

**TOWN OF COTTAGE GROVE  
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that the Town Board of the Town of Cottage Grove will hold a public hearing at 7:00 p.m. on Monday, May 20, 2024, at the Cottage Grove Town Hall, 4058 County Road N, to receive public comments on proposed amendments to the following sections of the Town's Code of Ordinances.

- Amending Section 09.09 and creating Section 09.097 to establish and maintain all-terrain vehicle (“ATV”) and utility terrain vehicle (“UTV”) routes in the Town of Cottage Grove, and to regulate same upon such routes.
  
- Amending Chapter 12 – Building Code.

All interested parties are invited to attend said hearing and be heard. The proposed amendments are attached or available for viewing at the Town Hall, 4058 County Road N, Cottage Grove, WI. Any person who has a qualifying disability, as defined by the Americans With Disabilities Act, who requires the meeting or materials at the meeting to be in an accessible location or format must contact the Town Clerk-Treasurer at (608) 839-5021 or [clerk@tn.cottagegrove.wi.gov](mailto:clerk@tn.cottagegrove.wi.gov) at least 24 hours prior to the commencement of the meeting so that any necessary arrangements can be made to accommodate each request.

After the public hearing, the Town Board will consider adoption of the proposed amendments.

Kim Banigan, Clerk-Treasurer  
Town of Cottage Grove  
Posted 05-08-2024

**TOWN OF COTTAGE GROVE  
ORDINANCE 2024-05-20a**

**AMENDING CHAPTER 9 OF THE CODE OF ORDINANCES REGARDING THE  
OPERATION OF ALL-TERRAIN VEHICLES AND UTILITY TERRAIN VEHICLES IN  
THE TOWN OF COTTAGE GROVE**

**WHEREAS**, the Town Board finds it necessary to regulate the operation of all-terrain vehicles and utility terrain vehicles in the Town in order to protect public health and safety.

**NOW, THEREFORE**, the Town Board of the Town of Cottage Grove, Dane County, Wisconsin, do ordain as follows:

**SECTION 1.** Section 09.09 of the Code of Ordinances is hereby amended as set forth in Exhibit A attached hereto.

**SECTION 2.** Section 09.097 of the Code of Ordinances is hereby created as set forth in Exhibit B attached hereto.

**SECTION 3.** All other provisions of Code of Ordinances not specifically amended herein shall remain unmodified and in full force and effect.

**SECTION 4.** This ordinance shall take effect upon passage and publication as provided by law.

The above and foregoing ordinance was duly adopted at a meeting of the Town Board of the Town of Cottage Grove held on the \_\_\_ day of \_\_\_\_\_, 2024, by a vote of \_\_\_ in favor and \_\_\_ opposed.

**TOWN OF COTTAGE GROVE**

\_\_\_\_\_  
Kris Hampton, Town Chair

*Attested by:*

\_\_\_\_\_  
Kim Banigan, Town Clerk-Treasurer

## EXHIBIT A

### **09.09 ~~SNOWMOBILES AND ALL-TERRAIN~~ REGULATION OF RECREATIONAL VEHICLES**

(1) The regulations described in Ch. 350, Wis. Stats. shall apply equally to snowmobiles, ~~and~~ all-terrain vehicles and utility terrain vehicles operated within the Town limits.

(2) The following traffic regulations, following the prefix "09", shall apply equally to the operation of snowmobiles ~~and~~, all-terrain vehicles and utility terrain vehicles within the Town limits:

09-346.04	Obedience to traffic officers, signs and signals; fleeing from officer.
09-346.05	Vehicles to be driven on right side of roadway; exceptions.
09-346.11	Passing or meeting frightened animal.
09-346.14(1)	Distance between vehicles.
09-346.18	General rules of right-of-way
09-346.19	What to do on approach of emergency vehicle.
09-346.20	Right of way of funeral processions and military convoys.
09-346.21	Right of way of livestock.
09-346.26	Blind pedestrian on highway.
09-346.27	Persons working on highway.
09-346.33	U-turns.
09-346.35	Method of giving signals on turning and stopping.
09-346.37	Traffic-control signal legend.
09-346.39	Flashing signals.
09-346.40	Whistle signals.
09-346.44	All vehicles to stop at signal indicating approach of train.
09-346.46	Vehicle to stop at stop signs and school crossings.
09-346.47	When vehicles using alley or nonhighway access to stop.
09-346.48	Vehicles to stop for school busses displaying flashing lights.
09-346.50(1)(b)	Exceptions to stopping and parking restrictions.
09-346.51	Stopping, standing or parking outside of business or residence districts.
09-346.52	Stopping prohibited in certain specified places.
09-346.53	Parking prohibited in certain specified places.
09-346.54	How to park and stop on streets.
09-346.55	Other restrictions on parking and stopping.
09-346.62(2)	Reckless Driving.
09-346.63	Operating under influence of intoxicant or other drug.
09-346.87	Limitations on backing.
09-346.88	Obstruction of operator's view or driving mechanism.
09-346.89	Inattentive driving.
09-346.90	Following emergency vehicle.
09-346.91	Crossing fire hose.
09-346.92(1)	Illegal Riding
09-346.94(1)-(9)	Miscellaneous prohibited acts.

(3) PENALTY FOR VIOLATION

In addition to, and separate from, any penalty specified in any applicable state statute; violations of this ordinance shall be punishable as Class C forfeitures, under TCG § 25.04.

(4) EFFECTIVE DATE

- (a) The original ordinance was adopted on July 6, 1981.
- (b) This section shall take effect upon passage and publication.

## EXHIBIT B

### 09.097 ALL-TERRAIN VEHICLES AND UTILITY TERRAIN VEHICLES

#### (1) STATEMENT OF PURPOSE

This ordinance is intended to establish and maintain all-terrain vehicle (“ATV”) and utility terrain vehicle (“UTV”) routes in the Town of Cottage Grove and to regulate the operation of same upon such routes.

#### (2) AUTHORITY

The Town Board of the Town of Cottage Grove, Dane County, Wisconsin, has the specific authority to adopt this ordinance under § 23.33(8), Wis. Stats.

#### (3) STATE STATUTES ADOPTED BY REFERENCE

The provisions of § 23.33, Wis. Stats. and Ch. NR 64, Wis. Admin. Code are hereby adopted and by reference made a part of this ordinance as if fully set forth herein. Unless otherwise provided in this ordinance, any act required to be performed or prohibited by any statute or regulation incorporated herein by reference is required or prohibited by this ordinance. Any future amendments, revisions, or modifications of the statutes or regulations herein are made a part of this ordinance. Any terms used in this ordinance that are defined in § 23.33(1), Wis. Stats., shall have the meaning prescribed by statute.

#### (4) ATV/UTV ROUTES DESIGNATED

(a) Pursuant to § 23.33(8)(b)(1), Wis. Stats., the Town of Cottage Grove designates the following as ATV/UTV routes:

- (i) All Town roads east of County Highway N and north of U.S. Highway 12/18; and
- (ii) Deerfield Road south of U.S. Highway 12/18 to its intersection with Schadel Road.

#### (5) ROUTE SIGNS

Under the direction of the Town, all authorized ATV/UTV routes shall be designated by route signs. The route signs shall be provided by the local ATV Club, or its successor at their cost, and shall be installed by the ATV Club in accordance with Ch. NR 64.12, Wis. Admin. Code, under the supervision of the Town. The route signs shall be inspected by the Town annually and shall be maintained by the ATV Club, or its successor. The Town shall be promptly notified by the ATV Club of any change in responsibility for maintenance of ATV/UTV route signs.

