hereby imposed upon an application and the payment of a fee for the consideration of such permit as determined by the Town Board. An operator granted a permit must keep a written copy of such permit in the permitted vehicle.

4-7 Implements of Husbandry.

- a) This Ordinance enacts the “Option E” version of the Implements of Husbandry ordinance, which opts-in to applying the axle weight limitation to Implements of Husbandry.
- b) Pursuant to Wis. Stat. § 348.15(9)(f)2., all Category B implements of husbandry as defined in Wis. Stat. § 340.01(24)(a)1.b., all Category 1 agricultural commercial vehicles as defined in Wis. Stat. § 340.01(1o)(e)1., and any 2-vehicle combination transporting by trailer or semitrailer either one of these two types of vehicles from farm to field, from field to field, or from farm to farm may not exceed the axle weight limits imposed by Wis. Stat. § 348.15(3)(b).
- c) A no-fee permit from the Town must be applied for to exceed the length and/or weight limitations on Town highways.
- d) In the event of an application for a no-fee permit, the Town may not deny the application, but may modify and approve the application to include an alternate route or map of highways other than those specified by the applicant and may include highways that are not under the Town’s jurisdiction. However, highways not under the Town’s jurisdiction may only be designated by the Town if either there is prior approval of the authority having jurisdiction over those highways, or if these vehicles may be legally operated or transported without a permit or as authorized by the other jurisdiction.
- e) An operator granted a permit must keep a written copy of such permit in the permitted vehicle.

4-8 Weight Limit Ordinance Enforcement.

- a) This Ordinance applies to any weight limit violation that occurs on a Town highway.
- b) Wis. Stat. §§ 348.16 & 348.21 are hereby incorporated into this Ordinance by reference as if fully set forth herein, and as from time to time amended.
- c) Any violator of a weight limit on a Town highway is subject to any one, or any combination, of the following penalties:
 - 1) A forfeiture in the amount of not less than \$100 and not more than \$500; and
 - 2) A forfeiture in an amount calculated according to Wis. Stat. § 348.21; and
 - 3) Court-imposed injunctive relief to enjoin further violations.

- d) Upon conviction for a violation of this Ordinance, a violator shall also pay all applicable surcharges, assessments, and costs as allowed by law.
- e) Each trip in violation of a weight limitation on a Town highway constitutes a separate offense under each applicable weight limitation then in effect.

4-9 Utilities in the Rights of Way.

- a) Pursuant to its authority under Wis. Stat. §§ 60.22, 66.0425, 86.07, 86.16, 86.021, 182.017, and 196.58, the Town hereby enacts this Ordinance for reasonable regulations on the placement and maintenance of facilities currently within its rights-of-way or to be placed therein in the future.
- b) The following definitions are applicable within this Ordinance:
 - 1) "Facilities" shall mean all equipment owned, operated, leased, or subleased in connection with the operation of a service or utility service, including, but not limited to: poles, wires, pipes, cables, underground conduits, ducts, manholes, vaults, lines, and other structures and appurtenances.
 - 2) "Owner" shall mean any person either requesting permission to excavate, obstruct and/or occupy a right-of-way for the purpose of the installation, replacement, maintenance, or removal of facilities and/or any person who currently occupies and/or obstructs a right-of-way for the purpose of facilities.
 - 3) "Right-of-way" shall mean the surface and space above and below the entire width of an improved or unimproved public roadway, highway, street, bicycle lane, terrace, shoulders, side slopes, and public sidewalk in which the Town has an interest, including any other dedicated rights-of-way for travel purposes.
- c) Location of facilities.
 - 1) A Town permit is required prior to the placement of facilities within rights-of-way.
 - i) The Town Board shall set forth a permit fee in the Town fee schedule.
 - ii) Owners shall apply for permits using forms for that purpose made available by the Town.
 - iii) A permit may cover any aspect of a facility, including, but not limited to: installation, maintenance, construction site cleanup, and right-of-way restoration.
 - iv) A permit application shall include drawings sufficient to depict the owner's contemplated activity.
 - v) The Town may require an owner to provide additional information as the Town deems necessary, in its sole discretion, to make a determination on an owner's permit.

- vi) In consideration of the grant of such a permit, the owner upon acceptance thereof, agrees to indemnify, save, and hold harmless the Town, its successors and assigns, officers, employees, agents, and invitees, from any and all claims, liabilities, losses, costs, damages, or expenses arising due to the presence of the owner's facilities within the rights-of-way.
 - vii) The Town may grant with conditions, including but not limited to restoring the right-of-way to its original condition. The Town reserves the authority to make additional conditions or modifications to conditions in its sole discretion.
- 2) Limitation of space. The Town may prohibit or limit the placement of new, replacement, or additional facilities within the rights-of-way. In making such decisions, the Town shall strive to the extent possible to accommodate all existing and potential users of the rights-of-way, but shall be guided primarily by considerations of the public interest, including, but not limited to, the following: the public need for a particular utility service; the condition of the right-of-way; the time of year with respect to essential utilities; the protection of existing facilities in the right-of-way; and current or future Town plans for public improvements and development projects.
 - 3) Attachment to bridges. For any request to attach facilities to any Town bridge or similar structure, the owner shall provide a structural analysis prepared by a licensed State of Wisconsin professional engineer. The owner of such facilities shall not be entitled to compensation for the removal or relocation of the facilities in the case of repair, removal, or replacement of said bridge structure by the Town.
 - 4) Corridors. The Town may assign specific corridors within the right-of-way, or any particular segment thereof, for each type of facility that is, or that the Town anticipates may be, located within a right-of-way. All excavation, obstruction, or other permits issued by the Town involving the installation or replacement of facilities may designate a particular corridor for the facilities.
 - 5) Facilities already in the right-of-way in a position at variance with a corridor later established by the Town shall, no later than at the time of the next reconstruction or excavation of the area where the facilities are located, relocate the facilities pursuant to Section 4-9.d) herein below.
 - 6) Digger's hotline compliance. All owners and other users of Town rights-of-way shall comply with the digger's hotline requirements set forth in Wis. Stat. § 182.0175, as applicable.
 - 7) Planning. The Town may seek information on existing facility locations for planning purposes. It shall be the obligation of owners to locate facilities. Facility locations shall be represented in the field during field surveys and/or by providing maps within the planning areas.
 - 8) Non-compliance with locating requirements. No owner shall fail to locate facilities as required under Wis. Stat. § 182.0175(2m). Additionally, any owner who fails to locate

facilities shall be responsible for all resulting Town costs due to delays caused to Town projects. Repeated failure to locate facilities may result in termination of the privilege to locate facilities within the rights-of way, and/or for a requirement that a sufficient security, such as a bond, letter of credit, or cash, be provided to the Town. Repeated failure to locate facilities shall be defined as more than two occurrences within 12 months or more than three within 24 months.

d) Relocation and protection of facilities.

- 1) Requirement. An owner must, promptly and at its own expense, maintain, support, protect, or relocate its facilities in the right-of-way whenever the Town, or its agent, acting in its governmental capacity, requests such action in the interest of health, safety, or public welfare.
- 2) Order. The Town, or its agent, shall issue a due date for the work to the owner of not less than 72 hours, which due date shall be reasonable and based upon the actions to be undertaken by the owner. If so stated in the order, the owner shall restore the right-of-way following the completion of the work.
- 3) Town's right to self-help. In the event that an owner does not proceed to maintain, support, protect, or relocate its facilities as ordered by the Town, the Town may arrange to do the same and to bill the resulting costs to the owner, said bill to be paid within 30 days.
- 4) Additional cost recovery. The Town may bill the owner for any additional costs incurred as a result of the failure of the owner to accomplish the ordered work within the time specified in the order.

e) Facility abandonment.

- 1) Discontinued operations. An owner that has discontinued or plans to discontinue its operations in the Town, either in full or in part, must do one of the following:
 - i) Provide information satisfactory to the Town that the owner's obligations for its facilities under this Ordinance have been lawfully assumed by another owner.
 - ii) Submit to the Town a proposal and instruments for dedication of its Facilities to the Town. If an owner proceeds under this clause, the Town may, at its option:
 - A) Accept the dedication for all or a portion of the facilities;
 - B) Require the owner, at its own expense, to remove the facilities in the right-of-way; or
 - C) Require the owner to provide the Town sufficient security, such as a bond, letter of credit, or cash, to reimburse the Town for reasonably anticipated costs to be incurred in removing the facilities.

- iii) Remove its facilities within two years, unless the Town waives this requirement or provides a different deadline.
 - 2) Abandoned facilities. Facilities of an owner that fail to comply with this Ordinance or facilities that are not claimed by any owner and which remain either unclaimed or unused for at least one year, shall be deemed to be abandoned. Abandoned facilities are hereby declared to be a public nuisance. In addition to any other remedies or rights available to the Town, the Town may, at its option, do any of the following:
 - i) Abate the public nuisance;
 - ii) Take possession of the facilities; or
 - iii) Require removal of the facilities by the owner, or the owner's successor in interest, or any other party responsible for the facilities.
- f) General owner obligations.
 - 1) An owner shall comply with all requirements of other applicable local, state, and federal laws.
 - 2) Any person violating this Ordinance or a condition of a permit issued pursuant to this Ordinance is subject to both Section 1-2 of this Code and such other penalties as are set forth within this Ordinance.

DIVISION II. ZONING

ARTICLE 1

TITLE

This Division of the Code of Ordinances shall be known, cited, and referred to as:

THE TOWN OF MOSINEE ZONING CODE or ZONING CODE

ARTICLE 2
PURPOSE

The Town of Mosinee Zoning Code is adopted for the following purposes:

- a) To lessen congestion in the streets.
- b) To secure safety from fire, panic and other dangers.
- c) To promote and to protect the public health, safety, comfort, convenience and general welfare.
- d) To provide adequate standards of light, air and open space.
- e) To prevent the overcrowding of land.
- f) To avoid undue concentration of population.
- g) To facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.
- h) To foster, in concert with the aesthetic, natural resource, and positive community attributes of the Township, a more rational pattern and relationship between residential, business, commercial and manufacturing uses of the landscape.

ARTICLE 3 RULES AND DEFINITIONS

In the construction of this Zoning Code the rules and definitions contained in this article shall be observed and applied, except when the context clearly indicates otherwise. In further application and for clarity of interpretation of the context, the following finite definitions of word use shall apply:

- a) Words used in the present tense shall include the future; Words used in the singular number shall include the plural and the plural the singular.
- b) The word "shall" is mandatory and not discretionary. YOU MUST
- c) The word "may" is permissive YOU CAN
- d) The word "lot" shall include the words "piece," "parcel," and "plots" the word "building", includes all other structures of every kind regardless of similarity to buildings; and the phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."

ACCESSORY BUILDING OR USE. An "accessory building or use" is one which:

- a) is subordinate and incidental to, and serves, a principal building or use
- b) is subordinate in area, extent, and purpose to the principal building or principal use served;
- c) contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served;
- d) is located on the same zoning lot as the principal building or use served, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same zoning lot with the building or use served.

AGRICULTURE. "Agriculture" is the use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

AGRICULTURAL USE. "Agricultural Use" means any of the following:

- a) Any of the following activities conducted for purpose of producing an income or livelihood:
 - 1) Beekeeping.
 - 2) Dairying.
 - 3) Floriculture (cultivation of ornamental flowering plants).

- 4) Grazing.
- 5) Livestock raising.
- 6) Feedlots where the operation has approval permits per Chapter 13 of the Marathon County Code of Ordinances.
- 7) Poultry raising where the operation has approval permits per Chapter 13 of the Marathon County Code of Ordinances.
- 8) Plant nurseries and orchard.
- 9) Raising of grain, grass, mint and seed crop.
- 10) Raising of tree fruit, nuts, and berries.
- 11) Ginseng raising.
- 12) Sod farming.
- 13) Vegetable raising.
- 14) Viticulture (grape growing).
- 15) Forest and game management.

AIRPORT. An “airport” is any area of land or water which is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, including all necessary taxiways, aircraft storage and tie-down areas, hangers, and other necessary buildings and open spaces.

ALLEY. An “alley” is a public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street.

ANIMAL UNIT. The town of Mosinee ordinances will use the animal unit definition as defined in NR 243

APARTMENT HOTEL. An “apartment hotel” is a hotel in which at least 90 percent of the hotel accommodations are occupied by permanent guests.

AUTO LAUNDRY. An “auto laundry” is a building, or portion thereof, containing facilities for washing more than two (2) automobiles, using production line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices.

BASEMENT. A “basement” is that portion of a building the floor-line of which is below lot grade and the ceiling of which is not more than five (5) feet above lot grade.

BLOCK. A “block” is a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way shorelines or waterways, or boundary lines of the Town of Mosinee.

BUILDING. A “building” is any structure built, used, designed, or intended for the support, shelter, protection, or enclosure of persons, animals, chattels, or property of any kind, and which is permanently affixed to the land. When a building is divided into separate parts by unpierced fire or party walls extending continuously from the ground through all stories to and above the roof, each part shall be deemed a separate building.

BUILDING HEIGHT. “Building height” is the vertical distance from the curb level, or its equivalent, opposite the center of the front of a building to the highest point of the underside of the ceiling beams, in the case of a flat roof; to the deck line of a mansard roof; and to the mean level of the underside of the rafters between the eaves and the ridge of a gable, hip, or gambrel roof. Where no curb level has been established, the height of a building may be measured from the mean elevation of the finished lot grade at the front of the building.

BULK. “Bulk” is the term used to indicate the size and setbacks of buildings or structures and the location of same with respect to one another, and includes the following:

- a) Size, and height of buildings.
- b) Minimum width of buildings.
- c) Location of exterior walls at all levels in relation to lot lines, streets, or other buildings.
- d) Gross floor area of buildings in relation to lot area (floor area ratio or F.A.R)
- e) All open spaces allocated to buildings.
- f) Amount of lot area provided per dwelling unit.

CAPACITY IN PERSONS. The “capacity in persons” of an establishment or use is the maximum number of persons that can avail themselves of the services (or goods) of such establishment, at any one time, with reasonable safety and comfort, as determined in the Building Code or as may be determined by the Building Inspector.

CLINIC MEDICAL OR DENTAL. A “medical or dental clinic” is an organization of specializing physicians or dentists, or both, who have their offices in a common building. A clinic shall not include in-patient care.

CLUB OR LODGE, PRIVATE (NON-PROFIT). A "private club or lodge" is a non-profit association of persons, who are bona fide members paying dues, which owns, hires, or leases a building, or portion thereof; the use of such premises being restricted to members and their guests. The affairs and management of such "private club or lodge" are conducted by a board of directors, executive committee, or similar body chosen by the members. It shall be permissible to serve food and meals on such premises providing adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed provided it is secondary and incidental to the promotion of some other common

objective of the organization, and further provided that such sale of alcoholic beverages is in compliance with the applicable federal, state and local laws.

CURB LEVEL. The "curb level" for any building is the level of the established curb in front of such building measured at the center of such front. Where no curb elevation has been established, the mean elevation of the finished lot grade immediately adjacent to a building shall be considered the "curb level."

DISTRICT. A "district" is a portion of the territory of the Town of Mosinee within which certain uniform regulations and requirements, or various combinations thereof, apply under the provisions of this ordinance.

DRIVE-IN ESTABLISHMENT. An establishment of the "drive-in" type is one which accommodates the patrons' automobiles, from which the occupants may watch, purchase, etc.

DWELLING UNIT. A "dwelling unit" consists of one or more rooms which are arranged, designed, or used as living quarters for one family only. Individual bathrooms and complete kitchen facilities, permanently installed, shall always be included for each "dwelling unit"

DWELLING, SINGLE FAMILY. A "single-family dwelling" is a building containing one dwelling unit only.

DWELLING, TWO-FAMILY. A "two-family dwelling" is a building containing two (2) dwelling units.

DWELLING, MULTIPLE-FAMILY. A "multiple-family dwelling" is a building, or portion thereof, containing three or more dwelling units.

ESTABLISHMENT, BUSINESS. A "business establishment" is a place of business carrying on operations, the ownership and management of which are separate and distinct from those of any other place of business located on the same zoning lot. Direct access to each "business establishment" shall be separate and distinct from direct access to any other business establishment, and in no case shall there be access to one such establishment from within another such establishment.

FAMILY. A "family" consists of one or more persons each related to the other by blood, marriage, or adoption, who are living together in a single dwelling and maintaining a common household. A "family" includes any domestic servants and not more than one gratuitous guest residing with said "family."

FARM. A "Farm" means all land under common ownership that is primarily devoted to agriculture.

FLOOR AREA (For determining floor area ratio). For the purpose of determining the floor area ratio, the "floor area" of a building is the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings. The "floor area" of a building shall include basement floor area when more than one-half of the basement height is above the established curb level or above the finished lot grade level where curb level has not been established, elevator shafts and stairwells

at each floor, floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof), penthouses, attic space having head-room of seven feet 10 inches or more, interior balconies and mezzanines, enclosed porches and floor area devoted to accessory uses. However, any space devoted to off-street parking or loading shall not be included in "floor-area".

The "floor area" of structures devoted to bulk storage of materials including, but not limited to, grain elevators and petroleum storage tanks - shall be determined on the basis of height in feet; i.e., 10 feet in height shall equal one floor.

FLOOR AREA (For determining off-street parking and loading requirements). "Floor area" when prescribed as the basis of measurement for off-street parking spaces and loading berths for any use shall mean the sum of the gross horizontal areas of the several floors of the building, or portion thereof, devoted to such use, including accessory storage areas located within selling or working space such as counters, racks, or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. Floor area for the purposes of measurement for off-street parking spaces shall not include: floor area devoted primarily to storage purposes (except as otherwise noted herein); floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space; or basement floor area other than area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

FLOOR AREA RATIO (F.A.R.). The "floor area ratio" of the building or buildings on any zoning lot is the floor area of the building or buildings on that zoning lot divided by the area of such zoning lot, or, in the case of planned developments, by the net site area. The "floor area ratio" requirements--as set forth under each zoning district shall determine the maximum floor area allowable for the building or buildings (total floor area of both the principal and accessory buildings) in direct ratio to the gross area of the zoning lot.

FRONTAGE. "Frontage" is the length of all the property fronting on one side of a street between the two nearest intersecting streets, measured along the line of the street, or if dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

FRONTAGE, ZONING LOT. The "frontage of a zoning lot" is the length of all the property of such zoning lot fronting on a street, measured between side lot lines.

GRADE. "Grade" is the average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

HOBBY ANIMAL. A "Hobby Animal" is any farm animal not regulated by DATCP 51

HOME OCCUPATION. A "home occupation" is any occupation or profession carried on by a member of the immediate family residing on the premises, in connection with which there is used no sign or display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling; there is no commodity sold upon the premises; no person is employed other than a member of the immediate family residing on the premises; and no mechanical or electrical equipment is used except such as is permissible for purely domestic or household purposes. A professional person may use his residence for

infrequent consultation, emergency treatment, or performance or religious rites, but not for the general practice of his profession. No accessory building shall be used for such home occupation.

HOTEL. A "hotel" is an establishment which is open to transient guests, in contradistinction to a boarding, rooming, or lodging house, and is commonly known as a hotel in the community in which it is located; and which provides customary hotel services such as maid service, the furnishing and laundering of linen, telephone and secretarial or desk service, the use and upkeep of furniture, and bellboy service.

INCOMPATIBLE USE. An "incompatible use" is a use or service, which is incapable of direct association with certain other uses because it is contradictory, incongruous, or discordant.

JUNK YARD. A "junk yard" is an open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A junk yard includes and automobile wrecking or salvage yard, which is any area of land where three or more vehicles, unlicensed or not in running condition, accumulation of auto parts, or both, are stored in the open and are not being restored to operation, or any land, building or structure used for the wrecking or storing of such motor vehicles, or parts thereof, not in running condition.

LIMITED ACCESS HIGHWAY. A "limited access highway" is a traffic way, including toll roads, for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at such points only and in such manner as may be determined by the public authority having jurisdiction over such traffic way.

LODGING HOUSE (including Boarding and Rooming House). A "lodging house" is a residential building, or portion thereof-- other than a motel, apartment hotel, or hotel--- containing lodging rooms which accommodate persons who are not members of the keeper's family. Lodging or meals or both are provided for compensation on a weekly or monthly basis.

LODGING ROOM. A "lodging room" is a room rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping accommodations shall be counted as one "lodging room" for the purposes of this ordinance.

LOT. A parcel of land occupied or designed to be occupied by one building and its accessory buildings or uses, including the open spaces required by this ordinance, and abutting on a public street or other officially approved means of access. A lot may be a parcel designated in a plat or described in a conveyance recorded in the Office of the Register of Deeds, or any part of a large parcel when such part complies with the requirements of this ordinance as to width and area for the district in which it is located. A "lot" is a parcel of land, which is either a "lot of record" or a "zoning lot".

LOT OF RECORD. A "lot of record" is a lot which is part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds of Marathon County; or a parcel of land, the deed to which was recorded in the office of said Register of Deeds prior to the adoption of this ordinance.

LOT, ZONING. A "zoning lot or lots" is a single tract of land located within a single block, which (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. Therefore, a "zoning lot or lots" may or may not coincide with a lot of record.

LOT AREA, GROSS. The "gross lot area" is the area of a horizontal plane bounded by the front, side, and rear lot lines, but not including any area occupied by the waters of a duly recorded lake or river.

LOT DEPTH. The "lot depth" is the mean (Average) horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries.

LOT WIDTH. The "lot width" is the horizontal distance between the side lot lines of a lot, measured at the narrowest width within the first 30 feet of the lot depth immediately in back of the front yard setback line.

LOT LINE, FRONT. The "front lot line" shall be that boundary of a lot which is along an existing or dedicated public street, or where no public street exists, is along a public way. The owner of a corner lot may select either street lot line as the front lot line.

LOT LINE, REAR. The "rear lot line" shall be that boundary of a lot which is most distant from, and is, or is most nearly, parallel to, the front lot line.

LOT LINE, SIDE. The "side lot line" shall be any boundary of a lot which is not a front lot line or a rear lot line.

MANUFACTURED HOME (Amended 8-12-96). A "manufactured home" shall mean a dwelling structure or component thereof fabricated in an off-site manufacturing facility after June 15, 1976, for installation or assembly at the building site bearing a HUD label certifying that it is built in compliance with the Federal Manufactured Housing Construction Standards.

MEZZANINE. A "mezzanine" is an intermediate story between the floor and ceiling of a main story and extending over only part of the main floor.

MODULAR HOME (Amended 8-12-96). A "Modular Home" shall mean a structure, which is partially preassembled at a manufacturing plant and placed on a lot as a dwelling unit or units. Also called "pre-fabricated" or "pre-cut" homes or "double-wide" units. For purposes of this Ordinance, the term manufactured home shall generally be used to describe this type of structure. It shall be further distinguished from the term mobile home.

MOBILE HOME (Amended 8-12-96). A "Mobile Home" shall mean a readily transportable factory built structure except a manufactured home, intended for human habitation, which by its inherent design may be moved from site to site as necessary; which may have and oversized width for normal traffic allowances and thereby require a special travel permit from State or County highway officials: and which may have its undercarriage removed to facilitate a better location on a slab, piers, or foundation. The removal of the wheels, axles, or other components of the running gear and/or the mounting of such a structure or vehicle on a foundation or over a basement shall not be deemed to change its status from that of a mobile home. A structure manufactured after June 15, 1976, which is certified and labeled as a

MANUFACTURED HOME under 42 U.S. Code Secs. 5401 to 5406 shall be deemed to be a mobile home under this zoning ordinance. Recreational vehicles are not classified as mobile homes and may not be used as a residence.

MOBILE HOME PARK. A "Mobile Home Park" shall mean any plot or plots of land designed, maintained, intended, or used for the purpose of supplying a location for two or more mobile homes or manufactured homes occupied for dwelling or sleeping purposes on a year-round basis and a charge is made for such accommodation.

MOTOR VEHICLE. A "motor vehicle" is any passenger vehicle, truck, truck-trailer, trailer, or semi-trailer propelled or drawn by mechanical power.

MOTEL. A "motel" is an establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot and designed for use by transient automobile tourists. A "motel" furnishes customary hotel services such as maid service and laundering of linen, telephone and secretarial or desk service, and the use and upkeep of furniture. In a "motel," less than 50 percent of the living and sleeping accommodations are occupied or designed for occupancy by persons other than transient automobile tourists.

NON-CONFORMING BUILDING OR STRUCTURE. A "non-conforming building or structure" is any building or structure which:

- a) Does not comply with all of the regulations of this ordinance or of any amendment hereto governing bulk for the zoning district in which such building or structure is located;
- b) Is designed or intended for a non-conforming use.

NON-CONFORMING USE. A "non-conforming use" is any use of land, buildings, or structures, lawful at the time of the enactment of this ordinance, which does not comply with all of the regulations of this ordinance or of any amendment hereto governing use for the zoning district in which such use is located.

PROPERTY LINES. "Property lines" are the lines bounding a zoning lot, as defined herein.

PUBLIC WAY. A "public way" is any sidewalk, street, alley, highway, or other public thoroughfare.

RESERVOIR PARKING. "Reservoir parking" facilities are those off-street parking spaces allocated to automobiles awaiting entrance to a particular establishment.

REST HOME, NURSING HOME, OR CONVALESCENT HOME. A "rest home, nursing home, or convalescent home" is a private home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders. Such home does not contain equipment for surgical care or for the treatment of disease or injury.

ROADSIDE STAND. A "roadside stand" is a structure for the display and sale of agricultural products, with no space for customers within the structure itself.

SETBACK. "Setback" is the minimum horizontal distance between the front line of a building or structure and the front property line.

SHORELANDS. Lands within the following distances from the ordinary high water mark of navigable waters: 1000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater. Also refer to the Marathon County Code of Ordinances.

STORY. A "story" is that part of a building between any floor and the floor next above, and if there be no floor above, then the ceiling above. A basement is a story if its ceiling is five (5) feet or more above the level from which the height of the building is measured, or if it is used for business purposes, or if it contains any dwelling units other than one dwelling unit for the caretaker of the premise.

STREET. A "street" is a public or private right-of-way which affords a primary means of vehicular access to abutting property, whether designated as street, avenue, highway, road, boulevard, lane, throughway, or however otherwise designated, but does not include driveways or buildings.

STRUCTURAL ALTERATION. A "structural alteration" is any change, other than incidental repair, which would prolong the life of the supporting members of a building, such as the addition, removal, or alteration of bearing walls, columns, girders, or foundations.

TENT. A "tent" is any temporary structure or enclosure, the roof of which and/or one-half or more of the sides are constructed of silk, cotton, canvas, fabric, or a similar pliable material.

TRAILER. A "trailer" is any vehicle, house-car, camp-car, or any portable or mobile vehicle on wheels, skids, rollers, or blocks, either self-propelled or propelled by any other means, which is used or designed to be used for residential, living, sleeping, or commercial purposes and herein referred to as a "trailer".

USE. The "use" of property is the purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

USE, PRINCIPAL. A "principal use" is the main use of land or buildings as distinguished from a subordinate or accessory use. A "principal use" may be "permitted" or "conditional".

USE, PERMITTED. A "permitted use" is a use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and standards of such district.

USE, CONDITIONAL. A "conditional use" is a use either public or private, which because of its unique characteristics, cannot be properly classified as a permitted use in a particular district or districts. After due consideration, in each case, of the impact of such use upon neighboring land, and of the public need for the particular use at the particular location, such "conditional use" may or may not be granted, subject to the terms of this ordinance.

VARIANCE. A departure from the dimensional standards of this ordinance as applied to a specific buildings, structure or parcel of land, which the Board of Appeals may permit, contrary

to the regulations of this ordinance. The variance procedure allows the impact of the general rules to be varied in response to unusual circumstances, which constitute "unnecessary hardship". A variance is not a convenience to the property owner, and are not intended to be granted frequently. Use variances should not be granted by the board. A change in the use requires a zoning map amendment. (zone change)

YARD. A "yard" is an open space on the same zoning lot with a building or structure, unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted in Article 4. a "yard" extends along a lot line, and to a depth or width specified in the yard requirements for the zoning district in which such zoning lot is located.

YARD FRONT. A "front yard" is a yard extending along the full length of the front lot line between the side lot lines.

YARD, REAR. A "rear yard" is a yard extending along the full length of the rear lot line between the side lot lines.

YARD, SIDE. A "side yard" is a yard extending along a side lot line from the front yard to the rear yard.

YARD, CORNER SIDE. A "corner side yard" is a side yard which is located immediately adjacent to another zoning lot or to an alley separating such side yard from another zoning lot.

YARD, TRANSITIONAL. A "transitional yard" is that yard which must be provided on a zoning lot in a Business District which adjoins a zoning lot in a Residence District, or that yard which must be provided on a zoning lot in an Industrial District which adjoins a zoning lot in either a Residence or Business District.

**ARTICLE 4
GENERAL PROVISIONS**

4.1 INTERPRETATION

- 4.1-1 In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals, comfort, convenience, prosperity, and general welfare.
- 4.1-2 Where the conditions imposed by any provision of this ordinance, upon the use of land or buildings or upon the bulk of buildings, are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this ordinance or of any other law, ordinance, resolution, rule, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.
- 4.1-3 This ordinance is not intended to abrogate any easement, covenant, or any other private agreement, provided that where the regulations of this ordinance are more restrictive or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this ordinance shall govern.
- 4.1-4 No building, structure, or use which was not lawfully existing at the time of the adoption of this ordinance shall become or be made lawful solely by reason of the adoption of this ordinance; and to the extent that, and in any manner that, said unlawful building, structure, or use is in conflict with the requirements of this ordinance, said building, structure, or use remains unlawful hereunder.

4.2 SEPARABILITY

It is hereby declared to be the intention of the Town Board of the Town of Mosinee that the several provisions of this ordinance are separable, in accordance with the following:

- 4.2-1 If any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance not specifically included in said judgment.
- 4.2-2 If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.

4.3 SCOPE OF REGULATIONS

- 4.3-1 All buildings erected hereafter, all uses of land or buildings established hereafter, and all structural alteration or relocation of existing building occurring hereafter shall be subject to all regulations of this ordinance which are applicable to the zoning districts in which such buildings, uses, or land shall be located.
- 4.3-2 However, where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this ordinance, and provided that construction is begun within six (6) months of such effective date and diligently

prosecuted to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued, and further, may upon completion be occupied by the used for which originally designated--subject thereafter to the provisions of Article 5, Non-Conforming Buildings, Structures, and Uses.

- 4.3-3 Where the Building Inspector or Town Clerk has issued a permissive use permit, a conditional use permit, or a permit for a variance pursuant to the provisions of this ordinance, such permit shall become null and void unless work thereon is substantially underway within six (6) months of the date of the issuance of such permit.
- 4.3-4 A conditional use permit shall be deemed to authorize only one particular conditional use and shall expire if the conditional use shall cease for more than six (6) months for any reason. In cases where the conditional use permit is in not for a structure or activity that is dependent on the property the conditional use permit will be limited to the applicant only and will cease when the applicant sells the land
- 4.3-5 Where a lot is to be occupied for a permitted use without buildings, the side yards and front yard required for such lot shall be provided and maintained unless otherwise stipulated in this ordinance, except that side yards shall not be required on lots used for garden purposes without buildings or structures nor on lots used for public recreation areas.
- 4.3-6 No land which is located in a Residence District shall be used for driveway, walkway, or access purposes to any land which is located in a Business or Industrial District, or used for any purpose not permitted in a Residence District.

4.4 REGULATIONS FOR UNIOQUE USES

4.4-1 Fences, Wall, and Hedges

- a) Except as provided in Section 4.8 of this Article, a fence, wall, hedge, or shrubbery may be erected, placed, maintained, or grown along a lot line or residentially-zoned property or adjacent thereto to a height not exceeding six (6) feet above the ground level, except that no such fence, wall hedge, or shrubbery which is located in a required front or corner side yard shall exceed a height of three (3) feet. Where such lot line is adjacent to non-residentially-zoned property, there shall be an eight (8) foot limit on the height of a fence, wall, hedge, or shrubbery along such lot line. (Changed from 5 feet to 6 feet on July 12, 2004)
- b) No fence, wall, hedge, or shrubbery shall be erected, placed, maintained, or grown along a lot line on any non-residentially-zoned property, adjacent to residentially-zoned property, to a height exceeding eight (8) feet.
- c) In any Residence District no fence, wall, hedge, or shrubbery shall be erected, constructed, maintained, or grown to a height exceeding three feet above the street grade nearest thereto, within 25 feet of the intersection of any street lines or of street lines projected.

4.4-2 Trailers

Non-residential use. A trailer shall not be considered to be permissible as an accessory building. However, a trailer may be used as a temporary office or shelter incidental to construction on or development of the premises on which the trailer is located only during the time construction or development is actively underway.

4.4-3 Tents

- a) No tent shall be erected, used or maintained for living quarters.
- b) The requirements for tents used for purposes other than residential shall be as specified by the Town Board.

4.4-4 Fallout Shelters

- a) Fallout shelters shall be used only for the protection of life from radioactive fallout and to other purpose
- b) Fallout shelters shall be located:
 - 1) Within any new or existing principal building or structure, or
 - 2) Attached to any new or existing principal building or structure with direct access from such building or structure, or
 - 3) Wholly underground.

4.4-5 Towers

Includes, but not limited to communication, wind, etc. with a minimum height of 40 feet.

4.5 SEWAGE DISPOSAL AND WATER SUPPLY

Regardless of other provisions of this ordinance, in all classifications and in all districts there shall always be sufficient ground area left unoccupied by a structure or paving for a proper system of sewage disposal and water supply conforming with the standards and requirements of the Town Board, and the Department of Commerce (formerly the Wisconsin State Board of Health). Plot plans accompanying building permit applications shall show clearly the proposed sewage disposal system and well locations, if any.

4.6 NUMBER OF BUILDINGS ON A ZONING LOT

Except in the case of planned developments, not more than one principal residential building shall be located on a zoning lot, nor shall a principal detached residential building be located on the same lot with any other principal building.

4.7 ACCESSORY BUILDINGS

4.7-1 Time of Construction

No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.

4.7-2 Percentage of Required Yard Occupied

No accessory building or buildings shall occupy more than 20 percent of the area of a required yard.

4.7-3 Height of Accessory Buildings

No accessory building or structure shall exceed the height of twenty-six (26) feet, except for as provided in § 11.2-4 of this Code.

See Article 8 for additional building requirements and Article 3 for the definition of “building height.”

4.7-4 On Reversed Corner Lots

On a reversed corner lot in a Residence District, and within 15 feet of any adjacent property to the rear in a Residence District, no accessory building or portion thereof located in a required rear yard shall be closer to the side lot line abutting the street than a distance equal to two-thirds the least depth which would be required under this ordinance for the front yard on such adjacent property to the rear. Further, in the above instance, no such accessory buildings shall be located within five (5) feet of any part of a rear lot line which coincides with the side lot line or portion thereof of property in any Residence District.

No accessory building shall be erected in or encroach upon the required side yard of a corner lot which is adjacent to the street, nor upon the required side yard of a reversed corner lot which is adjacent to the street.

4.8 BULK REGULATIONS

4.8-1 Continued Conformity with Bulk Regulations

The maintenance of yards and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, as long as the building is in existence. Furthermore, no legally required yards, other open space, or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason, be used to satisfy yard, other open space, or minimum lot area requirements for any other building.

4.8-2 Required Yards--Existing Buildings

No yards, now or hereafter provided for a building existing on the effective date of this ordinance, shall subsequently be reduced below, or further reduced if already less than, the minimum yard requirements of this ordinance for equivalent new construction.

4.8-3 Permitted Obstructions in Required Yards

The following shall not be considered to be obstructions when located in the required yards. However, accessory uses and permitted obstructions shall not, in the aggregate, occupy more than 50 percent of any required yard.

- a) In all yards: Open terraces not over two (2) feet above the average level of the adjoining ground, but not including a permanently roofed-over terrace or porch; awnings and canopies; steps four (4) feet or less above grade which are necessary for access to a permitted building or for access to a zoning lot from a street or alley; chimneys projecting 18 inches or less into the yard; recreational and laundry-drying equipment; arbors and trellises; flag poles, fences, and walls not exceeding five (5) feet in height above natural grade level; and open-type fences exceeding five (5) feet in height, but not more than eight (8) feet in height, provided that visibility at right angles to any surface of such fence not be reduced by more than 50 percent. However, such fences and walls shall be subject to applicable height restrictions of Section 4.4 of this Article.
- b) In front yards: One-story bay windows projecting three (3) feet or less into the yard; overhanging eaves and gutters projecting three (3) feet or less into the yard; and fuel, air, and water pumps in conjunction with automobile service stations, provided they shall be set back at least 15 feet from the front lot line.
- c) In rear yards: Open off-street parking spaces; balconies; fallout shelters; breezeways and open porches; one-story bay windows projecting three (3) feet or less into the yard; and overhanging eaves and gutters projecting three (3) feet or less into the yard.
- d) In side yards: Overhanging eaves and gutters projecting 18 inches or less into the yard; and fuel, air, and water pumps in conjunction with automobile service stations, provided they shall be set back at least 15 feet from the side lot line.

