

Introduction

Included in this packet are ordinances and other information that is particularly relevant to town and village land use issues in Southwest Wisconsin. Many of the ordinances herein can serve as a template for ordinances adopted by your community; most are authored for towns but can be appropriate for villages or even cities as well. If your community decides to use one of these ordinances as a template, be sure to carefully review and adjust the wording of each first. Before adoption, ordinances should always also be reviewed by an attorney. For communities that cannot afford legal services, the Wisconsin Towns Association or the League of Wisconsin Municipalities are resources that may be able to help:

League of Wisconsin Municipalities

122 W. Washington Ave.,
Suite 300
Madison, Wisconsin 53703-2715
Phone: 800-991-5502
Fax: 608-267-0645
<http://www.lwm-info.org/>

Wisconsin Towns Association

wtowns@frontiernet.net
<http://www.wisctowns.com/>

The Wisconsin Towns Association recommends that all Wisconsin towns and villages adopt the following nine (9) ordinances, with six additional recommendations.¹ While many are included in this packet, others are not, and if your community hasn't already, you may benefit from discussing the following ordinances.

Nine highly recommended ordinances:

1. Building Permit Information Ordinance,
2. Private Driveway and Road Access Ordinance,
3. Solid Waste / Hazardous Waste Disposal, Storage and Treatment Ordinance,
4. Board of Review Ordinance,
5. Tavern Control License Ordinance,
6. Public Nuisance Ordinance,
7. Town Parliamentary Procedure Ordinance,
8. Dogs Running at Large Ordinance,
9. Public Records Destruction Ordinance.

Six additional recommendations:

1. Citation Ordinance,
2. Mobile Home, Campground and Temporary or Seasonal Residential Permit Ordinance,
3. Model Livestock Ordinance,
4. Town Cemetery Ordinance,
5. Land Division Ordinance,
6. Comprehensive Planning Ordinance.

Resources for additional examples and information:

Wisconsin Town Law Form Book, available online, at: <http://www.legis.state.wi.us/rsb/index.html>

League of Wisconsin Municipalities, available online, at: <http://www.lwm-info.org>

Wisconsin Towns Association, available online, at: <http://www.wisctowns.com/>

¹ "The Town Chalkboard" by Thomas W. Harnisch, Education Director. In the Wisconsin Towns Association Report. May 2007.

Town Building Information Permit Ordinance

Retrieved from the WI Town Law Form Book, 12/19/08, at: <http://www.legis.state.wi.us/rsb/index.html>

(ONLY for use by towns authorized to exercise VILLAGE POWERS under [s. 60.22](#), Wis. stats.)

STATE OF WISCONSIN

Town of _____
_____ County

SECTION I - TITLE AND PURPOSE

The title of this ordinance is the Town of _____ Building Information Permit Ordinance. The purpose of this ordinance is for the town to have information regarding the type, size, and location of all buildings and structures constructed, reconstructed, remodeled, removed, or demolished after the effective date of this ordinance.

SECTION II - AUTHORITY

The town board of the town has the authority under [s. 60.61](#), Wis. stats., and general authority under its village powers under [s. 60.22](#), Wis. stats., to adopt this ordinance.

SECTION III - ADOPTION OF ORDINANCE

The town board, by this ordinance, adopted with a quorum and by a roll call vote by a majority of the town board present and voting provides the authority for the town to require the application of a town building information permit for all buildings constructed, reconstructed, remodeled, removed, or demolished as provided in this ordinance.

SECTION IV - DEFINITIONS

In this ordinance:

- A. "Building" means any building or structure and any installation constructed, reconstructed, or remodeled, enlarged, altered, removed, or demolished for any use within the town, including but not limited to one- and two-family dwellings, manufactured homes, mobile homes, temporary or seasonal dwellings, garages, agricultural structures, and outbuildings.
- B. "Owner" means any person having a legal or equitable interest in a building. "Owner" does not include any person whose legal or equitable interest in a building is a security interest derived solely from the extension of credit to permit construction or remodeling of the building or purchase of the building by a third party.
- C. "Town" means the Town of _____, _____ County, Wisconsin, and includes the town's officers, employees, and agents when appropriate.
- D. "Town board" means the Board of Supervisors for the Town of _____, or any person designated to act for the town board.
- E. "Town clerk" means the Clerk of the Town of _____ or his or her deputy or agent.
- F. "Wis. stats." means the Wisconsin Statutes, including successor provisions.

SECTION V - SUBDIVISION AND NUMBERING OF THIS ORDINANCE

This ordinance is divided into sections designated by upper case Roman numerals. Sections may be divided into subsections designated by upper case letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lower case letters. Subdivisions may be divided into subdivision paragraphs designated by lower case Roman numerals. Reference to a "section," "subsection," "paragraph," or "subdivision" includes all divisions of the referenced section, subsection, paragraph, or subdivision.

SECTION VI - REQUIREMENT FOR BUILDING INFORMATION PERMIT

The owner of any building or structure in the town, unless exempt under this ordinance, who constructs, installs, remodels, reconstructs, enlarges, alters, removes, or demolishes any building or structure within the town shall seek and obtain from the town a Town Building Information Permit prior to commencing, or causing the commencement of any construction, installation, remodeling, reconstruction, enlargement, altering, removing, or demolishing of any building.

SECTION VII - EXEMPTIONS FROM PERMIT REQUIREMENT

The requirement in Section VI to obtain a Town Building Information Permit shall not apply to any of the following:

- A. Buildings or structures owned by the town.
- B. Additions, remodeling, reconstruction, enlargement, or alterations to buildings, when the cost of the work, including labor, shall be less than \$____ [*insert dollar amount, such as \$1,000*] within a 12-month period.
- C. The restoration or repair of building equipment, such as furnaces, central air conditions, water heaters, and similar mechanical equipment without the alteration or addition to the building or structure.
- D. Fences or other similar like enclosures.

SECTION VIII - OTHER REQUIREMENTS REMAIN APPLICABLE

The issuance of this Town Building Information Permit does not relieve the owner from any of the following:

- A. Obtaining any permit that may be required by any other state law or local ordinance, including but not limited to any of the following:
 - 1. County sanitary permits.
 - 2. Town, county, or state driveway permits.
 - 3. State one- and 2-family dwelling code permits.
 - 4. Any other applicable permit under town or county ordinance or state law.
- B. Complying with any other requirement, ordinance, or law, including, but not limited to, those governing zoning, subdivision, land division, and setbacks.

SECTION IX - TOWN BUILDING PERMIT FORM, ISSUANCE, AND FEE

The town board is authorized to approve by resolution a Town Building Information Permit form, designate the person or persons authorized to issue the permits, and establish a fee for issuance of the permits.

SECTION X - PENALTIES

Any person that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$25 nor more than \$100, plus the applicable surcharges, assessments and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.

SECTION XI - SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

SECTION XII - EFFECTIVE DATE

This ordinance is effective on publication or posting.

The town clerk shall properly publish this ordinance as required under [s. 60.80](#), Wis. stats.

Adopted this _____ day of _____, 20__.

[Signatures of town board]

Attest: *[Signature of town clerk]*

Siting Wireless Telecommunication Facilities - St Croix Falls

Retrieved from League of Wisconsin Municipalities Website, 12/19/08, at: <http://www.lwm-info.org>

STATE OF WISCONSIN CITY OF ST. CROIX FALLS COUNTY OF POLK

AN ORDINANCE AMENDING CHAPTER 17 OF THE ST. CROIX FALL(ZONING)

CODE RELATING TO THE LOCATION AND DESIGN OF WIRELESS TELECOMMUNICATIONS FACILITIES WITHIN THE CITY

The Common Council of the City of St. Croix Falls do ordain as follows:

Section 17.201 of the Code of Ordinances is created to read as follows:

17.201 PLACEMENT, CONSTRUCTION AND MODIFICATION OF WIRELESS TELECOMMUNICATION FACILITIES.

Wireless telecommunication towers and antennas may be installed, erected and maintained pursuant to the provisions of this section.

(1) PURPOSE AND INTENT.

(a) To ensure the provision of personal wireless service within the corporate boundaries of, and for the benefit of, the residents of the City of St. Croix Falls.

(b) To protect the public health, safety, and general welfare of the community, public and private property, and community aesthetics

(c) To minimize the visual impact of towers, antennas, and associated buildings through design and siting standards.

(d) To maximize the use of existing and approved towers and buildings to accommodate multiple antennas in order to reduce the number of towers needed to serve the community.

(e) To avoid damage to adjacent properties from tower failure through structural standards and setback requirements.

(2) DEFINITIONS. For purposes of this section and zoning code of the City, the terms defined in this ordinance have the meanings given them.

(a) Accessory Equipment Structure: A building or cabinet-like structure located adjacent to or in immediate vicinity of a wireless telecommunication tower or antenna to house equipment customarily incidental to the receiving or transmitting of wireless broadcasts, cellular telephone call, voice messaging and paging services.

(b) Antenna. Equipment used for transmitting or receiving radio frequency signals which is attached to a tower, building or other structure, usually consisting of a series of directional panels, microwave or satellite dishes, or omnidirectional "whip" antennae.

(c) Antenna Support Structure. Any building, pole, telescoping mast, tower, tripod, or any other structure which supports an antenna.

(d) Base Transceiver Station. Equipment that provides the link between wireless communications and land-based public telephone switching networks, including radio frequency transceivers, back-up power amplifiers, and signal processing hardware, typically contained in a small building or cabinet.

(e) Co-Location. The location of wireless telecommunications equipment from more than one provider on a common tower, building or structure.

(f) Commercial Receiving and/or Transmitting Antennae. Any antennae erected to transfer information for commercial use.

(g) Mast. The portion of the outside antenna system to which the antenna is attached, and the support or extension required to elevate the antenna to a height deemed necessary for adequate operation.

(h) Personal Wireless Services. Licensed commercial wireless communication services including cellular, personal communication services (PCS), enhanced specialized mobilized radio (EMR), paging and similar services.

(i) Public Property. Land, buildings, or other structures owned or operated by the City of St. Croix Falls.

(j) Tower. Any pole, spire, structure, or combination thereof, to which antenna could be attached, or which is designed for an antenna to be attached, and all supporting lines, cables, wires and braces.

(k) Uniform Building Code (UBC. Published by the International Conference of Building Officials and referenced by the State of Wisconsin

to provide jurisdictions with building-related standards and regulations.

(3) EXISTING TOWERS OR ANTENNAS. Antennas, towers and accessory structures for which a building permit or special use permit has been properly issued prior to the effective date of this ordinance, are, after the effective date hereof, declared to be nonconforming uses subject to the provisions of section 17.05 of this code.

(4) INTERPRETATION AND APPLICABILITY.

(a) This ordinance shall be interpreted consistent with the provisions of the federal Communications Act of 1934 as amended by the Telecommunications Act of 1996.

(b) This ordinance shall apply to all persons, partnerships, corporations and other entities seeking to locate, site, place, modify or construct wireless telecommunications facilities within the corporate boundaries of the city.

(c) This ordinance reserves to the city all authority contained in state law and existing city ordinances regarding land use, zoning and regulation which has not been preempted by the federal government pursuant to section 704 of the Telecommunications Act of 1996 as to the placement, construction, and modification of personal wireless service facilities. (d) This ordinance does not apply to the use or location of private, residential citizen band radio towers, amateur radio towers or television antennas, or public safety communication facilities owned or operated by the City of St. Croix Falls.

(5) CONDITIONAL USE AND HEIGHT LIMITATIONS.

(a) Wireless telecommunication antennas shall be allowed as a permitted use in all zoning districts if located or attached as follows:

1. Water Towers. Wireless telecommunication antennas shall be permitted upon City-owned water towers provided the applicant has incorporated applicable Performance Standards in Section 7 of this section, a lease agreement with the City has been approved by the City Council, a building permit has been obtained, and all applicable fees have been paid.

2. Co-Location on Existing Towers. Wireless telecommunication antennas shall be permitted to be attached to existing, conforming church steeples, bell towers, smokestacks, municipal, utility, hospital and school buildings and radio towers in accordance with applicable siting guidelines and performance standards in Sections 6 and 7, after the applicant has provided to the City a written statement of approval from the tower or structure owner or lessor, has obtained a building permit from the City and paid all applicable fees. The antenna shall not serve to extend the height of the existing, conforming steeple? tower, smokestack or radio tower, by more than 15 feet.

3. Utility Poles Wireless telecommunication antennae shall be permitted to be attached to utility poles after the applicant has provided a written statement of approval from the utility owner or lessor, has obtained a building permit from the City and paid the necessary fees. The height of the antennae shall not extend more than fifteen (15) feet above the pole. Existing lattice utility pole structures may also be utilized provided the approval from the owner and building permit is obtained. (b) Wireless Telecommunication towers and antennas shall be allowed as a conditional use under the permit procedure set forth in Section 17.18 of this Code in all zoning districts; and in accordance with the co-location requirements stated in Section 6, performance standards in Section 7 and specific procedural requirements in Section 9. Conditional Use Permits are not required for towers or antennas used, owned or operated by the City for public safety communications purposes.

(c) Height Limitations. The following height limitations table sets forth the applicable limitations of this section by zoning district, and shall include all parts of the wireless telecommunication tower and antenna structure measured from the base.

Zoning Districts R-1, R-2: Height Limitations: Allowed only on water towers, as co-located under subsection (5)(a), above, or on utility facilities, not exceeding 15 feet above the height of the water tower, steeple, smokestack or radio tower, and not exceeding 15 feet above roof or utility pole.

Zoning Districts B-1, B-2, B-3, RD, M-1: Height Limitations: Allowed only upon the grant of a conditional use permit. Height shall not exceed 15 feet above the roof of an existing, conforming building or structure; or, for new construction, for a single use, 90 feet; dual user, 120 feet; three or more users, up to 150 feet.

All heights for B-1 through B-3, RD, and M-1 districts are above ground level

(6) CO-LOCATION REQUIREMENTS. No proposal for the construction of a new wireless telecommunication tower shall be approved unless the applicant documents to the satisfaction of the City Council that the antenna planned for the proposed tower cannot reasonably be accommodated on a City-owned water tower, on an existing, conforming co-location tower or structure, or on a utility pole within the applicant's search ring, transcending the municipal borders, and for the purpose of providing service to the residents and businesses of the City, due to one or more of the following:

(a) The antenna would exceed the structural capacity of the existing or approved tower or building.

(b) The antenna would cause interference with other existing or planned equipment at the tower or building.

(c) Existing or approved towers and buildings cannot reasonably accommodate the antenna at a height necessary for the proposed antenna to provide services to the residents and businesses of the City.

(d) Existing or approved towers and commercial buildings are outside of the documented search area.

(e) The owners or lessors of the existing or approved towers and buildings are unwilling to allow co-location upon their facilities.

(7) PERFORMANCE STANDARDS. The requirements of this section apply to all wireless telecommunications towers and antennas erected, constructed, placed, modified or replaced in the City of St. Croix Falls. All wireless telecommunication towers and antennas shall be designed and situated to be visually unobtrusive, to minimize the impact upon neighboring uses, and shall conform to the following design and siting criteria:

(a) Setbacks. The minimum setback from any property line, public right-of-way, building or structure, except for accessory buildings or equipment structures, for a wireless telecommunication tower shall be equal to 100% of the height of the tower. Setbacks for accessory building and equipment structures associated with wireless telecommunication towers and antennae shall comply with the zoning district in which the facility is located.

(b) Accessory Equipment Structures. All accessory equipment structures adjacent to an antenna system and/or tower shall be screened or architecturally designed to blend in with the surrounding environment and shall meet the minimum setback requirements of the applicable zoning district.

(c) Fencing. When deemed applicable by the City, appropriate safety fencing shall be incorporated within the site accommodating the tower and its accessory equipment structures.

(d) Landscaping and Screening. When deemed applicable by the City, proper landscaping and screening shall be incorporated into the site accommodating a tower and its accessory equipment structures.

(e) Color. The wireless telecommunication tower and antennae shall be of a neutral color such as light gray or sky blue except as dictated by the Federal Aviation Administration (FAA) and be designed to minimize visibility and to blend into the surrounding environment. (f) ~n~ Towers with antennas shall be designed to withstand applicable wind load requirements as prescribed in the Uniform Building Code. Towers and/or antenna systems shall be constructed of, or treated with, corrosive resistant material. A regular maintenance schedule shall be followed.

(g) Roof-Mounted Wireless Communication Antennas. Roof-mounted wireless telecommunication antennas shall not be permitted on buildings with pitched-roofs, unless they are stealth antennae incorporated into upward thrusting architectural elements, such as a church steeple, spire or bell-tower' smokestack, or radio tower. On flat roofs, the height of the antenna and mounting hardware may not be more than 15 feet above the highest point of the roof to which the antenna is attached.

(h) Structurally - Mounted Wireless Communication Antennas. Telecommunication antennas mounted on the sides of buildings shall be attached flush with the side of the building, and shall not protrude more than three feet from the side of the building. Structurally mounted antennas not affixed to towers shall be made to blend into the design and contours of the structure.

(i) Lights. No antenna or tower shall be affixed or attached to it in any way any lights, reflectors, flashers, daytime strobes, or steady nighttime light or other illuminating devices except as may be required by the FAA.

(j) Signs and Advertising. No signs and/or advertising message shall be affixed to the antenna or tower structure.

(k) Other Attachments. No antenna or tower shall have constructed thereon, or attached thereto, any platform, catwalk, crow's nest, or like structure for the purpose of human support except during periods of construction and repair.

(8) OBSOLETE OR UNUSED TOWERS. All obsolete, damaged, unused, or abandoned towers and accompanying accessory facilities shall be removed within 12 months of the cessation of operations unless a time extension is

approved by the St. Croix Falls City Council. If the tower is not removed, it may be deemed a nuisance pursuant to Wisconsin Statutes. In the event a tower is determined to be a nuisance, the City may act to abate such nuisance and require the removal of the tower at the property owner's expense. The owner shall provide the City with a copy of the notice of the Federal Communication's (FCC) intent to cease operations and shall be given twelve months from the date of ceasing operations to remove the obsolete tower and all accessory structures. In the case of multiple operators sharing the use of a single tower, this provision shall not become effective until all users cease operations for a period of twelve consecutive months. The equipment on the ground is not to be removed until the tower structure has first been dismantled. After the facilities are removed, the site shall be restored to its original, or to an improved state.

(9) PROCEDURAL REQUIREMENTS. Applicants proposing to erect wireless telecommunication towers or antennas shall follow procedures as set forth in Chapter 17.18 of the St. Croix Falls Zoning Code. Additional application materials shall include the following:

(a) A document from the property owner or lessor that allows the applicant to apply for a conditional use permit and building permit to erect a wireless telecommunications tower and/or antenna.

(b) A "scaled" site plan which shows property lines, location of wireless telecommunication tower or antenna, setback distances, any accessory equipment structure, fencing and landscaping proposed.

(c) An artist's or architect's sketch, concept or rendition of the site as built which demonstrates to the satisfaction of the City Council that the proposed site will be as aesthetically in keeping with its surroundings as possible, including elevations, landscaping, screening, appropriate camouflage and fencing.

(c) Sufficient information to show that construction, installation and maintenance of the wireless telecommunication tower and/or antenna will not create a safety hazard or damage to the property of other persons.

(10) BUILDING PERMITS. No person shall place, construct, or modify a wireless telecommunication tower or antenna without first having obtained a building permit. All towers and antennas are subject to plan review and inspection by the City to determine compliance with Uniform Building Code construction standards. No building permit shall be issued by the City without prior approval of a Conditional Use Permit (CUP) by the Common Council. The applicant shall provide to the City all information as required by this and other applicable ordinances of the City at the time of application for a building permit. In addition to any other requirements of this or any other section of this Code, the Building Permit application shall include the following:

(a) A report and plan from a qualified and registered engineer or firm that specifies the following:

1. The tower height and design including cross-section and elevation.
2. The height above grade for all potential mounting positions for co-location antennae and the minimum separation distances between antennae.
3. Structural mounting designs and materials list
4. The capacity of the tower, including the number and type of antennae that the tower can accommodate.
5. As applicable, an engineer's stamp and number.

(b) Structural and electrical plans showing how the proposed tower will accommodate the co-location of the applicant's antenna and comparable antennas of additional users; and, the plans and specifications whereby the

proposed tower is designed to allow for future rearrangement of antennas to accommodate additional users and the mounting of additional antennas at varying heights.

(c) Plans and specifications showing how the proposed facility will be maintained in keeping with uniform building codes adopted by the City.

