

# Table of Contents

- Section 1 Code of Ordinances Ordinance
- Section 2 Storage Tank Permit Fee Ordinance
- Section 3 Ordinance to Establish Street Number
- Section 4 Ordinance to Change Street Numbers
- Section 5 Town of Humboldt Waste Disposal & Recycling Ordinance
- Section 6 Licensing of Sexually-Oriented Adult – Entertainment Establishments
- Section 7 General Ordinance Regulating Transportation, Disposal, Storage and Treatment of Solid Wastes and Nuisances
- Section 8 Town of Humboldt Dwelling Code Ordinance
- Section 9 Town of Humboldt Ordinance for Dog Control
- Section 10 Issuance of Citations Ordinance
- Section 11 Agricultural Shoreland Management Ordinance
- Section 12 Town of Humboldt Zoning Ordinance
- Section 13 License and Permit Ordinance
- Section 14 Municipal Court
- Section 15 New Franken Fire Department Operating Agreement
- Section 16 Road Use and Speed Control
- Section 17 Wind Energy Facility License Ordinance
- Section 18 Sexual Offender Residency Ordinance
- Section 19 Communtiy Center Ordinance
- Section 20 Employee Grievance Procedure
- Section 21 Weapons, Fire Arms and Dangerous Weapon Ordinance
- Section 22 Extend Town Officers Terms in Response to Election Law Changes
- Section 23 Adopt amended Comprehensive plan future use map
- Section 24 Fire Chief Authorization to enforce orders, establish fee Schedule, collect and dispurse emergency fees and obtain Special inspection warrants
- Section 25 Telecommunications facilities: Repeal Articles VIII and XIX and Recreate Article XIX
- Section 26 Town Recreation Department and Recreation Board
- Section 27 Town of Humboldt ATV and UTV Ordinance
- Section 28 Exemption from Bonding for Tax Collections

- Section 29 Town of Humboldt Subdivision and Platting Regulations
- Section 30 Establishing Fire Protection Charges
- Section 31 Driveway Requirement for Emergency Services
- Section 32 Town Road Right-of-way



## *Section 1*

### Code of Ordinances Ordinance

1. Adopted *as* the General Code of Ordinances
2. Does not repeal any Ordinances, or any General Ordinance, or part thereof
3. Open to public inspection in the office of the Town Clerk
4. Effective Date of Ordinance

r' AN ORDINANCE TO REVISE AND CONSOLIDATE, AMEND, SUPPLEMENT, AND  
CODIFY THE GENERAL ORDINANCES AND BY-LAWS OF THE TOWN OF HUMBOLDT

The Town Board of the Town of Humboldt, Brown County,  
Wisconsin, does ordain as follows:

SECTION 1. The Code of Ordinances in book form entitled,  
"Municipal Code of the Town of Humboldt, Wisconsin" having been  
placed on file and open to public inspection in the office of the  
Town Clerk for a period of two (2) weeks, commencing April 15,  
1994, in accordance with the procedure provided under Section  
.66.035 of Wis. Stats., is hereby adopted as the General Code of  
Ordinances in and for the Town of Humboldt, Brown County,  
Wisconsin, and all previously adopted Ordinances of the Town of  
Humboldt are hereby incorporated therein, except as provided in  
Section 2 of this Ordinance.

SECTION 2. The Code of General Ordinances hereby adopted  
shall not be deemed to repeal any Ordinances of the Town of  
Humboldt or any General Ordinance or part thereof not conflicting  
with any of the provisions of the "Municipal Code of the Town of  
Humboldt, Wisconsin".

SECTION 3. A copy of the Municipal Code of the Town of  
Humboldt shall be permanently on file and open to public  
inspection in the office of the Town Clerk.

SECTION 4. This Ordinance shall take effect upon passage  
and publication as required by law.

Adopted this 2 day of May, 1994.

TOWN BOARD OF THE TOWN OF HUMBOLDT

By: 1st Norbert Dantine Jr  
Norbert Dantine, Jr., Chairman

1st Stuart Allen  
Stuart Allen, Supervisor

1st Merlin Vanden Plas  
Merlin Vanden Plas, Supervisor

APPROVED, ATTESTED BY:

1st Emerence Jadin  
Emerence Jadin, Town Clerk

Publication Date: \_\_\_\_\_

AN ORDINANCE TO ADOPT THE 2006 TOWN OF HUMBOLDT  
COMPREHENSIVE PLAN

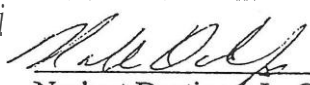
The Town Board of the Town of Humboldt, Brown County, Wisconsin, on this 3<sup>rd</sup> day of April, 2006, does hereby ordain as follows:

Section 1. The Town Board of the Town of Humboldt, pursuant to Sections 66.1001, 60.22 (3) and 60.62 to promote the public health, safety and general welfare of the Town of Humboldt, does hereby repeal the Comprehensive Plan for the Town of Humboldt previously adopted on February 6, 1995, and does hereby adopt the Town of Humboldt Comprehensive Plan including all of the maps, figures and text contained therein, which shall henceforth be reproduced into a single document and have duly noted upon it that it was adopted on April 3, 2006.

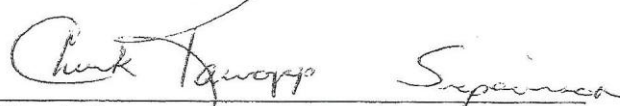
Section 2. This ordinance shall henceforth, until repealed, constitute a separate chapter in the General Code of Ordinances and remain part of the Municipal Code of the Town of Humboldt, Wisconsin. This ordinance shall take effect immediately.

Section 3. The Clerk shall disseminate copies of the Town of Humboldt Comprehensive Plan as required by Section 66.1001 and otherwise as instructed by the policies and procedures determined by the Town Board.

Adopted this 3<sup>rd</sup> day of April, 2006 by the Humboldt Town Board:

  
\_\_\_\_\_  
Norbert Dantinne, Jr. Chairman

  
\_\_\_\_\_  
Merlin Vanden Plas, Supervisor

  
\_\_\_\_\_  
Chuck Karnopp, Supervisor

Approved, Attested By:

  
\_\_\_\_\_  
Judy Baierl Town Clerk

## AMENDMENT TO CODE OF ORDINANCES ORDINANCE

WHEREAS, on May 2, 1994 the Town of Humboldt adopted an Ordinance to Revise and Consolidate, Amend, Supplement and modify the General Ordinances and Bylaws of the Town of Humboldt; and

WHEREAS, the Town Board has determined that the book entitled "Municipal Code of the Town of Humboldt, Wisconsin" should be reorganized in terms of the numbering of the Code sections and subsections to better facilitate access, understanding and communication with regard to the various elements and aspects of the Municipal Code of the Town of Humboldt.

NOW, THEREFORE, the Town Board of the Town of Humboldt, Brown County, Wisconsin does hereby ordain as follows:

### Section 1.

The sections of the Code of Ordinances shall be numbered and renumbered as necessary to organize the Code of Ordinances such that each ordinance occupies a separate section number in the Code of Ordinances.

### Section 2.


Each ordinance section of the Code of Ordinances shall be assigned a number and thereupon and thereafter each subsection of each ordinance shall be numbered whereby: the first number shall be the section number, e.g. "Section 5," which shall be followed by a period; and then the subsection number. In those instances where there are further subsections, each subsection shall be identified by the Code of Ordinance section number followed by a period followed by the subsection numbers, each divided from each other by a period concluding with the number which identifies the subsection location within the ordinance.

### Section 3.

Except as expressly provided herein, the original Ordinance to Revise and Consolidate, Amend, Supplement and Codify the General Ordinances and Bylaws of the Town of Humboldt dated May 2, 1994 remains in full force and effect.

Adopted this 11 day of February, 2008.

The Town Board of the Town of Humboldt by:

  
\_\_\_\_\_  
Norbert Dantinne, Jr. Chairman

Merlin Vanden Plas Supervisor  
Merlin Vanden Plas, Town Supervisor

Charles Karnopp Supervisor  
Charles Karnopp, Town Supervisor

APPROVED, ATTESTED by:

Judy Baierl  
Judy Baierl Town Clerk

## *Section 2*

### **Storage Tank Permit Fee Ordinance**

**TOWN OF HUMBOLDT  
STORAGE TANK PERMIT FEE ORDINANCE**


The Town Board of the Town of Humboldt, Brown County, does hereby ordain as follows:

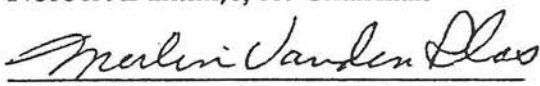
Pursuant to Wisconsin Administrative Code Chapter ILHR10 and Section 60.22 stats. the permit fees for installation or removal of underground or above ground tanks subject to the inspection requirements of the Department of Industry, Labor and Human Relations, shall be as follows:

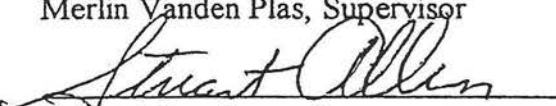
- 0 - 1000 gal. = \$45.00 per tank
- 1001 - 3000 gal. = \$60.00 per tank
- 3001 - 5000 gal. = \$75.00 per tank
- 5001 - up gal. = \$90.00 per tank

This ordinance shall take effect upon its passage and posting as provided by law.

The forgoing Ordinance was adopted at a regular meeting of the Town Board of the Town of Humboldt on the 5 day of June 1995.

  
 \_\_\_\_\_  
 Norbert Dantinne, Jr. Chairman

  
 \_\_\_\_\_  
 Merlin Vanden Plas, Supervisor

  
 \_\_\_\_\_  
 Stuart Allen, Supervisor

## *Section 3*

### Ordinance to Establish Street Numbers

- I. Creation of Street Numbering Map
- II. Definitions
- III. Duty of Owner or Occupant
- IV. Administration
- V. Enforcement
- VI. Penalty for Violation
- VII. Effective Date of Ordinance



## TOWN OF HUMBOLDT

### ORDINANCE TO ESTABLISH STREET NUMBERS

#### I. CREATION OF STREET NUMBERING MAP

The Town Board of the Town of Humboldt, pursuant to Sections 60.55, 60.56 and 60.565, Wis. Stats., and to protect and preserve the health, safety, welfare and convenience of the citizens of the Town of Humboldt, does hereby establish and require that all lots and parts of lots in the Town of Humboldt shall be numbered in accordance with a certain map now on file with the Town of Humboldt Zoning Administrator which is designated "A Street Numbering Map for the Town of Humboldt". In addition, all lots and parts of lots hereafter platted or otherwise created shall be numbered to conform as nearly as possible to the general scheme of numbering as outlined on said map.

#### II. DEFINITIONS

All terms utilized herein shall retain the definitions set forth in the Town of Humboldt Zoning Ordinance. As utilized herein, the term "building" includes but is not limited to "lot", "building", "dwelling", "dwelling unit", "establishment business", "lodging house", "hotel", "motel", "mobile home" and "professional office". As utilized herein, the term "street" includes a public or private right-of-way which affords a primary means of vehicular access to abutting property, whether designated as a street, avenue, highway, road, boulevard, lane, thruway, or however otherwise designated, but does not include driveways to buildings.

#### III. DUTY OF OWNER OR OCCUPANT

It shall be the duty of each owner or occupant of any building fronting upon any street within the Town of Humboldt, within twenty (20) days of the effective date of this Ordinance, or within twenty (20) days after the completion of such building, whichever occurs later, to attach securely and apply the proper number of such building as inscribed upon said map to both sides of the rural route mailbox serving said building, provided such a mailbox is available, otherwise to the front of the building in a conspicuous position, and not higher than the first or ground story of said building, so that the same can be plainly seen from the street. The rural route mailbox serving the building shall be used unless such mailbox service is not available to the building. If affixed to the mailbox, the proper number shall be in figures not less than two and one-half (2 1/2) inches in height. However, if affixed to the building, the proper number shall be in figures not less than four (4) inches in height. Said owner or occupant shall at all times keep such numbers properly attached or applied.

#### IV. ADMINISTRATION

The Town of Humboldt Zoning Administrator in addition to all other duties set forth in the Town of Humboldt Zoning Ordinance shall be responsible for keeping on file the document known as "A Street Numbering Map for the Town of Humboldt" and shall issue, at the time of issuing any building permit, a number to the lot for which the permit is sought, which shall conform as nearly as possible to the general scheme of the numbering as outlined on said street numbering map.

#### V. ENFORCEMENT

If the owner or occupant of any building required by this section to be numbered shall neglect for said period of twenty (20) days to duly attach and maintain the proper numbers on such building, the Town Constable shall serve on him a notice requiring such owner or occupant to properly number the same, and if he neglects to do so ten (10) days after the service of such notice, such neglect shall be deemed a violation of this section.

#### VI. PENALTY FOR VIOLATION

Any person who shall violate any provision of this section shall, upon conviction, forfeit not less than \$25.00 nor more than \$100.00, together with the actual costs of prosecution including but not limited to the Town Attorney's fees and, in default of payment thereof, shall be imprisoned in the County Jail until such forfeiture and costs are paid but not to exceed ninety (90) days. Each violation and each day a violation continues or occurs shall constitute a separate offense. This section shall not preclude the Town of Humboldt from maintaining any appropriate action to prevent or remove a violation of this chapter.

#### VII. EFFECTIVE DATE OF ORDINANCE

Within thirty (30) days after the passage of this Ordinance, it shall be published pursuant to Section 60.80, Wis. Stats. The Town Clerk shall procure a certification regarding publication and place same within the Town records. This Ordinance shall become effective on the day after its publication pursuant to Section 60.18, Wis. Stats.

Dated this \_\_\_\_\_ day of March, 1986.

\_\_\_\_\_  
Norbert Dantine, Jr.  
Town Chairman

\_\_\_\_\_  
Merlin Vanden Plas  
Town Supervisor

\_\_\_\_\_  
Stuart Allen  
Town Supervisor



## *Section 4*

### Ordinance to Change Street Names

1. Town Line Road
2. County Line Road
3. County Trunk P
4. County Trunk T
5. County Trunk QQ

TOWN OF HUMBOLDT

ORDINANCE TO CHANGE STREET NAMES

The Town Board of the Town of Humboldt, pursuant to Section 60.23(17) and Section 81.01(11), Wis. Stats., determines that it shall conserve and promote the public health, safety, convenience and general welfare of the citizens of the Town of Humboldt by changing and assigning street names to the following thoroughfares located within the jurisdiction of the Town of Humboldt as follows:

1. Town Line Road shall henceforth be known as \_\_\_\_\_  
\_\_\_\_\_.
2. County Line Road shall henceforth be known as \_\_\_\_\_  
\_\_\_\_\_.
3. County Trunk P shall henceforth be known as \_\_\_\_\_  
\_\_\_\_\_.
4. County Trunk T shall henceforth be known as \_\_\_\_\_  
\_\_\_\_\_.
5. County Trunk QQ shall henceforth be known as \_\_\_\_\_  
\_\_\_\_\_.

Within thirty (30) days after the passage of this Ordinance, it shall be posted or published pursuant to Section 60.80, Wis. Stats., with the effective date of this Ordinance being the day after its publication or posting. The Town Clerk shall execute an affidavit regarding the posting, or procure a certification regarding publication and place same within the Town records.

Dated this \_\_\_\_\_ day of March, 1986.

\_\_\_\_\_  
Norbert Dantine, Jr.  
Town Chairman

\_\_\_\_\_  
Merlin Vanden Plas  
Town Supervisor

\_\_\_\_\_  
Stuart Allen  
Town Supervisor

## *Section 5*

### **Town of Humboldt Waste Disposal and Recycling Ordinance**

1. Purpose
2. Abrogation and Greater Restrictions
3. Interpretation
4. Severability
5. Applicability
6. Administration
7. Effective Date
8. Definitions
9. Mandatory Source Separation
10. Separation Requirements Exempted
11. Waste Processing Requirements
12. Preparation and Collection of Recyclable Waste
13. Responsibilities of Owners or Designated Agents of  
Multiple-Family Dwellings
14. Responsibilities of Owners or Designated Agents of  
Non-Residential Facilities and Properties
15. Prohibitions on Disposal of Recyclable Materials
16. Other Prohibited Acts
17. Enforcement and Penalties



## TOWN OF HUMBOLDT WASTE DISPOSAL AND RECYCLING ORDINANCE

The Town Board of the Town of Humboldt hereby adopts the following ordinance to protect the health, safety and general welfare of the citizens of the Town of Humboldt and pursuant to Wisconsin Statutes Sections 159.05(7), 159.05(8), 159.09(1)(a), 159.09(2)(a), 159.09(3)(b), and 159.11(2), and 60.22 and Chapter NR 544, Wis. Administrative Code. The general purpose of this ordinance is to recover recyclable materials, protect the environment and minimize landfilling of solid waste to the greatest extent possible in accord with the policy of the State of Wisconsin on solid waste, recyclable waste, and non-acceptable waste management.

1. **Purpose.** The specific purpose of this Ordinance is to repeal the Ordinance entitled "An Ordinance of the Town of Humboldt Pertaining to Solid Waste Disposal and Recycling" originally promulgated on August 6, 1991, and recreate said Ordinance as revised, amended and provided herein.
2. **Abrogation and Greater Restrictions.** Except as provided herein, it is not intended by this Ordinance to repeal, abrogate, annul, impair or interfere with any other existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall apply.
3. **Interpretation.** In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this Ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this Ordinance is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wis. Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR 544 standards in effect on the date of the adoption of this Ordinance, or in effect on the date of the most recent text amendment to this Ordinance.
4. **Severability.** Should any portion of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected.
5. **Applicability.** The requirements of this Ordinance apply to all occupants of residences, dwellings, non-residential facilities, and properties within the Town of Humboldt.
6. **Administration.** The provisions of this Ordinance shall be administered by the Town Board, which may ~~by~~ resolution hereafter

delegate certain administrative duties hereunder to a designated "person", as that term is defined hereinbelow, including but not limited to the "Facility Director" as that term is defined hereinbelow.

7. **Effective Date.** The provisions of this Ordinance shall take effect on June 1, 1994.

8. **Definitions:**

- (a) "Bi-metal container" means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
- (b) "Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.
- (c) "Facility Director" includes the individual or individuals responsible for opening, closing, monitoring, and operating the Town of Humboldt Solid Waste and Recycling Facility. The Facility Director(s) shall be appointed by and serve at the will of the Town Board.
- (d) "HDPE" means high density polyethylene plastic containers marked by the SPI code No. 2.
- (e) "LDPE" means low density polyethylene plastic containers marked by the SPI code No. 4.
- (f) "Magazines" means magazines and other materials printed on similar paper.
- (g) "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator or stove.
- (h) "Mixed or other plastic resin types" means plastic containers marked by the SPI code No. 7.
- (i) "Multiple-family dwelling" means a property containing five (5) or more residential units, including those which are occupied seasonally.
- (j) "Newspaper" means a newspaper and other



materials printed on newsprint.

(k) "Non-acceptable Waste" includes the following:

- (1) Hazardous waste, including, but not limited to, asbestos, paints, sealers, adhesives, solvents, pesticides, and other substances which are toxic, corrosive, flammable, irritants, strong sensitizers, explosives or other sub-stances or materials as determined by the DNR as hazardous under Section 144.62(2).
- (2) Industrial waste, including liquid or other wastes resulting from any process of industry, manufacture, trade or business or the development of any natural resource.
- (3) Demolition waste, i.e. the materials left from the demolition or razing of any building including glass, roofing, plaster, drywall, siding, and painted or treated wood.
- (4) Clean fill, including brush, stumps, branches, vegetative materials in excess of six (6) inches in diameter, unpainted and untreated wood, concrete, building stone, blacktop, stones and uncontaminated soil.
- (5) Medical waste means containers, packages and materials that contain infectious waste or that are from a treatment area and are mixed with infectious waste.

(l) "Non-residential facilities and properties" means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.

(m) "Occupant" includes the title holder, landlord, tenant, sublessor, sublessee,



agent, or owner of real property within the Town of Humboldt, including an individual, corporation, partnership, limited liability company, association, non-profit corporation, religious organization, industrial, commercial, agricultural, private business, municipality and all entities that are within the Town of Humboldt as their place of residence or business.

- (n) "Office paper" means high grade printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.
- (o) "Other facility" includes any and all other approved and licensed solid waste, recyclable waste and non-acceptable waste facilities within or outside the Town of Humboldt.
- (p) "Person" includes any individual, corporation, limited liability company, partnership, association, local governmental unit, as defined in sec. 66.299(1)(a), Wis. Stats., state agency or authority or federal agency.
- (q) "PETE" means polyethylene terephthalate plastic containers marked by the SPI code No. 1.
- (r) "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in sec. 144.61(5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in sec. 144.44(7)(a)1., Wis. Stats.
- (s) "PP" means polypropylene plastic containers marked by the SPI code No. 5.
- (t) "PS" means polystyrene plastic containers marked by the SPI code No. 6.
- (u) "PVC" means polyvinyl chloride plastic containers marked by the SPI code No. 3.

- (v) "Recyclable waste" includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspapers; office paper; plastic containers including those made of PETE, HDPE, PVC, LDPE, PP, PS, and mixed or other plastic resin types; steel containers; waste tires; and bi-metal containers.
- (w) "Solid waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded or salvageable materials, including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include solids or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under ch. 147, or source, special nuclear or by-product material as defined under s. 140.52, and other discarded or non-recyclable waste materials resulting from activities or operations occurring within the boundaries of the Town of Humboldt.
- (x) "Solid waste facility" has the meaning specified in sec. 144.43(5), Wis. Stats.
- (y) "Solid waste treatment" means any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. "Treatment" includes incineration.
- (z) "Town Facility" means the Town of Humboldt Solid Waste and Recycling Facility located at Luxemburg Road, New Franken, Wisconsin, 54229.
- (aa) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- (bb) "Yard waste" means leaves, grass clippings, yard and garden debris and brush, including



clean woody vegetative material no greater than six (6) inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

9. **Mandatory Source Separation:** All occupants of the Town of Humboldt shall separate all wastes into three (3) separate categories and shall dispose of each such category of waste as follows:

- a. **Solid Waste:** All solid waste shall be disposed of at the Town Facility or other facility. Burn barrel permits may be obtained from the Wisconsin Department of Natural Resources, however, no burning is allowed without a permit granted by the Wisconsin Department of Natural Resources.
- b. **Recyclable Waste** shall be separated and disposed of as follows:
  - (1) Lead acid batteries shall be separated and disposed of only at the Town Facility or at an other facility.
  - (2) Major appliances including air conditioners, clothes washers and dryers, dishwashers, freezers, ovens, microwave ovens, refrigerators, and stoves shall be separated and disposed of only at the Town Facility or at an other facility.
  - (3) Waste oil shall be separated and may be disposed of at the Town Facility or other facility. Burning of waste oil is specifically prohibited unless all permits required by the Wisconsin Department of Natural Resources and the United States Environmental Protection Agency have been obtained and all Federal and State regulations have been abided.
  - (4) Yard waste shall be separated and may be disposed of in a backyard or neighborhood compost site containing less than fifty (50) cubic yards of such material. Otherwise, yard waste shall be separated and disposed of at an other facility.

- (5) Aluminum containers, bi-metal containers, corrugated paper and other container board, foam polystyrene packaging, glass containers, magazines and other material printed on similar paper, newspapers and other material printed on newsprint, office paper, plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS and mixed or other plastic resin types, and steel containers shall be separated and disposed of at the Town Facility or other facility. If disposed of at the Town Facility, all recyclable waste shall be separated and placed into the specific container at the facility designated for that particular recyclable waste item.
- (6) Waste tires shall be separated and disposed of at the Town Facility or at an other facility. Waste tires shall not be burned in the Town of Humboldt, except pursuant to a licensed program for converting to fuel or burning with energy recovery approved by the Wisconsin Department of Natural Resources.

c. Non-acceptable waste shall be separated and disposed of at an other facility.

10. Separation Requirements Exempted. The separation requirements of sec. 9 do not apply to the following:

- (a) Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in sec. 9(b) from solid waste in as pure a form as is technically feasible.
- (b) Solid waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
- (c) A recyclable material specified in sec. 9(b)



for which a variance or exemption has been granted by the Department of Natural Resources under ss. 159.07(7)(d) or 159.11(2m), Wis. Stats., or s. NR 544.14, Wis. Administrative Code.

11. **Waste Processing Requirements.** All solid waste and recyclable waste disposed of at the Town Facility shall be processed in accord with the rules and directions set forth by the Town Board and the Facility Director. All necessary processing shall be concluded prior to presentment of the solid waste or recyclable waste at the Town Facility. Failure to properly process any solid waste or recyclable waste may result in the refusal to accept such waste at the Town Facility. Processing requirements such as crushing, cleaning, removing of caps, and bundling shall be posted at the Town Facility with additional copies of such requirements being made available upon request made to the Town Clerk or Facility Director. To the greatest extent practicable, recyclable waste shall be cleaned and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain and other inclement weather conditions. The Town Board and the Facility Director may hereafter promulgate additional separation, preparation and care of recyclable material rules as may be necessary to preserve, protect and enhance the collection, storage and recycling of recyclable waste.

12. **Preparation and Collection of Recyclable Waste.** Except as otherwise directed by subsequent Town Board rule or the Facility Director, occupants of single family and 2 to 4 unit residences shall do the following for the preparation and collection of the following recyclable waste:

- (a) Aluminum containers shall be placed in the designated bin at the Town Facility during the days and hours of operation.
- (b) Bi-metal containers shall be rinsed free of product residue, and deposited in the designated bin at the Town Facility during the days and hours of operation.
- (c) Corrugated paper or other container board shall be deposited in the designated bin at the Town Facility during the days and hours of operation.
- (d) Foam polystyrene packaging shall be deposited at the Town Facility for recycling only upon

further notification from the Facility Director.

- (e) Glass containers shall be rinsed free of product residue and deposited in the designated bin at the Town Facility during the days and hours of operation.
- (f) Magazines or other materials printed on similar paper shall be deposited in the designated bin at the Town Facility during the days and hours of operation.
- (g) Newspapers or other materials printed on newsprint shall be deposited in the designated bin at the Town Facility during the days and hours of operation.
- (h) Office paper shall be deposited in the designated bin at the Town Facility during the days and hours of operation.
- (i) Plastic containers shall be prepared and collected as follows:
  - (1) Plastic containers made of PETE, marked by SPI code No. 1, shall be rinsed free of product residue and deposited in the designated bin at the Town Facility during the days and hours of operation.
  - (2) Plastic containers made of HDPE, marked by SPI code No. 2, including milk jugs and detergent bottles, shall be rinsed free of product residue and deposited in the designated bin at the Town Facility during the days and hours of operation.
  - (3) Plastic containers made of PVC, marked by SPI code No. 3, shall be deposited in the designated bin at the Town Facility during the days and hours of operation.
  - (4) Plastic containers made of LDPE, marked by SPI code No. 4, shall be prepared and deposited at the Town Facility for recycling only upon further notification from the Facility Director.
  - (5) Plastic containers made of PP, marked by SPI code No. 5, shall be



- prepared and deposited at the Town Facility for recycling only upon further notification from the Facility Director.
- (6) Plastic containers made of PS, marked by SPI code No. 6, shall be prepared and deposited at the Town Facility for recycling only upon further notification from the Facility Director.
  - (7) Plastic containers made of mixed or other plastic resin types, shall be prepared and deposited at the Town Facility for recycling only upon further notification from the Facility Director.
- j. Steel containers shall be rinsed free of product residue and deposited in the designated bin at the Town Facility during the days and hours of operation.
- k. Waste tires shall be deposited in the container designated for same at the Town Facility during the days and hours of operation.

13. Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings.

- (1) Owners or designated agents of multiple-family dwellings shall do all of the following with regard to recyclable waste:
  - (a) Provide adequate, separate containers for the recyclable waste.
  - (b) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
  - (c) Provide for the collection of recyclable waste separated from the solid waste by the tenants and the delivery of the materials to the Town Facility or an other facility.
  - (d) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements,

collection methods or sites,  
locations and hours of operation,  
and a contact person or company,  
including a name, address and  
telephone number.

- (2) The requirements specified in (1) do not apply to the owners or designated agents of multiple-family dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling, recyclable waste including:

- (a) Aluminum containers
- (b) Bi-metal containers
- (c) Corrugated paper or other container board
- (d) Foam polystyrene packaging
- (e) Glass containers
- (f) Magazines or other materials printed on similar paper
- (g) Newspapers or other materials printed on newsprint
- (h) Office paper
- (i) Plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and mixed or other plastic resin types
- (j) Steel containers
- (k) Waste tires

14. Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties.

- (1) Owners or designated agents of non-residential facilities and properties shall do all of the following for recycling recyclable waste including: Aluminum containers, bi-metal containers, corrugated paper or other container board, foam polystyrene packaging, glass containers, magazines or other materials printed on similar paper, newspapers or other materials printed on newsprint, office paper, plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS and mixed or other plastic resin types, steel containers and waste tires:

- (a) Provide adequate, separate containers for the recyclable materials.
- (b) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about



- the established recycling program.
- (c) Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to the Town facility or another facility.
  - (d) Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- (2) The requirements specified in (1) do not apply to the owners or designated agents of non-residential facilities and properties if the postconsumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling recyclable waste including: Aluminum containers, bi-metal containers, corrugated paper or other container board, foam polystyrene packaging, glass containers, magazines or other materials printed on similar paper, newspapers or other materials printed on newsprint, office paper, plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS and mixed or other plastic resin types, steel containers and waste tires from solid waste in as pure a form as is technically feasible.

15. Prohibitions on Disposal of Recyclable Materials. No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the following: Aluminum containers, bi-metal containers, corrugated paper or other container board, foam polystyrene packaging, glass containers, magazines or other materials printed on similar paper, newspapers or other materials printed on newsprint, office paper, plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS and mixed or other plastic resin types, steel containers and waste tires which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

16. Other Prohibited Acts:

- (a) No resident or non-resident shall attempt to utilize or be upon the premises of the Town Facility at any time other than during those hours of operation as determined by the Town Board and posted in a conspicuous place at the Town Facility.
- (b) No resident or non-resident shall utilize the Town Facility without first obtaining proper identification from the Town Clerk identifying the individual as a lawful user of the Town Facility. Any use or attempted use of the Town Facility by anyone not possessing properly issued identification or any fraudulent use of identification by anyone is strictly prohibited.
- (c) Except as provided in this paragraph, no resident or non-resident shall incinerate or burn any recyclable waste, non-recyclable waste, or yard waste in the Town of Humboldt. Burn barrel permits may be obtained from the Wisconsin Department of Natural Resources. However, open burning shall be permitted only of clean wood and paper products, and no burning is allowed without a permit granted by the Wisconsin Department of Natural Resources. Any person engaging in open burning outside of a burn barrel shall, prior to such burning, contact the Brown County Sheriff's Department to advise as to the location and nature of the intended burning. The cost(s) of all fire calls which result from the failure to notify the Brown County Sheriff concerning such non-burn barrel burning, shall be charged against the violator and may be collected in a suit at law by the Town of Humboldt against the violator, including the costs of prosecution and actual attorney's fees incurred by the Town in such proceeding, in addition to the forfeitures otherwise provided herein.
- (d) No one shall attempt disposal or dispose of any non-acceptable waste at the Town Facility.
- (e) It shall be a violation of this Ordinance for any person unauthorized by the Town Board of the Town of Humboldt to collect or pick up, or cause to be collected or picked up, any item previously disposed of at the Town



Facility. Any and each such collection in violation hereof shall constitute a separate and distinct offense punishable as hereinafter provided.

- (f) No person shall deposit or discharge any solid waste, recyclable waste, yard waste, or non-acceptable waste on or along any highway, in any waters, on the ice of any waters, or on any other public or private property within the Town of Humboldt. No person shall permit any solid waste, recyclable waste, yard waste, or non-acceptable waste to be thrown from a vehicle operated by the person. No person shall fail to remove within thirty (30) days or otherwise abandon any automobile, boat or other vehicle in the waters of the Town of Humboldt. This section does not apply to a person who places solid waste in a receptacle designed for solid waste storage that is located along a highway or on other public or private property. This subsection does not apply to a person who places solid waste, recyclable waste, yard waste, or non-acceptable waste at an approved facility.
- g. No person shall disobey or refuse to abide a lawful order of the Facility Director.

#### 17. Enforcement and Penalties.

- (1) Any authorized officer, employee or representative of the Town of Humboldt or Facility Director, may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, solid waste disposal facilities and solid waste treatment facilities, and any records relating to recycling activities, for the purpose of ascertaining compliance with the provisions of this Ordinance. No person may refuse access to any authorized officer, employee or authorized representative of the Town of Humboldt or Facility Director who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

- (2) Any person who violates a provision of this Ordinance may be issued a citation by the Facility Director or any other authorized representative of the Town of Humboldt. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.
- (3) Penalties for violating this Ordinance may be assessed as follows:
- (a) Any person who violates sec. 15 of this Ordinance may be required to forfeit \$50.00 for a first violation, \$200.00 for a second violation, and not more than \$2,000.00 for a third or subsequent violation.
  - (b) Any person who violates any provision of this Ordinance, except sec. 15, may be required to forfeit not less than \$10.00 nor more than \$1,000.00 for each violation.
  - (c) In addition to the forfeitures provided herein, any person who violates this Ordinance shall pay court assessments and costs and the actual attorney's fees incurred by the Town prosecuting such violation.

THIS ORDINANCE PROMULGATED THIS 2nd DAY OF MAY, 1994.

BY THE TOWN BOARD OF THE TOWN OF HUMBOLDT:

151  
\_\_\_\_\_  
NORBERT DANTINNE, JR.  
Chairman

151  
\_\_\_\_\_  
STUART ALLEN  
Supervisor

151  
\_\_\_\_\_  
MERLIN VANDEN PLAS  
Supervisor

Approved, Attested by:

151  
\_\_\_\_\_  
Emerence Jadin, Town Clerk

Publication Date: per code of ordinances

## *Section 7*

### **General Ordinances Regulating Transportation, Disposal, Storage, and Treatment of Solid Wastes and Nuisances**



**TOWN OF HUMBOLDT**

**General Ordinance Regulating Transportation,  
Disposal, Storage and Treatment of  
Solid Waste and Nuisances**

<u>TABLE OF CONTENTS</u>	<u>PAGE</u>
SECTION I: Purpose, Applicability, Exceptions and Definitions for Transportation, Disposal, Storage and Treatment of Solid Waste	1-9
SECTION II: Disposal Regulations for Solid Waste	9
SECTION III: Disposal, Treatment and Storage of Solid Waste	10-13
SECTION IV: Disposal, Storage and Treatment of Hazardous Waste	13-14
SECTION V: Constructing, Maintaining and Operating a Solid Waste Facility	15
SECTION VI: Constructing, Maintaining and Operating a Hazardous Waste Facility	15
SECTION VII: License Application/Bond/Hearing and License Issuance for a Solid Waste Facility or Hazardous Waste Facility	15-22
SECTION VIII: Revocation of License and Appeal on Revocation of License	22-23
SECTION IX: General Regulations Regarding Solid Waste and Hazardous Waste Facilities	23-34
SECTION X: Severability	34
SECTION XI: Penalty	34-35
SECTION XII: Effective Date	35
SECTION XIII: Authority	35
SECTION XIV: Nuisances Regulated	37-42

SECTION I - Purpose, Applicability, Exceptions and  
Definitions for Transportation, Disposal, Storage  
and Treatment of Solid Waste

A. Upon enactment, this ordinance (hereinafter referred to as "Ordinance") shall regulate, apply to and govern all Persons or locations engaged in or encompassing the transportation, disposal, storage and treatment of solid waste in the Town of HUMBOLDT (hereinafter referred to as "TOWN"), including upon TOWN roads. Such transportation, disposal, storage or treatment shall be permitted only under the terms and conditions set forth by this Ordinance.

B. The following shall not be deemed to come within the scope of this Ordinance:

1. Transportation, disposal, storage or treatment of animal waste resulting from an agricultural enterprise located within the TOWN.

2. Solid waste or hazardous waste facilities (hereinafter referred to collectively as "Facilities") within the Town that are or were licensed by the Wisconsin Department of Natural Resources (hereinafter referred to as "DNR") and in operation on the date of adoption of this Ordinance or when this Ordinance is specified as not applicable under Ch. 144, Wis. Stats., or pursuant to a negotiated agreement or arbitration award thereunder. However, expansion of these existing Facilities and all new Facilities shall be within the scope of this Ordinance.



3. Sanitary privies, seepage beds, septic tanks, wastewater, wastewater treatment sludge and the disposal and transportation of human waste products in the Town.

C. The following definitions shall apply to Section II through Section XIII of this Ordinance unless a different meaning appears from the context:

1. Active fill area: means the cells designed and constructed at the Facility that are to be used for disposal of Solid Waste.

2. Applicant: means a Person applying for a license under this Ordinance to construct, expand, operate or maintain a Facility for the disposal, treatment or storage of Solid Waste or for the transportation of Solid Waste on any TOWN road.

3. Closure or final closure: means the date at which time no further Solid Waste may be accepted at the Facility pursuant to any license issued under this Ordinance, or any license, plan of operation or plan or order of closure issued by the DNR, whichever date is earlier.

4. DNR: means the Wisconsin Department of Natural Resources or its successor agency.

5. Dispose, Disposing or Disposal: means the discharge, deposit, injection, dumping, placing, littering, discarding, burying, throwing, emitting, emptying or abandoning of any Solid Waste, into or on any private or public land or on or into any water or air within the TOWN.

This term does not include the storage or treatment of Solid Waste.

6. Emergency or emergencies: means an unforeseen circumstance that jeopardizes the public health or safety or property of the TOWN or its residents.

7. Expansion: means an increase in licensed capacity for disposal, treatment or storage of Solid Waste at an existing Facility, at or adjacent to the existing Facility.

8. Garbage: means discarded putrescible animal or vegetable refuse resulting from the handling, serving, preparing, processing, storing or consuming of food.

9. Generate, Generating or Generated: means the act or process that results in the formation of Solid Waste or by-products.

10. Hazardous Waste: means any Solid Waste, including petroleum products or substances, which meets the definition of hazardous waste in Ch. 144, Wis. Stats., its successor chapters, the Federal Resource Conservation and Recovery Act (RCRA), Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), Toxic Substance Control Act (TSCA), Clean Air Act (CAA) or identified as hazardous waste by any regulations established by the DNR or the United States Environmental Protection Agency (USEPA).

11. Hazardous Waste Facility: means a facility for the treatment, storage or disposal of Hazardous Waste and includes the land where the facility is located.

12. Incinerating, Incinerators or Incineration: means any technique or process of controlled burning of Solid Waste primarily to achieve volume reduction and/or to change waste characteristics or capture the heat content of the burnables but does not include open burning.

13. Landspreading: means the disposal of solid waste in thin layers onto the land surface and/or the incorporation into the top several feet of the surface soil for agricultural, silvicultural and/or solid waste disposal purposes.

14. Leachate: means water or other liquid which has been contaminated by dissolved or suspended materials due to contact with Solid Waste or gases therefrom.

15. Long term care: means the routine care, maintenance and monitoring of a Facility after closure.

16. Mining solid waste: means all waste soil, rock, mineral, liquid, vegetation and other material, except merchantable by-products, directly resulting from or displaced by prospecting or mining or from the beneficiating, concentrating or refining of minerals and shall include all waste materials from other sources deposited on or in a prospecting or mining site.

17. Open burning: means combustion of Solid Waste where the products of combustion are emitted directly to the ambient air without passing through a stack or a chimney. Open burning does not include the combustion of solid waste occurring at a properly operated and licensed air curtain destructor or Incinerator.



18. Polychlorinated Biphenyls (PCBs): means the class of organic compounds generally known as polychlorinated biphenyls and includes any of several compounds or mixtures of compounds produced by replacing two (2) or more hydrogen atoms on the biphenyl molecule with chlorine atoms.

19. Person: means any natural individual, firm, sole proprietorship, trust, partnership, association, corporation or municipality, and also means any responsible member, officer, agent, and employee thereof.

20. Principal structure: means a residential use, the primary residential building, facility or structure designed for and used for single family dwelling or designed and used as apartments, including any building, facility or structure which is accessory to or incidental to the primary residential building, facility or structure. At locations containing no residential use, the principal structure shall be the primary building, facility or structure designed for and used by the majority of the public for resort, employment, assemblage, lodging, trade, traffic or occupancy, including any building, facility or structure which is accessory to and incidental to the primary building, facility or structure.

21. Processing: means any technique used to facilitate or further transform, shape, compact or utilize Solid Waste to wit: techniques such as baling, shredding, pulverizing, composting or separating.

22. Recoverable Solid Waste: means Solid Waste which through separation, processing or Incineration will be converted into usable materials, products or energy.

23. Remedial Action: means those actions consistent with a permanent remedy in the event of a release or threatened release of Solid Waste (hereinafter referred to as "Release") into the environment, to prevent, ameliorate or minimize the release so that the contaminants do not migrate to cause substantial danger to present or future: public health, welfare, or to the environment. The term includes but is not limited to actions at the location of the Release and elsewhere as necessary to: contain, store or confine by perimeter protection using dikes, trenches or ditches, placing of a clay cover, or neutralization; remove released wastes; provide for their recycling or reuse; divert, destroy, segregate, dredge or excavate; repair or replace leaking containers; collect leachate and runoff; provide on-site or off-site treatment or Incineration; provide alternative water supplies to all threatened or affected Person(s); and provide such monitoring of the groundwater, surface water or air as may be reasonably required by the TOWN or other governing authority to assure protection of the public health and welfare or the environment. The term also includes the permanent relocation of residents where the TOWN determines such relocation is more cost-effective than and environmentally preferable to the transportation, storage, treatment,

destruction or secure disposition off-site of Hazardous Wastes.

24. Removal Action: means the short term actions to mitigate, contain or remove Released substances for off-site treatment, storage or disposal and such other actions as may be necessary in the event of Release to monitor, assess and evaluate the Release. The term also includes without being limited to: security fencing or other measures to limit access to a Facility or operations related thereto, the providing of temporary alternative water supplies to residents of the TOWN, temporary evacuation and housing of residents of the TOWN.

25. Residence: a dwelling designed or used exclusively for residential occupancy.

26. Sludge: means any solid, semisolid or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant or air pollution control facility or any other waste having similar physical characteristics.