4.9 OFF-STREET PARKING AND LOADING FACILITIES

4.9-1 Scope of Regulations

The off-street parking and loading provisions of this ordinance shall apply as follows (may be provided in lieu of any different amounts required by this ordinance):

- a) For all buildings and structures erected and all uses of land established after the effective date of this ordinance, accessory parking and loading facilities shall be provided as required by the regulations of the districts in which such buildings or uses are located. However, where a building permit has been issued prior to the effective date of this ordinance, and provided that construction is begun within six (5) months of such effective date and diligently prosecuted to completion, parking and loading facilities in the amounts required for the issuance of said building permit.
- b) When the intensity of use of any building, structure, or premises shall be increases through the addition of dwelling units, gross floor area, seating capacity, or other units of measurement specified herein for required parking or loading facilities, as

required herein shall be provided for such increase in intensity of use.

- c) Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required for such new use. However, if the said building or structure was erected prior to the effective date of this ordinance, addition parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use, if the latter were subject to the parking and loading provisions of this ordinance.

4.9-2 Existing Parking Facilities

Accessory off-street parking facilities in existence on the effective date of this ordinance and located on the same lot as the building or use served shall not hereafter be reduced below, or if already less than shall not be further reduced below, the requirements for a similar new building or use under the provisions of this ordinance.

4.9-3 Permissive Parking and Loading Facilities

Nothing in this ordinance shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings, provided that all regulations herein governing the location, design, and operation of such facilities are adhered to.

4.9-4 Damage or Destruction

For any conforming or legally non-conforming building or use which is in existence on the effective date of this ordinance, which subsequently thereto is damaged or destroyed by fire, collapse, explosion, or other cause, and which is reconstructed, re-established, or repaired, off-street parking or loading facilities need not be provided, except that parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation. However, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this ordinance for equivalent new uses or construction.

4.9-5 Control of Off-Site Parking Facilities

In cases where parking facilities are permitted on land other than the zoning lot on which the building or use served is located, such facilities shall be in the same possession as the zoning lot occupied by the building or used to which the parking facilities are accessory. Such possession may be either by deed or long-term lease, the term of such lease to be determined by the Board of Appeals. The owner of the land on which the parking facilities are to be located shall be bound by covenants filed on record in the office of the Register of Deeds of Marathon County, requiring such owner, his or her heirs and assigns, to maintain the required number or parking facilities for the duration of the use server or of the said lease, whichever shall terminate sooner.

4.9-6 Submission of Plot Plan

Any application for a building permit shall include therewith a plot plan--drawn to scale and showing any off-street parking or loading facilities to be provided in fully dimensional with this ordinance.

4.10 HEIGHT REGULATIONS IN THE VICINITY OF AIRPORTS

Airports and their surrounding area are subject to the applicable federal, state, county, (County regulations include, but are not limited to Marathon County Ordinances, Chapter 23, Airport Code) and local regulations, as well as the following requirements:

4.10-1 Height of buildings and structures in areas surrounding the boundaries of airports having an established approach plan that has been approved by the above authorities shall be in accordance with requirements set forth in the approach plan and/or adopted airport zoning regulations.

4.10-2 Height of buildings and structures in areas within 10,000 lineal feet of the boundaries of airports that do not have an established approach plan or are not governed by adopted airport zoning regulations shall be governed by the following:

- a) For an airport having the longest runway less than 3,950 lineal feet in length, buildings and structures located just beyond the boundaries of the airport shall not be in excess of 15 feet in height, and for every 200 lineal feet of additional distance from the airport boundaries, the height of buildings and structures may be increased by not more than ten (10) feet.
- b) For an airport having a runway of 3,950 lineal feet or more in length, buildings and structures just beyond the boundaries of the airport shall not be in excess of 15 feet in height; and for every 200 lineal feet of additional distance from airport boundaries, the height of buildings and structures may be increased by not more than five (5) feet; and where a runway has been designed as an instrument runway, the height of buildings and structures in the first 10,000 lineal feet beyond the airport boundaries may be increased by not more than four (4) feet for every 200 lineal feet of additional distance from the airport boundaries.

4.10-3 Buildings and structures exceeding the above height limitations shall be considered obstructions to air navigation unless found not to be objectionable after special aeronautical study.

4.11 EXISTING CONDITIONAL USES

4.11-1 Where a use is classified as a conditional use under this ordinance, and exists as a conditional or permitted use at the date of the adoption of this ordinance, it shall be considered to be a legal conditional use.

4.11-2 Where a use is not allowed as a conditional or permitted use under this ordinance, and exists as a conditional use at the date of the adoption of this ordinance, it shall be considered to be a non-conforming use and shall be subject to the applicable non-conforming use provisions of Article 5, hereof.

4.12 OBSTRUCTION OF WATER COURSE CHANNELS

To prevent encroachment upon, or constriction of, river or creek channels, and thereby avoid obstruction to the natural conveyance of water flow in such rivers, creeks, and other natural water courses, there shall not be placed, erected, or located within the banks of such water

courses any building or structure, pier or marina, or retaining or revetment wall--except authorized bridges or dams. In addition, there shall not be placed any filling of earth, ashes, rubbish, rubble, concrete, masonry, or any other kind of fill.

However, this provision may be waived if the structure or fill is approved by the Town Board, Marathon County, Wisconsin DNR, and the U.S. Corps of Engineers where applicable.

**ARTICLE 5
NON-CONFORMING BUILDINGS, STRUCTURES, AND USES**

5.1 STATEMENT OF PURPOSE

This ordinance establishes separated districts, each of which is an appropriate area for the location of the uses which are permitted in that district. It is necessary and consistent with the establishment of those districts that those non-conforming buildings, structures, and uses which substantially and adversely affect the orderly development and taxable value of other property in the district shall not be permitted to continue without restriction.

The purpose of this Article 5 is to provide for the regulation of non-conforming buildings, structures, and uses and to specify those circumstances and conditions under which those non-conforming buildings, structures, and uses shall be permitted to continue.

5.2 AUTHORITY TO CONTINUE NON-CONFORMING BUILDINGS, STRUCTURES AND USES

Any non-conforming building, structure, or use which existed lawfully at the time of the adoption of this ordinance and which remains non-conforming, and any such building, structure, or use which shall become non-conforming upon the adoption of this ordinance, or of any subsequent amendments thereto, may be continued subject to the regulations which follow.

5.3 RESTRICTIONS ON NON-CONFORMING BUILDINGS, STRUCTURES AND USES

Any lawfully existing building or structure which does not conform to the regulations of the district in which it is located may be continued, subject to the provisions of this Article 5, Section 5.3.

5.3-1 Repairs and Alterations

- a) Building or structure designed or intended for a non-conforming use: Repairs and alterations may be made to a non-conforming building or structure, provided that no structural alterations which increase the bulk of the building or structure shall be made in or to a building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, except those required by law or except to make the building or structure, and the use thereof, conform to the regulations of the district in which it is located. For the purpose of this section, repairs shall include the replacement of storage tanks where the safety of operation of the installation requires such replacement, and other replacements of, or substitutions for, machinery or equipment not involving structural alterations to the building or structure, except as herein above provided.
- b) Building or structure designed or intended for a permitted use: Repairs, alterations, and structural changes may be made to a non-conforming building or structure, all or substantially all of which is designed or intended for a use permitted in the district in which it is located, provided said repairs, alterations, or structural changes conform to the regulations of the district in which said building or structure is located.

5.3-2 Additions and Enlargements

A non-conforming building or structure which is non-conforming as to bulk, or all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, shall not be added to or enlarged in any manner unless such additions or enlargements thereto are made to conform to all of the regulations of the district in which it is located, and unless such non-conforming building or structure, including all additions and enlargements thereto, shall conform to the following:

- a) Applicable regulations concerning the amount of lot area provided per dwelling unit.
- b) The allowable floor area ratio, as prescribed in this Ordinance.
- c) The allowable gross floor area per establishment, as prescribed in this Ordinance.

5.3-3 Relocation of Building or Structure

No building or structure shall be moved in whole or in part to any other location on the same or any other lot unless every portion of such building or structure which is move, and the use thereof, is made to conform to all of the regulations of the district in which it is to be located.

5.3-4 Restoration of Damaged Building or Structure Designed or Intended for a Non-Conforming Use.

A non-conforming building or structure which is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration to the condition in which it was before the occurrence shall exceed 50 percent of the current local assessed value of the building, shall not be restored unless said building or structure, and the use thereof, shall conform to all of the regulations of the district in which it is located.

In the event such damage or destruction is less than 50 percent of the current local assessed value of the building, no repairs or reconstruction shall be made unless such restoration is started within one year from the dated of partial destruction and is diligently prosecuted to completion.

If the restoration is not started within one year of said calamity and diligently prosecuted to completion, the building or structure shall be removed and the area cleared.

5.3-5 Discontinuance of Non-Conforming Use

If the non-conforming use of a building, structure, or premises is discontinued for a continuous period of 12 months, it shall not be renewed, and any subsequent use of the building, structure, or premises shall conform to the use regulations of the district in which such building, structure, or premises is located.

5.3-6 Expansion of Non-Conforming Use

- a) Building or structure designed or intended for a non-conforming use: The non-conforming use of part of a building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, may be

extended throughout the building or structure in which said use is presently located, but no changes or structural alterations which increase the bulk of the building or structure shall be made unless such changes or structural alterations, and the use thereof, conform to all the regulations of the district in which the building or structure is located.

- b) Building or structure designed or intended for a permitted use: The non-conforming use of part of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, shall not be expanded or extended into any other portion of such building or structure, nor changed to any other non-conforming use.
- c) Land: The non-conforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, shall not be expanded or extended beyond the area it occupies.

5.3-7 Change of Non-Conforming Use

- a) Building or structure designed or intended for a non-conforming use: The non-conforming use of a building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, may be changed to a use permitted in the same district as the non-conforming use which presently occupies the building or structure, or to a use permitted in a more restrictive district. For the purpose of this subsection only, the R1 district shall be considered the most restrictive and the M1 district the least restrictive district.
- b) Building or structure designed or intended for a permitted use: no non-conforming use shall be changed to another non-conforming use when such non-conforming use is located in a building or structure, all or substantially all of which building or structure is designed or intended for a permitted use.
- c) Land: The non-conforming use of land, not involving a building or structure, or in connections with which any building or structure thereon in incidental or accessory to the principal use of the land, shall not be changed to any other use, except to a use permitted in the district in which the land is located.

**ARTICLE 6
ADMINISTRATION AND ENFORCEMENT**

6.1 ORGANIZATION

The administration of this ordinance is hereby vested in five (5) offices of the government of the Town of Mosinee as follows:

- a) Building Inspector
- b) Board of Appeals
- c) Town Planning Commission
- d) Town Board
- e) Town Clerk

This section shall first set out the authority of each of these five offices, and then describe the procedure and substantive standards with respect to the following administrative functions:

- a) Issuance of building certificates.
- b) Variances
- c) Appeals.
- d) Amendments (zone changes/text changes)
- e) Conditions uses
- f) Fees
- g) Penalties

6.2 BUILDING INSPECTOR

6.2-1 The Building Inspector of the Town of Mosinee and such deputies or assistants that have been, or shall be, duly appointed by the Town Board shall enforce this ordinance and in addition, thereto, and in furtherance of such authority shall:

- a) Issue building permits and provide inspections for 1 and 2 family dwellings, remodeling that uses additional space (additions), and inspect for compliance with the uniform dwelling codes.
- b) Conduct inspections of buildings, structures, and use of land to determine compliance with the terms of this ordinance;
- c) Initiate, direct, and review, from time to time, a study of the provisions of this ordinance, and to make reports of its recommendations to the Town Board not less frequently than once a year.

6.2-2 Town Clerk

- a) Issue all building permits (other than those issued by the building inspector) and make and maintain records thereof.
- b) Maintain permanent and current records of this ordinance, including, but not limited to, all maps, amendments, conditional uses, variances, appeals, and applications thereof.
- c) Provide and maintain a public information service relative to all matters arising out of this ordinance.
- d) Forward to the Town Planning Commission all applications for conditional uses and for amendments to this ordinance.
- e) Forward to the Board of Appeals applications for appeals, variances, or other matters on which the Board of Appeals is required to pass under this ordinance.
- f) Allowing parking lots in residence districts to be illuminated between the hours of 10:00 p.m. and 7:00 a.m. when necessary for the public safety or welfare.

6.3 THE BOARD OF APPEALS

6.3-1 Creation

The Board of Appeals, as established under the provisions of Section 62.23(7)(e) of the Wisconsin Statutes, is the Board of appeals referred to in this ordinance.

6.3-2 Jurisdiction

The Board of Appeals is hereby vested with the following jurisdiction and authority:

- a) To hear and decide appeals from any order, requirement, decision, or determination made by the Town Board;
- b) To hear and pass upon the applications for variances from the terms provided in this ordinance in the manner prescribed by and subject to the standards established herein; and
- c) To hear and decide all matters referred to it or upon which it is required to pass under this ordinance, as prescribed by Section 62.23(7)(e) of the Wisconsin Statutes.

6.3-3 Meeting and Rules

All meetings of the Board of appeals shall be held at the call of the Chairman, and at such times as the Board of Appeals may determine. All hearings conducted by said Board shall be open to the public. Any person may appear and testify at a hearing either in person or by duly authorized agent or attorney. The Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions. A

copy of every rule or regulation, order, requirement, decision, or determination of the Board of Appeals shall be filed immediately in the office of the Town Clerk and shall be public record. The Board shall adopt its own rules and procedures, not in conflict with this ordinance or with the applicable Wisconsin Statutes, and select or appoint such officers as it deems necessary.

6.3-4 Finality of Decisions of the Board of Appeals

All decisions and findings of the Board of Appeals on appeals or upon application of the variance, after a hearing, shall, in all instances, be final administrative decisions and shall be subject to judicial review as by law may be provided.

6.4 TOWN PLANNING COMMISSION

6.4-1 Creation

The Town Planning Commission, as established under the provisions of section 62.23 of the Wisconsin Statutes, is the Planning Commission referred to in this ordinance.

6.4-2 Jurisdiction

The Town Planning Commission shall discharge the following duties under this ordinance:

- a) Hear all applications for conditional uses and amendments to this ordinance and report said findings and recommendations to the Town Board in the manner prescribed in this section for amendments and conditional uses.
- b) Receive from the Building Inspector his/her recommendations as related to the effectiveness of the ordinance and report the conclusions and recommendations respecting the same to the Town Board not less frequently than once a year.
- c) To hear and decide all matters upon which it is required to pass under this ordinance.

6.5 BUILDING PERMITS

6.5-1 Except as hereinafter provided, no permit pertaining to the use of land or buildings shall be issued by any officer, department, or employee of the Town of Mosinee unless the application for such permit has been examined, indicating that the proposed building or structure complies with all the provisions of this ordinance. Any permit issued in conflict with the provisions of this ordinance, shall be null and void.

6.5-2 Plats: Every application for a building permit shall be accompanied by:

- a) A plat, in duplicate, of the piece or parcel of land, lots, block or blocks, or parts or portions thereof, drawn to scale showing the actual dimensions, as certified by a "registered land surveyor" or a "registered professional engineer," registered with the State of Wisconsin, as a true copy of the piece or parcel, lot, lots, block or blocks, or portions thereof, according to the registered or recorded plat of such land;

- b) A plat, in duplicate, drawn to a scale in such form as may, from time to time, be prescribed by the Building Inspector, showing the ground area, height, and bulk of the building or structure, the building lines in relation to lot line, the use to be made of the building, structure, or land, and such other information as may be required by the Building Inspector for the proper enforcement of this ordinance.

6.5-3 A building permit is not required if all of the following conditions are met:

- a) The floor area of the structure is 80 square feet or less;
- b) The value of the structure is not more than \$500;
- c) The structure is moveable and without a foundation.

6.6 VARIANCES

6.6-1 Purpose

The Board of Appeals, after a public hearing, may determine and vary the regulations of this ordinance in harmony with their general purpose and intent, only in specific instances hereinafter set forth, where the Board of appeals makes findings of fact in accordance with the standards hereinafter prescribed and further, finds that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this ordinance.

6.6-2 Application for Variance and Notice of Hearing

An application for a variance shall be filed in writing with the Town Clerk. The application shall contain such information as the Board of Appeals may, by rule, require. Notice of the time and place of said hearing shall be by a class 2 notice pursuant to Wis. Stat. ch. 985 and also by mailing notice thereof to the applicant(s), said mailing to be made at least 7 days prior to the date of the hearing. The Board shall thereafter reach its decision within 90 days from the filing of the application.

[Amended May 2017.]

6.6-3 Standards for Variances

The Board of Appeals shall not vary the regulations of this ordinance, as authorized in Section 6.3-2, above, unless it shall make findings based upon the evidence presented to it in each specific case that:

- a) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of the regulations were to be carried out;
- b) The conditions upon which a petition for a variation is based are unique to the property for which the variance is sought, and are not applicable, generally, to other property within the same zoning classification;

- c) The purpose of the variance is not based exclusively upon a desire to make more money out of the property;
- d) The alleged difficulty or hardship is caused by this ordinance and has not been created by any persons presently having an interest in the property;
- e) The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located
- f) The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

The Board of Appeals may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards established in this Section.

6.6-4 Authorized Variances

Variances from the regulations of this ordinance shall be granted by the Board of Appeals only in accordance with the standards established in Section 6.6-3, above, and may be granted only in the following instances and in no other:

- a) To permit any yard or setback less than a yard or a setback required by the applicable regulations
- b) To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but in no event shall the respective area and width of the lot or lots be less than 80 percent of the required area and width
- c) To permit the same off-street parking facility to qualify as required facilities for two or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week;
- d) To reduce the applicable off-street parking or loading facilities required by not more than one parking space or loading space, or 20 percent of the applicable regulations, whichever number is greater;
- e) To increase by not more than 25 percent the maximum distance that required parking spaces are permitted to be located from the use served;
- f) To increase by not more than 10 percent the maximum gross floor area of any use so limited by the applicable regulations.

The concurring vote of two members of the Board of Appeals shall be necessary to grant a variance. No order of the Board of Appeals granting a variance shall be valid for a period longer than six (6) months from the date of such order unless the building permit is obtained within

such period and the erection or alteration of a building is started or the use is commenced within such period.

6.7 APPEALS

6.7-1 Scope of Appeals

An appeal may be taken to the Board of Appeals by any person, firm, or corporation, or by any office, department, board, or bureau aggrieved by a decision of the Town Board. Such an appeal shall be taken within 30 days after the decision or the action complained of, by filing with the Town Clerk a notice of appeal specifying the grounds thereof. The Town Clerk shall forthwith transmit to the Board of Appeals all of the papers constituting a record upon which the action appealed from was taken.

6.7-2 Findings on Appeals

An appeal shall stay all proceedings in furtherance of the action appealed from unless the officer or body from whom the appeal is taken certifies to the Board of Appeals, after the notice of the appeal has been filed, that by reason of facts stated in the certificate a stay would, in the officer's or body's opinion, cause imminent peril to life and property, in which case the proceedings shall not be stayed unless otherwise by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the officer or body from whom the appeal is taken and on due cause shown.

The Board of Appeals shall select a reasonable time and place for the hearing of the appeal and give due notice thereof by a class 2 notice pursuant to Wis. Stat. ch. 985 and also by mailing notice thereof to the appellant, said mailing to be made at least 7 days prior to the date of the hearing. The Board shall thereafter reach its decision within 90 days from the filing of the appeal. The Board of Appeals upon a majority vote of a quorum present may affirm, reverse, wholly or in part, or modify the order, requirement, decision, or determination that, in its opinion, ought to be done--and to that end, shall have all the powers of the officer or body from whom the appeal is taken. The Town Clerk shall maintain records of all actions of the Board of Appeals.

[Amended May 2017.]

6.8 AMENDMENTS

6.8-1 Authority

For the purpose of promoting the public health, safety, morals, comfort, and general welfare, conserving the value of property throughout the town. Lessening or avoiding congestion in the public streets and highways. The Town Board may, from time to time, in the manner hereinafter set forth, amend the regulations imposed in the districts created by the ordinance, provided that in all amendatory ordinances adopted under the authority of this Section, due allowance shall be made for existing conditions, the conservation of property values, the directions of building development, to the best advantages of the entire community, and the uses to which property is devoted at the time of the adoption of such amendatory ordinance.

6.8-2 Initiation of Amendment

Amendments may be proposed by the Town Board, the Planning Commission, or any interested person or organization.

6.8-3 Application for Amendment

An application for an amendment shall be filed with the Town Clerk in such form and accompanied by such information as required by the Town Clerk. Such application shall be forwarded to the Town Planning Commission with the request to hold a public hearing on said application for amendment.

6.8-4 Hearing on Application

The Town Planning Commission shall hold a public hearing on each application for an amendment at such time and place established by the Town Planning Commission. The hearing shall be conducted and a record of such proceedings shall be preserved in such manner as the Town Planning Commission shall prescribe from time to time.

6.8-5 Notice of Hearing

Notice of time and place of such hearing shall be made pursuant to Wis. Stat. § 62.23(7)(d). Supplemental or additional notices may be published or distributed as the Town Planning Commission may, by rule, prescribe from time to time.

[Amended May 2017.]

6.8-6 Findings of Fact and Recommendations to the Town Board

Within 30 days after the close of the hearing on a proposed amendment, the Town Planning Commission shall make written findings of fact.

Where the purpose and effect of the proposed amendment is to change the zoning classification of a particular property, the Town Planning commission shall make findings based upon the evidence presented to it in each specific case with respect to the following matters:

- a) Existing use of property within the general area of the property in question.
- b) The zoning classification of the property within the general area of the property in question.
- c) The suitability of the property in question to the uses permitted under the existing zoning classification
- d) The trend of development, if any, in the general area of the property in question, including changes if any which have taken place since the day the property in question was placed in its present zoning classification
- e) Minimum size of parcel: A lot, lots, or parcel of land shall not qualify for a zoning amendment unless it possesses 200 feet of frontage or contains 25,000 square feet

of area, or adjoins a lot, lots, or parcel of land which bears the same zoning district classification as the proposed zoning amendment.

The Town Planning Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interest and is not solely for the interest of the applicant. The Town Planning Commission may change the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph, the R1 District shall be considered the highest classification and the M1 District shall be considered the lowest classification.

6.8-7 Action by the Town Board

- a) The Town Board shall not act upon a proposed amendment to this ordinance until it shall have received a written report and recommendation from the Planning Commission on a proposed amendment. Action shall be at the next available Town Board meeting. The Town Board may grant or deny any application for an amendment, provided however, that in the event of a written protest to any proposed amendment, signed and acknowledged by the owners of 20 percent or more either of the areas of the land included in such proposed amendment, or by the owners of 20 percent or more either of the areas of the land included in such proposed amendment, or by the owners of 20 percent or more of the area of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20 percent or more of the area of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment shall not be granted except by a favorable vote of three-fourths ($\frac{3}{4}$) of all the members of the Town Board. If the Town Board consists of 3 voting members, it shall be unanimous.
- b) If an application for a proposed amendment is not acted upon finally by the Town Board within ninety (90) days of the date upon which such application is received, it shall be deemed to have been denied.

6.9 CONDITIONAL USES

6.9-1 Purpose

The development and execution of this ordinance is based upon the division of the town into districts, within which districts the use of land and buildings, and the bulk and location of buildings and structures in relation to the land, are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Such conditional uses fall into two categories:

- a) Uses publicly operated or traditionally affected with a public interest.
- b) Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

6.9-2 Initiation of Conditional Use

Any person having a freehold interest in land, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest of an exclusive possessory interest, and which is specifically enforceable, may file an application to use such land for one or more of the conditional uses provided for in this ordinance in the zoning district in which the land is located.

6.9-3 Application for Conditional Use

An application for a conditional use shall be filed with the Town Clerk on a form prescribed by the Town Planning Commission. The application shall be accompanied by such plans and/or data prescribed by the Town Planning Commission and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use will conform to the standards set forth in Section 6.9-6, hereinafter. Such application shall be forwarded from the Town Clerk to the Town Planning Commission with a request for a public hearing and report relative thereto.

6.9-4 Hearing on Application

Upon receipt in proper form of the application and statement referred to in Section 6.9-3 above, the Town Planning Commission shall hold at least one public hearing on the proposed conditional use. Notice of time and place of such hearing shall be by a class 2 notice pursuant to Wis. Stat. ch. 985. Supplemental or additional notices may be published or distributed as the Town Planning Commission prescribes from time to time.

[Amended May 2017.]

6.9-5 Authorization

For each application for a conditional use, the Town Planning Commission shall report to the Town Board its findings and recommendations, including the stipulations of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. If an application for a proposed conditional use is not acted upon finally by the Town Board within ninety (90) days of the date upon which such application is received by the Town Board, it shall be deemed to have been denied.

6.9-6 Standards

No conditional use shall be considered by the Town Planning Commission unless such Planning Commission shall find:

- a) That the established, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
- b) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;

- c) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
- d) That adequate utilities, access roads, drainage and/or necessary facilities have been or are being provided;
- e) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets;
- f) That the conditional use shall, in all other respects, conform to the applicable regulations may, in each instance, be modified by the Town Planning Commission.

6.9-7 Conditions and Guarantees

Prior to the granting of any conditional use, the Town Planning Commission may recommend, and the Town Board shall stipulated, such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of a conditional use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in Section 6.9-6 above. In all cases in which conditional uses are granted, the Town Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

6.9-8 Effect of Denial of a Conditional Use

No application for a conditional use which has not been denied wholly or in part by the Town Board, shall be resubmitted for a period of one year from the date of said order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Town Board.

6.9-9 Revocation

In any case where a conditional use has not been established within one year after the date of granted thereof, then, without further action by the Planning Commission or the Town Board, the conditional use or authorization shall be null and void. In cases where the conditional use permit is in not for a structure of activity that is dependent on the property the conditional use permit will cease when the original applicant sells the land

6.10 FEES

Any application for an amendment, conditional use, variance or appeal filed by or on behalf of the owner or owners of the property affected shall be accompanied by a fee in such amount as shall be established from time to time by resolution of the Town Board. The Town Board shall establish such fees as shall be reasonably necessary to reimburse the Town for all costs and expenses incurred in connection with the filing of the application and subsequent hearing thereon. A copy of the schedule of fees shall at all times be on file in the office of the Town Clerk.

6.11 PENALTIES

Any person, firm, or corporation, or agent, employee, or contractor of such, who violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of any provisions of this Ordinance, shall be subject to the enforcement provisions of Section 1.2 of this Code.

**ARTICLE 7
ZONING DISTRICT AND MAP**

7.1 DISTRICTS

For the purposes of this ordinance the Town of Mosinee is hereby organized into the following zoning districts:

7.1-1 Residence Districts

- R1 Single-Family Residence District
- R2 Single and Two-Family Residence District
- R4 General Residence District

7.1-2 Business Districts

- B1 Neighborhood Shopping District
- B3 General Business District

7.1-3 Industrial Districts

- M1 General Industrial District

7.1-4 Agriculture Districts

- A/R Agriculture-Residence District
- A1 General Agriculture District

7.1-5 Unified Development District (UDD)

7.1-6 Public and Semi-Public District (C1)

7.2 Maps

7.2-1 The location and boundaries of the zoning districts established by this ordinance are set forth on the zoning map entitled "Town of Mosinee Zoning Map", and dated April 9, 1980 which is incorporated herein and hereby made a part of this ordinance. Said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this ordinance as though fully set forth and described herein.

7.2-2 The following rules shall apply with respect to the boundaries of the various districts shown on the zoning map:

- a) District boundary lines are the center of highways, street, alleys, and easements; or right-of-way lines of railroads, toll roads, and expressways; or section, division of section, tract, and lot lines; or such lines extended, unless otherwise indicated.

- b) In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with dimensions shown on the map measured at right angles from the center line of the street or highway, and the length of frontage shall be in accordance with dimensions shown on the map from section, quarter section, or division lines, or center lines of streets or highways, or railroad rights-of-way, unless otherwise indicated.
- c) Where a district boundary line divides a lot in single ownership on the effective date of this ordinance, the Board of Appeals, after due hearing, may extend the regulations for either portion of such lot.

7.3 EXEMPTED USES

The following uses are exempted by this ordinance and permitted in any district: poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or any other similar distributing equipment for telephone or other communications, electric power, gas, water and sewer lines provided that the installation shall conform to Federal Communications Commission and Civil Aeronautics Administration rules and regulations and the regulations of other authorities having jurisdiction.

**ARTICLE 8
RESIDENCE DISTRICTS**

PART A. GENERAL REQUIREMENTS

1. Permitted Uses

Unless otherwise specifically set forth, wherever a permitted use is named as a major category in this Article, it shall be deemed to include all and only those itemized uses under the said major category listed in the R1 District of this Article, Section 8.1. No building or tract of land shall be devoted to any use other than a use permitted hereinafter in the zoning district in which such building or tract of land shall be located, with the exception of the following:

- a) Uses lawfully established on the effective date of this ordinance (April 9, 1980).
- b) Conditional uses, allowed in accordance with the provisions of paragraph 2 hereunder.

Uses already established on the effective date of this ordinance and rendered non-conforming by the provisions thereof shall be subject to the regulations of Article 5.

2. Conditional Uses

Conditional uses, as hereinafter listed, may be allowed in the zoning districts indicated, subject to the issuance of conditional use permits in accordance with the provisions of Article 6, Section 6.9. Unless otherwise specifically set forth, wherever a conditional use is named as a major category in this Article, it shall be deemed to include all and only those itemized uses listed under the said category in the R1 District.

3. Lot Size Requirements

Lot size requirements shall be as specified under each zoning district in Part B of this Article. In addition, the following regulations shall be complied with:

- a) No use shall be established or hereafter maintained on a lot recorded after the effective date of this ordinance which is of less area or less width than prescribed hereinafter for such use in the zoning district in which it is to be located. However, where the front, side, or rear lot line of a residential lot adjoins an accessible and usable common and public open space which is at least five (5) acres in area and of a depth perpendicular to such lot line of not less than 200 feet, the required lot area may be reduced by 20 percent.
- b) In a Residence District on a lot of record on the effective date of this ordinance, a single-family dwelling may be established regardless of the size of the lot, provided that all other requirements of this ordinance are met.
- c) No building shall be converted so as to conflict with, or further conflict with, the lot size requirements of the districts in which such building is located.

- d) Lot width shall be measured within the first 30 feet of lot depth in back of the required front yard.

4. Yard Requirements

- a) Yard requirements shall be set forth under each zoning district. Front, side, and rear yards shall be provided in accordance with the regulations hereinafter indicated and shall be unobstructed from the ground level to the sky, except as allowed in Article 4, Section 4.8-3.
- b) All accessory buildings which are attached to principal buildings (e.g. attached garages) shall comply with the yard requirements of the principal building.
- c) Where more than 30 percent of the frontage on one side of a duly recorded subdivided block is occupied by residences on the effective date of this ordinance, a majority of such residences having observed or conformed to an average setback line with a variation of no more than six (6) feet, no building shall hereafter be erected or structurally altered so as to project beyond such average setback lines.

5. Building Bulk Limitations (Size of Building)

- a) Building bulk limitations shall be expressed in terms of minimum yard requirements, minimum building size, and maximum building height or in terms of floor area ratio. Single-family and two-family residences are regulated on the basis of maximum building height and minimum building size, whereas all other uses--in all districts--must comply with the floor area ratio limitations prescribed in each zoning district in Part B of this Article.
- b) The floor area ratio requirements shall determine the maximum floor area allowable for the buildings or buildings (total floor area of both principal and accessory buildings) in direct ratio to the gross area of the zoning lot).

6. Off-Street Parking

Off-street parking spaces, accessory to uses allowable in Residence Districts, shall be provided in accordance with the regulations set forth hereinafter as well as in Article 4, Section 4.9.

- a) Utilization: Except as may otherwise be provided for the parking of trucks in the granting of conditional uses, required accessory off-street parking facilities provided for uses listed herein shall solely be for the parking of passenger automobiles of patrons, occupants, or employees of such uses.
- b) Computation: When determination of the number of off-street parking spaces required by the ordinance results in a requirement of a fractional space, and fraction of one-half or less may be disregarded, while a fraction in excess of one-half shall be counted as one parking space.
- c) Collective Provisions: Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements for each such use, and provided that all

regulations governing location of accessory parking spaces in relation to the use served are adhered to. Further, no parking space or portion thereof shall serve as a required space of more than one use unless otherwise authorized by the Board of Appeals.

- d) Size: Each required off-street parking spaces shall be at least eight (8) feet six (6) inches in width and at least 20 feet in length, exclusive of access drives or aisles, ramps, columns, or office or work areas. Such spaces shall have a vertical clearance of at least six (6) feet six (6) inches and shall be measured at right angles to the axis of the vehicle. Aisles shall not be less than 24 feet wide for 90 degree parking, 18 feet wide for 60 degree parking, (angle shall be measured between center line or parking space and center line of aisle), and 12 feet wide for parallel parking. For parallel parking the minimum length of the parking space shall be increased to 23 feet.
- e) Access: Each required off-street parking space shall open directly upon an aisle or driveway at least 12 feet wide or such addition width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. No driveway across public property shall exceed a width of 25 feet, not including curb cuts.
- f) In Yards: Off-street parking spaces open to the sky may be located in any yard, except required front yards. Enclosed building and carports containing off-street parking shall be subject to applicable yard requirements.
- g) Design and Maintenance:
 - 1) Character. Accessory off-street parking spaces may be open to the sky or enclosed in a building.
 - 2) Surfacing. All open off-street parking areas, except a single parking space accessory to a single-family dwelling, shall be surfaced with a dustless all weather material capable of carrying a wheel load of 4,000 pounds (normally, a two-inch black top on a four-inch base or five inches of Portland cement will meet this requirements).
 - 3) Screening and Landscaping. All open automobile parking areas containing more than four (4) parking spaces shall be effectively screened on each side adjoining or fronting on any property situated in a Residence District or any institutional premises by a wall, fence, or densely-planted compact hedge not less than five (5) feet nor more than eight (8) feet in height.
 - 4) Lighting: Any lighting used to illuminate off-street parking areas shall be directed away from residential properties and public streets in such a way as not to create a nuisance. However, in no case shall such lighting exceed three (3) foot-candles measured at the lot line.

- 5) Repair and Service. No motor vehicle repair work or service of any kind shall be permitted in association with parking facilities provided in Residence Districts.
- h) Maximum Number of Spaces: The total number of accessory parking spaces provided for a single-family, two-family or multi-family dwelling shall not exceed that required by this ordinance for such use or for an equivalent new use by more than 50 percent or four spaces, whichever is greater.
- i) Location: All parking spaces required for uses which are established after the effective date of this ordinance shall be located on the same zoning lot as use served. Uses which are in existence on the effective date of this ordinance and which are subsequently altered or enlarged so as to require the provision of parking space under this ordinance, may be served by parking facilities located on land other than the zoning lot on which the building or use served is located, provided that such facilities are located within 500 feet walking distance of a main entrance to the use served. Owners of property non-conforming as to parking who elect to provide parking may locate such parking as allowed by this Section.
- j) Employee Parking: Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing or both, on the premises at any one time.

7. Off-Street Loading

Off street loading berths accessory to uses allowed in Residence Districts shall be provided in accordance with the regulations set forth hereinafter as well as in Article 4, Section 4.9.

- a) Location: All required loading berths shall be located on the same zoning lot as the use served. All motor vehicle loading berths shall be completely screened from residential properties by building walls, or a uniformly painted solid fence, wall, or door, or any combination thereof, not less than eight (8) feet in height. No permitted or required loading berth shall be located within 30 feet of the nearest point of intersection of any two streets. No loading berth shall be located in a required front or side yard.
- b) Size: Unless otherwise specified, a required off-street loading berth shall be at least 12 feet in width by at least 30 feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least 15 feet.
- c) Access: Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement and shall be subject to approval by the Building Inspector.
- d) Surfacing: All open off-street loading berths shall be improved with a compacted macadam base, not less than seven inches thick, surfaced with not less than two inches of asphalt or treated with some comparable all weather dustless material.