#### (6) CONDITIONS

In addition to the provisions of § 23.33, Wis. Stats., and Ch. NR 64.07, Wis. Admin. Code, the following restrictions are placed on the use of the ATV/UTV routes permitted under this section:

(a) All ATV and UTV operators shall be at least 16 years of age and possess a valid operator's license as defined in § 340.01(41g), Wis. Stats., as may be amended from time to time, including a safety certificate if required by State law. A learner's permit shall not be considered as a valid driver's license nor shall any license that has been revoked, temporarily or otherwise, or suspended for any reason, be considered as a valid driver's license during the period of suspension or revocation.

(b) All ATV and UTV operators shall observe the posted speed limits and all other applicable traffic regulations.

(c) The operators of ATVs/UTVs shall ride in single file.

(d) ATV/UTV headlamps and tail lamps must be turned on at all times and ATV/UTVs must have operational brake lights.

(e) All UTV operators and passengers must wear seat belts at all times.

#### (7) ENFORCEMENT

This ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the state of Wisconsin.

#### (8) PENALTY FOR VIOLATION

Any person who shall violate any provision of this ordinance shall, upon conviction thereof, forfeit not more than \$250, together with the costs of prosecution.

#### (9) SEVERABILITY

If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

Title: Ordinance 2024-05-06b adopting Amendments Chapter 12 of the Town Code of Ordinances

Code Section(s) ~~created, amended, or repealed~~  
Presented to Board by

Chapter 12 – UNIFORM BUILDING CODE  
Town Planner Mark Roffers (12.08(1))  
General Engineering Company – all other  
revisions

Committee Review by  
Date(s) Public Hearing(s) held (if required)  
Date adopted  
Vote  
Date of posting of adoption of ordinance  
Date of publication of adoption of ordinance

Also reviewed by Atty. William Cole  
Plan Commission (12.08(1) only)  
May 20, 2024  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The Town Board of the Town of Cottage Grove does ordain as follows:

TCG Ord. Chapter 12 UNIFORM BUILDING CODE is hereby amended to read as follows:

## CHAPTER 12 - UNIFORM BUILDING CODE

### 12.01 UNIFORM BUILDING CODE

#### (1) AUTHORITY

Pursuant to the provisions of Chs. 59, 60, 61, 62, 66 and 101, Wis. Stats., the Town of Cottage Grove hereby adopts a building code for the regulation of all types of buildings including private and public, rural and urban and including buildings owned by the state or any political subdivision thereof, to be erected in the Town.

#### (2) SCOPE

The Town building code applies to all dwellings, commercial buildings, agricultural buildings, swimming pools, garages and other outbuildings. Excepted are children's play structures, dog kennels, and fences. Fences are regulated under s. TCG §§ 11.03 and 12.06.

#### (3) ~~INCORPORATION BY REFERENCE~~ ADOPTION OF WISCONSIN STATUTES AND ADMINISTRATIVE CODE

The provisions of the following ~~Wisconsin Department of Safety and Professional Services (SPS) administrative code~~, and all subsequent amendments thereto are hereby adopted and made a part of this ordinance with the same force and effect as if they were fully reprinted herein with the exception of any penalty provision. Municipal penalties are limited to those specified herein.

National Fire Protection Association Standards: Volumes 1-12

Ch. SPS 302.31 Plan Review Fee Schedule

Ch. SPS 305 Credentials

Ch. SPS 316 Electrical Code

Ch. SPS 320-325 Uniform Dwelling Code

Ch. SPS 327 Campgrounds

~~Ch. SPS 328 Smoke Detectors & Carbon Monoxide Detectors~~

Ch. SPS 361-366 Commercial Building Code

Ch. SPS 375-379 Buildings Constructed Prior to 1914

Ch. SPS ~~380~~381-387 Uniform Plumbing Code

Wisconsin State Statutes Chapter 101 Department of Safety and Professional Services – Regulation of Industry, Buildings and Safety

#### (4) PERMIT REQUIRED, FEES

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

Except as otherwise expressly provided in this Chapter, no owner or contractor may construct, erect, alter, enlarge, repair, move, convert to other uses, or demolish any building, structure or mechanical system until a valid permit is obtained from a Municipalthe Town Building Inspector. The Wisconsin uniform building permit shall be issued if the requirements for filing and fees are satisfied, and the plans have been conditionally approved.

(a) The foregoing described work which shall require a building permit includes, but is not limited to:

1. New 1 & 2 family and commercial building including agricultural buildings, detached structures (decks), and detached accessory buildings.
2. Additions that increase the physical dimensions of a building, including decks.
3. Alterations to ~~at~~the building structure, ~~cost shall include market labor value, or alterations to~~ ~~at~~the building's heating, electrical, or plumbing systems.
- ~~1. Replacement of 1 and 2 family dwelling building equipment including furnaces and central air conditioners, water heaters, and any other similar equipment shall not require a permit.~~
4. Any electrical wiring for new construction or remodeling excluding new wiring for existing industrial and manufacturing facilities that do not require State mandated building plan review.
5. Any HVAC for new construction or remodeling.
6. Any plumbing for new construction or remodeling.
- ~~4-7. Any new or re-wired electrical service, including services to agricultural buildings.~~

Replacement of 1-and 2-family dwelling building equipment including furnaces and central air conditioners, water heaters, and any other similar equipment shall not require a permit.

(b) Building Permit Fees.

1. At the time of building permit issuance, the applicant shall pay ~~all applicable fees as established by resolution periodically~~ by the Town.
2. If work commences prior to permit issuance, the permit fee shall be double ~~the amount set forth in subsection (b)1 above.~~
- ~~2. Building permit fees shall be set by and may be amended at any time by resolution of the Town Board. The appropriate fee for each category shall be specified in a building permit fee schedule provided to the applicant, and shall be submitted with the application, to the Town treasurer in US currency, money order or check payable to: the Town of Cottage Grove. An itemized receipt shall be provided for all currency received.~~

~~(b) Any fee established by the Town Board, which is in effect at the time the application is made, shall remain in effect for the entire period that the permit is valid.~~

(c) Permit Lapses.

A building permit, other than Wisconsin Uniform Building Permits shall lapse and be void unless building operations are commenced within six (6) months ~~after permit issuance; or~~ ~~and~~ if

construction has not been completed within twelve (12) months from the date of issuance thereof. Wisconsin Uniform Building Permits shall expire 24 months after issuance if the dwelling exterior has not been completed in accordance with Wis. Admin. Code SPS 320.09(9)(a)5.

(e)(d) Design review of the project shall be completed prior to issuance of a building permit if such review is required under s. TCG § 12.08.

#### (5) CERTIFIED MUNICIPALITY STATUS

The Town has adopted the Certified Municipality Status as described in Chapter SPS 361.60 of the Wisconsin Administrative Code.

(a) Responsibilities. The Town shall assume the following responsibilities for the Department of Safety and Professional Services (Department):

1. Provide inspection of commercial buildings with certified commercial building inspectors.
2. Provide plan examination of commercial buildings with certified commercial building inspectors.