(11) INSPECTION. The City may, at any time, inspect any telecommunications tower, antenna or other facility to ensure their structural integrity. If, upon such inspection, the City's duly designated inspector determines that the facility fails to comply with such applicable codes, and that such failure constitutes a danger to persons or property, then, upon notice being provided to the owner of the facility, the owner shall have 30 days to bring the facility into compliance with the applicable codes and standards. Failure to bring the facility into compliance within the said 30 days shall constitute cause for the removal of the facility at the owner's expense.

(12) NON-INTERFERENCE. All new or existing telecommunications services shall comply with all relevant Federal Communication Commission (FCC) and Federal Aviation Administration (FAA) standards and shall not interfere with public safety and other city and private telecommunications operations.

(13) INSURANCE. The applicant shall provide the City with proof of liability insurance which protects against losses due to personal injury or property damage resulting from the construction, operation or collapse of the tower, antennae or accessory equipment.

(14) ENFORCEMENT. The provisions of this section shall be enforced and penalties imposed for violations hereof as set for herein and in section 17.27 and 17.28 of this Code.

Driveway and Highway Access Permit Ordinance

Retrieved from the WI Town Law Form Book, 12/19/08, at: <http://www.legis.state.wi.us/rsb/index.html>

(ONLY for use by towns authorized to exercise VILLAGE POWERS under [s. 60.22](#), Wis. stats.)

STATE OF WISCONSIN

Town of _____
_____ County

SECTION I - TITLE AND PURPOSE

The title of this ordinance is the Town of _____ Driveway and Highway Access Permit Ordinance. The purpose is to regulate, for public health and safety reasons, the establishment, repair, construction, improvement, modification, and reconstruction of private driveways, to assure that the methods of repair, construction, improvement, modification, and reconstruction practices used in any driveway will protect properly the public health, safety, and general welfare of persons in the Town of _____, and to limit and regulate highway access by motor vehicles to any town highway in the town. This is not a town zoning ordinance.

SECTION II - AUTHORITY

The town board has the specific authority under [ss. 66.0425](#) and [86.07](#), Wis. stats., to adopt a town highway access permit ordinance, and has the general authority under its village powers under [s. 60.22](#), Wis. stats., to adopt this ordinance.

SECTION III - ADOPTION OF ORDINANCE

The town board, by this ordinance, adopted on proper notice with a quorum and roll call vote by a majority of the town board present and voting, provides the authority for the town to regulate and permit certain driveways and highway access locations in the town.

SECTION IV - DEFINITIONS

In this ordinance:

- A. "Prime or productive agricultural or forestry land" means any land within the town that is currently being farmed or kept in forestry, including cropland and pastureland, or land that is included in a government sponsored agricultural or forestry program.
- B. "Driveway" means any private way, private road, or other avenue of private travel that runs through any part of a private parcel of land that connects or will connect with any public highway, and will provide vehicular access from the highway to a residence, business, recreational site, or other similarly appropriate use.
- C. "Emergency vehicle" means any fire, police, ambulance, or first responder vehicle used in emergency or hazard activities in the town.
- D. "Impacted landowner" means an owner of real estate that is provided vehicular access to a public highway by a driveway determined to be unsafe.
- E. "Town" means the Town of _____, _____, County, Wisconsin.

F. "Town board" means the board of supervisors for the Town of _____, _____ County, Wisconsin and includes any designee of the board authorized to act for the board.

G. "Town clerk" means the clerk of the Town of _____, _____ County, Wisconsin.

H. "Wis. stats." means the Wisconsin Statutes, including successor provisions to cited statutes.

SECTION V - SUBDIVISION AND NUMBERING OF THIS ORDINANCE

This ordinance is divided into sections designated by upper case Roman numerals. Sections may be divided into subsections designated by upper case letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lower case letters. Subdivisions may be divided into subdivision paragraphs designated by lower case Roman numerals. Reference to a "section," "subsection," "paragraph," or "subdivision" includes all divisions of the referenced section, subsection, paragraph, or subdivision.

SECTION VI - COVERAGE

A. No person may establish or construct a driveway or reconstruct, reroute, or alter the existing slope of any existing driveway or any town or other highway or highway right-of-way in the town in relation to the connection of the highway or highway right-of-way to a driveway, whether new or previously existing, without first obtaining a Town Driveway Permit to be issued by the town board.

B. No person may establish or construct a driveway or reconstruct, reroute, or alter any highway access onto a town highway without first obtaining a Town Highway Access Permit to be issued by the town board.

C. Any person prior to and at the time of seeking a Town Driveway Permit or a Town Highway Access Permit must own or have a legal interest in and current legal access to the land to which the permit(s) will apply.

D. 1. Commencing 6 months after the effective date of this ordinance and upon receipt of written notice from the town, no landowner may maintain or use, or allow the maintenance or use of, any existing driveway on the landowner's land for general public or emergency vehicle access to and from a residential dwelling in the town if the driveway, for any structural, location, or design reasons, has been determined by the town board, or its agents, in writing to substantially limit or negate safe and timely vehicle access and travel of general public or emergency vehicles to and from the residential dwellings served by the driveway.

2. The town board shall serve upon any potentially impacted landowner a copy of its written determination under paragraph 1 that a driveway substantially limits or negates safe and timely vehicle access and travel of general public or emergency vehicles to and from the residential dwellings served by the driveway. The determination of the town board shall not be final until a public hearing before the town board has been held. The town board shall publish a class 2 notice, under [s. 985.07](#), Wis. stats., of the public hearing.

3. A copy of the town board's written determination and notice of the public hearing on the town board's determination shall be served by registered or certified mail on any potentially impacted landowner within 20 days of the making of the written determination and at least 10 days prior to the hearing date. The notice shall include the names of all potentially impacted landowners and the location of the subject driveway in the town. The notice may specifically contain a warning that due to the existing condition of the driveway emergency vehicle access to the dwellings served by the subject driveway may not be possible.

4. Any potentially impacted landowner may provide at the public hearing evidence regarding access provided by and the condition of the driveway. Any potentially impacted landowner may be represented by legal counsel at the public hearing and may present witnesses and cross-examine witnesses presented by the town board. All witnesses

testifying before the town board shall be under oath. No person testifying before the hearing shall vote as a member of the town board in making a final determination regarding the subject driveway.

5. The town board, at or after the hearing, may order any of the following:

a. That the town attorney seek a court order providing that the driveway be closed for general vehicle traffic use, but not closed to emergency vehicle use, until the driveway is structurally designed and reconstructed to allow for safe and timely general public and emergency vehicle access to and from the residential dwellings served by the driveway.

b. That the town attorney seek a court order providing that the driveway be reconstructed or repaired to allow for safe and timely vehicle access and travel of general public or emergency vehicles to and from the residential dwellings served by the driveway in a proper manner and in a reasonable time specified by the court and that if the driveway is not so reconstructed or repaired by the date specified, the town board may have the driveway reconstructed or repaired and the cost assessed as a special assessment against the land under its police power under [ss. 66.0701](#) and [66.0703](#), Wis. stats.

c. Other reasonable and necessary action that will serve to protect the public health and safety of persons within the town, including the owner, occupants, or guests of the owner of the land.

SECTION VII - SPECIFICATIONS

Commencing 6 months after the effective date of this ordinance for existing driveways and commencing on the effective date of this ordinance for new driveways being constructed, all driveways in the town for which a Town Driveway Permit is required under Section VI shall meet all of the following minimum requirements. No permit shall be issued unless the materials submitted as required under Sections VIII and IX demonstrate compliance with the requirements of this section:

[Here list the specific minimum specifications for driveways, such as required minimum driveway width, curve radius, overhead clearance, culvert size, and any other specifications deemed necessary and appropriate to protect the public health and safety after consultation with the town engineer and emergency service providers.]

A list of minimum specifications is attached in this packet, titled “Minimum recommended driveway specifications”

SECTION VIII - APPLICATION AND PERMIT PROVISIONS

A. The town board shall approve a form for application for both the Town Driveway Permit and the Town Highway Access Permit, which shall be available from the town clerk.

B. The applicant for a Town Driveway Permit or a Town Highway Access Permit shall submit to the town clerk a completed application for each with the appropriate fee and with the following attachments:

1. Sketch Map. A rough sketch showing the conceptual idea of the project and approximate location and dimensions of the project. The sketch map may be submitted to the town board prior to the preparation or submission of the other supporting documents in order for the town board to provide initial comments and review of the proposal. However, formal approval for a Town Driveway Permit or Town Highway Access Permit will not be granted without the submission of complete supporting documents.

2. Plat Map. A plat map indicating the location and dimensions of the desired driveway and highway access locations, if any, as well as the parcels immediately adjacent to the applicant's property. The applicant may first

submit only a sketch plat. Once the town board has reviewed the sketch plat, the applicant may be asked to submit an additional preliminary plat or final plat, or both.

3. Aerial Photo/Site Analysis.
 4. Soil/Slope Analysis.
 5. (Optional) Driveway Construction Plan.
 6. (Optional) Highway Access Location Plan.
 7. Other Documents. The town board may require other documents to be attached to the Driveway Permit Application, including a Town Highway Access Permit.
- C. Procedures for the evaluation of the Town Driveway Permit Application and any required Town Highway Access Permit Application by the town board, including any required site inspection of the proposed driveway, public hearing, and town board meetings, are as follows: *[list specific procedures]*
- D. The town board shall approve or deny every Town Driveway Permit Application or Town Highway Access Permit Application and may, as a condition of issuance, place specific restrictions or conditions on the permit, which shall require compliance by the permittee. Reasons for denying a Town Driveway Permit Application or Town Highway Access Permit Application may include, but are not limited to:
1. The inconsistency or nonconformance of the proposed driveway or highway access with any of the following:
 - a. This ordinance.
 - b. Any existing town comprehensive plan, master plan, or land use plan.
 - c. Town ordinances, rules, regulations, or plans.
 - d. Any applicable county, state, or federal laws, ordinances, rules, regulations, or plans.
 2. The driveway, bridge, culvert, or highway access, or any combination, when constructed, rerouted, reconstructed, or altered as proposed would be dangerous or unsafe for use by persons in the town.
 3. The application as filed and submitted is incomplete or contains false material as determined by the town board.
 4. Alternative driveway locations, bridges, culverts, and highway access locations will be safer for persons ingressing or egressing on the driveway and access point by motor vehicle or for persons traveling on the adjacent highway by motor vehicle.
 5. Alternative driveway locations or alternative highway access locations will preserve or better protect more prime or productive agricultural or forestry land in the town.
 6. Alternative driveway locations or alternative access highway locations will have less negative land use impact on historically, archaeologically, community, public, or culturally significant or environmentally sensitive parcels of land or facilities in the town, including land adjacent or near the proposed driveway.

7. The driveway will not provide timely and adequate ingress and egress for emergency vehicles.

E. In the event of a denial of a Town Driveway Permit Application or Town Highway Access Permit Application, the town board shall recite in writing the particular facts upon which it bases its denial of the permit. The town board shall also afford the applicant an opportunity to review the town board's decision and present evidence at a public hearing after a Class 1 Notice under [s. 985.07](#), Wis. stats., of the hearing to the town board refuting the determination. Thereafter, the town board may affirm, reverse or modify its decision. The town board shall recite in writing findings for any decision to modify or reverse its initial determination.

F. If the town board denies two consecutive applications for a Town Driveway Permit or denies two consecutive applications for a Town Highway Access Permit on the same parcel, no subsequent reapplication for a permit of the same type that was denied for that parcel will be considered within ____ months of the second denial of either.

G. Both the Town Driveway Permit and the Town Highway Access Permit are effective for ____ months from the date of issuance. Each permit shall expire after ____ months unless renewed.

H. Each permit may be renewed for an additional period of 6 months. If the driveway or highway access has not been constructed by the end of one 6-month renewal period, a new application and fee must be submitted and approved.

I. The applicant shall notify _____ [*designate town official*] within 30 days after completion of the construction, reconstruction, rerouting, or alteration of the driveway or highway access. Within 30 days of notification, the town shall conduct an inspection of the driveway or highway access to ensure full compliance with all of permit conditions and provisions of this ordinance. Upon a determination of completeness and compliance, the town board shall issue a Town Driveway Occupancy Permit.

J. No building permit for any construction of buildings or structures will be issued by the town until the driveway or highway access is constructed, reconstructed, rerouted, or altered according to the specifications of the permit as issued and this ordinance.

K. An application fee that is nonrefundable in an amount determined by a resolution of the town board will be charged for each permit application as follows:

1. Town Driveway Permit Fee \$ ____
2. Town Highway Access Permit \$ ____

L. The town board, or its designees, shall have the right of inspection onto land pursuant to a warrant issued under [s. 66.0119](#), Wis. stats., for the purpose of inspecting existing or proposed driveways to determine if the driveways will allow for the safe and timely travel by emergency vehicles or vehicles of the general public.

SECTION IX - CONSTRUCTION PLAN OR HIGHWAY ACCESS PLAN

A. The town board may in writing require a driveway construction plan or highway access plan prior to any proposed driveway or highway access construction, reconstruction, rerouting, or alteration. A driveway construction plan is required for any of the following unless the requirement is waived by the town board in writing:

1. Construction of a driveway or segment of a driveway that requires the disturbance of land with a slope of more than ____%.

2. A driveway or segment of a driveway that requires a retaining wall or other special erosion control measure as determined by the town board, town building inspector, or other designated officer and prior to any permit issuance.
 3. A driveway that crosses a waterway or has the potential to significantly alter existing drainage patterns or quantity of runoff.
 4. Construction or modification of a driveway that necessitates construction or improvement of a bridge or culvert.
 5. When the town board in writing requests a driveway construction plan or town highway access plan.
- B. A highway access plan is required for all sections of any proposed driveway by the applicant that will enter onto a town highway.
- C. If required by the town board or its designee, a driveway construction plan or highway access plan will include a scale plan showing all of the following:
1. Location. The precise location of the driveway or the segment of the driveway for which the driveway construction plan is required, including the width and length of the driveway.
 2. Slope. A profile of the driveway route before and after construction showing a maximum finished driveway slope of _____ %.
 3. Retaining Walls. The location and structure of any retaining walls.
 4. Bridges. The location, size, and design calculations of any bridges.
 5. Culverts. The location, size, and design calculations of any culverts.
 6. Cross-section. Typical cross-sections of the driveway.
 7. Erosion Control. Required mulching, matting, or other erosion control.
 8. Storm Water Management. Drainage methods engineered for the particular surface type, including location and dimensions of ditches, proper grading technique, projected water handling capability, and water loads at the point of access to the public highway.
 9. Other Access Points. The location of any other access points onto the town highway within one mile of the proposed access point.
- D. No construction, reconstruction, rerouting, or alteration of a driveway nor construction of a highway access onto a town highway may commence until all of the following conditions are met:
1. The driveway construction plan or highway access plan, if required, is approved by the town board.
 2. A Town Driveway Permit is issued by the town, and if applicable, a Town Highway Access Permit is issued by the town.
 3. When applicable, any other necessary approvals are obtained from _____ County or the State of Wisconsin.

4. The town board shall, when applicable, seek review and comment from the local fire chief, or his or her deputies, regarding the proposed driveway and whether the proposed driveway will allow for adequate and timely emergency vehicle access and other equipment access to buildings and structures within the premise.

E. The preparation of a driveway construction plan or a highway access plan does not guarantee the approval of a Driveway Construction Permit or Town Highway Access Permit by the town board.

F. As a condition of any Town Driveway Permit and any Town Highway Access Permit, the driveway and highway access shall be constructed and maintained by the owner or occupant to ensure safe, timely, and proper access and travel by emergency vehicles.

G. The approval of a Town Driveway Permit or Town Highway Access Permit application by the town board does not constitute a determination that the driveway is safe, suitable for use or otherwise passable for vehicles of the general public or emergency vehicles, that public access and travel is authorized, or that the applicant or permittee is in compliance with this ordinance. No person may rely on the issuance of either permit to determine that a driveway, bridge, culvert, or highway access location is fit or safe for any purpose or that any person is in compliance with this ordinance or any State or County laws or ordinance. The town board may require issuance of a Town Driveway Occupancy Permit prior to any determination by the town board that the driveway is fit for timely and safe travel by vehicles of the general public and emergency vehicles and that such travel is authorized. Issuance of a Town Driveway Occupancy Permit does not insure that the driveway will be suitable for use or otherwise passable for emergency vehicles at any time after the date of issuance of the Town Driveway Occupancy Permit.

H. The approval of the Town Driveway Permit, Town Driveway Occupancy Permit or Town Highway Access Permit application does not establish or commit the town to future approval of any driveway as a public road or highway in the town.

SECTION X - PENALTY PROVISION

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$_____ nor more than \$_____, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.

SECTION XI - SEVERABILITY CLAUSE

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

SECTION XII - EFFECTIVE DATE

This ordinance is effective on publication or posting.

The town clerk shall properly post or publish this ordinance as required under [s. 60.80](#), Wis. stats.

Adopted this _____ day of _____ 20__.

[Signatures of town board]

Attest: *[Signature of town clerk]*

Minimum Recommended Driveway Specifications.

From, "Model Public Road Access Ordinance: Clark County and Local Towns, Wisconsin" By Foth & Van Dyke and Associates, Inc., June 2003

The following standards are the minimum recommended requirements for driveway construction and placements. Statements with the word "should" are not considered mandatory within an ordinance. If a Town establishes the need to make certain standards mandatory, then that provision must be reworded using "shall" or "must" in place of "should." The word "recommended" must also be removed from any provision that is made mandatory.

1. Separation Distances and Line of Sight

Preserving adequate sight distance, separation between driveways, and separation between driveways and intersections helps prevent dangerous travel conditions on Town Roads.

- A. The recommended maximum number of driveways allowed on a tax parcel depends on the use of the parcel and should be established as follows:
 - a. For residential use: One (1) access point
 - b. For agricultural, commercial or industrial use: Two (2) access points
- B. A minimum distance of 100 feet should be maintained between driveways on the same side of the road and on different tax parcels.
- C. A minimum distance between driveways and road intersections should be maintained. The recommended separation distances are as follows:
 - a. Minimum distance to a town road intersection: 100 feet from the right-of-way
 - b. Minimum distance to a county road intersection: 400 feet
 - c. Minimum distance to a state or federal highway intersection as per the requirements of the WI DOT.
- D. A minimum unobstructed sight distance of 600 feet in each direction from a driveway access point should be maintained.
- E. The ingress/egress angle should be 90 degrees.

2. Dimensional Standards

Minimum dimensional standards for driveways help maintain access for emergency and service vehicles.

- A. Recommended driveway surface width for residential property:
 - a. Maximum: 24 feet
 - b. Minimum: 20 feet
- B. Recommended driveway surface width for agricultural, industrial, or commercial property:
 - a. Maximum: 35 feet
 - b. Minimum: 20 feet
- C. Recommended minimum height clearance (this is the clearance height required by utility companies)
 - a. 17 feet
- D. Recommended minimum clearance width:
 - a. Residential: 24 feet
 - b. Commercial: 35 feet

3. Construction

Minimum construction standards for driveways helps to prevent unnecessary damage to public roadways and other driveways.

- A. A new concrete driveway surface should not extend within the area of the road right-of-way, unless the road surface is also concrete. A flexible bituminous asphalt or gravel may be used within the right-of-way.
- B. The surface of the driveway should slope down and away from the road surface to a sufficient degree and distance to prevent ordinary surface water drainage from the driveway onto the roadbed. The following practices are recommended for achieving the required drainage:
 - a. Slope the driveway away from the public road for a minimum of 10 feet at a slope in the range of 2% to 5%.
 - b. Construct a slight dip across the driveway placed just before the culvert at the entrance to the road.
 - c. Crown the driveway surface.
- C. A culvert should be installed that meets the approval of Town's designated Official.
 - a. The recommended minimum diameter is 15 inches, but a culvert with greater capacity may be required if determined necessary by the designated Official.
 - b. The length of the culvert should be long enough to allow for proper side sloping of the driveway.
 - c. The culvert installed should be in good condition, and materials shall be as allowed by the designated Official. Allowed materials may include steel, concrete or plastic.
- D. Side slopes of a driveway should not be hazardous to safe travel.
 - a. A maximum slope of 3:1 (3 feet horizontal to 1 foot vertical) should be maintained on driveway side slopes and should be maintained on driveway side slopes and should be constructed of earthen materials.
 - b. Retaining walls and embankments of any kind should be prohibited on a driveway. Rocks, timbers and other similar driveway marking treatments should also be prohibited.

Historic Preservation - City of Lodi

Retrieved from League of Wisconsin Municipalities Website, 12/19/08, at: <http://www.lwm-info.org>

(ONLY for use by towns authorized to exercise VILLAGE POWERS under [s. 60.22](#), Wis. stats.)