- e) Repair and Service: No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any Residence District.
- f) Utilization: Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
- g) Minimum Facilities: Uses for which off-street loading facilities are required, but which are located in buildings of less floor area than the minimum prescribed for such required facilities, shall be provided with adequate receiving facilities-- accessible by motor vehicle--off any adjacent alley, service drive, or open space on the same zoning

PART B DISTRICT REQUIREMENTS

8.1 R1 SINGLE- FAMILY RESIDENCE

8.1-1 Permitted Uses

The following uses are permitted in the R1 District:

- a) Single family dwellings, but not including house trailers or mobile homes.
- b) Churches; public and private elementary and secondary schools; colleges and universities.
- c) Parks and playgrounds, including swimming pools, golf courses, tennis courts, picnic grounds, bathing beaches, skating rinks, and sports fields.
- d) Accessory uses and buildings, including private garages and other buildings clearly incidental to the principal use of the property, provided, however, that no accessory building may be used as a separate dwelling unit.

8.1-2 Conditional Uses (Amended 8-12-96)

The following conditional uses may be allowed in the R1 District, subject to the provisions of Article 6, Section 6.9.

- a) Institutions of charitable or philanthropic nature; nursing, convalescent and rest homes; hospitals, clinics and sanitariums, except mental institutions.
- b) Government uses, including but not limited to fire stations, police stations, community centers, libraries, and public emergency shelters.
- c) Public utility and service uses including electric substations, gas regulator, railroad right-of-way (but not including railroad yards and shops other than for passenger purposes).
- d) Cemeteries and mausoleums.

8.1-3 Lot Size Requirements (Amended 12-18-01)

- a) Permitted Uses. For each principal permitted use located in the R1 District, a lot shall be provided in accordance with the requirements of the following:

	Minimum Lot Area	Minimum Lot Width
Single Family Dwellings	2 Acres	150 Feet
Churches, Schools, Universities	2 Acres	150 Feet
Accessory Uses	Each accessory use may be established on the same lot as a principal use, provided that such lot meets the lot size requirements of the R1 District	

- b) Conditional Uses. For each principal conditional use located in the R1 District, a lot shall be provided in accordance with the requirements of the following:

	Minimum Lot Area	Minimum Lot Width
Institutions of charitable philanthropic nature, hospital clinics, (see 8.1-2 (a)).	40,000 sq. ft.	150 Feet
Government uses	none	none
Public utility/Service uses	none	none

8.1-4 Yard Requirements

- a) Permitted Uses. For each principal permitted use located in the R1 District, a front yard, two side yards, and a rear yard shall be provided, each of which shall not be less than the amount stipulated in the following table:

	Front Yard	Interior Side Yard	Corner Side Yard	Rear Yard
Single family	50 Feet	25 Feet	40 Feet	35 Feet
Churches, Schools Colleges	50 Feet	25 Feet	40 Feet	50 Feet
Accessory Buildings	The yard requirements of the principal uses shall apply to their accessory buildings.			

- b) Conditional Uses. For each principal conditional use located in the R1 District, a front yard, two side yards, and a rear yard shall be provided, each of which shall not be less than the amount stipulated in the following table:

	Front Yard	Interior Side Yard	Corner Side Yard	Rear Yard
Institutions of charitable philanthropic nature, hospitals, clinics see 8.1-2(a).	50 Feet	25 Feet	40 Feet	50 Feet

Government Uses	50 Feet	25 Feet	40 Feet	50 Feet
Public utility and service uses	50 Feet from any residential lot line			
Cemeteries	50 Feet from any lot line			

8.1-5 Building Bulk Limitations (size limits of buildings)

a) Permitted Uses

1) Single-Family Dwellings

Maximum Height	Building Size (revised 1-8-96) (amended 8-12-96)
2 ½ stories, not to exceed 35 feet	At least 22 feet wide and 800 sq. ft. of living area Not more than 20% of the lot may be covered by buildings, principal and accessory.

2) Churches, public and private elementary schools, colleges and universities.

Maximum Height	Building Size
35 Feet	F.A.R. Church .50, Educational .75 Not to occupy more than 30% of lot.

3) Accessory Buildings. The floor area of the accessory buildings shall be included in the total allowable floor area permitted on the zoning lot as specified above. However, any floor area devoted to parking or loading facilities shall be exempt from floor area ratio requirements.

b) Conditional Uses

	Maximum Height	Building Size
Institutions of charitable philanthropic nature, hospital and mental institutions	35 Feet	Not more than 30% of the lot area

8.1-6 Off-Street Parking Requirements. Off-street parking spaces accessory to uses allowed in the R1 District shall be provided in accordance with the following minimum standards:

a) Permitted Uses

Single-Family Dwellings	2 spaces/units
Churches, public/private elementary schools, secondary schools, colleges, and	Elementary: 1 space/2 employees. Secondary: 1 space/2 employees

universities	plus 1 space/10 students Churches: 1 space/6seats
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b) Conditional Uses

Institutions of charitable or philanthropic nature, hospital and mental institutions	Hospital: 1 space/2 beds plus 1 space/2 employees Philanthropic: 1 space/2 employees Plus building inspectors requirements.
Public utility and service uses including electric substations, gas regulator stations, railroad rights-of-way (but not including shops other than for passenger purposes).	1 space/ 2 employees Plus spaces required by Town Board

8.1-7 Off-Street Loading Requirements

Off-street loading facilities, accessory to non-residential uses allowed in the R1 District, shall be provided in accordance with the following minimum requirements:

- a) For uses listed hereunder, one loading berth shall be provided for buildings containing 10,000 to 20,000 square feet of gross floor area, plus one additional loading berth for each 200,000 square feet of gross floor area, plus one additional loading berth for each 200,000 square feet of gross floor area or fraction thereof.
 - 1) Educational institutions
 - 2) Philanthropic and charitable institutions
 - 3) Religious institutions
- b) For all other non-residential uses, loading facilities shall be provided in accordance with the following requirements:
 - 1) For buildings containing less than 10,000 sq. ft. of gross floor area, there shall be provided on the same zoning lot adequate receiving facilities, accessible by motor vehicle--off any adjacent alley, service drive, or open space.
 - 2) For buildings containing 10,000 to 100,000 sq. ft. of gross floor area, one off-street loading berth shall be provided.
 - 3) For buildings containing over 100,000 sq. ft. of gross floor area, there shall be provided one loading berth of each 100,000 sq. ft. of gross floor area or fraction thereof.

8.2 R2 SINGLE AND TWO-FAMILY RESIDENTS DISTRICTS

8.2-1 Permitted Uses

- a) Any use permitted in the R1 Single-Family District
- b) Two-Family Dwelling

8.2-1 Conditional Uses

- a) Any conditional use in the R1 Single-Family District

8.2-3 Lot Size Requirements

For each principal permitted and conditional use located in the R2 District, a lot shall be provided in accordance with the following requirements:

	Minimum Lot Size	Minimum Lot Width
Two-Family Dwelling	2 acres	150 Feet
All other uses in conformance with R1 zoning regulations	2 acres	150 Feet

8.2-4 Yard Requirements

For each principal permitted and conditional use located in the R2 District, a front yard, and a rear yard shall be provided each of which shall be not less than the amount stipulated below:

	Front Yard	Interior Side Yard	Corner Side Yard	Rear Yard
Two-Family Dwelling	50 Feet	25 Feet	40 Feet	35 Feet
All other uses in conformance with R1 zoning regulations.				

8.2-5 Building Bulk Limitations

- a) Two-Family Dwellings

Maximum Height	Building Size (Amended 8-12-96)
2 ½ Stories not to exceed 35 feet	At Least 22 feet wide and 800 Sq. Feet of living area. Not more than 20% of the lot may be covered by buildings principal and accessory.
All other uses shall conform to R1 zoning regulations.	

8.2-6 Off-Street Parking Requirements

Off-Street parking facilities shall be provided as required in the R1 District, and for additional uses as follows:

Two-Family Dwellings	2 spaces/unit
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8.2-7 Off-Street Loading Requirements

Off-Street loading facilities shall be provided as required in the R1 District.

8.3 R4 GENERAL RESIDENCE DISTRICT

8.3-1 Permitted Uses

The following uses are permitted in the R4 District:

- a) Any use permitted in the R2 Single and Two-Family Residence District.
- b) Multiple family dwellings, apartment houses, condominiums.
- c) Boarding, lodging, and rooming houses.

8.3-2 Conditional Uses

The following conditional uses may be allowed in the R4 District, subject to the provisions of Article 6, Section 6.9:

- a) Any conditional use in the R2 Single and Two-Family Residence District
- b) Mobile Home Parks as provided in Section XIV.
- c) Accessory uses incidental to, and on the same zoning lot as a principal use.

8.3-3 Lot Size Requirements

For each principal permitted use located in the R4 District, a lot shall be provided in accordance with the requirements below; all other uses will conform to the R1 District.

a) Permitted Uses

	Minimum Lot Area	Minimum Lot Width
Multiple family dwellings apartment houses, condominiums	2,000 Sq. Ft. per unit but not less than 2 acres	150 Feet
Boarding, lodging, rooming houses	900 Sq. Ft per unit but not less than 2 acres	150 Feet

b) Conditional Uses

- 1) Mobile Home Parks As provided in Section XIV.

- c) Accessory Uses Established on the same lot as the principle use, and that the lot meets the lot size requirements of the R4 District

8.3-4 Yard Requirements

For each principal permitted use located in the R4 District, a lot shall be provided in accordance with the requirements of the following table:

- a) Permitted Uses

	Front Yard	Interior Side Yard	Corner Side Yard	Rear Yard
Multiple Family dwellings, apartment houses, condominiums	50 Feet	25 Feet	40 Feet	35 Feet
Boarding, lodging	50 Feet	25 Feet	40 Feet	35 Feet
All other uses shall conform to R2 Zoning District.				

- b) Conditional Uses

- 1) Mobile Home Parks As provided in Section 14

- c) Accessory Uses. The yard requirements of the principal use shall apply to their accessory uses.

8.3-5 Building Bulk Limitations

For each permitted use in the R4 District the ratio of floor area of the principal buildings to the lot area shall not exceed that stipulated in the following table:

- a) Permitted Uses

	Maximum Height	Building Size
Multiple family dwelling apartment houses, boarding, lodging, condominiums and rooming houses.	2 ½ stories not to exceed 35 feet	not occupy more than 20% of the lot area

- b) Conditional Uses

- 1) Mobile Home Parks As provided in Section 14

- c) Accessory Uses

- 1) The floor area of the accessory uses shall be included in the total allowable floor area permitted on the zoning lot specified above. Any floor

area devoted to parking or loading facilities shall be exempt from the floor area ratio requirements.

- 2) All other uses shall conform to the R2 zoning district.

8.3-6 Off-Street Parking Requirements

The regulations of the R2 District shall apply. In addition, off-street parking spaces shall be provided in accordance with the following requirements:

Multiple family dwelling, apartment houses, condominiums	1 ½ spaces/unit
Boarding, lodging, and rooming houses	1 space/unit plus 1 for owner/manager
Mobile Home Parks	As provided in Section XIV
All other uses conform with R2 zoning district.	

8.3-7 Off-Street Loading Requirements

Off-street loading facilities shall be provided as required in the R1 District, and for additional uses as follows:

Multiple family dwellings apartment houses, condominiums boarding, lodging, and rooming houses.	For buildings containing 20,000 sq. ft. of gross floor area one off-street loading berth shall be provided, plus one additional loading berth for each additional 200,000 sq. ft. of floor area or fraction thereof.
Mobile Home Parks	As provided in Section 14.

**ARTICLE 9
BUSINESS DISTRICTS**

PART A: GENERAL REQUIREMENTS

a) Permitted Uses

No buildings or zoning lot shall be devoted to any use other than a use permitted hereinafter in the zoning district in which such building or zoning lot shall be located, with the exception of the following:

- 1) Uses lawfully established on the effective date of this ordinance;
- 2) Conditional uses allowed in accordance with the provisions of Paragraph b) below.

Uses already established on the effective date of this ordinance, and rendered non-conforming by the provisions thereof, shall be subject to the regulations of Article 5.

b) Conditional Uses

Conditional uses as hereinafter listed, may be allowed in the zoning districts indicated, subject to the issuance of conditional use permits in accordance with the provisions of Article 6, Section 6.9.

c) Lot Area Requirements

Lot area requirements shall be as set forth under each zoning district.

- 1) No use shall be established or hereafter maintained on a lot recorded after the effective date of this ordinance which is of less area than prescribed hereinafter for such use in the zoning district in which it is to be located.
- 2) No existing building or dwelling unit shall be converted so as to conflict with, or further conflict with, the lot area requirements of the district in which such building is located.

d) Yard Requirements

- 1) Yard requirements shall be as set forth under each zoning district in Part B of this Article 9, for all buildings, structures, and uses, except where more than 25 percent of the frontage on one side of a street between intersecting streets is occupied by structures on the effective date of this ordinance. In the case of this exception, the average setback from the front lot line of such existing structures shall be maintained by all new or relocated structures.
- 2) If the property on a street frontage between intersecting streets is zoned partially residence and partially business, the front yard requirement of the Residence District shall be applied to the entire street frontage.

- 3) Dispensing devices with a height of not over six (6) feet shall be exempt from the established front yard or corner side yard requirements, but all such dispensing devices shall be set back from the front lot line and the corner side lot line a distance of not less than 15 feet.
- 4) All required yards shall be unobstructed from the ground level to the sky, except as allowed in Article 4, Section 4.8-3. All accessory buildings when attached to principal buildings shall comply with the yard requirements of the principal buildings.

e) Floor Area Ratio

The requirements established under each zoning district in Part B of this Article 9 shall determine the maximum floor area allowable for the building or buildings (total floor area of both principal and accessory buildings) in direct ratio to the gross area of the zoning lot. However, where the front, side, or rear lot line of a lot adjoins a public open space which is at least two (2) acres in area and of a depth perpendicular to such lot line of not less than 200 feet, the floor area ratio may be increased by 15 percent.

f) Off-Street Parking

Off-Street parking facilities for motor vehicles in Business Districts shall be provided in accordance with the regulations set forth hereinafter, as well as in Article 4, Section 4.9.

- 1) Utilization: Except as may otherwise be provided for the parking of trucks in the granting of conditional uses, required accessory off-street parking facilities provided for uses listed herein shall be solely for the parking of passenger automobiles of patrons, occupants, or employees of such uses. However, the parking of trucks accessory to a permitted use, if limited to 1 ½ ton capacity and in an enclosed structure, is permitted.
- 2) Exemption: When the application of the off-street parking regulations specified hereinafter result in a requirement of not more than three (3) spaces on a single zoning lot in any Business District, such parking spaces need not be provided. However, when two (2) or more uses are located on a single zoning only one of these uses shall be eligible for the above exemption. This exemption shall not apply to dwelling units.
- 3) Computation: When determination of the number of off-street parking spaces required by this ordinance results in a requirement of a fractional space, any fraction of one-half or less may be disregarded while a fraction in excess of one-half shall be counted as one parking space.
- 4) Collective Provision: Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements for each such use and provided that all regulations governing location of accessory parking spaces, in relation to the use served, are adhered to. Further, no parking spaces or portion thereof shall serve as

a required space for more than one use unless otherwise authorized by the Board of Appeals.

- 5) **Size:** A required off-street parking space shall be at least 8 feet 6 inches in width and at least 20 feet in length, exclusive of access drives or aisles, ramps, columns, or office or work areas. Such space shall have a vertical clearance of at least 6 feet 6 inches, and shall be measured at right angles to the axis of the vehicle. Aisles shall be not less than 24 feet wide for 90-degree parking, 18 feet wide for 60-degree parking, 15 feet wide for 45-degree parking (angle shall be measured between center line of parking space and center line of aisle), and 12 feet wide for parallel parking. For parallel parking, the length of the parking space shall be increased to 23 feet.
- 6) **Access:** Each required off-street parking space shall open directly upon an aisle or driveway at least 12 feet wide or such additional width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. No driveway across public property shall exceed a width of 25 feet, not including curb cuts.
- 7) **In Yards:** Off-street parking spaces, open to the sky, may be located in any yard. Enclosed buildings and carports containing off-street parking shall be subject to applicable yard requirements.
- 8) **Design and Maintenance**
 - i) **Plan:** Design of the parking lot or area shall be subject to the approval of the Building Inspector in accordance with standards approved by the Town Board.
 - ii) **Character:** Accessory parking spaces may be open to the sky or enclosed in a building.
 - iii) **Surfacing:** All open off-street parking areas, except a single parking space accessory to a single-family dwelling, shall be surfaced with a dustless all-weather material capable of carrying a wheel load of 4,000 pounds (normally, a two-inch black top on a four-inch base or five inches of Portland Cement will meet this requirement).
 - iv) **Screening and landscaping:** All open automobile parking area, containing more than four parking spaces, shall be effectively screened on each side adjoining or fronting on any property situated in a Residence District or any institutional premises by a wall, fence, or densely planted compact hedge, not less than five feet nor more than eight feet in height.
 - v) **Lighting:** Any lighting used to illuminate off-street parking areas shall be directed away from residential properties and public streets in such a way

as not to create a nuisance. However, in no case shall such lighting exceed three (3) foot-candles measured at the lot line.

- vi) Location: All parking spaces required to serve buildings or uses erected or established after the effective date of this ordinance shall be located on the same zoning lot as the building or use served. Buildings or uses existing on the effective date of this ordinance which are subsequently altered or enlarged so as to require the provision of parking spaces under this ordinance may be served by parking facilities located on land other than the zoning lot on which the building or use served is located, provided such facilities are within 500 feet walking distance of a main entrance to the use served.
- vii) Employee Parking: Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time.

g. Off-Street Loading

Off-street loading facilities accessory to uses allowed in Business Districts shall be provided in accordance with the regulations set forth hereinafter, as well as in Article 4, Section 4.9.

- 1) Location: All required loading berths shall be located on the same zoning lot as the use served. All motor vehicle loading berths which abut a Residence District or intervening alley separating a Residence District from a Business District shall be completely screened therefrom by building walls, or a uniformly painted solid fence, wall, or door, or any combination thereof, not less than eight feet in height. No permitted or required loading berth shall be located within 30 feet of the nearest point of intersection of any two streets. No loading berth shall be located in a required front or side yard, and any loading berth located in a required rear yard shall be open to the sky.
- 2) Size: Unless otherwise specified, a required off-street loading berth shall be at least 12 feet in width by at least 30 feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least 15 feet.
- 3) Access: Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement, and shall be subject to approval by the Building Inspector.
- 4) Surfacing: All open off-street loading berths shall be surfaced with a dustless all-weather material capable of bearing a live load of 200 pound per square foot.
- 5) Repair and Service: No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in Business Districts, except emergency repair service necessary to start vehicles.

- 6) Utilization: Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
- 7) Minimum Facilities: Uses for which off-street loading facilities are required herein but which are located in buildings of less floor area than the minimum prescribed for such required facilities shall be provided with adequate receiving facilities, accessible by motor vehicle off any adjacent alley, service drive, or open space on the same zoning lot.
- 8) Central Loading: Central loading facilities may be substituted for loading berths on the individual zoning lots provided the following conditions are fulfilled:
 - i) Each zoning lot served shall have direct access to the Central Loading Area without crossing streets or alleys at grade.
 - ii) Total berths provided shall meet the requirements based on the sum of the several types of uses served. (Areas of types of uses may be totaled before computing number of loading berths).
 - iii) No zoning lot served shall be more than 300 feet removed from the Central Loading Area.
 - iv) The tunnel or ramp connecting the Central Loading Area with the zoning lot served shall be not less than 7 feet in width and have a clearance of not less than 7 feet.

PART B: DISTRICT REQUIREMENTS

9.1 NEIGHBORHOOD SHOPPING DISTRICT

The B1 Neighborhood shopping District is designed for the convenience shopping of persons residing in adjacent residential area, and to permit only such uses as are necessary to satisfy those basic shopping needs which occur daily or frequently and so require shopping facilities in relative proximity to places of residence.

9.1-1 Permitted Uses

- a) Uses permitted in the B1 District are subject to the following conditions:
 - 1) All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
 - 2) All business, servicing, or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings.
 - 3) Establishments of the "drive-in" type offering goods or services directly to customers waiting in parked motor vehicles are not permitted.

- 4) The parking of trucks as an accessory use, when used in the conduct of a permitted business listed hereafter in this Section shall be limited to vehicles of not over 1 ½ tons capacity when located within 150 feet of a Residence District boundary lines.
- b) The following uses are permitted in the B1 District:
- 1) Single family dwellings.
 - 2) Art and school supply stores.
 - 3) Barber shops.
 - 4) Beauty parlors.
 - 5) Candy and ice cream stores.
 - 6) Clothing pressing establishments.
 - 7) Currency exchanges.
 - 8) Drug stores.
 - 9) Dry cleaning and laundry receiving stations, processing to be done elsewhere.
 - 10) Food stores, grocery stores, meat markets, fish markets, bakeries and delicatessens.
 - 11) Hardware, domestic, appliance, and paint and wallpaper stores.
 - 12) Launderettes, automatic, self-service only, or hand laundries--employing not more than two persons in addition to one owner or manager.
 - 13) Liquor stores, packaged goods only.
 - 14) Newspaper distribution agencies for home delivery and retail trade.
 - 15) Restaurants, not including entertainment, dancing and serving of alcoholic beverages.
 - 16) Shoe, clothing and hat repair.
 - 17) Telephone booths and coin telephones.
 - 18) Accessory uses, incidental to and on the same zoning lot as principal use.

9.1-2 Conditional Uses

The following conditional uses may be allowed in the B1 District, subject to the provisions of Article 6, Section 6.9.

- a) Automobile service stations.

- b) Parking lots, open and other accessory for the storage of private passenger automobiles.
- c) Parks.
- d) Public utilities.
- e) Government uses, i.e., fire stations, police stations, community centers, libraries and public emergency shelters.
- f) Taverns and bars.

9.1-3 Lot Size Requirement (Amended 12-18-01)

- a) In the B1 District minimum lot area shall be ½ acre for each business establishment.
- b) Single-family dwellings shall be located on lots of not less than 2 acres.

9.1-4 Yard Requirements:

- a) Residential Yards: Single-family dwellings on residential lots shall provide front, side, and rear yards in accordance with the yard requirements established in the R1 District. For dwellings located above business establishments, there shall be provided side and rear yards equivalent to those established in the R1 District. Such yards shall begin at a level no higher than the level of the finished floor of the dwelling.
- b) Front Yard: Business uses allowed in the B1 District shall provide a front yard not less than 30 feet in depth.
- c) Transitional Yards: In the B1 District the minimum transitional yard requirements shall not be less than those specified below:
 - 1) Where a side lot line coincides with a side or rear lot line in an adjacent Residence District, a yard shall be provided along such side lot line. Such yard shall be equal in dimensions to the minimum side yard which would be required under this ordinance for a residential use on the adjacent residential lot.
 - 2) Where a rear lot line coincides with a side lot line in an adjacent Residence District, a yard shall be provided along such rear lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under this ordinance for a residential use on the adjacent residential lot.
 - 3) Where a rear lot line coincides with a rear lot line in an adjacent Residence District, a yard shall be provided along such rear lot line. Such yard shall not be less than that which would be required for a residential use on the adjacent residential lot.
 - 4) Where the extension of a front or side lot line coincides with a front lot line of an adjacent lot located in a Residence District, a yard equal in depth to the minimum front yard required by this ordinance on such adjacent residential lot shall be provided along such front or side lot line.

9.1-5 Floor Area Ratio (F.A.R.)

In the B1 District the floor area ratio shall not exceed 1.80.

9.1-6 Off-Street Parking

In the B1 District, off-street parking facilities shall be provided in accordance with the following minimum requirements:

Permitted and conditional uses of this District shall provide one parking space for each 200 square feet of gross floor area in excess of 2,000 square feet, except as indicated below for the following uses:

- a) Single-Family dwellings: One parking space for each dwelling.
- b) Automobile service stations: One parking space for each two (2) employees, plus one space for the owner or manager.
- c) Public utilities and service uses: One parking space for each two employees plus space adequate in number, as determined by the Town Board, to serve the public.

9.1-7 Off-Street Loading

Business establishments in the B1 District shall be provided with adequate receiving facilities by motor vehicle off any adjacent alley, service drive, or open space on the same zoning lot.

9.2 B3 GENERAL BUSINESS DISTRICT

The B3 General Business District is designed to accommodate the needs of a larger consumer population than is served in the Neighborhood Shopping District--thus a wider range and services and goods is permitted for both daily and occasional shopping and service needs.

9.2-1 Permitted Uses

- a) Uses permitted in the B3 District are subject to the following conditions:
 - 1) Dwelling units are not permitted below the second floor and business uses are not permitted on any floor above the ground floor, except in those buildings or structures where dwelling units are not established.
 - 2) All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
 - 3) All business, servicing or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings.
 - 4) Establishments of the "drive-in" type offering goods or services directly to customers waiting in parked motor vehicles are permitted only by conditional use permit.

- 5) The parking of trucks as an accessory use, when used in the conduct of a permitted business listed hereafter in this Section shall be limited to vehicles of not over 1 ½ tons capacity when located within 150 feet of a Residence District boundary line.
- b) Any use permitted in the B1 District, with the exception of dwellings on solely residential lots, shall be permitted in the B3 District; and in addition the following uses shall be permitted:
- 1) Antique shops.
 - 2) Art shops or galleries, but not including auction rooms.
 - 3) Automobile accessory stores.
 - 4) Automobile service stations.
 - 5) Banks and financial institutions.
 - 6) Bicycle sales, rental, and repair stores.
 - 7) Blueprinting and Photostatting establishments.
 - 8) Book and stationery stores.
 - 9) Business machine sales and service.
 - 10) Camera and photographic supply stores.
 - 11) Carpet and rug stores, retail stores only.
 - 12) Catering establishments.
 - 13) China and glassware stores.
 - 14) Clubs and lodges, non-profit and fraternal.
 - 15) Coin and philatelic stores.
 - 16) Custom dressmaking.
 - 17) Department stores.
 - 18) Dry cleaning establishments.
 - 19) Dry goods stores.
 - 20) Dwellings above the ground floor.
 - 21) Electrical and household appliance stores, including radio and television sales.
 - 22) Employment agencies.

- 23) Florist shops.
- 24) Frozen food stores, including locker rental in conjunction therewith.
- 25) Furniture stores, including upholstering when conducted as part of the retail operation and secondary to the principal use.
- 26) Fur shops, including incidental storage and conditioning of furs.
- 27) Garden supplies, tools, and seed stores.
- 28) Gift shops.
- 29) Hobby shops for retail or items to be assembled or used away from the premises.
- 30) Interior decorating shops, including upholstering and making of draperies, slip covers and other similar articles, when conducted as part of the retail operations and secondary to the principal use.
- 31) Jewelry stores, including watch repair.
- 32) Leather goods and luggage stores.
- 33) Locksmith stores.
- 34) Medical and dental clinics.
- 35) Meeting halls.
- 36) Millinery shops (women's apparel for head).
- 37) Musical instrument sales and repair.
- 38) Offices, business and professional.
- 39) Office machine sales and servicing.
- 40) Office supply stores.
- 41) Optician sales, retail.
- 42) Orthopedic and medical appliance stores.
- 43) Pawn shops.
- 44) Pet stores.
- 45) Phonograph record and sheet music stores.
- 46) Photography studios, including the developing of film and pictures when conducted as part of the retail business on the premises.
- 47) Picture framing, when conducted for retail trade on the premises only.

- 48) Plumbing and heating sales shops.
- 49) Post offices.
- 50) Produce market.
- 51) Radio and television service, sales and repair shops.
- 52) Restaurants, including the serving of alcoholic beverages if incidental to the serving of food as the principle activity, but not including live entertainment or dancing.
- 53) Sewing machine sales and service--household appliances only.
- 54) Shoe stores.
- 55) Sporting goods.
- 56) Tailor shops.
- 57) Taverns, but not including live entertainment or dancing.
- 58) Taxidermists.
- 59) Telegraph offices.
- 60) Theaters, indoor.
- 61) Ticket agencies, amusement.
- 62) Tobacco shops.
- 63) Toy shops.
- 64) Travel bureaus and transportation ticket offices.
- 65) Undertaking establishments and funeral parlors.

9.2-2 Conditional Uses

Any use allowed as a conditional use on the B1 District shall be allowed in the B3 District subject to the provisions of Article 6, Section 6.9, and in addition to the following:

- a) Amusement establishments including: bowling alleys, pool halls, dance halls, swimming pools, skating rinks, archery ranges, shooting galleries, and similar amusement facilities.
- b) Animal hospitals and kennels.
- c) Auction rooms
- d) Automobile laundries.

- e) Boat showrooms
- f) Building material and product sales.
- g) Contractor or construction offices, shops, and yards.
- h) Drive-in establishments.
- i) Exterminating shops.
- j) Farm implement sales.
- k) Feed and seed stores.
- l) Fuel and ice sales.
- m) Garages, for storage, repair and servicing of motor vehicles, including body repair, painting, and engine repair.
- n) Greenhouses and nurseries.
- o) Hotels and motels.
- p) Laboratories--medical and dental.
- q) Laundries--room or rooms containing the laundering process (washing, drying, ironing, and wrapping) shall not exceed a total of 2,400 sq. ft. in area.
- r) Machinery sales.
- s) Model homes and garage displays.
- t) Motor vehicle and house trailer sales.
- u) Parking garages or structures.
- v) Printing and publishing.
- w) Restaurants and taverns--live entertainment and dancing permitted.
- x) Riding academies and commercial stables.
- y) Schools--music, dance, business, commercial, trade.
- z) Stadiums, auditoriums, and arenas--open or enclosed.
- aa) Theaters, drive-in.
- bb) Warehousing and wholesale establishments and storage other than accessory to permitted retail uses.

9.2-3 Lot Size Requirements

In the B3 District the minimum lot area shall be ½ acre.

9.2-4 Yard Requirements

- a) Residential yards. For dwelling units located above business establishments, there shall be provided side and rear yards, equivalent to those established in the R4 District. Such yards shall begin at a level no higher than the level of the finished floor of the lowest dwelling unit.
- b) Transitional yard. No building or structure in the B3 District shall be located within 100 feet of a Residential District boundary line, unless such building or structure is effectively screened from such Residence District property by wall, fence, or densely planted compact hedge, no less than five (5) feet nor more than eight (8) feet in height; in the event of such screening, the transitional yard requirements specified in the B1 District shall apply in the B3 District.

9.2-5 Floor Area Ratio

In the B3 District the floor area ratio shall not exceed 1.00.

9.2-6 Off-Street Parking

In the B3 District off-street parking facilities shall be provided in accordance with the following minimum requirements:

Permitted and Conditional Uses of this District, shall provide one parking space for each 200 square feet of gross floor area in excess of 2,000 square feet, except as indicated below for the following uses:

- a) Amusement establishments as follows:
 - 1) Bowling Alleys: Five parking spaces shall be provided for each alley, plus additional spaces on the basis of one space for each 300 square feet of gross floor area--for affiliated uses, such as bars, restaurants, and the like.
 - 2) Pool halls, dance halls, swimming pools and skating rinks: Parking spaces equal in number to 50 percent of the capacity in persons shall be provided.
- b) Automobile service stations: One parking space shall be provided for each two (2) employees, plus one space for the owner or manager.
- c) Clubs and lodges: One parking space shall be provided for each lodging room, plus parking spaces equal in number to 30 percent of the capacity in persons of each club or lodge.
- d) Medical and dental clinics: Three (3) parking spaces shall be provided for each staff and one space for each regularly visiting doctor.
- e) Motor vehicle sales: Two (2) parking spaces shall be provided for each employee.

- f) Post office: One parking space shall be provided for each two (2) employees, plus one space for each 300 square feet of gross floor area in access of 4,000 square feet.
- g) Public utility and service uses: One parking space shall be provided for each two (2) employees, plus spaces adequate in number, as determined by the Town Board to serve the community.
- h) School--commercial or trade; and music, dance or business: One parking space shall be provided for each five (5) students, based on the maximum number of students attending classes on the premises at any one time during any 24- hour period.
- i) Theaters (indoor): One parking space shall be provided for each six seats up to 400 seats, plus one space for each four seats above 400.
- j) Undertaking establishments and funeral parlors: Eight parking spaces shall be provided for each chapel or parlor, plus one space for each funeral vehicle maintained on the premises.
- k) Dwellings: One parking space shall be provided for each dwelling unit.
- l) Amusement parks: Parking spaces shall be provided in adequate number--as determined by the Town Board--to serve persons employed, as well as the visiting public.
- m) Animal hospitals and kennels: Two (2) spaces per employee.
- n) Automobile laundries: one space per three (3) employees, plus one space for the owner or manager, plus parking reservoir equal to five (5) times the maximum capacity of the automobile laundry.
- o) Contractor or construction offices, shops and yards: One space per employee.
- p) Hotels: one space for every three (3) rooms.
- q) Laboratories--medical and dental: one space for every two employees.
- r) Motels: 1 space/unit, plus 1 space/owner or manager.
- s) Riding academies and commercial stables: 1 space/employee, plus spaces adequate in number--as determined by the Town Board.
- t) Stadiums, auditoriums, and arenas: Spaces equal to 30% of the capacity in persons.
- u) Theaters, (drive-in): Reservoir parking spaces equal in number to 10% of the vehicle capacity of such theater.

However, parking spaces required for use contained in an integrated center may be provided collectively. Such parking shall be provided in the amount of at least six (6) parking spaces for each 1,000 square feet of gross floor area in the center.

9.2-7 Off-Street Loading

In the B3 District off-street loading facilities shall be provided in accordance with the following minimum requirements.

- a) Parking lots and garages: There shall be no requirements for off-street loading.
- b) For the uses listed hereunder, one loading berth shall be provided for buildings containing 10,000 to 200,000 square feet of gross floor area, plus one additional loading berth for each additional 200,000 square feet of gross floor area or fraction thereof.
 - 1) Clubs and lodges.
 - 2) Schools--music, dance, business, commercial, or trade.
 - 3) Theaters (in-door).
- c) For the uses listed hereunder, one loading berth shall be provided for buildings containing 10,000 to 100,000 square feet of gross floor area; for each additional 100,000 square feet of gross floor area up to 500,000 square feet, one additional loading berth for each additional 500,000 square feet of gross floor area or fraction thereof in excess of 500,000 square feet.
 - 1) Amusement establishments.
 - 2) Banks and financial institutions.
 - 3) Medical and dental clinics.
 - 4) Offices, business and professional.
- d) For all other uses, facilities shall be provided in accordance with the following schedule:

<u>Gross Floor Area In Thousands of Sq. Ft.</u>	<u>Required Number & Size of Berth</u>
5 to 10	1-----(12 ft. x 30 ft.)
10 to 25	2-----(12 ft. x 30 ft. each)
25 to 40	2-----(12 ft. x 55ft. each)
40 to 100	3-----(12 ft. x 55 ft. each)

For each additional 200,000 square feet of gross floor area or fraction thereof over 100,000 square feet of gross floor area, one additional loading berth shall be provided, such additional loading berth to be at least 12 feet in width by 55 feet in length.

**ARTICLE 10
INDUSTRIAL DISTRICTS**

PART A. GENERAL REQUIREMENTS

a) Permitted Uses

No buildings or zoning lot shall be devoted to any use other than a use permitted hereinafter in the zoning district in which such building or zoning lot shall be located, with the exception of the following:

- 1) Uses lawfully established on the effective date of this ordinance.
- 2) Conditional uses allowed in accordance with the provision of paragraph 2 hereunder.

Uses already established on the effective date of this ordinance, and rendered non-conforming by the provisions thereof, shall be subject to the regulations of Article 5.

b) Conditional Uses

Conditional uses, as hereinafter listed, may be allowed in the zoning districts indicated, subject to the issuance of conditional use permits in accordance with the provisions of Article 6, Section 6.9.

c) Yards

Yards shall be provided in accordance with the regulations hereinafter indicated under each zoning district. Front, corner side, and transitional yards shall be unobstructed from ground level to the sky, except as allowed in Article 4, Section 4.8-3. All accessory buildings which are attached to principal buildings shall comply with the yard requirements of the principal building.

d) Regulations along Residence and Business District Boundaries

In an Industrial District which abuts a Residence or Business District and along any zoning district boundary separating such Industrial District from a Residence or Business District, there shall be provided, with respect to all buildings, structures, and uses constructed or established after the effective date of this ordinance, unobstructed open space from ground level to the sky (except as allowed in Article 4, Section 4.8-3) in accordance with the regulations established hereinafter for the district in which such use is located.

e) Floor Area Ratio

The floor area ratio requirements, as set forth under each zoning district, shall determine the maximum floor area allowable for the building or buildings (total floor area of both principal and accessory buildings) in direct ratio to the gross area of the zoning lot.

f) Off-Street Parking

Off-street parking facilities for motor vehicles in Industrial Districts shall be provided in accordance with the regulations set forth hereinafter, as well as in Article 4, Section 4.9.