(b) Plan Examination. Drawings, specifications, and calculations for all the types of buildings and structures, except state-owned buildings and structures, to be constructed within the limits of the ~~municipality~~Town shall be submitted, if the plans are for any of the following:

1. Provide inspection of all size commercial buildings with certified commercial building inspectors.
2. A new building or structure containing less than 50,000 cubic feet of total volume.
3. An addition to a building or structure where the area of the addition results in the entire building or structure containing less than 50,000 cubic feet of total volume.
4. An addition containing no more than 2,500 square feet of total floor area and no more than one floor level, provided the largest roof span does not exceed 18 feet and the exterior wall height does not exceed 12 feet.
5. An alteration of space involving less than 100,000 cubic feet of total volume.
6. ~~A certified municipality~~The Town may waive its jurisdiction for the plan review of a specific project or types of projects, or components thereof, in which case plans and specifications shall be submitted to the Department for review and approval.
7. The Department may waive its jurisdiction for the plan review of a specific project, agreed to by ~~a certified municipality~~the Town, in which case plans and specifications shall be submitted to the ~~certified municipality~~Town for review and approval.

(c) Plan Submission Procedures. All size commercial buildings, structures, and alterations, including new buildings and additions less than 25,000 cubic feet, require plan submission as follows:

1. Building permit application.
2. Application for review - SBD-118, or equivalent.
  - a. Fees per Table SPS 302.31-2 and SPS 302.31.

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

b. Fees apply to commercial projects.

### 3. Four sets of plans.

a. Signed and sealed per SPS 361.31.

b. One set of specifications.

c. Component and system plans.

d. Calculations showing code compliance

### (6) UNSAFE BUILDINGS

(a) Whenever the Building Inspector shall find that any building or structure, or any part thereof, is dangerous to life or adjoining property by reason of bad conditions, defective construction, overloaded floors, decay, lack of guards against fire, general dilapidation or other cause, he or she shall order the owner of or tenant thereof to cause the same to be made safe or to be removed, as in the judgment of the Building Inspector may be necessary; and he or she shall also affix a notice of such order in a conspicuous place on the outside wall of the building. No person shall remove or deface such notice. The owner or tenant of such building or structure shall thereupon immediately cause the same to be made safe, or to be removed, as ordered. Any person who fails to comply with any such order shall be guilty of a violation of this section.

(b) Where the public safety requires immediate action, the Building Inspector ~~may~~shall enter upon the premises with such assistance as may be necessary and cause the building or structure to be made safe or to be removed, and the expense of such work may be recovered by the Town in an action against the owner or tenant.

### ~~(4)(7)~~ PENALTY FOR VIOLATION VIOLATIONS AND PENALTIES

(a) Prohibition. No person, entity, or firm may construct, remodel, demolish, or repair any building in a manner which violates any provision or provisions of this ~~Chapter ordinance~~.

~~(a)(b)~~ Violations discovered by the Building Inspector shall be corrected within 30 days, or more if allowed by the Building Inspector, after written notice is given. Violations ~~involving life safety issues which pose a danger to health of safety~~ shall be corrected in a reasonable time frame established by the Building Inspector. ~~Violations documented by the Town Building Inspector shall be corrected within 30 days, or as specified in writing by the Town Building Inspector.~~ Violations of this ~~Chapter ordinance~~, which remain unresolved beyond the date specified by the Town Building Inspector, shall be punishable as Class C forfeitures, under s. TCG § 25.04.

(c) In addition to the forfeiture specified in (a), subsequent building permits requested by, or on behalf of, the same applicant, shall be withheld until such time as the Town Board has been satisfied that there are no continuing violations of any Town ordinance by the applicant.

~~(b)(d)~~ Compliance with the requirements of this ~~Chapter ordinance~~ is necessary to promote the safety, health, and well-being of the community and the owners, occupants, and frequenters of buildings. Therefore, violations of this ~~Chapter ordinance~~ shall constitute a public nuisance that may be enjoined in a civil action.

### ~~(5)(8)~~ LIABILITY FOR DAMAGES

This Building Code and the regulations within it shall not be construed as an assumption of liability by the Town of Cottage Grove, the Town Building Inspector, or any ~~deputy assistant~~ Building Inspector for damages because of injuries sustained or property destroyed by any defect

in any installation or in any dwelling, building structure or equipment subject to inspection by the Town. The purpose of the inspections under this chapter is to improve the quality of structures in the Town. The inspections, permits, reports and findings issued after the reviews or inspections are not intended as, nor are they to be construed as, a guarantee. In order to so advise owners and other interested persons, the following disclaimer shall be applicable to all reviews or inspections under this title: "The review of applications and/or the findings of inspection contained herein are intended to report conditions of noncompliance with code standards that are readily apparent at the time of review or inspection. The review or inspection does not involve a detailed examination of the property lines or surveys, mechanical systems or the closed structural and nonstructural elements of the building and premises. No warranty of the operation, use or durability of equipment and materials not specifically cited herein is expressed or implied."

#### (9) SEVERABILITY

~~If any provision of this Chapter section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections, or portions thereof of the ordinance Chapter. The remainder of the Chapter ordinance shall remain in full force and effect. Any other ordinances whose terms conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.~~

#### ~~(6)~~(10) EFFECTIVE DATE

(a) The original ordinance was adopted on June 2, 1980 and ~~most recently revised on revised on January 19, 2009.~~ \_\_\_\_\_

(b) This section shall take effect upon passage and publication.

### **12.02 TOWN BUILDING-HVAC-PLUMBING INSPECTOR**

#### (1) CREATION AND APPOINTMENT

(a) There is hereby created the office of Town Building Inspector. The Building Inspector shall be appointed or contracted by the Town Board until said appointment/contract is rescinded by the Town Board.

(b) The Town Building Inspector shall be fully insured, and certified

~~(b)(c) The Building Inspector shall be certified for inspection purposes by the Department in the required categories specific under SPS 305, Wisconsin Administrative Code. for by the state of Wisconsin to perform all residential and commercial building inspections and plan reviews required under this Chapter, including the categories specified under Wis. Admin. Code SPS 305.61, 305.62, 305.625, 305.63, 305.635 for commercial buildings, UDC, electrical, plumbing, and residential dwellings.~~

#### (2) SUBORDINATES ASSISTANTS

The Town Building Inspector may employ, assign, or appoint, as necessary, assistant inspectors. Any assistant hired to inspect buildings shall be certified as defined in SPS 305,

~~(3) — WISCONSIN ADMINISTRATIVE CODE BY THE DEPARTMENT MAY APPOINT AS NECESSARY, DEPUTY BUILDING INSPECTORS SUBJECT TO APPROVAL BY THE TOWN BOARD. ANY DEPUTY BUILDING INSPECTOR SO APPOINTED SHALL BE INSURED AND CERTIFIED AS REQUIRED UNDER (1) ABOVE INSPECTIONS FOR THE FIELD(S) FOR WHICH THAT INSPECTOR HAS BEEN APPROVED BY THE TOWN BOARD.~~

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

### DUTIES

The Town Building Inspector, shall administer and enforce all provisions of this ordinance and all other statutes, codes and laws of the State of Wisconsin relating to building construction.

### ~~(4)~~(3) POWERS

(a) The Town Building Inspector, or an authorized certified agent of the Building Inspector and any deputy inspector, may enter upon any public or private premises for inspection purposes, at all reasonable hours; and may require the production of the permit for any building, plumbing, electrical, or HVAC work.