27. Solid Waste: means any nonhazardous waste identified as garbage, ash, litter, rubbish, refuse or putrescible material and other discarded or salvageable materials, including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, commercial, mining and agricultural operations, and from any other community or individual activity(ies) which are not Hazardous Wastes. Solid waste does not include Hazardous



Wastes, Mining Solid Waste, solids or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Ch. 147, Wis. Stats., or its successor chapter or source, special nuclear radioactive material or by-product material as defined under Sec. 140.52, Wis. Stats., or its successor provisions.

28. Solid Waste Facility: means a facility in the TOWN for solid waste Treatment, Storage or Disposal, and includes commercial, industrial, municipal, state and federal establishments or operations such as, without limitation because of enumeration, sanitary landfills, dumps, demolition facilities, land disposal sites, Incinerators, transfer stations, storage facilities, collection and transportation operations and processing, treatment and recovery facilities. The term includes the land where the facility is located. The term does not include a Hazardous Waste Facility. This term does not include: 1) a facility for the processing of scrap iron, steel or nonferrous metal using large machines to produce a principal product of scrap metal for sale or use for remelting purposes; 2) a facility which uses large machines to sort, grade, compact or bale clean wastepaper, fibers or plastics, not mixed with other solid waste, for sale or use for recycling purposes; or 3) an auto junk yard, scrap metal salvage yard or a facility for the processing of minerals or mining refuse.

29. Store, Storing or Storage: means the accumulating or holding of solid waste for a period exceeding ninety (90) days.

30. Treat, Treating or Treatment: means any technique or process which is designed to change the physical, chemical or biological character or complexion of Solid Waste. Treatment includes Incineration.

## SECTION II - Disposal Regulations for Solid Waste

A Person (hereinafter referred to as "Person"), who is a resident residing within the TOWN, or a Person who is occupying a residential, commercial or industrial site located within the TOWN, shall remove from that property that solid waste which is generated at the residence or site at least every two (2) weeks, unless the solid waste is stored, treated or processed at the property consistent with this Ordinance, or unless such solid waste is placed in appropriate solid waste collection containers and accumulated in such manner as to not create a private or public nuisance. A Person shall remove, from the residence or site for Storage, Disposal or Treatment, to a Facility, all other Solid Waste which is generated at the residence or site as follows: at least once per month, if the solid waste is accumulated inside the principal structure; or once every two weeks if the solid waste is accumulated outside the principal structure.

SECTION III - Disposal, Treatment and Storage of Solid Waste

A. No Person shall Dispose, Store or Treat within the TOWN any Solid Waste, except as noted in Section II and as follows:

1. A Person may Dispose, Store or Treat Solid Waste at a Facility located within the TOWN, only if the Facility is validly licensed by the TOWN for the Disposal, Storage or Treatment of the type of Solid Waste being transported to or generated at the Facility.

2. A Person who is a resident within the TOWN or a Person who is occupying a residential, commercial or industrial site located within the TOWN, may dispose and accumulate solid waste which has been generated at the residence or at the site in authorized solid waste collection containers not located at the residence or the site, but located within the TOWN, if the TOWN by ordinance:

- 1) authorizes disposal and storage of solid waste in off-site solid waste collection containers;
- 2) establishes the type, amount and source of solid waste authorized for disposal and storage in these off-site containers;
- 3) establishes requirements to regulate and control the disposal, storage, collection and transportation of solid waste at these off-site solid waste containers;
- and 4) approves the site locations for such off-site solid waste collection containers.

A Person who Disposes or Stores solid waste under this provision shall fully comply with any applicable licenses, permits, conditions, regulations or



requirements as may be established by the TOWN, through ordinance or permit condition, and any other more stringent condition(s) established by the owner or operator of the off-site collection containers.

3. A Person who resides within the TOWN may dispose at the residence or accumulate in solid waste collection containers at the residence, garbage and other solid waste generated at the residence in compliance with Section II of this Ordinance, federal and state laws and regulations, and any other ordinance established by the TOWN. For the purposes of this subparagraph only, disposal may consist of Open Burning provided such burning does not create nuisance conditions or is not contrary to county or state laws, ordinances or regulations, or any TOWN ordinance.

4. A Person who is occupying a residential, commercial or industrial site located within the TOWN may dispose at the site or accumulate in solid waste collection containers at the site, garbage and other solid waste generated at the site, only in compliance with Section II of this Ordinance.

5. A Person who is a resident within the TOWN or a Person who is occupying a residential, commercial or industrial site located within the TOWN, may dispose and accumulate authorized recyclable solid waste, which has been generated at the residence or at the site, at authorized off-site recycling centers within the TOWN, if the TOWN by ordinance: 1) authorizes the disposal and accumulation of

off-site recyclable solid waste; 2) establishes the type, source and amount of recyclable solid wastes authorized for disposal and accumulation at the off-site recycling centers; 3) establishes requirements to regulate and control the Disposal, accumulation, Storage, collection and transportation of solid waste at these off-site recycling centers; and 4) approves the site locations for such off-site authorized recycling centers.

6. A Person who resides within the TOWN or a Person who is occupying a residential, commercial or industrial site located within the TOWN, may Dispose and Treat solid waste, including by landspreading, Incinerating or processing the Solid Waste at the residence or at the site if the landspreading, Incinerating or processing does not create a public or private nuisance and if the quantity of solid waste that is landspread, Incinerated or processed was generated exclusively at the residence or at the site. Landspreading activities exempt under state law or regulations shall be exempt from this Ordinance.

B. No Person shall Dispose, Store or Treat any Solid Waste within the TOWN, except as provided in Section II and except as provided in the above noted subsection (A), unless the Person has received and complies with a valid license for a Facility from the Town Board and the license specifically authorizes Disposal, Storage or Treatment Operations at the Facility. Each license issued pursuant to this Ordinance shall contain, as a condition

thereof, that the license incorporates and the licensee shall fully comply with all federal and state licenses, permits, conditions thereof, regulations, and laws pertaining to the Facility. In the event of a conflict, the most stringent condition of any federal, state or TOWN license, permit, regulation, law or ordinance shall apply.

C. Any Person Disposing, Storing, Treating, any Solid Waste in the TOWN, except as authorized by this Ordinance, shall notify the TOWN Clerk in writing within twenty-four (24) hours of knowledge of such occurrence and shall detail in this notification the time, place and possible cause or causes of such occurrence, and the type, source and amount of Solid Waste involved in this occurrence. Upon knowledge of such occurrence, the Person shall immediately take all actions appropriate and necessary to restore the environment to its prior condition, to minimize any harmful effects from such occurrences to the TOWN and its residents and to comply with any orders or regulations of the DNR, USEPA and any other state or federal agency having jurisdiction in the matter.

#### SECTION IV - Disposal, Storage and Treatment of Hazardous Waste

A. No Person shall Dispose, Store or Treat any polychlorinated biphenyls (PCBs), any chlorinated dibenzo-dioxins and dibenzofurans (Dioxins) or any radioactive material within the TOWN.



B. No Person shall Dispose, Store or Treat any other Hazardous Waste within the TOWN, except as follows:

1. A Person, who resides within the TOWN or a Person who is occupying a residential, commercial or industrial site located within the TOWN, may accumulate in aboveground containers or store in aboveground tanks at the residence or at the site, Hazardous Waste, if the Hazardous Waste has been generated at the residence or at the site and if:

a. the Person removes the Hazardous Waste from the residence or site within ninety (90) days of generation and transports the Hazardous Waste for Disposal, Storage or Treatment to a Hazardous Waste Facility licensed by the DNR or by the USEPA; and

b. the Person holds the accumulated Hazardous Waste in an area at the residence or at the site that is entirely enclosed or a roofed structure with limited or restricted access; and

c. the Person holds the accumulated Hazardous Waste in an area that does not exceed one thousand five hundred (1,500) square feet.

C. No Person may Dispose, Store or Treat any Hazardous Waste within the TOWN, except as provided in subsection (B), unless the Person has received, and is in compliance with, a valid license for a hazardous waste facility from the TOWN. The license must specifically authorize the Disposal, Storage or Treatment of the Hazardous Waste at the Facility.

SECTION V - Constructing, Maintaining and Operating  
A Solid Waste Facility

No Person shall construct, maintain or operate a solid waste facility for disposal, storage or treatment of solid waste within the TOWN, unless the Person has received a valid license from the Town Board specifically authorizing construction, maintenance and operation of a solid waste facility. Upon issuance of the license, the Licensee shall fully comply with conditions therein.

SECTION VI - Constructing, Maintaining and Operating  
A Hazardous Waste Facility

No Person shall construct, maintain or operate the waste handling portion of a Hazardous Waste facility for Disposal, Storage or Treatment of Hazardous Waste within the TOWN limits, unless the Person has received a license from the TOWN Board authorizing the construction, maintenance or operation of the Hazardous Waste Facility. Upon issuance of the license, the Licensee shall fully comply with the conditions therein.

SECTION VII - License Application/Bond/Hearing and License  
Issuance for a Solid Waste Facility or  
Hazardous Waste Facility

A. Applications for the licensing of a Facility under this Ordinance shall be filed by the Applicant with the TOWN Clerk in writing on a form provided by the TOWN Clerk and accompanied by

the initial application which shall be in the amount of Five Thousand Dollars (\$5,000), unless waived or reduced by the TOWN Board. No application shall be accepted by the TOWN Clerk until the Applicant has submitted and has had approved, by the DNR, both the initial site report and the feasibility report required pursuant to Ch. 144, Wis. Stats., or its successor chapters. In addition, the TOWN Board may charge the Applicant an additional application fee to fully or partially reimburse the TOWN for appropriate and necessary costs and expense incurred by the TOWN in the processing of the application, including, but not limited to, costs and reasonable expense incurred by the TOWN for attorneys' fees and experts' fees related to the application process. As a further condition of a License, including a license for transportation issued under Section IX A. 1., the TOWN Board may require the Applicant to show that all claims by owners of property for compensation due to the diminished value of property located within a one mile radius of the Facility caused by the presence, operation or closure requirements placed on the Facility have been compromised or will be resolved by adjudication or otherwise before the effective date of the License. The total application fees to the Applicant, including the initial application fee, shall not, however, exceed Twenty Thousand Dollars (\$20,000) for any application. A license is not assignable. All information provided in the application shall be accompanied by a sworn statement, under oath or affirmation, by the Applicant, stating that the information provided within the application was obtained under his supervision and direction,



after diligent inquiry, and is true and factual to the best of Applicant's knowledge and belief.

B. No license shall be issued or be effective unless there is on file with the TOWN Treasurer a cash bond, or a bond with a corporate surety duly licensed in the State of Wisconsin, in penal amount of Two Hundred Thousand Dollars (\$200,000) to assure that:

1. The Applicant and its representatives, agents and assigns will comply with all the terms, conditions, provisions, requirements, commitments, indemnifications and specifications contained in this Ordinance, any license issued hereunder or any sworn statement signed by the Applicant pursuant to this Ordinance.

2. If a corporate bond is offered, it shall be executed by a company authorized to transact business in the State of Wisconsin and subject to approval of the TOWN Board. If a cash bond is offered, it shall be deposited with the TOWN Treasurer, who shall give an official receipt therefor reciting that said cash has been deposited in compliance with and subject to provisions of this Ordinance.

3. Failure by the Applicant to maintain the approved bond, during the period of the license, shall automatically terminate the license. Upon the failure to maintain the approved bond by the Applicant, the TOWN Board shall have the right to obtain a court order that will terminate any future Disposal, Storage or Treatment operations

(collectively Operations) and that will require immediate final closure of the Facility.

Before acceptance of the bond, the bond shall be approved by the TOWN Board.

C. Prior to any general public hearing on the application for license, the TOWN Board shall examine the application and any other plans or pertinent information submitted by the Applicant. The TOWN Board shall then commence investigation of the proposed Facility.

The TOWN Board shall also determine whether or not the granting of a license in the location described in the application would be a violation of any zoning regulations of the TOWN or the COUNTY or create a hazard, nuisance or detriment to the public health or safety to the residents of the TOWN. The TOWN Board shall also determine what, if any, effects or impacts such proposed Facility may have for the future upon the character of the local neighborhood, traffic conditions, municipal services and costs, public utilities needs, and any other effects and impacts pertinent to the short term and long term health, environmental, financial, safety and welfare conditions of the TOWN and its residents.

Prior to issuance or denial of any license, and at least ninety (90) days after the TOWN Board deems the application for license complete, approves the financial surety and receives the initial application fee from the Applicant, there shall be a general public hearing on the application for a license.

The general public hearing shall be conducted under the following terms:

1. A notice shall be given as a Class 3 Notice as described in Sec. 985.07, Wis. Stats., or its successor provision.

2. The cost of publication of any such Notice shall be deposited and paid by the Applicant in advance of publication to the TOWN Clerk.

3. A general public hearing shall be held on the date specified in the notice or any adjourned date; however, such general public hearing shall be merely advisory to the TOWN Board in regard to any determination which may later be made upon any such application for license.

4. The Applicant shall have the right to appear at the public hearing and to describe orally and with written documentation the proposed Facility. The Applicant and the TOWN may be represented by legal counsel and may present evidence with any witnesses. The testimony of all witnesses is subject to examination and cross-examination under oath. The public hearing may, upon request by the Applicant or the TOWN Board, be recorded, with any expense for the recording to be paid by the Applicant.

D. The application for license shall be acted upon by the TOWN Board within sixty (60) days after the general public hearing, except that if the Board adopts a siting resolution under Sec. 144.445, Wis. Stats., (1985-86) or its successor



provision. In that event, the 60-day period for acting upon the application as noted above shall not be applicable until a negotiated written agreement has been signed and approved by all necessary parties under Sec. 144.445, Wis. Stats. (1985-86), or its successor provisions, or until an arbitration award by the Wisconsin Waste Facility Siting Board or its successor agency has been received in writing by the TOWN Board.

E. The TOWN Board shall evaluate the proposed license for the Facility and any conditions to be attached to the license based on information provided in the application, additional written information requested of the Applicant by the TOWN Board, the evidence elicited at the general public hearing and other pertinent information received from the Applicant, any county, state or federal agency or from any other interested Persons. The TOWN Board shall specifically consider the following in its determination on licensure and any conditions which may be attached to the license:

1. Reports and recommendations received by the TOWN Board from other units or agencies of Federal or State government and any agent, counsel or expert employed or retained by the Town.

2. The potential short term and long term effects and impacts of the proposed Facility based on the proposed location, including its effects or impact on the following:

- a. existing roads, bridges, traffic flow, traffic patterns, exits, designated access routes (both primary and secondary);

- b. surface water quality and drainage;
- c. groundwater quality and public and private drinking water quality;
- d. air quality;
- e. adjacent wetlands, flood plains, forest, agricultural and unique lands, and existing topography and vegetation;
- f. current and future land uses and land values;
- g. soil erosion;
- h. Town and County zoning and Town and County planning;
- i. Town appropriations and revenues;
- j. public safety and health of the Town residents;
- k. existing wildlife habitat and existing domestic animals.

3. The potential for the Applicant, based on the application submitted, to fully comply with the conditions and regulations enumerated in this Ordinance and with all of the conditions included in the license.

F. All licenses and the conditions written thereunder issued to the Applicant shall be effective and issued for the period from July 1 to June 30 of the next year. The Applicant shall reapply to the TOWN Clerk for the annual license at least one hundred and twenty (120) days in advance of the June 30 deadline. The filing procedure and fees established for reapplication and reissuance shall be the same as the initial application process. Upon determination by TOWN Board that the reapplication is complete, the TOWN Board may waive the

requirements for public hearing and waive or reduce the application fee.

The license shall not be transferable. Any transfer of ownership, operation, maintenance or possession or control of the Facility by the Applicant shall automatically terminate the license. No license shall be issued or reissued by the TOWN until sufficient proof has been provided to the TOWN Board by the Applicant that only the Applicant will operate and maintain the Facility during the licensure period.

The license shall not be deemed reissued until the TOWN Clerk receives the relicensing fee, written acknowledgment of the receipt of the reissued license by the Applicant and written acknowledgment by the Applicant of the Applicant's intent to comply with this Ordinance, the reissued license and each condition attached to the reissued license. Failure by the Applicant to submit written acknowledgment or agreement to fully comply, within fifteen (15) days of receipt, shall be deemed as withdrawal of reapplication by the Applicant.

SECTION VIII - Revocation of License and  
Appeal on Revocation of License

Any license issued to an Applicant under provision of this Ordinance may be revoked by the TOWN Board for any violation of the Facility's license related to Operations, mishandling or willful or grossly negligent release of Solid Waste or violations of this Ordinance. Revocation will only be effective after a public hearing has been held by the TOWN Board upon a published



Class 1 Notice as defined in Sec. 985.07, Wis. Stats., or its successor provisions. No hearing shall be required for termination of the license due to: failure of the Applicant to maintain the approved bond, provide written acknowledgment of Applicant's intent to comply with the License, or the transfer or assignment by the Applicant of ownership, operation, maintenance, possession or control of the Facility. The TOWN Board may, if necessary, seek to enforce this Ordinance or any License issued under it through court order enjoining any Person or Applicant from continued or future construction, operation, maintenance, transportation, Storage, Treatment or Disposal of Solid Waste at the Facility, including where the Person or Applicant has violated any condition of the License or this Ordinance or has caused or contributed to a public nuisance at or near the Facility.

Any proper appeal to the TOWN Board by a Person for revocation by the TOWN Board of a License shall be reviewed as provided in Chapter 68, Wis. Stats., or its successor provision.

SECTION IX - General Regulations Regarding Solid Waste and Hazardous Waste Facilities

The following general Ordinance provisions shall be applicable to Persons constructing, operating, maintaining, closing or providing long term care at a Facility in the TOWN or any Person transporting Solid Waste to and from a Facility through the TOWN.

A. Transportation Requirements

1. No Person, including any Person licensed by the TOWN (hereinafter referred to as "Licensee"), shall use any TOWN roadway as a route of travel for construction, operation, maintenance, closure, or long term care of a Facility or the transportation of Solid Waste to or from a Facility or through the TOWN, unless that roadway is established and authorized by the TOWN Board as a designated roadway for travel for such purposes and unless the Person fully complies with all TOWN roadway regulations and orders and obtains a license therefor. The TOWN Board may condition the effective date of the license under this paragraph as specified in Section VII. A..

2. Any Person transporting Solid Waste or materials for the construction, operation, maintenance, closure and long term care of a Facility through the TOWN shall use vehicles that are closed, constructed, operated and filled in such a manner to prevent any portion of the Solid Waste or other materials from discharging, leaking, spilling, falling or escaping from the vehicle onto any public or private property in the TOWN, including but not limited to any road, street or alley.

3. Any Person transporting Solid Waste or the materials for constructing, operating, maintaining, closing or providing long term care at a Facility on any TOWN roadways shall only transport such Solid Waste or materials during the hours and days established and authorized by the TOWN Board.

4. Every Licensee shall prepare a list of authorized transporters who will be allowed to transport Solid Waste or other materials to or from the Facility. The list which shall contain at least the names, address and telephone numbers of the authorized transporters and shall be filed with the Town Clerk prior to commencement of Operations. A Facility may only accept Solid Waste from a Person whose name, address and telephone number appears on the Facility's list of transporters.

B. Report Requirements

1. Each Licensee shall file an annual written report by April 1 with the TOWN Clerk with an attached sworn statement verifying the completeness of the enclosed report, detailing the following: the prior year's disposal in cubic yards and tons; all storage and treatment activity at the Facility; the type or types of Solid Waste Disposed, Stored or Treated during that prior year; the source or sources of any Hazardous Waste delivered to, Disposed at, Stored, accumulated or Treated during that prior year; and the names and address of all responsible parties authorized to manage and control the daily Operations.

In addition, the Person shall provide any or all of the following if requested by the TOWN Board:

a. Copies received by the Licensee during the prior year of any groundwater, gas, leachate and air quality testing or monitoring data related to the Facility or properties in the vicinity of the Facility.



b. Copies received by the Licensee, during the prior year, of all correspondence, reports, citizen complaints and inquiries and any administrative documents and court documents related to the compliance with federal or state laws or regulations pertaining to storage, treatment, disposal or handling of Solid Waste and which pertain to the Facility.

2. Every Licensee shall require all Persons transporting Solid Waste to or from the Facility during Operations to complete and sign a form at the time of entering the Facility, noting on the form the following:

1. The source of the waste;
2. The type of waste;
3. The amount of waste;
4. The date of disposal, storage or treatment;
5. The name and address of the authorized transporter;
6. The signature of the authorized transporter or the transporter's agent.

Copies of these forms shall be kept on the premises at all times during the Operations and shall be available to the TOWN Board upon request for review and copying.

3. Every Licensee shall report during construction, operation, maintenance, closure and long term care of the Facility within twenty-four (24) hours, in writing to the TOWN Clerk, any information received by the Licensee, regarding the following occurrences related to or at the Facility:

a. Any Hazardous Waste(s) not covered by the terms of the License which enter or exit the Facility whether or not Disposed, Stored or Treated at the Facility.

b. Any permanent, emergency or temporary conditions which may or did require closing of the Facility, including but not limited to fire, explosion, other public health or safety conditions or repair or reconstruction of the Facility.

c. Any notice or other document relating to a government ordered closing of the Facility.

d. Any transfer or assignment of ownership, possession, control or operation of the Facility.

C. Operation Requirements

1. Notwithstanding Licensure under this Ordinance, the TOWN may commence and maintain an action under statutory or common law nuisance against any Person, including a Licensee, who creates or continues a nuisance at the Facility or in the transportation of Solid Wastes to or from a Facility or through the TOWN. This remedy shall be in addition to the revocation procedures available under Section VIII above.

2. Every Licensee shall daily inspect the Facility and roadways used to transport Solid Waste to or from the Facility and when appropriate, remove any Solid Waste disposed or discharged on the roadways or right-of-ways.

3. Every Licensee shall cover or spray all roads and haulways at the Facility with sufficient and necessary materials, including water, to eliminate blowing dust and contain all dust upon the Facility.

4. Every Licensee shall:

a. erect and maintain temporary and permanent fences or take such other measures as may be appropriate and necessary to control the blowing of paper and the discharging of other materials from the Facility;

b. provide and maintain appropriate and necessary physical and Personnel security protections including fences and lockable gates;

c. lock any unlocked gates at the Facility except during authorized hours of Operations or except during emergencies;

d. conduct the Operations in such a manner that dust, dirt, debris, or other materials will not be carried by wind or other means across the boundary of the Facility onto adjoining properties; and

e. provide and utilize sufficient cover materials for the Solid Waste at the end of each operational day and at such other times of an operational day when wind conditions warrant, to prevent blowing papers and unsightly conditions at the Facility.

5. Every Facility shall have an attendant at the Facility whenever Operations are occurring. An attendant shall be "on call" to respond to emergencies whenever Operations are not occurring at the Facility. The Licensee shall provide to the TOWN Clerk in writing the names, address and telephone numbers of all attendants who will be at the Facility during Operations or who will be "on call".

6. Every Licensee shall provide to the TOWN Clerk a list of the names, addresses and telephone numbers of the individual(s) who are responsible to manage, control and administer the Facility. The list shall be provided to the TOWN Clerk prior to the commencement of Operations and updated, at least, on an annual basis.



7. Any Licensee who stores materials at a Facility must store such materials in a building and in such a manner as to prevent harborage of rats or other vermin and to avoid nuisance conditions at the Facility. The Licensee shall place all salvaged material into the building on a daily basis so that no material is left uncovered or uncontained during the night or on the weekends. The Licensee shall exterminate insects and rodents and shall destroy all noxious weeds at the Facility as directed by the TOWN Board.

8. Each Licensee shall maintain sufficient fire fighting equipment and other appropriate emergency or specialized equipment or machinery, at all times at the Facility, suitable for use during fires, accidents, explosions, discharges, hazards or other potential emergency needs at or near the Facility. Each Licensee shall immediately begin Remediation upon receiving information that failure to Remediate presents a danger or a reasonable threat of danger to the public health, safety or welfare of any Person or property.

9. No Licensee may locate, construct, operate or maintain a Facility where any constituents or by-products of the Solid Waste would seep, spill, drain, empty, or escape from the facility or pollute the groundwater, surface water or the ambient air.

10. Each Licensee shall construct, operate and maintain all private access roads and haulways as all-weather roads and shall maintain the roads and haulways in

all types of weather conditions. Each Licensee shall monitor and test air quality at the perimeters of the Facility as necessary and appropriate or as ordered by the TOWN Board to prevent dust, debris or other windblown substances from creating nuisance conditions on properties bordering the Facility.

11. No Person, including a Licensee, may operate or maintain a Facility so that it creates a potential for fire, explosion or the potential to liberate hazardous or poisonous gases from the Facility.

12. No Person, including a licensee, may knowingly Dispose, Store or Treat any Hazardous Waste at a solid Waste Facility. A Licensee shall separate or isolate from the general Solid Waste mass all Solid Waste, which in combination with another Solid or Hazardous Waste, may cause a fire, explosion or liberation of a hazardous or poisonous gas.

13. No Person may construct, operate or maintain any buildings or any equipment at a Facility other than buildings and equipment appropriate and necessary for the construction, operation, maintenance, closure and longterm care of the Facility. A Facility may not be used for the storage of unrelated vehicles, equipment or materials. No Person, including a Licensee, may construct, operate or maintain a Facility or allow any other Person to operate or maintain any business, occupation, enterprise or operation at the Facility except that the specific use be authorized by the License.

14. Each Licensee shall make all reasonable efforts to cover with clean earthen fill material all holes or ponds, within the Facility, to the existing topography, except for the active fill area and except for any sedimentation basin designed and constructed to accept surface drainage from the Facility. No Licensee may discharge the water or sediment from a sedimentation basin into any surface water until that surface water discharge has been approved by the DNR.

15. Each Licensee shall maintain and not remove or cause to have removed from the Facility, except at the active fill area, any topsoil. Topsoil removed by the Licensee from the active fill area shall not be removed from the Facility.

16. A Licensee shall provide and maintain sufficient landscaping for the purpose of providing natural noise and natural aesthetic visual barriers at the Facility. In the event the noise and aesthetic visual barriers are lost or destroyed for any reason, the Licensee shall, as soon as weather conditions permit, replace these natural barriers with new natural barriers that have been approved by the TOWN Board.

17. A Licensee shall plant and replant all berms and other areas at the Facility, with grass or other appropriate vegetation as necessary and appropriate to prevent or reduce erosion.

18. A Licensee shall allow the TOWN Board or its designated representative(s) access to the site for



inspection(s) at any reasonable time that access is requested. A Licensee shall provide the TOWN Board or its designated representative(s) access to and the opportunity to review and copy any analysis of wastes, stored materials, soils, leachate, groundwater, surface water, or dust which was made pursuant to a requirement of this Ordinance, the Facility's federal, state or TOWN license or to investigate any complaint about nuisance conditions and to take samples of, or otherwise document or record, the above noted materials for analysis.

19. No Person, including the Licensee, may dispose, store or treat any polychlorinated biphenyls (PCBs), any dioxins or any radioactive material at a Facility or at any other location within the TOWN. This prohibition does not prevent the use of PCB-containing materials, provided such use is in conformance with the Toxic Substances Control Act and its implementing regulations.

20. Each Licensee shall provide and maintain at least one (1) functional automatic security light and such telephone and electrical alarm security services as the TOWN Board may reasonably require, at its expense, within the Facility for lighting and security of the Facility during non-daylight hours. The security light and services shall be installed and operational prior to commencement of any Operations.

21. Every Licensee shall, at its expense, install and maintain, at or near the entrance to the Facility, a sign

which shall contain a statement, in large letters of at least twelve (12) inches in height, that reads "NO HAZARDOUS AND OTHER UNAUTHORIZED SOLID WASTE IS ACCEPTED". The Licensee shall keep the sign clean, visible and readable to those entering the Facility. This sign shall be installed prior to commencement of Operations.

22. No Person, including a Licensee, may construct, install or maintain in the TOWN any signs that will identify the existence or location of the Facility, except those signs otherwise noted in the Ordinance, the TOWN's Zoning Ordinance, or required by the DNR and approved by the TOWN Board.

23. No Licensee may conduct or allow open burning at a Facility unless written approval of the Town Board has been granted.

D. Financial Requirements:

1. Each Licensee shall reimburse the TOWN for all additional reasonable costs which are not covered by application and renewal fees and which are incurred by the TOWN in issuing the License or monitoring compliance therewith, including but not limited to the following: the cost of responding to or acting upon any fires, discharges, explosions, accidents, hazards, or other emergency needs at the Facility; and the costs of investigating complaints about the Operations. The TOWN, after incurring these costs and documenting same to the Licensee, is to be fully

reimbursed by the Licensee for all such costs within thirty (30) days of the Personal or postal delivery of any written statement documenting such cost(s) to the Licensee.

2. The TOWN, during the license period, shall not be obligated, nor shall it have any duty or responsibility to the Licensee to acquire or supply any additional or specialized machinery or equipment to be used for occurrences such as fires, accidents, explosions, discharges, or hazards, or to be used for the other emergency needs at or near the Facility.

3. The TOWN shall not be obligated, nor shall it have any duty or responsibility to the Licensee to employ or retain any additional or specialized Personnel to be used for discharges or hazards or to be used for other emergency needs at or near the Facility.

#### SECTION X - Severability

If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held invalid by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

#### SECTION XI - Penalty

Any Person violating this Ordinance upon conviction shall be fined not less than Ten Dollars (\$10.00) nor more than Two



Hundred Dollars (\$200.00) for each offense. Each violation of a provision of this Ordinance or a condition of a License is a separate offense. Each day of a violation of a provision or condition shall constitute a separate offense under this Ordinance. Imprisonment for any Person in the County Jail can be ordered only for failure to pay the fine which may be imposed. If imprisonment is ordered for failure to pay the fine, it shall be limited to one day of confinement for each Five Dollars (\$5.00) of fine or fraction thereof. In addition to any other penalty for violating this Ordinance, the cost of abating a public nuisance by the TOWN, as well as any litigation costs including TOWN's attorney fees, shall be assessed as a special charge against the real estate in the TOWN of any Person causing such nuisance. In addition to any other legal relief available to the TOWN for violation of this Ordinance, the TOWN Board may take appropriate legal action or proceedings to recover damages, to abate and remove any nuisance and to enjoin further violations of this Ordinance.

#### SECTION XII - Effective Date

In accordance with Sections 66.035 and 60.80, Wis. Stats., this Ordinance shall be included as part of the TOWN General Code of Ordinances and shall become effective on the day after its publication by the TOWN Board.

#### SECTION XIII - Authority

This Ordinance is enacted pursuant to Sections 60.10(2), 60.22, 60.54, 60.555, 66.052, 66.122, 66.60, 66.96, Wis. Stats..

ADOPTED by the TOWN Board of the TOWN of HUMBOLDT, Brown County, Wisconsin, on \_\_\_\_\_, 1992, and in witness whereof, the undersigned Chairperson of the TOWN and the TOWN Clerk set their hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 1992.

TOWN BOARD OF THE TOWN OF HUMBOLDT  
BY:

\_\_\_\_\_  
NORBERT DANTINNE, JR., Town Chrmn.

\_\_\_\_\_  
EMERENCE JADIN, Town Clerk

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SECTION XIV - Nuisances Regulated

**NUISANCE ORDINANCE FOR THE TOWN OF HUMBOLDT,  
BROWN COUNTY, WISCONSIN**

- 1.01 PUBLIC NUISANCE PROHIBITED. No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the boundaries of the Town of HUMBOLDT, Brown County, Wisconsin.
- 1.02 PUBLIC NUISANCE DEFINED. A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to:
- (1) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
  - (2) In any way render the public insecure in life or in the use of property; or
  - (3) Greatly offend the public morals or decency.
- 1.03 PUBLIC NUISANCES AFFECTING HEALTH. The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of 1.02.
- (1) Unburied Carcasses. Carcasses of animals, birds or fowl not intended for human consumption or food which are not buried or otherwise disposed of in a sanitary manner within twenty-four (24) hours after death.
  - (2) Breeding Places for Vermin, etc.. Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing materials, scrap metal or any materials in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.
  - (3) Stagnant Water. All stagnant water in which mosquitoes, flies or other insects can multiply.
  - (4) Noxious Weeds. All noxious weeds and other rank growth of vegetation. All weeds and grass shall be kept cut to a height of not to exceed one (1) foot. The Town may cause all weeds and grass to be cut and removed and brush to be removed and the cost thereof charged to the property under Section 66.60(16), Wisconsin Statutes.
  - (5) Water Pollution. The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.



- (6) Noxious Odors, etc.. Any use of property, substances or things within the Town emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gasses, effluvia or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Town.
- (7) Street Pollution. Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the Town.
- (8) Abandoned Vehicles.
- (a) Vehicle Abandonment Prohibited. No person shall leave unattended any motor vehicle, trailer, semitrailer or mobile home on any public street, or highway or public or private property, for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. When any such vehicle has been left unattended on any Town street or highway or on any public or private property within the District without the permission of the owner for more than forty-eight (48) hours, the vehicle is deemed abandoned and constitutes a public nuisance.
- (b) Removal and Impoundment of Abandoned Vehicles. Any vehicle in violation of this section shall be impounded until lawfully claimed or disposed of, except that, if the Town Constable or his duly authorized representative determines that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle, the vehicle may be junked by the Town prior to expiration of the impoundment period upon determination by the Town Constable or his duly authorized representative that the vehicle is not wanted for evidence or other reason.
- (9) Storage of Junk, etc., Regulated. No person shall store junked or discarded property including automobiles, automobile parts, trucks, tractors, refrigerators, furnaces, washing machines, stove, machinery or machinery parts, bricks, cement blocks or other unsightly debris which substantially depreciates property values in the neighborhood.

1.04 PUBLIC NUISANCES OFFENDING THE MORALS AND DECENCY. The following acts, omissions, places, conditions and things are hereby specifically declared to be public nuisances offending public morals and decency, but such enumeration shall not be construed to exclude other nuisances offending

public morals and decency within the definition of Section 1.02.

- (1) Gambling Devices. All gambling devices and slot machines.
- (2) Continuous Violation of Town Ordinances. Any place or premises within the District where Town ordinances or State law relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly, and intentionally violated.
- (3) Illegal Drinking. Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of State laws.

1.05 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY. The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the definition of 1.02.

- (1) Illegal Buildings. All buildings erected, repaired or altered, in violation of the provisions of the ordinances of the Town relating to materials and manner of construction of buildings and structures within the Town.
- (2) Dilapidated Buildings. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
- (3) Noisy Animals or Fowl. The keeping or harboring of any animal or fowl which by frequent or habitual howling, yelping, barking, crowing or making of other noises shall greatly annoy or disturb a neighborhood or any considerable number of persons within the Town.
- (4) Any dog running at large is subject to impoundment at owner's expense.

1.06 ABATEMENT OF PUBLIC NUISANCES.

- (1) Enforcement. The Building Inspector, or other Town Officer as designated by statute or appointment by the Town Chairman, shall enforce those provisions of this chapter that come within the jurisdiction of their offices, and they shall make periodic inspections and inspections upon complaint to insure that such provisions are not violated. No action shall be taken under this subsection to abate a public nuisance unless the officer shall have inspected or caused to be inspected the premises where the nuisance is alleged to



exist and have satisfied himself that a nuisance does, in fact, exist.

- (2) Summary Abatement. If the inspecting officer determines that a public nuisance exists within the Town and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Chairman may direct the proper officer to cause the same to be abated and charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.
- (3) Abatement after Notice. If the inspecting officer determines that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall serve notice on the person causing or maintaining the nuisance to remove the same within ten (10) days. If such nuisance is not removed within such ten (10) days, the proper officer shall cause the nuisance(s) to be removed.
- (4) Other Methods Not Excluded. Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the Town or its officials in accordance with State laws.
- (5) Court Order. No officer hereunder shall use force to obtain access to private property to abate a public nuisance but shall request permission to enter upon private property if such premises are occupied, and, if such permission is denied, shall apply to any court having jurisdiction for an order assisting the abatement of the public nuisance.

1.07 COST OF ABATEMENT. In addition to any other penalty imposed by this chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Town, including attorney fees, shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

1.08 PENALTY. Any person who shall violate any provision of this chapter or permit or cause a public nuisance shall be subject to a penalty as follows in 1.09, Penalty Provisions.

1.09 PENALTY PROVISIONS.

- (1) General Penalty. Any person who shall violate any of the provisions of this Code shall, upon conviction of



such violation, be subject to a penalty, which shall be as follows:

- (a) **First Offense - Penalty.** Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than five dollars (\$5.00) nor more than five hundred dollars (\$500.00), together with the costs of prosecution, including Town's attorney fees, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding ninety (90) days.
  - (b) **Second Offense - Penalty.** Any person found guilty of violating any ordinance or part of an ordinance of this Code who shall previously have been convicted of a violation of the same ordinance within one (1) year shall upon conviction thereof, forfeit not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) for each such offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until such forfeiture and costs of prosecution are paid, but not exceeding six (6) months.
- (2) **Continued Violations.** Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.
- (3) **Execution Against Defendant's Property.** Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any court for violation of any ordinance of the Town, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.

1.10 Any previous ordinance or resolution of the Town Board contrary or in conflict with the regulations contained in this Ordinance is hereby amended or rescinded as may be necessary to fully and completely effectuate the regulations contained herein.

This ordinance shall take effect the day after passage and publication as provided by law.

Adopted on this \_\_\_\_\_ day of \_\_\_\_\_, 1992.

TOWN BOARD OF THE TOWN OF HUMBOLDT  
BY:

\_\_\_\_\_  
NORBERT DANTINNE, JR., Town Chrmn.

ATTEST:

\_\_\_\_\_  
EMERENCE JADIN, Town Clerk

COPY

**AN ORDINANCE ADOPTING PART OF THE TOWN CODE OF GENERAL ORDINANCES  
REGULATING NUISANCE ACTIVITIES AND THE TRANSPORTATION,  
DISPOSAL, STORAGE AND TREATMENT OF SOLID WASTE  
IN THE TOWN OF HUMBOLDT, BROWN COUNTY, WISCONSIN**

WHEREAS, it is deemed expedient and necessary that part of the General Ordinances of the Town of HUMBOLDT be brought modified and created as provided herein; and

WHEREAS, changes necessitated by potential solid waste storage in the Town of HUMBOLDT have been incorporated into the General Ordinances of the Town of HUMBOLDT; and

WHEREAS, a copy of such Code has been on file and open for public inspection in the Office of the Town Clerk for not less than two (2) weeks, as required by Section 66.035, Wis. Stats., and the notice thereof was given by publication on the \_\_\_\_\_ day of \_\_\_\_\_, 1992 in the Green Bay News Chronicle;

NOW, THEREFORE, the Town Board of the Town of HUMBOLDT does ordain as follows:

Section 1. That this Town Code of General Ordinances regulating nuisance activities and the transportation, disposal of, storage and treatment of solid wastes shall be and hereby is adopted as part of the Town Code of General Ordinances in and for the Town of HUMBOLDT, Wisconsin.

Section 2. This ordinance shall take effect the day after passage and publication as provided by law.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 1992.

\_\_\_\_\_  
Norbert Dantine, Jr., Chairman

ATTEST:

\_\_\_\_\_  
Emerence Jadin, Town Clerk

FILE COPY



**SECTION 8**  
**TOWN OF HUMBOLDT**  
**BUILDING AND MECHANICAL CODE**

- 1.1 Purpose of Building Regulations
- 1.2 Authority
- 1.3 Scope of Building Inspector
- 1.4 Definitions
- 1.5 Scope of Building Regulations
- 1.6 Permit Requirement
- 1.7 Adoption of State Codes
- 1.8 Uniform Dwelling Code Expanded
- 1.9 Detached Accessory, Commercial and Agriculture Buildings
- 1.10 Certified Municipality Status
- 1.11 Building-HVAC-Electrical-Plumbing Inspector
- 1.12 Submission of Plans
- 1.13 Issuance of Permit
- 1.14 Occupancy Permit
- 1.15 Unsafe Buildings
- 1.16 Razing and Demolition
- 1.17 Moving Buildings
- 1.18 Violations and Penalties
- 1.19 Stop Work Order
- 1.20 Variance Request
- 1.21 Appeals
- 1.22 Disclaimer and Non-Liability
- 1.23 Severability

## 1.1 Purpose of Building Regulations

The purpose of this code is to promote the health, safety, and general welfare of our community, to protect property values and provide for orderly, appropriate development and growth of the community.

## 1.2 Authority

These regulations are adopted under the statutory authority granted to Section 101.65, 101.76 and 101.761 of the Wisconsin State Statutes.

## 1.3 Scope of Building Inspector

The building inspector shall have, except where otherwise provided, the general management and control of all matters concerning building construction procedures and enforce State Laws and Town of Humboldt Municipal Code provisions.

## 1.4 Definitions

The following terms have the meaning prescribed herein. Any item not defined herein shall follow the Wisconsin Administrative Code definitions.

1. Building: Any structure erected or constructed of wood, metal, stone, plastic or other materials, which is intended to be used by human beings or animals for the occupancy, livery, commerce, education, cultural activities or other purpose. The term does not include children's play structures.
2. Building Inspector: The individual(s) or firm appointed by the Municipality to exercise all of the powers and duties of a building inspector under Wisconsin State Law and the Department of Safety and Professional Services.
3. Construction: Any part or portion of the activity of installing, locating, siting, erecting or raising a building.
4. Contractor: Any person, firm or entity which undertakes any activity related to the construction of a building other than the mere provisions of supplies and or materials.
5. Demolition: The activity of completely or partially destroying a previously erected or constructed building.

6. Electrical: The trade which relates to the design, installation, maintenance and repair of the mechanical equipment, wiring, fixtures and connections which tie a structure to the power grid of an electric generating utility and distribute the electricity through a structure to end uses, including any work which may be performed by a master electrician licensed by the State of Wisconsin or a person under the supervision of such an electrician.
7. HVAC: An acronym which stands for Heating, Ventilating, and Air Conditioning; the trade which installs mechanical equipment, systems and accessory ducting and gratings for the purpose of warming, purifying, cooling and exchanging air in a building.
8. Occupancy: The act of utilizing a building for human habitation, use, or occupancy. Any use of a building for any activity which is customarily or routinely associated with utilization of a building as a residence, detached residential accessory structure, or commercial use shall constitute occupancy.
9. Owner: The individual, firm or entity which has record title to the real estate on which construction or demolition is taking place.
10. Plumbing: The trade which relates to the design, installation and maintenance or repair of pipes, drains, sinks, basins, hot water heating systems, natural gas pipes, grease traps, floor drains, and all other work for which the individual performing the work may either be a master plumber licensed by the State of Wisconsin or work under the supervision of such a plumber.
11. Repairs: Repairs for purposes of maintenance or replacements in any existing building or structure which do not involve the structural portions of the building or structure or which do not affect room arrangement, light and ventilation, access to efficiency or any exit stairways or exits, fire protection or exterior aesthetic appearance and which do not increase a given occupancy and use, shall be deemed minor repairs.
12. Stop work order: A directive issued with respect to a construction project by a building inspector which compels the owner and any contractor or builder of a building to cease any further work or activity on the construction project until the building inspector has authorized the resumption of the construction project.