- 1) Computation: When determination of the number of off-street parking spaces required by the ordinance results in a requirement of a fractional space, any fraction of one-half ($\frac{1}{2}$) shall be counted as one parking space.
- 2) Collective Provision: Off-street parking facilities for separated uses may be provided in not less than the sum of the separate requirements for each such use and provided that all regulations governing location of accessory parking spaces, in relation to the use served, are adhered to. Further, no parking spaces or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the Board of Appeals.
- 3) Size: A required off-street parking space shall be at least 8 feet 6 inches in width and at least 20 feet in length, exclusive of access drives or aisles, ramps, columns, or office or work areas. Such space shall have a vertical clearance of at least 6 feet 6 inches, and shall be measured at right angles to the axis of the vehicle. Aisles shall not be less than 24 feet wide for 90-degree parking, 18 feet wide for 60-degree parking, 15 feet wide for 45-degree parking (angle shall be measured between center line of parking space and center line of aisle), and 12 feet wide for parallel parking. For parallel parking, the length of the parking space shall be increased to 23 feet.
- 4) Access: Each required off-street parking space shall open directly upon an aisle or driveway at least 12 feet wide or such additional width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. No driveway across public property shall exceed a width of 25 feet, not including curb cuts.
- 5) In Yards: Off-street parking spaces, open to the sky, may be located in any yard. Enclosed buildings and carports containing off-street parking shall be subject to applicable yard requirements.
- 6) Design and Maintenance Plan: Design of the parking lot or area shall be subject to the approval of the Building Inspector, in accordance with standards approved by the Town Board.
 - i) Character: Accessory parking spaces may be open to the sky or enclosed in a building.
 - ii) Surfacing: All open off-street parking areas shall be surfaced with a dustless all-weather material capable of carrying a wheel load of 4,000 pounds (normally, a two-inch black top on a four-inch base or five inches of Portland Cement will meet this requirement).

- iii) Screening and landscaping: All open automobile parking areas, containing more than four parking spaces, shall be effectively screened on each side adjoining or fronting on any property situated in a Residence District or any institutional premises by a wall, fence, or densely planted compact hedge, not less than five feet nor more than eight feet in height.
- iv) Lighting: any lighting used to illuminate off-street parking areas shall be directed away from residential properties and public streets in such a way as not to create a nuisance. However, in no case shall such lighting exceed three (3) foot-candles measured at the lot line.
- v) Location: All parking spaces required to serve buildings or uses erected or established after the effective date of this ordinance shall be located on the same zoning lot as the building or use served or within 500 feet thereof if located in an Industrial District. Buildings or uses existing on the effective date of this ordinance which are subsequently altered or enlarged so as to require the provision of parking spaces under this ordinance may be served by parking facilities located on land other than the zoning lot on which the building or use served is located, provided such facilities are within 500 feet walking distance of a main entrance to the use served.
- vi) Employee Parking: Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time.

g) Off-Street Loading

Off-street loading facilities accessory to uses allowed in Industrial Districts shall be provided in accordance with the regulations set forth hereinafter, as well as in Article 4, Section 4.9.

- 1) Location: All required loading berths shall be located on the same zoning lot as the use served. All motor vehicle loading berths which abut a Residence District or intervening alley separating a Residence District from an Industrial District shall be completely screened therefrom by building walls, or a uniformly painted solid fence, wall, or door, or any combination thereof, not less than eight feet in height. No permitted or required loading berth shall be located within 30 feet of the nearest point of intersection of any two streets. No loading berth shall be located in a required front or side yard, and any loading berth located in a required rear yard shall be open to the sky.
- 2) Size: Unless otherwise specified, a required off-street loading berth shall be at least 12 feet in width by at least 30 feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least 15 feet.
- 3) Access: Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement, and shall be subject to approval of the Building Inspector.

- 4) Surfacing: All open off-street loading berths shall be surfaced with a dustless all-weather material capable of bearing a live load of 200 pounds per square foot.
- 5) Repair and Service: No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in an Industrial District if such loading facilities are within 50 feet of a Residential or Business District. Washing of accessory vehicles and emergency service required to start vehicles shall be permitted.
- 6) Utilization: Space allocated to any off-street loading shall not, while so allocated, be used to satisfy the space requirements of any off-street parking facilities or portions thereof.
- 7) Minimum Facilities: Uses for which off-street loading facilities are required herein but which are located in buildings of less floor area than the minimum prescribed for such required facilities shall be provided with adequate receiving facilities, accessible by motor vehicle off any adjacent alley, service drive or open space on the same zoning lot.
- 8) Central Loading: Central loading facilities may be substituted for loading berths on the individual zoning lots provided the following conditions are fulfilled:
 - i) Each zoning lot served shall have direct access to the Central Loading Area without crossing streets or alleys at grade.
 - ii) Total berths provided shall meet the requirements based on the sum of the several types of uses served. (area of types of uses may be totaled before computing number of loading berths.)
 - iii) No zoning lot served shall be more than 500 feet removed from the Central Loading Area.
 - iv) The tunnel or ramp connecting the Central Loading Area with the zoning lot served shall be not less than seven (7) feet in width and have a clearance of not less than seven (7) feet.

PART B DISTRICT REQUIREMENTS

10.1 M1 GENERAL INDUSTRIAL DISTRICT

PURPOSE: The M1 General Industrial District is designed to provide an environment suitable for industrial activities permitting uses that do not create appreciable nuisances or hazards, or that require a pleasant, hazard-and-nuisance free environment, and conditional uses of large relatively self-contained and isolated areas intended to be used for industrial activities whose potential nuisance or hazard generation is moderately high.

10.1-1 Permitted Uses

- a) Uses permitted in the M1 District are subject to the following conditions:

- 1) Dwelling units and lodging rooms, other than watchmen's quarters, are not permitted.
 - 2) All business, servicing, or processing--except for off-street parking and off-street loading or establishments of the "drive-in" type offering goods or services directly to customers waiting in parked motor vehicles--shall be conducted within completely enclosed buildings, unless otherwise indicated hereinafter
 - 3) All storage within 500 feet of Residence District--except of motor vehicles in operable conditions--shall be within completely enclosed buildings or effectively screened by a solid wall or fence (including solid entrance and exit gates) not less than six (6) feet or more than eight (8) feet in height.
- b) The following uses are permitted in the M1 District:
- 1) Bakeries.
 - 2) Bedding manufacturing.
 - 3) Boot and shoe manufacturing.
 - 4) Building materials sales and storage.
 - 5) Carpet manufacturing.
 - 6) Cartage and express facilities.
 - 7) Cloth products manufacturing.
 - 8) Contractors, architects, and engineers offices, shops and yards.
 - 9) Cosmetics productions.
 - 10) Daily products.
 - 11) Dwellings for watchmen and their families located on the premises where they are employed in such capacity.
 - 12) Electronic and scientific precision instruments.
 - 13) Feed and seed sales.
 - 14) Fuel and ice sales.
 - 15) Fur processing.
 - 16) Garages--for storage, repair, and servicing for motor vehicles.
 - 17) Glass products.
 - 18) Greenhouses--wholesale.

- 19) Insulating materials manufacture.
- 20) Laboratories--research and testing.
- 21) Laundries.
- 22) Light machinery production--appliances, business machines, etc.
- 23) Lithographing
- 24) Lodges and offices of labor organizations.
- 25) Medical and dental clinics.
- 26) Musical instruments manufacture.
- 27) Orthopedic and medical appliance manufacture.
- 28) Parking lots, other than accessory, and subject to the provisions of the M1 District.
- 29) Pottery and ceramics manufacture.
- 30) Printing and publishing.
- 31) Public utilities and service uses.
- 32) Restaurants.
- 33) Rope, cord, and twine manufacture.
- 34) Sporting goods manufacture.
- 35) Temporary building for construction purposes for a period not to exceed the duration of such construction.
- 36) Trade schools.
- 37) Wearing apparel manufacture.
- 38) Weighting stations operated by the State of Wisconsin.
- 39) Accessory uses incidental to, and on the same lot as the principal use.

10.1-2 Conditional Uses

- a) Abrasives manufacture.
- b) Airports and commercial heliports, including aircraft landing fields, runways, flight strips, and flying schools, together with hangers, terminal buildings, and other auxiliary facilities.

- c) Air, railroad, and water freight terminals, railroad switching and classification yards, repair shops and roundhouses.
- d) Areas for dumping or disposal of garbage, refuse, or trash.
- e) Asphalt products manufacture.
- f) Automobile laundries.
- g) Bottling companies.
- h) Brick and structural clay products manufacture.
- h) Chemical processing and manufacturing.
- j) Concrete mixing plants.
- k) Electroplating.
- l) Feed mills.
- m) Food manufacture, packaging, and processing.
- n) Foundries and forge plants.
- o) Grain storage and processing.
- p) Graphite products manufacture.
- q) Gypsum manufacture.
- r) Heavy machinery production.
- s) Heliports, private.
- t) Institutions for the care or treatment of alcoholics, drug addict patients or the mentally disturbed.
- u) Junk yard and auto graveyards.
- v) Leather tanning or processing.
- w) Linoleum manufacturing.
- x) Machine shop.
- y) Meatpacking.
- z) Metal reduction and refinement.
- aa) Metal stamping.

- bb) Mining or ore bodies, removal of topsoil as defined in Article 3, and the quarrying of sand, gravel, decomposed granite or solid rock and the pro-processing for manufacture of material incidental to such extraction and the erection of buildings and the installation of equipment and machinery may be permitted provided:
- 1) The application for a Conditional Use Permit shall include: an adequate description of the operation; a list of equipment, machinery and structures to be used; the source, quantity and disposition of water to be used; a generalized topographic map of the site showing existing contours, trees, proposed and existing access roads; drawings showing the depth of existing and proposed excavations with cross-sections; and a restoration plan.
 - 2) The restoration plan, except for solid rock quarries, shall be such that final grades of areas no longer worked shall be no steeper than three (3) feet horizontal to one (1) foot vertical unless the Town Board determines that such slopes are an integral part of a quality restoration plan. The restoration plan shall contain a map showing proposed contours after filling; the depth of restored topsoil; and the dates of commencement and completion of restoration of all or part of the mining site. Any part of an excavation in which water collects to a depth of two(2) feet or more for 30 or more consecutive days shall be drained or filled to prevent such collection of water unless the Town Board gives approval to a plan for the creation of an artificial lake. All final grades shall have adequate planting or reforestation to prevent erosion. The applicant may be required to furnish the necessary sureties which will enable the town to perform the planned restoration of the site in event of default by the applicant. The amount of such sureties shall be based upon cost estimates approved by the Town Board and the form and type of sureties shall be approved by the Town Attorney. In addition, the Town Board may require any other information it deems necessary to determine whether the proposed mining and reclamation plan is in the public interest.
 - 3) A rock quarry when it is impractical to slope the side shall be surrounded by a six (6) foot open-type woven wire fence.
 - 4) All excavations should be at least one hundred (100) feet from any public way and fifty (50) feet from any property line of another person or company. All accessory uses such as offices, parking areas and stockpiles should be at least one hundred (100) feet from any public way or property line.
 - 5) The owners of existing mining or quarry operations within one year after the adoption of this Ordinance shall make application for a Conditional Use Permit and submit a restoration plan. The restoration plan shall not impose requirements that are unreasonable as to economics or engineering with respect to conditions resulting from operation prior to the enactment of this Ordinance.

- 6) The Town Board shall particularly consider the effect of the proposed operation upon existing streets, neighboring development, proposed land use, drainage, water supply, soil erosion, natural beauty, character, and land value of the locality and shall also consider the feasibility of the proposed restoration of the site. (Amended April 13, 1981).
- cc) Motor freight terminals
- dd) Pain products manufacture.
- ee) Paper products manufacture.
- ff) Parks and playgrounds.
- gg) Penal and correction institutions.
- hh) Petroleum products storage or processing.
- ii) Plastics manufacture.
- jj) Recreation buildings or community center.
- kk) Rubber processing or manufacture.
- ll) Sewage treatment plants, municipal.
- mm) Soap manufacture.
- nn) Stadiums, auditoriums, and arenas--open or enclosed.
- oo) Steel manufacture.
- pp) Stone products manufacture.
- qq) Theaters--automobile drive-in.
- rr) Warehousing and wood products.
- ss) Warehousing and storage (non-hazardous products).
- tt) by the Town Board to be the same general character as the uses permitted above and found not to be obnoxious, unhealthful, or offensive by reason of the potential emission or transmission of noise, vibration, smoke, dust, odors, toxic or noxious matter, glare or heat, or fire or explosive hazards.
- uu) Accessory uses incidental to, and on the same zoning lot as the principal use.

LOT SIZE: Minimum 1 acre.

10.1-3 Front Yard

In the M1 District, there shall be provided a front yard of not less than 30 feet in depth along every front lot line.

10.1-4 Corner Side Yard

In the M1 District, there shall be provided a side yard of not less than 30 feet in depth in every instance where the side property line is adjacent to a public street.

10.1-5 Transitional Yards

Where a side or rear lot line in an Industrial District coincides with a side or rear lot line in an adjacent Residence or Business District, a yard shall be provided along such side or rear lot line on the industrial lot. Such yard shall be not less than 30 feet in depth.

10.1-6 Regulations along Residence and Business District Boundaries

- a) On the M1 District, on properties or portions thereof located directly across a street from a Business or Residential District, if any point on the exterior surface of any building or structure is at a greater height than 35 feet above curb level, such point projected vertically upon the ground shall, in no case, be nearer to the Business or Residence District boundary line than a horizontal distance equal to one and one-half times the height of such point above curb level. However, stacks, tanks, bulkheads, or ventilating equipment, including towers enclosing same, shall be except from such limitation if not exceeding in the aggregate 25 feet in lineal dimension parallel to the street for any 100 feet of street frontage. Parapets not exceeding three feet in height shall also be exempt from such limitations.
- b) In the M1 District, on properties or portions thereof located adjacent to a side or rear property line in a Business or Residence District, if any point on the exterior surface of any building or structure is at a greater height than 35 feet above curb level, the vertical projection of such point the ground shall, in no case, be nearer to the side or rear lot line of any property in the adjacent Business or Residential District than a horizontal district equal to the height of such point above curb level. However, stacks, tanks, bulkheads, or ventilating equipment, including towers enclosing same, shall be exempt from such height limitation if not exceeding in the aggregate 25 feet in lineal dimension parallel to such business or residential lot line or lines. Parapets not exceeding three (3) feet in height shall also be exempt from such limitations.

10.1-7 Floor Area Ratio

In the M1 District the floor area ratio shall not exceed 2.00.

10.1-8 Off-Street Parking Requirements

- a) Airports and commercial heliports: Parking spaces shall be provided in adequate number as determined by the Town Board--to serve the public.
- b) Automobile laundries: One parking space shall be provided for each three (3) employees, plus one space for the owner or manager, and in addition, reservoir parking spaces, equal in number to five (5) for automobiles awaiting entrance to

the automobile laundry shall be provided. Maximum capacity, in this instance, shall mean the greatest number possible of automobiles undergoing some phase of laundering at the same time.

- c) Building material sales and storage: One parking space shall be provided for each two (2) employees, plus one space for each 300 square feet of gross floor area in excess of 4,000 square feet.
- d) Cartage and express facilities: One parking space shall be provided for each vehicle maintained on the premises, plus one space for each two (2) employees.
- e) Dwellings for watchmen and their families: One parking space shall be provided for each dwelling unit.
- f) For all the uses listed hereunder, one parking space shall be provided for each two (2) employees:
 - 1) Air, railroad, and water freight terminals, railroad switching and classification yards, repair shops and roundhouses.
 - 2) Contractors', architects' and engineers' office, shops and yards.
 - 3) Electronic and scientific precision instruments.
 - 4) Greenhouse--wholesale.
 - 5) Laboratories--research and testing.
 - 6) Radio and television stations.
 - 7) Sewage treatment plants--municipal.
 - 8) Weighing stations.
- g) For the uses listed hereunder, one parking space shall be provided for each two (2) employees, plus one space adequate in number, as determined by the Town Board, to serve the visiting public.
 - 1) Penal and correctional institutions.
 - 2) Public utility and service uses.
- h) For the uses listed hereunder, one parking space shall be provided for each three (3) employees.
 - 1) Any manufacture, production, processing, cleanings, servicing, testing, repair or storage of materials, goods, or products.
 - 2) Laundries.
 - 3) Lithographing.

- 4) Printing.
- 5) Publishing.
- i) For the uses listed hereunder, parking spaces equal in number to 30 percent of the capacity in persons shall be provided.
 - 1) Recreation buildings or community centers.
 - 2) Restaurants.
 - 3) Stadiums, auditoriums, or arenas.
- j) For the uses listed hereunder, one parking space shall be provided for each 200 square feet of gross floor area in excess of 2,000 square feet.
 - 1) Fuel and ice sales.
 - 2) Garages--for storage, repair, and servicing of motor vehicles.
 - 3) Offices for labor organizations.
 - 4) Temporary buildings for construction purposes.
- k) Heliports, private: Parking spaces, if any, be provided as determined by the Town Board.
- l) Institutions for the care or treatment of alcoholics, drug addict patients, or the mentally disturbed: One parking space shall be provided for each four (4) beds, plus one parking space for each two (2) employees (other than staff doctors), plus one parking space for each doctor assigned to the staff.
- m) Lodges and labor organizations: One parking space shall be provided for each lodging room, plus parking spaces equal in number to 30 percent of the capacity in persons of such lodge.
- n) Medical and dental clinics: Three (3) parking spaces shall be provided for each staff or visiting doctor.
- o) Theaters--automobile drive-in: Extra (reservoir) parking spaces equal in number to 10 percent of the vehicle capacity of such theaters shall be provided.
- p) Trade schools: One parking space shall be provided for each two (2) employees, plus one space for each five (5) students, based on the maximum number of students attending classes at any one time during any 24- hour period.
- q) Junk yards and auto graveyards: One parking space shall be provided for each two (2) employees, plus one space for each 5,000 square feet of lot area.
- r) Motor freight terminals: Three (3) parking spaces shall be provided for each four (4) employees.

10.1-9 Off-Street Loading

- a) Any manufacture, production, processing, cleaning, servicing, testing, repair, or storage of materials, goods, or products: For buildings containing 5,000 to 40,000 square feet of gross floor area, one loading berth shall be provided. For buildings containing 40,000 to 100,000 square feet of gross floor area, two (2) loading berths shall be provided, plus one additional loading berth for each additional 100,000 square feet of gross floor area or fraction thereof. Each loading berth for buildings in excess of 10,000 square feet of gross floor area shall be not less than 12 feet in width by 55 feet in length.
- b) For the uses listed hereunder, one loading berth shall be provided for buildings containing 10,000 to 100,000 square feet of gross floor area. For each additional 100,000 square feet of gross floor area up to 500,000 square feet, one additional loading berth for each additional 500,000 square feet of gross floor area or fraction thereof in excess of 500,000 square feet.
 - 1) Medical and dental clinics.
 - 2) Offices of labor organizations.
 - 3) Recreation buildings or community centers.
- c) For the uses listed hereunder, one loading berth shall be provided for buildings containing 10,000 to 100,000 square feet of gross floor area, plus one additional loading berth for each additional 100,000 square feet of gross floor area or fraction thereof. Each such loading berth for buildings in excess of 20,000 square feet of gross floor area shall be not less than 12 feet in width by 55 feet in length.
 - 1) Airports and commercial heliports.
 - 2) Air, railroad, and water freight terminals, railroad switching and classification yards, repair shops, and roundhouses.
 - 3) Institutions for the care or treatment of alcoholics, drug addict patients, or the mentally disturbed.
 - 4) Penal and correctional institutions.
 - 5) Radio and television stations.
 - 6) Sewage treatment plants--municipal.
 - 7) Stadiums, auditoriums and arenas.
- d) For the uses listed hereunder, one loading berth shall be provided for buildings containing 10,000 to 200,000 square feet of gross floor area, plus one additional loading berth for each additional 200,000 square feet of gross floor area or fraction thereof.
 - 1) Lodges and labor organizations.

2) Trade schools.

e) For all other uses, loading facilities shall be provided in accordance with the following schedule:

<u>Gross Floor Area</u> <u>In Thousands of Sq. Ft.</u>	<u>Required Number</u> <u>& Size of Berth</u>
5 to 10	1-- (12 ft. x 30 ft.)
10 to 25	2-- (12 ft. x 30 ft. each)
25 to 50	2-- (12 ft. x 55 ft. each)
40 to 100	3-- (12 ft. x 55 ft. each)

For each additional 200,000 square feet of gross floor area or fraction thereof, over 100,000 square feet, one additional loading berth shall be provided, such additional loading berth be at least 12 feet in width by 55 feet in length.

**ARTICLE 11
AGRICULTURE DISTRICTS**

PART A: DISTRICT REQUIREMENTS

11.1 A/R AGRICULTURE/RESIDENCE DISTRICT

The Agricultural/Residence District is designed as an agricultural area; however, single family dwellings are permitted on large lots.

11.1-1 Permitted Uses

The following uses are permitted in the A/R District:

- a) Single family dwellings.
- b) Parks, campgrounds, and open spaces.
- c) Agriculture and general farming including agricultural buildings and structures except farms feeding offal or garbage and mink farming.
- d) Truck farming.
- e) Forestry.
- f) Golf courses.
- g) Cemeteries.
- h) Greenhouses.
- i) Beekeeping.
- j) Ginseng raising.
- k) Hobby Animals
- l) Any lot located in the A/R district which is less than the minimum 2 acre lot size may be developed for a single family dwelling if the lot was existing with legal description prior to February 23, 1980. (the effective date of this ordinance).

11.1-2 Conditional Uses (Amended 8-12-96)

The following conditional uses may be allowed in the A/R District, subject to the provisions of Article 6, Section 6.9.

- a) Educational and cultural institutions.
- b) Recreational and social facilities.
 - 1) Athletic fields, including stadiums and grandstands, non-commercial.
 - 2) Golf courses, including driving ranges, pitch and putt, or miniature golf.

- 3) Grounds of recreational clubs, non-commercial.
- 4) Recreational buildings and community centers.
- 5) Swimming pools.
- 6) Tennis clubs and courts.
- 7) Stables
- c) Religious institutions.
- d) Mink farms.
- e) Accessory uses and buildings incidental to, on the same zoning lot as the principal use.
- f) Private airports and commercial heliports--including aircraft landing fields, runway, flight hangers, terminal buildings and other auxiliary facilities.
- g) Health and medical institutions.
- h) Single family dwellings--replacement of existing residence on a lot less than 2 acres.
- i) Mining or ore bodies, removal of topsoil as defined in Article 3, and the quarrying of sand, gravel, decomposed granite or solid rock and the processing for manufacture of material incidental to such extraction and the erection of buildings and the installation of equipment and machinery may be permitted. The application for the Conditional Use Permit is subject to the same requirements as Article 10.1-2 , 28), a) through f). (Amended April 13,1981).

11.1-3 Lot Size Requirements

For each principal permitted use located in the A/R District, a lot shall be provided in accordance with the requirements of the following table:

- a) Specific Requirements (Amended 12-13-2004):
 - 1) Up to 75 animal units are allowed in AR District (Except production animals per DATCP 51)
 - 2) One Animal unit/2 acres See Animal Unit Equivalent Table
 - 3) Manure must be stored a minimum of 50 feet from any lot line and in such a way that run-off is controlled and will not cause visual problems for surrounding neighbors from a ground level
 - 4) Landowner will be solely responsible for appropriate fencing
 - 5) Landowners meeting the five (5) acre minimum requirement but possessing more animals at the time of adoption of this amendment shall

be grandfathered from the animal unit requirement. Grandfathering shall only apply with the understanding that, through attrition the accumulation of no additional animals, the property will be brought into compliance.

b) Permitted uses

	Minimum Lot Area	Minimum Lot Width
Single-family dwellings	2 acres	250 feet
Parks, campgrounds And open spaces	2 acres	250 feet
Horticulture and Hobby Animal rearing includes buildings and truck farming, but not Farm animals regulated by DATCP 51	5 acres	300 feet
Beekeeping and related buildings	2 acres	250 feet
Golf courses, Cemeteries, and Forestry	No Requirements	
Greenhouses	2 acres	250 feet

c) Conditional Uses

For each principal conditional use located in the A/R District, a lot shall be provided in accordance with the requirements of the following table:

	Minimum Lot Area	Minimum Lot Width
Educational and cultural institutions	5 acres	300 feet
Recreational and social facilities	2 acres	175 feet
Religious institutions	2 acres	175 feet
Mink farms	10 acres	600 feet
Airports and commercial heliports	As specified in Section 6.10	
Health and mental institutions	2 acres	250 feet
Philanthropic and charitable institutions	2 acres	250 feet
Public utilities	As specified in Section 6.10	
Government Uses	No requirements	

Accessory Uses	Each accessory use may be established on the same lot as a principal use, provided such lot meets the lot size requirements of the A/R District
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11.1-4 Yard Requirements

For each principal permitted, and conditional uses located in the A/R District, a front yard, two side yards, and a rear yard shall be provided, each of which shall not be less than the amount stipulated in the following tables:

a) Permitted Use

	Front Yard	Interior Side Yard	Corner Side Yard	Side Yard
Single-family	50 feet	25 feet	40 feet	35 feet
Parks, campgrounds And open spaces	50 feet	No other requirements		
Agriculture, general farming, Hobby animals, Truck farming including buildings and structures but not livestock and poultry raising as defined in DATCP 51	50 feet	No other requirements		
Beekeeping, Golf courses Cemeteries, Forestry, Greenhouses	50 feet	No other requirements		

b) Conditional Uses

	Front Yard	Interior Side Yard	Corner Side Yard	Rear Yard
Educational and cultural institutions	75 feet	50 feet	75 feet	100 feet
Recreational and social facilities	50 feet	30 feet	50 feet	75 feet
Religious institutions	50 feet	30 feet	50 feet	75 feet
Mink farms	150 feet	250 feet	250 feet	300 feet
Airports/commercial heliports	as specified in Section 6.10			
Health/medical institutions	75 feet	30 feet	50 feet	75 feet
Philanthropic and charitable institutions	75 feet	30 feet	75 feet	100 feet

Government uses	No requirements
Accessory Uses:	Each accessory use may be established on the same lot as a principal use, provided accessory uses meet the yard requirements specified in the A/R District.

11.1-5 Building Bulk Limitations

The building bulk limitations described in the R1 District shall apply.

11.1-6 Off-Street Parking Requirements

Off-street parking spaces accessory to uses allowed in the A/R District shall be provided in accordance with the following minimum requirements:

Single-family dwellings	Two parking spaces for each unit
Parks, campgrounds and open spaces	Parking spaces provided in adequate number as determined by the Town Board
Agriculture, general farming, Hobby animals. Truck farming including buildings and structures but not livestock and poultry raising as defined in DATCP 51	No requirements
Beekeeping	No requirements
Golf Courses	Parking spaces provided in adequate number as determined by the Town Board.
Cemeteries	No requirements
Greenhouses	No requirements
Educational and cultural institutions: 1. Nursery, elementary and high schools 2. School auditoriums gymnasiums, stadiums and grandstands 3. Cultural Institutions	One parking space for each two employees, plus one space per ten students for high schools. One parking space for each six seats. One parking space for each 1,000 sq. ft. of gross floor area.
Recreational and social facilities	Parking spaces provided in adequate number as determined by the Town Board, to serve the public.
Religious Institutions	One parking space for each four seats, or as determined by the Town Board.
Airports and commercial heliports	Parking spaces shall be provided in adequate number-as determined by the Town Board.
Health and medical institutions	One parking space for each two beds, one space per two employees, and one space for

	each doctor assigned to the staff.
Philanthropic and charitable institutions	One parking space for each two employees, and space adequate in number as determined by the Town Board
Public utilities	One parking space for each two employees.
Government uses	Parking spaces shall be in adequate number as determined by the Town Board.

11.1-7 Off-Street Loading Requirements

For all non-residential uses, loading facilities shall be provided in accordance with the following requirements:

- a) For buildings containing less than 10,000 sq. ft. of gross floor area, there shall be provided on the same zoning lot adequate receiving facilities--accessible by motor vehicle--off any adjacent alley, service drive, or open space.
- b) For buildings containing 10,000 to 100,000 sq. ft. of gross floor area, on off-street loading berth shall be provided.
- c) For buildings containing over 100,000 sq. ft. of gross floor area, there shall be provided one loading berth for each 100,000 sq. ft. of gross floor area or fraction thereof.

11.2 A1 General Agriculture District

The purpose of the A1 District is to:

- a) Preserve productive agricultural land for food and fiber production;
- b) Preserve productive farms by preventing land use conflicts between incompatible uses and controlling public service costs;
- c) Maintain a viable agriculture base to support agricultural processing and service industries;
- d) Prevent conflicts between incompatible uses;
- e) Reduce costs of providing services to scattered non-farm uses.

11.2-1 Permitted Uses

The following Agricultural uses are permitted in the A1 District:

- a) Beekeeping
- b) Dairying
- c) Floriculture (cultivation of ornamental flowering plants)

- d) Grazing
- e) Livestock raising
- f) Feedlots where the operation has approval permits per Chapter 13 of the Marathon County Code of Ordinances
- g) Poultry raising where the operation has approval permits per Chapter 13 of the Marathon County Code of Ordinances
- h) Plant nurseries and orchard
- i) Raising of grain, grass, mint and seed crop
- j) Raising of tree fruit, nuts, and berries
- k) Ginseng raising
- l) Sod farming
- m) Vegetable raising
- n) Viticulture (grape growing).
- o) Forest and game management

The following other uses are permitted in the A1 District:

- p) Nature trails and walks
- q) Greenhouses

Conditions:

- r) One roadside stand per farm, not more than 200 sq. ft. used solely for the sale of products on the premises or adjoining premises.
- s) One single family residence occupied by a person or family earning more than 50% of his or her gross income from the farm operation.
- t) Farm dwelling and related structures built prior to January 1, 2014 and which remain after farm consolidation may be separate from the farm lot.
- u) Any substandard lot with a legal description existing prior to February 23, 1980, and located in the A1 District which has a minimum lot size of one acre, may be developed for a single family dwelling provided the single family dwelling is either:
 - a) A farm residence; or
 - b) Meets the conditional use requirements under Wis. Stat. § 91.46(2)(c).

- v) Any substandard lot with an legal description existing prior to February 23, 1980, and located in the A1 District which has a minimum lot size of one acre, and WILL NOT be used as a farm residence or meet the conditional use requirements of s 91.46(2)(c) may be developed for a single family dwelling provided it is rezoned out of A1.
- w) Any Livestock facility that will have 500 animal units or more or will expand by at least 20% must meet the 2006 State Standards, and comply with the Marathon County License Ordinance.

11.2-2 Conditional Uses

The following conditional uses may be allowed in the A1 District, subject to the provisions of Article 6, Section 6.9.

- a) Single family dwellings or mobile homes exceeding one per farm operation for occupancy by a person or family earning more than 50% of their gross income from the farm operation.
- b) Single family dwelling or mobile homes occupied by parents or children of the farm operator.
- c) Subject to Wis. Stats. §§ 91.01(1)(b) or (d), customary home occupations and professional offices conducted within and accessory to a permitted agricultural residence.
- d) Temporary housing for seasonal farm labor.
- e) Saw mills.
- f) Fur farms.
- g) Stables and paddocks.
- h) Equestrian trails.
- i) Dams and flowages.
- j) Fish farms.
- k) Subject to Wis. Stats. §§ 91.46(5) & 91.46(6), governmental uses such as police and fire stations, highway storage garages, solid waste disposal and sewerage treatment plants, gravel pits and quarries, schools, parks and campgrounds, airports and landing strips.
- l) Subject to Wis. Stat. § 91.46(5), religious uses such as churches, schools and cemeteries.
- m) Subject to Wis. Stat. § 91.46(4), utilities.
- n) The sale and service of machinery used in agricultural production.

- o) Facilities used for the centralized bulk collection, storage and distribution of agricultural products to wholesale and retail markets.
- p) The storage and sale of seed, feed fertilizer and other products essential to agricultural production.
- q) Facilities used to provide veterinarian services for livestock.
- r) Facilities used in processing of agricultural products.
- s) Other agricultural-related, religious, utility, institutional, or governmental uses similar to those listed in 11.2-1 and 11.2-2 which are compatible with the purposes of this district, which do not conflict with agricultural use and which are found necessary in light of alternative locations available for such uses.
- t) Subject to Wis. Stat. § 91.46(6), mining of ore bodies, removal of topsoil as defined in Article 3, and the quarrying of sand, gravel, decomposed granite or solid rock and the processing for manufacture of material incidental to such extraction and the erection of buildings and the installation of equipment and machinery, may be permitted. The application for the Conditional Use Permit is subject to the same requirements as Article 10.1-2 28), a) through f).

11.2-3 Lot Size Requirements

For each principal permitted and conditional use located in the A1 District, a lot shall be provided in accordance with the following requirements:

- a) The minimum lot size to establish a residence or farm operation is 35 acres except as provided in (b) - (d) below.
- b) The minimum lot size to establish a separate parcel for an additional residence for persons earning a substantial part of their livelihood from the farm operation, or parents/children of the farm operator, shall be 35 acres.
- c) The minimum lot size for farm residences or structures which existed prior to the adoption of this ordinance and which are separated from a larger parcel through farm consolidation shall be 2 acres

11.2-4 Height Requirements

For each principal permitted and conditional use located in the A1 District, buildings shall be in accordance with the following height restrictions:

- a) The maximum height of a farm dwelling shall be 35 feet not to exceed 2½ stories.
- b) The maximum height of other structures shall be 2 times their distance from the nearest lot line.

11.2-5 Yard Requirements

For each principal permitted and conditional use located in the A1 District, the following minimum yard requirements shall be provided:

The minimum front, side, and rear yards for farm dwellings and accessory structures shall be 50 feet from the nearest lot lines.

Conditional use lot size, height and yard requirements will be established by the Town Board.

11.2-6 Standards for Rezoning

- a) The Wisconsin Dept. of Agriculture, Trade and Consumer Protection shall be notified of any changes in the text of Chapter 11.2 of this ordinance as well as any rezonings made into or out of this District.
- b) Town Board and Town Planning Commission's decisions on petitions for rezonings shall be based on findings, which consider the following:
 - 1) The land is better suited for a use not allowed in the farmland preservation zoning district.
 - 2) The rezoning is consistent with any applicable comprehensive plan.
 - 3) The rezoning is substantially consistent with the county certified farmland preservation plan.
 - 4) The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

ARTICLE 12
UNIFIED DEVELOPMENT DISTRICT

12.1 UDD UNIFIED DEVELOPMENT DISTRICT

12.1-1 Statement of Intent

The purpose of the unified development district is to promote the maximum benefit from coordinated area site planning, diversified location of structures and mixed compatible uses in developments conceived and implemented as comprehensive and cohesive unified projects. It is further intended to encourage and facilitate the conservation of open land and other natural features such as woods, streams, wetlands, etc., as integral components of a balanced ecology. To this intent the regulations provide for the development of land on the basis of comprehensive and coordinated site plans for a specific project development, regulated by objective criteria rather than through the application of fixed formulas, thereby allowing for greater flexibility and improved quality of environmental design. Such district may be established only with the consent of the owners of the land affected.

12.1-2 Permitted Uses and Regulations Applicable Thereto

- a) In a unified development district, any uses permitted in any of the other districts of this title may be permitted subject to the Criteria for Approval; provided, however, that no use shall be permitted except in conformity with a precise development plan pursuant to the procedural and regulatory provisions as set forth in this chapter.
- b) Specific lot size, density, open space, building location, height, size, floor area and other such requirements shall be based upon determination as to their appropriateness to the proposed uses or structures as they relate to the total environmental concept of the planned development, and consistent with those generally accepted basic standards necessary to insure the protection of the public health, safety and welfare.
- c) Such requirements are made a part of an approved precise development plan shall be, along with the plan itself, construed to be and enforced as a part of this district.

12.1-3 Supplementary Regulations

Design standards relative to streets, sidewalks, street lighting, storm drainage, lot size, lot arrangement, or other elements of the site development shall be based upon determination as to the appropriate standards necessary to effectively implement the specific function in the specific situation, and as it related to the total plan concept and consistent with the necessity for compatibility with the existing pattern in areas peripheral to the development. In no case shall minimal construction standards be less than those necessary to protect the public health, safety and welfare. Precise standards shall be made a part of the approved plan, and shall be construed to be and enforced as part of this district.