LANDMARKS AND HISTORIC PRESERVATION ORDINANCE OF THE CITY OF LODI, WISCONSIN (Being Section 16.16 of the General Ordinances of the City of Lodi)

SECTION 16.16

LANDMARKS AND HISTORIC PRESERVATION ORDINANCE

16.16A PURPOSE AND INTENT

It is the intent of this section to officially designate and regulate landmark sites, landmark structures and historic districts for the following purposes:

1. To protect, maintain, enhance and perpetuate the distinctive character of the landmark site, landmark structure or historic district.
2. To safeguard the architectural integrity and distinctive qualities of the features of landmark structures and historic districts.
3. To encourage uses that will lead to the continuance, conservation and improvement of the historic and cultural heritage of the City.
4. To ensure that nearby new structures and areas will be in keeping with the character to be preserved and enhanced.
5. To stabilize and improve property values.
6. To protect and enhance the City's attraction to residents, tourists and visitors, and serve as a support and stimulus to business and industry.
7. To foster civic pride in the beauty and noble accomplishments of the past.

16.16B DEFINITIONS

Unless the context requires otherwise, the following definitions shall be used in the interpretation of this section. In the event a definition stated herein conflicts with a definition in Section 16.18, the definition herein shall control for purposes of this section.

1. Certificate of Appropriateness. The certificate required to be issued prior to the issuance of a building permit granted for the alteration, rehabilitation, construction, reconstruction or demolition of a landmark structure, landmark site or any improvement in an historic district.
2. Commission. The Historic Preservation Commission of the City of Lodi.
3. Council. The Common Council of the City of Lodi, Wisconsin.
4. Historic District. An area designated by the Council on recommendation of the Commission that contains two or more landmark structures or landmark sites, as well as those abutting and nearby improvement parcels which the

Commission determines should fall under the provisions of this section to assure that their appearance and development is harmonious with such landmark structures or landmark sites.

5. Landmark Site. Any parcel of land of historic significance due to a substantial value in tracing the history or prehistory of man, or upon which an historic event has occurred, and which has been designated as a landmark site under this section, or land improvement parcel, or part thereof, used as and constituting part of the premises on which a landmark structure is situated.

6. Landmark Structure. Any improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the City of Lodi, Wisconsin the State of Wisconsin, or the United States, and which has been designated a landmark structure pursuant to the provisions of this section.

7. Improvement. Any building, structure, place, work of art or other object constituting a physical betterment of real property, or any part of such betterment, including streets, alleys, sidewalks, curbs, lighting fixtures, signs and the like.

8. Improvement Parcel. A unit of property which includes an improvement and the land embracing the site thereof, and is treated as a single entity for the purpose of levying real estate taxes. Provided, however, that the term "improvement parcel" shall also include any unimproved area of land which is treated as a single entity for such tax purposes.

16.16C CRITERIA FOR DESIGNATION OF LANDMARK SITES, LANDMARK

STRUCTURES AND HISTORIC DISTRICTS

1. Designation Criteria. For purposes of this ordinance, a landmark site, landmark structure or historic district designation may be placed on any site, natural or improved, including any building, improvement or structure located thereon, or any area of particular historic, architectural, archeological or cultural significance to the city such as landmark structures, landmark sites or districts which:

- a. Exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community; or
- b. Are identified with historic personages or with important events in national, state or local history; or
- c. Embody the distinguishing characteristics of an architectural type of specimen inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship; or
- d. Are representative of the notable work of a master builder, designer, landscape architect, engineer or architect; or
- e. Have yielded, or may be likely to yield, information important to prehistory or history.

2. Adoption of Specific Guidelines for Designation. The Commission may adopt specific operating guidelines for landmark site, landmark structure and historic district designation providing such are in conformance with the provisions of this ordinance.

16.16D PROCEDURES FOR DESIGNATION OF LANDMARK STRUCTURES AND SITES AND HISTORIC DISTRICTS

1. Nomination of a property or structure to be designated as a landmark site or a landmark structure or for an area to be designated as a historic district may be made either by (a) the owner of the property or structure or of a property within the proposed historic district or (b) by the Commission. No property shall be designated as a landmark site or landmark structure without consent of the owner thereof. The Commission or Council may request assistance from the State Historical Society of Wisconsin or other advisory agency in designating landmark sites, landmark structures

or historic districts. The Commission shall develop and prescribe forms for use in making such nominations by property owners or by the Commission, said forms referred to in this section as "nomination form(s)".

2. After consideration of the criteria set forth in subsection 16.16C, the Commission may recommend to designate such landmark structures, landmark sites and historic districts. Any recommendation to the Council by the Commission for the designation of historic districts shall include a cultural and architectural analysis supporting the historic significance of the area, the specific guidelines for development, and a statement of preservation objectives. The Commission may also make recommendations to rescind the designation of a landmark structure, landmark site, or historic district where it believes such designation is no longer appropriate. The Council may, upon receiving a recommendation from the Commission and after holding a public hearing, preceded by publication of a Class 2 legal notice, designate landmark structures, landmark sites and historic districts or rescind such designations. At least 10 days prior to such hearing, the Council shall notify the owners of record, as listed in the office of the city assessor, of the property affected and of property in whole or in part situated within 200 feet of the boundaries of the property affected.

3. The Council shall decide whether or not to approve the designation of the landmark structure, landmark site or historic district or whether or not to rescind such a designation within 30 days after the close of the public hearing. Notification of the Council's decision shall be sent to the nominating or requesting property owner or owners, if any. Notification shall also be given to the City Clerk, Building Inspector, City Historic Preservation Commission and the City Assessor. The designation or the rescinding of said designation is to be recorded at City expense in the Columbia County Register of Deeds office.

16.16E INTERIM CONTROL

No building permit shall be issued by the building inspector for alteration, construction, demolition, or removal of a nominated landmark structure, landmark site, or any property or structure within a nominated historic district from the date of the meeting of the Commission at which a nomination form is first presented until the final disposition of the nomination by the Commission or the Council unless such alteration, construction, demolition or removal is authorized by formal resolution of the Council as necessary for public health, welfare or safety. In no event shall the delay due to this subsection be for more than 180 days after the meeting of the Commission at which the nomination form is first presented.

16.16F REGULATION OF CONSTRUCTION, RECONSTRUCTION, ALTERATION AND DEMOLITION OF LANDMARK SITES, LANDMARK STRUCTURES AND PROPERTY WITHIN HISTORIC DISTRICTS

1. Certificate of Appropriateness Required. No exterior portion of any building or other structure, including any above ground utility structure, which has been designated as a landmark structure or which is part of a site which has been designated as a landmark site, or which is located within a historic district, shall be erected, altered, moved, demolished or developed until after a Certificate of Appropriateness, as to heritage features, has been granted. Such certificate shall be issued by the Building Inspector when issuance thereof has been approved by the Commission prior to the issuance of a building permit required for constructing or altering structures. If the Commission determines not to issue a Certificate of Appropriateness, the Commission shall give written notice of disapproval of the application, stating the reasons for the disapproval, to the applicant. Said notice shall be considered given to the applicant when it has been mailed by certified or registered mail to the applicant's address as shown on the application, whether or not received or accepted by the applicant, or when it has been personally delivered to the applicant.

2. Application Required. Application for a Certificate of Appropriateness shall be made by the property owner on a form prescribed by the Commission.

3. Plans Required. Every application for a Certificate of Appropriateness shall be accompanied by plans for the proposed work to be done. The plans shall be sufficiently detailed to enable the Commission to make the determinations required of it hereunder. If the Commission finds that the plans submitted are not sufficiently detailed,

it may require the applicant to submit more detailed plans before making its decision. When the request is for demolition, a set of photographs of each elevation and a copy of the floor plans for the building shall be submitted.

4. Time for Consideration. The Commission shall make its decision as to whether to approve the application for a Certificate of Appropriateness within 45 days of the filing of the application. The application will not be considered to have been filed until all items required to be submitted hereunder (including sufficiently detailed plans) and under any rules adopted by the Commission have been submitted by the applicant.

5. Other Permits. The issuance of a Certificate of Appropriateness shall not relieve the applicant from obtaining other permits and approvals required by the City of Lodi. A building permit or other municipal permit shall be invalid if it is obtained without the presentation of the Certificate of Appropriateness required for the proposed work.

6. Ordinary Maintenance. Ordinary maintenance and repairs may be undertaken without a Certificate of Appropriateness provided that the work involves repairs to existing features of a landmark structure or site, or the replacement of elements of a structure with pieces identical in appearance, and provided that the work does not change the exterior appearance of the structure or site.

7. Criteria for Approval. Upon filing of any application for a Certificate of Appropriateness with the Commission, the Commission may approve the application unless:

a. In the case of a designated landmark structure or landmark site, the proposed work would detrimentally change, destroy or adversely affect any exterior feature of the improvement or site upon which said work is to be done;

b. In the case of the construction of a new improvement upon a landmark site, or within an historic district, the exterior of such improvement would adversely affect or not harmonize with the external appearance of other neighboring improvements on such site or within the district;

c. In the case of any improvement located in an historic district, the proposed construction, reconstruction, exterior alteration or demolition does not conform to the purpose and intent of this section and to the objectives and design criteria of the historic preservation plan for said district if one is in existence;

d. In the case of a request for demolition, the structure is of such architectural or historical significance that its demolition would be detrimental to the public interest and contrary to the general welfare of the people of the City of Lodi or the State of Wisconsin;

e. In the case of a request for the demolition of a deteriorated landmark structure, any economic hardship or difficulty claimed by the owner is self-created or is the result of any failure to maintain the property in good repair.

8. Other Permissible Considerations. In addition, in determining whether to issue a Certificate of Appropriateness, the Commission shall consider such of the following guidelines as are appropriate to the situation before it:

a. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

c. Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

d. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

e. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.

g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

h. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

i. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment.

j. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

9. Special Rules for Demolition. At such time as an applicant applies for a permit to demolish a landmark structure or any structure located on a landmark site or within a historic district, the Commission may refuse to grant written approval for a period of up to 10 months from the time of such application, during which time the Commission and the applicant shall undertake serious and continuing discussion for the purpose of finding a method to save such property. At the end of this 10-month period, if no mutually agreeable method of saving the subject property bearing a reasonable prospect of eventual success is underway, or if no formal application for funds from any governmental unit or nonprofit organization to preserve the subject property is pending, the Building Inspector shall notify the Chair of the Commission in writing of his intent to issue a permit to demolish the property. If a method of saving the subject property is not successful and if funds to preserve the property are not obtained and available for disbursement within two months following the end of such 10-month period, the Building Inspector may issue the permit to demolish the subject property without approval of the Commission.

10. Appeals. An applicant may appeal the disapproval of the application to the Council by submission of a written notice indicating the intent to appeal and reasons why the applicant believes the application should have been approved. The notice must be filed with the City Clerk within 30 days after giving of notice of disapproval by the Commission in order to constitute a valid appeal. After consideration of the appeal, the Council may either affirm the decision of the Commission or approve the issuance of the Certificate of Appropriateness, in which case the Building Inspector shall issue the Certificate.

16.16G RECOGNITION OF LANDMARK STRUCTURES, LANDMARK SITES AND HISTORIC DISTRICTS

At such time as a landmark structure, landmark site or historic district has been properly designated, the Commission may cause to be prepared and erected on such property a suitable plaque declaring that such property is a landmark structure, landmark site or historic district. Such plaque shall be so placed as to be easily visible to passing pedestrians. The plaque shall state the accepted name of the property, the date of its construction of significance, and other information deemed proper by the Commission.

16.16H OTHER DUTIES OF COMMISSION

In addition to those duties already specified in this section, the Commission shall:

1. Education. Work for the continuing education of the citizens about the historical heritage of this city and the historic districts, landmark sites and landmark structures designated under the provisions of this section.
2. Cooperation with State Authorities. Cooperate with the State of Wisconsin historic preservation officer and the State Historic Preservation Review Board in attempting to include such properties hereunder designated as landmark structures, landmark sites, or historic districts in the National Register of Historic Places and the State Register of Historic Places.
3. Funds for Historic Preservation. As it deems advisable, receive and solicit funds for the purpose of historic preservation in the city. Such funds shall be placed in a special city fund for such purpose.

16.16I CONFORMANCE WITH REGULATIONS

1. The owner of a landmark structure, landmark site or improvement in an Historic District shall maintain the same or cause or permit it to be maintained in a condition consistent with the provisions of this ordinance. The Building Inspector may periodically inspect designated landmark structures, landmark sites and properties within historic districts to insure compliance with this ordinance. These inspections may include physical entry in and upon the property and improvements thereon to insure that interior alterations or maintenance (or lack thereof) will not jeopardize the exterior appearance or structural stability of the improvement. If an owner refuses permission for the enforcement officer to enter for purposes of inspection, the Building Inspector may obtain a warrant of entry pursuant to s. 66.0119, Wis. Stats., and take any other reasonable measures to further enforcement of this ordinance.
2. The owner of a landmark structure or of an improvement on a landmark site or in an Historic District shall keep in good repair all of the exterior portions of such improvement and all interior portions thereof which, if not so maintained, may cause or tend to cause the exterior portions of such improvement to fall into a state of disrepair, including but not limited to:
 - a. The deterioration of exterior walls or other vertical supports;
 - b. The deterioration of roofs or other horizontal members;
 - c. The deterioration of external chimneys;
 - d. The deterioration or crumbling of exterior plasters or mortar;
 - e. The ineffective waterproofing of exterior walls, roofs and foundations, including broken windows or doors;
 - f. The peeling of paint, rotting, holes and other forms of decay;
 - g. The deterioration of surrounding environment, such as fences, gates, sidewalks, steps, signs, accessory structures and landscaping;
 - h. The deterioration of any features so as to create or permit the creation of any hazardous or unsafe condition or conditions;
 - i. Any deterioration of interior portions thereof which may cause the exterior to deteriorate or become damaged or otherwise to fall into a state of disrepair.

The purpose of this section is to prevent the demolition of a landmark structure or landmark site by neglecting it and by permitting damage to it by weather or vandalism.

3. Insofar as they are applicable to a landmark structure, landmark site or improvement in an historic district, designated under this section, any provision of Chapters 18 and 29 of the City of Lodi Code of General Ordinances

(and the state building code adopted under Chapter 18) may be varied or waived, on application, by the Council where such variance or waiver does not endanger public health or safety and is found to be necessary for the preservation or restoration of the property in a manner consistent with the purposes of this Section 16.16.

16.16J VIOLATIONS

In addition to the penalties and procedures provided for under Section 16.171 of this code, the following specific procedures and remedies shall apply to this section.

1. Normal procedures. Subject to sub. 2 of this subsection, notices of violations shall be issued by the Building Inspector after consultation and approval by the Commission. The notice shall in each case specify a time, determined by the Commission, for correction of the violation. If the violation remains uncorrected after the time specified in the notice, in addition to any other remedies and penalties provided for under Section 16.171 or under law, the City may institute appropriate legal action to require the correction of the violation by the property owner, to allow the city to cause the violation to be corrected if it is not corrected by the property owner, and if the violation is corrected at the city's expense to charge the property owner for the cost thereof and, to the extent allowed by law, to have a lien placed against the property for the cost thereof.

2. Emergency Conditions. In any case where the Building Inspector determines that there are emergency conditions dangerous to life, health or property affecting a landmark structure, landmark site or historic district, the building inspector may order the remedying of these conditions without the approval of the Commission. The building inspector shall promptly notify the Commission of the action being taken. When the emergency conditions do not require demolition, the building inspector shall make every effort to carry out the intent of this ordinance and to use the design guidelines of the Commission when remedying the emergency conditions.

16.16K SEPARABILITY

If any provisions of this section or the application thereof to any person or circumstances is held invalid, the remainder of this section and the application of such provisions to other persons or circumstances shall not be affected thereby.

Ordinance Regulating Outdoor Light Fixtures - Oconomowoc Lake

Retrieved from League of Wisconsin Municipalities Website, 12/19/08, at: <http://www.lwm-info.org>

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STATE OF WISCONSIN VILLAGE OF OCONOMOWOC LAKE WAUKESHA COUNTY

AN ORDINANCE TO REGULATE OUTDOOR LUMINAIRES

WHEREAS, the Village Board for the Village of Oconomowoc Lake has received complaints over the last several years regarding the "light trespass" or unnecessary glare from outdoor lighting; and

WHEREAS, the Village Board has determined that improper or the wrong type of light fixtures installed can be a detriment or nuisance to adjacent property owners and the public traveling the roadways of the Village; and

WHEREAS, the Village Board for the Village of Oconomowoc Lake has deemed that it is necessary to place some reasonable restrictions on certain outdoor light fixtures and their installation; and

WHEREAS, in general, the Village Board for Oconomowoc Lake intends that all outdoor lighting shall be downward directed except where specified otherwise in this ordinance, and that fully shielded cut-off fixtures, directing light downward rather than upward shall be used; and that shielding the light in such a way that the light-emitting portion of the fixture cannot be seen at a reasonable distance is highly recommended; and

WHEREAS, examples of light fixtures and shielding that meet the intent of this ordinance are on file in the Village Administrator's office; and

WHEREAS, luminaries meeting the restricted emission goals of this ordinance are sometimes described commercially as hooded, shielded, or full cut-off fixtures, however, not all luminaries so designated necessarily meet these requirements;

NOW, THEREFORE, the Village Board for the Village of Oconomowoc Lake, Waukesha County, Wisconsin, DOES ORDAIN AS FOLLOWS:

Section 1: Purpose, Applicability and Goals.

(a) The purpose of this ordinance is to improve nighttime public safety, utility and security by restricting the nighttime emission of light rays which are the source of light trespass and/or unnecessary glare, and/or are detrimental to the safety and/or security of persons, property or vehicular traffic, and/or are detrimental to the traditional aesthetic values of the Village, and/or unnecessarily restrict persons from the peaceful enjoyment of their property.

(b) The provisions of this ordinance shall apply to all outdoor luminaires used, installed, replaced, altered, moved or repaired after the effective date of this ordinance, except as this applicability is specifically expanded or reduced herein.

(c) The provisions of this ordinance, except for Section 4 (a) and Section 4 (d), do not apply to commercial establishments as defined herein.

(d) The goal of this ordinance is to have all outdoor luminaires be located, sized and/or downward directed unless upward illumination is allowed by this ordinance so that the light emitted from the luminaires do not constitute light trespass as defined herein. Downward directed shall mean that the luminaire is shielded in such a manner that light rays emitted by the luminaire, whether directly from the lamp or indirectly from the fixture, are restricted to regions

below an angle 15 degrees beneath the horizontal plane running through the lowest point on the fixture where light is emitted.

Section 2: Effect on Other Codes. The provisions of this ordinance are intended to supplement other applicable codes and requirements. Compliance with all applicable provisions of building, zoning, electrical and other codes must be observed. In the event of a conflict between the requirements of this code and other requirements, the more stringent requirement shall apply.

Section 3: Definitions:

Commercial establishment: A premises that the Village of Oconomowoc Lake Plan Commission finds to include a Public and Semipublic Use, or a Highway Oriented Use, or that is subject to the I-1 Restricted Industrial District regulations, as described in Sections 17.54, 17.55, and 17.40, respectively, of the Village of Oconomowoc Lake Zoning Code, whether or not a conditional use permit has been issued for the same.

Footcandle: A standard unit of illumination.

Lighted Sign: A variety of light that is characterized by being in the form of glass tubes filled with neon, argon or krypton that is located outdoors, or faces outdoors; and also a variety of light characterized by being in the form of translucent material that depicts a sign or other display, that is illuminated wholly from within, and that is located outdoors, or faces outdoors.

Light Trespass: Light emitted by a luminaire that shines beyond the boundaries of the property on which the luminaire is located with an intensity greater than one half foot candle at a point 4 feet above the ground at the property's boundary line and/or at a point four feet above the surface of the water and 150 feet from that property's shoreline when measured on the water.

Light Shield: Any attachment which interrupts and blocks the path of light emitted from a luminaire or fixture.

Luminaire: The complete lighting system, including lamp and the fixture.

Private Driveway. Any way (1) serving not more than three lots, (2) used primarily for ingress and egress to and from said lots by motor vehicles, and (3) for which ingress and egress right is established by private easement and/or private ownership.

Private Road. Any street, highway, road or other way that is privately owned, that is used primarily for ingress and egress to and from lots by motor vehicles, and that is not a private driveway as defined herein.

Public Street. Any street, highway, road or other way owned by or dedicated to the Village of Oconomowoc Lake or governmental entity and used primarily for public travel in motor vehicles.

Section 4: Requirements.