(b) No person may interfere with, or refuse to permit access to any such premises, to the Building Inspector, or any deputy inspector, while in the performance of their duties. If the Town Building Inspector is denied consensual entry to any premises or building, the Town Building Inspector may obtain a special inspection warrant under § 66.0119, Wis. Stats., and as may be amended.

(c) The Town Building Inspector shall have the power to pass upon any question arising under the provisions of this chapter relating to buildings, subject to conditions contained in this chapter. Any person aggrieved by any order or ruling or interpretation of the Town Building Inspector may appeal from such order, ruling or interpretation to the Town Board, such appeal to be in writing.

~~(d) Whenever the Town Building Inspector finds any building or part thereof with the Town to be so old, dilapidated, or so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation, occupancy or use, the Building Inspector may order the owner to raze and remove such building or part thereof, or if it can be made safe by repairs, to repair and make safe and sanitary or to raze and remove at the owner's option. Such order and proceedings shall be as provided in § 66.0413(1), Wis. Stats., and as may be subsequently amended.~~

~~(d) Inspection results. The findings of inspection by the Building Inspector, plumbing inspector and electrical inspector are intended to report conditions of non-compliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the closed structural and non-structural elements or the mechanical systems of the building and premises. No warranty of the operation, use, or durability of equipment and materials not specifically cited in the findings of inspection are expressed or implied.~~

### ~~(5)~~(4) RECORDS TO BE MAINTAINED

All records pertaining to the Town building inspection program, including but not limited to those identified in (a) to (d), shall be maintained in the Town Hall. All such records shall be made available for public inspection during normal business hours.

(a) A record of all applications for a building permit, including the date the application was made and the date the permit was issued by the Town Building Inspector.

(b) A record of all fees collected; showing the total amount received, the name of the person the fee was received from and their relationship to the applicant if not the same person, the date received, who received the fee, and the date the fee was turned over to the Town Treasurer.

(c) A copy of the completed standard building permit numbered in the order of issuance, including a record of the number, description and size of all buildings erected indicating the kind of materials used and the aggregate cost of each building.

(d) A record of all inspections made indicating that the site passed or failed the inspection, and any subsequent action to be taken to resolve a non-compliance condition.

~~(6)~~(5) EFFECTIVE DATE

(a) The duties and authority of the Town Building Inspector were initially described in the Town Building Code, adopted on April 17, 1989, and most recently revised on ~~January 19, 2009~~ \_\_\_\_\_.

(b) This section shall take effect upon passage and publication.

**12.03 UNIFORM FIRE CODE**

(1) AUTHORITY

(a) For purposes of this ordinance, the standing Chief of Cottage Grove Fire District, Volunteer Fire Department, Inc. as described in the Agreement for the Provision of Fire Protective Services shall be referred to as the Fire Chief.

(b) Pursuant to Ch. 101, Wis. Stats., and the authority granted to the Fire Chief under § 101.14(2), Wis. Stats., the Town hereby authorizes the Fire Chief, acting as a deputy of the department of the Wisconsin Department of Safety and Professional Services, to conduct fire inspections of buildings and property within the Town limits, as an agent of the Town. The Town further designates the Fire Chief as the fire code official under Wis. Adm. Code SPS 314, 361-362 and authorizes the Fire Chief to designate, mark and require fire lanes, fire apparatus access, appropriate signage and appurtenances as may be required in the Fire Chief's discretion or as may otherwise be required by law.

(2) INCORPORATION OF WISCONSIN ADMINISTRATIVE CODE BY REFERENCE

The following provisions of the Wisconsin Administrative Code Department of Safety and Professional Services (SPS) are hereby adopted, including any amendments as may be made from time to time, and made a part of this ordinance with the same force and effect as if they were fully reprinted herein, with the exception of penalty provisions. Municipal penalties are limited to those specified in (4).

SPS 314 FIRE PREVENTION  
SPS 361-365 WISCONSIN COMMERCIAL BUILDING CODE

(3) ENFORCEMENT

Pursuant to §§ 60.555, 66.0113 (2) and 800.02, Wis. Stats., the Town Board designates the Fire Chief, and any other fire inspector designated in writing by the Fire Chief, to issue citations to enforce the provisions of this Uniform Fire Code under s. TCG § 12.03, including, but not limited to, violations of Wis. Adm. Code SPS 314, fire related provisions of Wis. Adm. Code SPS 361-365 and Ch. 101, Wis. Stats., any rules or standards promulgated thereunder, and to issue parking tickets for parking violations in fire or emergency lanes or spaces.

(4) PENALTY FOR VIOLATION

In addition to, and separate from, any penalties imposed by another agency for failure to comply with any federal, state, or county regulation, violations of this ordinance shall be punishable as Class C forfeitures, under s. TCG § 25.04.

(5) EFFECTIVE DATE

This section shall take effect upon passage and publication.

**12.04 REGULATION OF ADDRESS NUMBERS**

(1) LOCATION OF ADDRESS NUMBERS

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

- (a) Address number and sign location for buildings located within the Town shall adhere to all requirements as set forth in Dane County Ordinances § 76.07, and as amended.
- (b) When there is one building which has multiple address numbers, each unit shall display the appropriate address number as described in (a).
- (c) The address number shall not be concealed from view of the road by trees, shrubs, bushes, or any other obstructions, including seasonal accumulations of snow.

### (2) SPECIFICATIONS FOR NUMBERS AND LETTERS

- (a) The use of reflective material for the numbers and letters of any signage in compliance with this provision, as well as for the background is recommended, but it is not required for compliance with this ordinance.
- (b) Address supplies made available through the Dane County Planning & Development Zoning Division may be used for compliance with the provisions of this ordinance, provided they are located as described in (1).

### (3) DAMAGE TO ADDRESS NUMBER

- (a) It shall be unlawful and a violation of this ordinance to willfully disturb, remove, deface, or damage any address number installed and maintained under the provisions of this ordinance.
- (b) Any person who accidentally disturbs, removes, defaces, or damages any address number, shall promptly notify the owner of the property; or the Town Clerk, if the property owner cannot be determined.

### (4) PROPERTY OWNERS' RESPONSIBILITY

The owner of any property on which a building has been assigned an address number, shall be responsible for the installation and maintenance of the appropriate address number assigned to the building.

### (5) PENALTY FOR VIOLATION

- (a) For new construction requiring a building permit; the final inspection shall not be done, and an occupancy permit shall not be issued, until such time as the appropriate address number has been located in accordance with (1).
- (b) Violations of this ordinance shall be punishable a Class B forfeiture, under s. TCG § 25.04.

### (6) EFFECTIVE DATE

This section shall take effect upon passage and publication.

## **12.045 REGULATION OF MAILBOX INSTALLATION**

(Regulations are based on Wisconsin Transportation Bulletin No. 14 – Mailbox Safety, available at the Town Hall or on the Town's web page.)

### (1) SUPPORT

The support should be a wood post, steel pipe, or steel channel installed no more than 24" in the ground and extending to a vertical height such that the bottom of the mailbox is a minimum of 42" but not to exceed a maximum of 48" above the ground surface. The support should be the following dimensions:

- Square wood post: no larger than 4" x 4"

- Round wood post: no larger than 4” in diameter
- Steel pipe: no larger than 1 1/2” inside diameter
- Steel channel: no more than 2 lbs./ft.

Dimensions exceeding these are unacceptable and in violation of this ordinance.