12.1-4 Criteria for Approval

This approval of a unified development proposal shall be based upon determination as to compliance with the following criteria.

- a) That the proposed development is consistent with the spirit and intent of these regulations, has been prepared with competent professional advice and guidance and produces significant benefits in terms of improved environmental design to justify the application of the "unified development" concept;
- b) That the site development plan reflects sensitive consideration of the physical nature of the site with particular concern for conservation of natural features, preservation of open spaces and careful shaping of terrain to minimize scarring, and insures proper drainage and preservation of natural terrain wherever appropriate;
- c) That the general character and intensity of use of the development produces an attractive environment appropriate to the uses proposed, and is compatible with existing development in the surrounding area and with general community development plans and policies;
- d) That the development can be provided with appropriate municipal services and would not conflict with or cause overload on such facilities as schools, highways, police, fire or utility services;
- e) That proposed design standards provide adequately for practical functioning and maintenance, based on actual functional need, in terms of circulation, parking, emergency services, delivery services and snowplowing;
- f) That adequate provision has been made to insure proper maintenance and preservation of any common areas provided for the recreation and esthetic enhancement of the development.

12.1-5 Procedure

The procedure for zoning a district as a unified development district shall be required for any other zoning, except that a petition for zoning may be considered only in conjunction with a general development plan, as defined in this section, and shall be subject to the following additional requirements:

- a) **Pre-Application Conference:** Prior to considering a petition for zoning a district as a unified development district, it is recommended that the applicant confer with the Town Board or appropriate Town Officials in order to establish mutual understanding as to the basic concept proposed, and to insure proper compliance with the requirements for processing.
- b) **Staged Approval:** A unified development shall be processed in two stages as follows:
 - 1) **General Development Plan:** The general development plan consists of a general concept plan for the entire area covered by the unified development district, and shall be submitted concurrently with the petition for zoning as a unified development district, or prior to a Town Board Hearing. Such plan shall provide the following information in sufficient

detail to make possible the evaluation of the criteria for approval as set forth.

- i) The pattern of proposed land use including general size, shape and arrangement of lots and specific use areas; proposed density of residential development; and general environmental character;
- ii) The basic street pattern;
- iii) The basic utility pattern;
- iv) The general location, size and character of recreational and open space area;
- v) Appropriate statistical data relative to the development including, where relevant:
 - number of dwelling units.
 - number of bedrooms per dwelling unit.
 - amount of floor area devoted to commercial use.
 - types of commercial uses proposed.
 - amount of floor area devoted to office use.
 - types of offices proposed.
 - number of parking spaces to serve each use.
- vi) General outline of intended organizational structure related to property; owner's association, deed restrictions, etc.;
- vii) Any other item the Town Board requires to protect the public interest.

2) Precise Implementation Plan: The precise implementation plan consists of that portion of the general development plan for which specific development approval is requested, and may be submitted concurrently with or after Town Board action on the zoning application on the basis of an agreed development schedule. Such plan shall provide the following information:

- i) An adequate identification of the area for the specific implementation plan as it relates to the general development plan;
- ii) The specific designation of proposed land utilization including the pattern of public and private roads, driveways, walkways, and parking facilities; detailed lot layout and the arrangements of buildings and building groups other than single family residences;

and the specific treatment of any common open space area or amenities;

- iii) Specific landscape plans for all common areas or housing groups other than private single family lots;
- iv) Architectural plans for buildings proposed to be constructed, renovated, rehabilitated, or converted by the developer;
- v) Detailed storm drainage, sanitary sewer and water system plans (if services are available)
- vi) Proposed engineering standards for all roads, parking areas and walkways;
- vii) Agreements, bylaws, covenants and other documents providing for permanent operation and maintenance of the development.

c) Application: Application for zoning as a unified development district, or for approval of a precise implementation plan shall be made by petition submitted to the Town Clerk, and shall include the following information:

- 1) A written statement describing the area of the proposed district and the general character of the intended development;
- 2) An accurate map of the proposed area to be zoned;

The following shall be submitted to the Town Board two weeks prior to the hearing:

- 3) A general development plan set forth in paragraph (2) (A) of this section, unless such plan has previously been submitted to the Town Clerk;
- 4) A precise implementation plan for that portion of the district for which specific development approval has not previously been given, and is requested as set forth in paragraph (2) (B) of this section.

d) Referral and hearing.

Upon submittal, the Town Clerk shall refer the petition and related exhibits to the Town Board for review and recommendation, including any precise implementation plan, to be approved as submitted, approved with modifications, or disapproved.

e) Approval.

- 1) Approval of the proposed zoning as a unified development district constitutes approval of the related general development plan and specific implementation plan which shall be recorded as an integral component of the district regulations, and shall establish the basic right of use for the area in conformity with such plan. However, no specific use or building

permit shall be issued except for an area covered by a precise implementation plan, and in conformity with such plan.

- 2) Detailed building and landscape plans, as well as all other commitments and contractual agreements with the Town, related to a precise implementation plan, shall be made a part of the official record, and shall be considered supplementary components of the district regulations.
- 3) Consistent with the basic goal of flexibility, minor variation may be permitted in details of the approved plans, subject to approval of the Town Board. If, in the opinion of the Town Board, and requested variation constitutes a substantial alteration of the original plan, as approved, a public hearing shall be required
- 4) Requests for approval of precise implementation plans for subsequent development phases shall be submitted to the Town Board for approval. No public hearing shall be required unless deemed desirable by the Town Board.

**ARTICLE 13
PUBLIC AND SEMI-PUBLIC DISTRICTS**

13.1 C1 PUBLIC AND SEMI-PUBLIC DISTRICT

13.1-1 Permitted Uses

Parks, arboretums, playgrounds, golf courses, fishing, wading, swimming, beaches, boat landings, sledding, snowmobile trails, sustained yield forestry, wildlife preserves, soil and water conservation, water measurement and control facilities, state and county-owned parcels.

13.1-2 Conditional Uses

- a) Archery ranges, bath houses, camps, conservation, driving ranges, firearms ranges, golf courses, hunting, ice boating marinas, motorcycle clubs, polo fields, riding stables or saddle clubs, sports fields, and zoological and botanical gardens provided that the lot area is not less than 3 acres and all structures are not less than 50 feet from any property line.
- b) Subject to the provisions of Article VI, Section 6.9.

ARTICLE 14
MOBILE HOME PARKS

14.1 MOBILE HOME PARKS

14.1-1 Districts Allowed

Mobile home parks may be allowed as a conditional use in the R4 General Residence District subject to the requirements of this section and upon issuance of a Conditional Use Permit by the Town Board after a public hearing.

14.1-2 Definitions

- a) **MOBILE HOME.** "Mobile Home" for the purpose of this Ordinance means a readily transportable factory built structure, except a manufactured dwelling or manufactured home, intended for human habitation, which by its inherent design may be moved from site to site a necessary; which may have an oversized width for normal traffic allowances and thereby require a special travel permit from State or County highway officials; and which may have its undercarriage removed to facilitate a better location on a slab, piers, or foundation. The removal of the wheels, axles, or other components of the running gear and/or the mounting of such a structure or vehicle on a foundation or over a basement shall not be deemed to change its status from that of a mobile home. A structure manufactured after June 15, 1976, which is certified and labeled a MANUFACTURED HOME UNDER 42 U.S. Code Secs. 5401 to 5406 shall be deemed to be a mobile home under this zoning ordinance.
- b) **MOBILE HOME PARK.** "Mobile Home Park", means any plot or plots of ground upon which two or more mobile homes occupied for dwellings or sleeping purposes are located, and a change is made for such accommodation.
- c) **SPACE.** "Space" means a plot of ground designed for the accommodation of one mobile home.
- d) **LOT.** "Lot" means a mobile home space plus all required yards for a mobile home.

14.1-3 Application for Permit

- a) An application for a conditional use permit for a Mobile Home Park shall be accompanied by a duly issued license or permit from the Town. The application shall be filed with the Town Clerk in triplicate and shall be accompanied with duplicate sets of plans and specifications which shall be in compliance with Town ordinances and provision of the State Division of Health and a performance bond in the sum of \$5,000 to insure completion of the Mobile Home Park within twelve (12) months from the date of the issuance of the Conditional Use Permit or as otherwise approved by the Town Board and insuring further that such completion is in compliance with the requirements of this Ordinance. No mobile home shall be occupied until all conditions of this Ordinance have been met and an occupancy permit issued.
- b) The application shall contain the following information:

- 1) Name, address, and telephone number of the applicant;
- 2) A legal description of the land upon which the applicant requests a permit for a Mobile Home Park;
- 3) The names and addresses of all persons owning land abutting upon said land;
- 4) The names and addresses of all persons owning lands located across the street from said land.

14.1-4 Location

- a) The park shall be located on a well-drained site, properly graded to insure drainage and free from stagnate pools of water.
- b) The location of each mobile home park shall be approved or denied in writing within ninety (90) days. In approving such location, the Town Board shall view the proposed site or sites and the Town Board shall consider such evidence as may be presented, bearing upon the general purpose and intent of this Ordinance to promote the public health, safety and general welfare and the specific purpose of this paragraph to prevent the overcrowding of land and the development of housing blight in rural areas.

14.1-5 Requirements

- a) The minimum size of a Mobile Home Park shall be twenty (20) acres.
- b) Each park shall provide mobile home lots, and each such lot shall be clearly defined or delineated. Each lot shall have an area of not less than six thousand (6,000) square feet and an average width of not less than fifty (50) feet; provided, however, that mobile home parks which existed lawfully at the time of the adoption of this Ordinance and have lots that do not comply with any of the foregoing minimum area and width requirements may continue to operate. New site development within or contiguous to an existing park shall conform to the standards of this Ordinance.
- c) Mobile homes shall be so located on each lot that there shall be at least a twenty (20) foot clearance between mobile homes. No mobile home shall be located closer than ten (10) feet to any accessory building including out buildings or streets within the park. No mobile home shall be located closer to any property line of the park than fifty (50) feet or such other distance as may be established by ordinance as front yard or setback requirements with respect to conventional buildings in the district in which the Mobile Home Park is located.
- d) There shall be a system of driveways, with a minimum of thirty (30) feet widths, paved with concrete or bituminous material, providing access from each and every mobile home and automobile parking space within such park to the public street or highway, provided that there shall not be more than two entrances from or exits to such street or highways from any one such park.
- e) Walkways to service buildings shall not be less than thirty-six (36) inches wide and shall be paved or bituminous.

- f) All driveways and walkways within the park shall be well lighted at night.
- g) An electrical outlet supplying at least 110-115/220-250 volts, 100 amperes shall be provided for each mobile home space.
- h) Each mobile home lot shall be provided with two off-street parking spaces and no on street parking shall be permitted.
- i) Each Mobile Home Park shall be completely surrounded, except for permitted entrances and exits, by a yard in addition to all other required yards and open spaces, which shall be planted to permanent grasses, flowers, shrubs and trees so as to provide a fifty percent opacity to a height of eight (8) feet.
- j) Mobile Home Parks shall conform to the requirements of Section H77, Wisconsin Administration Code as amended.
- k) Service buildings housing sanitation facilities shall be permanent structures complying with all applicable ordinances and structures regulating buildings, electrical installations and plumbing and sanitation systems.
- l) Metal garbage cans with tight-fitting lids or dumpsters shall be provided in quantities adequate to permit disposal of all garbage and rubbish. The cans shall be kept in sanitary condition and disposed of at least once each week.
- m) Every park shall be equipped at all times with fire extinguishing equipment in good working order, of such type, size and number and so located within the park as to satisfy applicable regulations of the fire department. No open fires shall be permitted at any place which may endanger life or property.
- n) Adequate provisions shall be made for the disposal of all sewage from a mobile home park into a municipal sanitary sewer where available, or by properly constructed and maintained sewer system approved by the State Division of Health and/or Division of Environmental Health.
- o) Each Mobile Home Park shall provide and develop at least two acres of common space, exclusive of the 50 foot peripheral set back, for use by recreational and service facilities. Plus an additional two hundred (200) square feet for each mobile home in excess of one hundred sixty (160) contained in the park.

14.1-6 Mobile Home Use Restrictions

No business shall be conducted in any mobile home within a mobile home park.

14.1-7 Registers

Each mobile home park shall maintain an office where a register shall be kept for the registration of all occupants, which register shall be open to Town Officials for inspection and shall contain information as follows:

- a) Name and address of each occupant;

- b) Mobile home license number and year built and name of manufacturer;
- c) Automobile license number and name and make of automobile;
- d) Number of site to which assigned;
- e) Last place of location;
- f) Date of arrival;
- g) Date of departure.

ARTICLE 15 SIGNS

15.0 GENERAL

- a) No signs or billboards shall be permitted in any district except as specifically permitted herein.
- b) At no time shall signs be permitted at an intersection of two (2) or more public roads in such a manner as to restrict vision or impair safety.
- c) No sign located within 150 feet of a highway or street right-of-way shall contain, include or be illuminated by a flashing or rotating beam of light.
- d) No sign shall be illuminated by any source of light that is not shielded to prevent glare of illumination of residential property other than that of the sign owner; nor shall the glare of any light source be so directed as to impair the safety of moving vehicles.
- e) No signs, except of a public nature normal to public right-of-ways, shall be permitted within any public right-of-way.
- f) No sign larger than 5 sq. ft. shall be located, erected, moved, reconstructed or enlarged until a zoning/building permit has been issued.
- g) No permanent sign shall be located closer than 75 feet from the normal high-water mark of any navigable or perennial body of water, in the floodway of any stream or in any shoreland/wetland.
- h) Area measurements of signs shall include any border or trim but not the standard or supporting structure.

15.1 SIGNS IN RESIDENTIAL, AGRICULTURAL AND PUBLIC AND SEMI-PUBLIC DISTRICTS.

The following signs are permitted when located no less than 15 feet from the public right-of-way line, except as otherwise provided in this section:

- a) Customary, professional and home occupation signs not exceeding 15 sq. ft. and "for rent" signs, not exceeding 4 sq. ft. in area.
- b) One on premises announcement sign or bulletin board of an appropriate nature identifying a hospital, school, church or other similar facility or institution, not exceeding 20 sq. ft. in area.
- c) Temporary sign of not more than 20 sq. ft. in area for the purpose of advertising an auction, bazaar, festival, political or other special event. Signs shall be removed at the conclusion of the event.
- d) Off premises signs provided they are directional only, the outside dimensions of which do not exceed 20 sq. ft. are located within a 3 mile radius of the advertised

business or activity and are not in conflict with Ch. HY-19, Wis. Adm. Code, or S84.30 and Ch. 196, Wis. Stats.

- e) Signs necessary to the public safety and welfare or for the identification, operation or protection of a public utility installation shall be no larger than 3 sq. ft. and may be located any distance outside of the public right-of-way.
- f) In all agricultural districts, signs which advertise agricultural products that are produced on the property where the sign is located shall be permitted provided the following conditions are met:
 - 1) Signs shall not conflict with State or Federal sign regulations. (note; it shall be the responsibility of the person wishing to erect or paint the sign to obtain any and all other permits or approvals).
 - 2) Signs shall be located on an operating farm and adjacent to the principal building or buildings used in the production of the agricultural product being advertised.
 - 3) Signs shall contain only one message per face, and no more than one double face or 2 single face signs larger than 32 sq. ft. per face shall be permitted.
 - 4) Signs which are 32 sq. ft. in area or less shall be permitted as farm identification signs. These signs shall include the farm name and/or surname of the farm operator. Farm identification signs shall be no less than 15 feet from the right-of-way.

15.2 SIGNS IN BUSINESS AND INDUSTRIAL DISTRICTS

The following signs are permitted:

15.2-1 All signs permitted in 15.1

15.2-2 Identifying signs

Identifying signs for the principal building of the commercial or industrial enterprise advertising a business or activity conducted on the premises in accordance with the following provisions:

- a) Wall signs placed against the exterior walls of buildings shall not extend more than 1 foot from the wall surface and shall not exceed 300 sq. ft. in area.
- b) Projecting signs fastened to, suspended from or supported by attached structures shall not exceed 40 sq. ft. in area on a side.
- c) Ground signs shall meet all yard requirements for the district in which they are located, shall not exceed 200 sq. ft. on a side and shall not exceed 25 feet in height above the main road grade.

- d) Roof signs shall not exceed 10 feet in height above the roof or parapet nor may such a sign extend beyond the building upon which it is located and shall not exceed 200 sq. ft. on a side.

15.2-3 Off-premises signs and billboards

- a) Signs and billboards shall meet the requirements of Ch. HY 19, Wis. Adm. Code, or S84.30 and Ch. 196, Wis. Stats. Signs and billboards shall meet all yard requirements for the district in which they are located, have a minimum separation of 1,000 feet from all other billboards which exceed 300 sq. ft. in area and be directional.
- b) Signs and billboards which are not within the jurisdiction of the Wisconsin Administrative Code or State Statutes, shall meet the same size requirements as on premises signs in sub. 2) of this section.

15.3 SPECIAL PROVISIONS

Signs lawfully existing at the time of the adoption or amendments of this chapter may be continued although the use, size or location does not conform with the provisions of this chapter. However, such signs shall be deemed nonconforming uses or structures and shall therefore be subject to the provisions of Article 5, Nonconforming Buildings, Structures and Uses.

DIVISION III LEGISLATION

ARTICLE 1 SOLID WASTE

1.1 RECYCLING ORDINANCE

- a) Purpose. The purpose of this ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in Chapter 287, Wis. Stats., and Chapter NR 544, Wis. Administrative Code.
- b) Statutory Authority. This ordinance is adopted as authorized under § 287.09(3)(b), Wis. Stats.
- c) Abrogation and Greater Restrictions. It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall apply.
- d) Interpretation. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this ordinance is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wis. Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR 544 standards in effect on the date of the adoption of this ordinance, or in effect on the date of the most recent text amendment to this ordinance.
- e) Severability. Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.
- f) Applicability. The requirements of this ordinance apply to all persons within the Town of Mosinee.
- g) Administration: The provisions of this ordinance shall be administered by the Town Board.
- h) Effective Date: The provisions of this ordinance shall take effect on January 1, 1995.
- i) Definitions:
 - 1) " Bi-metal container" means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
 - 2) "Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.
 - 3) "Electronic devices" is defined in Wis. Stat. § 287.07(5).

- 4) "Foam polystyrene packaging" means packaging made primarily from foam polystyrene that satisfies one of the following criteria:
 - i) Is designed for serving food or beverages.
 - ii) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
 - iii) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
- 5) "HDPE" means high density polyethylene, labeled by the SPI code #2.
- 6) "LDPE" means low density polyethylene, labeled by the SPI code #4.
- 7) "Magazines" means magazines and other materials printed on similar paper.
- 8) "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven refrigerator or stove.
- 9) "Multiple-family dwelling" means a property containing 5 or more residential units, including those which are occupied seasonally.
- 10) "Newspaper" means a newspaper and other materials printed on newsprint.
- 11) "Non-residential facilities and properties" means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.
- 12) "Office paper" means high grade printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.
- 13) "Oil filters and oil absorbent materials" is defined in Wis. Stat. § 287.07(4m).
- 14) "Other resins or multiple resins" means plastic resins labeled by the SPI code #7.
- 15) "Person" includes any individual, corporation, partnership, associations, local governmental unit, as defined in s. 66.299(1)(a), Wis. Stats., state agency or authority or federal agency.
- 16) "PETE" means polyethylene terephthalate, labeled by the SPI code #1.
- 17) "Plastic container" means an individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.
- 18) "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in s. 144.61(5), Wis. Stats.,

waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in s. 144.44(7)(a)1., Wis. Stats.

- 19) "PP" means polypropylene, labeled by the SPI code #5.
 - 20) "PS" means polystyrene, labeled by the SPI code #6.
 - 21) "PVC" means polyvinyl chloride, labeled by the SPI code #3.
 - 22) "Recyclable materials" includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspaper; office paper; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.
 - 23) "Solid waste" has the meaning specified in s. 144.01(15), Wis. Stats.
 - 24) "Solid waste facility" has the meaning specified in s. 144.43(5), Wis. Stats.
 - 25) "Solid waste treatment" means any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. "Treatment" includes incineration.
 - 26) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
 - 27) "Yard waste" means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than 6 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.
- j) Separation of Recyclable Materials: Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following materials from post-consumer waste.
- 1) Lead acid batteries
 - 2) Major appliances
 - 3) Waste oil
 - 4) Yard waste
 - 5) Aluminum containers
 - 6) Bi-metal containers
 - 7) Corrugated paper or other container board
 - 8) Foam polystyrene packaging
 - 9) Glass containers

- 10) Magazines
 - 11) Newspaper
 - 12) Office paper
 - 13) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins.
 - 14) Steel containers
 - 15) Waste tires
 - 16) Oil filters and oil absorbent materials
 - 17) Electronic devices
- k) Separation Requirements Exempted: The separation requirements of §1.1.j) do not apply to the following:
- 1) Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties that send their post-consumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in §1.1.j) from solid waste in as pure a form as is technically feasible.
 - 2) Solid waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
 - 3) A recyclable material specified in s. 1.1.j).5) through 17) for which a variance has been granted by the Department of Natural Resources under § NR 544.14, Wis. Administrative Code or a successor provision.
- l) Care of Separated Recyclable Materials: To the greatest extent practicable, the recyclable materials separated in accordance with §1.1.j) shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.
- m) Management of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste. Occupants of single-family, 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste as follows:
- 1) Lead acid batteries shall be picked up by contracted hauler, or dropped off at contracted hauler's site at a time designated by the, at your expense.
 - 2) Major appliances shall be dropped off at contracted hauler's site, at a time designated by them, at your expense.

- 3) Waste oil shall be picked up in sturdy 1-5 gallon disposable containers.
 - 4) Yard waste shall be deposited at a time and place designated by the Town Board.
- n) Preparation and Collection of Recyclable Materials: Except as otherwise directed by the Town Board, occupants of single-family and 2 to 4 unit residences shall do the following for the preparation and collection of the separated materials specified in § 1.1.j).5) through 17):
- 1) Aluminum containers shall be clean and empty.
 - 2) Bi-metal containers shall be clean and dry with labels removed.
 - 3) Corrugated paper or other containerboard shall be clean, flattened, and tied no larger than 3' X 3' X 6" thick.
 - 4) Foam polystyrene packaging shall be boxed, bagged or bundled.
 - 5) Glass containers shall be rinsed clean, with metal rings and caps removed. Clear, brown and green colors. No tumblers, window glass, mirrors or light bulbs.
 - 6) Magazines shall be boxed or bagged.
 - 7) Newspaper shall be tied with twine or heavy string in two directions.
 - 8) Office paper shall be boxed.
 - 9) Rigid plastic containers shall be prepared and collected as follows:
 - i) Plastic containers made of PETE, including SPI code #1, shall be rinsed free of product residue and placed in a recycling bin.
 - ii) Plastic containers made of HDPE, including SPI code #2, shall be rinsed free of product residue and placed in a recycling bin.
 - iii) Plastic containers made of PVC, including SPI code #3, shall be rinsed free of product residue and placed in a recycling bin.
 - iv) Plastic containers made of LDPE, including SPI code #4, shall be rinsed free of product residue and placed in a recycling bin.
 - v) Plastic containers made of PP, including SPI code #5, shall be rinsed free of product residue and placed in a recycling bin.
 - vi) Plastic containers made of PS, including SPI code #6, shall be rinsed free of product residue and placed in a recycling bin.
 - vii) Plastic containers made of other resins or multiple resins, including SPI code #7 shall be rinsed free of product residue and placed in a recycling bin.

- 10) Steel containers shall be rinsed free of product residue, dropped off at contracted hauler, at a time designated by them.
 - 11) Waste tires shall be dropped off at contracted haulers, at a time designated by them and at your expense.
 - 12) All recyclables shall be placed on the roadside on the day of collection.
 - 13) Items that are listed in this ordinance that are not presently being recycled are treated as regular garbage.
- o) Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings:
- 1) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in § 1.1.j).5) through 17).
 - i) Provide adequate, separate containers for the recyclable materials.
 - ii) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
 - iii) Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
 - iv) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
 - 2) The requirements specified in (1) do not apply to the owners or designated agents of multiple-family dwellings if the post-consumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in § 1.1.j).5) through 17) from solid waste in as pure a form as is technically feasible.
- p) Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties:
- 1) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in § 1.1.j).5) through 17):
 - i) Provide adequate, separate containers for the recyclable materials.
 - ii) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
 - iii) Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.

- iv) Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- 2) The requirements specified in (1) do not apply to the owners or designated agents of non-residential facilities and properties if the post-consumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in § 1.1.j).5) through 17) from solid waste in as pure a form as is technically feasible.
- q) Prohibitions of Disposal of Recyclable Materials Separated for Recycling: No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in s. 1.1.j).5) through 17) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.
- r) Enforcement:
 - 1) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Town of Mosinee, may inspect recyclable materials separated for recycling, post-consumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of The Town of Mosinee who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.
 - 2) Any person who violates a provision of this Ordinance is subject to the enforcement and penalties listed in § 1.2 of this Code.

1.2 LOCAL APPROVAL FOR FACILITY SITING REQUIRED

- a) This ordinance provides for the regulation by permit of the construction, maintenance, operation, closure, and long-term care of certain waste treatment, disposal, and storage facilities or sites in the Town.
- b) Definitions. In this ordinance:
 - 1) "Hazardous waste" means any solid waste identified by the State of Wisconsin, Department of Natural Resources as hazardous under Wis. Stats. §§ 291.05 (1), (2), or (4).
 - 2) "Hazardous waste facility" means a site or structure for the treatment, storage, or

disposal of hazardous waste and includes all of the contiguous property under common ownership or control surrounding the site or structure.

- 3) "Solid waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded or salvageable materials, including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solids or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permits under chapter 283, Wis. stats., or source material as defined in § 254.31 (1), Wis. stats., special nuclear material as defined in § 254.31 (11), Wis. stats., or by-product material as defined in § 254.31 (1), Wis. stats.
 - 4) "Solid waste disposal" means the discharge, deposit, injection, dumping, or placing of any solid waste into or on any land or water. "Solid waste disposal" does not include the transportation, storage, or treatment of solid waste.
 - 5) "Solid waste facility" means a facility for solid waste treatment, solid waste storage, or solid waste disposal, and includes commercial, industrial, municipal, state, and federal establishments or operations such as, without limitation because of enumeration, sanitary landfills, dumps, land disposal sites, incinerators, transfer stations, storage facilities, collection and transportation services, and processing treatment and recovery facilities. "Solid waste facility" includes the land where the facility is located. "Solid waste facility" does not include any of the following:
 - i) A facility for the processing of scrap iron, steel, or nonferrous metal using large machines to produce a principal product of scrap metal for sale or use for remelting purposes.
 - ii) A facility that uses large machines to sort, grade, compact, or bale clean wastepaper, fibers, or plastics, not mixed with other solid waste, for sale or use for recycling purposes.
 - iii) An auto junkyard or scrap metal salvage yard.
 - iv) Any facility exempt from town regulation by state law or regulation, including certain demolition facilities.
 - 6) "Solid waste storage" means the holding of solid waste for a temporary period, at the end of which period the solid waste is to be treated or disposed.
 - 7) "Solid waste treatment" means any method, technique, or process that is designated to change the physical, chemical, or biological character or composition of solid waste, including incineration.
- c) Coverage.

- 1) No person may construct, operate, maintain, close, or provide long-term care of any solid waste facility or hazardous waste facility in the town without a permit issued by the town board under this ordinance.
 - 2) The permit under this ordinance shall be considered a local approval, as defined in § 289.33 (3) (d), Wis. stats., subject to the requirements of § 289.22, Wis. stats.
 - 3) The permit application fees shall be established by the town board. The permit shall be issued by the town board or its designees prior to any person commencing any form of construction, operation, maintenance, closure, or long-term care of any facility or site in the town that is subject to this ordinance.
- d) Application and permit. The application for the town permit under this ordinance shall designate the legal premises to be used by the permitted person for the proposed use, site, or facility. The permit may not be amended if the person changes premises in the town. The permit is not transferable from one person to another. The application for the permit shall, at minimum, contain all of the following:
- 1) The name of the applicant and the name of any agent for the applicant.
 - 2) The address of the applicant.
 - 3) The address and legal description of the premises for the facility or site and the current owner of the premises.
 - 4) The age of the applicant, if a natural person not over the age of 18 years.
 - 5) The type and use of the facility or site to be constructed, operated, maintained, closed, or provided long-term care at the premises.
 - 6) The length of time in years for construction of the facility, if applicable.
 - 7) All local approvals, licenses, or permits necessary for the applicant to obtain for the facility prior to any construction, maintenance, operation, closure, or long-term care.
 - 8) All federal or state approvals, licenses, or permits necessary for the applicant to obtain for the facility prior to construction, maintenance, operation, closure, or long-term care.
 - 9) The proposed length in years of operational time for actual disposal, treatment, or storage operations at the facility.
 - 10) The current and proposed zoning and land use plan for the facility premises, if any.
 - 11) The projected amount, type, and source of solid waste or recyclable material to be disposed, stored, or treated at the facility on an annual basis.
 - 12) The projected type, source, and amount of hazardous or toxic waste to be stored, treated, or disposed at the facility on an annual basis.

- 13) Copies of all feasibility reports and plan of operations submitted or to be submitted to the State of Wisconsin, Department of Natural Resources.
 - 14) The financial security projected to be provided by the applicant to insure compliance with the permits as issued and with any other approvals.
 - 15) Any public nuisance or threats to the public health or safety known by the applicant that are located at or near the proposed or current waste location.
 - 16) Any other information regarding the construction, operation, closure, or long-term care of the facility requested by the town in the application form.
- e) Exemptions. All of the following facilities, sites, or uses in the town are exempt from this ordinance:
- 1) A facility or site under § 289.43 (5), Wis. stats., used for the collection of recyclable material or for the dumping for disposal of waste, including garbage or refuse, on the property where it is generated from a single family or household in the town, a member of which is the owner, occupant, or lessee of the property; provided that any such waste, garbage, refuse, or recyclable material to be disposed or collected in the town is placed in a suitable dumpster or container, or is stored in another way as not to cause a public or private nuisance.
 - 2) The use of sanitary privies and what are commonly known as seepage beds, holding tanks, or septic tanks that conform to applicable ordinances in the town.
 - 3) The discharge of human waste products into any public sewerage system located within the town, or of the land spreading of human waste products on lands in the town.
 - 4) A farm facility on which only animal waste, resulting from the operation of that farm, is disposed at the facility.
 - 5) Any dumping or disposal operation, any storage, treatment, dump, or disposal site, or any recyclable material facility directly under the direction and control of the town.
 - 6) Any existing waste facility or site operating upon the effective date of the ordinance with the current waste uses or activities at the facility or site that may or may not be subject to any preexisting town ordinance. Any new waste, storage, disposal, or treatment uses or activities after the effective date of this ordinance, or any expansion of the capacity of the facility or site after the effective date of this ordinance, shall be subject to this ordinance.
 - 7) Any demolition or other waste facility, including any land spreading of wood, ash, or sludge site exempt under § 289.43, Wis. stats.
 - 8) Any alcohol fuel production system exempt under § 289.44, Wis. stats.
 - 9) Any fruit and vegetable waste facility exempt under § 289.445, Wis. stats.

- 10) Any recyclable material collection facility approved for collection or processing operations by Marathon County, the Town, or any responsible unit under § 287.09, Wis. stats.
 - 11) Any solid waste facility or hazardous waste facility or site that was permanently closed prior to the effective date of the ordinance.
 - 12) Any solid waste or recyclable material collection container or dumpster for solid waste and recyclable material disposal and collection used by the public that is provided by any federal, state, county, or town agency; provided however that any waste, garbage, refuse, or recyclable material to be disposed or collected in the town is placed in a suitable dumpster or container, or is stored in another way so as not to cause a public or private nuisance.
 - 13) Any solid waste collection container or dumpster for solid waste and recyclable material, disposed and collected by the public provided by any person in the town; provided however that any waste, garbage, refuse, or recyclable material to be disposed or collected in the town is placed in a suitable dumpster or container, or is stored in another way as not to cause public or private nuisance.
 - 14) Any open container or other system used to burn nontoxic or nonhazardous material in a lawful manner and so as not to cause a public nuisance in the town.
- f) Specific ordinance and permit provisions.
- 1) No person may be issued or reissued a permit in the town under this ordinance until the appropriate application fee has been paid by the applicant to the town clerk.
 - 2) No person may be issued or reissued a permit under this ordinance who has failed to properly and fully complete and submit to the town clerk complete and truthful responses on the application form developed and provided by the town.
 - 3) No person may be issued or reissued a permit in the town under this ordinance, and any permit may be revoked or suspended after a public hearing by the town board, if the facility applicant or the permittee fails to do any of the following:
 - i) Obtain and maintain for a proposed or existing facility or site all necessary approvals, licenses, or permits from the appropriate town, Marathon County, state, and federal agencies.
 - ii) Comply with all conditions and restrictions attached by the town board to the permit issued under this ordinance by the town board.
 - iii) Timely prevent or timely limit specific public nuisances or potential threats to the public health and safety at or adjacent to the facility caused by the applicant or permittee at or near the existing site or facility upon notice of such public nuisance or threats by the town board.

- 4) The town board may, in order to prevent public nuisances, protect the public health, and protect the environment in the town, require specific conditions or restrictions to be attached to any permit issued by the town board under this ordinance. These conditions or restrictions, if applicable, shall be complied with during the construction, operation, maintenance, closure, and long-term care operations of the facility or site by the permittee or applicant.
- g) Penalty provisions. Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall be subject to the enforcement and penalties listed in Section 1.2 of this Code.

1.3 GARBAGE.

- a) The definitions contained within Wis. Stat. §§ 287.01 and 289.01, and as from time to time they are amended, are hereby incorporated into this Ordinance by reference as if fully set forth herein.
- b) This Ordinance is adopted pursuant to Wis. Stat. §§ 60.01, 60.22, 66.0405 and 287.09(3)(b). The collection and disposal of solid waste such as ashes, garbage, rubbish, refuse, and recyclable materials shall be under the supervision of the Town Board or its designee.
- c) In addition to this Ordinance, the Town may set forth further rules and requirements governing this issue, including as may be set forth in a contract with a service provider and/or the enactment of special charges under Wis. Stat. § 66.0627.
- d) Littering prohibited.

No person shall place, throw, permit to flow or leave any slops, dirty water, liquid of offensive smell, or otherwise nauseous or unwholesome liquid, or any dead carcass, carrion, meat, fish, entrails, manure, rubbish, ashes, garbage, junk automobiles or parts, debris, or refuse of any kind or description in or upon any public street, gutter, sidewalk, alley, park, or other public ground in the Town.

- e) Containers.
 - 1) Each and every owner, tenant or person occupying any dwelling house or other building, or portion thereof, in the Town producing garbage and refuse shall possess sufficient containers to hold the garbage or refuse accumulating between collections. Any defective container having ragged or sharp edges or any defects to injure or hamper the person collecting waste shall be immediately replaced with a new container. Any defective container, when used, may be confiscated by the Town or its contractor. All persons shall use containers for collection which are designated by the Town or a respective contractor for use within the Town.

- 2) The containers being used for collection services shall be set at the curbside no sooner than the evening prior to the regular collection day.
- 3) All containers will be removed from the curbside collection point within 24 hours after regular collection time.

f) Bulky materials.

Generally, bulky materials shall be broken up, cut up, or dismantled such that they may be placed fully within containers for collection. Persons shall otherwise dispose of bulky items only as directed by the Town or its contractor, by engaging a direct services provider, or by making their own arrangements for a direct drop-off at a solid waste facility.

g) Draining and wrapping garbage.

Before placing any garbage in a container for collection, each and every owner, tenant, housekeeper and other person or persons occupying any dwelling or other buildings, or portions thereof, in the Town shall first drain the garbage free of water and then wrap it in paper or a plastic bag so that the collection container shall contain relatively dry packages of garbage. It shall be the responsibility of each owner, tenant, housekeeper or other occupant to keep the collection container dry and free from rainwater and snow.

h) Placement of containers for collection.

Collection containers shall be set out as directed by the Town or by a representative of the Town's contractor for hauling garbage and refuse. A means of travel to and from the containers shall be provided by the owner, tenant or occupant, including during winter months. Containers shall, between collections, be kept in as inconspicuous a place as is reasonably possible.

i) Dumping and scavenging prohibited.