(a) Light Trespass

All outdoor luminaires shall be located, sized, shielded and/or directed in such a manner that they do not constitute light trespass as defined herein.

(b) Hours of Operation

All outdoor luminaires must be turned off between 11:00 PM (local time) and sunrise except when used for:

(i) Lighting necessary for security purposes or

(ii) Lighting necessary to illuminate walkways, staircases, or public street and/or private roads or

(iii) Recreational use that continues after 11:00 PM, but only for so long as such use continues.

(c) Searchlights

The outdoor operation of searchlights, lasers or other high-intensity beams is prohibited except when authorized by conditional use or as authorized under Section 5(a).

(d) Safety

No outdoor luminaire may be operated in such manner as to constitute a hazard or danger to persons, or to safe vehicular or boating operation.

(e) Illuminating Elevated Objects

In the case of state and national flags, statues, entrance way markers, or other top-of-pole mounted objects which cannot be illuminated with downward directed lighting, upward directed lighting may be used only in the form of one or two narrow-cone spotlights which confines the illumination to the object of interest, and provided that the lighting is restricted to an angle of not less than 75 degrees up from horizontal.

(f) Pole Fixtures

Outdoor light pole fixtures shall not exceed a maximum height of twenty-five (25) feet.

(g) Lighted Signs Lighted signs, as defined herein, are prohibited.

Section 5: Special Exemptions.

The following are exempt from the requirements of this Ordinance, to the extent described as follows:

(a) Temporary Exemption

Request for temporary exemption from the provisions of this Ordinance may be submitted to the Village Administrator in written form describing the reason for the request and the nature of the request. If approved and granted in writing by the Village Administrator, such exemption shall be in force for not more than 30 days. Request for a maximum of one 30 day renewal may be made in similar manner. The Village Administrator may terminate any temporary exemption for any reasonable cause, including but not limited to concerns about safety or light trespass.

(b) Low Voltage

All low-voltage landscape or accent lighting and holiday lighting are exempt from the requirements of this ordinance, except for the requirements of Section 4(a) and 4(d).

(c) Security

Motion detector security lights, which are normally "off" and which are activated "on" for less than 4 minutes occasionally when motion is detected, are exempt from the requirements of this ordinance, but are not exempt from Sections 4 (a) or

(d) Public and Private Roads

Outdoor luminaires used to provide illumination for public streets and private roads are exempt from the requirements of this ordinance except as described in this section. After the effective date of this ordinance, only shielded, low pressure sodium outdoor luminaires may be newly installed to provide illumination for public streets and private roads.

However, in the event that the serving electric public utilities require high pressure sodium lamps for general street and highway lighting, or for other good and sufficient reasons, high pressure sodium lamps may be used instead of the low pressure sodium lamps as specified in this subsection upon written approval of the Village Administrator.

In the case of the replacement of a luminaire, lamp, and/or fixture installed to provide illumination for public streets, if existing circuitry does not permit replacement of an individual luminaire, lamp, and/or fixture with a low-pressure sodium light fixture, high pressure sodium may be used instead.

All reasonable attempts shall be made to meet the goals of this ordinance and to eliminate light trespass from all outdoor luminaires used to provide illumination for public streets and private roads whether existing, newly installed or replacement and whether low-pressure sodium light fixtures or high-pressure sodium light fixtures are used. Additional shielding to eliminate light trespass onto adjoining residential properties from outdoor luminaires which provide illumination of private roads shall be installed if requested by the adjoining residential property owner or occupant or any affected party.

Commercial Establishments Commercial establishments as defined herein are exempt from the provisions of this ordinance except for Section 4(d) and regardless of whether or not the commercial establishment as defined herein is subject to a conditional use permit which contains language that the Petitioner agrees to comply with any lighting ordinance which may, at any time, be adopted by the Village of Oconomowoc Lake. Said commercial establishments by this ordinance are only subject to any other specific lighting requirement of the specific conditional use permit and Section 4(d) of this ordinance.

Section 6: Severability The several sections of this ordinance are declared to be severable. If any 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 effect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

Section 7: Penalty. Except as otherwise provided, any person found in violation of any provision of this ordinance or any order, rule or regulation made hereunder shall be subject to a penalty as provided in the Village of Oconomowoc Lake Ordinance No. 136 or any amendments thereto.

Section 8: Effective Date.

This Ordinance shall be in full force and effect from and after its passage and publication.



Livestock Facility Siting

Understanding the siting statute and rule

The Livestock Facility Siting Law (Act 235 and s.93.9 Wis. Stats) creates a predictable framework for county and municipal decisions to site new or expanding livestock facilities. The siting rule (ATCP 51) sets the standards local governments must use, and livestock operators must follow, to receive a permit. This fact sheet provides some highlights of the law relating to local government's rights and responsibilities.

Rights and responsibilities under the siting statute (s. 93.90)

1. Local governments *choose* whether or not to regulate the siting of livestock facilities. Local governments can regulate by zoning without permits, zoning with conditional use permits, or licensing permits with or without zoning. Regulation can be at the municipal or county level. **Local governments do not have to regulate the siting of livestock facilities.** The state will not regulate siting in the absence of local regulation.
2. Local governments that decide to regulate livestock facilities are now limited in their ability to prohibit or disapprove facilities based on the siting law.
3. Agricultural zoning districts can establish in accordance with comprehensive plans.
 - a. Livestock operations may be prohibited in non-agricultural zones.
 - b. If only one agricultural zone is established, livestock facilities cannot be prohibited based on size in that zone.
 - c. If more than one agricultural zone is established, local government can designate size limits for livestock facilities based on public health or safety reasons, however at least one agricultural zoning district must allow for livestock facilities of all sizes.
 - d. Conditional use permits for livestock facilities with more than 500 animal units can be required.
4. Local governments can require licensing permits for livestock facilities with more than 500 animal units. Licensing permits can apply in zoned and un-zoned areas.
5. The requirements of the siting law can be adopted into a local ordinance at any time.

Rights and responsibilities under the siting rule (ATCP 51)

1. Local government may require permits (either conditional use or licensing) to site livestock facilities having 500 or more animal units. Note: some local governments that modified existing ordinances elected to grandfather a smaller animal unit threshold. This is no longer an option. Preexisting ordinances had to be modified to adopt siting prior to Nov. 1, 2006 to maintain a lower animal unit threshold.
2. When deciding to approve or deny a permit application for a proposed facility, a local government must use the standards, application and process set by DATCP rule (ATCP 51).

Livestock Licensing Ordinance

Retrieved from the Wisconsin Towns Association Website, 12/19/08, at:
http://www.wisctowns.com/subdivision_ordinance.html

(ONLY for use by towns authorized to exercise VILLAGE POWERS under [s. 60.22](#), Wis. stats.)

THE _____ OF _____ DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Authority

This ordinance is adopted pursuant to the powers granted under Wisconsin Constitution, and Wisconsin Statutes including but not limited to Section 92.15 and 93.90. ***{If the town board has village powers:}*** Further this ordinance is adopted pursuant to the powers granted to the town board under the grant of village powers pursuant to Sec. 60.22 of Wis. Statutes for the protection of public health and safety.

Section 2. Purpose and Findings

Purpose: The purpose of this ordinance is to comply with requirements of Sec. 93.90 of Wis. Statutes and ch. ATCP 51, Wis. Adm. Code (ATCP 51), and to establish standards and authority to protect the public health and safety of the people of the Town/County of _____. This ordinance sets forth the procedures for obtaining a license for the siting of new and expanded livestock facilities in the Town/County of _____.

Findings: ***{If the town or county intends to adopt more stringent standards than state standards in ATCP 51, pursuant to Sec. 93.90 (3)(a)6b. of Wis. Statutes, a statement of findings in this section should be stated that the more stringent standard is based upon reasonable and scientifically defensible findings of fact and that the more stringent standards are necessary to protect public health or safety. It would be recommended that the town board or county board have a public hearing on the more stringent local standard, receiving evidence that supports that more stringent standards are reasonable and scientifically defensible to show that these requirements are necessary to protect public health or safety. This draft recommends that a separate set of findings of fact meeting this statutory standard be adopted separate from the ordinance.}*** The Town Board/County Board of the Town/County of _____ hereby finds after public hearing that the standards in Sec. 6 of this ordinance, which are more stringent than those comparable standards of ATCP are based upon reasonable and scientifically defensible findings of fact as documented by board findings dated _____ and adopted by the board. Further that the more stringent standards in Sec. 6 of this ordinance of this ordinance are necessary to protect public health and safety.

Section 3. Definitions

{Specific definitions as listed in ATCP 51 are recommended to be included verbatim in the draft ordinance for ease of use by local officials. Note the number in parentheses corresponds to the section in ATCP 51 :}

- (1) ***Adjacent***
- (2) ***Animal unit***
- (9) ***Complete application for local approval***
- (13) ***Expanded livestock facility***
- (14) ***Expansion***
- (18) ***Livestock***
- (19) ***Livestock facility***
- (20) ***Livestock structure***
- (23) ***Manure***

- (26) New Livestock facility**
- (28) Operator**
- (30) Person**
- (32) Populate**
- (33) Property line**
- (36) Related livestock facilities**
- (37) Separate species facility**
- (43) Waste storage facility**
- (44) Waste storage structure**
- (47) WPDES permit**

The remaining definitions in ATCP 51 are hereby incorporated by reference without reproducing them in full in this ordinance.

Section 4 . License Required

A) General

A license issued by the Town/County of _____ is required for *new or expanded* livestock facilities that will have 500 or more animal units.

B) Licenses for Existing Livestock Facilities

1) A license is required for the expansion of a pre-existing or previously approved livestock facility if the number of animal units kept at the expanded livestock facility will exceed all of the following:

- a) The applicable size threshold for a license.
- b) The maximum number previously approved or, if no maximum number was previously approved, a number that is 20% higher than the number kept on (May 1, 2006 or on the effective date of the license requirement, whichever date is later)

2) A license is not required for livestock facility that existed before May 1, 2006 or before the effective date of the license requirement in this ordinance, except as provided in sub. 1).

3) A license is not required for livestock facility that was previously issued a conditional use permit, license or other local approval, except as provided in sub. 1).

A prior approval for the construction of a livestock facility implies approval for the maximum number of animal units that the approved livestock facility was reasonably designed to house, except as otherwise clearly provided in the approval. Prior approval of a single livestock structure, such as a waste storage structure, does not constitute prior approval of an entire livestock facility.

Section 5. Licensing Administration

The Town/County of _____ does hereby create the position of Livestock Facility Siting Administrator who shall have the primary responsibility of administering this ordinance and related matters thereto. The Livestock Facility Siting Administrator shall be appointed by the town board/county board to serve at the pleasure of said board.

{Note the creation of an administrative position to administer this ordinance is a recommendation, not a requirement of the law or rules. An existing position such as the zoning administrator or some other existing position could be assigned the responsibility for administering this ordinance.

Section 6. Licensing Standards

The standards for issuing a license are as follows:

1. The state livestock facility siting standards adopted under ATCP 51, Wis. Adm. Code, inclusive of all appendixes and worksheets and any future amendments to this chapter, except as may be noted in this section of the ordinance, are incorporated by reference in this ordinance, without reproducing them in full.
2. The following setbacks shall apply to livestock structures:

a) Property lines

Except as provided for waste storage structures, livestock structures must be located a minimum of ___ feet [not to exceed 100 feet] from the property line if the livestock facility will have fewer than 1,000 animal units, and ___ feet [not exceed 200 feet] from the property line if the livestock facility will have 1,000 or more animal units.

The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of the setback requirement, except that a structure may not be expanded closer to the property line.

Key Limitation

The siting law recognizes and allows local-established setback requirements for property lines, provided that the requirements do not impose a setback of more than 100 feet from any property line if the livestock facility will have fewer than 1,000 animal units, or more than 200 feet from any property line if the livestock facility will have 1,000 or more animal units.

b) Public road right-of-way

Except as provided for waste storage structures, livestock structures must be located a minimum of ___ feet [not to exceed 100 feet] from public road right-of-way if the livestock facility will have fewer than 1,000 animal units, and ___ feet [not to exceed 150 feet] from a public road right-of-way if the livestock facility will have 1,000 or more animal units.

The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of the setback requirement, except that a structure may not be expanded closer to the public road right-of-way.

Key Limitation

The siting rule recognizes and allows local-established setback requirements for public road right-of-ways, provided that the requirements do not impose a setback of more than 100 feet from any public road right-of-way if the livestock facility will have fewer than 1,000 animal units, and or more than 150 feet from any public road right-of-way if the livestock facility will have 1,000 or more animal units.

c) Waste Storage Structure

A new waste storage structure may not be located within _____ feet [not to exceed 350] of a property line, or within _____ feet [not to exceed 350] feet of the nearest point of any public road right-of-way.

A single new waste storage structure may be constructed closer to the property line or public road if a new structure is:

- Located on the same tax parcel as a waste storage structure in existence before May 1, 2006.
- No larger than the existing structure.
- No further than 50 ft. from the existing structure.
- No closer to the road or property line than the existing structure.

This setback requirement *does not apply* to existing waste storage structures, except that an existing structure within _____ feet [not to exceed 350] of a property line or road may not expand *toward* that property line or road.

3. The following more stringent local standard adopted in this ordinance required to protect public health or safety:

{Note that ATCP 51 includes standards for Odor and air emissions (ATCP 51.14); Nutrient management (ATCP 51.16); Waste storage facilities (ATCP 51.18); and Runoff Management (ATCP 51.20) }

These more stringent standards are based on reasonable and scientifically defensible findings of fact listed in Section 2 of this ordinance.

{Note that Sec. 93.90 (3) (a)6 b. of Wis. Statutes and ATCP 51.10 (3) provide that local jurisdictions may only adopt more stringent standards than those in ATCP 51, if the more stringent standards are based on reasonable and scientifically defensible findings of fact adopted by the political subdivision's governing authority. Further that the findings of fact must show that the standards are need to protect public health or safety.}

Section 7. License Application

A livestock operator must complete the application form and worksheets prescribed by ATCP 51, including any authorized local modifications. The application form and worksheets demonstrate compliance with standards in ATCP 51 and this ordinance.

The operator must file (2, 3 or 4) ***{select one number}*** duplicate copies of the application form , including worksheets, maps and documents (other than engineering design specifications) included in the application.

{ATCP 51.30 provides that up to 4 duplicate copies may be required to be filed by the applicant. One copy must be filed after a final decision on the application with DATCP. If approved, one duplicate copy marked approved must be given back to the applicant. The applicant may wish to record the approved application with the register of deeds. It is recommended that 4 duplicate copies be required to have adequate copies available in the event of a future appeal.}

Section 8. License Application Fee

A non-refundable application fee of \$_____ ***{Not to exceed \$1000}*** payable to the Town/County of _____ shall accompany an application for the purpose of offsetting the town/county costs to review and process the application.

{Note that under Sec. 66.0628, any fee imposed by a political subdivision must bear a reasonable relationship to the service for which the fee is imposed. The fee established should take into account the costs of any published notices; mailings; meeting costs including special meetings; contracted services of consultants to assist in reviewing the application and any other reasonable costs that can be attributed to the costs to review and process the application.}

Section 9. Application Procedure

1. Pursuant to ATCP 51.30 (5), within 45 days after a political subdivision receives an application, it shall notify the applicant whether the application is complete. If the application is not complete, the notice shall describe the additional information needed. Within 14 days after the applicant provides all of the required information, the political subdivision shall notify the applicant that the application is complete. This notice does not constitute an approval of the proposed livestock facility.

2. Pursuant to ATCP 51.30 (6), within 14 days after a political subdivision notifies an applicant that the application is complete, the political subdivision shall notify adjacent landowners of the application. The political subdivision shall use the approved notice form in ATCP 51, and mail by first class mail a written notice to each adjacent landowner.

3. Upon determination of completeness the town/county clerk shall give notice of a public hearing to receive information from the applicant and receive public input on the application. Public notice shall be a class 2 notice the last of which is at least a week before the date of the public hearing. The public hearing may be continued, but final decision shall be made within the time limits described in the next paragraph.

4. Pursuant to ATCP 51.32, a political subdivision shall grant or deny an application within 90 days after the political subdivision gives notice that the application is complete under paragraph 2 above. A political subdivision may extend this time limit for good cause, including any of the following:

- The political subdivision needs additional information to act on the application.
- The applicant materially modifies the application or agrees to an extension.

A political subdivision shall give written notice of any extension. The notice shall specify the reason for the extension, and the extended deadline date by which the political subdivision will act on the application.

Section 10. Criteria for Issuance of a License

A license shall issue if the application for the proposed livestock facility:

- Complies with this ordinance, and
- Is complete, and
- Contains sufficient credible information to show, in the absence of clear and convincing information to the contrary, that the proposed livestock facility meets the standards specified in this ordinance, specifically Section 6 above.

{Note: If the application and worksheets prescribed by ATCP 51 are properly completed, there is a rebuttable presumption that the applicant has meet the application requirements.}

A license shall be denied if any of the following apply:

- The application, on its face, fails to meet the standard for approval in the previous paragraph,
- The political subdivision finds, based on other clear and convincing information in the record, that the proposed livestock facility does not comply with applicable standards in this ordinance.
- Other grounds authorized by s. 93.90, Stats., that warrant disapproving the proposed livestock facility.

Section 11. Record of Decision

A political subdivision must issue its decision in writing. The decision must be based on written findings of fact supported by evidence in the record. Findings may be based in part on the presumptions created by ATCP 51.

If the political subdivision approves the application, it must give the applicant a duplicate copy of the approved application, marked "approved." The duplicate copy must include worksheets, maps and other documents (other than engineering specifications) included in the application.

The town/county clerk as required by ATCP 51.36 within 30 days of the town/county decision on the application shall do all of the following:

- a. Give the Department of Agriculture, Trade and Consumer Protection written notice of the town/county decision.
- b. File with the Department a copy of the final application granted or denied, if the town/county has granted or denied an application under this ordinance. (The copy shall include all of the worksheets, maps and other attachments included in the application, except that it is not required to include the engineering design specifications.)
- c. If the town/county has withdrawn a local approval under this ordinance, file with the department a copy of the town/county final notice or order withdrawing the local approval.

{Note the information in this paragraph may shall be submitted to the Department of Agriculture, Trade and Consumer Protection at the following address:}

***Wisconsin DATCP—Agricultural Resource Management Division
Bureau of Land and Water Resources
P.O. Box 8911
Madison, Wis. 53708-8911
Fax (608) 224-4615***

Section 12. Transferability of License

A license and the privileges granted by this license run with the land approved under the license and remain in effect, despite a change in ownership of the livestock facility, as long as the new operator does not violate the terms of the local approval. An applicant may record with the register of deeds, at the applicant's expense, the duplicate copy of the approved application.

The town/county requests that upon change of ownership of the livestock facility, the new owner of the facility shall file information with the town/county clerk providing pertinent information, including but not limited to such information as the name and address of the new owner and date of transfer of ownership.

Section 13. Expiration of License

A license remains in effect regardless of the amount of time that elapses before the livestock operator exercises the authority granted under license, and regardless of whether the livestock operator exercises the full authority granted by the approval. However, the political subdivision may treat a license as lapsed and withdraw the license if the license holder fails to do all of the following within 2 years after issuance of license:

- *Begin* populating the new or expanded livestock facility.
- *Begin* constructing all of the new or expanded livestock housing or waste storage structures proposed in the application for local approval.

Section 14. License Terms and Modifications

A license and the privileges granted by a license issued under this ordinance is conditioned on the livestock operator's compliance with the standards in this ordinance, and with commitments made in the application for a license. The operator may make reasonable changes that maintain compliance with the standards in this ordinance, and the political subdivision shall not withhold authorization for those changes. A violation of the license or a failure to comply with the commitments made in the application may result in suspension and/or termination of the license as provided in Section 13 of this ordinance

Section 15. Compliance Monitoring

The political subdivision shall monitor compliance with the ordinance as follows:

- a. Upon notice to the livestock facility owner request the right of the Town/County Livestock Facility Siting Administrator under Section 5 of this ordinance to personally view the licensed premises at a reasonable time and date to insure that all commitments of the application as approved are being complied with.
- b. If the livestock facility owner refuses the Town/County Livestock Facility Siting Administrator the right to view the licensed premises, the Administrator may request the assistance of the Sheriff or a deputy Sheriff to obtain an inspection warrant from the circuit court to inspect the licensed premises for the purpose of protection of the public health and safety under Sec. 66.0119 of Wis. Statutes.
- c. If a licensed premises is found not to be in compliance with the commitments made in the approved application, the Livestock Facility Siting Administrator shall issue a written notice to the livestock facility owner stating the conditions of non-compliance and directing that compliance of the commitments of the approved application and license be complied with in a reasonable amount of time stated in this written notice.
- d. If non-compliance of the license conditions as described in the written notice given by the Administrator continue past the stated reasonable time to comply, the Administrator may take further action as provided in this ordinance, including but not limited to issuance of a citation or seeking of injunctive relief.
- e. If the livestock facility owner disputes that the conditions of the license have not been complied with, the livestock facility owner may request a hearing in writing within five days of receipt of the notice of non-compliance. The town board (county committee) shall schedule a hearing within five days to determine if the conditions of the license have been complied with or whether non-compliance of the commitments of the approved application and local approval exists.