## 1.5 Scope of Building Regulations

This Code applies to all 1 & 2 family dwellings, commercial buildings or structures, swimming pools, decks, residential accessory



buildings and agricultural buildings. Notwithstanding this section, this code shall not apply to children's play structures.

## 1.6 Permit Requirements

No owner or contractor may commence construction of any building, or mechanical system prior to obtaining a valid permit from the municipal building inspector. All building permits shall have a time limitation of two years from issuance before a new permit will be required. Extensions can be applied for prior to the original expiration date. A two-year extension may be obtained for minimum fees of the original permit.

1. The construction which shall require a building permit includes but is not limited to:
  - a). New 1 & 2 family dwellings and Commercial buildings.
  - b). Accessory buildings greater than 200 sq. feet.
  - c) . Decks
  - d). Additions.
  - e). Alterations/ remodeling to building structures.
  - f). Any electrical wiring for new construction or remodeling.
  - g). Any HVAC for new construction or remodeling.
  - h). Any plumbing for new construction or remodeling.
  - i). Any new or re-wired electrical service, including services for agricultural buildings.
  
2. The following construction activities shall not require a building permit but do require an administrative permit issued by the town or its designee.
  - a) Accessory buildings less than 200 sq. feet.
  
3. The following construction activities shall not require a building permit:
  - a). Replacement of major building equipment including furnaces, central air conditioners, water heaters and nay other major piece of equipment.
  - b). Residing, re-roofing, window replacement (with no structural changes), and finishing of interior surfaces, installation of cabinetry, and which are deemed minor by the Building Inspector. A permit accompanied by structural load-bearing calculations shall be required for re-roofing a building if the proposed reroofing would constitute a third or more layer of roofing.
  - c). Normal repairs of HVAC, plumbing and electrical equipment or systems such as replacing switches, receptacles, dimmers and fixtures.

## 1.7 Adoption of State Codes

The following Chapters of the Wisconsin Administrative Codes, as well as all subsequent revisions in its entirety, are adopted by the Municipality and shall be enforced by the Building Inspector.

SPS 302.31	Plan Review Fee Schedule
SPS 305	Credentials
SPS 316	Electrical Code
SPS 320-325	Uniform Dwelling Code
SPS 360	Erosion Control, Sediment Control & Storm Water Management
SPS 361-366	Commercial Building Code
SPS 375-379	Building Constructed Prior to 1914
SPS 381-387	Uniform Plumbing Code

## 1.8 Uniform Dwelling Code Expanded

For the purposes of this Ordinance, the standards contained in the Wisconsin Uniform Dwelling Code shall be expanded to apply as the Standards for construction of the following:

1. Additions and alterations for one- and two-family dwellings built prior to June 1, 1980.

## 1.9 Detached Accessory. Commercial and Agricultural Buildings

The following will be standard regulations for detached accessory buildings and agricultural buildings.

1. All accessory buildings may or may not have slabs or frost protection.
2. Slabs shall be constructed according to SPS 321, ACI standards
3. Mechanical systems shall follow codes SPS 316, 323,325.

## 1.10 Certified Municipality Status

1) The Town has adopted the Certified Municipality Status as described in SPS 361.60 of the Wisconsin Administrative Code. The Town shall assume the following responsibilities for the Department of Safety and Professional Services:

- a. Provide inspection of all commercial buildings with certified commercial building inspectors.

- b. Provide plan examination of commercial buildings with certified commercial building inspector containing less than 25,000 cubic feet. Drawings, specifications and calculations for these buildings and structures, except state-owned buildings and structures, to be constructed within the limits of the Town shall be submitted, if the plans are for any of the following:
- 1). Any new building or structure containing less than 25,000 cubic feet of total volume.
  - 2). Any addition to a building or structure where the area of the addition results in the entire building or structure containing less than 25,000 cubic feet of total volume.
  - 3) An addition containing no more than 2,500 square feet of total floor area and no more than one floor level, provided the largest roof span does not exceed 18 feet and the exterior wall height does not exceed 12 feet.
  - 4) An alteration of space involving less than 100,000 cubic feet of total volume.
  - 5) A certified municipality may waive its jurisdiction for the plan review of a specific project or types of projects, or components thereof, in which case plans and specifications shall be submitted to the Department of Safety and Professional Services for review and approval.
  - 6) The department may waive its jurisdiction for the plan review of a specific project, where agreed to by a certified municipality, in which case plans and specifications shall be submitted to the certified municipality for reviews and approval.
- c. Plan submission Procedures: All commercial buildings, structures, and alterations require plan submission as follows:
- 1) Building permit application.
  - 2) Application for review- SBD 1 18.
  - 3) Two sets of plans.

## 1 .11

### Building-HVAC-Electrical-Plumbing Inspector

1. Creation and Appointment. There is hereby created the position of Building Inspector. The Building Inspector shall be appointed by the municipality. The Building Inspector shall be certified for inspection purposes by the Department in the required categories specified under SPS 305, Wisconsin Adm. Code, as amended.
2. Assistants. The building inspector may employ, assign, or appoint, as necessary, assistant inspectors. Any assistant hired to inspect buildings shall be certified as defined in SPS 305, Wisconsin Adm. Code.
3. Duties. The Building Inspector shall administer and enforce all provisions of this ordinance.
4. Powers. The Building Inspector or an authorized certified agent of the building inspector may, at reasonable hours, enter upon any public or private premises for inspection purposes. The building inspector may require the production of the permit for any building, plumbing, electrical or heating work. No person shall interfere with or refuse to permit access to any such premises to the Inspector or his/her agent while in the performance of his/her duties. In the event that the



inspector is refused to any such premises, then the Inspector is authorized to apply for special inspection warrant pursuant to Section 66.0119 Stats.

5. Inspections. In order to permit inspection of a building project at all necessary phases without causing delay for the owner, the owner and/or contractor shall request all of the following inspections in conformity with the appropriate time frame defined in the Wisconsin Adm. Code.
  - a) Footing
  - b) Foundation
  - c) Rough carpentry, HVAC, electric and plumbing
  - d) Drain tile/ basement floor
  - e) Under floor plumbing
  - f) Electric service
  - g) Insulation
  - h) Final carpentry, HVAC, electric, plumbing and erosion
6. Failure to request any inspections will be the responsibility of the contractor and/or property owner. No construction shall be deemed approved by default or lack of inspection by the building inspector.
7. The expense of uncovering or exposing any work which must be inspected, where such work was required by the failure of the owner/ contractor to request any inspections, will be the responsibility of the owner/contractor.
8. Records. The building inspector shall keep a record of all applications for permits and shall number each permit and inspection reports.

## 1 .12 Submission of Plans

The owner or contractor shall, with respect to any purposed construction, submit two sets of building plans to the building inspector. If a new building or building addition is proposed, then a plot plan drawn to scale showing such proposed work and existing buildings and property lines shall be submitted.

## 1 .13 Issuance of Permit

1. The building inspector shall issue the requested permit if the owner or contractor demonstrates that all state, county and local submission requirements are satisfied, which may include:
  - a) Approval of local zoning codes.
  - b) One or two sets of plans accordingly.
  - c) Approved plan review.
  - d) A site plan to scale.
  - e) Sanitary permit, when needed.
2. When a permit card is issued, it shall be posted at the job site in a visible location from the street.
3. Permits are valid for two years. Permits may be extended for two years at additional fee of minimum fees.

4. By accepting a permit, the applicant, owner or contractor grants the building inspector the right of access to the real estate on which the permitted construction will occur.

5. Permits are issued conditionally on the condition that the owner and/or contractors shall conform to the requirements of all applicable codes, zoning ordinances and setback requirements in construction of the building.

#### 1.14 Occupancy Permit

If the building inspector, after completing all required inspections, finds that a building has been constructed in accordance with the applicable codes, then the building inspector shall issue an occupancy permit. If the building fails to comply with the code in minor respects which do not threaten the safety, health or welfare of the buildings occupants, the building inspector may issue a temporary occupancy permit for 30 days or a specified term. No person may have occupancy of a building until permit is issued.

#### 1.15 Unsafe Buildings

If the building inspector determines that any building has cause to be dangerous, unsafe, unsanitary or unfit for human habitation, the inspector shall recommend to the Town Board an order to be sent to the owner to raze and remove all or part thereof, or if such structure can be made safe and sanitary by repairs, is at the owner's option. Such orders and proceedings shall be as provided in Section 66.0413, WIS. Stats.

#### 1.16 Razing and Demolition

Demolition Permits are required. No person, firm or entity may cause the demolition of any structure or part of a structure without having first applied for and obtained a demolition permit from the Building Inspector.

#### 1.17 Moving Buildings

No person or entity shall move any building or structure upon any of the public right-of way of this municipality without first obtaining Town approval and then a permit from the Town.

#### 1.18 Violations and Penalties

Every person, firm or entity which violates this code shall, upon conviction, forfeit not less than \$25.00 nor more than \$1000.00 for each day of non-compliance, together with the costs of prosecution and fees incurred.

Violations discovered shall be corrected within 30 days or more at the discretion of the building inspector.

#### 1.19 Stop Work Order

The building inspector may issue a stop work order for a project to prevent further noncomplying work. No person, firm or entity may continue a construction project after a stop work order has been issued. The person, firm or entity may contest the order before the Town Board within seven days. Owner or contractor must show an error in

determining that the construction project violated a provision(s) of the state building codes.

1 .20 Variance Request

The Town Board shall hear requests for variances from the building code to the extent the Town Board has authority to hear and grant variances. The Town Board shall approve, conditionally approve, or deny a requested variance. The Town may grant a variance from a code requirement only if the variance is permitted by state law and if the performance of the proposed variance is equal to or greater than the code requirements.

1 .21 Appeals

Any person feeling aggrieved by an order of the building inspector may within 20 days thereafter, appeal from such order to the Town Board. The Town will follow procedures explained on Wisconsin Statutes Chapter 68. To arrive at a final determination. Final determinations may be reviewed as explained in Wisconsin Administrative Rules SPS 320.21

1 .22 Disclaimer and Non-Liability for Damages

This ordinance shall not be construed as an assumption of liability by the Town or the building inspector for damages because of injuries sustained or property destroyed by any defect in any dwelling or equipment.

1 .23 Severability

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 affect 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.

This ordinance shall take effect upon its passage and publication or posting as provided by law.

The ordinance was adopted at a regular meeting of the Town Board of the Town of Brown County, Wisconsin on 2 Humboldt, day of May, 2022

Tim Van Pay

Tim Van Pay, Town Chairman

Attest:

Judy Bauer Town Clerk 5/2/22 Date



## SECTION TEN

### TOWN OF HUMBOLDT ISSUANCE OF CITATIONS

1. Statutory Authority
2. Form of Citation
3. Schedule of Deposits
4. Issuance of Citation
5. Procedure
6. Non-exclusivity
7. Severability
8. Effective Date
9. Citation and Bond Ordinance

TOWN OF HUMBOLDT  
ORDINANCE RELATING TO  
ISSUANCE OF CITATIONS  
FOR VIOLATIONS OF TOWN ORDINANCES

The Town Board of Supervisors of the Town of Humboldt, Brown County, does ordain as follows:

**SECTION 1 - STATUTORY AUTHORITY**

Pursuant to Section 66.119 of Wisconsin Statutes, the Town Board of the Town of Humboldt hereby elects to use the citation method of enforcement of town ordinances described herein, or in a separate ordinance, including those for which a statutory counterpart exists.

**SECTION 2 - FORM OF CITATION**

The citation shall contain the following:

- a) The name and address of the alleged violator;
  - b) The factual allegations describing the alleged violation;
  - c) The time and place of the offense;
  - d) The section of the ordinance violated;
  - e) A designation of the offense in such manner as can readily be understood by a person making a reasonable effort to do so;
  - f) The time at which the alleged violator may appear in court;
  - g) A statement which in essence informs the alleged violator:
    1. That a cash deposit based on the schedule established by this or other town ordinance may be made which shall be delivered or mailed to the Clerk of Court prior to the time of the scheduled court appearance.
    2. That if a deposit is made, no appearance in court is necessary unless the defendant is subsequently summoned.
    3. That if a cash deposit is made and the alleged violator does not appear in court, he will be deemed to have entered a plea of no contest, and submitted to a forfeiture with applicable penalty
-

assessment, or if the court does not accept the plea of no contest, a summons will be issued commanding him to appear in court to answer the complaint.

- 4. That if no cash deposit is made and the alleged violator does not appear in court at the time specified, the court may issue a summons or warrant for the defendant's arrest or consider the non-appearance to be a plea of no contest and enter judgment, or an action may be commenced to collect the forfeiture.
- h) A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under "g" above has been read. Such statement shall be sent or brought with the cash deposit;
- i) A statement that if the court finds that the violation involves an offense that prohibits conduct prohibited by state statute punishable by fine or imprisonment or both, and that the violation resulted in property damage or physical injury to a person other than the alleged violator, the court may summon the defendant into court to determine if restitution shall be ordered under Section 800.093 (municipal court).
- j) Such other information as the Town deems necessary.

**SECTION 3 - SCHEDULE OF DEPOSITS**

The following schedule of cash deposits is established for use with citations issued under this ordinance.

<u>ORDINANCE</u>	<u>TITLE</u>	<u>OFFENSE</u>	<u>DEPOSITS &amp; COSTS</u>
Zoning Ordinance No. ___		Failure to obtain building permit as required	Not less than \$25.00 per day nor more than \$250.00 per day.
		All other zoning ordinance violations	Not less than \$25.00 per day nor more <u>than</u> \$250.00 per day.
Ordinance to Establish Street Numbers Ordinance No. ___		Violation	\$25.00 to \$100.00 per day plus current court costs.
Dog Control Ordinance No. ___		Violation	\$25.00 to \$200.00 plus current court costs.



General Ordinances Regulating Transpor- tation, Disposal, Storage, and Treatment of Solid Wastes and Nuisances. Ordinance No. __	Violation	\$5.00 to \$500.00 plus current court costs.
Solid Waste Disposal and Recycling Ordinance No. _____	Violation	\$10.00 to \$2,000.00 plus current court costs.
Dwelling Code Ordinance No. __	Violation	\$10.00 to 200.00 plus current court costs.

Deposits shall be made in cash, money order, or certified check to the Clerk of Circuit Court who shall provide a receipt therefore. Deposits shall be determined in accord with the forfeiture range set forth in the particular ordinance, as same may be amended by the Town Board hereafter.

#### SECTION 4 - ISSUANCE OF CITATION

The following officials may issue citations with respect to those specified ordinances which are directly related to their official responsibilities. The Town Board may, by subsequent resolution posted in accord with Section 60.80 Stats., designate additional enforcement officials.

<u>ORDINANCE TITLE</u>	<u>ENFORCEMENT OFFICIAL</u>
Zoning Ordinance	Building Inspector or Zoning Administrator
Ordinance to Establish Street Numbers	Town Board or designee
Dog Control Ordinance	Town Constable
Solid Waste Disposal & Recycling Ordinance	Town Board or designee
Dwelling Code Ordinance	Building Inspector
General Ordinances Regulating Transportation, Disposal, Storage and Treatment of Solid Wastes and Nuisances	Town Board or designee

**SECTION 5 - PROCEDURE**

Section 66.119(3) Wisconsin Statutes relating to violator's options and procedures on default is hereby adopted and incorporated by reference.

**SECTION 6 - NON-EXCLUSIVITY**

A. OTHER ORDINANCE

Adoption of this ordinance does not preclude the Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.

B. OTHER REMEDIES

The issuance of a citation hereunder shall not preclude the Town Board or any authorized officer from proceeding under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

**SECTION 7 - SEVERABILITY**

If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

**SECTION 8 - EFFECTIVE DATE**

This ordinance shall take effect upon its passage and publication on posting as provided by law.

The foregoing ordinance was adopted at a regular meeting of the Town Board of the Town of Humboldt on the \_\_\_\_\_ day of \_\_\_\_\_, 1994.

\_\_\_\_\_  
Town Chairperson

\_\_\_\_\_  
Town Supervisor

\_\_\_\_\_  
Town Supervisor

\_\_\_\_\_  
Town Clerk

PUBLISHED AS PER CODE OF ORDINANCES.



**TOWN OF HUMBOLDT**  
Citation and Bond Schedule Ordinance

STATE OF WISCONSIN  
Town of Humboldt  
Brown County

**SECTION 1 - TITLE/PURPOSE**

The title of this Ordinance is the Town of Humboldt Citation and Bond Schedule Ordinance. The purpose of this Ordinance is to repeal and recreate Section 10 of the Municipal Code of the Town of Humboldt; and to authorize the Town Board of the Town of Humboldt, or its designees, to issue citations for violations of Town of Humboldt ordinances, including ordinances with statutory counterparts.

**SECTION 2 - AUTHORITY**

The Town Board of the Town of Humboldt, Brown County, Wisconsin, has the specific authority under s. 66;0113, Wis. stats., to adopt this Ordinance.

**SECTION 3 - ADOPTION OF ORDINANCE**

The Town Board of the Town of Humboldt, by this Ordinance, adopted on proper notice 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 of Humboldt to issue citations for violations of Town of Humboldt ordinances, including ordinances with statutory counterparts.

**SECTION 4 - 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 5 - COVERAGE**

A. Except as provided in subsections D, E, and F, the form for citations to be issued in the Town of Humboldt by the Town Board, or its designees, for violations of Town of Humboldt ordinances shall be as provided in this subsection and shall include all of the following:

1. The name and address of the alleged violator.
2. The factual allegations describing the alleged violation.
3. The time and place of the alleged violation.
4. The number of the ordinance violated.
5. A designation of the offense in a manner that can be readily understood by a person making a reasonable effort to do so.
6. The time at which the alleged violator may appear in court.
7. A statement that in essence informs the alleged violator of all of the following:
  - a. That the alleged violator may make a cash deposit of a specified amount to be mailed to a specified official within a specified time.
  - b. That if the alleged violator makes a cash deposit, he or she need not appear in court unless subsequently summoned.
  - c. That if the alleged violator makes a cash deposit and does not appear in court, he or she either will be deemed to have tendered a plea of no contest and submitted to a forfeiture, plus costs, fees, and surcharges imposed under ch. 814, Wis. stats., not to exceed the amount of the deposit, or will be summoned into court to answer the complaint if the court does not accept the plea of no contest.

- d. That if the alleged violator does not make a cash deposit and does not appear in court at the time specified, the court may issue a summons or a warrant for the defendant's arrest or consider the nonappearance to be a plea of no contest and enter judgment under s. 66.0113 (3) (d), Wis. stats., or the municipality may commence an action against the alleged violator to collect the forfeiture, plus costs, fees, and surcharges imposed under ch. 814, Wis. stats.
  - e. That if the court finds that the violation involves an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment or both, and that the violation resulted in damage to the property of or physical injury to a person other than the alleged violator, the court may summon the alleged violator into court to determine if restitution shall be ordered under s. 800.093, Wis. stats.
8. A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement that accompanies the citation to indicate that he or she read the statement required under s. 66.0113 (1) (b) 7., Wis. stats., and shall send the signed statement with the cash deposit.
  9. Any other information as may be deemed necessary.

B. The Town Board adopts the attached schedule of cash deposits that are required for the various Town of Humboldt ordinance violations, which includes for each listed violation costs, fees, and surcharges imposed under ch. 814, Wis. stats. The Bond Schedule for the Town of Humboldt to be used by the municipal court is attached hereto, denominated "The Brown County Joint Municipal Court Bond Schedule" as may be amended by subsequent resolution of the Humboldt Town Board is and at all times hereafter as amended shall be deemed incorporated herein by this reference.

C. The Town Board names the clerk of the Brown County Joint Municipal Court as the official to whom cash deposits are to be made and requires that receipts be given for cash deposits.

D. The Town Board requires that in traffic regulation violation actions except for parking regulation violations, the uniform traffic citation specified ins. 345.11, Wis. stats., shall be used by the Town of Humboldt in lieu of the citation form noted above in subsection A.

E. The Town Board requires that in actions for violations of Town of Humboldt ordinances enacted in accordance with s. 23.33 (11) (am) Wis. stats., the citation from specified ins. 23.54, Wis. stats., shall be used in lieu of the citation form noted above in subsection A.

F. If the action for a violation of a municipal ordinance is to be in municipal court, the citation used shall be in compliance with s. 800.02 (2), Wis. stats. The service of the citations in municipal court shall conform with s. 800.01, Wis. stats. The officers authorized to issue citations for municipal court actions are: town chairman, town supervisor, town zoning administrator, town constable, New Franken Fire Department fire chief, and Brown County sheriff and deputies. The citation for any violation to be heard in municipal court shall contain substantially all of the following information:

1. The name, address, and date of birth of the defendant.
2. The name and department of the issuing officer.
3. **The violation alleged, the time and place of occurrence, a statement that the defendant committed the violation, the ordinance, resolution or bylaw violated and a designation of the violation in language that can be readily understood.**



4. A date, time, and place for the court appearance, and a notice to appear.
5. Provisions for the amount of a deposit and stipulation in lieu of a court appearance, if applicable.
6. Notice that the defendant may make a deposit and thereby obtain release if an arrest has been made.
7. Notice that the defendant may, by mail prior to the court appearance, enter a plea of guilty and may within 10 days after entry of the plea request a jury trial.
8. Notice that, if the defendant makes a deposit and fails to appear in court at the time fixed in the citation, the defendant is deemed to have tendered a plea of no contest and submits to a forfeiture, penalty assessment, jail assessment, and crime laboratories and drug law enforcement assessment, any applicable consumer protection assessment, and any applicable domestic abuse assessment plus costs, including the fee prescribed ins. 814.65 (1) Wis. stats., not to exceed the amount of the deposit. The notice shall also state that the court may decide to summon the defendant rather than accept the deposit and plea.
9. Notice that if the court finds that the violation involves an ordinance that prohibits conduct that is the same as or similar to conduct prohibited by state statute punishable by fine or imprisonment or both, and that the violation resulted in damage to the property of or physical injury to a person other than the defendant, the court may summon the defendant into court to determine if restitution shall be ordered under s. 800.093, Wis. stats.
10. Notice that if the defendant does not make a deposit and fails to appear **in court at the time fixed in the citation, the court may issue a summons or a warrant for the defendant's arrest or may enter a default judgment against the defendant**
11. Any other pertinent information.

#### SECTION 6 - ISSUANCE AND SERVICE OF CITATION

A The Town of Humboldt citations may be issued by the Town Board of the Town of Humboldt or the Town Board of the Town of Humboldt may designate certain Town of Humboldt, Brown County, or other municipal officials, with their written approval, to issue such citations.

B. The Town of Humboldt citations, in addition, may specifically be issued by the town chairman, town supervisor, town zoning administrator, New Franken Fire Department fire chief, and Brown County sheriff and deputies. The Town Board of the Town of Humboldt may also designate other persons to issue citations for the Town of Humboldt by resolution of the Town Board, and the Town Board of the Town of Humboldt may revoke authority granted to issue citations at anytime by subsequent resolution of the Humboldt Town Board.

C. The Town of Humboldt Town Board has designated the Town Chair or any person approved by the Town Board to serve any citations for the Town of Humboldt upon issuance. Any person specifically authorized by the Town Board to issue citations by the Town Board of the Town of Humboldt may also Serve such citations.

#### SECTION 7 - RELATIONSHIP TO OTHER LAWS

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



other matter. Proceeding under any other ordinance or law relating to the same or any other matter does not preclude the issuance of a citation under this ordinance.

**SECTION 8 - ALTERNATE JUVENILE DISPOSITIONS AND SANCTIONS**

A. For a juvenile adjudged to have violated a Town of Humboldt ordinance, the municipal court is authorized to impose any of the dispositions listed in sections 938.343 and 938.344 Wis. stats. in accordance with the provisions of those statutes.

B. For a juvenile adjudged to have violated an ordinance who violates a condition of a disposition order of the court under sections 938.343 or 938.344 Wis. stats., the municipal court is authorized to impose any of the sanctions listed in section 938.355(6)(d) Wis. stats., in accordance with the provisions of those statutes.

C. For a juvenile adjudged to have violated an ordinance enacted under section 118.163(2) Wis. stats., truancy and school dropout ordinance violations, the municipal court is authorized to impose any of the dispositions listed in section 938.342 Wis. stats., in accordance with the provisions of those statutes.

D. This section is enacted under the authority of section 928.17(2)(cm).

**SECTION 9 - SEVERABILITY**

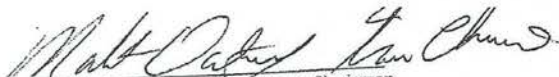
If any provision of this Ordinance of its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision of application, and to this end, no provisions of this Ordinance are severable.

**SECTION 10 - EFFECTIVE DATE**

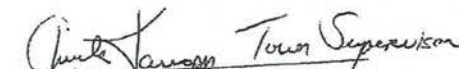
This Ordinance is effective on publication or posting. The town clerk shall properly post or publish this Ordinance as required under s. 60.80, Wis. stats.

Adopted this 2 day of April, 2007.

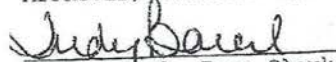
The Town Board of the Town of Humboldt by:

  
Norbert Dantine, Jr., Town Chairman

  
Merlin Vanden Plas, Town Supervisor

  
Chuck Karnopp, Town Supervisor

APPROVED, ATTESTED by:

  
Judy Baierl, Town Clerk

## Brown County Joint Municipal Court (BOND SCHEDULE)

The Town Board of the Town of Humboldt does Hereby resolve that the following shall be the Bond Schedule to be used in the Brown County Joint Municipal Court.

It is further resolved that, if at any time any questions arise as to this Bond Schedule, the municipal Judge for the Brown County Joint Municipal Court shall be contacted and only the municipal Judge shall have the authority to release someone without bond or on a signature bond.

The Bond Schedule shall be as follows: (revised 2023)

Ord. Section	Description	Deposit	Penalty Surcharge	Court Costs	Jail Assess.	Crime Lab	Total Forfeiture
3	Street Numbers	\$100	\$26	\$38	\$10	\$13	\$187
5	Waste Disposal & Recycling	1 <sup>st</sup> Off. \$50 2 <sup>nd</sup> Off. \$200	\$13 \$52	\$38 \$38	\$10 \$10	\$13 \$13	\$124 \$313
6	Sexually Oriented Adult Entertainment	\$500	\$130	\$38	\$10	\$13	\$691
7	Transportation, Disposal, and Storage of solid waste	\$200	\$52	\$38	\$10	\$13	\$313
7	Nuisances	\$200	\$52	\$38	\$10	\$13	\$313
8	Dwelling Code	\$25 per day	26% of total deposit	\$38	\$10	\$13	Total of all columns
9	Dog Control	\$50	\$13	\$38	\$10	\$13	\$124
11	Agricultural Shoreland Mngt	\$150	\$39	\$38	\$10	\$13	\$250
12	Zoning Ordinance	\$25 per day	26% of total deposit	\$38	\$10	\$13	Total of all columns
13	License & Permits	\$100	\$26	\$38	\$10	\$13	\$187
16	Road Use	\$100	\$26	\$38	\$10	\$13	\$187
17	Wind Energy	\$100	\$26	\$38	\$10	\$13	\$187
18	Sex Offender	\$100	\$26	\$38	\$10	\$13	\$187
19	Community Center	\$500	\$130	\$38	\$10	\$13	\$691
21	Firearms Ord.	\$100	\$26	\$38	\$10	\$13	\$187

NOTE: For Parking violations subtract Penalty Surcharge, jail Assessment, & crime lab costs

TOWN OF Humboldt  
575 S NEW FRANKEN RD  
GREEN BAY WI 54311

March 1, 2023

We give authorization to Karl Lau, constable( current constable) and any future constables, the authority to write citations as directed by the Town Board for zoning violations that may occur.

SECTION 4 - ISSUANCE OF CITATION

The following officials may issue citations with respect to those specified ordinances which are directly related to their official responsibilities. The Town Board may, by subsequent resolution posted in accord with Section 60.80 Stats., designate additional enforcement officials.

ORDINANCE TITLE

Zoning Ordinance

Ordinance to Establish Street Numbers

Dog Control Ordinance Solid Waste Disposal &

Recycling Ordinance

Dwelling Code Ordinance

General Ordinances Regulating Transportation, Disposal, Storage and Treatment of Solid Wastes and Nuisances

ENFORCEMENT OFFICIAL

Building Inspector or Zoning Administrator

Town Board or designee

Town Constable

Town Board or designee

Building Inspector Town Board or designee

Tim VanPay, chairman Tim VanPay date 3-1-23

Norbert Dantine, Zoning administrator Norbert Dantine date 3-1-23

Judy Baiert, Clerk 3-1-23



*Section 11*

**Agricultural Shoreland Management Ordinance**

AGRICULTURAL SHORELAND MANAGEMENT ORDINANCE.

A. INTRODUCTION

1. Authority. This Ordinance is adopted under the authority granted by Section 92.17, Wisconsin Statutes.
2. Findings and Declaration of Policy. The Humboldt Town Board finds that agricultural activities conducted in close proximity to surface water can pollute the Town of Humboldt's water resources, and may result in actual or potential harm to the health of residents and transients; to livestock, aquatic life and other animals and plants; and to the property tax base of the Town of Humboldt.
3. Purpose. The purpose of the Ordinance is to complement the Town of Humboldt's Building and Construction Codes and Zoning Code in Chapter 8 and Chapter 11 of the Humboldt Municipal Code to regulate landowner activities within the approximately 63 miles of agricultural shoreland management area within the Town to prevent surface water pollution and thereby protect the health of Town of Humboldt residents and transients; prevent the spread of disease; and promote the prosperity and general welfare of the citizens of the Town of Humboldt.
4. Applicability. This Ordinance applies to all lands and surface water in the Town of Humboldt that are in the agricultural shoreland management area, as defined in this Ordinance. The Town of Humboldt shall use United States Geological Survey quadrangle maps, with a scale of 1:24,000, to identify rivers, perennial streams, intermittent streams, lakes and ponds included under the jurisdiction of this Ordinance.

Activities within a drainage district that serve to establish or maintain a district corridor are regulated by Chapter ATCP 48, Wis. Adm. Code, and are not eligible for cost-sharing under the Town of Humboldt's ordinance. Practices in a district corridor that either control livestock access to surface water or barnyard runoff are eligible for cost-sharing under the Town of Humboldt's ordinance.

5. Interpretation. In their interpretation and application, the provisions of the Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Town of Humboldt and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

6. Conflicts with Brown County's Shoreland Zoning Ordinance. Any conflict or inconsistency between this Ordinance and Brown County's Shoreland Zoning Ordinance will be governed by the more restrictive provision.
7. Severability. If any Section, provision, or portion of this Ordinance is ruled invalid by a court, the remainder of the Ordinance shall not for that reason be rendered ineffective.
8. Effective Date. This Ordinance shall become effective upon adoption and publication by the Town of Humboldt and upon approval by the Department of Agriculture, Trade and Consumer Protection.

## 11.002 - DEFINITIONS

### A. GENERAL

1. Agricultural Lands. Lands in agricultural use. Agricultural use has the meaning provided under Section 91.01(1), Wisconsin Statutes. Uses under this definition include beekeeping; commercial feedlots; dairying; egg and or poultry production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; greenhouses and nurseries; grain, grass, mint and seed crops; raising fruits, nuts and berries; sod farming; land idled under federal payment-in-kind programs or the Conservation Reserve Program; participation in the dairy-herd buyout program; and vegetable raising.
2. Agricultural Shoreland Corridor. Land extending 20 feet from the top of the bank on each side of a perennial stream or river, the centerline of an intermittent stream, or the ordinary high-water mark of any lake or pond shown on a United States Geological Survey quadrangle map with a scale of 1:24,000.
3. Agricultural Shoreland Management Area. All land that is within 300 feet of the following features as designated on United States Geological Survey quadrangle maps with a 1:24,000 scale:
  - a) The top of the bank of perennial streams or rivers.
  - b) The ordinary high-water mark for ponds and lakes that are designated by name.
  - c) The centerline of an intermittent stream.
4. Barnyard. A feedlot, dry lot or any area, other than a pasture, where animals have been or will be fed, confined, maintained or stabled for a total of 45 days or more in any 12 month period.



5. Best Management Practice. A practice included in the Technical Guide or an alternative best management practice that the Department of Agriculture, Trade and Consumer Protection determines to be the most effective, practicable means of preventing or reducing soil erosion or pollution from agricultural nonpoint sources to a level compatible with soil and water resource objectives.
6. District Corridor. The access corridor and buffer strip established and maintained around a district ditch under s. ATCP 48.24, Wis. Adm. Code.
7. District Ditch. A drainage ditch, located within a drainage district, that is constructed or operated by a county drainage board under Chapter 88, Stats. "District ditch" includes a main or lateral ditch.
8. Drainage District. A drainage district that is subject to Chapter 88, Stats., regardless of whether the drainage district was formed under Chapter 88, Stats., former Chapter 89, Stats., or any other law.
9. Intermittent Streams. A channel in which water does not flow continuously and that is identified as an intermittent stream on the United States Geological Survey quadrangle map with a scale of 1:24,000.
10. Notice of availability of funds. A first class letter, return receipt requested, mailed by the Town of Humboldt to the owner of the lands not meeting Ordinance standards, informing them of the availability of cost-share funds under Section 92.14, Wisconsin Statutes.
11. Notice of problem. A first class letter, return receipt requested, mailed by the Town of Humboldt to the owner of the lands not meeting the Ordinance standards, informing the owner of the nature of the problem and the necessary process to correct it.
12. Ordinary high-water mark. The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark. This may be erosion, absence of land plants, predominance of aquatic plants, or other easily recognized characteristics.
13. Pasture. Land with a permanent, uniform cover of grasses or legumes used as forage for livestock. Pastures do not include areas where supplemental forage feeding is provided on a regular basis.
14. Perennial Stream. A channel where water flows continuously and that is identified as a perennial or permanent stream on the United States Geological Survey quadrangle map with a scale of 1:24,000.

15. Technical Guide. The United States Department of Agriculture Natural Resources Conservation Service Field Office Technical Guide that is currently in effect.

16. Vegetative Buffer. An area within the agricultural shoreland corridor that is maintained at a minimum level of 70 percent ground cover.

### 11.003 - ACTIVITIES SUBJECT TO REGULATION

#### A. GENERAL REQUIREMENT

1. Any person who conducts agricultural activities within the agricultural shoreland management area or who employs another person to do the same, on land subject to this Ordinance, shall be subject to the provisions of this Ordinance. All activities on land within agricultural shoreland management areas must be conducted in ways that prevent soil erosion and minimize the movement of suspended solids into surface water.

#### B. COMPLIANCE WITH ORDINANCE REQUIREMENTS

1. Persons are in compliance with this Ordinance if they install or follow best management practices on their land affected by the Ordinance and meet the intent of the standards in this Ordinance.

### 11.004 - STANDARDS

#### A. AGRICULTURAL ACTIVITIES IN THE AGRICULTURAL SHORELAND CORRIDOR

1. Vegetative Buffer. Landowners or operators shall establish and maintain an adequate vegetative buffer or equally effective erosion control practice, in the agricultural shoreland corridor. When a vegetative buffer is established, the plant variety or seed mixture shall be one of those listed in Technical Guide Standard 342, Critical Area Planting. If any activity disturbs a vegetative buffer in the agricultural shoreland corridor, the landowner must replant or restore the disturbed area to an effective vegetative buffer as soon as practicable. Row cropping and tillage practices are prohibited in the agricultural shoreland corridor, except that tillage practices are allowed to establish or re-establish a seed bed.
2. Barnyards. Livestock holding areas, other than pastures as defined in this Ordinance, are prohibited within the agricultural shoreland corridor unless a barnyard runoff control system is installed that meets Technical Guide Standard 312.



## B. AGRICULTURAL ACTIVITIES IN THE AGRICULTURAL SHORELAND MANAGEMENT AREA

1. Cropland area with annually tilled crops. Erosion on cropland within the agricultural shoreland management area must not exceed the tolerable rate (T) for the predominant soil in the field.
2. Pastures. Pastures within the agricultural shoreland management area must comply with Technical Guide Standard 510 for pasture and hayland management. Rotation grazing must comply with the UW-Extension publication "Pastures for Profit" (February 1993 edition).
3. Agricultural lands receiving manure and other nutrients. Agricultural lands within the agricultural shoreland management area must meet Technical Guide Standard 590 if they receive manure and other nutrients through the application of sludge, commercial fertilizer, and other added nutrients.

### 11.005 - ADMINISTRATION

#### A. DELEGATION OF AUTHORITY

1. The Town of Humboldt hereby designates the Town Planning Commission or its designee, to administer and enforce the provisions of this Ordinance.

#### B. ADMINISTRATIVE DUTIES

1. In the administration and enforcement of the Ordinance, the Town Planning Commission shall:
  - a) Inform all landowners or operators subject to this Ordinance of the potential agencies which may be available to provide technical or financial assistance.
  - b) Establish a procedure for landowners or operators to contact the Town of Humboldt Planning Commission about conditions on their land that are not in compliance with the Ordinance and establish a procedure for landowners or operators to apply for funding.
  - c) Send notices of problem to landowners or operators that are not in compliance with the Ordinance.
  - d) Send notices of availability of funds to landowners or operators that are not in compliance with the Ordinance.



- e) Provide accomplishment reports to the Department of Agriculture, Trade and Consumer Protection on the activities related to the Ordinance and its effectiveness.
- f) Investigate complaints relating to compliance with the Ordinance.
- g) Perform other duties as specified in the Ordinance.

### **C. INSPECTION AUTHORITY**

1. The Town of Humboldt Planning Commission, or its designee, is authorized to enter upon any lands affected by this Ordinance to inspect the land to determine compliance with this Ordinance. If permission cannot be received from the landowner or operator, entry by the Town of Humboldt Planning Commission or its designee, shall be according to Sections 66.122 and 66.123, Wisconsin Statutes.

### **D. ENFORCEMENT PROCEDURE**

1. A notice of problem must be mailed to the landowner or operator stating that the standards of this Ordinance have not been met. The Town of Humboldt Planning Commission, or its designee, shall prepare a conservation plan with the landowner or operator including a schedule of implementation. The Town Planning Commission, or its designee, must provide a notice of availability of funds to the landowner or operator when funds are available to implement or install the necessary practices. A minimum of one year must elapse after the landowners plan and schedule have been developed before beginning any enforcement action. The one-year deadline for enforcement action may be extended upon agreement between the landowner or operator and the Town of Humboldt Planning Commission.
2. The Town Planning Commission, or its designee, must provide along with the notice of problem: a list of pertinent best management practices and associated average costs per unit as provided by the Town Planning Commission, or its designee; a written statement informing the landowner of the right to appeal the decision, and the appeals procedure.

## **11.006 - VIOLATIONS**

### **A. PENALTIES**

1. Any person who violates, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this Ordinance shall be subject to a forfeiture of not less than \$100.00 nor more than \$200.00. Each day of violation shall constitute a separate offense. A violation includes failure to

comply with any standard of this Ordinance or with any condition or qualification attached to the conservation plan.

## B. ENFORCEMENT BY INJUNCTION

1. As a substitute for or in addition to forfeiture actions, the Town of Humboldt Planning Commission may seek to enforce any part of this Ordinance by seeking injunctions or restraining orders.

## 11.007 - VARIANCES

### A. PROCEDURE

1. Variances from the requirements of this Ordinance may be granted by the Town of Humboldt Planning Commission based on any of the following findings:
  - a) Staff are not available due to excessive workload to develop conservation plans or schedules of implementation.
  - b) Cost-share funds have not been made available to the landowner or operator as required under Section 92.17(2m), Wisconsin Statutes.
  - c) Severe weather or other catastrophic events beyond the control of the landowner or operator make implementation impractical.
  - d) The installation or implementation of all component of the conservation plan will not or does not result in complete compliance with the Ordinance. A variance under this provision can only be granted if all the components of the plan are installed or implemented.

## 11.008 - APPEALS

### A. AUTHORITY

1. Pursuant to Wisconsin Statutes Chapter 68, the Town Board is hereby authorized to hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination that had been made by the Town Planning Commission in administering the Ordinance.

### B. WHO MAY APPEAL

1. Appeals may be made by any person having a substantial interest which is adversely affected by the order, decision, or determination made by the Town Planning Commission.

This Agricultural Shoreland Management Ordinance shall become effective upon adoption and publication by the Town of Humboldt and upon approval by the Department of Agriculture, Trade and Consumer Protection.

Adopted ~~ON NOVEMBER 16~~ Nov. 3, 1997

JS

Norbert Dantine, Chairperson

JS

Merlin Vanden Plas, Supervisor

JS

Stuart Allen, Supervisor

JS

Attested by: Emerence Jadin, Clerk



*Section 12*

Town of Humboldt  
Zoning Ordinance  
Revised  
November 13, 2014

## TABLE OF CONTENTS

I.	Title and Authority .....	Page 4
II.	Intent, Purpose and Severability .....	Page 5
III.	Definitions. ....	Page 6
IV.	General Provisions.....	Page 15
V.	Establishment of Zones.....	Page 21
VI.	R-1 Residential.....	Page 23
VII.	R-R Rural Residential.....	Page 31
VIII.	A-1 Agricultural District. ....	Page 35
IX	B-1 Community Business District.....	Page 43
X.	I-1 Limited Industrial District. ....	Page 47
XI.	C-1 Conservancy District. ....	Page 52
XII.	Sign Regulations.....	Page 54
XIII.	Off-Street Parking Requirements .....	Page 57
XIV.	Interchange Access Control.....	Page 62
XV.	Artificial Lakes.....	Page 63
XVI.	Earth Excavation .....	Page 65
XVII.	Non-Conforming Uses.....	Page 68
XVIII.	Administration and Enforcement.....	Page 69
XIX.	Satellite Dishes.....	Page 85
XX.	Planned Unit Development.....	Page 86
XXI.	Sexually-Oriented Adult-Entertainment Establishments.....	Page 107
XXII.	AG-FP District.....	Page 113

## PREFACE

The Town of Humboldt is a rural agricultural community located immediately east of the City of Green Bay in the central-eastern portion of Brown County, Wisconsin. The Town is approximately 16,000 acres in size. The Town of Humboldt Zoning Ordinance is intended to promote the orderly development of the community with prime consideration directed toward preservation of the agricultural land in the Town. The original Town of Humboldt Zoning Ordinance was adopted September 2, 1980. The 1968 Brown County Comprehensive Plan, as it related to the Town of Humboldt, was used as a broad-based guide for development in the past. In September of 1992, the Town of Humboldt contracted with the Brown County Planning Commission for the development of a Comprehensive Plan for the Town of Humboldt. The Comprehensive Plan was adopted by the Town Board on February 6, 1995. Consistent with the recommendations of the Comprehensive Plan, the Town of Humboldt Zoning Ordinance has been revised and amended on November 13, 2014.