- 1) No person shall deposit, throw, place or leave any garbage or refuse or combustible rubbish or recyclable material or other waste material upon any street, court, lane, alley, business square, public enclosure, vacant lot, house yard, body of water, or any place other than in a container in a manner as herein required.
- 2) No person shall turn over or upset the contents of any solid waste or recyclable material container on any street, alley or court, lane, business square, public enclosure, vacant lot, house yard, or body of water.
- 3) Scavenging prohibited.
 - i) No person shall remove any waste from a container without the consent of the owner, tenant, or other occupant of the premises, and no person shall remove any waste from a container which has been set out for collection unless authorized to do so.

- ii) All recyclable materials placed for collection by the Town or its contractors shall be deemed the property of the Town, and no person shall disturb or remove such material.
- j) Noncollectible materials. The following items will not be collected by the municipal collection service, and it is the responsibility of the owners of such items to dispose of such waste in a sanitary manner:
 - 1) Stone, concrete, rubble, earth, or sod.
 - 2) Construction debris and building waste, including but not limited to all waste resulting from the remodeling or construction of a building, roadway or sidewalk.
 - 3) Yard waste.
 - 4) Bulky waste such as household furniture and major appliances.
 - 5) Garden waste.
 - 6) Motor vehicle parts or motor vehicles.
 - 7) Garbage or refuse containing recyclable material.
 - 8) Hazardous substances.
- k) Violations and penalties. In addition to any other penalty provision of this Code, violation of this Ordinance may also result in the following:
 - 1) The Town or its contracted service provider may refuse to furnish collection services to any person not complying or refusing to comply with this Ordinance or any other rules or regulations promulgated for the collection of solid waste such as ashes, garbage, rubbish, refuse, or recyclable materials.
 - 2) A violator may bear the cost of any resultant waste disposal performed by the Town or its contracted service provider.

**ARTICLE 2
LAND DIVISION**

SUBDIVISION ORDINANCE

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SECTION 1.00 INTRODUCTION

1.01 TITLE

This Ordinance shall be known as the Town of Mosinee “Subdivision Ordinance” and is referred to herein as the “Ordinance.”

1.02 STATUTORY AUTHORITY

These regulations are adopted under the authority granted by Wis. Stat. § 236.45.

1.03 PURPOSE AND INTENT

The purpose of this Ordinance is to regulate and control all land divisions within the jurisdiction of the Town in order to promote and protect the public health, safety, prosperity, aesthetics, and general welfare of the community. More particularly, and without limitation, it is also the purpose of this Ordinance to:

- A. Implement and facilitate enforcement of community development standards as set forth in applicable ordinances and policies.
- B. Promote the wise use, conservation, protection, and proper development of the soil, water, wetland, woodland, and wildlife resources in the Town and to achieve a balanced relationship between land use and development and the supporting and sustaining natural resource base.
- C. Further the orderly layout and appropriate use of land.
- D. Avoid the harmful effects of premature division or development of land.
- E. Lessen congestion in the streets and highways and accommodate safe use thereof.
- F. Provide for proper ingress to and egress from development sites.
- G. Secure safety and resiliency from fire, flooding, disastrous storms, water pollution, disease, and other hazards to help minimize expenditures for disaster relief and flood mitigation projects.
- H. Prevent and control erosion, sedimentation, and other pollution of surface and subsurface waters.
- I. Preserve natural vegetation and cover to the extent practicable, and protect the natural beauty of the Town.
- J. Preserve the distinct character of neighborhoods, special planning districts, and the community.

- K. Provide adequate light, air, and water.
- L. Prevent the overcrowding of land.
- M. Facilitate the division of land into smaller parcels in accordance with applicable ordinances and policies.
- N. Facilitate and ensure the adequate provision of transportation, water, sewerage, storm water management, schools, parks, playgrounds, and other public facilities and services.
- O. Further the sustainability of the Town.
- P. Ensure adequate legal description and proper survey monumentation of divided land.
- Q. Provide adequate, affordable housing.
- R. Restrict building in areas of unsuitable soils or other areas poorly suited for development.
- S. Provide for the administration and enforcement of this Ordinance.
- T. Provide penalties and other remedies for violation of this Ordinance.

1.04 ABROGATION AND GREATER RESTRICTIONS

It is not the intent of this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, permits, or approvals previously adopted or issued pursuant to law. However, where this Ordinance imposes greater restrictions and such restrictions do not contravene rights vested under law, the provisions of this Ordinance shall govern. This Ordinance may not modify in a more restrictive manner time limits, deadlines, notice requirements, or other provisions of Wis. Stat. ch. 236 that provide protections for a subdivider in accordance with Wis. Stat. § 236.45(2)(ac).

1.05 INTERPRETATION

The provisions of this Ordinance shall be interpreted to be minimum requirements, shall be liberally construed in favor of the Town, and shall not be deemed a limitation or repeal of any other power granted to the Town by the Wisconsin Statutes.

1.06 SEVERABILITY

If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is found invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the provisions or application of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.

1.07 REPEAL

All other ordinances and/or parts of ordinances inconsistent or conflicting with this Ordinance, to the extent of the inconsistency or conflict, are hereby repealed.

1.08 DISCLAIMER OF LIABILITY

The Town does not guarantee, warrant, or represent that only those areas delineated as floodplains on plats and CSMs will be subject to periodic inundation, nor does the Town guarantee, warrant, or represent that the soils shown to be unsuited for a given land use from tests required by the Ordinance are the only unsuitable soils within the jurisdiction of this Ordinance, nor that required samples represent conditions on an entire property; and thereby asserts that there is no liability on the part of the Town, its officers, agents, or employees for flooding problems, sanitation problems, soil problems, structural problems, or any damages whatsoever that may occur as a result of reliance upon, and conformance with, this Ordinance.

1.09 EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after a public hearing, recommendation by the Plan Commission, enactment of the Ordinance by the Town Board, and notice to the public by publication as required by law.

SECTION 2.00 GENERAL PROVISIONS

2.01 AREA OF JURISDICTION

This Ordinance shall apply to all land and water within the jurisdiction of the Town.

2.02 APPLICABILITY

All proposed land divisions, except those exempted in accordance with Sections 2.02.C and D, shall be subject to Town review and approval in which the Town shall approve, approve conditionally, or reject proposed plats and CSMs.

- A. Subdivisions. Any division of land within the Town that results in a subdivision as defined in Section 11.00 shall be surveyed and a plat thereof approved and recorded pursuant to the provisions of this Ordinance and Wis. Stat. ch. 236.
- B. Minor Land Divisions. Any division of land within the Town that results in a minor land division as defined in Section 11.00 shall be surveyed and a CSM of such division approved and recorded pursuant to the provisions of this Ordinance and Wis. Stat. ch. 236.
- C. The provisions of this Ordinance, as it applies to division of tracts of land into four or fewer lots or parcels, shall not apply to:

1. Transfers of interest in land by will or pursuant to court order.
 2. Leases for a term not to exceed 10 years, mortgages, or easements.
 3. The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this Ordinance or other applicable laws or ordinances.
- D. All of the following specific uses and activities are exempted from this Ordinance:
1. Cemetery plats made under Wis. Stat. § 157.07.
 2. Assessors' plats made under Wis. Stat. § 70.27.
 3. Public transportation project plats made under Wis. Stat. § 84.095.
 4. The exchange of parcels of public utility or railroad right-of-way to adjoining property owners if the Town and the county planning agency approves such sale or exchange on the basis of applicable local ordinances or the provisions of Wis. Stat. ch. 236.

2.03 COMPLIANCE

No person, firm, or corporate entity shall divide any land which results in a land division and no land division shall be entitled to be recorded without compliance with all of the following:

- A. All requirements of this Ordinance and all other applicable Town and County ordinances.
- B. The provisions of Wis. Stat. ch. 236.
- C. The applicable rules of the Wisconsin Department of Safety and Professional Services regulating lot size and lot elevation necessary for proper sanitary conditions if any lot or unit is not served by a public sewer and provisions for such service have not been made.
- D. The applicable rules of the Wisconsin Department of Transportation and the Marathon County highway department relating to provision for the safety of entrance upon and departure from County and State trunk highways or connecting highways and for the preservation of the public interest and investment in such highway systems if the land owned or controlled by the subdivider abuts on a County or State trunk highway or connecting highway or street.
- E. The applicable rules of the Wisconsin Department of Natural Resources setting water quality standards preventing and abating pollution, and regulating development within floodplain, wetland, and shoreland areas.

- F. The applicable rules of the U.S. Army Corps of Engineers and U.S. Environmental Protection Agency.
- G. The subdivider has either made and installed all required public improvements or the subdivider has entered into a development agreement with the Town and has provided security to the Town to ensure that the subdivider shall make all required public improvements within a reasonable time.

2.04 LAND SUITABILITY

Lands shall not be divided that are held unsuitable for such use by the Town, for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography, or any other feature or circumstance likely to be harmful to the health, safety, or welfare of the future residents or occupants of the proposed land division, or the Town, or that poses an imminent harm to the environment. In addition:

- A. Floodplains.
 - 1. No lots served by public sanitary sewerage facilities shall have less than 50 percent of its required lot area, or 4,200 square feet, whichever is greater, above the elevation of the 1-percent-annual-probability (100-year recurrence interval) flood. No lots one acre or less in area served by a private onsite wastewater treatment system (POWTS) shall include floodplains. All lots more than one acre in areas served by a POWTS shall contain not less than 40,000 square feet of land that is at least two feet above the 1-percent-annual-probability flood elevation identified by the Federal Emergency Management Agency (FEMA). Where such flood stage data are not available, the regulatory flood elevation shall be determined and a report setting forth the regulatory flood stage and the method of its determination shall be subject to review and approval by the Town.
 - 2. Undeveloped lands that are or would be accessed from existing streets located within the 1-percent-annual-probability floodplain may not be subdivided for residential, commercial, manufacturing, or institutional uses unless an alternative access is provided through streets located outside of such floodplain or meets the provisions of Section 7.04.J of this Ordinance.
- B. Lands altered or filled shall not be divided into building sites that are to be served by POWTS except where soil tests show that there are adequate area(s) of soils suited to such use. The POWTS evaluation requirements specified herein and any additional requirements specified in the Marathon County Ordinances and the Wisconsin Administrative Code shall be followed.
- C. Lands having a slope of 12 percent or more may be required by the Town to be maintained in natural open uses. A lot served by public sanitary sewer shall have at least 50 percent of its minimum required lot area or 4,200 square feet, whichever is less, in slopes of less than

12 percent. A lot served by a POWTS shall have at least 50 percent of its minimum required lot area or 20,000 square feet, whichever is less, in slopes of less than 12 percent.

Proposed POWTS areas shall have slopes of 25 percent or less and, if the absorption area for a POWTS contains slopes exceeding 18 percent, there shall be sufficient available area for both a primary and replacement POWTS absorption area. Where in situ soils exist and land slope reduction or modification (i.e. shaping, grading, cutting, filling, or other alteration from existing conditions) is proposed in the POWTS area, a soil test (morphological evaluation) shall be conducted to determine that sufficient suitable in situ soils remain for a proposed inground or subsurface POWTS system. The proposed use of pretreatment devices for POWTS shall not be allowed as an alternative or used in lieu of meeting the in situ soil standards stated in this Ordinance. The slope and altered area shall provide sufficient topography alteration to prevent surface or subsurface water ponding that may adversely affect the POWTS performance. Surface designed POWTS may be prohibited on such described soils.

- D. The Town, in applying the provisions of this Section, shall, in writing, recite the particular facts upon which it based its conclusion that the land is not suitable for the intended use and afford the subdivider an opportunity to present evidence in rebuttal to the finding of unsuitability. The Town may thereafter affirm, modify, or withdraw its determination of unsuitability.

2.05 DEDICATION, RESERVATION, AND PROTECTION OF LAND

- A. Streets, highways, and drainageways. Whenever a proposed land division encompasses all or any part of a street, highway, drainageway, other public way or public access to navigable lakes, rivers, or streams, which has been designated in the comprehensive plan or the official map of the Town, said public way shall be made a part of the plat or CSM and dedicated or reserved, as determined by the Town, by the subdivider in the locations and dimensions indicated on said plan or map and as set forth in Sections 7.00 and 8.00 of this Ordinance.
- B. Dedication or reservation. Park sites shall be dedicated or reserved as provided in Section 7.11 of this Ordinance.

2.06 HOMEOWNER OR CONDOMINIUM ASSOCIATIONS

Homeowner and/or condominium associations are private organizations and their internal governance is not regulated by the Town.

2.07 IMPROVEMENTS

- A. Any improvements that are to be dedicated to the Town must be fully constructed at the sole cost of the subdivider.

- B. Before approval of any final plat or, where applicable, CSM, the subdivider shall install street, utility, and all other required public improvements.
- C. If required public improvements are not to be installed by the time the final plat or CSM is submitted for approval, the subdivider shall, before the recording of the plat or CSM, enter into a development agreement with the Town agreeing to install the required public improvements, and shall file with said development agreement a bond and/or letter of credit, or other financial surety acceptable to the Town and subdivider, to guarantee the completion of such required public improvements. Said estimate shall be made by the Town as a guarantee that such required public improvements will be completed by the subdivider or the subdivider's subcontractors not later than the dates set forth in the development agreement and as a further guarantee that all obligations to subcontractors for work on the land division are satisfied. In addition:
 - 1. Contracts and contract specifications for the construction of street and utility improvements within public street rights-of-way, as well as contractors and subcontractors providing such work, shall be subject to approval of the Town.
 - 2. Governmental Units to which these bond and contract provisions apply may file, in lieu of said contract and bond, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this Section.
 - 3. Before final approval of any plat or CSM within the jurisdiction of the Town, the subdivider shall cause survey monuments to be installed and placed in accordance with the requirements of Wis. Stat. § 236.15, and as may be required by the Town. The Town may waive the placing of monuments, as provided in Wis. Stat. § 236.15(1)(h), for a reasonable time, not to exceed one year, on the condition that the subdivider provide a financial security equal to 120 percent of the estimated cost of installing the monuments to ensure the placing of such monuments within the time required by Statute. Additional time may be granted upon show of cause.
 - 4. The required financial security for the required public improvements shall be in the amount of 120 percent of the estimated total cost to complete the required public improvements.

2.08 DEVELOPMENT AGREEMENT

Before Town approval, or as a condition of receiving final Town approval, of any final plat or CSM for which required public improvements, dedications, or fees are being deferred; or for which phasing approval is being granted under Section 9.02 of this Ordinance: the subdivider shall first sign and file with the Town a development agreement. In addition:

- A. A development agreement is the only process with the ability to waive the specific requirements set forth in this Ordinance other than the process detailed in Section 2.09 of this Ordinance.

- B. If the required public improvements are not completed within the specified period, all amounts held under security shall be turned over and delivered to the Town and applied to the cost of the required public improvements. Any balance remaining after completion of such improvements shall be returned to the owner or subdivider.
- C. The time for completion of the required public improvements and the several parts thereof shall be determined by the Town after consultation with the subdivider. The completion date(s) shall form part of the development agreement.
- D. The Town requires the subdivider to provide security for 14 months after the date the required public improvements for which the security is provided are substantially completed. Upon substantial completion of the required public improvements, the amount of the security the subdivider is required to provide shall be no more than an amount equal to the total cost to complete any uncompleted required public improvements plus 10 percent of the total cost of the completed required public improvements.
- E. Required public improvements reasonably necessary for a project or a phase of a project are considered to be substantially completed at the time the binder coat is installed on roads to be dedicated or, if the required public improvements do not include a road to be dedicated, at the time that 90 percent of the required public improvements by cost are completed.

2.09 EXCEPTIONS AND MODIFICATIONS

Upon the written request of a subdivider to waive or modify any requirement of this Ordinance due to an exceptional hardship, the Plan Commission may consider the matter as follows:

- A. If in the judgment of the Plan Commission, it would be inappropriate to apply literally the provisions of Sections 7.00 and 8.00 of this Ordinance because an exceptional hardship would result, the Plan Commission may waive or modify any requirement, but only to the extent deemed necessary to alleviate the hardship.
- B. Such relief may be granted with conditions.
- C. No exception or modification shall be granted unless the Plan Commission makes all of the following determinations:
 - 1. There are exceptional, extraordinary, or unusual circumstances or conditions where a literal enforcement of the requirements of this Ordinance would result in an exceptional hardship. Such hardships are not common, do not apply generally to other properties, and are not of a recurrent nature to the area.
 - 2. That the exception or modification will not materially impair or be contrary to the overall purpose and spirit of this Ordinance or the public interest.

3. That the exception or modification will not create substantial detriment to adjacent properties or the desirable general development of the community.
4. A majority vote of the quorum of the Plan Commission shall be required to grant any exception or modification of this Ordinance.
5. The specific considerations and reasoning of the Plan Commission in granting an exception or modification shall be entered into the minutes of the Plan Commission.

2.10 VIOLATIONS

No person, firm, or corporation shall build upon, divide, convey, record, or place monuments on any land in violation of this Ordinance. No person, firm, or corporation shall be issued any type of permit by the Town authorizing the building on, or improvement of, any land within the jurisdiction of this Ordinance until the provisions and requirements of this Ordinance have been fully met.

2.11 PENALTIES AND REMEDIES

Any person, firm, or corporation who fails to comply with the provisions of this Ordinance shall be subject to penalties as set forth below plus any additional costs incurred by the Town for each violation. In addition, the Town may institute appropriate action or proceedings to enjoin violations of this Ordinance. Each day a violation exists or continues shall constitute a separate offense. Violations and concomitant penalties shall include the following that are hereby adopted by reference and incorporated into this Ordinance as if set forth fully herein, and as from time to time amended:

- A. Recordation improperly made carries penalties and/or forfeiture amounts as provided in Wis. Stat. § 236.30.
- B. Conveyance of lots in unrecorded plats carries penalties and/or forfeiture amounts as provided for in Wis. Stat. § 236.31.
- C. Monuments disturbed or not placed carries penalties and/or forfeiture amounts as provided for in Wis. Stat. § 236.32.
- D. Dividing a Lot or Parcel, or use if so divided, in a recorded plat or CSM for purposes of sale or building development not in compliance with the provisions of this Ordinance, carries penalties and/or forfeiture amounts as provided in Wis. Stat. § 236.335.
- E. An assessor's plat made under Wis. Stat. § 70.27 may be ordered as a remedy by the Town, at the expense of the subdivider, when a subdivision, as defined in this Ordinance, is created by successive divisions.

- F. For any type of violation not specifically referenced above, a violator of this Ordinance is subject to a forfeiture of \$100 to \$500, in accordance with and in addition to all other remedies provided for in this Section.

2.12 APPEALS

Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal such objection or failure to approve, as provided in Wis. Stat. § 236.13(5), within 30 days of notification of the rejection of the plat. The court shall direct that the plat be approved if it finds that the action of the Town is arbitrary, unreasonable, or discriminatory.

SECTION 3.00 LAND DIVISION PROCEDURES

3.01 PRE-APPLICATION CONSULTATION

Prior to filing an application for approval of a preliminary plat or CSM, the subdivider may consult with the Plan Commission and/or Town staff in order to obtain their advice and assistance. A conceptual plan of the proposed plat or CSM shall be brought by the applicant to the meeting. This consultation is intended to inform the subdivider of the purpose and objectives of these regulations, comprehensive plan, zoning, and other applicable ordinances, and to otherwise assist the subdivider in planning the development. In so doing, both the subdivider and Town may reach mutual conclusions regarding the general objectives of the proposed development and its possible effects on the neighborhood and community, and the subdivider will gain a better understanding of the subsequent required procedures.

3.02 PRELIMINARY PLAT REVIEW

Before submitting a final plat for approval, the subdivider shall prepare and submit a preliminary plat to the Town Clerk. The preliminary plat shall be prepared in accordance with this Ordinance. The subdivider shall file an adequate number, as determined by the Town Clerk, of paper and/or electronic copies of the preliminary plat and the nonrefundable preliminary plat review fee in order to complete the submittal for filing.

3.03 PRELIMINARY PLAT APPROVAL

- A. The Plan Commission shall promptly review the preliminary plat for conformance with this Ordinance and all other applicable Town ordinances, including but not limited to any comprehensive plan and zoning. The Plan Commission may comment on and shall recommend action on the preliminary plat to the Town Board.
- B. The Town Board shall, within 90 days of the date of the filing of the preliminary plat with the Town Clerk, approve, approve conditionally, or reject such plat, unless the time is extended by mutual written agreement with the subdivider. A copy of the plat shall thereupon be returned to the subdivider with the date of and action endorsed thereon; and if approved conditionally or rejected, a letter setting forth the conditions of approval or the

reasons for rejection shall accompany the plat. Copies of the plat and letter shall be placed in the Town's permanent file.

- C. Failure of the Town Board to act within 90 days shall constitute an approval of the preliminary plat as filed, unless the review period is extended by written mutual consent.
- D. Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat, except that if the final plat is submitted within 36 months after the last required approval of the preliminary plat and conforms substantially to the preliminary plat, including any conditions of that approval, and to local plans and ordinances, the final plat shall be entitled to approval as provided in Wis. Stat. § 236.11(1)(b).

3.04 FINAL PLAT REVIEW

A final plat shall be prepared in accordance with this Ordinance. The subdivider shall file an adequate number, as determined by the Town Clerk, of paper and/or electronic copies of the final plat and the final plat review fee with the Town Clerk to complete the submittal for filing. In addition:

- A. The Plan Commission shall examine the final plat as to its conformance with the approved preliminary plat; conditions of approval of the preliminary plat; this Ordinance and all other ordinances, laws, rules, and regulations which may affect it; may comment on and shall recommend approval or rejection of the final plat to the Town Board.
- B. Partial Platting. The final plat may, if permitted by the Town Board, which approval shall not be unreasonably withheld, constitute only that portion of the approved preliminary plat that the subdivider proposes to record at that time. However, it is required that each phase to be completed is final platted and designated as a respective phase of the approved preliminary plat.
 - 1. If construction in phases is permitted, the amount of any bond or other security required shall be limited to the phase of the project currently being constructed. No security shall be required to be provided sooner than reasonably necessary prior to commencement of the installation of required public improvements for each respective phase.

3.05 FINAL PLAT APPROVAL

- A. If the final plat is not submitted within 36 months of the last required approval of the preliminary plat, the Town Board may refuse to approve the final plat or may extend the time for submission of the final plat, as provided in Wis. Stat. § 236.11(1)(b).
- B. The Plan Commission shall recommend to approve or reject the plat and shall transmit the final plat along with its recommendation to the Town Board.

- C. The Town Board shall, in accordance with Wis. Stat. § 236.11(2), within 60 days of the date of filing the original final plat with the Town Clerk, approve or reject such plat unless the review period is extended by written agreement with the subdivider. The Town Board may act on the plat at the same meeting at which the Plan Commission makes its recommendation. A copy of the plat shall thereupon be returned to the subdivider with the date and action endorsed thereon. If the plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the subdivider. A copy each of the plat and letter shall be placed in the Town's permanent file.
- D. Failure of the Town Board to act within 60 days, the time having not been extended by mutual agreement and no unsatisfied objections having been filed, and all fees payable by the subdivider having been paid, shall constitute approval of the final plat.
- E. Recordation. After the final plat has been approved by the Town Board and required improvements either installed or a development agreement and sureties insuring their installation is filed, the Town Clerk shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and the plat returned to the subdivider for recording with the Marathon County Register of Deeds at the subdivider's expense. The Register of Deeds shall not record the plat unless it is offered for recording within 12 months after the date of the last approval and within 36 months after the date of first approval, as required by Wis. Stat. § 236.25(2)(b).
- F. The subdivider shall file an adequate number, as determined by the Town Clerk, of paper and/or electronic copies of the recorded final plat with the Town Clerk.

3.06 MINOR LAND DIVISION REVIEW (CERTIFIED SURVEY MAPS)

A subdivider may complete a minor land division, whose definition is set forth in Section 11.02 of this Ordinance, by use of a CSM. The Plan Commission may, for good reason, such reason being set forth in the minutes of the meeting concerned, accept for review and approval CSMs that consist of a single parcel. In addition:

- A. A pre-application consultation, similar to the consultation described in Section 3.01 of this Ordinance, is recommended.
- B. The subdivider shall prepare the CSM in accordance with this Ordinance and Wis. Stat. § 236.34(1m) and shall submit an adequate number, as determined by the Town Clerk, of paper and/or electronic copies of the CSM, together with the appropriate fee, to the Town Clerk.
- C. The subdivider shall submit copies of the CSM to the Wisconsin Department of Transportation (WisDOT) for review of its compliance with Wis. Stat. §§ 236.34(1m)(em) & 236.34(1m)(er). Copies of the transmittal letters or emails to WisDOT shall be provided to the Town at the time that the CSM is filed with the Town Clerk.

- D. The Town Clerk shall promptly transmit copies of the CSM and any associated materials to the Plan Commission.
- E. The CSM shall be reviewed by the Plan Commission for conformance to this Ordinance, and all other ordinances, laws, rules, regulations, and comprehensive plans as may be applicable.

3.07 MINOR LAND DIVISION APPROVAL (CERTIFIED SURVEY MAPS)

- A. The Plan Commission shall, within 60 days from the date of filing of the CSM, recommend approval, approval with conditions, or rejection of the CSM, and shall transmit the CSM along with its recommendations to the Town Board.
- B. The Town Board shall approve, approve conditionally, or reject the CSM and shall state in the minutes of the meeting and in writing to the subdivider any conditions of approval or reasons for rejection. The Town Board shall take action within 90 days of the submittal of a CSM to the Town, unless the time is extended by agreement with the subdivider.
- C. Failure of the Town Board to act within the 90 days, or any extension of that period, constitutes an approval of the CSM and, upon demand, a certificate to that effect shall be made on the face of the CSM by the Clerk.
- D. After the CSM has been approved by the Town Board, the Town Clerk shall cause the certification inscribed upon the CSM attesting to such approval to be duly executed and the CSM returned to the subdivider for recording with the County Register of Deeds. The Register of Deeds shall not record the CSM unless it is offered for recording within 12 months after the date of the last approval and within 36 months after the first approval.
- E. The subdivider shall file an adequate number, as determined by the Town Clerk, of paper and/or electronic copies of the recorded CSM with the Town Clerk.

3.08 REVIEW AND APPROVAL OF EXTRATERRITORIAL LAND DIVISIONS

- A. When the land to be divided lies within the extraterritorial plat or CSM approval jurisdiction of a City of Village, the subdivider shall still proceed as specified in Sections 3.01 through 3.07 in order to gain Town approval.
- B. The subdivider may proceed with the installation of required public improvements and under such regulations of the Town within whose limits the plat or CSM lies may require. Wherever connection to any utility of the Town or a special district (i.e., sanitary district, utility district, etc.) is desired, permission for such connection shall be subject to review and approval by the respective Town or special district.
- C. All required public improvements specified by the Town, or any special district in matters over which the special district has jurisdiction, shall be incorporated into the final plat or, if applicable, CSM, before it is filed.

3.09 REPLATS AND RECONFIGURATIONS

- A. No areas dedicated to the public may be altered except after proper court action.
- B. Replats must follow the same procedures used to complete an original plat action.
- C. An applicant wishing to reconfigure portions of a plat or a CSM may create a new CSM and proceed as specified to create an original CSM, provided the reconfiguration does not: change the exterior boundaries of a plat; result in a subdivision; violate any ordinance; make changes to areas previously dedicated to the public; make changes to any restriction placed on the previously platted land by covenant, grant of an easement, or by any other manner.

3.10 REVIEW AND APPROVAL OF CONDOMINIUM INSTRUMENTS

The Town does not review and/or make approvals of condominium instruments.

SECTION 4.00 PRELIMINARY PLAT

4.01 GENERAL REQUIREMENTS

- A. The preliminary plat shall comply with all general requirements of Wis. Stat. ch. 236 as to form and content.
- B. The preliminary plat shall be clearly noted and labeled on its face “Preliminary Plat.”
- C. The entire area contiguous to the proposed plat area that is owned or controlled by the subdivider shall be included on the preliminary plat, or an accompanying document if necessary, even though only a portion of said area is proposed for immediate development.

4.02 SITE ANALYSIS INFORMATION

The following site analysis information shall be inventoried, mapped, and provided to the Plan Commission upon its request, with brief descriptions if necessary, if deemed necessary in the sole judgment of the Plan Commission to allow for the proper evaluation of a preliminary plat. Such information may be provided on a document in addition to the preliminary plat:

- A. Topographic features, including existing contours within the exterior boundaries of the plat with one-foot intervals but not more than two-foot intervals for slopes less than 12 percent and at no more than five-foot intervals for slopes 12 percent and greater. Elevations shall be marked on such contours. Any rock outcrops, slopes of 12 percent or greater, ridge lines, and hilltops.

- B. Hydrologic characteristics, including lakes, ponds, rivers, streams, creeks, drainage ditches, wetlands, floodplains, shoreland areas, surface drainage patterns, and the boundaries of the 1-percent-annual-probability (100-year recurrence interval) floodplain.
- C. Soil types and their boundaries.
- D. Existing vegetation, including the boundaries and characteristics of woodlands, hedgerows, and prairies. Predominant species of hedgerows and woodlands shall be identified. Unless located within an area proposed to be maintained in open space, specimen trees (i.e. large or distinct ornamental, mature, or rare old-growth trees such as beech, ginkgo, hornbeam, and bur oak trees) shall be located and identified by species, size, and health.
- E. Historic, cultural, and archaeological features, with a brief description of the historic character of buildings, structures, ruins, and burial sites.
- F. Scenic vistas, both into the proposed subdivision from adjacent roads and public areas and views from within the proposed subdivision.
- G. The location and classification of existing streets and highways nearby or adjacent to the proposed subdivision and desirable or undesirable entry and exit points for the subdivision.
- H. Existing land features or uses within the proposed subdivision and within 100 feet therefrom, including cultivated and non-cultivated fields, paved areas, buildings, structures, and all encumbrances, such as easements or covenants.
- I. Public parks and open space areas within or adjacent to the proposed subdivision, and potential open space connections between the proposed subdivision and adjacent lands.
- J. Any other features pertinent to proper land division and/or any additional information requested by the Plan Commission.

4.03 PRELIMINARY PLAT DATA

All preliminary plats shall show the following:

- A. Existing and/or proposed bicycle and/or pedestrian recreational ways, utility rights-of-way, active and abandoned railway rights-of-way, ATV and/or UTV routes and trails, snowmobile routes and trails, access-control and vision corner easements, deed restricted areas, and easements within or adjacent to the exterior boundaries of the plat.
- B. Names of any adjoining subdivisions, parks, cemeteries, public lands, and watercourses, including impoundments. The owners of record of abutting unplatted lands shall also be shown.
- C. All wells within the exterior boundaries of the plat, and within 100 feet of the exterior boundaries of the plat.

- D. Locations of all civil division boundary lines within the plat and within 100 feet of the exterior boundaries of the plat.
- E. Building or setback lines.
- F. Location, dimensions, and area of any sites to be reserved or dedicated for parks, playgrounds, drainageways, open space preservation, or other public use.
- G. Location, dimensions, and area of any proposed common areas or facilities.
- H. Location, dimensions, and area of any sites which are to be used for multifamily housing, shopping centers, church sites, or other non-public uses not requiring individual lots.
- I. Location, size, and invert elevation of any existing sanitary or storm sewers, culverts and drain pipes; the location of manholes, catch basins, hydrants, electric and telecommunication facilities, whether overhead or underground; and the location and size of any existing water and gas mains within or adjacent to the plat. If no sewers or water mains are located on or immediately adjacent to the proposed subdivision, the nearest such sewers or water mains that might be extended to serve the proposed subdivision shall be indicated by their direction and distance from the nearest exterior boundary of the plat if within less than one mile of such boundary.
- J. Any proposed lake and stream access, and the width of the proposed access, to be provided within the exterior boundaries of the plat.
- K. Any proposed lake and stream improvement or relocation, and notice of application for approval by the WDNR, when applicable.
- L. The approximate location of any existing or proposed POWTS within the plat and within 100 feet of the exterior boundaries of the plat.
- M. Location of soil borings and, if applicable, percolation tests within the exterior boundaries of the plat.
- N. Existing and, if applicable, proposed zoning on and adjacent to the proposed subdivision.

4.04 STREET PLANS AND PROFILES

The Plan Commission may require that the subdivider provide street plans and profiles showing the existing ground surface and proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested.

4.05 SOIL BORINGS AND TESTS

- A. The Plan Commission, may, in order to determine the suitability of specific areas for the construction of buildings and supporting roadways, require that soil borings and tests be made in specified areas to ascertain subsurface soil conditions and depths to bedrock and to the groundwater table. The number of such borings and tests shall be adequate to portray for the intended purpose the character of the soil and the depths to bedrock and groundwater from the undisturbed surface.
- B. Where a subdivision will not be served by public sanitary sewer, soil borings and tests shall be made to determine the suitability of the site for the use of POWTS. The location of the borings shall be shown on the preliminary plat and the findings, with respect to the suitability of the site for the use of POWTS, shall be set forth in a separate report submitted with the plat.

4.06 STORM WATER MANAGEMENT AND EROSION AND SEDIMENTATION CONTROL

Following approval of the preliminary plat and prior to approval of the final plat, the subdivider shall submit to the Town storm water and erosion/sedimentation control plans and specifications.

4.07 COVENANTS AND HOMEOWNERS OR CONDOMINIUM ASSOCIATION DOCUMENTS

The Town does not review or provide approvals of private covenants, homeowners association documents, or condominium association documents.

4.08 CERTIFICATES

The professional land surveyor preparing the preliminary plat shall certify that it is a correct representation of the proposed plat and all existing land divisions and features within and adjacent thereto; and that the surveyor has fully complied with the provisions of this Ordinance and Wis. Stat. ch. 236.

SECTION 5.00 FINAL PLAT

5.01 GENERAL REQUIREMENTS

A final plat prepared by a professional land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Wis. Stat. ch. 236.

5.02 FINAL PLAT DATA

The plat shall show correctly on its face, in addition to the information required by Wis. Stat. § 236.20, the following:

- A. All information required by this Ordinance to have been on the preliminary plat pursuant to Section 4.00 of this Ordinance as well as any additional information that had been requested by the Plan Commission for the preliminary plat.
- B. Any additional information requested by the Town since approval of the preliminary plat.
- C. The final plat shall be clearly noted and labeled on its face “Final Plat.”

5.03 DEED RESTRICTIONS

The Town may require that deed restrictions be prepared by the owner or subdivider and filed and recorded with the final plat.

5.04 SURVEY ACCURACY

The Town may make, or cause to be made by a professional land surveyor under the supervision or direction of the Town, field checks for the accuracy and closure of survey, proper type and location of monuments, and liability and completeness of the drawing.

5.05 SURVEYING AND MONUMENTING

All final plats shall meet all surveying and monumenting requirements of Wis. Stat. § 236.15.

5.06 WISCONSIN COORDINATE SYSTEM

The plat shall be tied directly to a minimum of two adjacent section or quarter-section corners defining a quarter section line located, monumented, and placed on a Coordinate System authorized under Wis. Stat. § 236.18. The grid bearing and distance of each tie shall be determined by field measurements. The coordinates, together with a description of the monuments marking the section or quarter-section corners to which the plat is tied, shall be shown on the plat. All distances and bearings shall be referenced to a Coordinate System.

5.07 CERTIFICATES AND AFFIDAVIT

All final plats shall provide all the certificates required by Wis. Stat. § 236.21; and, in addition, the surveyor shall certify full compliance with all the provisions of this Ordinance.

5.08 RECORDING AND FILING

- A. The final plat shall be submitted for recording in accordance with Section 3.05.G of this Ordinance.
- B. The County Register of Deeds shall record the plat as provided by Wis. Stat. § 236.25.
- C. The Subdivider shall file a copy of the final plat with the Town Clerk, as provided by Wis. Stat. § 236.27.

SECTION 6.00 CERTIFIED SURVEY MAP (MINOR LAND DIVISION)

6.01 GENERAL REQUIREMENTS

- A. A CSM prepared by a professional land surveyor shall be required for all minor land divisions. It shall comply in all respects with the requirements of Wis. Stat. § 236.34. The minor land division shall also comply with Sections 7.00 and 8.00 of this Ordinance.
- B. Prior to filing an application for review and approval of a CSM, the subdivider is recommended to consult with the Plan Commission and/or its staff, similar to the provisions of Section 3.01, in order to obtain information and assistance. A conceptual plan of the proposed CSM shall be brought by the subdivider to such a meeting.

6.02 CERTIFIED SURVEY MAP DATA

The CSM shall show correctly on its face, in addition to the information required by Wis. Stat. § 236.34, the following:

- A. The CSM shall be clearly noted and labeled on its face “Certified Survey Map.”
- B. All information required to be on a preliminary plat pursuant to Section 4.00 of this Ordinance is required to be on a CSM.