The support should not be set in concrete, nor is a base plate acceptable. Anti-twist flanges may be installed on the pipe or channel supports but should not be imbedded more than 10” in the ground.

(7) ATTACHMENT

The box-to-post attachment should be sufficient to prevent the separation of the box from the support post when struck.

(8) MULTIPLE MAILBOXES

No more than two mailboxes should be mounted on one support post. For multiple installations, support posts must be spaced a minimum longitudinal distance apart which is equal to three-quarters of the height of the posts in the installation. Thus, for example, in an installation where posts are four feet above ground, they should be spaced three feet apart.

(9) MAILBOX LOCATION

The front of the mailbox should be aligned with the outside edge of the shoulder, and must not extend over the edge of the traveled way or over the edge of a paved shoulder. Installations should avoid blind spots or poor sight distance locations.

(10) PENALTY FOR VIOLATION

All mailboxes within highway or road right-of-way shall be installed and maintained in compliance with the provisions of this ordinance. Failure of a mailbox to comply with the provisions within this section shall constitute a violation of this ordinance. If the Town Highway Superintendent determines that a mailbox is in violation of this ordinance, the Highway Superintendent may remove the mailbox from the right-of-way with or without notice to the property owner. Violations of this ordinance shall result in a fine equal to the cost of removal of the mailbox, which shall be calculated at 150% of the current hourly wage rate for Town public works employee(s) multiplied by the actual time spent by said employee(s) on the mailbox removal.

(11) EFFECTIVE DATE

This section shall take effect upon passage and publication.

**12.05 REGULATION OF SIGNS**

(1) PURPOSE AND SCOPE

The purpose of this ordinance is to regulate signs for all properties within the Town and to ensure the public safety and preservation of scenic beauty of the Town. It will also serve to implement the desired overall character of the community and its constituent zoning districts by providing enforcement of the county zoning requirements at the municipal level.

(2) COUNTY ZONING REGULATIONS ADOPTED BY REFERENCE

The following references from the Dane County Code of Ordinances (DCCO), following the prefix "12", are hereby adopted and made a part of this ordinance with the same force and effect as if they were fully reprinted herein.

## TOWN OF COTTAGE GROVE - CODE OF ORDINANCES

12-10.71	Definitions
12-10.72	Permitted Zoning Districts for Signs
12-10.73	General Sign Regulations
12-10.74	Specific Regulations for Various Types of Signs
12-10.75	Calculation of Height Regulations
12-10.76	Design Requirements
12-10.77	Location Regulations
12-10.78	Intersection Regulations
12-10.79	Sign Maintenance Regulations
12-10.80	Marquee Signs
12-10.81	Political Signs
12-10.82	Real Estate Sign Regulations
12-10.83	Set Back Regulations
12-10.84	Wall Sign Regulations
12-10.85	Subdivision Sign Regulations
12-10.86	Temporary Sign Regulations
12-10.87	Regulations Pertaining to Nonconforming Signs and Use
12-10.88	Variances
12-10.89	Variance Standards
12-10.90	Conditions on Variances
12-10.91	Application and Permits

### (3) MUNICIPAL REGULATION

(a) All on-premise advertising signs which are either internally or externally illuminated, shall be turned off when the premises are not open for business. This section does not apply to internal building lighting, and any after-hours security lighting; which is authorized to remain on, by the Dane County Sheriff's Department.

(b) In addition to complying with the requirements of DCCO 12-10.88 to 12-10.91, any person applying to the county for a permit to install or erect a sign within the Town, shall first make application to the Town Board; by providing a copy of the completed county permit application form to the Town Clerk.

(c) Applications for a sign permit, shall be reviewed following the procedures established in s.TCG § 15.03.

### (4) PENALTY FOR VIOLATION

Violations of this ordinance shall be punishable as Class C forfeitures, under s. TCG § 25.04.

### (5) EFFECTIVE DATE

(a) For purposes of compliance with the county sign ordinance, as described in (2); the effective date shall be the date the referenced section was adopted by Dane County.

(b) For purposes of municipal enforcement, including the imposition of forfeitures, the effective date shall be October 18,1993; the date the original ordinance was adopted.

(c) This section shall take effect upon passage and publication.

## **12.06 FENCING OF SWIMMING POOLS**

### (1) DEFINITIONS

(a) "Barrier" means a fence, wall, building wall, or a combination thereof; which shall be no less than four feet above grade, with a maximum clearance of four inches between the bottom of the barrier and the grade line.

(b) "Decorative Pool" means a permanent outdoor structure, located either above or below ground level, which contains more than eight inches of water at any point, and is used primarily for other than swimming or wading.

(c) "Gate" means an access into and out of the pool area, which shall be self-closing, and equipped with a child-resistant latch.

(d) "Spas and Hot Tubs" mean units that are permanently installed with a cover, capable of sustaining a weight of up to 200 pounds. Such cover shall be in- place, and secured with a locking device at all times when the unit is not in use by a responsible adult.

(e) "Swimming Pool" means an outdoor, private or residential unit, located either above or below ground level, which contains a body of water at least 18 inches deep at any point; which is used, or is intended to be used, solely by the owner, occupant, or their family and invited guests.

(f) "Wading Pool" means an outdoor unit, located either above or below ground level, which contains water with a depth of less than 18 inches at any point, and is used primarily by children.

## (2) FENCING REQUIREMENTS

(a) All persons who own, erect, or maintain a Swimming Pool within the Town, shall erect a fence, or other Barrier around the Swimming Pool within 30 days from the date the unit is installed.

(b) All barriers which enclose an in-ground Swimming Pool shall be located no closer than three feet to the water line, and shall be constructed in such a manner that they effectively obstruct access to the pool area.

(c) Aboveground Swimming Pools shall be considered to be in compliance with this ordinance when all of the following apply:

(d) The sides of such pool extend at least four feet above grade.

(e) The pool is located no closer than three feet to any structure or embankment.

(f) All access points are provided with a barrier and a gate; as defined in 12.06(1)(a),(c).

(g) All Barriers shall be designed, erected, and maintained so that any opening shall not allow the passage of a four-inch diameter object.

## (3) EXEMPTIONS

(a) Decorative Pools; Spas and Hot Tubs; and Wading Pools, are allowed to be owned, erected, and maintained within the Town without being fenced. However, the lack of any coverage under this ordinance does not relieve the owner of any such unit from personal liability that may arise from the use or maintenance of such a unit.

(b) Persons who have existing swimming pools in the Town, shall have a period of up to one year from the date of passage of this ordinance, to comply with the fencing requirements, as described in (2).

## (4) PENALTY FOR VIOLATION

In addition to, and separate from, any possible liability referred to in s. TCG § 12.06(3)(a), violations of this ordinance shall be punishable as Class C forfeitures, under s. TCG § 25.04.

## (5) EFFECTIVE DATE

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This section shall take effect upon passage and publication.

### **12.07 REGULATION OF MANUFACTURED AND MOBILE HOMES**

#### **(1) STATE LAWS ADOPTED.**

The provisions of § 66.0435, Ch. 101.91, et seq., Wis. Stats. and Wis. Admin. Code SPS 326 describing and defining regulations relative to Manufactured or Mobile Homes are hereby adopted and by reference and made part of this Chapter as if fully set forth herein. Any future amendments, revisions or modifications of the statutes or regulations incorporated herein are intended to be made part of this Code.