The Comprehensive Plan recommends agriculture and low density non-urban residential to be the predominant land uses in the vast majority of the Town. Exceptions to this are existing business and industries in the Town, a parcel of land in the western portion of Humboldt zoned for industrial use, and the unincorporated community of New Franken which is recommended to be developed for low density single-family residences.

The major goals cited in the Town of Humboldt Comprehensive Plan are:

- J. to maintain Humboldt as primarily an agricultural community;
2. to allow residential development which provides a quality living environment in harmony with the Town's agricultural character and in harmony with other land uses;
3. to encourage development of commercial and industrial uses to meet the existing and future needs of the community without creating land use conflicts;
4. to preserve the Town's natural resources of prime agricultural lands, woodlands and surface waters with both the environmental and economic aspect of land use blending together to provide for a long-lasting, quality natural setting;
5. to establish and maintain a safe, orderly and efficient transportation system that is compatible with adjacent land uses;



6. promote a quality living environment through provision of adequate and efficient public services based on community needs;
7. promote compatibility between land uses;
8. avoid growth that would put undue strain on the Town's financial resources; and
9. discourage development that is not compatible with orderly community development.

The general direction of the future land use development in the Town of Humboldt is for the Town to remain a primarily agricultural community. Although the pressure for development will exist and it is the intention of the Town to provide for some development, the primary object of the Town of Humboldt is to remain an agricultural community and to preserve the Town's natural prime agricultural lands. The development of higher density residential subdivisions creates an environment that is not compatible with the agricultural uses within the Town. Proper location for higher density development from a land use planning standpoint and in relation to the goal of maintaining the agricultural character of the Town, is for such developments to occur within the communities of Brown County where the existing land use patterns are compatible with such developments and the support services and facilities are readily available within the existing infrastructure.

## ARTICLE I - TITLE AND AUTHORITY

### TITLE

This Ordinance shall be known, cited and referred to as: THE TOWN OF HUMBOLDT ZONING ORDINANCE, BROWN COUNTY, WISCONSIN.

### AUTHORITY

The Town of Humboldt, pursuant to Sections 60.22, 60.23(5), 60.62, 61.35, 62.23 - and 66.058 of the Wisconsin Statutes, hereby enacts a zoning ordinance to read as follows.

## ARTICLE II - INTENT, PURPOSE, AND SEVERABILITY

### A. Intent

This Ordinance is intended to promote the orderly development of the community in accordance with the Comprehensive Plan for the Town of Humboldt adopted July 19, 2013.

### B. Purpose

The Zoning Ordinance of the Town of Humboldt, Brown County, Wisconsin, is adopted for the following purposes:

1. to lessen congestion in the streets;
2. to secure safety from fire, panic and other dangers;
3. to promote and to protect the public health, safety, comfort, convenience and general welfare;
4. to provide adequate standards of light, air and open space;
5. to maintain the aesthetic appearances and scenic values of the Town;
6. to prevent the overcrowding of land;
7. to avoid undue concentration of population;
8. to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and
9. to foster a more rational pattern of relationship among agricultural, residential, business, commercial and manufacturing uses for the mutual benefit of all.

### C. Severability

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

If any application of this Ordinance to a particular structure, land or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land or water not specifically included in said judgment.

## ARTICLE III - DEFINITIONS

### A. General

For the purpose of this Ordinance, words used in the present tense shall include the future; words used in the singular shall include the plural number, and the plural the singular.

The word "shall" is mandatory and not discretionary.

The word "may" is permissive.

The word "lot" shall include the words "piece", "parcel", and "plats"; the word "building" includes all other structures of every kind regardless of similarity to buildings; and the phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for" and "occupied for".

All "measured distances" shall be to the nearest "integral foot". If a fraction is one-half foot or less, the next "integral foot" below shall be taken.

Any words not herein defined shall be constructed as defined in other respective state, county and town codes.

### B. Words Defined

Certain words and terms in this Ordinance are to be interpreted as defined herein:

- 1-. **ACCESSORY USE OR BUILDING** - a use or detached structure subordinate to the principal use of a structure, land or water and located on the same lot or parcel serving a purpose customarily incidental to the main use of the principal structure.
2. **AGRICULTURE** - is the use of land for agricultural purposes, including soil tillage for the production of crops, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, aquaculture, animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the primary agricultural activities occurring thereon.
3. **AIRPORT** - any area of land or water which is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or



rights-of-way, including all necessary taxiways, aircraft storage and tie-down area, hangars and other necessary buildings and open spaces.

4. ALLEY - a public or private right-of-way primarily designed to serve as secondary access to abutting properties.
5. AUTO WRECKING YARD - any premises on which more than one (1) automotive vehicle, not in running or operating condition, is stored in the open.
6. BASEMENT - that portion of any structure located partly underground and having more than one-half (Y2) of its height below the finished lot grade.
7. BLOCK - a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways or municipal boundary lines.
8. BOARDING HOUSE - a building or premises other than a lodging house or care facility, where sleeping accommodations and meals are offered or furnished for compensation to non-family members, transients, or members of the general public. A boarding house shall not accommodate more than six (6) occupants at any time, and shall include, but is not limited to, rooming houses, bed and breakfast establishments, etc.
9. BUILDING - any structure built, used, designed or intended for the support, shelter, protection, or enclosure of persons, animals, chattels, or property of any kind, and which is permanently affixed to the land. When a building is divided into separate parts by unpierced fire or party walls extending continuously from the ground through all stories to and above the roof, each part shall be deemed a separate building.
10. BUILDING HEIGHT - the vertical distance measured from the average elevation of the finished lot grade at the front of the building to the highest point of a ceiling in the case of a flat roof to the declivity of a mansard roof and to the average height between the eaves and the ridge of a gable, hip or gambrel roof.
11. CARE FACILITY - includes, but is not limited to, a hospital, correctional facility, group home, secured correctional facility, secured detention facility, shelter care facility, and approved treatment facility under Section 51.01(2), Wis. Stats., etc.

12. CLINIC, MEDICAL OR DENTAL - an organization of specializing physicians or dentists, or both, who have their offices in a common building. A clinic shall not include inpatient care.
13. CLUB - an association of persons for some common purpose, but not including groups organized primarily to render a service which is customarily carried on as a business. All organizations shall be recognized clubs or fraternities.
14. COMMERCIAL FEEDLOTS - an agriculture enterprise where livestock are purchased and raised and then sold to a buyer, feedlot or slaughter house.
15. CORNER SIDE - a yard extending along a side lot line from front yard to rear yard when said side lot line is coterminous with a street right-of-way line.
16. CONDITIONAL USE - uses of a special nature as to make impractical their predetermination as a principal use in a respective zone district.
17. DWELLING - a building, or portion thereof, excluding a mobile home and a manufactured home, designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings and multiple family dwellings, but not including hotels or motels.
18. DWELLING UNIT - one (1) or more rooms which are arranged, designed or used as living quarters for one family only. Individual bathrooms and complete kitchen facilities, permanently installed, shall always be included for each "dwelling unit".
19. DWELLING, SINGLE-FAMILY - a building designed for and occupied exclusively by one family.
20. DWELLING, TWO-FAMILY - a building designed for and occupied exclusively by two families.
21. DWELLING, MULTIPLE-FAMILY - a building used and designed as a residence for three (3) or more families, including tenement houses, row houses, apartment houses, condominiums and apartment hotels.
22. ESTABLISHMENT BUSINESS - a place of business carrying on operations, the ownership and management of which are separate and distinct from those of any other place of business located on the same

zoning lot. This term includes, but is not limited to, malls, mini-malls, offices, small business incubators, etc.

23. FAMILY - one (1) or more persons, each related to the other by blood, marriage, adoption, including licensed foster children, who are living together in a dwelling unit and including any domestic servant. Not more than two (2) unrelated persons living together in a dwelling unit may constitute a family.
24. FARM -'any parcel of land which is used for gain in the raising of agricultural products, livestock, poultry and dairy products.
25. FARMETTE - any parcel of land not less than ten (10) acres but less than thirty-five (35) acres, which is principally used for residential purposes, but may include a small farming operation.
26. FRONTAGE - the length of all property fronting on one side of a street between two (2) nearest intersecting streets, measured along the line of the street, or if dead-ended, then all property abutting on one (1) side between an intersecting street and the dead-end of the street.
27. FRONTAGE, ZONING LOT- the length of all the property of such zoning lot fronting on a street, measured between side lot lines.
28. FUR FARM - agricultural operation where the major income is derived from the selling or sale of fur bearing animals and/or pelts.
29. GRADE - the average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.
30. GARAGE, PRIVATE - an accessory to the main building which provides for the storage of motor vehicles and in which no occupation, business, or service for profit is carried out.
31. GARAGE, PUBLIC AND STORAGE - any building or premises, other than a private garage, where motor driven vehicles are equipped, repaired, serviced, hired, sold or stored.
32. HARD SURFACED - a driveway or parking lot surfaced with concrete or bituminous paving.
33. HOME OCCUPATION - an accessory use of a dwelling unit or accessory building, carried on by a member or members of a family, on the premises,



which produces or provides any commodity including but not limited to goods, merchandise, produce, services or any other article of commerce upon the premises. No person outside of the family may engage in any activity related to the business of the home occupation on the premises. Home occupation does not include any endeavor from which the participant derives a substantial (more than half) of the participant's annual income from activity(s) engaged in upon the premises. The home occupation use shall be clearly incidental and secondary to the use of the dwelling and the property for residential purposes and shall not change the character of the dwelling unit or the property. · No mechanical or electrical equipment shall be used in a home occupation, except such as is permissible and normally utilized for purely domestic or household purposes. A professional may use his/her residence for irregular, occasional or infrequent consultation, emergency treatment, or the performance of religious rights, but not the general practice of the profession. Not more than one half of any accessory building shall be used for a home occupation. No storage or display of material, goods, supplies or equipment related to the home occupation shall be visible from the outside of any structure located on the premises. No use related to the home occupation shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, environmental contamination threat, abnormal vehicular or pedestrian traffic, or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in an average residential occupancy in the district under normal circumstances where in no home occupation exists. There shall be no change in the outside appearance of the dwelling or other buildings upon the premises, nor shall there be any other visible evidence of the conduct of such home occupation other than one (1) sign, non-illuminated, not exceeding three (3) square feet in area and such sign shall be limited to displaying the name of the individual engaging in the home occupation, the nature of the home occupation, and the dwelling 's address, and such sign shall comply with all setback requirements for the zoning district as set forth herein.

34. HOTEL - a building in which lodging, with or without meals, is offered transient guests for compensation and in which there are more than five (5) sleeping rooms with or without cooking facilities in any individual room or apartment.
35. INDUSTRIAL PARK - a special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing them with all necessary facilities and services in attractive surroundings among compatible neighbors. Industrial parks may be promoted or sponsored by private developers, community organizations, or government organizations.

36. JUNK (SALVAGE) YARD - an enclosed screened area where waste or scrap material are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to: scrap iron and metals, paper, rags, rubber tires, bottles, automobiles, batteries, appliances, equipment or any other discarded materials.
37. LODGING HOUSE – a hotel, motel, nursing home or community based residential facility, providing or offering sleeping accommodations with or without meals for more than four (4) occupants at any time.
38. LOT - a parcel of land having a width and depth sufficient to provide the space necessary for one (1) principal building and its accessory building. together with the open spaces required by this ordinance and abutting on a public street.
39. LOT OF RECORD - a lot which is part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds of Brown County; or a parcel of land, the deed to which was recorded in the office of said Register of Deeds prior to the adoption of this ordinance; or a lot depicted upon a certified survey map approved and recorded in the Register of Deeds Office of Brown County.
40. LOT, ZONING - a single tract of land located within a single block, which (at the time of filing for a building permit), is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control. Therefore, a "zoning lot or lots" may or may not coincide with a lot of record.
41. LOT, CORNER - a lot located at the intersection of two (2) streets, the interior angle of such intersection not exceeding one hundred thirty-five (135) degrees.
42. LOT, DEPTH OF - the mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries.
43. LOT, INTERIOR - a lot other than a corner lot.
44. LOT LINES AND AREA - the peripheral boundaries of a parcel of land including the street right-of-way lines and the total area lying within such boundaries.

45. LOT, THROUGH - interior lot having frontage on two (2) nonintersecting streets.
46. LOT, WIDTH OF - the horizontal distance between the side lot lines of a lot, measured at the narrowest width within the first thirty (30) feet of lot depth immediately in back of the front yard setback line.
47. MANUFACTURED HOME - means either of the following: (a) a structure, transportable in one or more sections, which in the traveling mode is eight (8) body feet wide or more in width or forty (40) body feet or more in length, which when erected on site is one thousand (1 000) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with a permanent foundation when connected to the required utilities; or (b) a structure which meets all the requirements of paragraph (a) except the length and width 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 U.S.C. 5401 to 5425.
48. MOBILE HOME - a vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, with walls of rigid uncollapsible construction, which has an overall length in excess of forty-five (45) feet. "Mobile Home" includes the mobile home structure, its plumbing, heating, air conditioning and electrical systems and all appliances and all other equipment carrying a manufacturer's warranty.
49. MOBILE HOME PARKS - any site, parcel or tract of land designed, maintained, intended or developed with the facilities for locating mobile homes subject to Article VIT(L) hereof: No mobile homes shall be permitted in the Town of Humboldt outside of mobile home parks, except as provided in Article VIII(C) (10). Mobile home parks shall at all times be in compliance with Article VII(L). It shall not include a sales lot in which automobiles or unoccupied mobile home units are parked for the purpose of inspection or sale.
50. MOTEL - establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot and designed for use by transient guests; and where there is no permanent occupancy of any unit except by the owner, his agent or his employees.



51. MOTOR VEHICLE - any passenger vehicle, truck, truck trailer, trailer, or semi-trailer propelled or drawn by mechanical power.
52. NON-CONFORMING USE - any use of land, building, or structure, lawful at the time of the enactment of this ordinance, which does not comply with all the regulations of this ordinance or of any amendment hereto governing use for the zoning district in which such use is located.
53. PARKING SPACE - a graded and surfaced area of not less than two hundred (200) square feet in area either enclosed or open for the parking of a motor vehicle, having adequate ingress and egress to a public street or alley.
54. PLANNED UNIT DEVELOPMENT - a tract of land which contains or will contain two (2) or more principal buildings, developed under single ownership or control, the development of which is unique and of a substantially different character than that of surrounding areas. A planned development allows for flexibility not available under normal zoning district requirements.
55. PROFESSIONAL OFFICE - the office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician, or other recognized profession. When established in a residential district, a professional office shall be incidental to the residential occupation; the office shall not exceed one-half (1/2) the area of only one (1) floor of the residence and only one (1) resident person is employed.
56. RESTAURANT - any building, room or place where meals are prepared or served or sold to transients or the general public and all places used in connection with it, including contract food service providers. This term does not include churches, religious, fraternal, youth or patriotic organizations, service clubs and civil organizations which occasionally prepare, serve or sell meals to members, transients or the general public.
57. ROADSIDE STAND - a structure not permanently fixed to the ground that is readily removable in its entirety, covered or uncovered and not wholly enclosed, and used solely for the sale of farm products produced on the premises. No such roadside stand shall be more than three hundred (300) square feet in ground area and limited to the ten (10) feet maximum height.
58. SANITARY LANDFILL - disposal of refuse on land without creating a nuisance or hazard to public health or safety, by utilizing the principles of

engineering to confine the refuse to the smallest practical volume and to cover it with a layer of earth at the conclusion of each day's operation or at more frequent intervals,

59. SETBACK - minimum horizontal distance between the front line of a building or structure and the front property line.
60. SIGN - a name, identification, description, display or illustration which is affixed to, or represented directly or indirectly upon, a building structure or piece of land and which directs attention to an object, product, place, activity, person, institution, organization, or business. However, a "sign" shall not include any display or official court or public office notices nor shall it include the flag; emblem, or insignia of a nation, political unit, school, or religious group. A "sign" shall not include a sign located completely within an enclosed building unless the content shall so indicate.
61. SIGN, ADVERTISING - a sign which directs attention to a business, commodity, service or entertaining not exclusively related to the premises where such sign is located or to which it is affixed.
62. SIGN, BUSINESS - a sign which directs attention to a business or profession conducted, or to a commodity, service or entertainment sold or offered upon the premises where such sign is located or to which it is affixed.
63. SOLID WASTE DROP OFF AND RECYCLING CENTER- a facility operated by a responsible unit pursuant to Chapter 159 Wis. Stats.
64. STOCKFARM - an agricultural operation, usually non-dairying in nature where livestock are raised to the required age or weight for slaughterhouse purposes of for sale to commercial feedlots.
65. STORY - that part of a building between any floor and the floor next above and if there be no floor above, then the ceiling above. A basement is a story if its ceiling is five (5) feet or more above the level from which the height of the building is measured, or if it is used for business purposes, or if it contains any dwelling units other than one (1) dwelling unit for the caretaker of the premises.
66. STREET - a public or private right-of-way which affords a primary means of vehicular access to abutting property, whether designated as a street, avenue, highway, road, boulevard, land, throughway or however otherwise designated, but does not include driveways to building

67. STRUCTURE - anything constructed or erected, the use of Which requires a permanent location on the ground or attached to something having permanent location on the ground.
68. STRUCTURAL ALTERATION - any change, other than incidental repairs which would prolong the life of the supporting members of a building, such as the addition, removal, or alteration of bearing walls, columns, beams, girders, or foundations.
69. USE, PRINCIPAL - the main use of land or buildings as distinguished from a subordinate or accessory use. A "principal use" may be "permitted", "conditional" or "non-conforming".
70. YARD - open space on the same lot with a building or structure, unoccupied and unobstructed from the ground upward, except for vegetation. A "yard" extends along a lot line, and to a depth or width specified in the yard requirements for the zone the lot is located in.
71. YARD, FRONT - a yard extending along the full length of the front lot line between the side lot lines.
- 72.. YARD, SIDE - a yard extending along a side lot line from the front yard to the rear yard.
73. YARD, REAR - a yard extending along the full length of the rear lot line between the side lot lines.



## ARTICLE IV - GENERAL PROVISIONS

### A. Jurisdiction

The jurisdiction of this Ordinance shall include all lands and waters within the Town of Humboldt.

### B. Existing Ordinance

Restriction or requirements with respect to buildings or land or both which appear in other ordinances of the Town of Humboldt or are established by federal, state and county laws, and which are greater than those set forth herein shall take Precedence over those herein. Otherwise, the provisions of this Ordinance shall apply.

### C. Building and Uses

1. The use of buildings hereafter erected, enlarged, converted, structurally altered, rebuilt or moved, and existing land, shall be used only for purposes as specified in this Ordinance. Furthermore, land and building uses shall be in compliance with the regulations as established herein for each district.
2. All principal structures shall be located on a lot; and only one principal structure shall be located, erected or moved onto a lot.
3. Permitted, Permitted Accessory Uses, and Conditional Uses are limited to the uses indicated for the respective zone districts. Additional uses shall be allowed upon written recommendation by the Town Plan Commission and approval by the Town Board.
4. Accessory buildings which are not a part of the main building shall not occupy more than thirty (30) percent of the area of the required rear yard, shall not be more than twenty-five (25) feet high and shall not be nearer than ten (10) feet to any lot line, except that where an accessory building has an entrance on an alley, such entrance shall be located not less than fifteen (15) feet from the nearest alley line. The above height and area regulations shall not apply to accessory buildings designated as farm structures. However, the farm structures shall be located on a minimum farm site of five (5) acres. Where an accessory building is part of the main building or is substantially attached thereto, the side yard and rear yard requirements for the main buildings shall be applied to the accessory buildings. No building permit for any accessory building exceeding five Hundred (500) square feet shall be issued without prior Town Board

approval. The applicant for such permit shall submit a written statement concerning the accessory building's intended use and a sketch plan depicting the nature of the building and its intended location upon the lot, not less than seven (7) days prior to the Town Board hearing on such permit request.

5. If a non-conforming use of a building or premises is discontinued for a period of twelve (12) months, -any future use of the building or premises shall conform to the regulations for the district in which it is located. Existing farming operations shall be exempt from these restrictions.
6. When a building containing a non-conforming use is damaged by fire, explosion, act of God, or the public enemy to the extent of more than sixty (60) percent of its current local assessed value, it definitely shall not be restored except in conformity with the regulations of the district in which it is located. Total structural repairs or alterations in any non-conforming use shall not during its life exceed sixty (60) percent of the local assessed value of the building at the time of its becoming a non-conforming use unless permanently changed to a conforming use.
7. No lot area shall be reduced so that the yards and open spaces shall be smaller than is required by this Ordinance. If the lot area is less than the minimum number of square feet per family required for the district in which it is located and was of record as such at the time of the passage of the Ordinance, such lot may be occupied by a family if it meets the requirements of the Brown County Sanitary and Subdivision Ordinances.

If the area of a parcel in the Agricultural District is less than thirty-five (35) acres and was of record as such at the time of the original passage of the Farmland Preservation portion of this Ordinance on November 6, 1985, such parcel may be occupied by single-family dwellings, provided that the minimum area for each shall not be less than one and one-half (1 1/2) acres and each separate dwelling shall be located on a separate lot. The maximum number of single-family dwellings that may be created, including any existing principal dwelling, shall be based on the gross area of that lot of record, as follows:

Area of Lot of Record on  
November 6, 1985 at the  
Time of the Effective Date  
of this Ordinance

Maximum Number of  
Single-Family Dwellings  
Permitted (Including Existing  
Dwelling)

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0-3 Acres	1
4-10 Acres	2
11-20 Acres	3
21-35 Acres	4

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8. Where the Town Zoning Administrator has issued a building permit pursuant to the provisions of this Ordinance, such permit shall become null and void unless work thereon is substantially underway within six (6) months of the date of the issuance of such permit.
9. Where a building permit for a building or structure has been issued in accordance with the law prior to the effective date of this Ordinance, and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion, the said building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued, and further, may upon completion be occupied under a certificate of occupancy by the use for which originally designed and subject thereafter to the provisions of Article XVIII.

D. Area Regulations

1. Lot size shall comply with the required regulations of the established district.
2. No building permit shall be issued for a lot that abuts on half a street. Said permit shall be issued only after the entire street right-of-way has been dedicated.

E. Height Regulations

1. Except as otherwise provided in this Ordinance, the height of any building hereafter erected, converted, enlarged or structurally altered shall be in compliance with the regulations established herein for the district in which such building is located.
2. Accessory farm buildings, belfries, chimneys, cooling towers, elevator



bulkheads, fire towers, monuments, silos, scenery lofts, tanks, water towers, ornamental towers, spires, telephone, telegraph and power transmission poles and lines are hereby exempted from the height regulations of this Ordinance,

3. Churches, schools, hospitals, sanitariums, and other public and quasi-public buildings may be erected to a height not exceeding sixty (60) feet, provided the front, side and rear yards required in the district in which such building is to be located are each increased at least one (1) foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.
4. Residences may be increased in height by not more than ten (10) feet when all yards and other required open spaces are increased by one (1) foot for each foot by which such building exceeds the height limit of the district in which it is located.

F. Front, Side and Rear Yard Regulations

1. No front yard shall be used for open storage of boats, vehicles or any other equipment except for vehicular parking or driveways. All open storage areas shall be properly landscaped.
2. No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this Ordinance shall be included as part of a yard or any other open space required for another building.
3. Buildings on through lots and extending from street to street may waive the requirements for a rear yard by furnishing an equivalent open space on the same lot in lieu of the required rear yard provided that the setback requirements on both streets are complied with; and further provided that no accessory building shall extend within the setback line on either street.
4. Detached accessory buildings may be located in the rear yard, or the side yard of a main building provided such accessory building will meet district requirements.

G. Fences, Walls and Hedges

1. A fence, wall, hedge or shrubbery may be erected, placed, maintained, or grown along a lot line on residentially zoned property or adjacent thereto to a height not exceeding six (6) feet above the ground level. No fence,

wall, hedge or shrubbery which is located in a required front or corner side yard shall exceed a height of three (3) feet. In a required rear yard, the height of fences, walls or hedges shall be limited to eight (8) feet; unless the rear lot line abuts a side lot line on neighboring property in which case the height limitation shall be six (6) feet.

2. No fence, wall, hedge or shrubbery shall be erected, placed, maintained, or grown along a lot line on any non-residentially zoned property, adjacent to the residentially zoned property, to a height exceeding eight (8) feet.
3. In any district, no fence, wall, hedge or shrubbery shall be erected, constructed, maintained or grown to a height exceeding three (3) feet above the street grade nearest thereto; within twenty-five (25) feet of the intersection of any street lines or of street lines projected.

#### H. Parking Standards

1. Parking areas may be located in any yard space for commercial uses and in any yard but the front yard for other uses, but shall not be closer than ten (10) feet to any street line. No parking space or area shall be permitted within five (5) feet of a property line in a side yard.
2. Each parking space shall be less than two hundred (200) square feet exclusive of the space required for ingress and egress. Minimum width of the parking space shall be ten (10) feet.
3. Where parking facilities are permitted on land other than the zoning lot on which the building or use served is located, such facilities shall be in the same possession as the zoning lot occupied by the building or use to which the parking facilities are accessory.
4. All off-street parking areas for more than ten (10) vehicles shall be graded and surfaced so as to be dust free and properly drained, and shall have the aisles and spaces clearly marked.
5. All parking areas and appurtenant passageways and driveways serving commercial uses shall be illuminated adequately from the hours of sunset to sunrise when the use is in operation. Adequate shielding shall be provided by commercial uses to protect adjacent residential zones from the glare of such illumination and from that of automobile headlights.
6. Where a building permit has been issued prior to the effective date of this Ordinance, and provided that construction is begun within six (6) months

of such effective date and diligently prosecuted to completion, parking and loading facilities in the amounts required for the issuance of said building permit may be provided in lieu of any different amounts required by this Ordinance.

7. When the intensity of use of any building, structure or premises shall be increased through the addition of dwelling units, gross floor area, seating capacity or other units of measurement specified herein for the required parking or loading facilities, then parking and loading facilities as required herein shall be provided for such increase in intensity of use and for at least fifty (50) percent of any existing deficiency in parking or loading facilities.
8. None of the off-street parking facilities as required in this Ordinance shall be required for any existing building or use, unless said building or use shall be enlarged, in which case the provisions of this Ordinance shall apply only to the enlarged portion of the building or use.

I. Off-Street Loading

1. In all districts loading areas shall be provided so that all vehicles loading, maneuvering or unloading are completely off the public ways and so that all vehicles need not back into or from any public way.

J. Culverts

1. No culvert shall be installed in the Town of Humboldt without a permit. A request for permit shall be made to the Zoning Administrator or Town Clerk. No culvert permit shall be issued except upon approval of the Town Board. There shall be no fee for this permit.

## ARTICLE V-ESTABLISHMENT OF ZONES

### A. Zone District

For the purpose of this Ordinance, the Town of Humboldt, Brown County, Wisconsin, is hereby divided into the following zoning districts:

- R-1 Residential District
- R-R Rural-Residential District
- A-1 Agricultural District
- B-1 Community Business District
- I-1 Limited Industrial District
- C-1 Conservancy District
- A-2 AG-FP

### B. Zoning Map

The location and boundaries of the districts established by this Ordinance are set forth on the zoning map entitled "Zoning District Map for the Town of Humboldt, Brown County, Wisconsin", dated July 30, 2014 which are incorporated herein and hereby made a part of this Ordinance. The said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this Ordinance as though fully set forth and described herein.

### C. Zone Boundaries

The following rules shall apply with respect to the boundaries of the various districts as shown on the Zoning District Map.

1. District boundary lines are the center lines of highways, streets, alleys, and pavements; or right-of-way lines of railroads, toll roads, and expressways; or section, division of section, tract and lot lines; or such lines extended, unless otherwise indicated.
2. In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with dimensions shown on the maps measured at right angles from the center line of the street or highway, and the length of frontage shall be in accordance with dimensions shown on the map from section, quarter section, or division lines, or center lines of streets and highways, or railroad rights-of-way, unless otherwise indicated.
3. Where a district boundary line divides a lot in single ownership on the effective date of this Ordinance, after due hearing, the Plan Commission



may recommend and thereafter the Town Board may extend the regulation -  
for either portion of such lot.

D. Exempted Uses

The following uses are exempted by this Ordinance and permitted in any zone district: poles, towers, wires, cable conduits, vaults, laterals, pipes, mains, valves, or any other similar distributing equipment for telephone or other communications; public highway rights-of-way and improvement projects; and electric power, gas, water and sewer lines, provided that the installation shall conform to the Federal Communication Commission and Federal Aviation Agency rules and regulations, other Town ordinances, and the ordinances, codes, statutes and regulations of other authorities having jurisdiction.

## **ARTICLE VI - R-1 RESIDENTIAL**

R-1 Residential districts shall be located only in those areas of the Town served by a sanitary district sewerage system created pursuant to Chapter 60, Subchapter IX Wis. Stats. The following regulations shall apply in R-1 Districts:

### **A Permitted Uses**

1. Single-family dwellings.
2. Public, parochial and private, elementary, junior high and senior highschoools.
3. Parks, playgrounds and athletic fields.
4. Public recreational and community center buildings and grounds.
5. Transmission lines, substations, telephone and telegraph lines and public utility installments.
6. Churches, chapels, temples, synagogues, rectories, parsonages and parish houses.

### **B. Permitted Accessory Uses**

1. Private garages, carports, and driveways.
2. Tool houses, sheds and other similar buildings used for the storage of common supplies.

### **C. Conditional Uses subject to Article XVIII(K):**

1. Two-family dwellings.
2. Multi-family dwellings.
3. Manufactured homes subject to VI(K) below.
4. Home occupations
5. Planned unit development.
6. Religious institutions in the form of convents, seminaries and monasteries.

7. Fire stations police stations, post offices and other municipal facilities necessary for town operation.
8. Mobile Home Parks
9. Any similar use not inherently inconsistent with the permitted and conditional uses set forth hereinabove, but subject to approval pursuant to Article XVIII.

D. Lot Requirements with Public Sewer Only

1. Area - ten thousand (10,000) square feet minimum.
2. Zoning Lot Frontage - eighty-five (85) feet minimum.

E. Height Regulations

1. All structures - thirty-five (35) feet maximum, except as provided by Article IV, Subsection E, Height Regulations.

F. Building Setbacks

	Principal Structure	Accessory Building
Front Yard	25 feet minimum from right-of-way	25 feet minimum from right-of-way
Side Yard	1 story - 10 feet minimum each side; 2 story - 15 feet minimum each side	10 feet minimum
Rear Yard	25 feet minimum	10 feet minimum
Corner Side	25 feet minimum from the setback line which shall be a straight line cross the corner connecting the two points, which are each 25 feet from the corner where the lot lines intersect and	25 feet minimum from the setback line which shall be a straight line across the corner connecting the two points, which are each 25 feet from the corner where the lot lines intersect and

along the lot lines adjoining  
the highway.

along the lot lines adjoining  
the highway.

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G. Building Size

- 1.. Residences, including dwellings and manufactured homes shall contain a minimum of one thousand (1,000) square feet.

H. Accessory Building

Accessory uses shall conform to district requirements set forth in Article VI(B) and those set forth in Article IV, Subsection C, Building and Uses.

I. Parking

Parking shall conform to the requirements as set forth in Article XIII, Off-Street Parking Requirements.

J. Signs

Signs shall be regulated as set forth in Article XII, Sign Regulations.

K. Standards and criteria for manufactured home conditional use permit:

No conditional use permit shall be granted for a manufactured home unless the grant of such permit is consistent with the standards and criteria of Article XVIII(K) and such permit contains specific requirements as to: (1) the manufactured home's size; (2) the manufactured home's appearance including but not limited to roof style, overhanging eaves, types of siding and roofing materials, etc.; (3) the manner of installation on the site including but not limited to setback, foundation, basement, footings, excavations, etc.; (4) the use of landscaping, additions and other accessories and structures in conjunction with the manufactured home to cause it to compare favorably with a site-built dwelling.

L. Mobile Home Park Regulations

1. It shall be unlawful for any person to construct, maintain or operate within the limits of the Town of Humboldt, any mobile home park, unless such person shall first obtain from the Town a license therefore, in addition to obtaining a conditional use permit pursuant to Article XVIII (K) hereof.
2. Any license granted under the provisions of this Ordinance shall be subject to revocation or suspension for cause by the Town Board upon complaint filed with the Clerk, signed by any law enforcement officer, health officer, building inspector or citizen complainant, showing suitable cause why a hearing - should be held. The holder of such license shall be given ten (10) days' notice in writing of such hearing, and said holder shall be entitled to appear and be heard as to why such license shall not be revoked.

Any holder of a license which is revoked or suspended by the Town may, within twenty (20) days of the date of such revocation or suspension, appeal therefrom to the Circuit Court of the county in which the mobile home park is located by filing a written notice of appeal with the Town Chairman, together with a bond executed to the Town in the sum of Five Hundred Dollars and 00/100 (\$500.00), with two sureties or a bonding company approved by the said Chairman, conditioned upon the faithful prosecution of such appeal, and the payment of costs adjudged against the holder.

3. To constitute a lawful mobile home park, there shall be designated and developed not less than ten (10) spaces, nor more than forty (40) spaces designed for containing mobile homes.
4. License and monthly mobile home fee: Upon application for a mobile home park license, the applicant shall pay an application fee of Fifty Dollars and 00/100 (\$50.00). In addition, thereafter, upon granting of any license hereunder, the holder of said license shall pay an annual license fee of One Hundred Dollars and 00/100 (\$100.00). Thereafter, on July 1 of each succeeding year, the licensee shall pay the annual license fee to the Town Clerk. The Clerk shall not be required to pro-rate the initial annual license fee; however, an additional license fee shall not be payable upon transfer of the license, and instead, a transfer fee of Ten Dollars and 00/100 (\$10.00) shall be paid to the Town Clerk for each transfer of a license.
5. The term "space" means a plot of ground within a mobile home park, designed for the accommodation of one (1) mobile home unit.
6. In addition to the annual license fee provided herein, the Town shall collect from each mobile home occupying a space in a mobile home park in the Town, a monthly parking permit fee computed as follows: on January 1, the Town Assessor shall determine the total fair market value of each mobile home in the taxation district subject to the monthly parking permit fee. The fair market value, minus the tax-exempt household furnishings thus established, shall be equated to the general level of assessment for the prior year on other real and personal property in the district. The value of each mobile home thus determined shall be multiplied by the general property gross tax rate, less any credit rate, under Section 79.10 established on the preceding years' assessment of general property. The total annual parking permit fee thus computed shall be divided by twelve (12), and shall represent the monthly mobile home parking permit fee. The fee shall be applicable to mobile homes moving into the tax district any time during the year. The park operator shall furnish information to the tax district clerk and the assessor on mobile homes added to the park within five (5) days after their arrival, on forms prescribed by the Wisconsin Department of Revenue. As soon as the assessor receives the notice of an addition of a mobile home to a mobile home park, the assessor shall determine its fair

market value, and notify the clerk of that determination. The clerk shall equate the fair market value established by the assessor, and shall apply the appropriate tax break, divide the annual parking permit fee thus determined by twelve (12), and notify the mobile home owner of the monthly fee to be collected from the mobile home owner. The mobile home park licensee shall collect the monthly parking fee from the mobile home owner. Liability for payment of the fee shall begin on the first day of the next succeeding month, and shall remain on the mobile home only for each month the mobile home remains in the tax district. A new fee and a new valuation shall be established each January, and shall continue for the calendar year. The valuation established shall be subject to review as are other values established under Chapter 70. If the Board of Review reduces a valuation on which previous monthly payments have been made, the tax district shall refund past excess fee payment. The monthly parking permit fee shall be paid to the Town by the mobile home park licensee on or before the tenth (10th) day of the month following the month for which such parking permit fee is due. The licensee of the mobile home park shall be jointly and severally liable for the monthly parking permit fee for any mobile home occupying space therein, with the owner and occupant

7. Application for license: The original application for mobile home park license shall be filed with the Town Clerk. Application shall be in writing, signed by the applicant, and shall contain the following:
  - a. The name and address of the applicant.
  - b. The location and legal description of the mobile home park.
  - c. The complete plan of the park.
  - d. A list of the financial institutions with which applicant does business.
  - e. Applicant shall provide credit references.
  - f. Applicant shall have applied for and provide copies of applications for such sanitary and other permits as may be required by state, county or other authorities.
  
8. The mobile home park shall conform to the following requirements:
  - a. The mobile home park shall be located on well drained property, properly graded to insure rapid drainage, and free from stagnant pools of water.
  - b. Each space designated for a mobile home shall be clearly defined or

delineated. Each space shall have an average width of not less than forty (40) feet, and the mobile home occupying such space shall not occupy in excess of twenty-five percent (25%) of the area of the space.

- c. The mobile homes shall be so located on each space that there shall be at least a twenty-five (25) foot clearance between units. No mobile home in the mobile home park shall be located closer than ten (10) feet to any building within the park, or to any property line of the park which does not abut upon public street or highway. No unit shall be located closer than fifty (50) feet from the right-of-way of the Town road or highway serving the mobile home park.
  - d. All spaces shall abut upon a driveway of not less than forty (40) feet in width, which shall have unobstructed access to a public road or highway.
  - e. All driveways within the mobile home park shall be improved or hard-surfaced, and lighted at night with sufficient lighting that compares with lighting in any residential area of the average city or town.
  - f. An electrical utility connection shall be provided for each mobile home space.
  - g. An adequate supply of pure water for drinking and domestic purposes shall be supplied to all spaces within the park.
  - h. Each space shall be provided with connection to a state and county approved private sewerage or sanitary system.
  - i. Each space shall be attractively landscaped, and all areas fronting the park and any buildings or recreation areas shall be attractively landscaped.
9. Skirting and Anchoring: Skirting closing off the lower area below the floor level and proper anchoring as approved by the Humboldt Building Inspector shall be required on all mobile home units, in mobile home parks, and those presently parked within the Town. Such skirting or closing up of the area below the floor level to be completed within a period of not more than ninety (90) days of the date of this Ordinance, or the arrival of the mobile home in a licensed park. The type of skirting shall be of such material and color that it will blend with the color, material, fabric, and/or design of the mobile home itself. A permanent foundation, wall, or basement may be erected to support any mobile home unit in lieu of the above requirements for skirting.



10. The minimum size of mobile home units shall be six hundred (600) square feet of living space. The hitch area is not to be considered in computing this minimum size requirement.
11. No construction of any additions, windbreaks, carports, permanent garages, utility sheds, or any other improvement to a mobile home shall be commenced without first obtaining a building permit as provided for in this Ordinance at Article XVIII(E).
12. The grounds of the mobile home park shall be maintained in a clean, sightly condition, and kept free of any condition that will menace the health of any occupant or the public, or constitute a nuisance.
13. Garbage and recycling receptacles in mobile home parks: Metal garbage receptacles with tight fitting covers shall be required in quantities adequate to permit disposal of all garbage and rubbish. Garbage receptacles shall be located not farther than one hundred (100) feet from any mobile home space. The receptacles shall be kept in sanitary condition at all times. The licensee shall arrange for garbage and rubbish to be collected and disposed of as frequently as may be necessary to ensure that the garbage containers shall not overflow. Recycling receptacles shall be provided and all other action(s) shall be taken as may be necessary to ensure compliance with the Town of Humboldt Waste Disposal and Recycling Ordinance, including but not limited to the disposal of all recyclable waste at the Town Facility or an appropriate Other Facility.
14. Fire protection: All mobile homes within the mobile home park shall be equipped with fire extinguishers. All service buildings within the mobile home park shall be equipped with fire extinguishers. No open fires shall be started without permission from the fire chief. No fires shall be left unattended at any time.
15. Animals and pets: No mobile home owner or person in charge of any dog, cat or other pet animal shall permit it to run at large or commit any nuisance.
16. Management: The "manager" is the person in charge of a mobile home park. The mobile home park shall have an office of the manager of said mobile home park located in the park. The owner, operator, or licensee of the mobile home park shall at all times maintain on the premises a manager who shall be authorized to be in charge to keep the mobile home park, its facilities and equipment, in a clean, orderly and sanitary condition. The manager shall keep a register of all occupants of mobile homes, to be open at all times to inspection by federal, state and local officials. The manager shall report to the local health officer all cases of persons or animals infected or suspected of

being infected with any communicable disease. The manager shall be designated as the agent of the owner, operator, and licensee of the mobile home park to accept service of process on behalf of them, and any notices which may be delivered pursuant to this or any other ~~code~~ of the Town of Humboldt.

17. The mobile home park manager shall keep continually posted copies of the rules and regulations of the mobile home park, in one (1) or more conspicuous place(s) in the mobile home park, so that they can be easily seen by the mobile home park residents or visitors.
18. Posting of license permit: The license permit shall be conspicuously posted in the office of, or on the premises of, the mobile home park at all times.

## ARTICLE VII -R-R RURAL-RESIDENTIAL

The following regulations shall apply in R-R Districts:

### A. Permitted Uses

1. Agriculture, dairying, floriculture, forestry, general fanning, grazing, greenhouses, hatcheries, horticulture, livestock raising, nurseries, orchards, paddocks, pasturage, poultry raising, riding academies and stables, truck farming, game farms, wildlife sanctuaries and game preserves.
2. Agricultural warehouses.
3. Farmettes.
4. Parks, recreational sites and golf courses.
5. Single-family dwellings.

### B. Permitted Accessory Uses

1. Additional structures necessary for the continuance of the farming operation.
2. Private garages, carports, and driveways.
3. Tool houses, sheds and other similar buildings used for the storage of common supplies.