Section 16. Penalties

Any person who violates any of the provisions of this ordinance, or who fails, neglects or refuses to comply with the provisions of this ordinance, or who knowingly makes any material false statement or knowing omission in any document required to be submitted under the provisions hereof, shall be subject to the following penalties:

- a. Upon conviction by a court of law, pay a forfeiture of not less than \$_____ nor more than \$_____, plus the applicable surcharges, assessments and costs for each violation.
- b. Each day a violation exists or continues shall be considered a separate offense under this ordinance.
- c. In addition, the town board/county committee may seek injunctive relief from a court of record to enjoin further violations.
- d. In addition, the town board/county committee may suspend or revoke the local approval of a license under this ordinance after due notice to the livestock facility owner and a public hearing to determine whether the license should be suspended or revoked.

A political subdivision shall exercise sound judgment in deciding whether to suspend or revoke a license. The political subdivision shall consider extenuating circumstances, such as adverse weather conditions, that may affect an operator's ability to comply.

In addition to any other penalty imposed by this ordinance, the cost of abatement of any public nuisance on the licensed premises by the town/county may be collected under this ordinance or Sec. 823.06 of Wis. Statutes against the owner of the real estate upon which the public nuisance exists. Such costs of abatement may be recovered against the real estate as a special charge under Sec. 66.0627 of Wis. Statutes unless paid earlier.

Section 17. Appeals

In addition to other appeal rights provided by law, Sec. 93.90 (5), Stats, provides that any "aggrieved person" may request review by the Livestock Facility Siting Review Board of any decision by the (political subdivision) in connection with a permit application. An "aggrieved person" may challenge the decision on the grounds that the (political subdivision) incorrectly applied the standards under this ordinance or violated sec. 93.30, Stats.

An "aggrieved person" under this section as defined in Sec. 93.90 (5) of Wis. Statutes means a person who applied to a political subdivision for approval of a livestock siting or expansion, a person who lives within 2 miles of the livestock facility that is proposed to be sited or expanded, or a person who owns land within 2 miles of a livestock facility that is proposed to be sited or expanded.

An "aggrieved person" may request review of any decision of the Livestock Facility Siting Administrator decision or action by the town board/county committee.

Any appeal brought under this section must be requested with 30 days of the town/county approval or disapproval or within 30 days after the decision on appeal before the town board/county committee.

Any appeal to the State Livestock Facility Siting Review Board shall comply with Sec. 93.90 of Wis. Statutes and administrative rules of said board.

Section 18. Severability

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to that end, the provisions of this ordinance are severable.

Section 19. Effective Date

This ordinance is effective the day after publication. ***{Note this ordinance should be published due the inclusion of a forfeiture provision.}***

Adopted this _____ day of _____, 200__, by the _____ Town/County Board of Supervisors.

Town Chairperson/County Chairperson

Attested by the Town Clerk/County Clerk

Town Clerk/County Clerk

Model Manufactured Housing Ordinance- St. Croix Falls

Retrieved from League of Wisconsin Municipalities Website, 12/19/08, at: <http://www.lwm-info.org>

(ONLY for use by towns authorized to exercise VILLAGE POWERS under [s. 60.22](#), Wis. stats.)

AN ORDINANCE REPEALING, RE-NUMBERING, AMENDING AND CREATING PORTIONS OF THE ZONING CODE RELATING TO MANUFACTURED HOUSING

The Common Council of the City of St. Croix Falls do ordain as follows:

SECTION 1.

Sees. 17.02 (24)-(49) of the Zoning Code are renumbered sections (25)-(50), respectively.

SECTION 2.

Sec. 17.02(24) is created to read:

(24) MANUFACTURED HOME. A structure or structures certified and labeled as a manufactured home under 42 U.S.C. secs. 5401 to 5406, built since June 15, 1976, that bears a seal indicating it has met the mobile home construction and safety standards of the United States Department of Housing and Urban Development (HUD) standards, is used as a permanent, single family residential dwelling, is installed in accordance with the manufacturer's instructions, is properly connected to all applicable utilities, and is set on an enclosed foundation in accordance with sec. 70.043(l), Wis. Stats., and subchapters 111, IV and V of ch. ILHR 21, Wis. Admin. Code as certified by the Building Inspector prior to occupancy.

SECTION 3.

Renumbered sec. 17.02(25) MOBILE HOME is repealed and recreated to read as follows:

(25) MOBILE HOME. A single family dwelling built on or before June 15, 1976, designed to be towed or transported and used as a residential dwelling, but does not include a manufactured home. Mobile home also means any coach, cabin, trailer, travel trailer, motor home, house car or other structure which is, or was originally constructed or designed to be transported by any motor vehicle upon a public highway and designed, equipped or used for sleeping, eating or living quarters or as a place of business, or is intended to be so used, whether mounted upon wheels or supports or capable of being moved by its own power or transported by another vehicle, and includes any additions, attachments, foundations, annexed or appurtenances thereto.

SECTION 4.

Sec. 17.02(9)(a), One-Family dwelling is amended to read as follows:

- (a) Single-Family. A detached building designed for or occupied exclusively by one family which includes such structures constructed on site and manufactured homes, but does not include mobile homes as herein defined.

SECTION 5.

Sec. 17.08(l)(a) is amended to read as follows:

(a) Single-family dwellings including manufactured homes but not including mobile homes as herein defined.

SECTION 6.

Sees. 17.08(3)(a) and 17.09(3)(a) are amended to read as follows:

(a) Floor Area (Principal Building): Minimum 1040 sq. ft.

Secs. 17.08(4) and 17.09(4) are created to read as follows.

(4) CONSTRUCTION STANDARDS. Residential dwellings constructed on site or manufactured homes attached to a foundation shall meet the following minimum construction standards in addition to complying with all applicable codes.

(a) Have a standing seam or ribbed pre-finished metal, wood-shake, asphalt or fiberglass shingle roof with a minimum slope of 4:12.

(b) Have a minimum of 1 ft. to a maximum of 2 ft. eave attached to the entire perimeter of the roof.

(c) Have exterior wall coverings consisting of any of the following materials or combinations thereof

1. Aluminum, steel or vinyl siding;

2. Wood or simulated wood; or

3. Brick, stone or stucco,

(d) Have a permanent foundation meeting the requirements of the state uniform dwelling code and approved by the Building Inspector, which surrounds the entire perimeter of the structure and completely encloses the space between siding and the finished grade.

(e) Are permanently affixed to the foundation. Manufactured homes must have the running gear and towing hitch removed and have an anchoring system that is totally concealed under the structure.

(f) Are constructed and installed pursuant to a building permit and subject to all required inspections to insure that the foundation and all on-site work is constructed to minimum standards and that a manufactured home is assembled or placed on-site to assure that it is in compliance with standards regulating the anchoring of the structure to its foundation and other building requirements.

SECTION 8.

This Ordinance shall be effective upon its passage and publication.

(ONLY for use by towns authorized to exercise VILLAGE POWERS under [s. 60.22](#), Wis. stats.)

STATE OF WISCONSIN

Town of _____
_____ County

SECTION I - TITLE AND PURPOSE

This Ordinance is entitled the Town of _____ Mobile Home License, Campground License, and Temporary or Seasonal Residence Permit Ordinance. The purpose of this ordinance is to regulate by license or permit the installation, maintenance, and parking of mobile homes, manufactured homes, and camping units, the installation, construction, and maintenance of temporary or seasonal dwellings in the town and the construction, installation, operation, and maintenance of mobile home parks and campgrounds to allow the town to monitor the development of property within the town in order to assure the proper assessment and taxation of and assessment of fees upon property within the town and to assure the provision of fire and other emergency services to residents within the town.

SECTION II - AUTHORITY

The town board has the specific authority under [ss. 66.0119](#), [66.0435](#), [101.645](#), and [101.935](#), Wis. stats., and the town's village powers under [s. 60.22](#), Wis. stats., to adopt and enforce this ordinance.

SECTION III - ADOPTION OF ORDINANCE

The town board, by this ordinance, adopted on proper vote with a quorum and by a roll call vote by a majority of the town board present and voting provides the authority to regulate, license, or permit certain parking, installation, or construction of certain dwellings in the town.

SECTION IV - DEFINITIONS

A. "Campground" means a facility on any parcel of land in the town used for a temporary or seasonal installation and parking of more than 2 camping units, where those camping units are used primarily as temporary or seasonal sleeping, habitation, lodging, or living quarters for recreational camping, hunting, fishing, or travel purposes. "Campground" does not include a mobile home park. "Campground" does include campground facilities regulated under [s. 254.57](#) or [chapter 707](#), Wis. stats.

B. "Camping Unit" means any portable device, no more than 400 square feet in area, used in the town as a temporary or seasonal dwelling, including but not limited to a camping trailer, motor home, bus, van, truck, or tent.

C. "Closed construction" means any building, building component, assembly, or system manufactured in such a manner that it cannot be inspected before installation at the building site without disassembly, damage, or destruction.

D. 1. "Manufactured Dwelling" means any structure or component of a structure that is intended for use as a dwelling and is any of the following:

a. Of closed construction that is fabricated or assembled on site or off site in manufacturing facilities for installation, connection, or assembly and installation at the building site; or

b. Of open construction that is made or assembled in manufacturing facilities away from the building site for installation, connection, or assembly and installation on the building site and for which certification is sought by the manufacturer.

2. "Manufactured dwelling" does not include any of the following:

a. A building of open construction that is not subject to paragraph 1. b.

b. A single- or double-width manufactured home or mobile home.

c. A camping unit.

E. 1. "Manufactured home" means any of the following:

a. A structure manufactured or assembled on or after July 15, 1976 that is transportable in one or more sections and that in the traveling mode is 8 body feet or more in width or 40 body feet or more in length, or, when erected on site is 320 or more square feet in area, and that is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities.

b. A structure that meets all the requirements of subdivision a, except the size requirements, and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under 42 USC 5401 to 5425.

2. "Manufactured home" does not include any of the following:

a. A manufactured dwelling.

b. A camping unit.

F. "Mobile home" means any mobile home manufactured or assembled before June 15, 1976 that is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped, and used primarily for sleeping, eating, and living quarters, or is intended to be so used; and includes any additions, attachments, annexes, foundations, and appurtenances. "Mobile home" does not include any camping unit.

G. "Mobile home park" means a facility in the town where 2 or more of any combination of mobile homes, manufactured homes, manufactured dwellings, or camping units, are installed or parked on a parcel for dwelling or sleeping purposes regardless if any charge is made for the accommodation, unless waived in writing by the town unless waived in writing by the town board.

H. "Motor home" means a motor vehicle designed to be operated upon a highway for use as a temporary or recreational dwelling and having the same internal characteristics and equipment as a mobile home.

I. "Open construction" means any building, building component, assembly, or system manufactured in such a manner that it can be readily inspected at the building site without disassembly, damage, or destruction.

J. "Temporary or seasonal dwelling" means any dwelling, cabin, shack, cottage, manufactured home, manufactured dwelling, mobile home, camping unit, or similar structure constructed, installed, parked, or maintained on a parcel of land in the town for temporary or seasonal human habitation, sleeping, lodging, shelter, or living quarters for recreational, camping, hunting, fishing, or travel on a temporary or seasonal basis. "Temporary or seasonal dwelling" does not include any of the following:

1. A structure or dwelling unit that has proper and lawful septic or sewage, water, and electrical connections attached to the dwelling to properly service the projected occupants.

2. A manufactured dwelling, mobile home, manufactured home, or camping unit that is used for permanent and year-round habitation, sleeping, lodging, shelter, or living quarters.
3. Any hotel, tourist rooming house, motel, inn, or bed and breakfast establishment as defined in [s. 254.61](#), Wis. stats.
4. Any structure or dwelling constructed or installed and in compliance with the one- or 2-family dwelling code adopted under [chapter 101](#), Wis. stats.
5. A multi-family dwelling unit, including any apartment, town house, condominium, row house, nursing home, jail, prison, or community based residential facility that has installed, conducted, and maintained sufficient and proper and lawful septic or sewage, water, and electrical connection to properly service the projected occupants of these facilities, as determined in writing by the town board, and with sufficient and proper minimum sleeping room square footage and total square footage to properly service the projected occupants as determined by the town board or its designee.
6. Any dwelling unit used for temporary or seasonal habitation less than ____ days in any calendar year.
- K. "Town" means the Town of _____ in _____ County, Wisconsin.
- L. "Town board" means the board of supervisors for the Town of _____, _____ County, Wisconsin and includes designees of the board authorized to act for the board.
- M. "Town clerk" means the clerk of the Town of _____, _____ County, Wisconsin.
- N. "Wis. stats." means the Wisconsin Statutes, including successor provisions to cited statutes.

SECTION V - SUBDIVISION AND NUMBERING OF THIS ORDINANCE

This ordinance is divided into sections designated by upper case Roman numerals. Sections may be divided into subsections designated by upper case letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lower case letters. Subdivisions may be divided into subdivision paragraphs designated by lower case Roman numerals. Reference to a "section," "subsection," "paragraph," or "subdivision" includes all divisions of the referenced section, subsection, paragraph, or subdivision.

SECTION VI - TEMPORARY AND MOBILE DWELLINGS OUTSIDE MOBILE HOME PARKS

A. No person on any parcel of land in the town outside of a licensed mobile home park may construct, install, park, or otherwise locate, or cause the construction, installation, parking, or other location of, any temporary or seasonal dwelling, manufactured home, or mobile home, for more than ____ days in any calendar year without obtaining a Town Building Permit issued pursuant to the Town Building Control Permit Ordinance and compliance with the provisions of the Town Building Control Permit Ordinance, any County of _____ or Town zoning ordinance, any town comprehensive plan, any other applicable town ordinances, and all applicable statutes and provisions of the Wisconsin Administrative Code. No person may occupy or permit the occupancy of any temporary or seasonal dwelling, manufactured home, or mobile home outside of a licensed mobile home unless a Town Occupancy Permit issued under the Town Building Control Permit Ordinance is issued for the specific temporary or seasonal dwelling, manufactured home, or mobile home.

B. This section does not apply to any of the following:

1. Any mobile home or manufactured home parked temporarily at a place approved in writing by the town board and licensed by the State of Wisconsin to sell manufactured homes or mobile homes.

2. Any camping unit parked or installed in a properly licensed campground.
3. Any camping unit occupied for temporary or seasonal habitation outside of a licensed campground if parked or otherwise located on private property in a safe location with the approval of the owner of the property where parked or located for less than ____ days in a calendar year.
4. Any unoccupied camping unit parked or otherwise located outside of a licensed campground if parked or located on private property in a safe location with the approval of the owner of the property where parked or located.
5. Any unoccupied camping unit parked or installed temporarily at a place approved in writing by the town and licensed by the State of Wisconsin to sell camping units in the town.
6. Any temporary or seasonal dwelling residential unit occupied for habitation in the town that is less than 100 square feet or any temporary or seasonal dwelling residential unit parked, installed, and maintained less than ____ days in any calendar year if parked or located on private property in a safe location with the approval of the owner of the property where parked or located.

SECTION VII - MOBILE HOME PARKS

- A. Except for any mobile home park owned or operated by the County of _____, no person, after the effective date of this ordinance, may install, operate, or maintain, or cause the construction, installation, operation, or maintenance of, any mobile home park in the town unless the owner of the land occupied by the mobile home park or the operator of the mobile home park has been issued a Town Mobile Home Park License by the town clerk and has fully paid the annual license fee under [s. 66.0435 \(3\) \(a\)](#), Wis. stats., due the town for the calendar year.
- B. No person, after the effective date of this ordinance, may construct, install, operate, or maintain, or cause the construction, installation, operation, or maintenance of, a mobile home park in the town without compliance with all applicable statutes, provisions of the Wisconsin Administrative Code, including compliance with specific rental requirements established under the Wisconsin Administrative Code, which are adopted as part of this ordinance by reference, any County of _____ or town zoning ordinance, any town comprehensive plan, this ordinance, and any other applicable town ordinances.
- C. 1. Except as provided in paragraph 2, no person, after the effective date of this ordinance, may have installed, operated, parked, or maintained, or cause the construction, installation, operation, or maintenance of any manufactured home, manufactured dwelling, mobile home, or camping unit in any mobile home park in the town without timely payment of the monthly parking permit fee as determined under [s. 66.0435 \(3\) \(c\)](#), Wis. stats. The mobile home park owner or operator shall collect and timely pay the fee to the town clerk, pursuant to [s. 66.0435 \(3\) \(c\)](#), Wis. stats. Any mobile home park operator or owner who collects monthly parking permit fees may deduct for administrative expenses 2 % of the monthly fees collected prior to payment to the town clerk. Fees shall be collected by the owner or operator by the ____ of each month and paid to the town clerk by the ____ of each month.
2. Paragraph 1 does not apply to any manufactured home, manufactured dwelling, mobile home, or camping unit that is any of the following:
 - a. An improvement to real property under [s. 70.043 \(1\)](#), Wis. stats.
 - b. A recreational mobile home as defined in [s. 66.0435 \(1\) \(hm\)](#), Wis. stats.
 - c. A camping trailer as defined in [s. 340.01 \(6m\)](#).
- D. Any licensed mobile home park operator or owner of land on which a mobile home park is located, shall timely notify the town clerk of information requested in writing by the town clerk, including the number of all manufactured dwellings, mobile homes, manufactured homes, or camping units installed, parked, or removed at any specific time

periods in the mobile home park. This information shall be provided by the owner of the land or the operator of the mobile home park within 5 days after written request from the town clerk. The information requested shall be on a form provided by the town clerk.

E. No person may in any mobile home park in the town create or maintain, or cause or allow the creation or maintenance of, a public nuisance or a substantial threat or danger to the health or safety of the public, including to those persons who are occupants or tenants of the mobile home park.

F. No person after the effective date of this ordinance may construct, install, operate, or maintain, or cause the construction, installation, operation, or maintenance of, any mobile home park unless the mobile home park meets the following minimum construction, installation, and maintenance standards for the park and for every mobile home, manufactured home, manufactured dwelling, or camping unit to be installed or maintained in the mobile home park: *[list specific standards]*

G. No mobile home park, after the effective date of this ordinance, may be occupied at any one time by more than _____ mobile homes, manufactured homes, or camping units, or a combination thereof, installed, maintained or parked in the mobile home park. Manufactured dwellings shall be permitted for installation in a mobile home park only upon written approval of the town board. No other buildings or structures are to be constructed, installed, or used in the mobile home park for living quarters, sleeping, lodging, or any habitation, unless approved in writing by the town board.

H. The town reserves the right to place special charges or special assessments on the land where the mobile home park is located to defray the costs to the town of services and materials furnished to the mobile home park.

SECTION VIII - CAMPGROUNDS

No person, after the effective date of this ordinance, may construct, install, operate, maintain, or cause the construction, installation, operation, or maintenance of, a campground without obtaining a Town Campground License. No Town Campground License shall be issued for a campground for which a permit has not been issued by the State of Wisconsin under [s. 254.47](#), Wis. stats.

SECTION IX - GENERAL LICENSE AND PERMIT PROVISIONS

A. No person may conduct or cause any activity or use enumerated in this ordinance without a license or permit required in this ordinance.

B. Application for a license or permit under this ordinance shall be made to the town clerk on a form furnished by the town. The application shall contain such information as may be required by the town board.

C. All license or permit fees imposed under this ordinance shall be collected by the town clerk and paid into the town treasury. If a license or permit is denied after payment of a license fee, the license or permit fee shall be returned to the applicant.

D. A license or permit under this ordinance may be issued by the town clerk, with the approval of the town board. If the town clerk has reason to believe that the applicant is not a fit person to be granted the license or permit, that the conduct, use or activity is not in compliance with federal or state law or regulations or any county, extraterritorial, or town ordinance, or that the parcel for the conduct, use, or activity is not suitable, the town clerk shall refer the license or permit to the town board, or its designee, for investigation or inspection. If as a result of the investigation or inspection, the town clerk, with the approval of the town board, denies the license or permit, an appeal may be made by the applicant in writing to the town clerk within 5 days after the date of the denial. Upon receipt of a written appeal, the town clerk shall set a public hearing before the town board not less than 10 days after receipt of the written appeal and provide written notice of the hearing to the appellant. At the hearing the appellant is entitled to be represented by counsel. After hearing the evidence the town board may confirm or reverse the denial. The determination of the town board is final.