#### **(2) PARKING OF MANUFACTURED HOMES RESTRICTED.**

Except as provided in this chapter, no person shall park within the Town any manufactured home on any street, alley, highway or other public place or on any privately-owned land.

#### **(3) SPECIAL PERMIT FOR LOCATION OUTSIDE OF PARK.**

(a) The Town Board may issue a special written permit allowing the temporary location of a manufactured home outside a manufactured home park. At the time any special permit under this provision is granted, the Town Board shall specify the duration of the special permit, and any request for an extension or modification of the duration or other terms of said special permit must be approved by the Town Board.

(b) The person to whom such special permit is granted shall be subject to the parking permit fee as provided in sub. (4). The permit shall be granted only upon the written consent of the owner, legal agent of the owner or the lessee of the location for which the permit is issued.

(c) All provisions of this ordinance governing the location, use and sanitation of manufactured homes located in a licensed manufactured home park shall so far as they are applicable, apply to any manufactured home located outside of such park.

#### **(4) MANUFACTURED HOME PARK LICENSES.**

(a) Required. No person shall establish, operate or maintain or permit to be established, operated or maintained upon any property owned, leased or controlled by said owner a manufactured home park within the Town without first securing a license from the Town Building Inspector pursuant to this chapter.

(b) Location Restriction. An application for the construction of a manufactured home park shall be considered only when its proposed location is within a district zoned to permit such use.

(c) Application. The application for a license or renewal of a license shall be made on forms furnished by the Town Clerk and shall include the name and address of the owner in fee of the tract or if the fee is vested in some person other than the applicant, a duly verified statement by such person that the applicant is authorized to construct or maintain the manufactured home park and make the application, and such a legal description of the premises upon which the manufactured home park will be located as will readily identify and definitely locate the premises. The initial application for any existing, new or revised manufactured home park shall be accompanied by two copies of the park plan showing the following, either existing or as proposed:

1. The area to be used for park purposes.
2. Roadways and driveways.

3. The location and designation of dependent and independent manufactured home spaces.
  4. The location of service buildings and the number of sanitary conveniences, including toilets, washrooms, laundries and utility rooms to be used by the occupants of the manufactured home park.
  5. A complete layout of storm, sanitary and water systems for the service building and spaces.
  6. The method and plan of garbage removal.
  7. A plan for electrical lighting of spaces.
- (d) Issuance of License.
1. Approval and Fee Required. The application for such license or renewal thereof shall be approved by the Town Board. Before a license is issued, the applicant shall pay an annual fee in accordance with Wis. Admin. Code SPS 326.
  2. Municipal Sanitary Facilities Required. No license shall be issued for a manufactured home park where municipal sanitary facilities are not available.
- (e) Revocation and Suspension. The Town Board may suspend or revoke any license or permit issued under this chapter after a hearing held pursuant to § 66.0435, Wis. Stats. Appeal from a decision of the Town Board shall be made pursuant to Ch. 68, Wis. Stats.

(5) MANAGEMENT OF MANUFACTURED HOME PARKS.

(a) Office to be in Park.

In every manufactured home park there shall be located the office of the attendant or person in charge of such park. A copy of the park license and of this Chapter shall be posted therein, and the park register shall at times be kept in such office.

(b) Duties of Attendant and Licensee.

The attendant or person in charge, together with the licensee, shall:

1. Keep a register of all occupants, which shall be open at all times to inspection by State, Federal, and local offices and shall show for all occupants of the manufactured home park the following information:
  - (a) Names and addresses.
  - (b) Number and ages of all children.
  - (c) Number of public elementary school children.
  - (d) Number of public secondary school children.
  - (e) State of legal residence.
  - (f) Dates of entrance and departure.
  - (g) License number of all manufactured homes and towing or other vehicles, and states issuing such licenses.
  - (h) Place of last location and length of stay.
  - (i) Place of employment of each occupant.

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2. Maintain the park in a clean, orderly and sanitary condition at all times.
3. Ensure that the provisions of this Chapter are complied with and enforced and report promptly to the proper authorities any violation of this Chapter or any other violations of law which may come to attention.
4. Collect the monthly parking permit fee and keep a record book showing the names of persons paying such fees and the amounts paid.
5. Maintain in convenient places, approved by the Fire Chief, functional hand fire extinguishers in the ratio of no less than one to each eight units.
6. Prohibit the lighting of open fires on the premises.

### (6) APPLICABILITY OF PLUMBING, ELECTRICAL AND BUILDING ORDINANCES.

All plumbing, electrical, building and other work on or at any park licensed under this Chapter shall be in accord with any applicable Town and County Ordinances, the requirements of the State Plumbing, Electrical and Building Codes, and the regulations of the State of Wisconsin Department of Health.

### (7) VARIANCES.

When, in the judgment of the Town Board, a provision of this chapter may not literally be applied due to unusual hardship, such provision may be altered as long as the basic intent of control herein stated is retained.

### (8) GENERAL PENALTY.

Any person violating any provision of this Chapter shall, upon conviction thereof, forfeit not more than \$500.00, together with the costs of prosecution for each violation. Each day of violation may constitute a separate offense.

## 12.08 DESIGN REVIEW

### (1) PURPOSE.

The purpose of this section is to promote the public health, safety, and welfare pursuant to the authority in TCG § 12.01(1) by guiding site and building development in the Town of Cottage Grove according to the Town's goals, objectives, and policies expressed in this section and the Plan. Where a project requires both Design Review under this section and a Conditional Use Permit for a use or project including or requiring site and/or building improvements, the Town encourages simultaneous submittal of both Design Review and Conditional Use Permit applications.

### (2) SCOPE OF DESIGN REVIEW.

The following projects shall be subject to design review:

- (a) Development of residential land uses consisting of three or more attached dwelling units per building. [MR1]
- (b) Development of all projects in which a principal use is a commercial, industrial, utility, or institutional use, but not including any land use that is listed as a permitted use within farmland preservation zoning district in the Dane County Zoning Ordinance except per subsection (c) below.
- (c) Development of any concentrated animal feeding operation as defined in Wis. Admin. Code NR 243.03(12).

(d) Development of a non-metallic mineral extraction site, which shall also be subject TCG Chapter 17.

(e) Development of any parking area capable of holding five or more vehicles and serving one of the above listed uses.

(f) Any[MR2] physical expansion to an existing use listed in subsections (a) through (e), except for any expansion that:

1. Was authorized by prior design approval of the Town as a potential future project on the site, and is consistent with such prior authorization in the determination of the Town Clerk and will be accompanied by improvements prescribed in this section.
2. Would increase building floor area, either through expansion of the principal building(s) or construction of an accessory building(s), by not more than 10 percent over the total building floor area as of November 5, 2001, via one expansion project or the total of two or more expansion projects since that date.
3. Would increase outdoor storage or display area, loading area or docks, parking lot area or parking spaces, or other outdoor activity area by not more than 10 percent over the associated area or parking spaces as of November 5, 2001, via one expansion project or the total of two or more expansion projects since that date.

### (3) DEFINITIONS.

For purposes of this section, the following terms shall be defined in the following manner:

(a) “Design Review” means the review of the site, building, and other exterior design aspects of a Development to determine its compliance with the Design Standards.

(b) “Development” means any new construction or exterior improvement to real property as listed in subsection (2), for which a building permit may be required, and which is subject to Design Review in advance of Development.