C. Conditional Uses subject to Article XVIII(K)

1. Transmission lines, substations, telephone and telegraph lines, public utility installations, radio and television stations and towers, railroad right-of-way and passenger depots, not including switching, storage freight yards or sidings.
2. Microwave relay towers.
3. Artificial lakes.
4. Airfields, airports and heliports.
5. Cemeteries.
6. Commercial raising of animals, such as dogs.
7. Manufactured homes subject to VII (L) below.
8. Home occupations.
9. Planned unit development.
10. Roadside stands.
11. Any similar use not inherently inconsistent with the permitted and conditional uses set forth hereinabove, but subject to approval pursuant to Article XVIII.

D. Lot Requirements

Area one and one half (1 1 / 2) acres minimum  
Zoning Lot Frontage - two hundred (200) feet minimum

E. Height Regulations

Farm Structures - sixty (60) feet maximum \*  
Residential Dwellings - thirty-five (35) feet maximum \*

F. Building Setbacks

	Principal Structure	Accessory Building
Front Yard	75 feet minimum from center of road	75 feet minimum from center of road

Side Yard	15 feet minimum	10 feet minimum
Rear Yard	25 feet minimum	25 feet minimum
Corner Side	50 feet minimum from the setback line which shall be a straight line across the corner connecting the two points, which are each 50 feet from the corner where the lot lines intersect and along the lot lines adjoining the highway	50 feet minimum from the setback line which shall be a straight line across the corner connecting the two points, which are each 50 feet from the corner where the lot lines intersect and along the lot lines adjoining the highway



\* Except as provided by Article IV, Subsection E, Height Regulations.

G. Building Size

Minimum size of residential dwelling or manufactured home shall be one thousand (1,000) square feet.

H. Accessory Buildings

Accessory uses shall conform to district requirements and those set forth in Article IV, Subsection C, Building and Uses.

I. Parking

Parking shall conform to the requirements as set forth in Article XIII, Off-Street Parking Requirements.

J. Signs

Signs shall be regulated as set forth in Article XII, Sign Regulations.

K. Other Requirements

- I. Other structures or buildings allowed within the R-R District shall meet the requirements of the district and remaining articles of the Zoning Ordinance as determined by the Town Zoning Administrator.

L. Standards and criteria for manufactured home conditional use permit:

No conditional use permit shall be granted for a manufactured home unless the grant of such permit is consistent with the standards and criteria of Article XVIII(K) and such permit contains specific requirements as to: (1) the manufactured home's size; (2) the manufactured home's appearance including but not limited to roof style, overhanging eaves, types of siding and roofing materials, etc.; (3) the manner of installation on the site including but not limited to setback, foundation, basement, footings, excavations, etc.; (4) the use of landscaping, additions and other accessories and structures in conjunction with the manufactured home to cause it to compare favorably with a site-built dwelling.

## ARTICLE VIII - A-1 AGRICULTURAL DISTRICT

The following shall apply in A-1 Districts:

### A. Permitted Uses

1. Agriculture, dairying, floriculture, forestry, general farming, grazing, greenhouses, hatcheries, horticulture, livestock raising, nurseries, orchards, paddocks, pasturage, poultry raising, truck farming, game farms, wildlife sanctuaries and game preserves.
2. Single-family residences for the farm operator, a parent or child of the farm operator, or worker who earns a substantial part of his or her livelihood from farm operations on the parcel.

Single-family dwellings shall be permitted on lots or parcels of land for which a deed has been recorded in the office of the Brown County Register of Deeds upon or prior to the effective date of this Ordinance, or a lot or parcel of land which would have been a lot of record, if the document conveying the lot has been recorded on the date of its execution, provided they are able to meet all other applicable standards and requirements of this Ordinance, and all other applicable Town and county ordinances, subject to the following area and dimensional regulations. Lots or parcels of record, other than recorded certified survey maps and subdivision plats, which on the effective date of this Ordinance had separate legal descriptions, but were under the same ownership and were contiguous shall be considered as one lot or parcel. The term "contiguous" herein shall include not only contiguous/adjacent parcels to be considered as one parcel if owned by the same owner, but in addition, shall include parcels which may be divided by a roadway. Specifically, when determining contiguity, the owner of parcels which may be divided by a roadway is deemed to own such parcels to the center of any such roadway, and thus contiguity is determined by combining the parcels due to contiguity created by the imaginary roadway center line. The maximum number of single-family residences, in addition to an existing principal dwelling that may be created shall be based on the gross area of that tract or parcel which is to be subdivided, and which constitutes the lot of record as per the rules of contiguity set forth herein, existing on the effective date of this Ordinance, as follows:

Area of Lot of Record on  
November 6, 1985

Maximum Number of  
Single-Family  
Residences Permitted

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0-3 Acres	1
4-10 Acres	2
11-20 Acres	3
21-80 Acres	4
81-140 Acres	5
141-200 Acres	6
201+ Acres	One additional single-family residence for every 60 acres of land

B. Permitted Accessory Uses

1. Additional structures necessary for the continuance of the farming operation.

C. Conditional Uses subject to Article XVIII(K):

1. Stockyards and fur farms.
2. Artificial lakes.
3. Commercial feedlots and stock farms
4. Transmission lines, substations, telephone and telegraph lines, public utility installations, radio and television stations and towers, public streets, street rights-of-way, and street improvements.
5. Home occupations.
6. Roadside stands, provided the structure does not cover more than three hundred (300) square feet in ground area and does not exceed ten (10) feet in height.
7. Colleges, universities, schools (elementary, junior high and senior high), hospitals, sanitariums, churches and other religious institutions, provided that they are religious, institutional or governmental uses which do not conflict with agricultural use.
8. Airfields, airports and heliports, provided that they are public uses.
9. Cemeteries, if religious or institutional.
10. Quarries, sand and gravel pits, if public facilities or incidental to the farmoperation.
11. Town solid waste drop off and recycling center.
12. Commercial raising of animals such as foxes, goats, hogs, mink and rabbits.
13. Golf courses, if public (governmental) facilities.
14. Riding academies and stables, which do not conflict with agricultural useand/or are found necessary in light of alternative locations available for such uses.



15. Agricultural warehouses, which do not conflict with agricultural use and/or are found necessary in light of alternative locations available for such uses, or which are incidental to the farm operation.
16. Parks and recreation sites, if they are public (governmental) facilities.
17. Railroad right-of-way and passenger depots, not including switching, storage freight yards, or sidings, which do not conflict with agricultural use and/or are found necessary in light of alternative locations available for such uses.
18. Manufactured homes subject to Article VIII(K) below.
19. Single family dwelling residential use only as provided by Article VIII(M) herein.
20. Microwave relay towers.
21. Farm Family Business subject to Article VIII(N) below.
22. Any similar use not inherently inconsistent with the permitted and conditional uses set forth hereinabove, but subject to approval pursuant to Article XVIII.

D. Lot Requirements

Area - Except as provided in Article VIII(L), the area lot requirement shall be One and one half (1 1/2) acres minimum.

Zoning Lot Frontage - two hundred (200) feet minimum.

E. Height Regulations

1. Farm Structures - one hundred (100) feet maximum. \*
2. Residential Dwellings - thirty-five (35) feet maximum. \*

\* Except as provided by Article IV, Subsection E, Height Regulations.

F. Building Setbacks

	Principal Structure	Accessory Buildings
Front Yard	75 feet minimum from center of road	

Side Yard	15 feet minimum	10 feet minimum
Rear Yard	25 feet minimum	25 feet minimum
Comer Side	50 feet minimum from the setback line which shall be a straight line across the comer connecting the two points, which are each 50 feet from the comer where the lot lines intersect and along the lot lines adjoining the highway.	50 feet minimum from the setback line which shall be a straight line across the comer connecting the two points, which are each 50 feet from the corner where the lot lines intersect and along the lot lines adjoining the highway.

G. Building Size. Residences, including dwellings and manufactured homes, shall contain a minimum of one thousand (1,000) square feet.

H. Accessory Buildings

Accessory uses shall conform to district requirements and those set forth in Article IV, Subsection C. Building Uses.

I. Parking

Parking shall conform to the requirements as set forth in Article XIII, Off-Street Parking Requirements.

J. Signs

Signs shall be regulated as set forth in Article XII, Sign Regulations.

K. Manufactured Homes as a Conditional Use in Agricultural District:

1. A conditional use permit shall be granted only to the owner of the property for the use of a manufactured home as a principal residence by a single family, one member of which shall provide labor to the owner's farming operation. To qualify as a provision of labor here, one adult member of the single-family unit occupying the manufactured home shall provide not less than twenty (20) hours of labor per week to the owners' farming operation.

2. Any conditional use permit granted hereunder shall be only for the term that said manufactured home shall be occupied by a single family, a member of which shall be providing labor to the farming operation, as provided in Article VIII(K)(I) above.

3. Upon noncompliance with any requirement of the conditional use permit granted hereunder, the manufactured home shall be removed.

4. Standards and criteria for manufactured home conditional use permit:

No conditional use permit shall be granted for a manufactured home unless the grant of such permit is consistent with the standards and criteria of Article XVIII(K) and such permit contains specific requirements as to: (1) the manufactured home's size; (2) the manufactured home's appearance including but not limited to roof style, overhanging eaves, types of siding and roofing materials, etc.; (3) the manner of installation on the site including but not limited to setback, foundation, basement, footings, excavations, etc.; (4) the use of landscaping, additions and other accessories and structures in conjunction with the manufactured home to cause it to compare favorably with a site-built dwelling.

L. Other requirements

1. All future residential dwellings connected with the farming operation shall be located on a separate lot containing a minimum of one and one-half (1 1/2) acres and two hundred (200) feet of lot frontage.
2. Farm dwellings and related structures as part of a farm consolidation may be separated from the farm parcel on a lot containing a minimum of one and one-half (1 1/2) acres and two hundred (200) feet of lot frontage.
3. Existing nonconforming residences located in the Agricultural District at the time of passage of this Ordinance may be continued in residential use and may be exempted from any limitations imposed or authorized under Section 59.97 (1) of the Wisconsin Statutes or paragraphs 1, 2, 3 and 4 of Article XVII(A). Nonconforming Uses
4. Other structures or buildings allowed within the Agricultural District shall meet the requirements of the district and remaining articles of the Zoning Ordinance as determined by the Town Zoning Administrator.

M. Residential Conditional Use Parcel Size Exceptions

Under the following circumstances, a residence or a farm operation may be established as a conditional use upon a parcel of less than thirty-five (35) acres.

1. In this subsection:
  - (a) "Gross Income" has the meaning given for Wisconsin adjusted gross income in Section 71.01(13) Stats.
  - (b) "Owner" means a resident of this state owning land and includes an individual, legal guardian, corporation incorporated in this State, Wisconsin, limited liability company, business trust, estate, trust, partnership or association or two (2) or more persons having a joint or common interest in the land, a partner in a partnership and a shareholder in a corporation.
  - (c) "Preexisting Residence" means a residence whose initial construction began before May 14, 1992.
2. Except as provided in paragraph three (3) herein below, the only residences, whether preexisting residences or not, that are allowed as permitted or conditional uses, are those that have a use consistent with agricultural use and that are occupied by any of the following:
  - (a) An owner of the parcel.



- (b) A person who, or a family at least one adult member of which, earns the majority of his or her gross income from the conducting of the farm operations on the parcel.
  - (c) A parent or child of an owner who conducts the majority of the farm operations on: the parcel.
  - (d) A parent or child of the owner who resides on the parcel and who previously conducted the majority of the farm operations on the parcel.
3. Preexisting residences located in areas subject to zoning under this section that do not conform to paragraph two (2) above, but that were either permitted or continued residential uses under Section 91.75, 1989 Stats., may be continued in residential use and may be exempted from any limitations imposed or authorized under Section 59.97(1 0).
4. Notwithstanding anything provided herein above, no structure or improvement may be built on the land unless consistent with agricultural uses. "Use consistent with agricultural use" means any activity that meets all of the following conditions:
- (a) The activity will not convert land that has been devoted primarily to agricultural use.
  - (b) The activity will not limit the surrounding land's potential for agricultural use.
  - (c) The activity will not conflict with agricultural operations on the land subject to a Farmland Preservation Agreement.
  - (d) The activity will not conflict with agricultural operations on other properties.
5. For purposes of farm consolidation and if permitted by other local regulation, farm residences or structures which existed prior to the adoption of the Farmland Preservation portions of this Ordinance, may be separated from a larger farm parcel. Farm residences or structures with upto one and one half (1 1 /2) acres of land may be so separated upon the granting of a conditional use permit allowing same.

N. Standards and Criteria for Farm Family Business

1. In this subsection, "farm family business" means any lawful activity, except a farm operation, conducted primarily for any of the following:
  - (a) the purchase, sale, lease or rental of personal or real property;
  - (b) the manufacture, processing or marketing of products, commodities or any other personal property; and
  - (c) the sale of services.
2. A farm family business may be allowed as a conditional use only if:
  - (a) the business activity is limited to existing farm residences or structures or portions of the existing farmstead that are not dedicated to agricultural uses;
  - (b) no more than two (2) persons who are not members of the resident farm family may be employed in the farm family business; and
  - (c) the business must be agricultural-related and must be a use consistent with agricultural use as that term is defined in Article VIII(M)(4)(a)-(d).

ARTICLE IX - B-1 COMMUNITY BUSINESS DISTRICT

The following regulations shall apply in B-1 Districts:

A Permitted Uses

1. Antique shops.
2. Art shops.
3. Bakery - retail.
4. Banks and financial institutions.
5. Barber shops.
6. Beauty shops.
7. Bicycle sales, rental and repair stores.

8. Business and professional use.
9. Candy and confectionery stores.
10. Carpet, rug and drapery stores.
11. Dentist offices.
12. Clothing and dry goods stores.
13. Recognized fraternal and nonprofit clubs and lodges.
14. Drug stores and pharmacies.
15. Electrical and household appliance stores, including radio and television sales.
16. Florist shops.
17. Food stores, grocery stores and meat markets (retail sales only).
18. Hardware and paint stores.
19. Jewelry stores.
20. Liquor and packaged goods stores.
21. Post offices.
22. Music stores, including instrument sales and repair.
23. Office supply stores.
24. Office machine sales stores.
25. Parking lots and off-street loading areas.
26. Laundrettes.
27. Pet shops.
28. Printing offices.

29. Restaurants including the serving of alcoholic beverages.
30. Shoe stores.
31. Sporting goods stores.
32. Studios - photography, dance, design, and artist-illustrator.
33. Taverns.
34. Tailor shops, toy shops, etc.
35. Variety stores.
36. Radio and television stations excluding towers.
37. Dry cleaning establishments.
38. Furniture Stores

B. Permitted Accessory Uses

1. Uses incidental to and on the same zoning lot as a principal use.

C. Conditional Uses subject to Article XVIII(K):

1. Agricultural implement dealers and repair shops.
2. Animal hospitals and veterinary clinics.
3. Automobile service stations and garages.
4. Bowling alleys.
5. Building material and product sales.
6. Business schools.
7. Contractor or construction offices.
8. Drive-in establishments
9. Dwelling and rooming units above the ground floor of a business establishment.



10. Express offices and delivery stations.
11. Commercial greenhouses.
12. Hotels and motels.
13. Model homes and garage displays.
14. Monument shops.
15. Planned commercial unit development.
16. Mobile home and trailer sales and rentals.
17. Public utility and service uses.
18. Shopping centers.
19. Theaters.
20. Undeliaking establishments and funeral parlors.
21. Car washes.
22. Used motor vehicle sales and services.
23. Wholesale establishments.
24. Sexually-Oriented Adult-Entertainment Establishments subject to the provisions of Article XXI
25. Any similar use not inherently inconsistent with the permitted and conditional uses set forth hereinabove, but subject to approval pursuant to Article XVIII.

D. Lot Requirements

With Public Sewer:

- Area - fifteen thousand (15,000) square feet minimum.
- Zoning Lot Frontage - eighty-five (85) feet minimum.

Without Public Sewer:

- Area - forty thousand (40,000) square feet minimum.
- Zoning Lot Frontage - one hundred (100) feet minimum.

E. Height Regulations

All structures - thirty-five (35) feet maximum, except as provided by Article IV, Subsection E, Height Regulations.

F, Building Setbacks

	Principal Structure	Accessory Building
Front Yard	30 feet minimum from right-of-way	30 feet minimum from right-of-way
Side Yard	10 feet minimum	10 feet minimum
Rear Yard	15 feet minimum	15 feet minimum
Comer Side	30 feet minimum from the setback line which shall be a straight line	30 feet minimum from the setback line which shall be a straight line

across the corner connecting the two points, which are each 30 feet from the corner where the lot lines intersect and along the lot lines adjoining the highway.

across the corner connecting the two points, which are each 30 feet from the corner where the lot lines intersect and along the lot lines adjoining the highway.

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G. Building Size

Minimum of seven hundred twenty-five (725) sq. feet.

H. Accessory Building

All accessory buildings hereinafter constructed in the B-1 District shall meet the district requirements and those identified in Article IV, Subsection C, Building and Uses.

I. Parking

Parking shall conform to the requirements as set forth in Article XIII, Off-Street Parking Requirements.

J. Signs

Signs shall conform to the requirements as set forth in Article XII, Sign Regulations.

K. Other Requirements

Additional structures and buildings allowed in the B-1 Community Business District shall meet the regulations of this district and other articles of the zoning ordinances as determined by the Town Zoning Administrator.

## ARTICLE X - I-1 LIMITED INDUSTRIAL DISTRICT

### A. Permitted Uses

1. Automotive service stations and garages.
2. Automotive body repairs, upholstery, and cleaning establishments.
3. Brick and structural clay products manufacturing.
4. Building materials, sales and storage.
5. Commercial bakeries.
6. Contractors, architects, and engineer offices; shops and yards.
7. Cosmetic production.
8. Electronic and scientific precision equipment.
9. Feed and seed- sales.
10. Food processing establishments.
11. Fuel and ice sales.
12. Glass products, production and sales.
13. Light machinery production - appliances, business machines, etc.
14. Lodges and offices of labor.
15. Municipal facilities.
16. Parking lots.
17. Printing and publishing establishments.
18. Public utility and service uses.
19. Warehousing, storage, and distribution facilities.

### B. Permitted Accessory Uses

Uses incidental to and on the same zoning lot as the principal use.

### C. Conditional Uses subject to Article XVIII(K):



1. Air, motor, railroad and water freight terminals.
2. Auto wrecking yards.
3. Dairy processing plants for cheese and milk.
4. Freight yards, terminals, and transshipment depots (motor trucks).
5. Manufacturing and bottling of nonalcoholic beverages.
6. Parks and recreational sites.
7. Petroleum products, storage, processing and sales.
8. Planned industrial unit development.
9. Plastic manufacturing.
10. Stadiums, auditoriums, and arenas, open or enclosed.
11. Woodworking and wood products.
12. Any similar use not inherently inconsistent with the permitted and conditional uses set forth hereinabove, but subject to approval pursuant to Article XVIII.

D. Lot Requirements

With Public Sewer:

- Area -forty thousand (40,000) square feet minimum.
- Zoning Lot Frontage - one hundred (100) feet minimum.

Without Public Sewer:

- Area - forty thousand (40,000) square feet minimum.
- Zoning Lot Frontage - one hundred (100) feet minimum.

E. Height Regulations

Principal Structures - : - sixty (60) feet maximum except as provided by Article IV, Subsection E, Height Regulations.

F. Building Setbacks

	Principal Structure	Accessory Building
Front Yard	25 feet minimum from right-of-way	25 feet minimum from right-of-way
Side Yard	10 feet minimum	10 feet minimum
Rear Yard	20 feet minimum	20 feet minimum
Comer Side	25 feet minimum from the setback line which shall be a straight line across the corner connecting the two points, which are each 25 feet from the comer where the lot lines intersect and along the lot lines adjoining the highway.	25 feet minimum from the setback line which shall be a straight line across the comer connecting the two points, which are each 25 feet from the comer where the lot lines intersect and along the lot lines adjoining the highway.

G. Accessory Buildings

All accessory buildings hereinafter constructed in the 1-1 District shall meet the district requirements and those identified in Article IV, Subsection C, Building and Uses.

H. Parking

Parking shall conform to requirements as set forth in Article XIII, Off-Street Parking Requirements.

I. Signs

Signs shall be regulated as set forth in Article XU, Sign Regulations.

J. Other Requirements

Additional structures and buildings allowed in the I-1 Limited Industrial District shall meet the requirements of this district and the other articles of the zoning ordinance as determined by the Town Zoning Administrator.

ARTICLE XI - C-1 CONSERVANCY DISTRICT

The purpose of the Conservancy District is to provide adequate natural areas for the drainage of surface and storm waters, and to protect and promote the general health, safety, and welfare of the community; and to protect natural resource areas containing swamps, wildlife habitat, and natural water or drainage courses.

The following regulations shall apply in C-1 Districts:

A. Permitted Uses

1. Stream bank protection.
2. Hunting, trapping, and fishing where not otherwise prohibited.
3. Wildlife preserves.
4. Public water measurement and water control facilities.
5. Wild crop harvesting.
6. Sustained yield forestry.
7. Fish hatcheries.
8. Fences.
9. Grazing and general farming provided a minimum of feet stated below of open land in its natural state be maintained between the grazing or farmed area and the edge of the stream bank with crossings permitted for cattle.  
\*

\* The interpretation of this section is as follows:

A farmer will be able to grow cultivated row crops to within thirty-five (35) feet of the navigable stream bank edge, unless the Brown County Land Conservation Department grants a waiver to a lesser distance. The thirty-five (35) foot area to the navigable stream bank edge shall be seeded to grass, alfalfa, or another close-growing crop. The farmer will be able to graze cattle along the stream without

fencing if the cattle are not causing pollution of the stream. If there is a pollution problem, the farmer-operator will be required to erect a fence within sixteen and one-half (16.5) feet of the stream bank or otherwise abate the pollution in such manner as may be determined by the Town Planning Commission in consultation with the Brown County Land Conservation Department. If a fence has to be erected, provision will be added for watering cattle in the stream.

10. Other uses which would not impair the natural fauna, flora, or water regimen.

B. Conditional Uses subject to Article XVIII(K):

1. Bridle and hiking paths.
2. Parks, playgrounds, and other open recreation areas, if public (governmental).
3. Outdoor archery, rifle, trap or skeet-shooting ranges, if public facilities or incidental to the farm operation.
4. Golf courses and golf driving ranges, if public facilities.
5. Irrigation.
6. Sod fanning.
7. Truck gardening.
8. Roads.
9. Utilities.
10. Accessory structures provided the structures will not be designed for human habitation, and will be constructed to offer the minimum encroachment on the resource.
11. Any similar use not inherently inconsistent with the permitted and conditional uses set forth hereinabove, but subject to approval pursuant to Article XVIII.

C. Other Requirements

Any use allowed in the C-1 District shall meet the regulations of this district and other articles of the zoning ordinance as determined by the Town Zoning Administrator. Such uses shall also comply with any County or State law, rule or



regulation applicable thereto.

## ARTICLE XII – SIGN REGULATIONS

The following regulations shall apply to all signs hereinafter erected or established within the Town of Humboldt.

### A. General

1. This section of the Ordinance shall apply to all billboards, boards, fences or structures of any kind used for advertisement purposes, or upon which any advertisement is shown, painted or displayed, etc.
2. No sign shall hereafter be erected, located, moved, reconstructed, extended, enlarged, converted, or structurally altered without a permit from the Town Zoning Administrator, except signs in Section B of Article XII which are exempt from the provisions of this Ordinance.

### B. Signs Exempt

All signs are prohibited in the Agricultural and Rural Residential Zones except for the following:

1. Agricultural signs pertaining to the products of the agricultural premises not to exceed sixteen (16) square feet in area for any one farm. Height of this respective sign shall not exceed eight (8) feet. Two (2) such signs shall be permitted per farm. The sign shall be limited to the name for the premises, the producer, and the product being sold or produced.
2. Real estate signs which advertise the sale, rental or lease of the premises upon which said signs are temporarily located. In the Rural Residential Zone, no sign shall exceed eight (8) square feet in area; whereas such signs shall not exceed twelve (12) square feet in the Agricultural Zone. Corner lots in both zoning districts shall be permitted two (2) signs.
3. Name, occupation, and warning signs not to exceed seven and one-half (7.5) square feet located on the premises. Corner lots shall be permitted two (2) such signs.
4. Bulletin boards or similar devices for churches and religious institutions shall not exceed twelve (12) square feet in area located on the premises. Height of said sign shall not exceed eight (8) feet. Religious signs may be erected off the immediate premises.
5. Memorial signs, tablets, names of buildings and date of erection when cut into any

masonry surface or when constructed of metal and affixed flat against a building.

6. Official signs such as traffic control, parking restrictions, information and notices.
7. Temporary signs or banners when authorized by the Town Plan Commission.

C. R-1 Residential Districts

In this district all types shall be of a non-flashing or non-illuminated type.

1. All signs shall be confined to the immediate property being solely advertised or displayed. Religious signs are exempt.
2. No sign shall project higher than one (1) story or eight (8) feet above the finished ground level, whichever is lower.
3. Nonresidential building use in a residential district shall have no sign larger than twelve (12) square feet in area and displaying only the name and address of the building.
4. No sign shall project beyond the property line into the public way.
5. Signs shall be set back ten (10) feet from any yard in an interior lot.
6. Signs erected on corner lots shall conform to the required yard setbacks.

D. B-1 Community Business District

All signs hereafter established within the Community Business Zone District shall conform to the following regulations set forth.

1. All signs advertising or displaying business places shall be constructed on the said business premises only. Business signs constructed off the premises shall be permitted only upon written recommendation of the Town of Humboldt Plan Commission and subsequent approval by the Town Board.
2. Illuminated and flashing signs shall be permitted only in the community Business District.
3. Roof signs shall not exceed five (5) feet in height above the peak of the roof. The sign shall further comply with the height and yard requirements of the district. No roof sign shall exceed one hundred (100) square feet of area on

all sides combined for any one premises.

4. Window signs shall be placed only on the inside of business buildings and shall not exceed twenty-five percent (25%) of the glass area of the pane upon which the sign is displayed.
5. Wall signs placed against the exterior of a building shall not extend more than six (6) inches outside of a building wall surface, shall not exceed five hundred (500) square feet in area for any one (1) premises, and shall not exceed twenty (20) feet in height above the average ground level.
6. Ground signs shall not exceed twenty (20) feet in height above the average ground level, shall meet all yard requirements for the district and shall not exceed two hundred (200) square feet in area on all sides combined for any one (1) premises.
7. Property signs fastened to, suspended from, or supported by structure on a premises developed for business, shall not exceed one hundred (100) square feet in area for all sides combined on any one (1) premises; shall not extend more than ten (10) feet into any required yard; shall not exceed a height of twenty (20) feet above the average ground level; and shall not be less than ten (10) feet above any pedestrian way, not less than fifteen (15) feet above a driveway.
8. One (1) pedestal-type sign, a ground sign generally supported by one (1) or more pedestal posts and not exceeding a height of twenty-five (25) feet, shall be permitted for use in the Community Business District Zone. Such sign shall not exceed a total area of fifty (50) square feet on a side.
9. No sign shall be permitted within fifty (50) feet of any residence.
10. No sign shall be closer than forty (40) feet to the intersection of the right-of-way lines of any intersecting road.
11. No sign shall extend into the public way.
12. Signs located within corner lots shall conform to yard setbacks.
13. No advertising signs or devices shall be altered or reconstructed unless the alteration or reconstruction shall be in compliance with the provisions of this Ordinance.
14. Signs advertising Sexually-Oriented Adult-Entertainment Establishments shall comply with the requirements herein and those contained in Article XXI (C)(2).

E. I-1 Limited Industrial District

All signs hereafter established within the Limited Industrial Zone District shall conform to the following regulations set forth.

1. All types of flashing signs shall be prohibited in the Industrial Districts.
2. Illuminated signs shall be permitted within the district.
3. Pedestal-type signs shall be permitted with the conditions as set forth in Article XII, Section D, Community Business Districts.
4. Wall, roof, window and ground shall also comply with the required regulations as set forth in Article XII, Section D, Community Business District.
5. Signs shall further comply with the regulations as set forth in the Community Business Zone District.

**ARTICLE XIII - OFF-STREET PARKING REQUIREMENTS**

The following regulations shall apply to all zoning districts within the Town of Humboldt.

A. General

1. All parking spaces required to serve building(s) or uses erected or established after the effective date of this Ordinance shall conform to the requirements herein.
2. Buildings or uses existing on the effective date of this Ordinance which are substantially altered or enlarged so as to require the provision of parking spaces under this Ordinance shall conform to the requirements as set forth herein.

B. Size

1. Each required off-street parking space shall be at least ten (10) feet in width and at least twenty (20) feet in length, exclusive of access drives or aisles.
2. All angle parking shall conform to the requirements as set forth.

Angle	<u>Stall Depth</u>	<u>Width of Aisles</u>
30 degrees	17	*
45 degrees	19	12
60 degrees	20	15
90 degrees	19	18

\* In feet

3. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.

#### C. Plans

1. Except for residential uses, the design of parking lot areas shall be subject to the recommendation of the Town Plan Commission and subsequent approval of the Town Board in accordance with standards herein required.

#### D. Parking Standards

1. SINGLE-FAMILY DWELLINGS - two (2) spaces for each dwelling unit.
2. TWO-FAMILY DWELLINGS - one and one-half (1 1/2) spaces for each dwelling unit.
3. MULTI-FAMILY DWELLINGS - one and one half (1 1/2) spaces for each dwelling unit.
4. MOTELS - one (1) space for each guest room plus one (1) space for each three (3) employees.
5. HOTELS - one (1) space for each two (2) guest rooms plus such additional spaces as shall be required for supplemental uses, such as bars, ballrooms, or nightclub facilities in the hotel.
6. LODGING AND BOARDING HOUSES - one (1) space for each two (2) beds plus one (1) stall for each three (3) employees.
7. CHURCHES AND PLACES OF WORSHIP - One (1) space for every five (5) seats.
8. HOSPITALS - one (1) space for each two (2) hospital beds, plus one (1) parking space for each two (2) employees (other than staff doctors), plus one (1) parking space for each doctor assigned to the staff



9. MEDICAL AND DENTAL CLINICS - three (3) parking spaces shall be provided for each doctor.
10. SANITARIUMS, REST HOMES, CONVALESCENT HOMES, CARE FACILITIES AND NURSING HOMES - one (1) parking space for each four (4) beds plus one (1) parking space for each two (2) employees (other than staff doctors), plus one (1) parking space for each doctor assigned to the staff
11. ELEMENTARY SCHOOLS - one (1) parking space for each employee.
12. JUNIOR HIGH SCHOOLS - one (1) parking space for each employee.
13. SENIOR HIGH SCHOOLS - one (1) parking space for each employee, plus one (1) space for each ten (10) students in the school.
14. COLLEGES AND UNIVERSITIES - one (1) space for each employee, plus one (1) space for each six (6) students.
15. PUBLIC LIBRARIES, ART GALLERIES, MUSEUMS - one (1) space for each five hundred (500) square feet of gross floor space.
16. FRATERNITIES, SORORITIES AND DORMITORIES - one (1) space for each three (3) residents, plus one (1) space for the manager.
17. RESTAURANTS - parking space equal to fifty percent (50%) capacity in persons, plus one (1) space for each three (3) employees.
18. TAVERNS - parking spaces equal in number to sixty percent (60%) of the capacity in persons.
19. BOWLING ALLEYS - six (6) parking spaces shall be provided for each alley, plus additional spaces as required by this ordinance for any associated use (bars, restaurants, etc.).
20. SWIMMING POOLS AND SKATING RINKS - parking spaces equal in number to thirty percent (30%) of the design capacity shall be provided.
21. AMUSEMENT ESTABLISHMENTS NOT LISTED AND AMUSEMENT PARKS - parking spaces shall be provided in adequate number as determined by the Town Plan Commission, to serve persons employed, as well as the visiting public.

22. STADIUMS, BALL PARKS AND OUTDOOR ARENAS - parking spaces shall be provided at the rate of thirty percent (30%) of the maximum capacity of persons using and/or observing activities at these facilities during a 24-hour period.
23. GOLF COURSES - One (1) parking space shall be provided for each four (4) persons using the course at maximum capacity. (Bars, restaurants, and related uses shall require additional spaces).
24. DRIVING RANGES - two (2) parking spaces shall be provided for each ~~te~~
25. PRIVATE CLUBS - one (1) parking space shall be provided for each lodging room, plus parking spaces equal in number to thirty percent (30%) of the maximum capacity of persons of such clubs.
26. NON-COMMERCIAL - parking spaces equal in number to thirty percent (30%) of the capacity in persons shall be provided.
27. CONVENTS, SEMINARIES, MONASTERIES, NUNNERIES, RECTORJES, PARSONAGES, PARISH HOUSES AND RELIGIOUS RETREATS - one (1) parking space shall be provided for each two (2) employees plus additional parking spaces equal in number to five percent (5%) of the maximum capacity of professional persons residing on the premises at any one time.
28. RIDING ACADEMIES AND COMMERCIAL STABLES - one (1) parking space shall be provided for each employee, plus spaces adequate in number, as determined by the Town Plan Commission, to serve the visiting public.
29. SHOPPING CENTERS - eight (8) parking spaces for each one thousand (1,000) square feet of gross floor area in the center.
30. WAREHOUSING AND WHOLESALING ESTABLISHMENTS - one (1) parking space for each two (2) employees.
31. JUNK YARDS, SALVAGE YARDS AND AUTO GRAVE YARDS - one (1) space shall be provided for each two (2) employees, plus (1) space for each five thousand (5,000) square feet of lot area.
32. ANIMAL HOSPITALS AND KENNELS - three (3) parking spaces shall be provided for each employee.
33. AIRPORTS AND COMMERCIAL HELIPORTS - one (1) parking space

for each one hundred fifty (150) square feet, plus additional employee space shall be provided in the ratio of one (1) space for each two (2) employees working the same shift, based on the maximum number of employees working the same shift.

34. AUTOMOBILE AND TRUCK SERVICE STATIONS - one (1) parking space for each employee, based on the maximum number of employees working the same shift, as well as one (1) additional space shall be furnished for each inside service bay.
35. AUTOMOBILE LAUNDRIES - one (1) space for each two (2) employees, plus one (1) space for manager, and in addition, reservoir parking spaces equal for five (5) times the capacity of the automobile laundry, for those automobiles awaiting entrance to the facility. Maximum capacity in this instance shall mean the greater number possible of automobiles undergoing some phase of laundering and drying at the same time.
36. BUILDING MATERIAL SALES - one (1) space shall be provided for each two (2) employees, plus additional space equal to one (1) space for each three hundred (300) square feet of gross floor area in excess of two thousand (2,000) square feet.
37. CARTAGE AND EXPRESS FACILITIES - one (1) parking space shall be provided for each vehicle maintained on the premises plus one (1) space for each two (2) employees.
38. CONTRACTOR OR CONSTRUCTION OFFICES, SHOPS AND YARDS - one (1) space shall be provided for each employee plus additional customer space shall be furnished at the rate of one (1) additional space for each five (5) employees.
39. FOOD STORES, GROCERY STORES, MEAT MARKETS, BAKERIES, DELICATESSENS, SUPERMARKETS, AND DEPARTMENT STORES - one (1) space shall be provided for each one hundred fifty (150) square feet of gross floor area for the first six thousand (6,000) square feet, and one (1) additional space shall be furnished for each two hundred (200) square feet of gross floor area in excess of six thousand (6,000) square feet.
40. MOTOR VEHICLE SALES - three (3) parking spaces shall be provided for each employee, plus additional spaces as deemed necessary by the Town Plan Commission to store those cars waiting to be serviced.

41. OFFICES, BUSINESS AND PROFESSIONALS - one (1) parking space shall be provided for each three hundred (300) square feet of gross floor area.
42. PUBLIC UTILITY AND SERVICE USES - one (1) parking space for each three (300) square feet of gross floor area in excess of four thousand (4,000) square feet or one (1) space for each two (2) employees, whichever provides the greater amount.
43. RADIO, TELEVISION STATIONS AND STUDIOS - one (1) space shall be provided for each two (2) employees, plus one (1) space for each three hundred (300) square feet of gross floor area in excess of six thousand (6,000) square feet.
44. POST OFFICES - one space shall be provided for each two (2) employees, plus one (1) space for each two hundred (200) square feet of gross floor area in excess of three thousand (3,000) square feet.
45. UNDERTAKING ESTABLISHMENT - one (1) parking space shall be provided for each four (4) seats provided in each chapel or parlor.

#### ARTICLE XIV - INTERCHANGE ACCESS CONTROL

The regulations as set forth shall apply to present and future highways of freeway and expressway standards. Access limitations and setbacks help to improve traffic mobility and safety, while making the interchange areas more aesthetically pleasing.

##### A. Definitions

For the purpose of this Article and Ordinance, the following words are herein defined:

1. Freeway and Expressway: High volume-controlled access highways.
2. Intersecting Highway: A highway having no access control and under state, county or town jurisdiction.

##### B. General

1. All present and future highways with full to limited access control shall be indicated as lying within an Interchange Access Control Area.

2. Frontage roads shall be required for access to and development of property abutting highways or expressway of freeway status.

**C. Limitation of Access**

1. There shall be no access points within five hundred (500) feet of the most remote end or taper of any existing or proposed entrance or exit ramp or an interchange or controlled access highway.
2. Frontage roads of not less than sixty-six (66) feet right-of-way shall be provided across the entire width or length of any lot that abuts on a controlled access highway.
3. Frontage roads access shall be onto an adjoining state, county, or town road(s) intersecting the access-controlled highway.

**D. Setbacks**

1. Minimum setbacks for buildings and structures along expressways, freeways, or limited access highways shall be one hundred fifty (150) feet from the highway right-of-way.
2. Buildings and structures shall be set back at least eighty (80) feet from the point of intersection between the controlled access highway and the state, county, or town road intersecting said highway.
3. Buildings shall be set back thirty-five (35) feet from all frontage road rights-of-way except where more stringent requirements are applicable.

**ARTICLE XV - ARTIFICIAL LAKES**

The following regulations shall apply to all artificial lakes hereinafter constructed or developed within the Town of Humboldt.

**A Definition**

The term "artificial lake" as provided herein includes any excavation which is for the purpose of causing water to accumulate and form a permanent body of water, regardless of the size or intended usage of said body of water.

Artificial lakes shall be allowed as Conditional Uses in the Agricultural Zone, if they are public (governmental); or farm ponds; and do not conflict with agricultural use; or are incidental to the farm operation; and are allowed as



conditional uses in the Rural Residential Zone.

**B. Permit**

1. The property owner, developer or his assigned agent shall make application for an Excavation Permit to the Town Zoning Administrator prior to construction.
2. The Town Board shall review and approve the site plan before issuing the Excavation Permit.
3. At the time of application for excavation permit, the applicant shall pay the permit application fee of Twenty Dollars and 00/100 (\$20.00).

**C. Site Plans**

1. A map drawn at a minimum scale of one (1) inch equals two hundred (200) feet showing the proposed lake size and the adjoining property within five hundred (500) feet of the site.
2. Layout of proposed residential lots and other buildings if applicable.
3. The type of sanitary facilities to be installed if residential development is to take place.
4. Source of water supply for residential dwellings and water level maintenance in the lake.
5. Surface drainage sources and topography.
6. Proposed roadways.

**D. Lake Size**

1. Every artificially constructed lake shall adhere to the conditions of this Ordinance.
2. The center portion of the lake shall be excavated deep enough to maintain a Water depth often (10) feet, except that no portion of the artificial lake shall be excavated to a depth exceeding twenty (20) feet.

**E. Other Requirements**

1. The constructed lake shall meet the requirements of the Brown County

Water Law Codes.

2. Artificial lakes constructed adjacent to a navigable body of water shall comply with the regulations set forth by the Wisconsin State Statutes and the Department of Natural Resources.
3. If constructed as a fish or wildlife facility, it shall comply with the requirements and recommendations of the Soil Conservation Service, Agriculture Stabilization Conservation Service and the Department of Natural Resources.
4. The groundwater table in the surrounding area and adjacent to the lake shall be protected. No well shall be utilized to provide the water supply to an artificial lake created hereunder.
5. The Division of Environmental Health requirements shall be met to ensure proper safety of swimmers.
6. The perimeter of the lake shall be landscaped and seeded within six (6) months after completion of the excavation.
7. A performance bond insuring compliance with all of the requirements hereof, in an amount to be determined by the Town Board of Humboldt, shall be filed with the Town Board prior to the construction. In addition, the property owner shall, at all times during and following excavation, maintain public liability insurance to the extent of not less than Five Hundred Thousand Dollars and 00/100 (\$500,000.00) per claim.

## Article XVI – EARTH EXCAVATION

The following regulations shall apply to future excavations of sand, gravel, stone, loam, dirt and other earth products within the Town of Humboldt.

### A. General

1. All new sand pits, gravel pits and stone quarries shall come under the jurisdiction of this Ordinance.
2. All existing sites of excavation shall comply with this Ordinance prior to any additional expansions or alterations of the existing site.

### B. Exemptions

The following uses shall be exempt from the provisions of this Ordinance:

1. Excavation and removal of less than one thousand (1,000) cubic yards over a period of one (1) year from any single parcel of land.
2. Necessary foundation and trench excavation only in connection with work on the premises for which a building permit has been issued.
3. Normal agricultural activities.

C. Permit

1. Application for a permit to excavate or remove earth material shall be made to the Town of Humboldt Plan Commission by the property owner or his assigned agent. Forms shall be provided by the Town of Humboldt.
2. The application shall contain the required information as specified in Section D, Article XVI of this Ordinance, prior to the issuance of an Excavation Permit.
3. Following submittal and approval of the excavation plan, the Town Zoning Administrator shall issue the permit. The permit shall be valid for one (1) year from date of issuance.

D. Site Plans

The following information shall be required on a site plan prior to issuing an Excavation Permit:

1. A map showing the location of the premises and the adjoining properties within five hundred (500) feet. The map shall be drawn at a scale not smaller than one (1) inch equals two hundred (200) feet.
2. Contour intervals of the proposed site at intervals of twenty (20) feet when available.
3. Existing and proposed drainage patterns of the site.
4. Proposed regrading and revegetation of the site after completion of the excavating operation.
5. Proposed truck and machinery access to the site.
6. Types and locations of temporary or permanent buildings to be erected on the site.

7. Approximate number of trucks and other types of machinery to be used at the site.
8. Designated hours of operation.

E. Trucks and Machinery

1. No fixed machinery shall be erected or maintained within two hundred (200) feet of any property or street line.
2. Truck access to the excavation shall be so arranged as to minimize danger to traffic and nuisance to surrounding property.