- E. All annual licenses or permits issued under this ordinance shall expire on the succeeding June 30.
- F. All licenses or permits issued under this ordinance shall be displayed upon the parcel or vehicle for which issued, or, if carried on the person, shall be displayed to any officer of the town upon request.
- G. It is a condition of holding a license or permit under this ordinance that the licensee or permittee fully comply with all federal and state law or regulations and all county, extraterritorial, and town ordinances. Failure to do so is cause for revocation of the license or permit.
- H. All licenses or permits issued under this ordinance are personal and are not transferable except by written approval of the town board.
- I. Any license or permit issued under this ordinance may be revoked for cause by the town board. Any licensee or permittee whose license or permit is so revoked may apply within 5 days after the revocation for a public hearing before the town board. At the hearing, the licensee or permittee is entitled to be represented by counsel. The hearing shall be conducted upon publication of a Class 1 Notice under [s. 985.07](#), Wis. stats., prior to hearing, with the costs for publication and public hearing paid by the licensee or permittee to the town clerk prior to publication. After hearing the evidence, the town board may confirm or reverse the revocation, or modify the revocation by imposing a limited period of suspension. The determination of the town board shall be in writing, shall state the reasons for the Board's action, and is final.

SECTION X - PENALTY PROVISIONS

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$_____ nor more than \$_____, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.

SECTION XI - SEVERABILITY

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

SECTION XII - EFFECTIVE DATE

This ordinance is effective upon publication.

The town clerk shall properly publish this ordinance as required under [s. 60.80](#), Wis. stats.

Adopted this _____ day of _____ 20__.

[Signature of town board]

Attest: *[Signature of town clerk]*

Subdivision (Land Division) Ordinance

Retrieved from the Wisconsin Towns Association Website, 12/19/08, at:
http://www.wisctowns.com/subdivision_ordinance.html

(ONLY for use by towns authorized to exercise VILLAGE POWERS under [s. 60.22](#), Wis. stats.)

STATE OF WISCONSIN

Town of _____

_____ County

SECTION 1 – TITLE/PURPOSE

The Title of this Ordinance is the Town of _____ Land Division Ordinance. The purpose of this Ordinance is to regulate and control the division of land within the limits of the Town of _____, _____ County, Wisconsin, in order to accomplish all of the following purposes:

- A. Promoting the public health, safety, and general welfare of the Town of _____.
- B. Supplementing County, State, and Federal land division controls to implement any Town Comprehensive plan, master plan, or other land use plans.
- C. Promoting the planned and orderly layout and use of the land in the Town of _____.
- D. Encouraging the most appropriate use of the land throughout the Town of _____.
- E. Minimizing the public impact resulting from the division of large tracts into smaller parcels of land in the Town of _____.
- F. Facilitating the adequate provision of transportation, water, sewage, health, education, recreation, and other public requirements in the Town of _____.
- G. Providing the best possible environment for human habitation in the Town of _____.
- H. Enforcing the goals and policies set forth in any Town Comprehensive Plan, master plan, or other land use plans.
- I. Ensuring that the design of the street system will not have a negative long-term effect on neighborhood quality, traffic flow, and safety in the Town of _____.
- J. Realizing goals, objectives, policies, and development standards set forth in plans, codes, and ordinances adopted by the Town of _____.
- K. Securing safety from fire, flooding, and other dangers in the Town of _____.
- L. Avoiding the inefficient and uneconomical extension of governmental services in the Town of _____.
- M. Conserving the value of prime agricultural soils in the Town of _____.
- N. Providing for the conservation of the agriculturally important lands in the Town of _____ by minimizing conflicting land uses.

- O. Promoting the rural and agricultural character, scenic vistas, and natural beauty of the Town of _____.
- P. Regulate the development of condominium projects.
- Q. Insure accurate legal descriptions.
- R. Providing for administration and enforcement of this Ordinance by the Town Board.

SECTION 2 – AUTHORITY

This Ordinance was adopted under the statutory authority granted pursuant to the Village Powers of the Town of _____, to ss. 60.10 (2) (c), 60.22 (3), 61.34 (1), 236.03, and 236.45, Wis. Stats. This Ordinance was adopted by the Town Board after its receipt of a formal written recommendation of this Ordinance dated _____, 20__ from the Town Planning Agency under ss. 61.35, 62.23 and 236.45 (2), Wis. Stats, which for the Town of _____ is the Town of _____ Plan Commission.

SECTION 3 - ADOPTION OF ORDINANCE

The Town Board, by this Ordinance, adopted on proper notice with a quorum and roll call vote by a majority of the Town Board present and voting, provides the authority for the Town Board to regulate and approve certain land divisions and certified surveys in the Town of _____. Pursuant to s. 236.45 (4), Wis. stats., a public hearing was held before the adoption of this Ordinance and notice of the hearing was given by publication of a class 2 notice, under ch. 985, Wis. Stats.

SECTION 4 – DEFINITIONS

In this Ordinance, the following definitions shall apply:

- A. Agricultural Use as provided in s. 91.01 (1), Wis. Stats., means beekeeping; commercial feed lots; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint, and seed crops; raising of fruits, nuts, and berries; sod farming' placing land in federal programs in return for payments in kind' owning land, at least thirty five (35) acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; participating in the milk conservation reserve program under 7 USC 1446(d); and vegetable raising.
- B. Certified survey or Certified Survey Map means a certified survey with the map of a minor land division of less than _____ acres prepared in accordance with sec. 236.34, Wis. Stats., and in full compliance with the applicable provisions of this Ordinance. A Certified Survey Map has the same legal force and effect as a land division plat. All minor land divisions of less than _____ acres requires a Certified Survey Map by a registered land survey.
- C. **(Optional).** Cluster development means development from a land division in which dwellings and other buildings are grouped densely on only a portion of a development parcel, in contrast to conventional practice, which distributes development evenly across the entirety of a parcel, in order to accomplish any of the following:
 1. Preserve by deed restriction, including conservation easement, restrictive covenant and development rights transfers the majority of the land division parcel for present or future agricultural use or conservation; and
 2. Create, maintain, or expand protective barriers contiguous with lakes, wetlands, and other natural resources in the Town of _____.

- D. Condominium means a building or a group of buildings in which units are owned individually and the building common areas and facilities are owned by all owners on a proportional undivided basis. A condominium is a legal form of ownership and not a specific building type or style.
- E. Conservation Easement as provided in s. 700.40, Wis. Stats., means a holder's nonpossessory interest in real property imposing any limitation or affirmative obligation the purpose of which includes retaining or protecting natural, scenic or open space values of real property, assuring the availability of real property for agricultural, forest, recreational or open space use, protecting natural resources, maintaining or enhancing air or water quality, preserving a burial site, as defined in s. 157.70 (1) (b), Wis. Stats., or preserving the historical, architectural, archaeological or cultural aspects of real property.
- F. Conservation Subdivision means a housing development from land division in a rural setting that is characterized by compact lots and common open space, and where the natural features of land are maintained by the greatest extent possible.
- G. Deed restriction means a restriction on the use of a property set forth in a deed or other instrument of conveyance, including, but not limited to, a restrictive covenant, conservation easement, transfer of development rights, or any restriction placed on undeveloped land as a condition for the division or development of the undeveloped land.
- H. Developer's Agreement means an agreement by which the local municipality and/or County and the subdivider agree in reasonable detail to all of those matters which the provisions of these regulations permit to be covered by the developers agreement. The developers agreement shall not take effect unless and until an irrevocable Letter of Credit or other appropriate surety has been issued to the local municipality and/or the County.
- I. Final Plat means a map prepared in accordance with requirements of Chapter 236 of the Wisconsin State Statutes and this Ordinance for the purpose of precisely dividing larger parcels into lots and used in conveying these lots.
- J. Land divider means any person, partnership, corporation, or other legal entity that has an ownership or other legal interest in the subject land that the land is being divided or is proposed to be divided, resulting in a land division.
- K. Land division means the division of a lot, outlot, parcel, or tract of land by the owner of the land, or the owner's agent, for the purpose of sale or for development when the act of division creates two or more parcels or building sites, inclusive of the original remnant parcel, any of which is ___ acres or less in area, by a division or by successive divisions of any part of the original property within a period of 5 years, including any land division by or for a Conservation Subdivision, a Cluster Development, a Statutory Subdivision, a Minor Land division, a Condominium, Condominium Plat, Replat, and Certified Survey Map, and any other land division. Any residual parcel resulting from any division of land shall be included in the land division if said parcel is less than _____ acres in size.
- L. Land Use Plan means the Town of _____ Comprehensive Plan, concerning issues of land use in the Town, adopted by the Town of _____, including any subsequent amendment, but does not include any Town Comprehensive Plan adopted under s. 66.1001, Wis. stats.
- M. Lot means a parcel of not less than _____ acres [**NOTE: This number is the Town's minimum lot size or minimum density standard.**] or greater, but less than _____ acres, which is created by a land division, with the designated parcel, tract, or area of land established by land division plat, Certified Survey Map, or as otherwise permitted by law to be conveyed, used, developed, or built upon as a unit.
- N. Master plan means the plan, concerning issues of land in the town, adopted pursuant to s. 62.23, Wis. stats.

- O. Minor Land Division means any division of land other than a statutory subdivision as defined herein of less than _____ acres in size. Any residual parcel resulting from any division of land shall be included in the minor land division if said parcel is less than _____ acres in size. The minimum land division under this Ordinance shall comply with the standard design and improvement requirements in Section 13 and the Certified Survey requirements in Section 12.
- P. Natural resource means air, land, water, groundwater, drinking water supplies, wildlife, fish, biota, and other such resources, belonging to, managed by, appertaining to, or otherwise controlled by the United States, State of Wisconsin, or the town.
- Q. Navigable Waters means any body of water, which is navigable under the laws of the State.
- R. Outlot means a parcel of land other than a lot or block so designated on a land division plat or Certified Survey Map.
- S. Parcel means contiguous lands under the control of a land divider not separated by streets, highways, navigable rivers, or railroad rights-of-way.
- T. Replat means the process of changing the map or plat which changes the boundaries of a recorded Statutory Subdivision Plat, Minor Land Division, Certified Survey Map, or other land division or part thereof. The division of a large block, lot, or outlot within a recorded subdivision plat or certified survey which changes the exterior boundaries of said lot, block, or outlot is a replat.
- U. Restrictive Covenant means a deed restriction on the use of the land usually set forth in the deed. A restrictive covenant runs with the land and is binding upon subsequent owners of the property.
- V. Sketch Plan means a conceptual layout of a proposed development on a topographic map, which is submitted for formal review.
- W. Statutory Subdivision means the division of a lot, as defined by §236.02(12) Wis Stats therein, by the owner, subdivider, or his successor in title, for the purpose of transfer of ownership or building development where the division creates more than four (4) lots less than 1.5 acres in five (5) years or where the land division creates more than five (5) parcels or building sites of any size within five (5) years.
- X. Town means the Town of _____, _____, County, Wisconsin.
- Y. Town Board means the Board of supervisors for the Town of _____, _____ County, Wisconsin and includes designees of the board authorized to act for the board.
- Z. Town Clerk means the clerk of the Town of _____, _____ County, Wisconsin.
- AA. Town Comprehensive Plan means a Comprehensive Plan adopted by the Town Board of the Town of _____ under §66.1001 Wis Stats.
- BB. Town Plan Commission means the Town of _____ Plan Commission appointed by the Town Chair of the Town of _____, _____ County, Wisconsin.
- CC. Wetland means an area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophilic vegetation and that has soils indicative of wet conditions.
- DD. Wis. Stats. means the Wisconsin Statutes, including successor provisions to cited statutes.

SECTION 5 – EXEMPTIONS

- A. The provisions of this Ordinance, as it applies to land divisions of tracts of land in the Town of _____ into less than 5 parcels, shall not apply to any of the following:
1. Transfers in interest in land by will or pursuant to court order.
 2. Leases for a term of not more than 10 years, mortgages, or easements.
 3. The sale or exchange of land between owners of adjoining property if additional lots are not thereby created and if the lots resulting are not reduced below the minimum size of _____ acres.
- B. All of the following specific uses and activities are exempt from this ordinance:
1. Cemetery plats made under s. 157.07, Wis. stats.
 2. Assessor's plats made under s. 70.27, Wis. stats.
 3. Any of the following land divisions:
(LIST OTHER SPECIFIC EXEMPTIONS, IF ANY.)

SECTION 6 – COVERAGE/COMPLIANCE

- A. This Ordinance applies to all lands in the Town of _____. The Town Board shall be responsible to administer this Ordinance unless it designates by Resolution such other authority.
- B. No person, unless exempt under this Ordinance, shall divide or create a land division of any land in the Town of _____ subject to the requirements of this Ordinance and no land division, including any Cluster Development, Conservation Subdivision, a Statutory Subdivision, a Certified Survey Map, Condominium Plat, Replat or Minor Land Division, shall be entitled to be recorded in the Office of the Register of Deeds for _____ County unless the final land division, plat, or map as approved by the Town Board or its designee is in full compliance and consistent with all of the following:
1. All requirements of this Ordinance; when provisions of this Ordinance impose greater restrictions than paragraphs 2. through 9. below, it is intended that the provisions of this Ordinance shall apply.
 2. Chapter 236, Wis. stats.
 3. The Town of _____ Comprehensive Plan adopted under s. 66.1001, Wis. stats., or other Town Land Use Plan or any component thereof.
 4. The applicable Town of _____, County of _____ zoning regulations, building code, sanitary code, erosion control regulations, and other land division regulations.
 5. State Department of Natural Resources administrative rules on wetlands, shorelands, sewers, septic systems, and pollution abatement.
 6. All applicable State and local sanitary codes.
 7. All of the following applicable Town of _____ Ordinances:

[Cite applicable adopted ordinances, listed separately].

8. All State Department of Transportation and County of _____ Highway Department Administrative rules relating to safety of access and the preservation of the public interest and investment in the highway system, if the land owned and controlled by the land divider abuts on a state or county trunk highway or connecting road or street.
 9. All applicable extraterritorial, comprehensive, and master plans, extraterritorial zoning or plat review ordinances, or official maps adopted pursuant to sec. 62.23, stats., and any other applicable Town of _____, County, or extraterritorial authority ordinances and regulations.
- C. Permit fees shall be established annually in January or thereafter by resolution of the Town Board prior to any new land division plat approvals and Certified Survey map approvals and prior to any person commencing any form of construction or installation of any building in the Town of _____.
- D. No land shall be divided or any land division occur if any parcel, lot, or outlot created to be by the land division is smaller than _____ acres. No land shall be divided or any land division occur in the following area of the Town of _____ without specific written waiver by Resolution of the Town Board. These areas are: (DESCRIBE SPECIFIC LAND AREAS).

NOTE: *If all of the land in the town is zoned for exclusive agricultural use,(requiring, 35 or 40 acres), you may add “and the land is zoned for exclusive agriculture” to this subsection following “acres.”*

- E. Any parcel in the Town of _____, which shall be divided by a land division regardless of the lot size or number of lots created, which is located wholly or partially within a Shoreland Zoning District or a Floodplain District, shall require, at minimum, a Certified Survey Map to be recorded in the _____ County Register of Deeds Office with approval by the Town Board or its designee under this Ordinance prior to recording.
- F. Any parcel in the Town of _____, which shall be divided and cause a land division regardless of the lot, outlot, or parcel size or number of lots, outlots, or parcels created, shall comply with §59.692, §281.31, §236.45 Wis Stats, Chapter 703 Wis Stats, and any appropriate State Administrative Code provisions.
- G. All visible structures, encroachments, fences, navigable waters, and public streets and public roads shall be shown to scale on any Certified Survey Map from any land division to be recorded..
- H. Any outlots created on a Certified Survey Map shall be accompanied with a statement of purpose or use of the outlot.
- I. No person shall construct upon, convey, record, or place survey monuments, conduct surveys, layout parcels, lots, or outlots, or create plats or maps on any land in the Town of _____ in violation of this Ordinance or the Wisconsin Statutes.
- J. No person shall request, nor be issued by the Town Board, a driveway permit, building permit, or any other permit or license authorizing any construction, installation, or improvement on any land within the Town of _____, except land subject to a land division that was of record as of the effective date of this Ordinance, until the provisions and requirements of this Ordinance have been fully met by the land divider. The Town Board may institute the appropriate action or proceedings to enjoin violations of this Ordinance.

- K. All land division approvals required by the State Department of Administration or its successor Department for specific land divisions, including any Statutory Subdivisions, Minor Land Divisions, or Certified Surveys shall be obtained prior to final approval by the Town Board or its designees.
- L. All land division, plats, or Certified Survey Maps, upon receipt of final approval by the Town Board or its designees, shall be recorded in the Office of the Register of Deeds at the cost of the land divider. Final plat approval shall comply for recording with §236.21 and §236.25 Wis Stats.
- M. No persons shall make, record, or replat of any land division, except as provided under §70.27(1) Wis Stats if it alters acres dedicated to the public without proper Court action to vacate such plat, map, or part thereof.
- N. A condominium plat prepared by a land surveyor registered in Wisconsin is required for all condominium plats, or any amendments or expansions thereof. The land divider shall comply in all respects with the requirements of §703.11 Wis Stats and the following:
 - 1. Density: Adequate open space should be provided so that the average density and intensity of land use shall be no greater than that permitted for the Town of _____ and/or County zoning district in which it is located.
 - 2. Submittal: The land divider shall submit the proposed site plan, use, and location, existing and proposed structures, neighboring land and water uses, parking areas, driveway locations, highway access, traffic generation according to Institute of Traffic Engineers standards, traffic circulation, drainage, waste disposal, water supply systems, and the effects the proposed uses, structures, improvements, and operation have upon the area, including flood damage protection, water quality, shoreland cover, natural beauty, and wildlife habitat.
 - 3. Review and Approval: The Town of _____ shall approve the plat provided the proposed uses and structures are in accordance with the purpose and intent of this Ordinance and are found not to be hazardous, harmful, offensive, or otherwise adverse to the environmental corridor, wetlands, floodplain, shoreland cover, drainage, street and highway system, or park and open space element of the Town of _____ Comprehensive Plan.
- O. Where other governing authorities, including the State, the County, or any extraterritorial municipal body has the statutory or ordinance authority to approve or to object to any proposed land division and the requirements are conflicting, the land divider and the land division shall comply with the most restrictive requirements.

SECTION 7 – SPECIFIC COMPLIANCE PROVISIONS

- A. All parcels, lots, or outlots that will be proposed to be divided for land division purposes under this Ordinance that are bisected or divided by a public road, public street, public trail, or a navigable water shall be divided along these natural or constructed features.
- B. No land shall be issued a land division approval if the Town Board of the Town of _____ determines that any proposed land division plat, or Certified Survey Map will materially interfere with existing agricultural uses or will conflict with other goals, objective, and policies as set forth in the Town Comprehensive Plan, master plan, or other land use plan. In addition, the land division approval must be determined to be, by the Town Board, consistent with the Town Comprehensive Plan, if any, and if any other land division plat approval or Certified Survey Map approval to the land applies, the most restrictive requirements to the land apply. The land division minimum lot size requirements in this Ordinance apply rather than any other applicable municipal zoning regulations related to minimum lot sizes.