6.03 ADDITIONAL INFORMATION

The Plan Commission may require additional information be provided for the review and consideration of the proposed land division. *See e.g.*, Section 4.02 of this Ordinance.

6.04 DEED RESTRICTIONS

The Town may require that deed restrictions be filed and recorded with the final CSM.

6.05 SURVEYING AND MONUMENTING

All CSMs shall meet all surveying and monumenting requirements of Wis. Stat. § 236.34.

6.06 WISCONSIN COORDINATE SYSTEM

The CSM shall be tied directly to a minimum of two adjacent section or quarter-section corners defining a quarter section line located, monumented, and placed on a Coordinate System authorized under Wis. Stat. § 236.18. The grid bearing and distance of each tie shall be determined by field measurements. The coordinates, together with a description, of the monuments marking the section or quarter-section corners to which the CSM is tied shall be shown on the CSM. All distances and bearings shall be referenced to a Coordinate System.

6.07 CERTIFICATES AND AFFIDAVIT

All CSMs shall provide all of the certificates required for final plats by Wis. Stat. § 236.21. The Town Board shall certify its approval on the face of the CSM. In addition, the surveyor shall certify on the face of the CSM that all provisions of this Ordinance have been met.

6.08 RECORDING AND FILING

- A. After the CSM has been duly approved by the Town Board, the Town Clerk shall cause the certificate to be inscribed upon the CSM attesting to such approval and the CSM recorded as provided for under Section 3.07.D of this Ordinance.
- B. The County Register of Deeds shall record the final CSM as provided by Wis. Stat. § 236.34(2).
- C. The Subdivider shall file a copy of the final CSM with the Town Clerk.

SECTION 7.00 DESIGN STANDARDS

7.01 GENERAL REQUIREMENTS

All plans and specifications for land divisions and developments shall comply with the design standards established herein and in other adopted Town ordinances. Plans and specifications shall also comply with design related requirements in Section 8.00, "Required Improvements," and Section 9.00, "Construction," of this Ordinance.

7.02 STREET ARRANGEMENTS

- A. General Requirements. In any new land division, the street layout shall conform to an adopted official map, if any, and/or be consistent with an adopted comprehensive plan.
- B. In areas for which an official map has not been completed, or is of insufficient detail, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and existing trees, to public convenience and safety, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas.
- C. The land division shall be designed so as to provide each lot with satisfactory frontage on a public street.
- D. Access shall be provided in commercial, industrial, and mixed-use areas for off-street loading/unloading and service areas.
- E. Street names are subject to Town and County approval.

7.03 LIMITED ACCESS HIGHWAY AND RAILROAD RIGHT-OF-WAY TREATMENTS

Whenever a proposed land division contains or is adjacent to a limited access highway or railroad right-of-way the design shall provide the following treatment:

- A. Non-access easement and planting area: when lots within a proposed land division back upon the right-of-way of an existing or planned limited access highway or railroad, a non-access easement (*see* Section 7.09.D) and planting area (sometimes called a landscaped buffer yard or strip) at least 50 feet in depth and/or width shall be provided adjacent to the highway or railroad right-of-way. The minimum lot depth and/or width required by a zoning ordinance shall be increased where applicable by 50 feet to accommodate the non-access easement and planting area. The design of the planting area, including fences and walls, shall be similar or compatible with the character of adjacent properties. This non-access easement and planting area shall be a part of all lots adjacent to applicable rights-of-way and shall have the following restriction lettered on the face of the plat or CSM: "This area is reserved for the planting of trees and shrubs. Pedestrian, bicycle, and other recreation trail facilities and access may be allowed. No motor vehicle access shall be permitted across this area, except those for personal assistance mobility devices for individuals with mobility disabilities. The building of structures, except fences or walls for screening or buffering purposes and public or private utility structures, is prohibited hereon."
- B. In commercial and industrial zoning districts, streets shall be provided on each side of a limited access highway or railroad right-of-way that are approximately parallel to and at a suitable distance from such highway or railroad. A distance of not less than 150 feet shall be provided to allow for the appropriate use of the land between such streets and the highway or railroad.
- C. Cross- and Shared-Accesses. *See* Section 7.09.D.

7.04 STREET, BICYCLE, AND PEDESTRIAN/RECREATION WAY DESIGN STANDARDS

- A. Cross-Sections. The minimum right-of-way and roadway width of all proposed streets and alleys shall be in accordance with plans and specifications approved by the Town. If no dimensions are so specified, the minimum right-of-way and roadway dimensions shall be as set forth and from time to time amended in Wis. Stat. § 82.50.
- B. Cul-de-sac streets designed to have one end permanently closed shall not exceed 1,000 feet in length unless provisions are made for adequate emergency access and water main configuration. For lengths proposed to exceed 1,000 feet, the subdivider shall present extraordinary circumstances forcing the use of such lengths due to exceptional environmental constraints, the preservation of hilltops, irregular tract shape, or other limiting factors; however, provisions for adequate emergency access must still be provided.

Cul-de-sac streets shall terminate in a circular, “teardrop,” or comparable turnaround having, at minimum, a right-of-way radius that will accommodate all Town highway and emergency equipment and/or vehicles, as well as school buses.

- D. Temporary termination of streets intended to be extended at a later date shall be accomplished with the construction of a temporary circular- or “T”-shaped turnaround contained within the street right-of-way. Temporary turnarounds must be connected and extended when the adjoining property is developed. If the right-of-way for the temporary turnaround is wider than the right-of-way, then the wider “bump-out” portion shall be a temporary easement that shall eventually be removed or vacated when the subject road is extended and constructed in accordance with the provisions of Section 8.05 of this Ordinance. Required front yards or building setbacks shall be measured from the street right-of-way that is to be permanently dedicated.
- E. Pedestrian and bicycle/recreation ways with a right-of-way, outlot, or public access easement width of not less than 20 feet may be required where deemed necessary by the Town to provide adequate pedestrian, bicycle, and other recreational circulation or access to schools, parks, shopping centers, churches, or transportation facilities. Pedestrian and bicycle/recreational paths in wooded and wetland areas shall be so designed and constructed as to minimize the removal of noninvasive trees, shrubs, and other vegetation, and to preserve the natural beauty of the area. *Also see* Section 8.08 for requirements that may affect such facility design.
- F. Public access to navigable stream or lake shores. *See* Section 7.11.C.
- G. Grades
 - 1. Street grades shall be established wherever practicable so as to avoid excessive grading, the indiscriminate removal of ground cover and tree growth, and general leveling of the topography. All changes in street grades that exceed one percent shall be connected by vertical curves that meet the standards for “stopping” sight distance established in the latest edition of the American Association of State Highway and Transportation Official (AASHTO), “A Policy on Geometric Design of Highways and Streets.”
 - 2. Maximum centerline grades of any street or public way within public street rights-of-way shall be subject to the approval of the Town.
 - 3. The grade of any street shall in no case exceed 12 percent or be less than one percent.
 - 4. *See* Section 7.05.F for grades at street intersections.
- H. Crowns. Unless otherwise approved, roadway pavements shall be designed with a centerline crown. Offset crowns or continuous cross-slopes may be utilized upon approval

of the Town. Alley pavements shall be “V”-shaped, with a centerline gutter for drainage. The minimum grade of street crowns shall be two percent.

- I. Radii of curvature. When a continuous street centerline deflects at any one point by more than seven degrees, a circular curve shall be introduced having a radius of curvature on said centerline and shall be based on the consideration of traffic speed, sight distances, and other factors. A tangent at least 100 feet in length shall be provided between reverse curves on streets.
- J. New or reconstructed streets passing through floodplains shall be designed to not be flooded by overflow of streams, rivers, or lakes during a 1-percent-annual-probability (100-year recurrence interval) flood event where possible unless an alternative access is provided by streets located outside of such floodplains.
- K. Bridges and culverts. All new and replacement bridges and culverts over navigable waterways, including pedestrian and other minor bridges, shall be designed so as to accommodate the peak rate of discharge of a 1-percent-annual-probability (100-year recurrence interval) flood event without raising the peak stage, either upstream or downstream, established by FEMA. Bridges and culverts shall be so designed and constructed as to facilitate the passage of ice flows and other debris.
- L. Half-streets. Where an existing dedicated or platted half-street is adjacent to the proposed land division, the other half of the street shall be dedicated by the subdivider. The platting of new half-streets shall not be permitted.
- M. Street curbs and gutters. *See* Section 8.06.
- N. Passing and acceleration/deceleration lanes. The Town may require the subdivider to install a “passing” or “bypass” lane adjacent to the traffic lane opposite an intersection as well as an acceleration and/or deceleration lane adjacent to the traffic lane nearest the intersection.

7.05 STREET INTERSECTIONS

- A. Right angle. Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.
- B. Hills. The location of street intersections immediately below the crest of hills shall be avoided.
- C. The maximum number of streets converging at one intersection shall not exceed two.
- D. Wherever practicable, the distance between public street intersections shall not be less than 1,200 feet.

- E. Corner curves. Property lines at intersections shall be rounded to an arc with a minimum radius of 15 feet, or shall be cut off by a straight-line through the points of tangency of an arc having a radius of 15 feet or greater.
- F. Grades. Intersections shall be approached on all sides by grades not to exceed three percent for a distance of no less than 100 feet from property/right-of-way lines of said intersection, unless exceptional topography would prohibit these grades.
- G. Vision corner or clearance easements shall be provided at street and highway intersections.
- H. Curb ramps or openings to accommodate people with disabilities shall be provided on all public streets where sidewalks and/or other pedestrian paths are required by the Town.
- I. Street signs and signals. *See* Sections 7.02.I and 8.14 of this Ordinance.

7.06 BLOCKS

- A. General requirements. The widths, lengths, shapes, and orientation of blocks shall be suited to the planned use of the land; zoning requirements; the need for convenient bicycle, pedestrian, and motor vehicle access; traffic control and safety; and the limitations and opportunities of topography and other natural resource features.
- B. The length of blocks in residential areas shall not as a general rule be less than 600 feet nor more than 1,200 feet in length unless otherwise dictated by preservation of natural resource features, including exceptional topography, or other limiting factors of good design.
- C. Pedestrian and bicycle/recreation ways of at least 20 feet in width may be required where deemed necessary by the Town to provide safe and convenient pedestrian, bicycle, or other recreational circulation or access between lots, streams, lakeshores, park lands, other public areas, or access to schools, shopping centers, churches, parks, open spaces, or transportation facilities.
- D. The width of blocks shall be sufficient to provide for two tiers of lots of appropriate depth except where a single tier of lots may be necessary to separate development from railroad rights-of-way or through traffic, such as with double or reverse frontage lots, or to protect natural resources.
- E. Utility easements. *See* Section 7.09.A.

7.07 LOTS

- A. General requirements. The size, shape, and orientation of lots shall be appropriate for the location of the land division and for the type of development and use contemplated. Lot lines shall follow municipal and other civic boundary lines rather than cross them.

- B. Side lot lines shall be at right angles to straight street lines or radial to curved street lines on which the lots face.
- C. Double or reverse frontage lots shall be prohibited except where to overcome specific disadvantages of topography and orientation.
- D. Public street frontage. Every lot shall front or abut for a distance of at least 30 feet on a public street for access or as required in an applicable zoning ordinance, whichever is greater. (*Also see* Section 7.09.D pertaining to cross- and shared-accesses.)
- E. The area and dimensions of lots shall conform to the requirements of the applicable zoning ordinance. Lots shall contain sufficient area to permit compliance with all required setbacks, including those set forth in a zoning ordinance. Buildable lots that will not be served by a public sanitary sewerage system shall be of sufficient size to permit the use of a POWTS designed in accordance with applicable law.
- F. Re-divisions. Wherever a lot, parcel, or tract is subdivided into lots or parcels that are more than twice the minimum lot area required in the zoning district in which the lot or parcel is located, the Town may require that such lots or parcels be arranged and dimensioned to allow re-division into smaller lots or parcels that are capable of meeting the provisions of this Ordinance and applicable zoning ordinances.
- G. Depth. Lots shall have a minimum average depth of 100 feet. The typical lot depth in a land division should be increased relative to the width of any buffer strips required along abutting streets, highways, and railways. Where applicable, the minimum lot depth shall also be increased relative to the width of any required drainage easement, bicycle way, pedestrian/recreation way, or landscaped buffer strip along a front or rear lot line (*also see* Section 7.03.A). Excessive depth in relation to width shall be avoided and a proportion of two to one (2:1) shall be considered a desirable ratio, unless a deeper lot is needed to protect natural resources or accommodate easements and buffers.
- H. The width of lots shall conform to the requirements of the applicable zoning ordinance, and in no case shall a lot be less than 60 feet in width at the building setback line, unless otherwise provided by a zoning ordinance. Where applicable, the minimum width shall be increased relative to the width of any required drainage easement, bicycle way, pedestrian/recreation way, or landscaped buffer strip along a side lot line (*also see* Section 7.03.A).
- I. Corner lots. The width of corner lots shall be increased, as determined by the Town, beyond the minimum lot width required in the applicable zoning ordinance for lot widths less than 100 feet to allow adequate yards or building setbacks from two street yards and to accommodate sufficient side and rear yards for the intended use and any required buffers and easements.

- J. Depth and width of lots or parcels reserved or designed for commercial or industrial use shall be adequate to provide for off-street parking and service (loading/unloading) areas required by the use contemplated and the applicable zoning ordinances.
- K. The shape of lots shall be approximately square or rectangular, with the exception of lots located on a curved street or on a cul-de-sac turnaround. Flag lots or easements or other lot stacking techniques shall be prohibited, except where necessary to accommodate exceptional topography or to preserve natural resources in the sole discretion of the Town.
- L. Lands lying between the meander line and the water's edge and any other undeveloped lands that lie between a proposed land division and the water's edge shall be included as part of lots, outlots, or public dedications in any subdivision plat or CSM abutting a lake, river, or stream. The Town may require a restriction prohibiting development to be placed on unbuildable portions (wetlands and floodways, for example) of any lots, parcels, or units.
- M. Restrictions prohibiting development. Whenever a lot appearing on a subdivision plat or CSM is not intended to be buildable, or is intended to be buildable only upon certain conditions, an express restriction to that effect shall appear on the face of the plat or CSM.
- N. Remnants of lots below minimum size remaining after subdividing a large tract or parcel shall be added to an adjacent lot, or a plan shall be submitted indicating future use of the remnant area rather than allowing them to remain as unusable parcels.

7.08 BUILDING AND SETBACK LINES

Building setback lines appropriate to the location and type of development contemplated, which are more restrictive than required in the applicable zoning district, may be permitted or required by the Town and shall be shown on the final plat or CSM. Examples of the application of this provision would include requiring greater setbacks for lots on cul-de-sac or curved streets to achieve the necessary lot width at the setback line, conform to setbacks of existing adjacent development, accommodate a coving or other unique design, avoid placing buildings within buffers, easements, or vision clearance triangles, or protect natural resources.

The yards and building envelope on a lot, which is determined by required building setbacks, shall be generally similar to those on adjacent lots and contain sufficient areas to accommodate the intended use including any required buffers, easements, a principal building, and any accessory structures, a driveway, and, if applicable, a POWTS.

7.09 EASEMENTS

- A. Utility easements. The Town may require utility easements of widths deemed adequate for the intended purpose as determined by the Town. Such easements shall be located as determined by the applicable utility company and subject to approval by the Town, but preferably should be located along rear and side lot lines or in mid-block easements and should be designed to avoid the location of such facilities as electric power transformers in

the flow lines of drainage swales and ditches. All lines, pipes, cables and similar equipment shall be installed underground except where the Town finds that the topography, soils, depth to bedrock, woodlands, wetlands, or other physical barriers or circumstances would make underground installation impractical, or that the lots to be served by such facilities can be adequately served from existing infrastructure, such as overhead facilities, such that requiring underground installation would constitute an undue burden upon the subdivider. Associated equipment and facilities that are appurtenant to underground electric power, telecommunications, and gas facility systems, including but not limited to, substations, pad-mounted transformers, pad-mounted sectionalizing switches, above-grade pedestal-mounted terminal boxes, junction boxes, meter points, and similar equipment may be installed at ground level. Such aboveground equipment shall be placed in a visually unobtrusive location from public view or a landscape screening plan shall be submitted by the subdivider to the affected utility and the Town for approval. All utility easements shall be noted on the final plat or CSM followed by reference to the use or uses for which they are intended.

- B. Drainage easements. Where a land division is traversed by a drainageway or stream, an adequate easement shall be provided as required by the Town. The location, width, alignment, and improvement of such drainageway or easement shall be subject to the approval of the Town; and parallel streets or parkways may be required in connection therewith. Where necessary, storm water drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow. These design details are subject to review and approval by the Town.
- C. Conservation easements. *See* Section 7.10 of this Ordinance.
- D. Vision clearance easements and cross-, controlled-, and shared-access easements. The Town may require vision corner or clearance easements, cross-access easements, non- or controlled-access easements, and shared-access easements as a condition of plat or CSM approval in order to minimize potential traffic hazards. Access provisions shall be evaluated on case-by-case basis to determine the safety and practicability of cross- and shared-access (i.e. shared entryway or driveway entrance).

7.10 PROTECTION OF NATURAL RESOURCES

Where natural drainage channels, floodplains, wetlands, woodlands, or other environmentally sensitive areas are encompassed in whole or in part within a proposed land division, the Town may require that such areas be dedicated or that restrictions, including conservation easements, be placed on the plat or CSM to protect such resources. The Town may also require that such areas in land divisions be included in outlots designated on the plat or CSM and restricted from development.

7.11 PARK, OPEN SPACE, AND OTHER PUBLIC SITES

- A. The Town reserves the ability to offer a subdivider the option of either dedicating land consistent with the Town's park plan and/or comprehensive plan or paying a park fee in

lieu of the dedication. If given the option, and the subdivider elects to dedicate land, unless the Town agrees otherwise, the subdivider only may dedicate land that is consistent with the Town's park plan and/or comprehensive plan. Any land dedication or, in the alternative, a park fee shall bear a rational relationship to, and be proportional to, the need created by the land division.

- B. Navigable streams or lakeshores shall have a public access-way at least 60 feet in width platted to the low water mark at intervals of not more than one-half mile and connecting to existing public streets, unless wider access or greater shoreline intervals are agreed upon by the Wisconsin Department of Administration, the Wisconsin Department of Natural Resources, and the Town, as required by Wis. Stat. § 236.16(3).

7.12 OTHER RELATED DESIGN REQUIREMENTS

Section 8.00, "Required Improvements," and Section 9.00, "Construction," of this Ordinance contain other design related requirements relevant to land divisions. Such requirements or standards include those for curb and gutter; street lights; street name signs; traffic control signs and signals; street trees; landscaping, including but not limited to buffer yards, grading, erosion control, sedimentation control, and storm water management facilities; water supply facilities; sanitary sewerage disposal facilities; and other utilities. Even though some of these standards may not be shown on plats and CSMs, they are relevant to plans and specifications required for developing subdivisions. Other Town ordinances may also affect land division design or development.

SECTION 8.00 REQUIRED IMPROVEMENTS

8.01 GENERAL REQUIREMENTS

All required improvements shall be constructed in accordance with plans and specifications approved by the Town. *Also see* Section 7.00 of this Ordinance for design standards.

8.02 SURVEY MONUMENTS

The subdivider shall install survey monuments placed in accordance with the requirements of Wis. Stat. § 236.15 and as may be required by the Town.

8.03 GRADING

- A. Cut and filled lands shall be graded in accordance with grading plans and specifications approved by the Town. Slopes shall not be steeper than one vertical to four horizontal, or the soil's angle of repose, whichever is the lesser, and such slopes shall be covered with permanent vegetation. To the extent practicable, grading shall be minimized.
- B. After the installation of temporary block corner monuments or other survey control points by the subdivider and establishment of street grades by the Town, the subdivider shall grade the full width of the right-of-way of all streets proposed to be dedicated in accordance with

plans and specifications approved by the Town. The subdivider shall grade the roadbeds in the street rights-of-way to subgrade. Any cut and filled lands immediately adjacent to street or highway rights-of-way shall be graded and restored in accordance with the approved plans and specifications.

- C. Streets and lots shall be brought to finished grades as specified in a site grading plan approved by the Town.
- D. Where electric and telecommunication facilities are to be installed underground, the utility easements shall be graded to finished grade elevation, and no earth fill, mounds of dirt, or construction materials shall be stored on such easement areas.

8.04 STREET SURFACING

Following the installation, inspection, and approval by the Town of utility and storm water drainage improvements, the subdivider shall surface all roadways proposed to be dedicated to the public in accordance with plans and specifications approved by the Town.

8.05 REMOVAL OF TEMPORARY TURNAROUNDS

Where a land division abuts an existing temporary circular cul-de-sac or “T” turnaround and the Town official map and/or comprehensive plan includes extending the street ended by said temporary turnaround, the subdivider shall be responsible for the removal of the turnaround, reconstruction of the drainage and roadside ditches or curb and gutter as applicable, reinstallation of culverts, reconstruction of driveway aprons, and restoration of all disturbed areas, and removing or vacating any portion of the street containing a temporary easement if applicable (*see* Section 7.04.D of this Ordinance). The Town shall determine if existing culverts, if any, may be salvaged and reused.

8.06 CURBS AND GUTTERS

- A. After the installation and the Town’s inspection and approval of all utility and storm water drainage improvements, the subdivider shall construct concrete curbs and gutters in accordance with plans and specifications approved by the Town. This requirement may be waived where a permanent rural street section has been approved with ditches instead.
- B. Curbs and gutters may be required on cul-de-sac landscape “islands” and on streets with steep topographical conditions. Openings in curbs for drainage may be allowed, upon approval of the Town, to accommodate storm water management measures such as drainage into street tree wells, rain gardens, infiltration trenches, or bioretention basins with underdrains. Wherever possible when necessary, provisions shall be made at the time of construction for driveway access curb cuts.
- C. Curb ramps or openings shall be installed, where applicable, in accordance with the Americans with Disabilities Act Accessibility Guidelines, Wis. Stat. § 66.0909, and as approved by the Town.

8.07 RURAL STREET SECTIONS

When permanent rural street sections have been approved by the Town, the subdivider shall finish grade all shoulders and road ditches, install all necessary culverts at intersections and, if required, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and specifications approved by the Town.

8.08 SIDEWALKS AND PEDESTRIAN/RECREATIONAL PATHS

- A. The subdivider shall construct a concrete sidewalk or asphalt path on one side of all frontage streets and on one or both sides of all other streets within the land division. Off-street paths may also be required by the Town. The construction of all sidewalks and paths shall be in accordance with plans and specifications approved by the Town. All such facilities shall be located within a dedicated public right-of-way or a public access easement. If located within a public access easement, said easement shall be at least 20 feet wide. The construction of all sidewalks and pedestrian/recreational paths, including bicycle facilities, shall be in accordance with plans and specifications approved by the Town and its applicable adopted plans.
- B. Wider than standard sidewalks or asphalt paths may be required by the Town in the vicinity of schools, commercial areas, and other places of public assembly. The Town may waive the requirement for sidewalks or paths upon a finding that such walks or paths are not required because of the provision of a separate network of pedestrian/recreational ways, low vehicular or pedestrian traffic volumes, or particular lot arrangement.

8.09 SANITARY SEWAGE DISPOSAL FACILITIES

- A. The subdivider shall construct sanitary sewers in such a manner as to make adequate sanitary sewerage service available to each lot or unit within the land division. Where public sanitary sewer facilities are not available, the subdivider shall make provision for adequate and legally compliant POWTS.
- B. The subdivider shall install sewer laterals to the street right-of-way line. If, at the time of final platting, sanitary sewer facilities are not available to the plat, but will become available within a period of five years from the date of plat recording, the subdivider shall install or cause to be installed sanitary sewers and sewer laterals to the street lot line in accordance with this Section and shall cap all laterals as may be specified by the Town. The size, type, and installation of all sanitary sewers proposed to be constructed shall be in accordance with the plans and specifications approved by the Town.
- C. The subdivider shall assume the cost of installing all sanitary sewers, laterals, and appurtenances required to serve the land division development proposed. If sewers greater than eight inches in diameter are required to accommodate sewage flows originating from outside of the proposed development, the cost of such larger sewers may be prorated either in proportion to the ratio of the total area of the land division development to the total

tributary drainage area to be served by such larger sewer, or in proportion to the contributing sewage flows, as may be agreed upon between the subdivider and the Town.

8.10 STORM WATER MANAGEMENT FACILITIES

- A. The subdivider shall construct storm water management facilities, which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches, open channels, infiltration facilities, storage facilities, and settling basins, including bioretention basins with underdrains, infiltration trenches, and other storm water infrastructure as may be required. All such facilities are to be of adequate size and grade to hydraulically accommodate potential volumes of flow. The type of facilities required and the design criteria shall be determined by the Town while considering the nature of the topography and discharge location within and adjacent to the land division. Storm water management facilities shall be so designed as to prevent and control soil erosion and sedimentation and present no hazard to life or property. The size, type, and installation of all storm water management facilities proposed to be constructed shall be in accordance with the plans and specifications approved by the Town.
- B. The subdivider shall assume the costs entailed in constructing storm water conveyances, infiltration facilities, and storage facilities necessary to serve the proposed development, to achieve the intended level of control of nonpoint source pollution, and to carry the existing storm water flows through the proposed development. If larger conveyance, infiltration, and storage facilities are required to accommodate flows originating from outside the proposed development, or to avoid flooding attendant to increased flows downstream of the proposed development caused not by the development but by preexisting development upstream, the cost of such facilities shall be prorated in proportion to the contributing rates of flows.

8.11 WATER SUPPLY FACILITIES

- A. The subdivider shall construct water mains in such a manner as to make adequate water service available to each lot or unit within the land division. If municipal water service is not available, the subdivider shall make provision for adequate and legally compliant private water systems. The Town may require the installation of water laterals to the street lot line. The size, type, and installation of all public water mains proposed to be constructed shall be in accordance with plans and specifications approved by the Town.
- B. The subdivider shall assume the cost of installing all water mains eight inches in diameter or less in size. If water mains greater than eight inches in diameter are required to serve areas outside the proposed development, the cost to the subdivider may be prorated.

8.12 OTHER UTILITIES

- A. The subdivider shall cause gas, electrical power, telecommunications, data, and other facilities to be installed, where available, in such a manner as to make adequate service available to each lot or unit in the land division, in accordance with Section 7.09.A.

- B. Plans indicating the proposed location of all gas, electrical power, telecommunications, data, and other distribution and transmission lines required to serve the land division shall be approved by the Town.

8.13 STREET LAMPS

- A. The subdivider shall install public street lamps along all streets proposed to be dedicated. The Town shall approve the design and location of all street lamps, which shall be compatible with the neighborhood and type of development proposed. Shielded luminaries with downward reflection, luminaries with cutoff optics, LED or similar energy-saving luminaries, and careful fixture placement may be required by the Town.
- B. In lieu of or in addition to the installation of public street lamps, the Town may permit the installation of private post lamps on each lot of a land division. The type and location of such post lamps shall be approved by the Town and shall be maintained by the lot owners.

8.14 STREET AND TRAFFIC CONTROL SIGNS AND SIGNALS

- A. The subdivider shall install or pay for the fabrication and installation of a street name sign of a design specified by the Town at the intersection of all streets proposed to be dedicated.
- B. The subdivider shall install or pay for the fabrication and installation of any traffic control signs or signals identified during the review and approval process needed to control traffic generated by the proposed land division. Traffic control signs and signals are subject to review and approval by the Town or the government agency having jurisdiction over a street or intersection if not the Town.
- C. The subdivider shall install or pay for the fabrication and installation of any rural address/fire number signs to be utilized for the land division if appropriate to the type of land division as specified by the Town.

8.15 STREET TREES

- A. The subdivider shall plant street trees of a species approved by the Town of at least three inches in diameter at breast height (DBH), approximately 4.5 feet above grade level. The total number of trees to be planted shall be based on one tree for every 50 feet of frontage on all streets proposed to be dedicated and be spaced on average 50 feet apart. The required trees shall be planted in the area between the sidewalk and curb, and/or in the raised center portion of a boulevard, in accordance with plans and specifications approved by the Town.
- B. The requirement for street trees may be waived by the Town if substantial alternative landscaping, including trees, is to be provided within the land division in accordance with a landscaping plan approved by the Town.

8.16 EROSION AND SEDIMENTATION CONTROL

- A. The subdivider shall prepare an erosion and sedimentation control plan addressing the installation and maintenance of soil erosion and sedimentation control measures.
- B. The subdivider shall plant those grasses, trees, and groundcover of species and sizes as specified by the Town.
- C. The subdivider shall install those protection and rehabilitation measures, such as fencing, sloping, seeding, riprap, revetments, jetties, clearing, dredging, snagging, drop structures, brush mats, willow poles, and grade stabilization structures as specified by the Town.

8.17 LANDSCAPING

- A. The subdivider shall install landscaping in accordance with landscaping plans and specifications approved by the Town. If plantings are not installed prior to approval of a final plat, a landscaping schedule shall be specified in a development agreement and appropriate sureties shall be provided.
- B. Maintenance of all landscaping included in an approved landscaping plan shall be the responsibility of the subdivider unless and/or until it is that of a subsequent property owner.

8.18 IMPROVEMENTS TO EXTEND TO LIMIT OF PARCEL OR LOT

Any and all improvements or utility services required by this Ordinance for land divisions shall be extended to the farthest limit of the last or end parcel or lot intended to be developable and upon which a building permit may be requested.

SECTION 9.00 CONSTRUCTION

9.01 COMMENCEMENT

No construction or installation of improvements shall commence in a proposed land division until the preliminary plat or CSM has been approved, a development agreement has been executed if required, and the Town has given written authorization to proceed based upon the receipt of all

necessary fees, sureties, and required permits, and a preconstruction meeting of concerned parties, such as the utilities and contractors concerned, has been completed.

9.02 PHASING

In accordance with Wis. Stat. § 236.13(2) and Sections 2.07 and 2.08 of this Ordinance, the Town Board may permit the construction and installation of required public improvements in phases corresponding to the development phases of a final plat.

9.03 BUILDING AND OTHER PERMITS

No zoning, building, sanitary, erosion control, storm water management, or other permits shall be issued for a structure on any lot not of record on the date of adoption of this Ordinance until all the requirements of this Ordinance have been met.

9.04 PLANS AND SPECIFICATIONS

Each of the following plans and accompanying construction specifications shall be approved by the Town before construction or installation of required public improvements is authorized.

- A. Street plans and profiles showing existing and proposed grades, elevations, cross-sections, materials, and other details of required public improvements, including street lights, signs, and signals, and any sidewalks and pedestrian/recreational paths to be provided within a street right-of-way.
- B. Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations, materials, and other details of required facilities.
- C. Storm water management and erosion and sedimentation control plans, calculations, and profiles meeting the requirements of Sections 8.10 and 8.16 of this Ordinance.
- D. Water supply and distribution plans and profiles showing the locations, sizes, elevations, materials, and other details of required facilities.
- E. Utility plans showing the locations and sizes, where applicable, of all gas, electric power, telecommunications, data, and other utilities and services.
- F. Grading plans showing existing and proposed topographic contours, mass (“rough”) and finished grading plans, proposed top of building foundation and finished yard grade elevations, and such supplemental information as required by the Town.
- G. Landscaping plans showing and describing in detail the locations, sizes, and species of proposed new trees, shrubs, and other vegetation; existing trees, shrubs, and other vegetation proposed to be retained; nonliving durable landscaping materials such as rocks, sand, gravel, decorative mulch, and hardscape features; and structures such as walls,

fences, trellises, and entryway/gateway signs. Plants shall meet the American Standard for Nursery Stock. The use of drought-tolerant plants is encouraged where appropriate.

- H. Additional special plans or information required by the Town, which may include street lighting plans, land stewardship plans, hydraulic and hydrologic studies, additional design considerations, and data and computations involved in preparing required plans.

9.05 EARTH MOVING

Earth moving, such as grading, topsoil removal, watercourse changing, road cutting, waterway construction or enlargement, removal of stream or lake bed materials, excavation, channeling, clearing, ditching, drain tile removal or laying, dredging, lagooning, and other land surface disturbances, shall be so conducted as to otherwise minimize erosion and sedimentation and disturbance of the natural fauna, flora, watercourses, water regimen, and topography.

9.06 PRESERVING OF EXISTING VEGETATION

The subdivider shall make every effort to protect and retain all existing noninvasive trees, shrubs, grasses, and groundcover not actually lying in paved portions of public street rights-of-way, drainageways, building foundation sites, private driveways, POWTS areas, and pedestrian/recreational paths. Trees shall be protected and preserved during construction in accordance with the approved landscaping plan and with sound conservation practices, including the preservation of trees by well islands or retaining walls, whenever abutting grades are altered.

9.07 INSPECTION

The subdivider, prior to commencing any work within the land division, shall make arrangements with the Town to provide for inspection. The Town shall inspect and approve all completed work prior to release of sureties. The Town shall have access to premises and structures during reasonable hours to make those inspections as deemed necessary to ensure compliance with this Ordinance. If, however, the Town is refused entry after presentation of proper credentials, the Town may take measures including but not limited to procuring a special inspection warrant in accordance with Wis. Stat. § 66.0119.

9.08 AS-BUILT PLANS

Within 30 days following completion and acceptance by the Town of all required public improvements, or all such improvements related to an approved phase of construction, respectively, the subdivider shall provide plans and profiles in a form acceptable to the Town that accurately show the extent, horizontal and vertical location, and alignment of all such improvements as they were actually constructed. Horizontal and vertical locations shall be expressed in terms of the Wisconsin Coordinate System and horizontal and vertical datums approved by the Town.

SECTION 10.00 FEES

10.01 GENERAL REQUIREMENTS

The subdivider shall pay to the Town Treasurer all fees as hereinafter required and at the times specified before being entitled to record the plat or CSM concerned.

10.02 PLAT AND CERTIFIED SURVEY MAP REVIEW FEES

- A. The subdivider shall pay a fee as set forth in the Town fee schedule to the Town Treasurer at the time of first application for approval of any preliminary plat, final plat, or CSM to assist in defraying the cost of administration and review.
- B. A reapplication fee as set forth in the Town fee schedule shall be paid to the Town Treasurer at the time of reapplication for approval of any preliminary plat, final plat, or CSM that has previously been reviewed.

10.03 IMPROVEMENT REVIEW FEE

The subdivider shall pay a fee to the Town at the time of the submission of improvement plans and specifications towards the cost to the Town for reviewing such plans and specifications. Such fee may be later increased or decreased in order to equal the actual cost to the Town.

10.04 CONSTRUCTION REVIEW/INSPECTION FEE

The subdivider shall pay a fee equal to the actual cost to the Town for such inspection as the Town deems necessary to assure that the construction of the required public improvements is in compliance with the plans, specifications, and ordinances of the Town.

10.05 PUBLIC PARK SITE FEE

- A. If the subdivider elects under Section 7.11 of this Ordinance to pay a park fee, then the park fee shall be paid to the Town upon the issuance of a building permit by the Town related to the land division. Such fees shall be established in accordance with Wis. Stat. § 236.45(6).
- B. Park fees shall be placed in a separate segregated interest-bearing account and shall be accounted for separately from the other funds of the Town. Park fee revenues and interest earned may be expended only for park fee purposes, unless the park fee is refunded.

10.06 ENGINEERING FEE

- A. The subdivider shall pay a fee equal to the actual cost to the Town for all engineering work incurred by the Town in connection with the plat or CSM.
- B. Engineering work shall include the preparation of construction plans and standard specifications. The Town may permit the subdivider to furnish all, some, or part of the

required construction plans and specifications, in which case no engineering fees shall be levied for such plans and specifications, but only for review of them.

10.07 OTHER FEES

The subdivider shall pay a fee equal to the cost of any special legal, planning, or fiscal work that may be undertaken by the Town in connection with the proposed land division. Legal work shall include the review, negotiation, and drafting of a development agreement between the Town and the subdivider and the review of land division-related documents. These fees may also include the cost of obtaining independent professional opinions of, but not limited to, attorneys, engineers, planners, and landscape architects requested by the Town in connection with the review of the land division being considered.

10.08 APPEAL OF FEES

The subdivider shall have the right to challenge the amount of any fees levied under Sections 10.03, 10.04, 10.05, 10.06, and 10.07 of this Ordinance by an appeal to the Town Board. Upon receipt of such an appeal, the Town Board, upon due notice, shall hold a public hearing at which the subdivider and the Town officials concerned can present their case. Based upon review of relevant records and the testimony presented at the public hearing, the Town Board shall make a determination with respect to the fairness of the amount of the fees challenged and shall make a determination to decrease, affirm, or increase the fees concerned.