F. Material Handling

1. No excavation shall take place within fifty (50) feet of any property line or street right-of-way if below the established grade of the street.
2. No screening, sifting, washing, crushing or other forms of processing shall be conducted upon the premises unless it is located more than five hundred (500) feet from a residential dwelling.

G. Excavation Sites

1. The excavation of earth materials shall be allowed as Conditional Uses in the Agricultural Zones, only if the excavation is a public (governmental) operation or if it is incidental to the farm operation.
2. Excavation operations shall be prohibited in all remaining zoning districts.

H. Other Requirements

1. At all stages of operations proper drainage shall be provided to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties.
2. The premises shall be excavated and graded in conformity with the plan as approved. Any deviation from the plan shall be cause for the Town Board to revoke the permit upon the recommendation of the Town Plan Commission.
3. When excavating and removal operations are no longer used, as determined by the Town Plan Commission, the excavated area shall be graded so that no gradients in the disturbed earth shall be steeper than a slope of 3-1 (horizontal-vertical). A layer of arable topsoil capable of supporting perennial grasses shall be spread over the excavated area except exposed rock surfaces to a minimum depth of four

(4) inches. The area shall be seeded with a perennial grass capable of survival in this climate and maintained until a uniform growth is established.

4. If the excavation site shall fall within a County Floodplain, Shoreland or Conservation Zone District, the regulations as set forth in the Shoreland Flood plain Protection Ordinance for Brown County shall apply.
5. Town Plan Commission members shall be allowed on the premises during scheduled operating hours for inspection purposes.
6. Any violation of this Article shall be subject to the regulations of the Penalty Clause in Article XVIII, Administration and Enforcement of this Ordinance.
7. A performance Bond of One-Thousand dollars (\$1,000) per acre shall be required of the excavator.

## **ARTICLE XVII - NON-CONFORMING USES**

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

### **A. General**

Any non-conforming building, structure, land or other use which existed lawfully at the time of the adoption of this Ordinance and which remains non-conforming, and any such building, structure, land or other use which shall become non-conforming upon the adoption of this Ordinance or amendment thereto shall be subject to the regulations which follow.

1. If such non-conforming use is discontinued or terminated for a period of twelve (12) months, any future use of the building structure, land, or other use shall thereafter conform to the provisions of this Ordinance.
2. Any nonconforming structure that is damaged or destroyed on or after March 2, 2006 by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation may be repaired and restored to its original size or a larger than the size it was immediately before the damage or destruction if necessary for the structure to comply with applicable state or federal requirements, without limitation on the costs of the repair, reconstruction, or improvement.
3. Once a non -conforming use or structure has been changed to conform, it shall not revert back to a non-conforming use of this structure.



4. Except as provided in subsection section 2 above, repairs and alterations may be made to a non-conforming building or structure provided the respective structure is not added to or enlarged in size.
5. No building or structure shall be moved in whole or in part to any other location on the same lot or any other lot in the zone district, unless every portion of such building or structure which is moved, shall conform to the zone district requirements.
6. No principal building, accessory building, or Structure shall be moved from one (1) zone district to another zone district unless so authorized by the Town Plan Commission

## **ARTICLE XVIII - ADMINISTRATION AND ENFORCEMENT**

This section of the Ordinance shall set forth the requirements to adequately provide and develop the proper administration and enforcement of this Ordinance.

### **A. General**

1. This Ordinance shall provide for the position of Zoning Administrator, Zoning Board of Appeals and Town Plan Commission.
2. This section shall provide the authority and necessary requirements for issuance of building permits and occupation permits; variance, appeals, amendments, conditional uses, fees, and penalties.

### **B. Zoning Administrator**

The Town of Humboldt Zoning Administrator shall have the following duties:

1. Issue all building permits except those applicable to new construction of one (1) and two (2) family dwellings, and maintain records thereof
2. Issue all rezoning certificates and make and maintain records thereof
3. Conduct or authorize the inspection or investigation of buildings, structures, and use of land to determine and assure compliance with the terms of this Ordinance.
4. Provide and maintain a public information bureau relative to all matters arising out of this Ordinance.

5. Forward to the Town of Humboldt Plan Commission all applications for conditional uses and for amendments to this Ordinance that are initially filed with the Office of the Zoning Administrator.
6. Forward to the Zoning Board of Appeals applications for appeals, variances, or other matters on which the Zoning Board of Appeals is required to pass under this Ordinance.
7. Maintain permanent and current records of this Ordinance including, but not limited to: all maps, amendments, conditional use s, variances, appeals and applications thereof
8. Initiate, direct a review, from time to time, a study of the provisions of this Ordinance, and to make reports of its recommendations to-the TownPlan Commission.

C. Zoning Board of Appeals

The Zoning Board of Appeals is hereby established as authorized under the provisions of the Wisconsin State Statutes, Chapter 62.23.

1. Jurisdiction

The Zoning Board of Appeals is hereby established as authorized under the provisions of the Wisconsin State Statutes, Chapter 62.23 to:

- a. Hear and decide appeals from any order, requirement, decision, or determination made under the provisions of this Ordinance.
- b. Hear and pass upon application(s) for variance from the terms provided in this Ordinance in the manner prescribed by and subject to the standards established herein.
- c. Hear and decide all matters referred to it or upon which it is required to pass under this Ordinance, as prescribed by Chapter 62:23 of the Wisconsin State Statutes.

2. Meeting and Rules

- a. All meetings of the Zoning Board of Appeals shall be held at the call of the Chairman of the Board, and at such times as the Zoning Board of Appeals may determine.

- b. All hearings conducted shall be open to the public. Any person may appear and testify at a hearing either in person or by a duly authorized agent or attorney.
- c. Notice of the time and place of such public hearing shall be published as provided by the State Law on Planning and Zoning and applicable to the Town of Humboldt.
- d. The Chairman or in the Chairman's absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses.
- e. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions.
- f. All official proceedings regarding the action of the Zoning Board of Appeals shall be a matter of public record and placed on file with the Zoning Board of Appeals.
- g. The Board shall adopt its own rules and procedures, not in conflict with this Ordinance or with the applicable Wisconsin State Statutes, and select or appoint such officers as it deems necessary.

3. Decisions

All decisions and findings of the Zoning Board of Appeals on appeals or upon application for a variance, shall be by the concurring vote of four (4) members of the Board and after said hearing shall in all instances be final administrative decisions and shall be subject to judicial review as by law may be provided.

4. Board Membership

- a. The Zoning Board of Appeals shall consist of five (5) members appointed by the Humboldt Town Chairman and subject to confirmation by the Humboldt Town Board.
- b. The Term shall be for three (3) years, except that of those first appointed; one (1) shall serve for one (1) year; and two (2) shall serve for two (2) years; and two (2) for three (3) years, but not more than one (1) member of the Town Board shall be a member of the Zoning Board of Appeals and all members shall reside in the Town.
- c. The members shall be removable by the Town Board for cause

upon written charges.

- d. Vacancies shall be filled for the unexpired term of members. The Town Chairman shall appoint personnel to fill the vacancies, subject to approval by the Town Board of Humboldt.

D. Town Plan Commission

The Town Plan Commission shall be the authorized planning agency and shall perform the duties of the Town Plan Commission as set forth in Section 62.23 of the Wisconsin State Statutes.

1. Jurisdiction

The Humboldt Town Plan Commission shall carry out the following duties under this Ordinance:

- a. Review all applications for conditional uses and amendments to this Ordinance and report said findings and recommendations to the Town Board in the manner designated by this Ordinance for amendments and conditional uses.
- b. Receive from the Zoning Administrator the Administrator's recommendations as related to the effectiveness of this Ordinance and report the Administrator's conclusions and recommendations to the Humboldt Town Board.
- c. Hear and decide matters upon which it is required to pass under this Ordinance.

2. Meetings

- a. All meetings of the Town Plan Commission shall be held at the call of the Chairman of the Commission and at such times as the Commission may determine.
- b. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions.

3. Decisions

All actions of the Town Plan Commission shall require the vote of a majority of the members of the Commission.

4. Membership

- a. The Town Plan Commission shall consist of five (5) members as provided by Sections 60.62 and 62.23 of the Wisconsin State Statutes.
- b. Commission members shall be citizens and residents of the Town of Humboldt.
- c. Members shall be appointed by the Town Chairman subject to confirmation by the Town Board. The term of each member shall be three (3) years; except that of the first members appointed: one (1) shall serve for one (1) year; two (2) for two (2) years; and two (1) for three (3) years.
- d. The Town Plan Commission members shall be removable by the Town Board of Humboldt for cause upon written charges.
- e. Vacancies shall be filled for the unexpired terms of members. The Town Chairman shall appoint personnel to fill the vacancies, subject to approval by the Town Board of Humboldt.

E. Building, Demolition and Remodeling Permits

1. No building (principal structure or accessory building), or addition thereto, constructed after the effective date of this Ordinance, and no addition to a previously existing building shall be occupied, and no land, vacant on the effective date of this Ordinance, shall be used for any purpose until a building permit has been issued. All permits applicable to new construction of single and two (2) family dwellings or manufactured homes shall be “issued by the Town of Humboldt Building Inspector. *All* other building permits shall be issued by the Town Zoning Administrator, except that a building permit for an accessory building exceeding five hundred (500) square feet may only be issued following Town Board approval. No change in a use shall be made until a building permit has been issued.  
Every building permit shall state that the use complies with the provisions of this Ordinance.
2. Application for all building permits shall be made in writing by the land owner



or the land owner's authorized agent. The Zoning Administrator shall collect the application fee in the amount of Twenty Dollars (\$20.00), at the time of application. Zoning administrator is paid an hourly fee as directed at the annual Town meeting.

3. Application for a building permit shall be deemed to be an application for an occupancy certificate as well. No building shall be occupied until or unless an occupancy certificate has been issued by the Town of Humboldt Building Inspector.
4. Each building permit shall be accompanied by a plat in accordance with ~~requirements~~ as specified in Article XVIII, Section G, Plats.
5. Each building permit applied for shall be granted or denied within a ten (10) day period from the date of application. Reason(s) for denial of the building permit shall be forwarded in writing to the applicant.
6. No demolition of any. Building or addition thereto shall occur until a demolition permit shall be obtained from the Town Zoning Administrator. The fee for a demolition permit shall be Ten Dollars and 00/100 (\$10.00). The Town Zoning Administrator shall contact the fire chief in the event that the proposed demolition may present a fire hazard.
7. No building, or addition thereto, shall be "remodeled", as that term is defined herein, until such time as a remodeling permit as required hereunder shall be obtained. The term "remodeling" as provided herein includes structural alterations and changes involving the expenditure for materials and labor in excess of One Thousand Dollars and 00/100 (\$1,000.00), regardless of whether or not additional square footage is added to the building. Remodeling permits shall be issued by the Zoning Administrator, who shall collect a fee of Ten Dollars and 00/100 (\$10.00). Thereafter, Five Dollars and 00/100 (\$5.00) of the filing fee shall be remitted to the Town, and the remaining Five Dollars and 00/100 (\$5.00) shall be retained by the Zoning Administrator for fees.
8. The Town of Humboldt Building Inspector may "red tag" a construction project if the job site contains violations or site conditions which present a life-threatening situation to those coming upon the job site. Upon the issuance of a red tag pursuant to this Ordinance, no person shall enter upon the premises except those persons(s) designated by the Building Inspector's inspection report as necessary to correct the violation(s) which prompted the issuance of the red tag.
9. No person shall be issued, or re-issued a building permit in the. Town of Humboldt if the applicant for the building permit:

- a. Fails to meet or comply with the building codes established by the Town of Humboldt and State of Wisconsin.
- b. Fails to install, provide, and maintain adequate sanitary facilities at the construction project site as determined by the Town Building Inspector.
- c. Fails to install and maintain adequate fire safety equipment at the construction project as determined by the Town Fire Chief.
- d. Fails to meet or comply with the Town of Humboldt building codes on previous construction projects by the applicant in the Town of Humboldt.
- e. Fails to install, provide, and maintain adequate and necessary physical structures, equipment, and operational controls as determined by the Town of Humboldt Building Inspector to prevent public nuisances and to protect public health and safety to persons residing near the construction project site or persons entering the construction project site, including public nuisances associated with noise, dust, odors, fires, explosions, water pollution, air pollution and erosion.
- f. Fails to maintain adequate public liability insurance for the construction project site as determined by the Town Building Inspector.
- g. Fails to comply with the Town of Humboldt's Zoning Ordinance or Brown County Zoning as determined by the Town or County Zoning Administrator.
- h. Fails to install and maintain adequate physical structures and operational control to prevent trespassing, littering, discharging of waste, and to prevent private nuisances on private and public lands adjacent to the construction project site.
- i. Fails to allow physical access to the construction project site by the Town of Humboldt Building Inspector or the Inspector's designee for inspection purposes upon twenty-four (24) hours' notice to the applicant or permittee.

F. Occupancy Certificate

- 1. No building shall be occupied until an occupancy certificate has been issued.

2. No occupancy certificate for a building, or portion thereof, constructed after the effective date of this Ordinance, shall be issued until construction has been completed, and the premises inspected and certified by the Town of Humboldt Building Inspector to be in conformity with the plans and specifications upon which the building permit was based and the applicable building codes.
3. The occupancy certificate shall be issued, or written notice shall be given to the applicant, Stating the reason(s) why a certificate cannot be issued, not later than seven (7) days after the Town of Humboldt Building Inspector is notified in writing by the applicant that the premises or building are ready for final inspection. Applicant shall provide the Building Inspector with not less than (48) hours prior notice as to any requested final inspection.
4. All occupancy certificates shall be issued by the Town of Humboldt Building Inspector.

#### G. Plats

1. All applications for building permits shall be accompanied by the following:
  - a. A plat, in duplicate, of the piece or parcel of land, lot, lots, block, blocks, or parts or portions thereof, drawn at a minimum scale of one (1) inch to one hundred (100) feet showing the actual dimension, the piece of parcel, lot, lots, block, blocks, or portionsthereof, according to the registered or recorded plat of such land.
  - b. A plat in duplicate, drawn at a minimum scale of one (1) inch to one hundred (100) feet showing the ground area, height and bulk of building or structure, the building lines in relation to lot lines, the use to be made of the building, structure, or land; and such other information as may be required by the Town Plan Commission and Zoning Administrator for the proper enforcement of this Ordinance.
2. Said plat material shall be submitted to the Town Plan Commission. Required plat material shall be submitted in conjunction with an applicationfor a building permit.

#### H. Variances

1. Grant of Authority
  - a. The Board of appeals shall have the power to hear and decide special exception to the terms of the ordinance upon which such board is required to pass under such ordinance; to authorize upon appeal in specific case such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to

special conditions, a literal enforcement of the provisions of the ordinance will result in practice difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done.

2. Definitions

- a. “area variance” means a modification to a dimensional, physical, or locational requirement such as a setback, frontage, height, bulk, or density restriction for a structure that is granted the board of appeals under this paragraph.
- b. “Use variance” means an authorization by the board of appeals under this paragraph for the use of land for a purpose that is otherwise not allowed or is prohibited by the applicable zoning ordinance.

3. Application

- a. An application for a variance shall be filed with the Town Zoning Administrator. The application shall contain such information as the Zoning Board of Appeals by rule may require. Notice of the time and place of the variance hearing shall be published as provided in the State Law on Planning and Zoning, and applicable to the Town of Humboldt.

4. Standards for Variances

- a. A property owner bears the burden of proving “unnecessary hardship” as that term is used in this section, for an area variance, by demonstrating that strict compliance with a zoning ordinance would unreasonably prevent the property owner from using the property owner’s property for a permitted purpose or would render conformity with the zoning ordinance unnecessarily burdensome or, for a use variance, by demonstrating that strict compliance with a zoning ordinance would leave the property owner with no reasonable use of the property in the absence of a variance.
- b. Variances may be granted by the Zoning Board of Appeals only when:
  - (1) Because of the particular physical surrounds, shape, or topographical condition of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were to be carried out.
  - (2) Conditions upon which a petition for a variance is based are unique to the property for which the variance is sought, and are not applicable, generally, to other property within the same zoning classifications.
  - (3) Alleged difficulty or hardship is caused by this ordinance and has not been created by any person presently having an interest in the property.

- (4) Granting of the variance shall not be determined to be detrimental to the public welfare or injurious to other property or improvement in the neighborhood in which the property is located.
- (5) Proposed variance shall not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger public health and safety or substantially diminish or impair property values within the neighborhood.

5. Authorized Variances

- a. Variances shall only be granted by the Zoning Board of Appeals, in accordance with the standards established in Article XVIII(H) (2), and an authorized variance shall meet all such standards.

6. Appeal

- a. Any person or persons, jointly or severally aggrieved by any decision of the board of appeals, or taxpayer, or any officer, department, board or bureau of the municipality, may, within 30 days after the filing of the decision in the office of the board of appeals, commence an action seeking the remedy available by certiorari.

I. Appeals

1. Scope of Appeals

- a. The board of appeals shall have the following powers; To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this section or of any ordinance adopted pursuant thereto
- b. An appeal may be taken to the Zoning Board of Appeals by any person, firm, or corporation, or by any office, department, board, or bureau aggrieved by a decision of the Town Plan Commission or Zoning Administrator.
- c. Such an appeal shall be made within thirty (30) days after the decision or the action complained of, by filing with the Town Plan Commission or Zoning Administrator a notice of appeal specifying the grounds thereof
- d. The Town Plan Commission or Zoning Administrator shall forthwith transmit to the Board of Appeals all of the paper constituting a record upon which the action appealed was taken.



## 2. Findings on Appeals

- a. An appeal shall terminate all further proceedings and action(s) unless the Town Plan Commission certifies to the Zoning Board of Appeals, that by reason of facts stated in the certificate, a stay would, in its opinion, cause imminent peril to life and property, in which case proceedings shall not be stayed unless otherwise by a restricting order which may be granted by the Zoning Board of Appeals or by a court of record or notice from the Town Plan Commission on due cause.
- b. The Board of Appeals shall select a reasonable place for the hearing of the appeal and give due notice thereof to the parties as provided in the state law on planning and zoning and applicable to the Town of Humboldt.
- c. The Board of Appeals shall thereafter reach its decision within sixty (60) days from the filing of the appeal.
- d. In exercising the above-mentioned powers such board may, in conformity with the provisions of such section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issue of a permit.

## 3. Appeal

Any person or persons, aggrieved by any decision of the board of appeals, or any taxpayer, or any officer, department, board or bureau of the municipality, may, within 30 days after the filing of the decision in the office of the board of appeals, commence an action seeking the remedy available by certiorari.

### J. Amendments

#### 1. Authority

The Humboldt Town Board may, from time to time, in the manner hereafter set forth, amend the regulations imposed in the districts or amend district boundary lines, provided that in all amendatory ordinances adopted under the authority of this section, due allowance shall be made for the intent and purpose of said changes as per Article II of this Ordinance.

#### 2. Initiation

Amendments may be proposed by any governmental body, interested person or organization.

3. Application

An application for an Amendment shall be filed with the Town Plan Commission in such form and accompanied by such information as required by the Town Plan Commission. Said application shall be reviewed and a written recommendation submitted thereon to the Town Board.

4. Hearing Notice

The Town Board shall hold a public hearing on each application for an amendment. Time, place and purpose of the hearing shall be published as provided in the state law on planning and zoning and applicable to the Town of Humboldt.

5. Findings and Recommendations

a. The Town Plan Commission shall make written findings of fact and shall submit the same together with its recommendations to the Town Board prior to the public hearing.

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

1. Existing uses of property within the general area of the property in question.
2. Zoning classification of property within the general area of the property in question.
3. Suitability of the property in question to the uses permitted under the existing zoning classifications.
4. Trend of development, if any, in the general area of the property in question, including changes, if any, which have taken place in its present zoning classification.,
5. Adequate public facilities to serve the development are present or will be provided.
6. Providing these facilities will not be an unreasonable burden to the Town of Humboldt.

7. The land is suitable for development and development will not cause unreasonable air and water pollution, soil erosion or adverse effects on rare or irreplaceable natural areas.
8. The Plan Commission may recommend the adoption of an amendment changing the zoning classification of the property in question to any more suitable classification than that requested by the applicant.
9. The Plan Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interest and is not solely for the interest of the applicant.

6. Town Board Action

- a. The Town Board shall not act upon a proposed amendment to this Ordinance until it shall have received a written report and recommendation from the Town Plan Commission on the proposed amendment.
- b. The Town Board may grant or deny any application for an amendment, provided however, that in the event a written protest against any proposed amendment to this Ordinance, be duly signed and acknowledged by the owners of twenty percent (20%) or more of either of the areas of land included in such proposed change, or by the owners of twenty percent (20%) or more of the land immediately adjacent, extending one hundred (100) feet therefrom, or by the owners of twenty percent (20%) or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of the full Town Board membership.
- c. If an application for a proposed amendment is not acted upon finally by the Town Board within ninety (90) days of the date upon which such application is received by the Town Board, it shall be deemed to have been denied.

K. Conditional Uses

1. Purpose

- a. To place unique land use characteristics within favorable zoning districts to ease conflict on neighboring lands and public need.

2. Definitions

- a. "Conditional use" means a use allowed under a conditional use permit, special exception, or other special zoning permission issued by a town, but does not include a variance.
- b. "Substantial evidence" means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion.

3. Initiation

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

4. Application

- a. The application for a conditional use shall be filed with the Humboldt Town Plan Commission on a form so prescribed by the Town of Humboldt. The application shall be accompanied by such plans and/or data prescribed by the Town Plan Commission and shall include Commission and shall include a statement in writing by the applicant and evidence showing that the proposed conditional use will conform to the standards set forth in this ordinance. Such application shall be reviewed by the Town Plan Commission who shall schedule a public hearing(s) to give the applicant an opportunity to present evidence showing compliance with the requirements of this ordinance.

5. Plan Commission Hearing on Application

- a. The Plan Commission shall, hold a public hearing(s) as it deems necessary, wherein the Commission shall gather evidence to determine whether there is substantial evidence that the applicant has met, all requirement of Article XVIII(k)7(a) The Plan Commission may recommend conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the conditional use as are deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in Section XVIII(k)6. below so long as those conditions:

(1) are reasonable;

(2) to the extent practicable, measurable; and

(3) are related to the purpose of this ordinance; and

(4) the need for the conditions is supported by on substantial evidence.

- b. Such requirement may include conditions such as the permit's duration, transfer, or renewal.
- c. The applicant must demonstrate that the application and all requirements and conditions established by the commission relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence.

6. Standards

No conditional use shall be recommended by the Town Plan Commission unless said Commission addressed the each of the following and find substantial evidence that each are, or through the imposition of reasonable conditions will be satisfactorily addressed in a manner consistent with the public interest and the purpose of the Zoning Code:

- a. consider what the Comprehensive Plan recommends for the area in question;
- b. survey and consider the existing uses of property within the general area of the property in question;
- c. survey and consider the zoning classification of property within the general area of the property in question (i.e., adjacent zoning districts);
- d. consider the trend of development, if any, in general area of the property in question, including recent zoning changes which have taken place in the immediate area, if any;
- e. determine that the property in question is suitable for the proposed use;
- f. consider the effect the granting of the conditional use will have on adjacent properties;
- g. consider the effect the granting of the conditional use will have on the Town's infrastructure, including but not limited to roads, water supply, recycling, solid waste disposal, etc.;
- h. determine whether there are any proposed public improvements which may affect the property;
- i. determine what, if any, conditions should be attached to the granting of the requested conditional use; and
- j. determine whether the proposed conditional use is consistent with or promotes



public health, safety, convenience, general welfare and prosperity.

- k. determine whether the proposed conditional use is consistent with Article II (A) and (B) of this Ordinance.

7. Conditions and Guarantees

After such hearing(s) as the Town Plan Commission deems necessary to obtain substantial evidence in support of its findings, the Commission shall create a written report to the Town Board including its findings and recommendations.

8. Town Board Review of Recommendation

- (a) Upon receipt of the written recommendation of the Plan Commission, the Town Board shall, following publication in the town of a Class 2 notice under Ch. 985, hold at least one (1) public hearing on the proposed conditional use.
- (b) The Board may, adopt the report of the Plan Commission, modify the report by adding or deleting the conditions recommended by the Plan Commission, reject the report of the Plan Commission. In all cases the Town Board's decision to approve or deny the permit must be supported by substantial evidence and any regulations or conditions imposed must be consistent with Section XVIII (k)5(a)-(d) above.
- (c) If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the town ordinance or those imposed by the town zoning board, the town shall grant the conditional use permit. Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence.
- (d) Once granted, a conditional use permit shall remain in effect as long as the conditions upon which the permit was issued are followed subject to any conditions such as the permit's duration, transfer, or renewal, in addition to any other conditions specified in the zoning ordinance or by the Town Board.

9. Appeal of Board Decision

If the Town Board denies the application the person may appeal the decision to the circuit court under the procedures described in Wis. Stat. 61.35.

L. Fees

Any application for an Amendment or Conditional Use, filed by or on behalf of the owner or owners of the property affected, shall be accompanied by a fee of two hundred dollars (\$200.00). The fee for variances and appeals shall be two hundred dollars (\$200.00). All such fees shall be paid to the Town Treasurer. The fee for a building permit shall be as determined by Town Board resolution. All building permit fees shall be paid to the Town of Humboldt building inspector who shall distribute portions of the building permit fee as required by law. Building permit fees shall be paid on a deposit basis and assessed on a graduated scale. Fifty percent (50%) of the deposited sum shall be returned to the applicant by the building inspector, provided issuance of the occupancy certificate has been accomplished without the necessity of exceeding six (6) inspections. Thirty percent (30%)

of the deposited sum shall be returned to the applicant if issuance of the occupancy certificate entails seven to nine (7-9) inspections by the building inspector. The entire amount deposited shall be retained and no amount shall be returned to the applicant if issuance of the occupancy certificate entails more than nine (9) inspections by the building inspector.

M. Penalties

Any building or structure hereinafter erected, moved or structurally altered or any use hereinafter established in violation of the provisions of this Ordinance by any person, firm association, corporation (including building contractors) or his or their agent shall be deemed an unlawful structure or use.

The Zoning Administrator shall report all such violations to the Town Attorney, who shall bring action to enjoin the erection, moving or structural alteration of such building or the establishment of such use or to cause such building, structure or use to be vacated or removed.

N. Enforcement

Any person who violates any provision of this Ordinance or any other order, rule, or regulation made hereunder shall, upon conviction, be subject to forfeitures of not less than \$250 nor more than \$1,000 for each offense, together with the costs of prosecution and attorneys' fees. Each day that a violation continues shall be considered a separate offense for the purposes of calculating forfeitures. In addition to the foregoing, the Town may seek injunctive relief, abatement orders, and other equitable relief in the event of a violation.

ARTICLE XIX – SATELLITE DISHES

**This Article XIX has been repealed on 10-1-2012, replaced with Chapter 25 Telecommunication Towers.**

This section of the Ordinance applies to the installation and maintenance of satellite dishes which have a diameter greater than 24 inches (24") and are designed for receiving or transmitting signals within or from the Town of Humboldt.

A. General: Satellite dishes shall be considered to be a conditional use in R-1 Residential, R-R Rural Residential, A-1 Agricultural District, B-1 Community Business District, and I-1 Limited Industrial District only. All existing installations of satellite dishes shall comply with this Ordinance prior to any alteration or additional installations on the existing site.

B. Permit:

1. Application for a permit to install a satellite dish shall be made to the Town of Humboldt Zoning Administrator by the property owner or owner's assigned agent. A permit fee of Ten Dollars (\$10.00) shall be paid upon submission of the application.

2. The application for permit shall contain the following information: Name,

address and telephone number of proposed applicant, legal description of the property upon which the installation is proposed to occur, a description of the specific materials and methods to be utilized in the installation; a drawing of the property upon which the installation is to occur, showing all roadways, lot lines, buildings and landscaping features within one hundred (100) feet of the proposed place of installation , and specifying what screening or landscaping will be utilized to assure that the installed satellite does not interfere with the aesthetic view or value of the property.

C. Regulations

1. No installation shall occur without a permit.
2. No satellite dish shall be installed in a front lot, but instead, satellite dishes shall only be installed on the rear or side lot portions of any property.
3. All satellites shall be installed with a setback of not less than seventy-five (75) feet from any right of way, and in addition, shall comply with all other setback requirements for the particular zone as though same were an accessory building.
4. All satellite dishes shall be installed with appropriate screening or landscaping so as to preserve the natural view of the landscape as much as possible
5. No satellite dish shall be fastened to any building.
6. All satellite dishes or antennas shall be anchored to the ground securely, such that they shall be able to reach a thirty (30) pound per square foot wind loading level.
7. All guy wires and anchoring devices shall be utilized and protected such that they do not constitute a hazard to those who are upon the premises.

**ARTICLE XIX HAS BEEN REPEALED ON 10/1/2012 SEE ORDINANCE TELECOMMUNICATION TOWERS.**

**ARTICLE XX - PLANNED UNIT DEVELOPMENT**

A. Application to Existing Use Districts

This section shall operate as an overlay zoning district and thereby as an alternative to the permitted uses and regulations applicable only to the following districts: R- 1 Residential and R-R Rural Residential. This section shall be applicable only to those lands which are hereby and may hereafter be zoned Planned Residential Development District by the Town Board. Basic underlying zoning requirements for land zoned as a Planned Residential Development District shall continue in full force and effect, and be solely applicable until such time as the Town Board shall grant final approval as

hereinafter provided.

B. Purpose

The purposes of the Planned Residential Development District and the regulations applicable to the same are to encourage and provide means for effecting desirable and quality development by permitting greater flexibility and design freedom than that permitted under the basic district regulations, and to accomplish a well- balanced, aesthetically satisfying Town and economically desirable development of building sites within a Planned Residential Development District. These regulations are established to permit latitude in the development of the building site if such development is found to be in accordance with the purpose, spirit and intent of this Ordinance and is found not to be hazardous, harmful, offensive or otherwise adverse to the environment, property values or the character of the neighborhood or the health, safety and welfare of the community. It is intended to permit and encourage diversification, variation and imagination in the relationship of uses, structures, open spaces and heights of structures for developments conceived and implemented as comprehensive and cohesive unified projects. It is further intended to encourage more rational and economic development with relationship to public services, and to encourage and facilitate preservation of open space and other natural features, such as woodlands, floodplains and wetlands. It is further intended to encourage the provision of open space and recreational facilities in conjunction with residential development, to encourage a uniqueness in architectural design, and to encourage a variety of living environments and an agreeable mixture of housing types.

C. Uses Permitted

1. Basic Zoning Uses. The following uses are permitted in a Planned Residential Development District upon obtaining all necessary approvals required under this ordinance:

- (a) All uses permitted under the basic zoning regulations applicable to the zoning district in which the particular property is located.
- (b) Where a building site is situated in more than one use district, all uses permitted under the basic zoning regulations of one district may be extended into the adjacent district, but only under the condition that the maximum area of such extension shall not exceed an area computed to be fifty percent (50%) of the smaller of the areas of the portion of the property located in either district.
- (c) Such additional uses, or mixture of uses, as are recommended by the Planning Commission and approved by the Town Board.
- (d) Building Restrictions. When all necessary approvals required under this ordinance are obtained, the building height, size and floor area, lot size, setback, side and rear yard, density and open space requirements under the

basic zoning regulations shall not be applicable, but rather such requirements as are made a part of the approved final plan, shall be construed to be and shall be enforced as part of this ordinance.

D. Definitions

1. Basic Zoning Regulations. "Basic Zoning Regulations" means such zoning regulations as are applicable to the use district other than the regulations set forth in this section.
2. Building Site. "A Building Site" is a tract of land not divided by public streets or into lots, excepting for single-family dwelling purposes and which will not be subdivided, or where the tract of land if so divided is in single ownership or is owned by a condominium group. (The site must be located on a public street or highway.)
3. Comprehensive Plan. Shall mean the official guide for the physical, social and economic growth of the Town of Humboldt, which is now or may hereafter be in effect.
4. Density. Shall mean the number of dwelling units permitted per square foot of land area or number of dwelling units permitted per acre of land area, and in all cases the projected population of the Planned Residential Development District.
5. Developer. The owner(s) of the building site for which an application for Planned Residential Development overlay zoning is submitted.



6. Final Plan. Shall mean the proposal for development of a planned residential development district, including a plat of subdivision (if any), all covenants, easements and other conditions relating to use location and bulk of buildings, density of development, common open space and public facilities. The plan shall include such information as required by Subsections F (5) and G herein.
7. Open Space. Shall mean a parcel or parcels of land or an area of water, or a combination thereof, within the site designated for Planned Residential Development District and designated and intended for the use or enjoyment of residents of the planned development.
  - (a) Improved Open Space. Shall mean the above parcels and any structure or improvements which are placed upon such parcels (i.e., restrooms, tennis courts, ball diamonds, etc.).
  - (b) Unimproved Open Space. Shall mean open space kept free of structures or improvements, except for hiking, horseback riding, bicycle trails, ponds, picnic areas and nature parks.
8. Planned Residential Development District. Shall mean an area of land, controlled by a single owner, corporation or other legal entity, to be developed as a single entity for a number of dwelling units, single-family, two-family or multiple-family, including but not limited to open spaces, landscaping, accessory buildings, parking areas and appurtenant structures, and is hereafter referred to herein as "PRD".
9. Pre-application Conference. The in initial meeting between the developer and the Town Board at which time the developer shall present the sketch plan. The Town Board shall at the conclusion of such conference pass a resolution either: encouraging the developer to submit an application for PRD overlay zoning; or advising the developer that the proposed PRD is not consistent with the community's standards and posture on Planned Residential Development and thereupon recommending that no application for such project be submitted at that time.
10. Preliminary Plan. Shall mean the preliminary drawings and other required information described in Subsection F (5) herein, indicating the proposed manner and/or layout of the PRD to be submitted to the Humboldt Town Plan Commission.

11. The Procedure for Application and Approval of a Planned Residential Development District Consists of Three Steps:

- (a) Pre-Application Conference as defined herein below.
- (b) Preliminary Approval as defined herein below.
- (c) Final Approval as defined herein below

E. Pre-Application Conference

Prior to filing an application for PRD, the developer shall arrange a pre-application conference with the Town Board. This conference can be arranged by contacting the Town Clerk of the Town of Humboldt in writing requesting that such conference be placed upon the agenda of the Town Board. The primary purpose of the pre-application conference is to provide the developer with an opportunity to obtain information and guidance as to the general suitability of the proposed PRD for the area for which it is proposed, and its conformity to the provisions of this chapter before the developer incurs substantial expense in the preparation of plans, surveys and other required data.

1. The pre-application conference shall be held at either a regularly scheduled or special Town Board meeting.
2. Not less than ten (10) days prior to the Town Board meeting/pre-application conference the developer shall submit three copies of a sketch plan of the proposed PRD.
3. The sketch plan submitted to the Town Clerk shall contain the following:
  - (a) A written statement containing: the major planning assumptions; the objectives of the proposed development; the development concept; the benefits that will accrue to the neighbors of the proposed development.
  - (b) Name and address of the developer. If the developer is a partnership, then the names and addresses of all partners shall be provided. If the developer is a corporation, then the names and addresses of all of the shareholders, directors and officers shall be provided.
  - (c) Name and address of the recorded owner of the property if different from the developer.

- (d) Names and addresses of all property owners within a three hundred foot (300') peripheral strip surrounding the proposed PRD.
- (e) Name, address and telephone number of the firm or individual responsible for preparation of the sketch plan.
- (f) A map drawn to a scale of not less than one inch (1 ") equals one hundred feet (1 00') containing a north arrow, graphic scale, the date of the drawing, tract boundaries, a statement of the total acreage of the tract, the proposed location of all principal structures and associated parking areas.
- (g) A statement concerning the significant physical features within the tract, including existing two-foot (2') contours, water courses, ponds, lakes, and wetlands. This statement shall also address any proposed major changes in those features.
- (h) A statement discussing all contemplated land uses within the PRD.
- (i) A statement describing the zoning district(s) containing the PRD and within three hundred feet (300') adjacent to the proposed PRD.
- (j) A statement describing all existing buildings that may affect the current and future development of the tract.
- (k) A statement discussing the pedestrian, bicycle, auto, mass transit or other circulation systems both within and outside the site.
- (l) A statement concerning existing rights of way and easements which may affect the PRD project.
- (m) If the developer's PRD plan calls for development in stages, then a map drawn to a scale of not less than one inch (1 ") equals one hundred feet (100') showing the successive stages of development.
- (n) Any other documents and supporting information deemed necessary by the developer or the Town Board.

4. The pre-application conference may be adjourned or continued as the Town Board deems necessary to acquire further information. At the conclusion of the pre-application conference, the Town Board shall pass one (1) of the following three (3) resolutions:

- (a) A resolution recommending that an application be submitted to the Humboldt Town Plan Commission; or
- (b) A resolution recommending that an application not be submitted to the Humboldt Town Plan Commission; or
- (c) A resolution that further information and data be gathered and that a revised sketch plan be submitted along with a request for a subsequent pre-application conference.

Any such resolution passed by the Town Board at the conclusion of the pre- application conference is advisory only and is not binding upon any further act or determination by the developer, Town Plan Commission or the Town Board concerning any subsequent application for PRD.

F. Preliminary Approval

Preliminary approval consists of approval of the proposed project in principle only. It shall be determined in accord with the following procedures:

1. Notice, Fee and Public Access Filing Requirement. A person desiring to develop a particular site as Planned Residential Development District shall apply to the Zoning Administrator on such forms as shall be provided by the Town and shall pay a fee of Three Hundred Dollars (\$300.00) which shall accompany such written application. Such application shall contain the names, mailing addresses and telephone numbers of the owners and developers and a description of the development site. Appropriate supporting documents and maps, as required in Subsection F(S) herein, shall be filed with the application. In addition, a true, complete and legible free public access copy of the application and all supporting documents and maps submitted by the developer, shall be prepared and filed with the Town Zoning Administrator by the developer, at the developer's expense. This free public access documentation shall be available to the public at the Town Hall or such other location within the Town of Humboldt as directed by the Zoning Administrator. The purpose of this provision is to promote public awareness and enhance public participation in the preliminary approval and final. approval hearings. As such, the developer's obligation to prepare and file an extra copy of all supporting documents and maps submitted in support of developer's application for free public access continues until final approval or denial of

approval of the proposed Planned Residential Development District. Interested members of the public seeking access to the public copy of the proposed Planned Residential Development District documentation may contact the Zoning Administrator for information as to its location and availability for inspection.

2. Notice to Town Plan Commission. The Zoning Administrator shall inform the Town Plan Commission of such desire and shall secure a date for an initial meeting between the developer and the Town Plan Commission and shall notify such developer of such date.
3. Public Notice of Town Plan Commission meeting. All Town Plan Commission meetings conducted pursuant to this subsection shall be preceded by public notice posted in three (3) conspicuous places within the Town by the Town Plan Commission not less than seventy-two (72) hours prior to such meeting(s). In addition, the developer shall, at the developer's expense, mail written notice by certified or registered mail to all property owners of those properties located within the three hundred foot (300') periphery surrounding the building site to be developed not less than fourteen (14) days prior to the initial Town Plan Commission meeting. The written notice issued by the developer shall include the name, address and telephone number of the developer's representative who shall be prepared to provide interested parties with copies of the sketch plan, application, preliminary plan and any other document(s) submitted or to be submitted to the Town Plan Commission at, or prior to, the public hearing. Copies of any such documentation shall be provided to interested members of the public by the developer upon request, provided however, the developer may charge the requesting party the reasonable cost of duplication of any such requested item, and may require that the requesting party pay the cost of duplication in advance of duplicating and providing the requested copies. The developer shall file a copy of the written notice and the mail certification receipts with the Town Plan Commission at or prior to the commencement of the meeting. Failure of the developer to timely file the notice copy or the mail receipts with the Town Plan Commission shall result in adjournment of such meeting until such time as this requirement shall be satisfied.
4. Town Plan Commission Recommendation. The Town Plan Commission, upon concluding such meetings as the Commission may require with the developer, shall report in writing such proposed project development to the Town Board, together with its recommendation for either approval or disapproval of the same. Such report and recommendations of the Town Plan Commission shall be made to the Town Board no later than four (4) months from the date of the filing of the application. The Plan Commission's "report" as required herein shall include: a complete copy of all documents, maps, and other items submitted by the developer to the Town Plan Commission as well as copies of all Town Plan Commission meeting minutes containing any reference or information concerning the PRD application. A recommendation of approval by the Town Plan Commission shall in no way be binding on the Town Board. The Town Board shall either approve or disapprove the proposed development project, with or without modification within four (4) months of its receipt of the Town Plan Commission recommendation. Any such approval shall be a preliminary approval only and shall not bind the Town Board regarding final approval.