- C. No land shall be issued a land division approval for a purpose that poses a significant threat to the quality or quantity of groundwater in the Town of _____.
- D. No land shall be issued a land division approval if it is held unsuitable by the Town Board for its proposed use for reason of flooding, inadequate drainage, dangerous or hazardous land conditions, adverse soil or rock formation, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal or maintenance capabilities, impairment of wildlife habitat and scenic vistas, improper utilization of prime farm soils, undue costs and inefficiencies in the provision of Town of _____ governmental services, or any other feature likely to be harmful to the health, safety, or welfare of current or future residents of the Town of _____, or likely to cause a public nuisance in the Town of _____. The Town Plan Commission may require any proposed land divider to furnish maps, data, and other information as may be necessary to determine land suitability.
- E. No person shall be issued any land division approval by the Town Board until the appropriate application fees have been paid to the Town Clerk.
- F. No person shall be issued any land division approval by the Town of _____ who has failed to properly and fully complete and submit to the Town Board the application form developed and provided by the Town of _____.
- G. No person shall sell any parcel of land, lot, or outlot of one (1) acre or less in size in the Town of _____ if it abuts on a road which has not been accepted as a public road unless the seller informs the land purchaser in writing of the fact that the road is not a public road and is not required to be maintained by the Town of _____ or the County of _____.
- H. No person shall be issued a final land division approval by the Town Board until the land divider makes or installs all public improvements deemed necessary by the Town Board or until the land divider executes a surety bond or other security acceptable to the Town Board to insure that the land divider will make these public improvements within a time established by the Town Board.
- I. **(OPTIONAL)** No person shall be issued a final land division approval by the Town Board until the land divider submits and obtains approval of the proposed land division plat or proposed certified survey map to the following approving authorities:
- (LIST COUNTY OR STATE AGENCIES).
- J. **(OPTIONAL)** No person shall be issued a final land division plat approval by the Town Board until the land divider agrees in writing that the land divider will be responsible for the cost of any necessary alteration of any existing utilities that by virtue land division within the public right-of-way.
- K. **(OPTIONAL)** No person shall be issued a final land division plat approval by the Town Board unless all public improvements to be constructed or installed as required by the Town Board within the land division plat area or Certified Survey Map area to meet the requirements established in writing by the Town Board.
- L. **(OPTIONAL)** The Town of _____ shall not be responsible, with respect to any final land division for any public improvements, [*if applicable* and shall not be responsible to accept any dedicated streets, roads, or other public areas and other public improvements until the Town Board, by resolution, accepts or approves such dedicated public improvements with or without conditions.]
- M. **(OPTIONAL)** No person shall be issued a final land division approval by the Town Board unless any proposed Town of _____ roads have been specifically accepted for dedication approved by the Town Board. The applicant shall finish all shoulders and road ditches, if any, install all necessary culverts at intersections and, if required by the Town Board, surface ditch

inverts to prevent erosion and sedimentation in accordance with plans and standard specifications approved by the Town of _____ Plan Commission, as recommended by the Town of _____ Engineer.

- N. **(OPTIONAL)** No person shall be issued a final land division approval by the Town Board unless any natural gas, water, sewer, electrical power, cable and telephone facilities are installed in such manner as to make adequate service available to each parcel, lot, or outlot in the proposed land division. No such electricity, cable, or telephone service shall be located on overhead poles. In addition, plans indicating the proposed location of any new or replacement natural gas, sewer, water, electric, cable, and telephone facilities required to serve the land division shall be noticed to and approved by the Town Board every year.

- O. **(OPTIONAL)** No person, unless specifically waived in writing by the Town Board, shall be issued a final land division approval by the Town Board unless required curb and gutter with concrete sidewalk, as required by the Town Board, are installed with the plans and standard specifications for such structures approved by the Town Board upon recommendation of the Town of _____ Plan Commission. The cost of all curb, gutter, and sidewalk shall be borne by the land divider.

- P. **(OPTIONAL)** No person, unless specifically waived in writing by the Town Board, shall be issued a final land division approval by the Town Board unless proper community or cluster group sewage and water systems, that are required by the Town Board, are timely installed by the land divider at the cost of the land divider, and are then by Developer's Agreement to be owned, operated, and to be maintained by the Town of _____ or a Town of _____ Special Purpose District such as a Sanitary District or Utility District. Community sewer and water systems shall be designed to Town of _____ Engineering standards with respect to pipe materials, sizes, and grades, manhole designs and space-up, and adequate pumping and storage stations and configurations and designed to facilitate connection to any public sanitary sewage system and public water surplus when connection to such systems for approval becomes available and advisable for the land divider. Water systems shall include installation of hydrants for fire protection.

- Q. **(OPTIONAL)** No person shall, unless specifically waived in writing by the Town Board, shall be issued a final land division approval by the Town Board unless formal dedication of parks, open spaces, or sites for other public uses have been made, as required by the Town Board at no cost to the Town of _____, or such fees are, in lieu of such dedication, as established by the Town Board, shall have been paid by the land divider to the Town Treasurer of the Town of _____.

SECTION 8 – **(OPTIONAL)** CLUSTER DEVELOPMENT

In order to further the goals and policies of the Town Comprehensive Plan, master plan, or land use plan, assuming all other provisions of this ordinance are met, the Town Board will favor plans for land divisions that provide for a cluster development or conservation subdivision. At the discretion of the Town Board, deed restrictions, including restrictive covenants, or conservation easements, or both, may be required for such plans that include the cluster development or conservation subdivision.

SECTION 9 – APPLICATION AND SKETCH MAP SUBMITTAL

- A. Any land divider who divides or proposes to divide for land division purposes land located in the Town of _____ that will create a land division, including a Cluster Development, Statutory Subdivision, Certified Survey Map, Condominium Plat, Minor Land Division, Replat, or revision of an existing land division shall, prior to any submittal of any Preliminary Plat or map information, submit to the Town Clerk a Land Division Application, which may be obtained from the Town Clerk, with the appropriate fee and with all of the following required attachments:
 - 1. The name and address of the owner of the property and the land divider.

2. The location and size of the property and the type of land division that is to be requested.
3. The names and addresses of all adjacent landowners.
4. A statement of intended use.
5. The name and address of the surveyor who will be doing the survey work.
6. The present use of the land.
7. The number and size of projected parcels, lots, or outlots upon a final land division.
8. Existing zoning and other land use controls on and adjacent to the proposed land division.
9. The estimated timetable for final development and requested timeline by the land divider for final approvals from the Town of _____.

This provision does not apply to a correction instrument, except if the affidavit in the correction instrument would change the areas dedicated to the public or restricted for the public benefit, then the Town Board must approve such change.

- B. With any initial Land Division Application the land divider shall submit to the Town Clerk a sketch map at a scale of 1 inch= 200 feet or other appropriate scale. More than one attached sheet may be used but no sheet may be larger than 8 1/2 x 14 inches. Each submission shall include all contiguously owned land except the sketch map need not show more than 20 times the area of the intended certified survey. The sketch map shall show all of the following:
1. A north arrow, the date, the scale, and a reference to a section corner.
 2. The approximate dimensions and areas of the parcels, lots, outlots, and easements.
 3. The location and type of existing and proposed buildings and structures and uses, including any Cluster Development or Conservation Subdivision areas.
 4. The location of drainage ditches, water wells, sewerage systems, and other features pertinent to the land division.
 5. The location of existing and proposed roads, highways, developments, navigable rivers, trails, and driveways and distances to the nearest adjoining highways, roads, or driveways on all sides of the proposed site.
 6. The location of general land cover types, such as woodlands, wetlands, agricultural, etc.
 7. The location of any slopes of 12% or greater.
 8. The setback of building lines required by any approving agency.
 9. The uses of the land adjacent to the property and any existing roads, easements and restrictions of record, public access to navigable water, dedicated areas and utilities on/or adjacent to the land.

- C. The Town Clerk shall review for completion the initial Land Division Application and sketch map for completeness, including payment of applicable application fees, within ten (10) working days of receipt. The Town Clerk shall thereafter notify the land divider by certified mail if the application is determined by the Town Clerk to be complete or incomplete. The Town Clerk shall provide written reasons for any alleged incompleteness of the application with the notification. The Town Clerk shall, within five (5) working days after filing, transmit the copies of any complete or incomplete Land Division Application and sketch map to the Town Board or the Town Plan Commission if so designated by the Town Board.
- D. The Town Clerk shall send to the land divider, by certified mail, a notice and agenda of the scheduled date of the Town Board or Town Plan Commission for the appropriate meeting to review and consider the complete or incomplete Application and any preliminary approvals for land division no later than ten (10) days prior to the date of the meeting.
- E. The land divider or the land divider's designee shall attend the meeting and present the proposed Land Division, preliminary plat or map documents, and sketch map to the Town Board or Town Plan Commission, if so designated by the Town Board, for its consideration. Failure of the land divider or designee to attend the meeting or provide a complete Application may be used as grounds for the Town Board or Town Plan Commission to recommend denial of any later requested approvals for the land division.

SECTION 10 – SUBDIVISION PRELIMINARY APPROVAL, CONDITIONAL APPROVAL, REJECTION

- A. Prior to the submittal of the Statutory Subdivision Preliminary Plat or other Preliminary plat document, the land divider shall have submitted the Land Division Application noted in Section 9. The Statutory Subdivision Preliminary Plat, sketch map, and other relevant document information, including the Land Division Application, shall be reviewed by the Town Board or Town Plan Commission for conformance and consistency with §236.11 Wis Stats, §236.12 Wis Stats, and this Ordinance, any Town Comprehensive Plan, any land use plan, or master plan and all other applicable Town of _____ Ordinances, rules, regulations, and plans. The Town Plan Commission may also review applicable County, State, and Federal laws, ordinances, rules, regulations, and plans for consistency and conformity that may affect the proposed Statutory Subdivision.
- B. A Statutory Subdivision Preliminary Plat shall be required for all proposed Statutory Subdivisions and shall be based upon a survey by a registered land surveyor and the plat prepared on paper of good quality at a map scale of not more than one hundred (100) feet to the inch and shall show correctly and completely on its face the following information:
 - 1. Title or name under which the proposed statutory subdivision is to be recorded. Such title shall not be the same or similar to a previously approved and recorded plat, unless it is an addition to a previously recorded plat and is so stated on the plat;
 - 2. Property location of the proposed statutory subdivision by: government lot, quarter-section, township, range, County, and State;
 - 3. A sketch showing the general location of the statutory subdivision within the U.S. Public Land Survey section;
 - 4. Date, Graphic Scale, and North Arrow;
 - 5. Names, addresses, and telephone numbers of the owner, land divider, and land surveyor preparing the plat;
 - 6. The entire area contiguous to the proposed plat owned or controlled by the land divider shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development. The Town Board may waive this requirement

where it is deemed unnecessary to fulfill the purposes and intent of the Ordinance and severe hardship would result from the strict application;

7. Exact length and bearing of the exterior boundaries of the proposed Statutory Subdivision referenced to a corner established in U.S. Public Land Survey and the total acreage encompassed thereby;
8. Existing and proposed contours at vertical intervals of not more than two (2) feet where the slope of the found surface is less than 10%, and of not more than five (5) feet where the slope of the ground surface is 10% or more. Elevations shall be marked on such contours based on National Geodetic Vertical Datum of 1929 (mean sea level). Draining patterns and watershed boundaries shall be delineated to help determine peak runoff for specified storm events;
9. Water elevations of adjoining lakes and streams at the date of the survey and approximate high and low water elevations, all referred to mean sea level (1929) datum;
10. Floodplain limits and the contour line lying a vertical distance of two (2) feet above the elevation of the 100 year recurrence interval flood, or where such data is not available, five (5) feet above the elevation of the maximum flood of records;
11. Location, right-of-way, width, and names of all existing roads, highways, alleys, trails, or other public ways, easements, railroad and utility right-of-way and all section and quarter-section lines within the exterior boundaries of the plat or immediately adjacent thereto;
12. Type, width, and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally established centerline elevations, all to mean sea level (1929 datum);
13. Location and names of any adjacent Statutory Subdivisions, Minor Land Divisions, Certified Survey lots, unplatted and unsurveyed parcels, outlots, lots, parks, and cemeteries, and owners of record of abutting unplatted and unsurveyed lands;
14. Location, size, and invert elevation of any existing sanitary or storm sewers, culverts, and drain pipes, the location of manholes, catch basins, hydrants, power and telephone poles, and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sanitary or storm sewers or water mains are located on or immediately adjacent to the lands being platted, the nearest such sewers or water mains which might be extended to serve lands shall be indicated by their direction and distance from the nearest exterior boundary or the plat and their size, and invert elevations;
15. Locations of all existing property boundary lines, structures, drives, lakes, streams, navigable waters, and watercourses, wetlands, rock outcrops, wooded area, railroad tracks, and other similar significant natural or man-made features within the tract being subdivided or immediately adjacent thereto;
16. Location, width, and names of all proposed streets, roads, highways, and public rights-of-way such as alleys and easements;
17. Approximate dimensions of all lots, outlots, and parcels together with proposed lot, outlots, parcels, and block numbers;
18. Location and approximate dimensions and size of any sites to be reserved or dedicated for parks, neighborhood park, drainageways, trails, or other public uses or which are to be used for group housing, shopping centers, church sites, or other private uses not

requiring lotting; if these parcels are outlots on the development proposal, the ownership and purpose shall be stated on the face of the plat;

19. Approximate radii of all curves;
20. Existing zoning on and adjacent to the proposed Statutory Subdivision;
21. Any proposed lake and stream access with a small drawing clearly indicating the location for the proposed Statutory Subdivision in relation to the access;
22. Any proposed lake and stream improvements or relocation;
23. Soil type, slope and boundaries as shown on the detailed operational soil survey maps prepared by the U.S. Soil Conservation Service;
24. Location of soil boring tests, where required by Section ILHR 85.06 of the Wisconsin Administrative Code, made to a depth of at least six (6) feet, unless bedrock is at a lesser depth. The number of such tests shall be adequate to portray the character of the soil and the depths of bedrock and groundwater from the natural undisturbed surface. To accomplish this purpose, a minimum of one (1) test per three (3) acres shall be made initially. The results of such tests shall be submitted along with the preliminary plat;
25. All environmental corridors and isolated natural areas as mapped by State, regional, or local agencies.
26. All Department of Natural Resources designated wetlands, and any field verified wetlands designated by a public agency.
27. The surveyor or engineer preparing the Statutory Subdivision Preliminary Plat shall certify on the face of the plat it is a correct representation of the proposed Statutory Subdivision and physical features and that he has fully complies with the provisions of this Ordinance;
28. The Town of _____, after determining from a review of the Preliminary Plat that the soil, slope, vegetation, and drainage characteristics of the site are such as to require substantial cutting, clearing, grading, and other earthmoving operations in the development of the Statutory Subdivision or otherwise entail an erosion and stormwater hazard, may require the land divider to provide erosion and sediment control and stormwater management plans;
29. The Town Board shall require submission of a draft of protective covenants, where a covenant is proposed whereby the land divider intends to regulate land use in the proposed statutory subdivision and otherwise protect the proposed development. The covenants shall be subject to the review and approval of the Town of _____ attorney as to form;
30. Easements shall be shown and shall be limited to utility easements, drainage easements, conservation easements, access easements, and service easements. Easements shall not be used for conveyance of streets, pedestrian right-of-way, parks, or school lands, or other public lands requiring dedication. On all drainage easements it shall state on the face of the document that the Town Board shall own title and bear responsibility for maintenance of the easement. The Town Board shall have the authority to assess the costs of maintaining those easements to all benefiting landowners in the development;
31. Any wildlife habitat areas in addition to threatened or endangered species;

32. A detailed statement as to whether and how the proposed development is consistent with the Town of _____ Comprehensive Plan or the Town of _____ Master Plan;
 33. A traffic impact study based upon Institute of Traffic Engineers standards if required by the Town of _____. The study shall be transmitted for review and comment by the Town Plan Commission prior to action on the Statutory Subdivision preliminary plat;
 34. The school district in which the development is located should be noted on the face of the preliminary plat;
 35. Characteristics of vegetation;
 36. Historic and cultural features;
 37. Scenic vistas.
- C. Unless the timeline is extended by agreement with the land divider, the Town Board or the Town Plan Commission, if so designated, shall, within ninety (90) days of the date of receipt by the Town Clerk of a complete proposed Preliminary Plat, deem the Statutory Subdivision Preliminary Plat complete, grant preliminary approval of, grant conditional approval of, or reject the Statutory Subdivision plat as proposed. One (1) copy of the Statutory Subdivision Preliminary Plat shall thereupon be returned to the land divider with the date and action endorsed thereon. If approved conditionally or rejected, the conditions for approval or reasons for rejection shall be stated in the minutes of the meeting and a letter setting forth the conditions of approval or the reasons for rejection shall be sent to the land divider. Reasons for conditional approval or rejection may include nonconformance or inconsistency with this Ordinance, the Town Comprehensive Plan, Master Plan, or other Land Use Plan, nonconformance or inconsistency with Town of _____ Ordinances, rules, regulations, or plans, and nonconformance with applicable County, municipal, State, or Federal laws, ordinances, rules, regulations, or plans. One copy of the Statutory Subdivision Preliminary Plat shall be filed with the Town Clerk for the Town of _____ records.
- D. In the event of a rejection of the proposed Statutory Subdivision Preliminary Plat by the Town Board, the Town Board or Town Plan Commission shall recite in writing the particular facts upon which it bases its conclusion for rejection, including incompleteness of Land Division Application or that the land is not suitable for the proposed land division. The Town Plan Commission shall afford the land divider an opportunity to review any Town Board's decision of unsuitability and present evidence refuting the determination, if so desired. Thereafter, the Town Plan Commission may recommend that the Town Board affirm, modify, or withdraw its prior determination of unsuitability. The Town Board may affirm, modify, or override the Town Plan Commission decision or recommendation. The Town Board shall recite in writing findings for any decision to modify or override the Town Plan Commission's decision or recommendation.
- E. If either the Town Board or the Town Plan Commission denies two consecutive Statutory Subdivision Preliminary Plats for the same parcel, no subsequent re-application for a Statutory Subdivision approval of that parcel will be accepted, received, or considered by the Town Board or Town Plan Commission within 3 months of the second denial.
- F. The Town Board may delegate by Resolution its proposed Statutory Subdivision preliminary plat approval to the Town Plan Commission for all or part of the approval.

SECTION 11 – FINAL PLAT APPROVAL

- A. The Statutory Subdivision Final Plat shall comply fully with ss. 236.11, 236.12, 236.20, 236.21, and 236.25 Wis. stats, in its Statutory Subdivision final plat.

- B. The Town of _____ requires that an updated abstract of title certified to date of submission, or, at the option of the applicant, a policy of title insurance or a certificate of title from an abstract company for examination in order for the Town Board or its designees to ascertain that all parties in interest have signed the owner's certificate on any plat.
- C. **(OPTIONAL)** A copy of the approved Statutory Subdivision Final Plat as recorded in the Register of Deeds Office shall be filed with the Town Clerk within five (5) days of the recording.
- D. **(OPTIONAL)** Prior to any request for any Statutory Subdivision Final Plat approval and recording of the plat or map, the land divider shall seek and obtain from the Town Board a Resolution from the Town of _____ specifically stating that the Town of _____ accepts from the land divider all lands shown on the plat as dedicated to the Town of _____ for the public, including street or road dedications.
- E. **(OPTIONAL)** Prior to any request for the final Statutory Subdivision approval and recording of the Statutory Subdivision plat, the land divider shall seek and obtain a Resolution from the Town of _____ specifically stating what, if any, public benefit restrictions or conditions have been placed on the platted land by the Town of _____ under s. 236.293, Wis. Stats and by any Developer's Agreement and Developer's Schedule. The Town Board, by resolution, may later waive these restrictions or conditions.
- F. The Town Board may delegate by Resolution its Final Statutory Subdivision plat approval to the Town Plan Commission.
- G. The Town Board or its designee shall approve or reject the Statutory Subdivision Final Plat within sixty (60) days of its submission to the Town Clerk unless extension of the time is mutually agreed in writing. Appropriate notices shall be provided as noted in §236.11(2) Wis Stats.

SECTION 12 – CERTIFIED SURVEY MAP

- A. Prior to submittal of any Preliminary map or any Certified Survey Map, the land divider shall have submitted to the Town Clerk the Land Division Application noted in Section Nine (9). A Certified Survey Map prepared by a land surveyor registered in the State of Wisconsin is required for all minor land divisions that create any parcels, lots or outlots less than _____ acres in area and any other land divisions noted in §236.34 Wis Stats. **[NOTE: This number must match the larger of the two (2) numbers cited in the definition of Lot in Section 4, Subsection 1.]** All required Certified Survey Maps shall comply in all respects with §236.10 Wis Stats, s. 236.34, Wis. stats., where applicable, and State survey standards. The Town of _____ shall comply with the ninety (90) day requirement in §236.34 Wis Stats for final approval, final approval on condition, or rejection by the Town Board or its designee, as the approving authority for the final Certified Survey Map.
- B. The Certified Survey Map shall, at minimum, show correctly on its face, in addition to the information required by s. 236.24, Wis. Stats., all of the following:
 1. All existing buildings, fences, water courses, wetlands, lakes, navigable waters, ponds, drainage ditches, waste disposal systems, and other features pertinent to the property division, including the location of water wells, dry wells, drain fields, pipes, culverts, and existing easements, public streets, and any adjoining parks, cemeteries, public roads, streets, subdivisions, ponds, streams, lakes, flowages, wetlands, railroad rights of way, and easements, and public roads.
 2. The building envelope and its distance to 2 property lines, if a building location were required and approved by the Town Board.
 3. The area of parcels, outlots, and lots in acres.