SECTION 11.00 DEFINITIONS

11.01 GENERAL DEFINITIONS

For the purposes of this Ordinance, the following definitions shall apply. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular. The word "shall" is mandatory and not advisory, the word "should" is advisory, and the word "may" is permissive. Any words not defined in this Section shall be presumed to have their customary or ordinary meaning, which if in controversy, resort may be made to a dictionary definition.

11.02 SPECIFIC WORDS AND PHRASES

Agency, County Planning. The agency created by the County Board and authorized by Statute to perform land use planning and regulation, including the review of plats and CSMs.

Alley. A public way providing secondary access to abutting properties.

Block. An area of land that is bounded by e.g.: streets, or a combination of streets, public parks, cemeteries, railroad rights-of-way, bulkhead lines, shorelines of waterways, and/or municipal boundaries.

Buffer. An area separating land uses and may consist of open areas, existing natural vegetation, or new landscaping, such as trees, shrubs, and berms.

Building. Any structure having a roof supported by columns or walls.

Building Line. A line generally parallel to a lot line and at a specified minimum distance from the lot line to comply with the building setback requirements of a zoning ordinance and the requirements of this Ordinance.

Building Setback Line. See “Building Line.”

Certified Survey Map (“CSM”). A map prepared in accordance with Wis. Stat. § 236.34 and this Ordinance for the purpose of creating and recording a minor land division as that is defined by this Ordinance; or used to document, for recording purposes, survey and dedication data relating to single parcels. Certified survey maps are also referred to as minor land divisions.

Common Open Space. See “Open Space, Common.”

Comprehensive Plan. The plan adopted by the Town pursuant to Wis. Stat. § 66.1001.

Conceptual Plan. A plan of a proposed land division that is submitted for informal review and shows the proposed general layout of streets, lots, and other features in relation to existing conditions.

Condominium. A form of ownership combining individual unit ownership with shared use and ownership of common property or facilities, established in accordance with Wis. Stat. ch. 703.

Connecting Street or Highway. See “Street or Highway, Connecting.”

Conservation Easement. The grant of a property right or interest from the property owner to another person, agency, unit of government, or other organization stipulating that the described land shall remain in its natural, scenic, open, or wooded state, precluding future or additional development.

County Planning Agency. See “Agency, County Planning.”

Covenant. A restriction on the use of land, usually set forth in the deed.

CSM. Certified Survey Map.

Cul-de-sac Street. See “Street, Cul-de-sac.”

Datum. A system that serves as the basis for land survey measurements and calculations.

Deed Restriction. A restriction on the use of a property set forth in the deed.

Development Agreement. An agreement entered into by and between the Town and a subdivider whereby the Town and subdivider agree as to the design, construction, and installation of required public improvements; the payment for such improvements; dedication of land; and other matters related to the requirements of this Ordinance. A development agreement shall not come into effect unless and until a Letter of Credit or other appropriate surety has been provided to the Town by the subdivider.

Extraterritorial Plat and Certified Survey Map (Land Division) Approval Jurisdiction. The unincorporated area within 1.5 miles of a fourth-class city or village and within three miles of all other cities wherein the city or village also has authority over land division approvals.

FEMA. The Federal Emergency Management Agency.

Final Plat. See “Plat, Final.”

Floodplains. Those lands, including the floodplains, floodways, and channels, subject to inundation by the 1-percent-annual-probability flood (also referred to as a 100-year recurrence interval flood) or, where such data are not available, the maximum flood of record.

Frontage. The total dimension of a lot abutting a public street measured along the street line.

Frontage Street. See “Street, Frontage.”

Hedgerow. A row of shrubs or trees planted for enclosure or separation of other areas.

Homeowners Association. An association combining individual home ownership with shared use, ownership, maintenance, and responsibility for common property or facilities, including private open space, within a land division.

Land Access Street. See “Street, Land Access.”

Land Division. A generic term for land divisions generally, to include subdivisions, minor land divisions, and replats as those terms are further defined in this Section. A land division can be legally created only by means of a plat or CSM.

Landscaping. Living noninvasive plant material, such as grass, groundcover, flowers, shrubs, vines, hedges, and trees; nonliving durable material such as rocks, pebbles, sand, mulch, wood chips or bark; minor earthmoving or modification; and structures such as walls and fences.

Lot. A parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the minimum lot width, lot frontage, lot area, setback, yard, parking, and other requirements of Town ordinances.

Lot, Corner. A lot abutting two or more streets at their intersection.

Lot, Double or Reverse Frontage. A lot, other than a corner lot, with frontage on more than one street. Such lots shall normally be deemed to have two front yards and two side yards and no rear yard.

Lot, Flag. A lot not fronting on or abutting a public street and where access to the public street system is by a narrow strip of land (sometimes called a “neck,” “narrow leg,” or “flag staff”), easement, or private right-of-way.

Lot, Interior. A lot with frontage on one street that is bounded by adjacent lots along each side and usually a lot behind it fronting on a different street.

Minor Land Division (Certified Survey Map). A minor land division is any division of land that:

1. Creates more than one, but less than five, parcels or building sites, inclusive of the original remnant parcel, each of any size, by a division or by successive divisions of any part of the original parcel within a period of five years; or
2. Divides a block, lot, or outlot within a recorded subdivision plat into more than one, but less than five, parcels or building sites, inclusive of the original remnant parcel, without changing the exterior boundaries of said block, lot, or outlot, and the division does not result in a subdivision or replat.

Navigable Water. Any body of water which is navigable under Wisconsin law.

Official Map. A document enacted pursuant to Wis. Stat. § 62.23(6), which shows the location of existing and planned street rights-of-way, parkways, parks, playgrounds, railway rights-of-way, waterways, and public transit facilities.

Open Space. Any site, parcel, lot, area, or outlot of land or water that has been designated, dedicated, reserved, or restricted from further development. Open space may be privately or publicly owned, but shall not be part of individual residential lots. Open space shall be substantially free of structures, but may be used for landscaping and contain recreational facilities approved by the Town. Open space may include, but is not limited to, floodplains, wetlands, woodlands, steep slopes, prairie remnants, natural areas, critical species habitat sites, and other natural resource features.

Ordinary High Water Mark (OHWM) or Elevations. The average annual high water level of a pond, stream, lake, flowage, or wetland referred to an established datum plane or, where such elevation is not available, the point or elevation on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction, or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized topographic, geologic, or vegetative characteristic.

Outlot. A parcel of land, other than a buildable lot or block, so designated on the plat, which is used to convey or reserve parcels of land. Outlots may be created to restrict a lot that is unbuildable due to high groundwater, steep slopes, or other physical constraints, or to create common open

space that may accommodate certain recreational amenities and storm water management facilities. Outlots may also be parcels of land intended to be re-divided into lots or combined with lots or outlots in adjacent land divisions in the future for the purpose of creating buildable lots. An outlot may be further created if a lot fails to meet requirements for a POWTS, but which may be buildable if public sewer is extended to the lot or land division.

Wis. Stat. § 236.13(6) prohibits using an outlot as a building site unless it complies with all the requirements imposed for buildable lots. The Town requires that any restrictions related to an outlot be included on the face of the plat.

Parcel. A single piece of land separately owned, either publicly or privately, and capable of being conveyed separately.

Park fee. A fee or other charge to fund the acquisition or initial improvement of land for public parks. The words "improvement of land for public parks" mean grading, landscaping, installation of utilities, construction of sidewalks, installation of playground equipment, and construction or installation of restroom facilities on land intended for public park purposes.

Plat, Final. A map prepared in accordance with the requirements of Wis. Stat. ch. 236 and this Ordinance for the purpose of creating a subdivision.

Plat, Preliminary. A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration. A preliminary plat precisely describes the location and exterior boundaries of the parcel proposed to be divided, and shows the approximate location of lots, streets, and other improvements.

Plat, Subdivision. A map prepared in accordance with Wis. Stat. ch. 236 and this Ordinance for the purpose of creating and recording a subdivision as defined by this Ordinance.

POWTS. Private Onsite Wastewater Treatment System.

Prairies. Open, generally treeless areas that are dominated by native grasses.

Public Improvement. Any sanitary sewer, storm sewer, open channel, water main, street, park, sidewalk, bicycle, or pedestrian/recreation way, or other facility for which the Town may ultimately assume the responsibility for maintenance and operation.

Public Way. Any public street, highway, bicycle or pedestrian/recreation way, drainageway, or part thereof.

Recreation Path or Way. For the purpose of this Ordinance, a multi-use path that provides opportunities for hiking/pedestrians and may accommodate bicycling, rollerblading, skateboarding, and other recreational uses.

Replat. The process of changing, or the plat or CSM which changes, the boundaries of a recorded subdivision plat, CSM, or a part thereof. A replat is not a subdivision or minor land division.

Shorelands. Those lands lying within the following distances: 1,000 feet from the ordinary high-water elevation or mark of a navigable lake, pond, or flowages; or 300 feet from the ordinary high-water elevation or mark of a navigable stream, or to the landward edge of the floodplain, whichever distance is greater.

Soil. The naturally occurring regolith overlying bedrock.

Soil, In Situ. Soil that is naturally formed or deposited in its present location or position and includes soil material that has been plowed using normal tillage implements and depositional material resulting from erosion or flooding.

Subdivider. Any person, firm or corporation, or any agent thereof, proposing and/or undertaking a land division.

Street, Cul-de-sac. A local street with only one outlet and having an appropriate turnaround for vehicular traffic.

Street, Frontage. A land access street auxiliary to and located parallel or adjacent to another street for control of access and for service to the abutting development.

Street, Land Access. A street used, or intended to be used, primarily for access to abutting properties. Such streets may be called minor streets or minor land-access streets.

Street or Highway, Connecting. A marked route, not a State trunk highway per se, of the State trunk highway system over certain streets and highways in municipalities that the Wisconsin Department of Transportation has designated as a “connecting highway” (Wis. Stat. § 86.32).

Subdivision. A division of a lot, parcel, or tract of land by the owner thereof or the owner's agent for the purpose of sale or of building development where:

1. The act of division creates five or more parcels or building sites, inclusive of the original remnant parcel, each of any size; or
2. The act of division creates five or more parcels or building sites, inclusive of the original remnant parcel, each of any size by successive divisions of any part of the original property within a period of five years.

Subdivision Plat. See “Plat, Subdivision.”

Sustainability. The capacity to meet the needs of the present generation without compromising the ability of future generations to meet their own needs.

Town. The Town of Mosinee, Marathon County, Wisconsin.

WDNR. The Wisconsin Department of Natural Resources.

Wetland. An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.

Woodlands. Upland tree-covered areas. Woodlands do not include lowland wooded areas classified as wetlands, such as tamarack swamps.

**ARTICLE 3
PUBLIC NUISANCES DECLARED**

3-1 General public nuisances

- a) The following acts, omissions, places, conditions and things are declared to be public nuisances affecting public peace or safety:
- 1) All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public so situated or constructed as to endanger the public's safety.
 - 2) All buildings erected, repaired, or altered within the Town in violation of regulations relating to materials and manner of construction of buildings and structures within that district.
 - 3) All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as an official traffic control device, railroad sign or signal or which because of its color, location, brilliance or manner of operation interferes with the effectiveness of any such device, signal or sign.
 - 4) All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.
 - 5) All limbs of trees which project over and less than 14 feet above the surface of a public sidewalk or street or less than ten feet above any other public place.
 - 6) All buildings or structures so old, dilapidated or out of repair as to be dangerous and unsafe, unsanitary or otherwise unfit for human use.
 - 7) All abandoned and wrecked or dilapidated motor vehicles, buses, railroad cars, and house trailers.
 - 8) All wires over streets, alleys, or public grounds which are strung less than 14 feet above the surface.
 - 9) All loud, discordant, and unnecessary noises or vibrations of any kind which tend to cause or create a disturbance.
 - 10) All obstructions of and excavations in or under streets, alleys, sidewalks or crosswalks, except as permitted by the Town or which, although being permitted by the Town, are kept or maintained for an unreasonable or illegal length of time after their purpose has been accomplished.
 - 11) All open and unguarded pits, wells, excavations, or unused basements freely accessible from any public street, alley or sidewalk.
 - 12) All uses of property not authorized under the ordinances of the Town.

- 13) All abandoned refrigerators, iceboxes and other containers having airtight doors or covers from which the doors or other covers have not been removed or which are not equipped with a device for opening from the inside.
 - 14) Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather obstructing traffic and free use of the streets or sidewalks.
 - 15) Repeated or continuous violations of the ordinances of the Town or the laws of the State relating to the storage of flammable liquids.
- b) Any person who violates, disobeys, neglects or refuses to comply of any of the provisions of this Ordinance shall be subject to those penalties provided in Section 1-2 of this Code.

3-2 Oak wilt

- a) Declaration of Policy. The Residents of the Town of Mosinee, through their Town Board, have determined that the health of oak trees, within the municipal limits, are threatened by the fatal disease known as oak wilt. High value is placed on the forested and rural aspects of the Township and the degradation that will occur from oak wilt disease is considered significant enough, both economically and socially, to warrant town wide attention, In addition, such hazardous conditions resulting from the spread of the disease create the potential danger of windfall or other breakage of significantly weakened/dead standing trees situated in the vicinity of common property boundaries or common travel lanes.
- b) Definition. Oak wilt fungus also known as *Ceratocystis fagacearum*, is a disease of oak trees carried by way of grafted root systems between infected and healthy trees or by insects carrying spores.
- c) Designation of a Tree Disease Control Area. The Town Board shall designate an oak wilt control area within the Township in which this oak wilt ordinance and control procedures shall be enacted.
- d) Appointment of Tree Inspector. The position of the tree inspector is hereby created. It is the duty of the tree inspector to coordinate, under the direction of the town board, all activities of the Town relating to the prevention and control of oak wilt and other epidemic diseases of shade trees.
- e) Nuisances Declared. The following are declared to be public nuisances whenever and wherever they may be found within the designated oak wilt control areas:
 - 1) Any living or standing tree or part thereof in the red oak group such as red oak, pin oak, and black oak infected to any degree with the oak wilt fungus, *Ceratocystis fagacearum*.
 - 2) Also, any living or standing tree in the white oak group such as white oak and bur oak that poses threat of transmission of the oak wilt fungus to other trees of the same species through interconnected root systems.

- 3) Nuisance will also include any parts of infected oaks that do not have bark removed, including logs, branches, stumps and firewood.
- f) Abatement. It is unlawful for any person to permit any public nuisances as defined, to remain on any premises owned or controlled by that person within the designated control areas. Such nuisances may be abated in the manner prescribed by this ordinance.
 - g) Inspection Procedures:
 - 1) Annual inspection. A tree inspector shall survey the designated oak wilt control areas of the Town to determine whether any conditions described in the Nuisances Declared, subsection e) of this Ordinance exist. A tree inspector shall, in addition, conduct emergency inspections, whenever deemed necessary, and take action as authorized in this Ordinance.
 - 2) Entry upon Private Premises. A tree inspector, so designated by the town board, will provide reasonable prior notice to the landowner of the need to inspect the property. If access is denied, a tree inspector may seek a special inspection warrant pursuant to Wis. Stat. § 66.0119.
 - 3) Diagnosis. The tree inspector shall whenever possible, upon finding indications of oak wilt, make a diagnosis based upon accepted field symptoms and if deemed necessary, will deliver appropriate samples or specimens for laboratory analysis. The cost of the sample analysis will be the responsibility of the landowner upon whose lands the diseased trees are located.
 - h) Interference Prohibited. It is unlawful for any person to prevent, delay or interfere with a Town tree inspector in the performance of duties imposed by this ordinance.
 - i) Notices Following Inspection. If a tree inspector finds evidence of oak wilt infection or the potential for infection of other trees, he/she shall notify the owner of the property on which the nuisance is found. Said notice shall contain survey information with respect to the subject trees on the property. Such notice shall describe the nuisance and recommend procedures for its abatement within a period of time specified by the tree inspector. The notice shall further state that unless the owner abates the nuisance in the manner specified, or provides the Town with evidence to show such a nuisance does not exist or does not endanger the health of other trees, the inspector may cause the abatement thereof at the expense of the property served. The Town reserves the right to extend abatement procedures under difficult circumstances of compliance. If the owner cannot be found, such notice shall be given publication in a newspaper of general circulation in the Town. After the expiration of the time limited by such notice, the tree inspector may proceed to abate the nuisance as herein provided. The cost of such abatement shall be assessed against the owner of the property involved, or against the property itself. Any owner of real estate in the control area, who receives a notice as provided herein, may request that the tree inspector obtain a laboratory test of such trees. Such a request shall be made to the tree inspector within five (5) days after the date of such notice with the costs of such test being the responsibility of the landowner.
 - j) Responsibility for Abatement.

- 1) Private landowner. An owner aware of the existence on his/her property of a nuisance as described in this Ordinance shall abate or direct the abatement of the nuisance within the specified time on the notice. The abatement of nuisances and disposal of all associated materials shall be done in a manner satisfactory to the tree inspector so as to ensure the elimination of the nuisance.
 - 2) Jurisdictional abatement. If a landowner does not initiate abatement procedures within the allotted time, the tree inspector may then proceed to contract for the prescribed abatement procedure as soon as possible and shall report to the Town all charges resulting from the abatement procedures. The Town may list all such charges along with additional reasonable administrative costs against each separate lot or parcel as a special charge to be collected commencing with the following year's taxes.
- k) Corrective Measures for Abatement of Nuisances. Because oak wilt is a community problem and because oak wilt control may benefit an entire neighborhood, the tree inspector shall recommend and encourage neighborhood participation and cooperation, including cost sharing, in root graft disruption and other control efforts, especially where oak wilt is in danger of spreading across property boundaries.

In efforts to control overland spread of oak wilt, pruning, cutting, or other wounding of oaks is prohibited from April 15 until July 15 without a written permit. During this period (April 15 until July 15) if wounding occurs or pruning is necessary in response to an emergency, a tree wound dressing shall be applied immediately to each wound. The cut surface of stumps from living-noninfected oaks shall be immediately painted with a tree wound dressing.

Standing trees or their parts are considered hazardous from the time of initial infection to July 15 of the following year. Any diseased material to be used as fuel wood or to be salvaged for other purposes must be debarked or else completely covered by heavy plastic (minimum of 4 mil) for a period of time as indicated by the tree inspector. Stumps of infected trees shall be removed or debarked to ground-line in a timeframe designated by the tree inspector, to eliminate all possibility of formation of fungal mats and overland spread by insects. Any branch greater than 2 inches in diameter determined by the tree inspector to be hazardous and not salvaged shall be disposed of by burning, chipping, or removal to an authorized dump site in a timeframe designated by the tree inspector. Dead standing red oaks that have advanced beyond the potential for spore development need not be removed except where they constitute a hazard to life and/or property. The tree inspector will advise accordingly.

Trees of the red oak group diagnosed as having oak wilt may be girdled as directed by the tree inspector as soon as infection is detected in order to speed drying and reduce spore formation. The tree inspector also may apply any certified silvicide to hasten death and drying of infected trees. Girdling shall be done only in areas where a resulting weakened tree will not constitute a hazard to life and/or property should it fall.

The standard measure of control shall be root graft disruption through the use of a vibratory plow in areas where the soil permits this type of method to be employed. Where soils do not permit this method to be practicable, the use of an herbicide (e.g., Garlon 4) may be used to isolate the infection. This herbicide must be applied by an appropriately licensed pesticide applicator. The tree inspector will determine the exact prescriptions for either method.

Nuisance abatement of trees in the white oak group may be accomplished through removal of infected parts.

- l) Wood Transportation Prohibition. It is unlawful for any person to transport into, within or through the control area, any diseased wood that has been determined to be a nuisance as described in the previous sections, without having obtained a permit from the tree inspector. Such permits shall only be granted when the purposes of this ordinance will be served thereby.
- m) Permit Procedure. Any person seeking a permit to trim, cut, prune or otherwise wound (e.g. cabling) any oak tree(s) in the control area between April 15 and July 15, or transport diseased trees or parts thereof shall request a permit from the tree inspector. Transported wood permits shall describe the origin and final disposition of the wood and state protective measures that must be followed to ensure against the spread of oak wilt within the control area. Permits shall not be written for more than a 10 day period. Permits for trimming of oaks shall not be given except in emergency situations. The person doing the cutting, pruning, trimming or transporting shall have a copy of the permit in his/her possession at all times while doing the activity.
- n) Tree and Woodland Preservation. Individuals/developers/realtors proposing sale or construction in areas containing oaks are required to schedule an on-site inspection with a tree inspector to develop a plan to protect oaks from infection. This written plan must be on file with the Town before any brushing, surveying, testing, or construction activities take place. The existence of the plan must be communicated to any prospective buyers.
- o) Transfer of Property. At the time of sale or transfer of real property, the grantor(s) or his/her agent bears the affirmative obligation to disclose the terms of this Ordinance's regulations to the grantee(s). In the event that a nuisance has been declared against the grantor(s) through this Ordinance full disclosure shall be made including the ramifications of non-compliance.
- p) Any person who violates, disobeys, neglects or refuses to comply of any of the provisions of this Ordinance shall be subject to those penalties provided in Section 1-2 of this Code.

3-3 Storage of junked automobiles.

- a) Definitions:

- 1) For purposes of this ordinance, “vehicle” means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except railroad trains. A snowmobile, an all-terrain vehicle, a personal delivery device, an electric scooter, and an electric personal assistive mobility device shall be considered a vehicle.
- 2) For purposes of this ordinance, “junk” or “junked” means vehicles and/or vehicle parts to include at least any one of the following:
 - i) Dismantled.
 - ii) Of little or no resale value except as a source of parts and/or scrap.
 - iii) In a state of being incapable of operation.
 - iv) In a state of being incapable of legal use upon a highway.
 - v) In a damaged state such that the estimated cost of repair exceeds the fair market value.
- b) No person, firm, partnership or corporation shall accumulate or store any junked automobiles or parts thereof outside of any building on any real estate located within the corporate limits of the town except upon a permit issued by the town board.
- c) No accumulation or storage of such material shall be allowed within 750 feet of the center line of any county trunk, state trunk or federal highway or within 500 feet of the center line of any town road, except upon a permit issued by permission of the town board.
- d) The permit issued by the town board shall be signed by the chairperson and clerk and shall specify the quantity and manner of storing such junk. Such permit shall be revocable at any time after a hearing at which it has been found that the permit holder has failed or refused to comply with the ordinances or restrictions providing regulations for the storage of such junked automobiles or parts thereof. Such hearing may be held by the town upon its own motion, or upon a complaint in writing, duly signed and verified by a complainant. Such complaint shall state the nature of the alleged failure to comply with such ordinance or regulation. A copy of the complaint together with a notice of the hearing shall be served upon the permit holder not less than 10 days previous to the date of hearing.

ARTICLE 4
REGULATED SUBSTANCES

4-1 Provisional alcohol licenses

- a) The town clerk shall issue provisional alcohol operator licenses and provisional retail alcohol licenses pursuant to Wis. Stat. §§ 125.17(5) & 125.185. The fee for such licenses shall be \$15.
- b) An applicant shall receive a provisional operator's license upon evidence that the applicant has met all requirements for a standard operator's license except for having yet taken a Responsible Beverage Server training course or equivalent.
- c) A provisional operator's license expires 60 days after its issuance or when a regular operator's license is issued to the holder of such license, whichever occurs first.
- d) An applicant shall receive a provisional retail license upon evidence that the applicant has met all requirements for a standard retail license except for having yet taken a Responsible Beverage Server training course or equivalent.
- e) A provisional retail license expires 60 days after its issuance or when a regular retail license is issued to the holder of such license, whichever occurs first.

4-2 Temporary Retailers' Licenses.

- a) The Town Clerk is hereby authorized to issue temporary Class "B" licenses.
- b) The Town Clerk is hereby authorized to issue temporary "Class B" licenses.
- c) The fee for a temporary Class "B" or "Class B" license shall be \$10, except that if both licenses are issued for the same event then the total fee charged shall be \$10.

4-3 Operators' Licenses.

- a) Operators' licenses that are not provisional or temporary shall be valid for one year, except that such licenses shall expire on June 30 each year.
- b) The fee for an operator's license or temporary operator's license shall be as posted in the Town's fee schedule.
- c) The Town Board hereby designates and authorizes the Clerk to issue operators' licenses for applications that meet all qualifications.

4-4 Site Requirement.

No "Class A" or "Class B" intoxicating liquor license shall be issued or renewed unless at the time of application the applicant has either a physical building on the premises ready for active utilization of the license or executed contracts for the construction of such a building.

4-5 Business Requirement.

- a) The following shall constitute a basis for the Town to suspend, revoke, or refuse the renewal of a retail alcoholic beverage license:
 - 1) Failure to be bona fide open for the sale of alcohol within 90 days of the initial issuance of the license; or
 - 2) Failure to be bona fide open for the sale of alcohol for at least 180 days of a calendar year period.

4-6 Cigarette & Tobacco Products Retailer License.

- a) Wis. Stat. § 134.65 is hereby incorporated into this Ordinance by reference as if fully set forth herein and as from time to time amended.
- b) The amount of the fee required for a Cigarette & Tobacco Products Retailer License shall be stated in the Town's fee schedule.

**ARTICLE 5
PUBLIC SAFETY**

5-1 Fire Prevention.

- a) Wis. Adm. Code ch. SPS 314 is hereby adopted by reference into this Code as if fully set forth herein, and as from time to time it is amended.
- b) Frequency of inspections.

The Fire Chief shall inspect or cause to be inspected by the Fire Inspector(s) or such subordinates in said District as the Chief shall designate at least once per nonoverlapping twelve-month period each calendar year, or as often as may be necessary, all buildings and premises requiring inspection.

5-2 Uniform Dwelling Code

- a) **AUTHORITY.** These regulations are adopted under the authority granted by Wis. Stat. § 101.65.
- b) **PURPOSE.** The purpose of this ordinance is to promote the general health, safety and welfare and to maintain required local uniformity with the administrative and technical requirements of the Wisconsin Uniform Dwelling Code.
- c) **SCOPE.** The scope of this ordinance includes the construction and inspection of one- and two-family dwellings built since June 1, 1980, and new camping units as defined in Wis. Admin. Code § SPS 327.08(9).
- d) **WISCONSIN UNIFORM DWELLING CODE ADOPTED.** The Wisconsin Uniform Dwelling Code, Wis. Adm. Code Chs. SPS 320-325 & 327, and all amendments thereto, is adopted and incorporated by reference and shall apply to all buildings within the scope of this ordinance.
- e) **BUILDING INSPECTOR.** There is hereby created the position of Building Inspector, who shall administer and enforce this ordinance and shall be certified by the state, as specified by Wis. Stat. § 101.66(2), in the category of Uniform Dwelling Code Construction Inspector. Additionally, this or other assistant inspectors shall possess the certification categories of UDC HVAC, UDC Electrical, and UDC Plumbing.
- f) **BUILDING PERMIT REQUIRED.** If a person builds or installs a new building, within the scope of this Ordinance, they shall first obtain a building permit for such work from the building inspector. Restoration or repair of an installation to its previous code-compliant condition as determined by the building inspector is exempted from permit requirements. Residing, re-roofing, finishing of interior surfaces and installation of cabinetry shall exempted from permit requirements.
- g) **BUILDING PERMIT FEE.** The building permit fees shall be set forth in a Town fee schedule and shall include the applicable fee per Wis. Adm. Code ch. SPS 302 to be forwarded to the Wisconsin Department of Safety and Professional Services for a UDC permit seal that shall be assigned to any new dwelling. Permit fees for a Wisconsin camping unit as outlined within Wis. Adm. Code § SPS 327.09 and

inspection fees as outlined within Wis. Adm. Code § 327.10(3) shall also be included in the fee schedule.

- h) PENALTIES. The enforcement of this section and all other laws and ordinances relating to building shall be by means of the withholding of building permits, imposition of forfeitures and injunctive action. Any person, firm, or corporation, or agent, employee, or contractor of such, who violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of any provisions of this Ordinance, shall be subject to the enforcement provisions of Section 1.2 of this Code.
- i) The building inspector(s) shall keep a log of all inspections completed.

5-3 Discharge of Firearms.

- a) This Ordinance is adopted pursuant to Wis. Stat. §§ 66.0409(3)(b) and 941.20(1)(d).
- b) For purposes of this Ordinance, “building” means a permanent structure used for human occupancy and includes a manufactured home, as defined in Wis. Stat. § 101.91(2). "Building" as used in this Ordinance does not include any tent, bus, truck, vehicle, or similar portable unit.
- c) No person may discharge a firearm within 100 yards from a building located on another person's land. This restriction does not apply if the person who owns the land on which the building is located expressly allows the person to discharge a firearm within a specified lesser distance from the building.

**ARTICLE 6
BUSINESS REGULATIONS**

6-1 Short-Term Rentals.

- a) For purposes of this Ordinance:
 - 1) “Residential Dwelling” means any building, structure, or part of the building or structure, that is used or intended to be used as a home, residence, or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others.
 - 2) “Short-term rental” means a residential dwelling that is offered for rent for a fee and for fewer than 30 consecutive days.
- b) The rental of a Residential Dwelling for periods of more than 6 days but fewer than 30 consecutive days is limited to a total number of 180 days within any consecutive 365-day period. This maximum number of allowable rental days within a 365-day period must run consecutively. A person who rents the person's Residential Dwelling shall notify the Town Clerk in writing when the first rental within a 365-day period begins.
- c) Any person who maintains, manages, or operates a Short-Term Rental for more than 10 nights each year, shall do all of the following:
 - 1) Obtain from the Wisconsin Department of Agriculture, Trade and Consumer Protection a license as a tourist rooming house.
 - 2) Obtain from the Town a license for conducting such activities.

6-2 Manufactured and mobile homes and manufactured and mobile home communities.

- a) Definitions.

The provisions of Wis. Stats. § 66.0435, and the definitions used therein are hereby adopted by reference, and made a part of this Section as if fully set forth herein. Any future amendments, modifications, revisions, renumbering, recodification, additions, or deletions to said statute shall be incorporated herein and made a part of this Section.

- b) Enforcement.

The provisions of this Ordinance shall be enforced by the Town Board. The Town Board or the Town Board's representative may enter upon any premises upon which a manufactured or mobile home is located or is about to be located and inspect the manufactured or mobile home and all accommodations connected with the manufactured or mobile home at any reasonable time with prior notice provided.

c) Location outside manufactured and mobile home communities.

- 1) It shall be unlawful for any person to park or cause to be parked any manufactured or mobile home on any street, alley or highway or other public place or on any tract of land owned by any person within the Town, except as provided in this Section.
- 2) Emergency or temporary stopping or parking shall be permitted on any street, alley or highway for not longer than one hour, subject to any other prohibitions, regulations or limitations imposed by the traffic and parking regulations or ordinances for that street, alley or highway.
- 3) No person shall park or occupy any manufactured or mobile home on any premises situated outside an approved manufactured and mobile home community. The parking of any unoccupied manufactured or mobile home in any accessory private garage building in the Town is permitted without permit, provided no living quarters shall be maintained or any business conducted in such manufactured or mobile home while so stored.

d) Permanent occupancy.

Manufactured and mobile homes shall not be used as a permanent dwelling or for indefinite periods of time unless such manufactured or mobile home is properly connected with the public water supply and sanitary systems in an approved manufactured and mobile home community. Such manufactured or mobile home shall be constructed and located in compliance with all requirements of the Uniform Dwelling Code, as applicable, and zoning ordinances of the Town.

e) Alteration of manufactured or mobile home.

Any action toward the removal of wheels, except for temporary purposes of repair or any other action to attach the manufactured or mobile home to the ground by means of posts, piers or foundation or to construct any addition to the manufactured or mobile home, shall subject the manufactured or mobile home and its owner to the requirements of the Uniform Dwelling Code, as applicable, and zoning ordinances of the Town.

f) Manufactured and mobile home community license required.

It is unlawful for any person to establish or operate upon property owned or controlled by the person within the Town, a manufactured and mobile home community without first having secured a license therefor from the Town Clerk. The application for such license shall be accompanied by a fee of \$100.00 for each 50 spaces or fraction thereof within each manufactured and mobile home community. The license period shall be from January 1 to December 31 of each calendar year except that licenses shall expire every December 31 no matter when issued. Such communities shall comply with Wis. Admin. Code ch. SPS 326, which is hereby adopted into this Code by reference as if fully set forth herein and as from time to time amended. The Town shall collect a fee of \$10.00 for each transfer of a license.

g) Parking permit fee.

There is hereby imposed on each occupied, nonexempt mobile home located in the Town, a monthly parking fee as determined in accordance with Wis. Stats. § 66.0435(3)(c). Said fees shall be paid to the Town Clerk on or before the tenth day of each month following the month for which such fees are due.

h) Reports required.

- 1) Licensee of manufactured and mobile home communities or owners of land on which are parked any nonexempt manufactured or mobile home shall furnish information to the Town Clerk on such homes added to their community within five days after arrival of such home on forms prescribed by the Wisconsin Department of Revenue in accordance with Wis. Stats. § 66.0435(3)(c) and (e).
- 2) Occupants or owners of nonexempt manufactured or mobile homes parked outside of a manufactured and mobile home community shall remit applicable fees directly to the Town Clerk.
- 3) It shall be the responsibility of the licensee of a manufactured and mobile home community to collect applicable fees from each occupied, nonexempt manufactured or mobile home therein and to remit such fees to the Town Clerk.
- 4) Pursuant to Wis. Stat. § 66.0435(3)(h), there shall be a forfeiture of \$25.00 for failure to comply with the reporting requirements of this Section. Each failure to report is a separate offense.

i) Manufactured and mobile home community operation.

- 1) The manufactured and mobile home community shall maintain a staffed office in the community or local representative available during normal business hours.
- 2) The owner or operator, together with attendants or persons in charge of, or managing, the manufactured and mobile home community shall:
 - i) Keep a register, which is open at all reasonable times for inspection by appropriate state or local officials, of the owners of all manufactured and mobile homes in the community; and
 - ii) Maintain the manufactured and mobile home community in a clean, orderly, and sanitary condition at all times.
- 3) Occupants shall maintain their sites in a clean, orderly, and sanitary condition at all times.

j) Revocation and suspension.

A license granted under this Section is subject to revocation or suspension for cause by the Town upon complaint filed with the Town Clerk, if the complaint is signed by a law enforcement officer, local health officer, as defined in Wis. Stat. § 250.01(5), or building inspector, after a public hearing upon the complaint.

k) Hearings on revocation or suspension of license.

The holder of the license shall be given ten days' written notice of the hearing on revocation or suspension of the license, and is entitled to appear and be heard as to why the license should not be revoked or suspended. A holder of a license that is revoked or suspended by the Town may within 20 days of the date of the revocation or suspension appeal the decision to the Marathon County Circuit Court by filing a written notice of appeal with the Town Clerk, together with a bond executed to the Town, in the sum of \$500.00 with two sureties or a bonding company approved by the Town Clerk, conditioned for the faithful prosecution of the appeal and the payment of costs adjudged against the license holder.

l) Criteria for issuance of a license.

- 1) The Town shall consider, but not be limited to, all of the following criteria prior to the issuance of a license to an applicant:
 - i) The applicant's identity, contact information, and trade name, if any.
 - ii) If the applicant is a corporation, the identity of the corporate officers and agent.
 - iii) If the applicant is a limited liability company, the identity of the company members or managers and agent.
 - iv) If the applicant is a cooperative organized under Wis. Stat. ch. 185, the identity of the cooperative members, board of directors, and agent.
 - v) If the applicant is of a type identified in subsections ii), iii), or iv) above, then the applicant must further provide the identifying information of any and all related entities, if any. A related entity is an entity that is a parent, subsidiary, associate, or affiliate of the applicant.
 - vi) Any other information required by this Section or other applicable law.
- 2) In the sole discretion of the Town Board, a license may be issued with conditions, or a license may be denied, if any of the following are present:
 - i) The applicant, and/or a related entity, has past violations of this Ordinance.

- ii) The applicant, and/or a related entity, has a history relevant to the applicant's fitness to hold such a license, as demonstrated by another manufactured and mobile home community within or outside of the Town that was not clean, safe, orderly and in sanitary condition at all times.
- iii) The applicant, and/or a related entity, has failed to maintain a manufactured and mobile home community in accordance with the standards prescribed by the Wisconsin Department of Safety and Professional Services, an authorized agent of the Wisconsin Department of Safety and Professional Services, or in contravention of Wis. Adm. Code ch. SPS 326.
- iv) The applicant is not of good character. Good character, for purposes of this Section, means an applicant, and/or a related entity, without a history of dishonest, uncooperative, or offensive acts towards the Town, its personnel, or agents.
- v) Fraud, misrepresentation, or an incorrect statement contained in the application for the license or made in the carrying on of the business of such license.