5 Information Required. The- following information shall be provided by the developer in adequate detail to satisfy the Town Plan Commission for its report and recommendation regarding preliminary approval:

- (a) A statement describing the general character of the intended development.
- (b) An accurate map of the project area drawn at a scale no less than one sixteenth inch (1/16") equals one foot (1') showing the nature, use and character of abutting properties prepared by a registered surveyor.
- (c) Four (4) copies of a general development plan of the proposed project drawn at a scale no less than one sixteenth inch (1/16") equals one foot (1'), including addenda showing the following information in sufficient detail to make possible the evaluation of the criteria for approval as set forth in subparagraphs 1, 2, 3, 4 and 6 of Subsection I of this article:
  - (1) Tract boundaries and a statement of the total acreage of the tract;
  - (2) Significant physical features Within the tract, including existing two feet (2') contours, watercourses, drainage, ponds, lakes and wetlands and any proposed major changes in those features;
  - (3) Zoning District(s) on and within four hundred feet (400') adjacent to the proposed project;
  - (4) Property lines (if any) within the proposed project;
  - (5) All contemplated land uses within the tract;
  - (6) All indicator of the contemplated intensity of use; i.e., gross density in residential or recreational development;
  - (7) Number and types of dwelling units;
  - (8) Existing building that may affect future development and proposed location of all principal structures and associated parking areas;
  - (9) Proposed lot coverage of buildings and structures;
  - (10) Proposed circulation systems (pedestrian, bicycle, auto, mass transit) by type, how they relate to the existing network outside this site;
  - (11) Existing rights-of-ways and easement which may affect the PRD project;

- (12) In the case of plans which call for development in stages, a map at an appropriate scale showing the successive stages;
  - (13) The location of sanitary and storm sewer lines, water mains, fire hydrants and lighting;
  - (14) The location of recreational and open space areas and areas reserved or dedicated for public uses, such as schools, parks, etc.;
  - (15) Description of proposed system for drainage;
  - (16) General landscape treatment.
- (d) Appropriate statistical data on the size of the development, Residential density, ratio of various land uses, economic analysis of the development and any other data pertinent to the evaluation under the criteria of subparagraphs 1, 2, 3, 4, and 6 of Subsection I of this Article.
  - (e) Architectural drawings and sketches illustrating the design, character and appearance of all proposed structures.
  - (f) General outline of intended organizational structure related to property owner's association, deed restrictions and private provision of common services, if any.
  - (g) Economic feasibility and impact report shall be required by the Town Plan Commission to provide satisfactory evidence of: the developer's financial capability; the project's economic feasibility; the availability of adequate financing; and that the project will not adversely affect the economic prosperity of the Town or the values of surrounding properties.
- 6 Town Board Preliminary Approval. The Town Board shall act to approve, with conditions or disapprove the Town Plan Commission's recommendation regarding preliminary approval of the PRD. The Town Board shall conduct its hearings with regard to preliminary approval pursuant to Subsections H and I of this article.
- 7 Amendment of Preliminary Approval. The recommendation of the Town Plan Commission and the preliminary approval of the Town Board shall be based on and include as conditions thereto the building, site and operational plans for the development as approved, as well as all other commitments offered or required with regard to project value, character or other factors pertinent to an assurance

that the proposed development will be carried out as presented in the approved plans. Detailed construction time and the approval of such preliminary plan shall be conditioned upon the subsequent submittal and approval of more specific and detailed plans. Any subsequent change or addition to the plans or use shall first be submitted to the Town Plan Commission and if, in the opinion of the Town Plan Commission, such change or addition constitutes a substantial alteration of the original plan, it shall within forty-five (45) days make an appropriate recommendation to the Town Board relating to an amendment of the preliminary approval.

G. Final Approval

1. Petition for Final Approval. When the Town Board has issued its preliminary approval of the proposed plan, then the developer may file with the Town Clerk a petition executed by the owner of the property to be developed, or his/her agent, for the final approval, stating that the developer seeks to develop such property under the provisions of this section. Such petition shall include:

- (a) The names, mailing addresses and telephone numbers of any additional owners and developers of the development site, and the names of owners and developers listed on the application who no longer have an interest in the project, in the event there has been a change in owners or developers since the date of the application.
- (b) An accurate topographical map showing topographical data at two-foot (2') intervals and extending within one hundred feet (100') beyond the exterior boundaries of the site, showing all public rights-of-way and all buildings accurately located within one hundred feet (100') of the exterior boundaries of such site. Such map shall contain all available utilities, including drainage and the capacities thereof and high-rate elevations along rivers.
- (c) A plot plan at a scale of one sixteenth inch (1/16") equals one foot (1') showing the location, type and size of every proposed structure and its proposed use; also, driveways, driveway access roads, parking facilities, lighting appliances, recreation areas, loading docks, open spaces, screening, fencing, and landscaped areas and utility easements.
- (d) A statistical table showing the size of the site in square feet, the acreage (exclusive of public streets), proposed population densities and open area (both in square feet and as a percentage of the project area).

- (e) Architectural, drawings of all buildings and structures and sketches showing the design characteristics and treatment of exterior elevations and typical floor plans of proposed structures.
  - (f) A table showing the approximate costs of structures.
  - (g) A statement showing the starting and completion dates of the project.
  - (h) Evidence that all conditions attached to the preliminary approval by the Town Board have been fully satisfied.
  - (i) Any other pertinent data, statements, drawings or plans which may be required by the Town Board.
2. Town Board Action on Final Approval. Petitions for Final Approval shall be acted upon by the Town. Board as follows:
- (a) Within ninety (90) days of receipt of the Petition for Final Approval and all required information, the Town Board shall pass one of the following three resolutions:
    - (1) A resolution granting the developer final approval which includes all of-the plans, specifications , blueprints, conditions, commitments, agreed methods of operation, and all other terms applicable to the project, either setting those matters out in detail within such resolution or incorporating same into such resolution by reference, such that the resolution will encompass all of the matters, representations, covenants and agreements which resulted in the grant of final approval; or
    - (2) A resolution denying the developer final approval; or
    - (3) A resolution requiring the developer to submit further information such that the Town Board may take further action upon final approval.
  - (b) If the Town Board has not acted by resolution granting or denying the petition for Final approval within ninety (90) days of the date upon which all required information has been received, the petition for Final Approval shall be deemed to have been denied
  - (c) A Planned Residential Development District shall not be granted final approval if a protest against the Petition for Final Approval is presented to the Town Board prior to or at the public hearing on final approval; unless the resolution granting final approval is

adopted by not less than a three-fourths (3/4) vote of the Town Board. To be effective, the protest must be written, signed and acknowledged by at least fifty percent (50%) of the owners of the property within a three hundred foot (300; periphery surrounding the building site.

3. Appeal of Final Action by Town Board upon Petition for Final Approval. Any person or persons, jointly or severally, aggrieved by the decision of the Town Board concerning final approval, may within thirty (30) days after any such final action by the Town Board (including expiration of the ninety (90) day period for action upon final approval), commence an action in the Circuit Court seeking the remedy available by certiorari\_

- (a) The Court shall not stay proceedings upon the decision appealed from, but may upon application, on notice to the Town Board and on due cause shown, grant a Restraining Order.
- (b) The Town Board shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof.
- (c) If necessary for the proper disposition of the matter, the Court may take evidence, or appoint a referee to take evidence and report findings of fact and conclusions of law as it directs, which shall constitute a part of the proceedings upon which the determination of the Court shall be made.
- (d) The Court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.
- (e) Costs shall not be allowed against the Town Board unless it shall appear to the Court that the Town Board acted with gross negligence, or in bad faith, or with malice in making the decision appealed from.
- (f) All issues in a proceeding under this section shall have preference over all other civil actions and proceedings according to law.

#### H. Town Board Hearings

The Town Board shall hold public hearings regarding preliminary approval, amendment of preliminary approval, and final approval. Notice of all such hearings shall be provided by the developer at the developer's expense as follows:



1. Notice of all such Town Board hearings shall be published as a Class II Notice.
2. Notice by certified or registered mail shall be mailed by the developer to all property owners of those properties within the three-hundred-foot (300') periphery surrounding the building site to be developed not less than fourteen (14) days prior to the initial public hearing at each step of the process including preliminary approval, amended preliminary approval, final approval and amendment of final approval.
3. The notice shall contain the date, time and location of the Town Board hearing. It shall also contain the name and address of the developer, a brief description of the nature of development and the legal description of the property to be developed. The notice shall also refer interested parties to the name, address and telephone number of the developer's representative who shall be prepared to provide interested parties with the opportunity to examine and review the sketch plan, any subsequent change or addition to the preliminary or final plans for the development and any other document(s) submitted or to be submitted to the Town Board at or prior to the public hearing. Copies of any such documentation shall be provided to interested members of the public by the developer upon request, provided however the developer may charge the requesting party the reasonable cost of reproduction of any such requested item, and may require that the requesting party pay the cost of duplication in advance of duplicating and providing the requested copies. All such requested documentation shall be delivered, or made available for pickup by the requesting party at an appropriate location in Brown County, not later than seventy-two (72) hours following the developer's receipt of an oral or written request for same. The requesting party shall determine the method of acquisition (either pickup or delivery), however, upon electing delivery, the developer may charge and the requesting party shall pay the reasonable cost of delivery at the same time the reasonable cost of duplication is paid.
4. All certifications of publication, a copy of the mailed notice and certified mail receipts shall be filed with the Town Clerk by the developer at or before the Town Board hearing on these matters.

#### I. Criteria for Approval

As a basis for determining the acceptability of a Planned Residential Development proposal, the following criteria shall be applied by the Town Plan Commission and Town Board to the development plan with specific consideration as to whether or not it is consistent with the spirit and intent of this Ordinance, has been prepared with competent professional advice and guidance, and produces significant benefits to the Town's citizens and the general public in terms of environmental design.

1. Character and Intensity of Land Use. The uses proposed and their intensity and arrangement on the building site shall be of a visual, aesthetic and operational character which:
  - (a) Is compatible with the physical nature of the site, with particular concern for preservation of natural features, tree growth and open space.
  - (b) Would produce an attractive environment of sustained aesthetic and ecologic desirability, economic stability and functional practicality compatible with the general development plans for the area as established by the Town.
  - (c) Would not adversely affect the anticipated provision for school, sewer, water, snow removal, garbage pickup, fire protection or other municipal services.
  - (d) Would provide sufficient and accessible off-street parking and loading facilities in the amount specified in Article XV, Off Street Parking Zoning Requirements.
  
2. Landscaping of Parking Areas. The parking site shall be planned to provide a desirable transition from the streetscape and to provide for adequate landscaping, pedestrian movement and parking areas. In keeping with this purpose, the following design standards shall be set forth:
  - (a) Where natural or existing topographic features contributed to the beauty and utility of a development, consideration shall be given to their preservation. Modification to topographic features should only occur where it contributes to good appearance and is environmentally sound.
  - (b) Plant material shall be selected for interest in its structure, texture, color and for its ultimate growth. Further, it is recommended that native materials be employed for their ability to tolerate the prevailing climate including foreseeable adverse conditions.
  - (c) In locations where plant materials will be susceptible to injury by pedestrians and/or motor vehicles, appropriate curbs, tree guards or other protective devices shall be employed.
  - (d) Parking areas shall be arranged so as to prevent through traffic to other parking areas.

- (e) Parking areas shall be screened from adjacent structures, roads and traffic arteries with hedges, dense planting, earth beams, changes in grade or walls, except where parking areas are designed as an intricate part of the street.
  - (f) No more than fifteen (15) parking spaces shall be permitted in a continuous row without being interrupted by landscaping.
  - (g) All parking areas shall be adequately lighted. All such lighting shall be so arranged as to direct the light away from adjoining residences.
  - (h) All off-street loading and unloading areas shall be paved, and the design thereof approved by the Town Plan Commission.
  - (i) All parking areas and off-street loading and unloading areas shall be graded and drained so as to dispose of all surface water without erosion, flooding and other inconveniences.
3. Engineering Design Standards. The width of rights-of-way, width and location of street or other paving, requirements for outdoor lighting, locating of sanitary and storm sewer and water lines and provision for drainage and other similar environmental engineering considerations shall be based upon a determination as to the appropriate standards necessary to ensure the public safety and welfare. Under appropriate circumstances, the Town Board may condition its preliminary approval upon the results of studies of the proposed development's engineering design standards, by an independent engineering firm, retained upon bid by the Town Board. In such event, the developer shall deposit with the Town Treasurer the selected engineering firm's total bid price, within five (5) days of receipt of written notice of the acceptable bid price. Default of the developer with regard to timely deposit of such sum, shall constitute the developer's withdrawal of its application for PRO. However, the developer may request a special hearing before the Town Board to question and to be advised as to the appropriateness of the circumstances giving rise to the requested independent study. However, provided the Town Board shall have selected the lowest responsible bidder, there shall be no further discussion with regard to the bid price previously deemed acceptable by the Town Board.
4. Preservation and Maintenance of Open Space. Adequate provision shall be made for the permanent preservation and maintenance of common "open space" and rights-of-way either by private reservation or dedication to the public.
- (a) In the case of private reservation, the open area to be reserved shall be protected against building development by conveying to the Town, as part of the conditions for project approval, an open space easement over such open areas restricting the areas against any further building or use, except as is consistent with that of providing landscaped open space for the aesthetic and recreational satisfaction of the surrounding residences. Buildings or uses for noncommercial recreational or cultural purposes compatible with the open space objective may be permitted only where specifically authorized as part

of the development plan, or subsequently with the express approval of the Town Board following the recommendation of any such building, site and operational plans by the Town Plan Commission

- (b) In the case of roadways and other rights-of-way which are not dedicated to the public, as part of the conditions for project approval, there shall be granted to the Town such easements over the same as may be necessary to enable the Town to provide suitable and adequate fire protection, sanitary and storm sewer, water and other required municipal services to the project area.
- (c) The care and maintenance of such open space reservations and rights-of-way shall be assured, either by establishment of appropriate management organization for the project or by agreement with the Town for establishment of a special service district for the project area on the basis of which the Town shall provide the necessary maintenance service and levy the cost thereof as a special assessment on the tax bills of properties within the project area. In any case, the Town shall have the right to carry out and levy an assessment for the cost of any maintenance which it feels necessary if it is not otherwise taken care of to the satisfaction of the Town. The manner of assuring maintenance and assessing such cost to individual properties shall be determined prior to the approval of the final project plans and shall be included in the title to each property.
- (d) Ownership and tax liability of private open space reservations and rights-of-way shall be established in a manner acceptable to the Town and made a part of the conditions of the plan approval.

5 Additional factors and requirements to be considered by the Town Plan Commission and Town Board.

- (a) The applicable provisions of the Town's Comprehensive Plan as it pertains to schools, water supply, sewage treatment systems, highway and street alignments, environmental integrity and other public facilities where appropriate.
- (b) Land with unsafe or hazardous conditions such as open quarries, unconsolidated fill, floodplains or steep slopes shall not be developed unless the plan provides for adequate safeguards.
- (c) The physical layout and form of all structures and streets shall be designed with regard to the topography and natural features of the site, the effects of prevailing winds, seasonal temperatures, and

hours of sunlight. All housing shall be sited to as to enhance privacy and ensure natural light for all principal rooms.

- (d) Whether the housing and other facilities adjacent or closest to the boundaries of the PRD are designed so as to be harmonious with neighboring areas.
- (e) Economic feasibility of the project including not only initial construction and sale but in addition, all future maintenance and care of the PRD shall be examined and assured by escrow, performance bond or adequate surety.
- (f) Proper accommodation of pedestrian traffic including providing such sidewalks, walkways and bicycle paths as may be necessary for the safety and convenience of pedestrian and cyclist traffic within project boundaries.
- (g) What, if any, arrangements must be made to accommodate pedestrian traffic outside the project boundaries to assure the safety and convenience of pedestrian and cyclist traffic expected to be generated by the PRD.
- (h) Does the proposed plan of the PRD as designed, minimize the disturbance to the natural environment and preserve natural site amenities such as topography, trees and groundcover, natural bodies of water, and other natural features.
- (i) Heights of structures.
- (j) Auto parking facilities.
- (k) Screening and fencing.
- (l) Landscaping.
- (m) Setbacks.
- (n) Open space reservations.
- (o) The site itself as it relates to neighborhood environment, compatibility to existing neighborhood use, and general neighborhood characteristics.

- (p) Nature and use of the proposed structures and their design architecture and the materials to be used.
- (q) Highway access to the site, number of openings and location of - same.
- (r) Traffic generation, number of vehicles parked and rate of turnover per hour.
- (s) Drainage.
- (t) Capacities required for sewer, water and other necessary utilities.
- (u) Educational capacity capabilities (number of families and school load).
- (v) Economic impact on the Town, its inducements, attractions and detractions.
- (w) Lighting.
- (x) Proposed methods and hours of operation.
- (y) Comparison of open space as required by the underlying basic zones with that of the proposed project.
- (z) Operational control, security, management.
- (aa) Commencement and completion dates.
- (bb) Highway dedication.
- (cc) Deed restrictions, escrows, insurance and sureties deemed necessary to protect the health, safety and welfare of the Town, its residents or the general public.
- (dd) The financial capability of the developer:
- (ee) The historical development experience and practices of the developer.
- (ff) The developer's historical business experience and practices.
- (gg) The character, apparent abilities and qualifications of the developer as provided by credible references.



- (hh) Consider the current effect(s) of the proposed PRD upon the immediate surrounding area.
  - (ii) Consider any future effect(s) the PRD may have upon future development of the area surrounding the PRD and whether the land surrounding the proposed PRD can be planned in coordination with the proposed PRD.
  - (jj) Whether or not an exception from the Zoning Ordinance District requirements and limitations is warranted by virtue of the design and amenities incorporated into the PRD's final plan.
  - (kk) Whether the developer, its general contractor or subcontractors have sufficient liability insurance, escrowed funds, bonding, or other surety to fully cover and indemnify potentially affected property owners and the Town for damage(s) to property incurred during and as a result of the developer's planned construction activity within the PRD.
  - (ll) Such other limitations, conditions, or special requirements, as may be deemed necessary to protect the health, safety, and welfare of the Town, its residents, or the general public.
6. Implementation Schedule. The developer shall submit a reasonable schedule for the implementation of the development to the satisfaction of the Town Plan Commission and the Town Board, including suitable provisions (and the Town may require the furnishing of a suitable and sufficient performance bond) for assurance that each phase could and should be brought to completion in a manner which shall not result in adverse effect upon the community as a result of termination at the end of any phase.

J. General Provisions

- 1. Engineering Design Standards. Normal standards or operational policy regarding right-of way widths, provision of sidewalks, street lighting and similar environmental design criteria shall not be mandatory in a planned development, but precise standards satisfactory to the Town, pursuant to the criteria for approval as set forth in Subsection I of this article, shall be made a part of the approval plan and shall be enforceable as a part of this ordinance.
- 2. Approvals. The developer shall develop the site in accordance with the terms and conditions of development presented to and approved by the Town Board. Any changes or additions by the developer to the original approved development site, structures, or plans of operation shall require resubmittal and recommendation by the Town Plan Commission, and approval by the Town Board Provided, however, the Town Board

reserves the right to amend the grant of final approval to add or delete any conditions, commitments, or guarantees, as may be permitted by law when circumstances dictate that the public health, safety, or general welfare will be adversely affected in the absence of such amendment or under circumstances where the grant of final approval excluding such amendment(s) was the product of fraud, mistake or excusable neglect.

3. Rescinding Approval. Failure to comply with the conditions, commitments, guarantees, or the recommendations established in the final approval of such development project, including any subsequent amendment(s) thereto, shall be cause for rescinding the approval of the same. Upon notice given by the Zoning Administrator, the developer then shall be required to appear before the Town Board at its next public meeting, to explain any such failure to comply. The Town Board at such meeting shall determine whether or not the developer shall have failed to comply and, if there has been such a failure, may either:
  - (a) Rescind its approval, whereupon such rescission and cessation of all right and privileges of the developer, including the right to complete construction or to construct any building or other structure or improvement, shall become effective on the thirty-first (31st) day following mailing by certified mail to the developer at his/her last known address of a written notice of such rescission; or
  - (b) Adjourn such discussion at the Town Board meeting for a period not to exceed sixty-five (65) days to enable the developer to comply; whereupon, if the developer is then in substantial compliance and has then established to the reasonable satisfaction of the Town Board that there will be compliance in the future, the rights and privileges of the developer shall continue for such period of time that there shall be such compliance; but, if the developer is not then in substantial compliance, or does not establish to the reasonable satisfaction of the Town Board that there will be compliance in the future, the Town Board will proceed in accordance with subparagraph (a), immediately above.
  - (c) Nothing contained herein shall preclude, and the Town Board herein specifically reserves the right to seek such ex parte restraining orders or temporary injunctions, whether prohibitory, preventive, mandatory or affirmative, as may be necessary to avoid irreparable loss or damage, restrain against continuing harm, or maintain the status quo until the issues can be resolved on the merits.

#### K. Interpretation

In the interpretation and application of this Article, the provisions set forth hereinabove shall be held to be minimum requirements and shall be liberally construed in favor of the Town of Humboldt and shall not be deemed a limitation or repeal of any other power granted to the Town of Humboldt by the Wisconsin Statutes. Any development

hereunder shall be planned, reviewed and carried out in conformance with all municipal, state and other laws and regulations. The provisions of this article or of any PRD plan given final approval under this Article, shall take precedence and be controlling when there is conflict between such provision and any other provision of the Town of Humboldt Zoning Ordinance.

## ARTICLE XXI-SEXUALLY-ORIENTED ADULT-ENTERTAINMENT ESTABLISHMENTS

### I. SEXUALLY-ORIENTED ADULT-ENTERTAINMENT ESTABLISHMENT ZONING.

A. INTENT. Mindful of the fact that it is the intent of this ordinance to protect the health, safety, and welfare of the Citizens of the Town of Humboldt and to further preserve the quality of family life and agricultural use and practice, and to preserve the vital characteristics of the neighborhoods in the Town of Humboldt and prevent adverse and deleterious effects contributing to the blight and downgrading of neighborhoods, and also mindful of the effects of sexually oriented adult entertainment upon minors and the violation of civil rights of many persons partaking in such entertainment, and also mindful of the criminal activity and disruption of public peace associated with such establishments, their tendency to increase the number of transients and traffic in the area, the devaluation of residential property adjacent to such establishments, and the significant potential for conflict with farm operations, residential uses, and certain other community business uses; it is the intent of this section to regulate the location of such establishments of sexually oriented adult entertainment. By enactment of this ordinance, the Town Board of the Town of Humboldt does not intend to give any explicit, implicit or tacit approval or condone any activity relating to adult entertainment.

B. DEFINITIONS. For the purpose of this section :

1. "Specified Sexual Activities" is defined as:

- a. Human genitals in the state of sexual stimulation or arousal;
- b. Acts of human masturbation, sexual intercourse, or sodomy;
- c. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breasts.

2. "Specified Anatomical Areas" is defined

- a. Less than completely and opaquely covered:

- (1) human genitals, pubic region ;
- (2) buttock ;
- (3) female breasts below a point immediately above the top of the areola.

b. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

3. "Sexually-oriented adult-entertainment establishment businesses..

(hereinafter "Adult Establishment") includes bookstores, motion picture theaters, outdoor motion picture theaters, mini-motion picture theaters, bath houses , modeling studios, body painting studios, and cabarets whether licensed under Chapter 125 Wis. Stats. to serve alcohol beverages or not; and are more specifically defined as:

- a. Adult bookstore. An establishment having as a substantial or significant portion of its stock and trade in books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to "Specified Sexual Activities, or "Specified Anatomical Areas" as defined herein.
- b. Adult motion picture theater. An enclosed building with a capacity of fifty (50) or more persons at which a significant or substantial portion of the material presented is distinguished or characterized by an emphasis on matter depicting, describing or relating to "Specified Sexual Activities, or "Specified Anatomical Areas" as defined herein, for observation by patrons therein.
- c. Adult outdoor motion picture theater. A parcel of land from which individuals may view a motion picture presented outdoors which presents material distinguishably characterized by an emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas".
- d. Adult mini-motion picture theater. An enclosed building with a capacity for less than fifty (50) persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" as defined herein, for observation by patrons therein.

- e. Adult bath house. An establishment or business which provides the service of baths of all kinds, including all forms and methods of hydrotherapy, that is not operated by a medical practitioner or a professional physical therapist licensed by the State of Wisconsin, and which establishment provides to its patrons an opportunity for engaging in "Specified Sexual Activities" as defined in this ordinance.
  
- f. Adult Motel. A hotel, motel, lodging house, boarding house or similar commercial establishment which :
  - (1) offers accommodations to the public for any form of consideration and provides patrons with closed- circuit television transmission , films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "Specified Sexual Activities" or "Specified Anatomical Areas"; and has a sign visible from the public right-of-way which advertises the availability of any of this adult type of reproductions; or
  
  - (2) offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
  
  - (3) allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten ( 10) hours.
  
- g. Adult modeling studio. An establishment or business which provides the service s of modeling for the purpose of reproducing the human body wholly or partially in the nude by means of photography, painting, sketching, drawing or otherwise.
  
- h. Adult body painting studio. An establishment or business wherein patrons are afforded an opportunity to paint image s on a body which is wholly or partially nude. For purposes of this ordinance, "adult body painting studio" shall not be deemed to include a tattoo parlor.
  
- i. Adult cabaret. An establishment or business, whether licensed under Chapter 125 Wis. Stats. to serve alcohol beverages on the premises or not, which regularly, periodically or infrequently features male and/or female topless and/or

bottomless dancers, go-go dancers, exotic dancers, strippers, or similar entertainers.

- j. Adult novelty shop. An establishment or business having as a substantial or significant portion of its stock and trade in novelty or other items which are distinguished or characterized by their emphasis on, or designed for, Specified Sexual Activities, as defined herein, or stimulating such activity.
- k. Escort service an establishment or business which offers patrons same or opposite sex escorts, who in addition to other services, offer, provide or engage in Specified Sexual Activities or the display of the escort's Specified Anatomical Areas.
- l. Adult Establishment massage Parlor. An establishment or business which provides or features masseurs or masseuses attired to reveal their Specified Anatomical Areas or who engage in Specified Sexual Activities with or in the presence of patrons.

C. GENERAL STANDARDS. So as to ensure a maximum benefit to the community and a minimum impact upon existing and future uses of land, it is hereby directed that, subject to the standards set forth in the Ordinance, Adult Establishments shall locate only in areas zoned Community Business District, and then only as a conditional use. Such application for conditional use may only be granted if the following requirements are met:

- 1. No more than one Adult Establishment shall be located on any one parcel, and such Adult Establishment shall be at least five hundred (500) feet from any other Adult Establishment. Further, no Adult Establishment shall be permitted within one thousand (1,000) feet of the following:
  - a. Any land zoned residential;
  - b. A historic site identified on the "National Register", or as an adopted historic district by law;
  - c. Any public or private elementary or secondary school or licensed nursery school or day care center;
  - d. A church or established place of worship;



- e. A public park or parkway;
  - f. A farm building or farm yard where animals are kept.
2. Signs advertising any of the aforementioned Adult Establishments shall conform with requirements of Article XII of the Zoning Ordinance for the Town of Humboldt with the exception, however, that no tower or portable signs or billboards shall be permitted on the premises, and with the further exception that signs will inform only of the Adult Establishment name and address and will not depict Specified Sexual Activities and/or Specified Anatomical Areas as defined in this Ordinance, and provided further that there shall be no flashing or traveling lights located outside the building. The location and wording of such sign shall be shown on the site plan submitted contemporaneously with the request for conditional use.
  3. Adequate parking shall be provided in a lighted area as required by Article XIII of this Ordinance. Such parking provisions shall be shown on the site plan and submitted contemporaneously with the request for conditional use.
  4. Lighting shall be provided so as to illuminate the entire exterior of the building. Such lighting shall be shown on the site plan required and submitted contemporaneously with the request for conditional use.
  5. There shall be no display windows on the premises.
  6. The owner and/or operator of the Adult Establishment shall agree to comply with all federal, state, and local laws and ordinances, including obscenity, liquor, and cabaret laws and shall further ensure that minors are not permitted on the premises. Solicitation for purposes of prostitution shall be strictly prohibited .
  7. In the case of adult cabarets, there shall be compliance with Town Ordinance s relating to noise; and the hours of operation for such Adult Establishments shall be limited to the same hours of operation for bars and taverns licensed pursuant to Chapter 125 Wis. Stats.
  8. In the case of outdoor adult motion picture theaters, the Adult Establishment shall comply with the same conditional use standards set forth for other drive-in theaters and shall furthermore comply with the standards set forth in Town Ordinances pertaining to noise.

Furthermore, outdoor adult motion picture theaters shall confine their hours of operation to those hours of operation established for bars and taverns licensed pursuant to Chapter 125 Wis. Stats. Outdoor adult motion picture theaters shall also have the viewing screen located in such a fashion as to not be visible from any road, street or highway, or residential zoning district up to four hundred (400) horizontal feet away; and the premises shall be surrounded by fencing which is impervious to sight at least eight (8) feet in height. All such theaters shall be in compliance with Section 134.46 Wisconsin Statutes.

9. Prior to the granting of a conditional use permit, an inventory of the surrounding area and population shall be made by the Town Plan Commission along with a study of the proposed development and plans for the area so as to enable the Plan Commission to make appropriate findings relating to the effect of the establishment of such use in that area.
10. The owner of the parcel upon which the Adult Establishment use is to occur and the operator of the Adult Establishment and owner of the Adult Establishment shall appear in person before the Plan Commission and Town Board.
11. All Adult Establishments shall be licensed in accordance with the Town Ordinance pertaining to the licensing of Sexually-Oriented Adult-Entertainment Establishments.

## **ARTICLE XXII: AGRICULTURE -FARMLAND PRESERVATION (AG-FP)**

### **A. DEFINITIONS IN THE AG-FP DISTRICT ONLY:**

- (1) "Accessory use" means any of the following permitted land uses on a farm:
  - (a) A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use.
  - (b) An activity or business operation that is an integral part of, or incidental to, an agricultural use.
  - (c) A business, activity, or enterprise , whether or not associated with an agricultural use, which meets all of the following requirements:
    1. It is conducted on a farm by an owner or operator of that farm .
    2. It requires no buildings, structures, or improvements other than those described in par. (a).
    3. It employs no more than 2 full-time employees annually-
    4. It does not impair or limit the current or future agricultural use of the farm or other protected farmland.
  
- (2) "Agricultural use" means any of the following activities conducted for the purpose of producing an income or livelihood:
  - (a) Crop or forage production.
  - (b) Keeping livestock.
  - (c) Beekeeping.
  - (d) Nursery, sod, or Christmas tree production.
  - (e) Floriculture.
  - (f) Aquaculture.
  - (g) Fur farming.
  - (h) Forest management.
  - (i) Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
  
- (3) "Agriculture- related use" means any of the following :
  - (a) An agricultural equipment dealership , facility providing agricultural supplies , facility for storing or processing agricultural products, or facility for processing agricultural wastes.

- (4) "Conditional use" means a use allowed under a conditional use permit issued by the Town of Humboldt.
- (5) "Farm" means all land under common ownership that is primarily devoted to agricultural use. For purposes of this definition, land is deemed to be primarily devoted to agricultural use if any of the following apply:
  - (a) The land produces at least \$6,000 in annual gross farm revenues to its owner or renter, regardless of whether a majority of the land area is in agricultural use
  - (b) A majority of the land area is in agricultural use.
- (6) "Farm residence" means a single-family or duplex residence that is the only residential structure on the farm.
- (7) "Gross farm revenue" means gross receipts from agricultural uses, less the cost or other basis of livestock or other agricultural items purchased for resale which are sold or otherwise disposed of during the taxable year. "Gross farm revenue" includes receipts accruing to a renter, but does not include rent paid to the land owner.
- (8) "Livestock" means bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer , farm-raised game birds, camelids, ratites and farm-raised fish.
- (9) "Open space parcel" means a parcel on which no buildings, other than hunting blinds or non-habitable sheds less than 100 square feet, have been constructed or approved for construction.
- (10) "Person" means an individual, corporation, partnership, limited liability company (LLC), trust, estate or other legal entity.
- (11) "Prime farmland" means all of the following:
  - (a) An area with a class I or class. 11 land capability classification as identified by the Natural Resources Conservation Service of the United States Department of Agriculture.
  - (b) Land, other than land described in par. (a), which is identified as prime farmland in the county's certified farmland preservation plan.
- (12) "Prior nonconforming use" means a land use that does not comply with this farmland preservation zoning ordinance , but which lawfully existed prior to the application of this ordinance.
- (13) "Protected farmland" means land that is any of the following :
  - (a) Located in a farmland preservation zoning district certified under Ch. 91, Wis. Stats.
  - (b) Covered by a farmland preservation agreement under Ch. 91, Wis. Stats.

- (c) Covered by an agricultural conservation easement under s. 93.73, Wis. Stats.
- (d) Otherwise legally protected from nonagricultural development.

8. ORDINANCE ADMINISTRATION AND ENFORCEMENT

- (1) The Town of Humboldt, Brown County, Wisconsin, is the responsible entity for administration and enforcement of the AG-FP ordinance.

C. LAND USE IN FARMLAND PRESERVATION ZONING DISTRICT; GENERAL.  
Only the following land uses are allowed in a farmland preservation zoning district :

- (1) Uses allowed under Section D as a permitted use.
- (2) Uses allowed under Section E with a conditional use permit.
- (3) Prior nonconforming uses, subject to 60.61(5).

D. PERMITTED USES. The following land uses are allowed without a conditional use permit in a farmland preservation zoning district:

- (1) Agricultural uses on farms, including:
  - (a) Crop or forage production.
  - (b) Keeping of livestock.
  - (c) Beekeeping.
  - (d) Nursery, sod, or Christmas tree production.
  - (e) Floriculture.
  - (f) Aquaculture.
  - (g) Fur farming.
  - (h) Forest management.
  - (i) Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
- (2) Undeveloped natural resource and open space areas.
- (3) Transportation, utility, communication, or other uses that are required under state or federal law to be located in a specific place, or that are authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use.
- (4) A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use. An activity or business operation that is an integral part of, or incidental to, an agricultural use.

- (5) A home business, activity, or enterprise, whether or not associated with an agricultural use, which meets all of the following requirements:
  - (a) It is conducted on a farm by an owner or operator of that farm.
  - (b) It requires no buildings, structures, or improvements other than those described in par. (4).
  - (c) It employs no more than 2 full-time employees annually.
  - (d) It does not impair or limit the current or future agricultural use of the farm or other protected farmland.
- (6) Existing residences regardless of occupancy, existing as of January 1, 2014.

E. CONDITIONAL USES.

(1) **General.**

- (a) The Humboldt Town Board may issue a conditional use permit for a proposed land use identified in this section if the proposed land use meets applicable conditions under this section. The Humboldt Town Board shall follow the procedures described in Article XVI (K) of the Town of Humboldt Code of Ordinances for the issuance of conditional use permits.
- (b) Before issuing a conditional use permit under par. (a), the Humboldt Town Board shall determine that the proposed use meets applicable conditions under this section. The Humboldt Town Board may issue the permit subject to any additional conditions which the Humboldt Town Board deems necessary to carry out the- purposes of this ordinance.

(2) **Conditional Uses Include**

- (a) Transportation, communication, pipeline, electric transmission , utility, or drainage uses, if all the following apply:
  - 1. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
  - 2. The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
  - 3. The use is reasonably designed to minimize conversion of land at and around the site of the use, from agricultural use or open space use.
  - 4. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
  - 5. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.



- (b) Governmental, institutional, religious, or nonprofit community uses , if all the following apply:
  - 1. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
  - 2. The use and its location in the farmland preservation zoning district are reasonable and appropriate considering alternative locations, or are specifically approved under state or federal law.
  - 3. The use is reasonably designed to minimize conversion of land at and around the site of the use, from agricultural use or open space use.
  - 4. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use .
  - 5. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
- (c) Nonmetallic mineral extraction, if all the following apply:
  - 1. The operation complies with Subchapter I of Chapter 295, Wisconsin Statutes, and rules promulgated under that subchapter, with applicable provisions of local ordinances under Wis. Stat. Section 295.13 or Wisconsin Stat. Section 295.14 (including all applicable provisions of this ordinance), and with any applicable requirements of the Department of Transportation concerning the restoration of nonmetallic mining sites.
  - 2. The operation and its location in the AG-FP zoning district are consistent with the purposes of the AG-FP zoning district.
  - 3. The operation and its location in the AG-FP zoning district are reasonable and appropriate, considering alternative locations outside the AG-FP zoning district, or are specifically approved under state or federal law.
  - 4. The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use.
  - 5. The operation does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
  - 6. The owner agrees to restore the land to agricultural use, consistent with any required reclamation plan , when extraction is completed.
- (d) Oil and gas exploration or production that is licensed by the Department of Natural Resources under Subchapter II of Chapter 295, Wisconsin Statutes.
- (e) Agriculture-related Uses

f. REZONING LAND OUT OF A FARMLAND PRESERVATION ZONING DISTRICT.

- (1) Except as provided in sub. (2), the Humboldt Town Board may not rezone land out of a farmland preservation zoning district unless the Humboldt Town Board finds all of the following in writing, after public hearing, as part of the official record of the rezoning, before granting the rezone:
  - (a) The rezoned land is better suited for a use not allowed in the farmland preservation zoning district.
  - (b) The rezoning is consistent with the comprehensive plan, adopted by the Humboldt Town Board, which is in effect at the time of the rezoning.
  - (c) The rezoning is substantially consistent with the Brown County Farmland Preservation Plan, certified under Ch. 91, Wis. Stats., which is in effect at the time of the rezoning.
  - (d) The rezoning will not substantially impair or limit current or future agricultural use of another protected farmland.
- (2) Subsection (1) does not apply to any of the following:
  - (a) A rezoning that is affirmatively certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection under Ch. 91, Wis. Stats.
  - (b) A rezoning that makes the farmland preservation zoning ordinance map more consistent with the Brown County Farmland Preservation Plan Map, certified under Ch. 91, Wis. Stats., which is in effect at the time of the rezoning.
- (3) By March 1 of each year, the Town of Humboldt shall provide to the Wisconsin Department of Agriculture, Trade, and Consumer Protection and Brown County a report of the number of acres that the Town of Humboldt has rezoned out of the AG-FP zoning district under subsection (1) during the previous year and a map that clearly shows the location of those acres.

G. DIMENSIONAL REQUIREMENTS

- (1) Lot Requirement
  - (a) Area: One and one half (1 1/2) acre minimum
  - (b) Zoning Lot Frontage: Two hundred (200) feet minimum
- (2) Building Setbacks

Yard	Principal Structure	Accessory Building
Front Yard	30 feet minimum from right-of-way	30 feet minimum from right-of-way
Side Yard	25 feet minimum	25 feet minimum
Rear Yard	25 feet minimum	25 feet minimum

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Corner Side Yard	30 minimum from right-of- <u>way</u>	30 feet minimum from <u>right-of-way</u>
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(3) Parking

Parking shall conform to requirements as set forth in Article XIII Off-Street Parking Requirements

(4) Signs

Signs shall be regulated as set forth in Article XII, Sign Regulation.

SECTION 13  
TOWN OF Humboldt  
LICENSE AND PERMIT ORDINANCE

Town of Humboldt

LICENSES AND PERMITS ORDINANCE

Section 1. Authority

The Town of Humboldt Town Board as authorized by Sections 60.10(2) (c) and 60.22 (3) Wis. Stats, and pursuant to its authority an responsibility for the management and control of Town finances, and the Boards power to act: for the government and good order of the Town; for the Town’s commercial benefit; and for the health, safety, welfare and convenience of the public, and its authority to carry the Town Board’s powers into effect by license, regulation, suppression and other necessary or convenient means, hereby enacts the following ordinance to be included henceforth as Section 13 of the Town of Humboldt Code of Ordinances.

Section 2. Licenses required

A license shall be required for the sale of each of the following or the conduct of the business or activity. The license fee shall be for one (1) year unless otherwise indicated as a onetime charge. The license fee amounts are those contained in the applicable current statute(s), regulations or ordinances.

2.1 Fermented Malt beverages

- 2.1.1 Class A license
- 2.1.2 Class B license
- 2.1.3 Class B permit
- 2.1.4 Wholesalers license

2.2 Intoxicating liquor

- 2.2.1 Retail Class A license
- 2.2.2 Retail Class B license
- 2.2.3 Retail Class C license
- 2.2.4 Retail Class B permit
- 2.2.5 Temporary Class B permit

2.3 Manager and Operator License

- 2.3.1 Manager’s license – Class B license
- 2.3.2 Operator’s license – Class A premises
- 2.3.3 Operator’s license – Class B premises

- 2.4 Mobile home park license: annual license fee; and transfer fee
- 2.5 Artificial Lake excavation permit application fee
- 2.6 Excavation permit (Article XVI zoning ordinance)
- 2.7 Building permit
- 2.8 Demolition Permit
- 2.9 Remodeling permit
- 2.10 Conditional use permit
- 2.11 Variance permit
- 2.12 Satellite dish permit
- 2.13 Planned residential development district permit
- 2.14 Sexually oriented adult entertainment establishment annual license fee

### Section 3. Issuance and Revocation of Licenses

3.1 License required. No person shall engage in any business or activity enumerated in Section 2 above, without a license or permit therefore as provided by this Section. The words “license” and “permit”, as used throughout this ordinance, shall be interchangeable.

3.2 Granting of Licenses. The Town Clerk shall issue all permits and licenses unless otherwise provided in a separate ordinance (e.g., zoning ordinance). The granting authority in all instances shall require that the Town Treasurer confirm the applicants compliance with this ordinance prior to the issuance of any such license or permit.

### Section 4. Licenses – Payment of Taxes and Other Obligations

The following are conditions precedent to the issuance of any required license or permit. Payment of all the following delinquent obligations shall be made in full prior to the issuance of any such license or permit:

- 4.1 The payment of all personal property taxes and special assessments lawfully imposed by the Town of Humboldt and all other forfeitures or judgements due and owing from the applicant to the Town of Humboldt at the time of license or permit is issued
- 4.2 The payment of all amounts owing as describe in the Section 4.1 above is a condition precedent to the granting of such a license or permit, relating to the



property or business previously licensed, if the new license is granted consequent or conditionally upon the sale or transfer of the business or stock in trade or furnishings or equipment of the premises or the sale or transfer of the ownership or control of the entity which was previously licensed.

- 4.3 No license or permit shall be issued until the Town Treasurer has certified on the application that all required payments have been made, unless other arrangements are made and approved by resolution of the Town Board.

#### Section 5. Disputes, Errors and Appeal

- 5.1 A determination as to any dispute arising under this Section shall be made pursuant to a hearing before the Town Board. The hearing shall be a due process hearing conducted upon due notice. The Town Board shall make written findings of fact and issue its written decision within ten (10) days of the conclusion of the hearing.
- 5.2 Alleged errors in amounts claimed due may be appealed to the Town Board. However, the Town Board shall have no authority to review any matter for which a specific review or appeal procedure has been mandated by another statute or other ordinance.
- 5.3 Within five (5) working days of being informed of an amount claimed due, the person seeking a Town Board hearing shall pay the amount claimed and file a notice of appeal with the Clerk. The notice of appeal shall state the basis for the appeal and specify the alleged error(s). Upon such payment, the applicant may file the application for and receive the license or permit if otherwise qualified.
- 5.4 As soon as practical, but in any event within sixty (60) days, the Town Board shall hold a hearing at which the person shall present evidence to substantiate the claimed error, call witnesses in the person's own behalf, cross examine witnesses, and the person may be represented by legal counsel.
- 5.5 After holding the hearing, the Town Board shall by majority vote make written findings of fact and conclusions and shall correct any established error(s). Any amount improperly required to be paid, shall be refunded to the person promptly, together with interest at the rate of twelve percent (12%) per annum, from the date the amount paid to the Town to the date of refund.

#### Section 6. Non-Exclusivity

Adoption of this ordinance does not preclude the Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the subject matter or other matters. The initiation of action pursuant to this Ordinance shall not preclude the Town Board or any authorized officer of the Town from

proceeding under any other ordinance or law, or by any other enforcement method, to enforce any ordinance, regulation, law or order.