4. The date of the map.
 5. The graphic scale of the map and north arrow.
 6. The entire area contiguous to the plat owned or controlled by the owner or land divider.
 7. Any floodplain limits.
- C. The Certified Survey Map shall include in its certification, in addition to the information required by s. 236.34, Wis. stats., all of the following:
1. A legal description of the parcel; the surveyor's name, address, and signature; a statement from the surveyor that the surveyor has fully complied with all the provisions of this ordinance.
 2. The owner's name, address, and signature.
 3. Signature lines and dates for approval by the Town Chairperson and Town Clerk.
- D. 1. The Certified Survey Map is entitled to final approval by the Town Board or the Town Plan Commission, if so designated, only if the Certified Survey Map, together with all required information, is submitted within twelve (12) months of the Land Division Application submitted to the Town Clerk and it substantially conforms and is consistent with to all of the following:
- a. The Land Division Application and sketch map as determined complete and the preliminary documents submitted by the land divider.
 - b. Any and all conditions of approval established by the Town Board, pursuant to this Ordinance.
 - c. The adopted Town Comprehensive Plans or other applicable Town, County, or municipal land use plans and Ordinances, including any Town, County, or other applicable municipal zoning or plat review Ordinances.
 - d. All appropriate requirements for Certified Survey Maps and Minor Subdivisions as noted in this Ordinance.

SECTION 13 – DESIGN STANDARDS

Any Minor Land division or Statutory Subdivision shall meet the following design standards:

A. Street and Road Standards.

1. The land divider shall dedicate land for and to improve streets and roads in the Town of _____ as provided herein. Streets and roads shall conform to any applicable official map ordinances in effect in the Town of _____. Streets and roads shall be located with due regard for topographical conditions, natural features, existing and proposed streets, utilities, land uses, and public convenience and safety.
2. All parcels, outlots, or lots shall have frontage on a public street or public road.
3. Street and road locations shall be consistent with any applicable Town of _____ road plan or Town of _____ Comprehensive Plan officially adopted by the Town Board. Town road right-of-way widths, radii of curvature, and grades shall conform to the Town road standards in §86.26 Wis Stats.

4. Public roads and public streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit.
5. Minor public streets or roads shall be so laid out so as to discourage their use by through traffic.
6. The number of intersections of minor public streets or public roads shall be reduced to the practical minimum consistent with circulation needs and safety requirements. Where a land division abuts or contains an existing or proposed arterial highway, the Town Board shall require a frontage road, non-access reservation along the real of the property contiguous to such highway, or such other treatment as may be necessary to insure safe, efficient, traffic flow and adequate protection of residential properties.
7. A tangent at least _____ feet long shall be required between reverse curves on arterial and collector public streets and roads.
8. Public streets and public roads shall afford maximum visibility and safety and shall intersect at right angles, where practicable.
9. Dedication of half-width streets shall be prohibited, except where it is essential for the reasonable development of the land division in conformity with the other requirements of this ordinance. Where a half street has been dedicated adjacent to a land division, the remaining half of the street shall be dedicated by the land divider of the adjoining land.
10. Permanent dead-end streets, roads, or cul-de-sacs shall not be longer than ____ feet, shall have a minimum width of _____ feet, and terminate with a turn-around having an outside roadway diameter of at least _____ feet and a street or road property line of _____ feet.
11. Where possible, parcel, outlot, and lot lines shall be perpendicular to the public street or public road line, and to the tangent at the lot corner on curved public roads or public streets.
12. No public street or public road names shall be used which will duplicate or may be confused with the names of existing streets or roads. Street or road names shall be subject to the approval of the Town Board.
13. Alleys shall have a minimum roadway width of _____ feet.

B Block and Lot Design and Improvements.

1. A block is a parcel of land bounded on at least one (1) side by a public street or public road and on the other side by natural or manmade barriers or unplatted land. The lengths, widths, and shapes of blocks shall be determined by the following:
 - a. Building site needs.
 - b. Town of _____ parcel, outlot, lot size, and dimensional requirements. The minimum parcel, outlot, and lot size requirements are: _____.
 - c. Needs for convenient access, circulation, control, and safety of street traffic.
 - d. Limitations and opportunities of topography.
 - e. Block lengths shall normally not exceed _____ feet, or be less than ____ feet in length, except cul-de-sacs and permanent dead-end public road or public streets, unless waived specifically by Resolution by the Town Board.

2. To provide adequate access and circulation to playgrounds, schools, shopping centers, or other community facilities, the Town Board may require for all land division that walkways be provided, either along public streets and public roads, or through the center of blocks.
3. Double frontage lots for all land division plat or Certified Survey Maps shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome particular topographic and site disadvantages.
4. Sewer and water facilities, public street and public road paving, and surface water drainage as required by the Town Board of the Town of _____ shall be provided for each lot in accordance with specifications approved by the Town Board.

SECTION 14 – MINOR LAND DIVISION

Any division of land less than _____ acres in size, other than a Statutory Subdivision as defined herein, shall be surveyed and a Certified Survey Map shall be prepared and recorded as provided in §236.34 Wis Stats.

- A. Prior to the preparation of the Map, the land divider shall submit the proposed Minor Land Division to the Town Clerk, along with the information as noted in Section Nine (9) for a completeness determination by the Town Clerk. It shall be reviewed by the Town Board or the Town Plan Commission for preliminary approval to establish conformity and consistency with surrounding existing or proposed developments; adjacent or future highways; schools; other planned public developments; analysis of soil types; topography; erosion control and storm water management; access to any abutting street or highway conformance with this Ordinance, Chapter 236 Wis Stats, the Town of _____ Comprehensive Plan, Established Street and Highway Width Maps, Official Maps, and generally for the effect the Minor Land Division would have on the development of surrounding property. If any lots, parcels, or outlots to be divided are not served by municipal sanitary sewer, soil borings must be submitted for approval in accordance with the State Department of Commerce Administrative Rules.
- B. After preliminary Minor Land Division and Certified Survey Map approval has been granted by the Town Board or Town Plan Commission the land divider may proceed to have drawn a Certified Survey Map in accordance with §236.34 Wis Stats. The land divider shall be required to dedicate any road right-of-way the Town of _____ or the County deems necessary and shall be required to build the highway to the appropriate Highway Standards. All other requirements established by this Ordinance, where applicable, shall be complied with by the land divider. The cash escrow or letter of credit and any Developer's Agreement requirements regarding public and private improvements, as set out in this Ordinance, are applicable to Minor Land Divisions and Certified Survey Maps.
- C. Four (4) copies of the final Certified Survey Map and the necessary fees shall be submitted to the Town Board or the Town Plan Commission. That if so designated, within ninety (90) days of the submission to the Town Clerk of the proposed Certified Survey Map, unless the time is extended by the land divider or his or her agent, shall approve, approve on condition or reject the incomplete proposed Certified Survey Map as required in Section 12. If the Minor Land Division and Certified Survey Map are approved, a Resolution to that effect shall be placed on the Certified Survey Map and signed by the Town Chair and Town Clerk. The approved Certified Survey Map shall then be recorded in the Office of the Register of Deeds.
- D. Prior to request for the Final Land Division approval and as condition of the final approval of the Certified Survey Map, the Town Board or Town Plan Commission, the land divider shall seek to obtain a Resolution from the Town Board specifically stating what, if any, public benefit restrictions will or have been placed on the Minor Land Division and Certified Survey Map approval by the Town Board under §236.293 and §236.45 Wis Stats and by any Developer's Agreement and Developer's Schedule. These restrictions may include but are not limited to the submission and approval to the Town Board or the Town Plan Commission of construction plans

and a time schedule regarding any and all public and private highways and other improvements and a formal guarantee regarding any and all private and public improvements.

- E. Any Minor Subdivision shall meet the design standards noted in Section 13.

SECTION 15 – EASEMENTS

- A. The Town Board for any land division shall require rear or side outlot, parcel, or lot line utility easements at locations and of widths deemed adequate by the Town Board, but in no case less than _____ feet.
- B. The Town Board shall require that easements or drainageways of widths sufficient to accommodate storm water run-off be provided where a land division area includes a segment or segments of water courses, drainageways, channels, or streams.
- C. Private access easements for ingress and egress within any land division area shall be a minimum of _____ feet in width; excluding easements for lake access.

SECTION 16 – COSTS OF APPLICATION REVIEW

- A. All Land Division Applications and any other appropriate approval requests shall be accompanied by an application fee. The fee shall be established by the Town Board by Resolution or as set forth in the Town of _____ fee schedule.
- B. All reasonable costs incurred by the Town Board or its agents to properly review each Land Division Applicant shall be the responsibility of the land divider who shall timely pay or reimburse the Town of _____ for all reasonable or projected engineering, inspection, legal, and administrative costs incurred by the Town of _____ in reviewing the proposed land division plats and maps. The Town Board may require that all or a portion of the known costs of application approval and variance review be paid in advance.

SECTION 17 – VARIANCES

- A. The Town Board may grant and the Town Plan Commission may recommend variances because of exceptional or undue hardship from the provisions of this Ordinance, after a public hearing with a Class I notice of the hearing with written notice by U.S. mail to owners of adjoining lands. The findings of the Town Plan Commission and the Town Board in recommending or permitting any variance shall be, at minimum, that the variance will not violate the purpose of this Ordinance or provisions of Chapter 236Wis Stats, and that because of the unique topographic or other conditions of the land involved, literal application of this Ordinance will cause an undue hardship to the land divider.
- B. The requirement of filing and recording the land division plat shall not be waived by the Town Board.

SECTION 18 – VIOLATIONS

- A. Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, forfeit not less than \$100, plus any additional applicable costs incurred by the town for each offense. Each day a violation exists or continues shall constitute a separate offense. Violations and concomitant penalties shall include the following:
 - 1. Recordation improperly made carries penalties as provided in s. 236.30, Wis. stats.
 - 2. Conveyance of lots, outlots, and parcels in unrecorded plats carries penalties as provided in s. 236.31, Wis. stats.

- 3. Monuments disturbed or not placed carries penalties as provided in s. 236.32, Wis. stats.

- B. No person shall sell land in the Town of _____ in lots unless the lots, parcels, and outlots have been lawfully approved pursuant to the terms of this ordinance or any predecessor procedure. The unlawful sale of unapproved or unauthorized parcels, outlots, or lots is deemed to be a public nuisance, which may be enjoined by a Court of record.

- C. **(OPTIONAL)** [**NOTE:** *Applicable if the town has a citation ordinance.*] The provisions of the town citation ordinance shall apply.

SECTION 19 – EFFECTIVE DATE

This ordinance is effective upon publication. The Town Clerk shall properly post or publish this ordinance as required under s. 60.80, *Wis. Stats.*

Adopted this ____ day of _____ 20__.

[*Signatures of town board*]

Attest: [*Signature of town clerk*]

**2009-2013
City of Lancaster
Capital Improvement Program
Proposed Projects**

	2009	2010	2011	2012	2013	2009-2013
Basic Public Works						
New Sidewalks	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 50,000
Replacement Sidewalks	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 100,000
Street Resurfacing	\$ 75,000	\$ 75,000	\$ 100,000	\$ 100,000	\$ 100,000	\$ 450,000
G.F. Portion of Development Incentives	\$ 20,000			\$ 20,000		\$ 40,000
Reconstruction of E Hickory St (General Fund portion)	\$ 510,000		\$ 518,000			\$ 510,000
Reconstruction of Adams (General Fund portion)						\$ 518,000
Parks	\$ 635,000	\$ 105,000	\$ 648,000	\$ 150,000	\$ 130,000	\$ 1,668,000
Pee Wee Ball Field				\$ 9,000		\$ 9,000
Baus Park Lighting & Landscaping		\$ 15,000				\$ 15,000
Baus Park Restrooms/Shelter			\$ 15,000			\$ 15,000
Park Maintenance	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 50,000
Technology Investments	\$ 10,000	\$ 25,000	\$ 25,000	\$ 19,000	\$ 10,000	\$ 89,000
Computer Replacements				\$ 30,000		\$ 30,000
Speed Enforcement Trailer	\$ 7,000					\$ 7,000
Financial System Upgrades			\$ 10,000			\$ 10,000
	\$ 7,000	\$ 30,000	\$ 10,000	\$ 30,000	\$ -	\$ 77,000
Municipal Buildings						
Community Center		\$ 6,000,000				\$ 6,000,000
Public Works Salt/Storage Building		\$ 50,000			\$ 75,000	\$ 75,000
Fire Station Roof		\$ 50,000				\$ 50,000
Municipal Building Boiler Upgrades		\$ 50,000				\$ 50,000
Theater Painting & Cleaning	\$ -	\$ 6,100,000	\$ -	\$ -	\$ 100,000	\$ 100,000
	\$ -	\$ 6,100,000	\$ -	\$ -	\$ 175,000	\$ 6,275,000
Airport						
Airport Lighting System	\$ 300,000					\$ 300,000
Airport Acquisition	\$ 100,000	\$ 70,000	\$ 300,000		\$ 200,000	\$ 670,000
Parking Entrance		\$ 100,000				\$ 100,000
Sealcoat & Patch Runway			\$ 50,000			\$ 50,000
Vehicles/Equipment Replacement	\$ 400,000	\$ 170,000	\$ 350,000	\$ -	\$ 200,000	\$ 970,000
Fire Department Vehicles	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Police Department Vehicles	\$ 27,000	\$ 27,000	\$ -	\$ 27,000	\$ -	\$ 54,000
Public Works Vehicles	\$ -	\$ 27,000	\$ -	\$ -	\$ -	\$ 27,000
	\$ -	\$ 27,000	\$ -	\$ 27,000	\$ -	\$ 54,000
Total General Fund Projects	\$ 1,052,000	\$ 6,457,000	\$ 1,033,000	\$ 226,000	\$ 515,000	\$ 9,133,000
Other Funds						
Water Projects (Street-related & Incentives)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Stormwater Projects (Street-related, Incentives, & Plant Rehab)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Wastewater Projects (Street-related, Incentives, & Plant Rehab)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Golf Course Projects	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Total Projects - All Other Funds	2009-2013		City of Lancaster		-	-	-	-	-	-
	\$		\$							
TOTAL PROJECTS - ALL FUNDS	\$ 1,052,000	\$ 6,457,000	\$ 1,033,000	\$ 226,000	\$ 515,000	\$ 9,133,000				
Note Issue Estimate	\$ 1,139,000		\$ 1,588,000							

Wisconsin Statute 66.0401 Regulation relating to solar and wind energy systems.

66.0401(1)

(1) Authority to restrict systems limited. No county, city, town, or village may place any restriction, either directly or in effect, on the installation or use of a solar energy system, as defined in [s. 13.48 \(2\) \(h\) 1. g.](#), or a wind energy system, as defined in [s. 66.0403 \(1\) \(m\)](#), unless the restriction satisfies one of the following conditions:

66.0401(1)(a)

(a) Serves to preserve or protect the public health or safety.

66.0401(1)(b)

(b) Does not significantly increase the cost of the system or significantly decrease its efficiency.

66.0401(1)(c)

(c) Allows for an alternative system of comparable cost and efficiency.

66.0401(2)

(2) Authority to require trimming of blocking vegetation. A county, city, village, or town may provide by ordinance for the trimming of vegetation that blocks solar energy, as defined in [s. 66.0403 \(1\) \(k\)](#), from a collector surface, as defined under [s. 700.41 \(2\) \(b\)](#), or that blocks wind from a wind energy system, as defined in [s. 66.0403 \(1\) \(m\)](#). The ordinance may include, but is not limited to, a designation of responsibility for the costs of the trimming. The ordinance may not require the trimming of vegetation that was planted by the owner or occupant of the property on which the vegetation is located before the installation of the solar or wind energy system.

66.0401 - ANNOT.

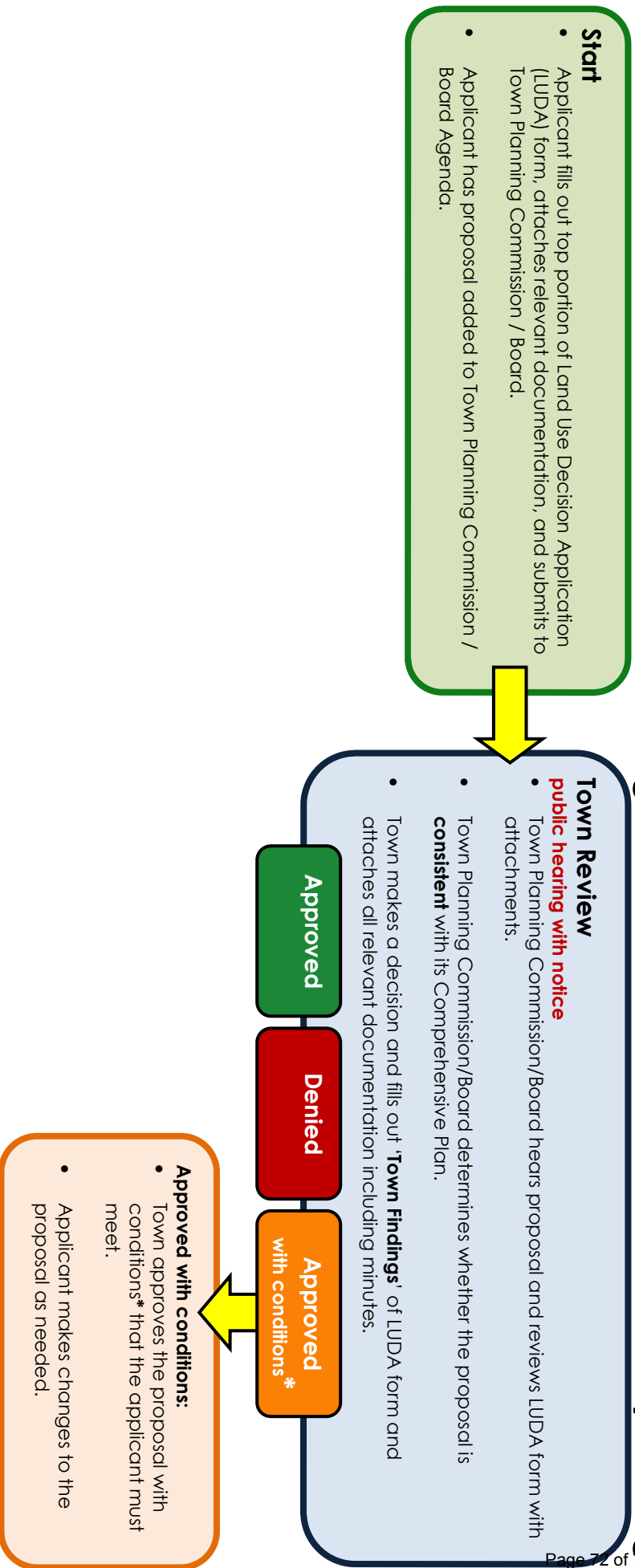
History: 1981 c. [354](#); 1981 c. [391](#) s. 210; 1993 a. [414](#); 1999 a. [150](#) ss. [78](#), [79](#), [84](#); Stats. 1999 s. 66.0401; 2001 a. [30](#).

66.0401 - ANNOT.

This section is a legislative restriction on the ability of municipalities to regulate solar and wind energy systems. The statute is not superceded by s. 66.0403 or municipal zoning or conditional use powers. A municipality's consideration of an application for a conditional use permit for a system under this section must be in light of the restrictions placed on local regulation by this section. State ex rel. Numrich v. City of Mequon Board of Zoning Appeals, 2001 WI App 88, 242 Wis. 2d 677, 626 N.W.2d 366, [00-1643](#).

NOTE: While this statute describes exceptions that allow for the regulation of wind farms, communities should be aware that meeting these exceptions is both very difficult and highly litigious. Any municipality considering the regulation of wind farms should be in thorough consultation with an attorney.

Recommended Land Use Decision Making Process for Towns **without** County Zoning



- Start**
- Applicant fills out top portion of Land Use Decision Application (LUDA) form, attaches relevant documentation, and submits to Town Planning Commission / Board.
 - Applicant has proposal added to Town Planning Commission / Board Agenda.

- Town Review**
public hearing with notice
- Town Planning Commission/Board hears proposal and reviews LUDA form with attachments.
 - Town Planning Commission/Board determines whether the proposal is **consistent** with its Comprehensive Plan.
 - Town makes a decision and fills out 'Town Findings' of LUDA form and attaches all relevant documentation including minutes.

Approved

Denied

Approved
with conditions*

- Approved with conditions:**
- Town approves the proposal with conditions* that the applicant must meet.
 - Applicant makes changes to the proposal as needed.

*** Conditions** must include both an action and a timeframe for when the action must be executed.