(c) “Development Site Area” means the portion of the Development site being disturbed plus any lands directly between such disturbed area and the nearest public street, for the purposes of determining landscaping requirements in this section.

(d) “Design Standards” means the standards that each proposed Development must meet, as enumerated in subsection (4) and all other applicable Town ordinances.

(e) “Exterior Wall Area” means as the total wall area below the building roof line on the outside of a building.

(f) “Off-premise Advertising Sign” means a sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered on a premise other than the premise where the sign is displayed. Includes off-premise “billboards,” but does not include public information signs or multi-tenant industrial park or business center signs approved by the Town.

(g) “Plan” means the Comprehensive Plan of the Town of Cottage Grove, as adopted, amended, and updated pursuant to § 66.1001, Wis. Stats.

(h) “Principal Building” means a building or buildings in a Development in which is conducted, or in which is intended to be conducted, the main or principal use of the site on which the Development is located, as opposed to a use or function that is ancillary to the principal use.

### (4) DEVELOPMENT TO COMPLY WITH DESIGN STANDARDS.

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No Development shall be commenced unless, in the determination of the Plan Commission, such development complies with each of the following Design Standards, except where the Plan Commission grants a waiver or modification under subsection (8):

(a) Site Layout.

1. The Development shall provide proper ingress and egress from public roads to the site at designated and limited access points only, internal traffic safety by adequate driveway widths and circulation patterns, and parking spaces per applicable standards in the Dane County Zoning Ordinance. See also TCG Chapters 8 and 9 for applicable, related standards.
2. Interconnected parking lots, public roads, driveways, and walkways shall be provided where the Plan Commission determines them necessary to facilitate movement between Development sites or where advised in the Plan. Prior to building permit issuance, shared access easements shall be recorded over driveways designated for joint access between separate adjoining lots.
3. No building, parking, drive aisle, or other hard surfaced area shall be placed within a 10-foot-wide strip adjacent to any public road right-of-way or road easement edge, except for driveways accessing that road. Setbacks and other dimensional requirements shall otherwise comply with the Dane County Zoning Ordinance.
4. The siting and design of all buildings and other improvements shall meet any applicable standard within the Plan, which may include development policies applicable within the planned "Commercial Development Area" and/or the Conceptual Rural Business Park Development Plan: Highways 12/18/N Interchange, Northeast Quadrant.
5. The Development shall be designed and constructed that all surface drainage meets the standards of any applicable Town, County, and State erosion control and storm water management regulation, including TCG Chapter 14, and does not adversely affect neighboring properties.
6. Adequate provisions shall be made to accommodate fire, emergency medical service, and police protective needs, per TCG Chapter 4 and § 12.03, and as determined by the Plan Commission based on advice from the associated provider.

(b) Building Design.

1. Building materials, colors, designs, and scale shall contribute to the desired character and image of the Town and geographic area, and with applicable standards, as indicated in the Plan including those referenced in subsection (a)4. Modifications to standardized prototype and corporate franchise designs may be required to conform to this standard.
2. The Principal Building(s) shall be oriented to and visible from the main public road on which the site is located, so that the building(s) is the most prominent site improvement rather than parking, loading, storage, or other similar improvements.
3. At least 35% of the Exterior Wall Area of each Principal Building that is visible from a public road or properties zoned or used for residential or public open space

purposes shall be covered by brick, native stone, tinted or textured concrete masonry units, windows, or other decorative material as may be approved by the Plan Commission. Unfaced concrete block, structural concrete, prefabricated metal siding, and similar surfaces are discouraged for each such wall. Where prefabricated metal siding is used on each such wall, some combination of changes in pattern, orientation, textures, colors, building openings (e.g., windows), roof lines, and wall setbacks shall be used.

4. Each exterior wall that is greater than 100 feet in length and visible a public road or properties zoned or used for residential or public open space purposes shall employ structural or decorative elements to reduce apparent size and scale, such as varying wall setbacks, varying heights, varying roof treatments or slopes, doorway openings, window openings, awnings, or decorative lighting.
  5. Each Principal Building shall be architecturally finished on all sides.
- (c) Natural Features, Landscaping, and Screening.
1. Pre-existing landforms, non-invasive trees of over six inches trunk diameter at breast height or over 40 feet tall, and woodlots within which at least 50 percent of the trees meet at least one of these two size criteria shall be retained to the extent the Plan Commission determines practical by minimizing grading, soil removal, and tree removal. Credit towards planting requirements may be provided where the retention and protection of existing non-invasive trees are included in the landscape plan.
  2. New landscape plantings shall be focused near Principal Building foundations, within and around parking lots, loading areas, and outdoor storage areas, and within the yard adjacent to the main road on which the Development is located, in a manner that does not impede safe traffic movement or site usage.
  3. Landscape plantings shall comprise of the following types and number per every one acre of Development Site Area:
    - a. Four canopy deciduous trees with a trunk diameter at breast height of at least two inches at time of planting.
    - b. Eight ornamental deciduous or evergreen trees, or some combination, with a height of at least four feet at time of planting.
    - c. Twenty shrubs with a height of at least eighteen inches at time of planting, perennial planting bed(s) of at least 300 square feet in area, or a combination.
  4. Where a Development is adjacent to or across a public road from land used or zoned for residential or public open space purposes, an all-season vegetative screen, landscaped berm, and/or decorative opaque fence or wall (“bufferyard”) is required in addition to landscaping required under subsection 3 above.
  5. Outdoor storage of materials, trash and recycling dumpsters, equipment (aside from vehicles used in the operation), fuel, scrap, inoperative vehicles, and similar objects shall not be visible from public rights-of-way and lands used or zoned for residential or public open space purposes. Such areas shall instead be screened by opaque fences, walls, berms, dense landscaping, buildings, or combinations thereof.

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6. Mechanical equipment, communication dishes, signal receiving antennas, and similar ancillary equipment visible from public rights-of-way and lands used or zoned for residential or public open space purposes shall be softened by landscape screening or topographic changes, or covered in a manner that is integral to building or site design.

### (d) Exterior Signage and Lighting.

1. Signage shall meet all applicable requirements of TCG § 12.05, and in addition the following types of signs are not permitted in conjunction with any Development:
  - a. Any Off-premise Advertising Sign greater than 100 square feet in area.
  - b. Signs that cause a visual distraction and pose a potential nuisance or traffic safety hazard, including flashing signs, rippling or sparkling signs, feather signs, spotlights, and a wide variety of strings of lights, tinsel, pom poms, pinwheels, pennants, banners, streamers, and related attention-getting devices.
2. Exterior lighting shall be established, directed, and maintained so that the source of illumination is not visible from lands used or zoned for residential or public open space purposes.
3. All exterior light fixtures over 150 watts incandescent (or LED equivalent illumination) and not in public road rights-of-way or easements shall be completely shielded or recessed into canopies, with the fixtures mounted parallel to the ground (not tilted-up).
4. The maximum illumination level at all lot lines (or opposite lines of street rights-of-way) shall be one footcandle, the average illumination level within the lot shall be no greater than 3 footcandles, and the maximum illumination level at any point on the lot shall be 20 footcandles, except where the applicant demonstrates that different light levels will meet the standards of the Illuminating Engineering Society of North America for areas with dark surroundings.
5. The Plan Commission may specify certain hours within which illumination of signs or exterior light fixtures is permitted or prohibited.

### (5) APPLICATION AND PROCEDURE.

(a) Before or upon application for a building permit under TCG § 12.01, the applicant shall be advised by the Town Building Inspector or Town Clerk whether compliance with Design Standards is required. If such compliance is required, the applicant shall be so notified and informed of the application submittal requirements under subsection (7). Upon determining that such application is complete and any required application fees have been paid, the Town Clerk shall place the application on the agenda of the next regular Plan Commission meeting scheduled at least 21 days after the Clerk first receives the complete application. As part of the application, the applicant shall provide a sufficient number of plans plus a digital copy for the Development, as determined by the Town Clerk.

(b) The Plan Commission shall review the application submitted to determine whether the Development complies with this TCG §12.08 and other applicable Town ordinances. The Plan Commission may, but is not required to, hold a public hearing on the application. At the meeting in which the Plan Commission is to consider the application, the Plan Commission may review the

application, hear from such interested public who attend the meeting, and may receive the opinion of Town staff, consultants, and officials of the Town, county, state, fire and emergency medical services departments, or other agencies, with the applicant responsible for reimbursing the Town for any such expenses upon invoicing from the Town and for any special meeting or publishing costs.

(c) Following review of the application and plans, the Plan Commission shall approve, approve with conditions, or reject the application and plans. Such action shall be in writing, which writing may be a copy of the minutes of the Plan Commission meeting at which the action was taken.

(d) No building permit shall be issued for any Development, and no construction shall commence, until the Town Building Inspector has received, in writing, the Plan Commission's (or Town Board's under subsection (e)z) determination that the Development is in compliance with the Design Standards and has been approved, and all conditions of approval that reasonably could have been satisfied have in fact been satisfied. All construction, improvement, and maintenance of the Development shall conform with approved plans and Design Standards.

(e) The action of the Plan Commission on Design Review applications shall be appealable to the Town Board as an administrative determination under Ch. 68, Wis. Stats. Upon learning of any such appeal, the Building Inspector shall not issue a building permit until such appeal is resolved.

(f) Except in cases of appeal under subsection (e), approval shall be deemed to be given at the end of a 90-day period from the date of the submission of a complete application, with completeness determined by the Town Clerk, along with any required application fees, unless the application is rejected in writing within such period or unless the deadline is extended by agreement of the Plan Commission and the applicant.

#### (6) FEES.

The applicant shall be required to pay an application fee as determined by the Town Board and to reimburse any out-of-pocket expenses incurred by the Town, including consultant fees (including engineering, legal and/or planning), costs of maps, or other expenses related to the Design Review. Any such reimbursed expenses shall be paid in full by the applicant prior to issuance of the building permit or within 30 days of invoicing as determined by the Town.

#### (7) SUBMITTAL REQUIREMENTS.

All applications for Design Review shall contain the information required by the submittal requirements established below. A digital copy plus ten hard copies of all materials shall be submitted, except where the Town Clerk requires fewer copies. All plans described below shall be drawn to a recognized scale, and include a north arrow, date of preparation, landowner and business names, and contact information.

(a) Building plans sufficient to illustrate all exterior building walls, doors, windows, and roofs, including heights, dimensions, colors, and materials (including calculations to verify compliance with subsection (4)(b) above), along with building mounted lighting, signs, and mechanical units. The Plan Commission may also require building material samples.

(b) Color photographs to illustrate current site conditions, including from adjacent public road rights-of-way and the boundary of any adjacent land used or zoned for residential or public open space purposes, including buildings and other existing features. Photos may also be provided to illustrate installations on other sites that are similar to the applicant's proposal.

(c) A site plan, containing, on one or more plan sheets, the following information:

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1. Location of site and address if available and parcel number if not.
2. All property and street pavement lines, labeling dimensions.
3. Existing and proposed contours. For minor projects, the Town Engineer may accept a spot grading plan without proposed contours.
4. Gross area of lot and all buildings stated in square feet, including building square footage divided by function (e.g., office, storage).
5. Adjacent streets and land uses, including road centerlines.
6. The percentage of the site that will remain in open space and the percentage that will be under buildings following Development.
7. Setbacks for side yards, front and rear yards, for buildings and other hard surfaces, and setback from ordinary high-water mark, if applicable.
8. Boundaries for all wetlands, floodplains, and shoreland setbacks and zoning areas.
9. Calculations for determining the minimum required number of off-street parking spaces by applicable zoning ordinance, plus the number of spaces actually proposed,
10. The maximum number of employees, customers, and residents, that would be at the facility at any one time.
11. Proposed ingress and egress to the site, including on-site parking area(s), parking stalls, and adjacent streets. Delineate traffic flow with directional arrows and indicate the location of directional signs or other motorist's aides (if any).
12. Calculations for determining the number of trees to be placed within the Development Site Area, as well as the designation of any required bufferyard.
13. All existing trees with a trunk diameter at breast height of over six inches or over 40 feet tall, or the limits of woodlots within which at least 50 percent of the trees meet at least one of these two size criteria.
14. Existing landscaping that will be retained (including proposed protection measures) and proposed landscaping, which shall be differentiated and shown on the plan. The type, size, number, and spacing of all proposed plantings must be indicated.
15. Location, dimensions, and floor area of all existing (to remain) and proposed buildings on the site and all buildings within fifty (50) feet of the site's boundaries.
16. Location of all existing (to remain) and proposed lighting standards, complete with routing of electrical supply and photometric plan.
17. Location of all other existing and proposed structures, outdoor storage or display areas, parking areas, dumpsters, fencing, and ground-mounted signs (including if proposed to be lit), including distances from all lot lines.
18. Zoning classification.

(d) Lighting Standard Drawing. A scaled drawing and/or catalog pages of the proposed lighting standard(s) is required and shall contain the following information:

1. All size specifications.
2. Information on lighting intensity, such as a photometric plan.
3. Materials, colors.
4. Ground or wall anchorage details.

(8) WAIVERS AND MODIFICATIONS.

The Plan Commission (or upon appeal the Town Board) may approve waiver or modification to one or more provisions of this TCG §12.08 for cases in which it determines that:

- (a) Extraordinary or undue hardship may result from strict compliance with this TCG §12.08 and/or that its purpose may be better served by an alternate approach.
- (b) Such waiver or modification will be just and proper, not be detrimental to the public good, and not impair the desirable general development of the community in accordance with the Plan.
- (c) Such waiver or modification will not be contrary to applicable requirements of State law, Dane County ordinance, or other Town ordinance, except where also modified by the appropriate agency.

(9) VIOLATION AND PENALTIES.

Any person who shall violate this section shall, upon conviction, be subject to forfeiture of not less than ten dollars (\$10), nor more than two hundred dollars (\$200), together with all costs of prosecution, fees and penalty assessments, if any. Each day a violation continues shall constitute a separate offense. Nothing in this section shall preclude the Town from taking any appropriate action to prevent or remove a violation of any provision of this section.

(10) EFFECTIVE DATE

This ordinance section was adopted on November 5, 2001, and last reviewed/revised on ~~June 20, 2022~~ May 20, 2024.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2024 by a vote of \_\_\_\_ in favor, \_\_\_\_ against and \_\_\_\_ abstaining.

\_\_\_\_\_  
Kris Hampton, Town Chair

ATTEST:

\_\_\_\_\_  
Kim Banigan, Town Clerk-Treasurer