Section 7. Severability

If any provision of this Ordinance is invalid or unconstitutional, or if the application of this Ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.

Section 8. Effective Date

This ordinance shall take effect the day after its publication or posting as confirmed by the certificate of publication or posting issued by the Town Clerk.

Adopted this 3<sup>rd</sup> day of November 2003.



Norbert Dantine, Jr.

Town Chairman

ATTEST:



Judy Baierl

Town Clerk



Section 14  
Town of Humboldt  
Municipal Court

**AGREEMENT FOR THE OPERATION OF  
BROWN COUNTY JOINT MUNICIPAL COURT  
(866.0301, *Wisconsin Statutes*)**

This Agreement is entered into by and between the Town of Eaton, Town of Glenmore, Town of Holland, Town of Humboldt, Town of Morrison, Town of Scott and the Town of Wrightstown, municipal corporations organized and existing under the laws of the State of Wisconsin hereinafter call the "Member Municipalities" The Member Municipalities contract and agree as follows:

1. **GENERAL.** The Municipal Court shall be organized and shall operate pursuant to the Wisconsin Statutes, the ordinances adopted by the Member Municipalities, and the terms of this Agreement. In the event of conflicts, the provisions of the Wisconsin Statutes shall govern.
2. **ORGANIZATION.** Except for matters required by statutes to be determined by the respective governing bodies of Member Municipalities, the general operation of the court shall be by the Judge and the Court Administrative Committee.
3. **COURT ADMINISTRATIVE COMMITTEE.**
  - (a) **Composition.** The Court Administrative Committee shall be comprised of one representative of each Member Municipality, who shall be appointed by the chairman of the Member Municipality, subject to confirmation by the municipality ' s governing body. In order to assure participation and continuity of representative each Member Municipality may provide for an alternate representative who shall act on committee matters in the absence of the representatives. Neither the representative nor the alternative representative of the Member Municipality shall be a police officer for the municipality or an attorney representing the municipality.
  - (b) **Power and Duties.** The Administrative Committee shall have general control over the operation of the court, except where such control is specifically granted to the Judge or the governing bodies by statute, in which case the Administrative Committee shall be a recommending agency. The Administrative Committee shall be responsible for the selection of the Clerk of the Municipal Court, subject to appointment by the Judge. The Administrative Committee shall recommend to the governing bodies for determination the salary of the Judge and the number and salary of the Clerk. The Administrative Committee shall cause appropriate bank accounts to be established for the deposit of all fees, forfeitures, assessments and costs paid into the court and shall adopt appropriate accounting procedures to insure the proper handling of said funds. The Administrative Committee shall, with the assistance of the Judge, prepare an annual budget for the operation of the court.

- (c) Procedure and Voting. The Court Administrative Committee shall be governed by Robert's Rules of Order Revised. A majority of the voting members of the committee shall constitute a quorum. A majority vote of all the voting members shall be required to adopt any motion or resolution.
  - (d) Voting Members. The duly appointed and confirmed representative or alternate representative of each Member Municipality shall be a voting member of the Court Administrative Committee.
4. JUDGE'S SALARY. The salary of the Judge shall be set by a majority of the governing bodies of Member Municipalities.
5. COURT PERSONNEL.
- (a) Clerk. The selection of the Clerk of the Municipal Court shall be by the Administrative Committee. The Clerk must be appointed by the Judge pursuant to Wis. Stats. §§755.01 and 755.10.
  - (b) Compensation. The salary of the Clerk and any other court personnel shall be established by a majority of the governing bodies of Member Municipalities after recommendation of the Court Administrative Committee.
  - (c) Administration. The Judge, Clerk and any other court personnel shall be employees of the Municipal Court.
6. FORFEITURES, FEES, PENALTY ASSESSMENTS AND COSTS. All forfeitures, fees, penalty assessment, jail assessment, crime lab fees and costs paid to the Municipal Court under a judgment before the Municipal Judge shall be paid as provided in Wis. Stats. §§165.87(2), 167.31(5), 346.655(2), 814.65(1) and 973.055(2). All jail assessments paid to the Municipal Court under a judgment before the Municipal Judge shall be paid to the respective county treasurers within seven (7) days after receipt of the money by the Municipal Judge or other court personnel. The municipal portions of the court costs, as provided in §814.65(1), shall be maintained in the Municipal Court operational account. Any excess revenue over budgeted expenditures shall be disbursed at the end of the fiscal year. All forfeitures shall be disbursed at least monthly to the Member Municipality for which judgment was entered.
7. BUDGET PROCESS.
- (a) Time and Approval. The Clerk and the Judge shall submit a proposed budget to the Court Administrative Committee annually no later than July 15<sup>th</sup> of each year for the next succeeding year. The voting members of the committee shall present the budget to their respective governing bodies for approval. It shall be approved annually no later than December 1<sup>st</sup>. Approval by a majority of all of the



governing bodies of Member Municipalities having voting members of the committee shall constitute approval of the budget.

(b) Court Costs. The local share of the court costs required to be collected pursuant to Wis. Stats. §814.65(1) shall be applied to the expenses of the court as determined in the budget. The local share shall not be credited to a Member Municipality's account.

(c) Expenses. The net expenses, whether denominated start-up expenses, capital expenditures, operating expenses, or otherwise, and including those charged under 5, after application of the local share of court costs, shall be paid by the Municipal Court, which shall in turn charge each of the Member Municipalities an equal share.

8. LOCATION OF SESSIONS. Each Member Municipality shall provide a place for the Judge to hold court, or it may authorize him or her to hold court in another Member Municipality at a convenient place. Court sessions shall be held exclusively in each such place at least once quarterly and, to the extent reasonably possible, at a convenient time for the Member Municipality bringing the action.

9. CONTRACT ADMINISTRATION AND AMENDMENTS. The affirmative vote of a majority of all the governing bodies of Member Municipalities having voting members shall be required to adopt any resolution pertaining to the operation of the court.

10. WITHDRAWAL. Any Member Municipality may withdraw from this Agreement by giving notice in writing to the Judge no later than August 31<sup>st</sup> of any year. Upon giving such notice, the Member Municipality's participation in the Municipal Court shall terminate at the end of said year.

11. ADDITIONAL MEMBERS. Additional municipalities may become Member Municipalities under such condition as may be determined by the Court Administrative Committee upon approval by the governing bodies of all of the existing Member Municipalities.

12. TERM. This Agreement shall terminate as of April 30, 2011 for all Member Municipalities unless extended by an Amendment to this Agreement. Upon termination, any surplus of assets over expenses held by the court shall be distributed to the Member Municipalities equally. For purposes of this paragraph, Member Municipalities does not include those who withdraw under § 10.

13. SURVIVAL OF OBLIGATIONS. The obligation to contribute to expenses under 7 and the right to receive distributions under 6 shall survive the withdrawal from or termination of the Agreement, except that a municipality which withdraws shall not be responsible for expenses incurred after the withdrawal.

This Agreement as amended is effective on \_\_\_\_\_, 2006.

TOWN OF EATON

Approved on: \_\_\_\_\_

By: \_\_\_\_\_  
Chairman

Attest: \_\_\_\_\_  
Clerk

TOWN OF GLENMORE

Approved on: \_\_\_\_\_

By: \_\_\_\_\_  
Chairman

Attest: \_\_\_\_\_  
Clerk

TOWN OF HOLLAND

Approved on: \_\_\_\_\_

By: \_\_\_\_\_  
Chairman

Attest: \_\_\_\_\_  
Clerk

Approved on: 7/10/2006

TOWN OF HUMBOLDT

By: Nobert De-Tone  
Chairman

Attest: Judy Kauerl  
Clerk

AN ORDINANCE TO CREATE SECTION 14 OF THE  
MUNICIPAL CODE OF THE TOWN OF EATON, TOWN OF GLENMORE,  
TOWN OF HOLLAND, TOWN OF HUMBOLDT, TOWN OF MORRISON,  
TOWN OF SCOTT AND TOWN OF WRIGHTSTOWN  
PER §66.0301 OF THE WISCONSIN STATUTES

THE TOWN BOARD OF THE TOWN OF Humboldt, DOES ORDAIN ASFOLLOWS:

SECTION 1

1) Municipal Court Created

Pursuant to the authority granted by Chapter 755 of the Wisconsin Statutes, there is hereby create d and established a Joint Municipal Court to be designated "Municipal Court of Southeastern Brown County" said court to become operative and function on \_\_\_\_\_, 2006.

2) Municipal Judge

Qualifications: The Joint Court shall be under the jurisdiction of and presided over by a Municipal Judge, who resides in one of the municipalities that is a party to the agreement forming this joint court.

Oath and Bond: The Judge shall, after election or appointment to fill a vacancy, take and file the official oath as prescribed in §757.02(1), Wis. Stats., and a bond. The Judge shall not act until the oath and bond have been filed as required by §19.01(4)(c) Wis. Stats., and the requirement of §755.03(2) have been complied with.

Salary: The salary of the Municipal Judge shall be fixed by the Town Boards of the municipalities that are parties to the agreement which shall be in lieu of fees and costs. No salary shall be paid for any time during the term during which such Judge has not executed the official bond or official oath, as required by §755.03, Wis. Stats., and filed pursuant to §19.01(4)(c) Wis. Stats. The municipalities may by separate ordinance allocate funds for the administration of the Municipal Court pursuant to §66.0301 Wis. Stats.

3) Elections

Term: The Municipal Judge shall be elected at large in the spring election in odd-numbered years for a term of two years commencing on May 1. All candidates for the position of Municipal Judge shall be nominated by nomination papers as provided in §8.10, Wis. Stats., and selection at a primary election if such is held as provided in §8.11, Wis. Stats. The State elections board shall serve as filing officer for the candidates.

Electors: Electors in all municipalities that are parties to the agreement shall vote for judge.

4) Jurisdiction

The Municipal Court shall have jurisdiction over incidents occurring on or after \_\_\_\_\_, 2006 as provided in Article VII, §14 of the Wisconsin Constitution, §§755.045 and 755.05, Wis. Stats., and as otherwise provided by State Law. In addition, it shall have exclusive jurisdiction over actions in the municipalities that are parties to the agreement seeking to impose forfeitures for violations of municipal ordinances, resolutions and by-laws.

The Municipal Judge may issue civil warrants to enforce matters under the jurisdiction of the Municipal Court under §755.045(2), §66.0119, Wis. Stats.

The Municipal Court has jurisdiction over juvenile offenders when a municipality that is party to the agreement enacts an ordinance under the authority of §938.17(2)(cm), Wis. Stats.

5) Municipal Court

Hours: The Municipal Court shall be open at such location and at such times as determined by the governing bodies of the municipalities that are parties to the agreement and the Municipal Judge.

Employees: The Judge shall, in writing, appoint such clerks and deputy clerks that are authorized and funded by the Town Boards of the municipalities that are parties to the agreement.

6) Collection of Forfeitures and Costs

The Municipal Judge may impose punishment and sentences as provided by Chapters 800 and 938 Wis. Stats., and as provided in the ordinances of the municipalities that are parties to the agreement. All forfeitures, fees, assessments, surcharges and costs shall be paid to the treasurer of the Municipality within which the case arose within 7 days after receipt of the money by the Municipal Court. At the time of the payment, the Municipal Court shall report to the treasurer the title of the action, the nature of the offenses and total amount of judgments imposed in actions and proceedings in which such monies were collected.

7) Contempt of Court

The Municipal Judge, after affording an opportunity to the person accused to be heard in defense, may impose a sanction authorized under §800.12 Wis. Stats. and may impose a forfeiture therefore not to exceed fifty dollars (\$50) or upon nonpayment of the forfeiture and the assessments thereon, a jail sentence not to exceed seven (7) days.

8) Abolition

The Municipal Court hereby established shall not be abolished with the §755.01(4) agreement is in effect.

SECTION 2

All ordinances or part of ordinances contravening or inconsistent with the provisions of this ordinance be and are hereby repealed.

SECTION 3

This ordinance shall take effect and be in full force and effect from and after its passage by the municipalities that are parties to the agreement and publication as required by law.

Dated this 10<sup>th</sup> day of July, 2006.

TOWN OF EATON

Dated: \_\_\_\_\_

By \_\_\_\_\_  
Chairman

Attest: \_\_\_\_\_  
Clerk

TOWN OF GLENMORE

Dated: \_\_\_\_\_

By \_\_\_\_\_  
Chairman

Attest: \_\_\_\_\_  
Clerk

TOWN OF HOLLAND

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Chairman

Attest: \_\_\_\_\_  
Clerk

TOWN OF HUMBOLDT

Dated: 7-10-2006

By: Robert Datume  
Chairman

Attest: Judy Kauerl  
Clerk

TOWN OF MORRISON

Dated: .....

By: -----  
Chairman

Attest: -----  
Clerk

TOWN OF SCOTT

Dated: -----

By -----  
Chairman

Attest: -----  
Clerk

TOWN OF WRIGHTSTOWN

Dated: -----

By: \_\_\_\_\_  
Chairman

Attest: -----  
Clerk



AN ORDINANCE TO CREATE SECTION. 1002016 THE

MUNICIPAL CODE OF THE TOWN OF HUMBOLDT  
PER §66.0301 OF THE WISCONSIN STATUTES TO CREATE A  
JOINT MUNICIPAL COURT .

THE TOWN BOARD OF THE TOWN OF HUMBODLT, DOES ORDAIN AS  
FOLLOWS:

SECTION 1

1) Municipal Court Created

Pursuant to the authority granted by Chapter 755 of the Wisconsin Statutes, there is hereby created and established a Joint Municipal Court to be designated "Brown County Joint Municipal Court" said court to become operative and function on August 1, 2006.

2) Elections

Term: The Municipal Judge shall be elected at large in the spring election in odd-numbered years for a term of two years commencing on May 1. All candidates for the position of Municipal Judge shall be nominated by nomination papers as provided in §8.10, Wis. Stats., and selection at a primary election if such is held as provided in §8.11, Wis. Stats. The State elections board shall serve as filing officer for the candidates.

Electors: Electors in all municipalities that are parties to the agreement shall vote for judge.

3) Municipal Judge

Qualifications: The Joint Court shall be under the jurisdiction of and presided over by a Municipal Judge, who resides in one of the municipalities that is a party to the agreement forming this joint court.

Oath and Bond: The Judge shall, after election or appointment to fill a vacancy, take and file the official oath as prescribed in §757.02(1), Wis. Stats., and a bond. The Judge shall not act until the oath and bond have been filed as required by §19.01(4)(c) Wis. Stats., and the requirement of §755.03(2) have been complied with.

Salary: The salary of the Municipal Judge shall be fixed by the Town Boards of the municipalities that are parties to the agreement which shall be in lieu of fees and costs. No salary shall be paid for any time during the term during which such Judge has not executed the official bond or official oath, as required by §755.03, Wis. Stats., and filed pursuant to §19.01(4)(c) Wis. Stats. The municipalities may by separate ordinance allocate funds for the administration of the

Municipal Court pursuant to §66.0301 Wis. Stats.

4) Operations

Operations of the Brown County Joint Municipal Court shall be governed by Wisconsin Statutes and an Agreement entered into by the member municipalities.

5) Jurisdiction

The Municipal Court shall have jurisdiction over incidents occurring on or after August 1, 2006 as provided in Article VII, §14 of the Wisconsin Constitution, §§755.045 and 755.05, Wis. Stats., and as otherwise provided by State Law. In addition, it shall have exclusive jurisdiction over actions in the municipalities that are parties to the agreement seeking to impose forfeitures for violations of municipal ordinances, resolutions and by-laws.

The Municipal Judge may issue civil warrants to enforce matters under the jurisdiction of the Municipal Court under §755.045(2), §66.0119, Wis. Stats.

The Municipal Court has jurisdiction over juvenile offenders when a municipality that is party to the agreement enacts an ordinance under the authority of §938.17(2)(cm), Wis. Stats.

6) Municipal Court

Hours: The Municipal Court shall be open at such location and at such times as determined by the governing bodies of the municipalities that are parties to the agreement and the Municipal Judge.

Employees: The Judge shall, in writing, appoint such clerks and deputy clerks that are authorized and funded by the Town Boards of the municipalities that are parties to the agreement.

7) Collection of Forfeitures and Costs

The Municipal Judge may impose punishment and sentences as provided by Chapters 800 and 938 Wis. Stats., and as provided in the ordinances of the municipalities that are parties to the agreement. All forfeitures, fees, assessments, surcharges and costs shall be paid to the treasurer of the Municipality within which the case arose within 7 days after receipt of the money by the Municipal Court. At the time of the payment, the Municipal Court shall report to the treasurer the title of the action, the nature of the offenses and total amount of judgments imposed in actions and proceedings in which such monies were collected.

8) Contempt of Court

The Municipal Judge , after affording an opportunity to the person accused to be heard in

defense, may impose a sanction authorized under §800.12 Wis. Stats. and may impose a forfeiture therefore not to exceed fifty dollars (\$50) or upon nonpayment of the forfeiture and the assessments thereon, a jail sentence not to exceed seven (7) days.

9) Abolition

The Municipal Court hereby established shall not be abolished while the §755.01(4) agreement is in effect.

SECTION2

All ordinances or part of ordinances contravening or inconsistent with the provisions of this ordinance be and are hereby repealed.

SECTION3

This ordinance shall take effect and be in full force and effect from and after its passage and publication as required by law.

TOWN OF Humboldt  
by: Mark Decker  
Chairman

Attest Judy Kauer  
Clerk

AMENDMENT TO THE ORDINANCE TO CREATE  
SECTION 14 A OF THE MUNICIPAL CODE OF THE  
TOWN OF HUMBOLDT TO INCREASE THE TERM OF THE  
MUNICIPAL COURT JUDGE  
PURSUANT TO § 755.02 OF THE WISCONSIN STATUTES

THE TOWN BOARD OF THE TOWN OF HUMBOLDT HEREBY ORDAINS AS FOLLOWS:  
The Town Board of the Town of HUMBOLDT, has determined that the current Municipal Code shall be amended to increase the term of the Brown County Joint Municipal Court Judge from two (2) years to four (4) years.

Accordingly, effective upon the commencement of the next term of the municipal court judge on May 1, 2009, the ordinance to create Section 14 A, of the Municipal Code of the Town of Humboldt to create a Joint Municipal Court Per § 66.0301 shall be amended so that Section 1, subsection 2 of the Ordinance, which is entitled "Elections" shall be struck in its entirety and replaced with the following:

2) Elections

Term: The Municipal Judge shall be elected at large in the spring electing in odd-numbered years for a term of four (4) years commencing on May 1. All candidates for the position of Municipal judge shall be nominated by nomination papers as provided in § 8.10, Wis. Stats., and selection at a primary election is such is held as provided in § 8.11, Wis. Stats. The State elections board shall serve as filing officer for the candidates.

Electors: Electors in all municipalities that are parties to the agreement shall vote for judge.

With the exception of Section 1. Subsection 2 entitled "Elections", the remainder of the ordinance to create Section 14 A, of the Municipal Code of the Town of Humboldt to create a Joint Municipal court per § 66.0301 of the Wisconsin Statutes shall remain unchanged and in full force and effect.

Dated: 9/2/08

TOWN OF Humboldt

By: [Signature]  
Chairman

Attest: Judy Borel  
Town Clerk

## CHAPTER 14.B HUMBOLDT CODE OF ORDINANCES

### UNIFORM BCJMC ORDINANCE

STATE OF WISCONSIN

Town of Humboldt

Brown County

#### SECTION 1 - TITLE AND PURPOSE

- 1.1 The full title of this Ordinance is the Town of Humboldt Uniform Brown County Joint Municipal Court Ordinance. The purpose of this Ordinance is for the Town of Humboldt to provide the Brown County Sheriff's Department with an additional law enforcement tool to promote and protect public health, safety and welfare in the Town, by offering the option of issuing citations returnable to the Brown County Joint Municipal Court for violations of the provisions of this Ordinance.

#### SECTION 2 - AUTHORITY

- 2.1 This Ordinance was adopted under the Town's village powers and more particularly the statutory authority granted to the Town pursuant to Sections 60.22, 60.23(23); 60.56(1), 61.35, 66.0107, 66.0113, 66.0114, 66.0301, and 755.01 Wisconsin Statutes.

#### SECTION 3 - ADOPTION OF ORDINANCE

- 3.1 The Town Board of the Town of Humboldt, Brown County, Wisconsin, by this Ordinance, adopted after due notice, on proper vote with a quorum and roll call vote by a majority of the Town Board present and voting, -adopts the regulations set forth in this Ordinance as part of the Municipal Code of the Town of Humboldt.
- 3.2 It is understood that some of the regulations contained in Sections 5-11 of this Ordinance have been previously adopted in other Chapters of the Municipal Code of the Town of Humboldt.
- 3.3 Citations issued for violations of this Ordinance will only be issued by the duly authorized deputies, representatives and agents of the Brown County Sheriff's Department.
- 3.4 If a citation is issued under this Ordinance, then no other citation charging the exact same offense shall be issued by anyone authorized by the Town to issue citations on behalf of the Town pursuant to Chapter 10 of the Municipal Code of the Town of Humboldt.
- 3.5 Section 3.4 above does not prohibit the Brown County Sheriff's Department or anyone else authorized to issue citations pursuant to Chapter 10 of the Municipal Code of the Town of Humboldt from issuing citations for other offense(s) which arise out of the same incident or conduct so long as those citations do not charge the same offense(s) charged pursuant to Section 3.3 of this Ordinance.

## SECTION 4 - DEFINITIONS

In this Ordinance:

- 4.1 Any term not expressly defined otherwise herein shall be defined as provided in the Statutes, Administrative Codes, and/or Case Law of the State of Wisconsin.
- 4.2 "Court" means the Brown County Joint Municipal Court.
- 4.3 "Town" means the Town of Humboldt, Brown County, Wisconsin, whether used herein as a noun or adjective.
- 4.4 "Wis. stats." means the Wisconsin Statutes, including successor provisions.

## SECTION 5 - SUBDIVISION AND NUMBERING OF THIS ORDINANCE

- 5.1 This Ordinance is divided into sections designated by section numbers. Sections may be divided into subsections designated by subsection numbers. Subsections may be divided into further subdivisions designated by numbers. Reference to a "section," "subsection," or "subdivision" includes all relevant sections, subsections and subdivisions of the referenced section, subsection, or subdivision.

## SECTION 6 - TRAFFIC CODE AND DISORDERLY CONDUCT WITH A MOTORVEHICLE OR VEHICLE

- 6.1 Definitions and Rules of the Road Adopted. The Town hereby: adopts all of the provisions of Chapters 340 to 348 Wis. stats. which Statutes are incorporated into this Ordinance by reference as if fully set forth here in this Subsection 6.1; and determines that the penalty for violation thereof shall be determined by the Court and may include a forfeiture and such other and further penalties, assessments, costs and orders the Court may order in the Court's judgment. The State of Wisconsin Revised Uniform State Traffic Deposit Schedule is hereby adopted as and for the determination of the forfeitures to be charged for violations of this Subsection 6.1.
- 6.2 Disorderly Conduct With A Motor Vehicle or Vehicle Prohibited
  - 6.2.1 Disorderly conduct with a motor vehicle or vehicle means engaging in violent, abusive, boisterous, unreasonably loud, or otherwise disorderly conduct, including, but not limited to: unnecessary, deliberate, or intentional spinning of wheels, squealing of tires, revving of engine, blowing the horn, causing the engine to backfire, or otherwise using any part or feature of a motor vehicle or vehicle to emit unreasonably loud sounds; or causing the motor vehicle or vehicle while commencing to move or while in motion to raise one or more wheel(s) off of the ground; or provoking a disturbance or creating a public or private annoyance with a motor vehicle or vehicle.



- 6.2.2 No person shall cause or provoke disorderly conduct with a motor vehicle or vehicle or cause a disturbance or annoy one or more persons within the Town by use of any motor vehicle or vehicle, including, but not limited to, an automobile, truck, motor cycle, mini bike, snowmobile, all-terrain vehicle, or any device in, upon, or by which any person or property is or may be transported or drawn upon a highway.
- 6.2.3 The penalty for violation of Subsection 6.2 shall be determined by the Court and may include forfeiture and such other and further penalties, assessments, costs and orders the Court may order in the Court's judgment. The Court's Uniform Deposit Schedule is hereby adopted as and for the determination of the forfeiture to be charged for violations of this Subsection 6.2.

## SECTION 7 - UNDERAGE DRINKING VIOLATIONS

- 7.1 The Town hereby: adopts Sections 125.07(a) and (b) Wis. stats. including all of the prohibitions governing underage persons contained therein which Statutes are hereby incorporated into this Ordinance by reference as if fully set forth in this Subsection 7.1; and determines that the penalty for violation thereof shall be determined by the Court and may include a forfeiture and such other and further penalties, assessments, costs and orders the Court may order in the Court's judgment. The State of Wisconsin Revised Alcohol Beverages Deposit Schedule is hereby adopted as and for the determination of the forfeiture to be charged for violations of this Subsection 7.1.

## SECTION 8 - DISORDERLY CONDUCT

- 8.1 The Town hereby: adopts Section 947.01 Wis. stats. including all of the prohibitions governing disorderly conduct contained therein which Statute is hereby incorporated into this Ordinance by reference as if fully set forth in this Subsection 8.1; and determines that the penalty for violation thereof shall be determined by the Court and may include a forfeiture, and such other and further penalties, assessments, costs and orders the Court may order in the Court's judgment. The State of Wisconsin Revised Uniform Misdemeanor Bail Schedule is hereby adopted as and for the determination of the forfeiture to be charged for violations of this Subsection 8.1.

## SECTION 9 - DAMAGE TO PROPERTY

- 9.1 The Town hereby: adopts Section 943.01 Wis. stats. including all of the prohibitions governing damage to property contained therein which Statute is hereby incorporated into this Ordinance by reference as if fully set forth in this Subsection 9.1; and determines that the penalty for violation thereof shall be determined by the Court and may include a forfeiture, and such other and further penalties, assessments, costs and orders the Court may order in the Court's judgment. The State of Wisconsin Revised Uniform Misdemeanor Bail Schedule is hereby adopted as and for the determination of the forfeiture for violations of this Subsection 9.1.

SECTION 10 - RESISTING OR OBSTRUCTING OFFICER

10.1 The Town hereby: adopts Section 946.41 Wis. stats. including all of the prohibitions governing resisting or obstructing an officer contained therein which Statute is hereby incorporated into this Ordinance by reference as if fully set forth in this Subsection 10.1; and determines that the penalty for violation thereof shall be determined by the Court and may include a forfeiture, and such other and further penalties, assessments, costs and orders the Court may order in the Court's judgment. The State of Wisconsin Revised Uniform Misdemeanor Bail Schedule is hereby adopted as and for the determination of the forfeiture for violations of this Subsection 10.1.

SECTION 11- MISTREATING ANIMALS

11.1 The Town hereby: adopts Chapter 951.02 Wis. stats. including all of the prohibitions governing mistreating animals contained therein which Statute is hereby incorporated into this Ordinance by reference as if fully set forth in this Subsection 11.1; and determines that the penalty for violation thereof shall be determined by the Court and may include a forfeiture, and such other and further penalties, assessments, costs and orders the Court may order in the Court's judgment. The State of Wisconsin Revised Uniform Misdemeanor Bail Schedule is hereby adopted as and for the determination of the forfeiture for violations of this Subsection 11.1.

SECTION 12 - SEVERABILITY


12.1 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 13-EFFECTIVE DATE


13.1 This Ordinance is effective on publication.

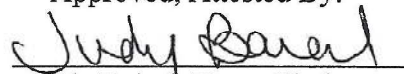
13.2 The Town Clerk shall properly publish this Ordinance as required under Section 60.80 Wis. stats.

Adopted this 3 day of Feb 2014.

  
Steve Dart, Chairman

  
Warren Jadin, Supervisor

  
John Zimonick, Supervisor

Approved, Attested By:  
  
Judy Baierl, Town Clerk

Resolution of the Town Board of the Town of Humboldt February 3, 2014

Whereas the Wisconsin Legislature has again changed the law concerning penalty assessments, earmarked assessments, fees, and other court costs which accompany a forfeiture penalty judgment issued by the Brown County Joint Municipal Court ( the "Court"); and

Whereas Section 6 of the Agreement For The Operation Of Brown County Joint Municipal Court adopted by the Humboldt Town Board on July 10, 2006 (the "Agreement") currently provides specific statutory references and identifies certain fees, penalty and jail assessments, and costs among other things, some of which may have been revised, supplemented or otherwise amended by Wisconsin Legislature action since the Agreement was entered into; and

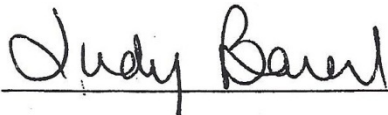
Whereas the Town Board has determined that the Court's judgments shall at all times include any and all lawful assessments, fees and other court costs which may be charged and included in a Court judgment.

Now Therefore Be It Resolved notwithstanding any specific language contained in Agreement Section 6 or elsewhere which may otherwise be viewed as limiting the Court's authority, the Town Board of the Town of Humboldt hereby and henceforth unequivocally authorizes the Court to include and charge, along with each and every forfeiture judgment issued henceforth as a result of every conviction for violation of each and every uniform or other Town of Humboldt Ordinance, all assessments, penalties and costs which State of Wisconsin Law currently and thereafter allow to be charged at the time judgment of conviction is rendered and entered.

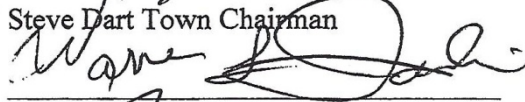
Dated this 3<sup>rd</sup> day of February 2014 by motion duly noticed, made and carried:



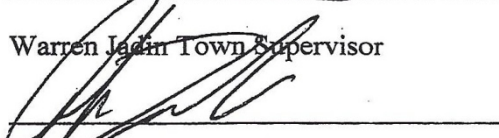
Steve Dart Town Chairman

Attest: 

Judy Baierl



Warren Jahn Town Supervisor



John Zimonick Town Supervisor

# Brown County Joint Municipal Court (BOND SCHEDULE)

The Town Board of the Town of Humboldt does Hereby resolve that the following shall be the Bond Schedule to be used in the Brown County Joint Municipal Court.

It is further resolved that, if at any time any questions arise as to this Bond Schedule, the municipal Judge for the Brown County Joint Municipal Court shall be contacted and only the municipal Judge shall have the authority to release someone without bond or on a signature bond.

The Bond Schedule shall be as follows: (revised 2023)

Ord. Section	Description	Deposit	Penalty Surcharge	Court Costs	Jail Assess.	Crime Lab	Total Forfeiture
3	Street Numbers	\$100	\$26	\$38	\$10	\$13	\$187
5	Waste Disposal & Recycling	1 <sup>st</sup> Off. \$50 2 <sup>nd</sup> Off. \$200	\$13 \$52	\$38 \$38	\$10 \$10	\$13 \$13	\$124 \$313
6	Sexually Oriented Adult Entertainment	\$500	\$130	\$38	\$10	\$13	\$691
7	Transportation, Disposal, and Storage of solid waste	\$200	\$52	\$38	\$10	\$13	\$313
7	Nuisances	\$200	\$52	\$38	\$10	\$13	\$313
8	Dwelling Code	\$25 per day	26% of total deposit	\$38	\$10	\$13	Total of all columns
9	Dog Control	\$50	\$13	\$38	\$10	\$13	\$124
11	Agricultural Shoreland Mngt	\$150	\$39	\$38	\$10	\$13	\$250
12	Zoning Ordinance	\$25 per day	26% of total deposit	\$38	\$10	\$13	Total of all columns
13	License & Permits	\$100	\$26	\$38	\$10	\$13	\$187
16	Road Use	\$100	\$26	\$38	\$10	\$13	\$187
17	Wind Energy	\$100	\$26	\$38	\$10	\$13	\$187
18	Sex Offender	\$100	\$26	\$38	\$10	\$13	\$187
19	Community Center	\$500	\$130	\$38	\$10	\$13	\$691
21	Firearms Ord.	\$100	\$26	\$38	\$10	\$13	\$187

NOTE: For Parking violations subtract Penalty Surcharge, jail Assessment, & crime lab costs

**TOWN OF HUMBOLDT  
CHAPTER 15  
OPERATING AGREEMENT FOR THE NEW FRANKEN  
FIRE DEPARTMENT**

SECTION 13.15  
HUMBOLDT CODE OF ORDINANCES  
TOWN OF HUMBOLDT, BROWN COUNTY, WISCONSIN

AN ORDINANCE TO ADOPT THE OPERATING AGREEMENT FOR THE  
NEW FRANKEN FIRE DEPARTMENT

**Recitals**

WHEREAS, the Town of Humboldt previously entered into an agreement creating and establishing a joint fire department with the Towns of Scott and Green Bay on February 15, 1972; and

WHEREAS, the joint fire department has at all times been known as the "New Franken Fire Department"; and

WHEREAS, the New Franken Fire Department has at all times been a joint fire department organized by the Towns of Green Bay, Humboldt and Scott pursuant to the mandate and authority granted by Section 60.55(1)(a)(2) Wisconsin Statutes; and

WHEREAS, the Town Board believes that the adoption of an Operating Agreement for the New Franken Fire Department will promote the public safety and general welfare of the Town of Humboldt and assist with the orderly and efficient provision of fire protection services to the Town of Humboldt.

NOW, THEREFORE, based on the above and pursuant to Section 60.55 of the Wisconsin Statutes, the Town Board of the Town of Humboldt, Brown County, Wisconsin, does hereby ordain as follows:

**Section 1.** The Town of Humboldt hereby reaffirms the original agreement establishing the joint fire department with the Towns of Green Bay and Scott which was originally entered into on February 15, 1972.

**Section 2.** This Ordinance ratifies each and every act of the Fire Commission which has administered the New Franken Fire Department since its inception except that the resolution dated May 20, 1982 authorizing the three Town Chairmen to cause to be prepared and sign documents incorporating the New Franken Fire Department is hereby repealed and abolished.

**Section 3.** There is hereby established the Operating Agreement of the New Franken Fire Department, a true and correct copy of which is attached hereto and denominated "Attachment 1" including all of its terms and conditions which are hereby adopted and incorporated into this Ordinance by this reference as though fully set forth herein.



**Section 4.** This Ordinance shall become effective upon the day following the date of posting by the Town Clerk and shall henceforth be known as Section 13 of the Town of Humboldt Code of Ordinances.

The above and foregoing Ordinance was adopted by the Town Board of the Town of Humboldt at a regular meeting held on the 1 day of October, 2007 by a vote of 3 in favor, 0 opposed and 0 not voting.

**TOWN OF HUMBOLDT**

By *Norbert Dantine, Jr.*  
Norbert Dantine, Jr.  
Town Chairman

By *Judy Baierl*  
Judy Baierl  
Town Clerk

This Ordinance was duly posted in three (3) places within the Town of Humboldt by the Town Clerk on the 26 day of Sept, 2007.

By *Judy Baierl*  
Judy Baierl  
Town Clerk

**TOWN OF HUMBOLDT, BROWN COUNTY, WISCONSIN  
RESOLUTION NO. 2014-1**

**RESOLUTION AUTHORIZING THE ESTABLISHMENT OF CHARGES FOR THE NEW FRANKEN  
FIRE DEPARTMENT FEE SCHEDULE AND THE EMERGENCY FEE SCHEDULE AS PART OF THE  
FIRE CHIEF ENFORCEMENT ORDINANCE**

**BY THE TOWN BOARD OF THE TOWN OF HUMBOLDT:**

**WHEREAS**, the Town of Humboldt Town Board wishes to adopt the New Franken Fire Departments Fee Schedule as determined by the Chief, which shall be posted, and from time to time thereafter, updated, revised and reposted, see Addendum A – NFFD Fee Schedule;

**AND WHEREAS**, the Town of Humboldt Town Board did adopt Chapter 24 - Fire Chief Enforcement Ordinance on April 2, 2012; which established the Emergency Fee Schedule, and which shall be determined by the Chief, which shall be posted, and from time to time thereafter, updated, revised and reposted, see Addendum B – NFFD Emergency Fee Schedule;

**AND WHEREAS**, the Town of Humboldt Town Board as part of the New Franken Fire Department wishes that all charges paid as part of these fee schedules be applied to the New Franken Fire Department Capital Account.

**AND WHEREAS**, the Town of Humboldt Town Board as part of the New Franken Fire Department, desires to authorize the Fire Chief to charge said fees as established by the New Franken Fire Department Fee Schedule and Fire Chief Enforcement Ordinance. The Town of Humboldt Town Board also wishes other municipal officials issue citations;

**BE IT RESOLVED** by the Town Board of the Town of Humboldt, Wisconsin, that the following additional municipal officials be authorized to issue Town of Humboldt citations:

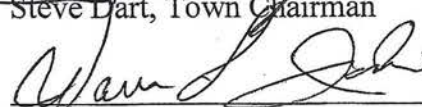
Brown County Sheriff and Deputy  
Building Inspector/Zoning/Code Enforcement personnel  
Town of Humboldt Constable

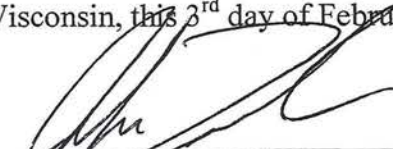
**BE IT FURTHER RESOLVED**, that the Town Clerk is hereby authorized and directed to file and record a certified copy of this resolution with the New Franken Fire Department and the Brown County Joint Municipal Court and Brown County Sheriff Department.


Adopted by the Town Board of the Town of Humboldt, Wisconsin, this 3<sup>rd</sup> day of February, 2014.

APPROVED:

  
\_\_\_\_\_  
Steve Dart, Town Chairman

  
\_\_\_\_\_  
Warren Jadin, Supervisor

  
\_\_\_\_\_  
John Zimonick, Supervisor

  
\_\_\_\_\_  
ATTEST: Judy Baierl, Clerk



## ADDENDUM A

### **NEW FRANKEN FIRE DEPARTMENT (NFFD) FEE SCHEDULE - 2013**

*In accordance with the direction and action of the New Franken Fire Commission the Fire Chief of the NFFD established the following Fee Schedule.*

#### **ANNUAL INSPECTION OF COMMERCIAL PROPERTIES**

The Chief of the NFFD, or his designee (Inspecting Officer), shall inspect all commercial properties within the NFFD jurisdiction. Inspections will be conducted annually and shall follow all requirements as established by the State of Wisconsin. All owners of commercial properties required to be inspected shall conform to the requirements as specified by the Inspecting Officer. The following timeline and reporting requirements shall be followed by the Inspecting Officer. The fee schedule shall be applied to all property owners who fail to comply.

#### **1<sup>st</sup> Inspection**

The Inspecting Officer shall inspect all commercial property in the NFFD's jurisdiction.

#### **7 Days to Report**

The Inspecting Officer shall create a written Inspection Report of the inspection. The Report shall specify the Inspecting Officer's findings, specifically any violations and necessary corrections to said violations. The Inspecting Officer shall either hand deliver or mail the Report to the property owner, within seven (7) calendar days.

**If no violations are document in this 1<sup>st</sup> Report by the Inspecting Officer no additional action is necessary by the property owner. (No charge for inspection)**

#### **30 Days to Comply**

In the case of a violation, the property owner shall have 30 calendar days, from the date of receiving the Report, to correct or repair any violations documented in the Report. After the 30 days has expired the Inspecting Officer shall conduct a second inspection and provide a written Report.

#### **2<sup>nd</sup> Inspection** (37 days from date of initial Inspection)

The second written Report shall be hand delivered or mailed to the property owner within seven (7) calendar days. The 2<sup>nd</sup> Inspection Report shall also specify the Inspecting Officer's findings, specifically any violations and necessary corrections to said violations. The property owner has the right to request a 2<sup>nd</sup> inspection prior to the 30 days if corrections or repairs have been completed.

**If violations are corrected in this 2<sup>nd</sup> Report by the Inspecting Officer no additional action is necessary by the property owner. (No charge for inspection)**

#### **Continued Violation**

In the case of an unresolved or continuing violation, the property owner shall be granted an additional 30 days, from the date of receiving the 2<sup>nd</sup> Report, to correct or repair any violations documented in the

Report. After the 30 days has expired the Inspecting Officer shall conduct a third inspection and provide a written Report.

**3<sup>rd</sup> Inspection** *(74 days from date of initial Inspection)*

The 3<sup>rd</sup> written Report shall be hand delivered or mailed to the property owner within seven (7) calendar days. This 3<sup>rd</sup> Inspection Report shall also specify the Inspecting Officer's findings, specifically any violations and necessary corrections to said violations. The property owner has the right to request the 3<sup>rd</sup> inspection prior to the 30 days if corrections or repairs have been completed.

**3<sup>rd</sup> Inspection Fee = \$100**

**Non-Compliance** *(81 days from date of initial Inspection)*

Following receipt of the 3<sup>rd</sup> Inspection Report the property owner shall have 10 calendar days from the receipt of the 3<sup>rd</sup> Inspection Report to comply. Failure to repair or correct any violations shall render the property Non-compliant. A non-compliant property will be issued a citation of \$100 for each violation, each day the property is not in compliance shall be considered another violation.

**Each Inspection after the 3<sup>rd</sup> Inspection = \$200**

**TOWN OF HUMBOLDT**  
**CHAPTER 16**  
**ROAD USE AND SPEED CONTROL**



CHAPTER 16 HUMBOLDT CODE OF ORDINANCES

ROAD USE AND SPEED CONTROL

STATE OF WISCONSIN

Town of Humboldt

Brown County

**SECTION 1 - TITLE AND PURPOSE**

- 1.1 The title of this Ordinance is the Town of Humboldt Road Use and Speed Control Ordinance. The purpose of this Ordinance is for the Town of Humboldt to regulate any motor vehicle, snowmobile, and other vehicle uses and activities on the town roadways.

**SECTION 2 - AUTHORITY**

- 2.1 This Ordinance was adopted under the statutory authority granted pursuant to the village powers of the town under s. 60.22, Wis. stats., and ss. 66.0425, 82.03, 86.07, 349.06, Wis. stats., 61.35, 62.23 (6), 349.11, 349.17, Wis. stats. and chapters 340 to 348, Wis. stats.

**SECTION 3 - ADOPTION OF ORDINANCE**

- 3.1 The Town Board of the Town of Humboldt, Brown County, Wisconsin, 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 for the Town to regulate any motor vehicle and other vehicle uses and activities on the Town roadways.

**SECTION 4 - DEFINITIONS**

In this Ordinance:

- 4.1 "Automobile" means any of the following:
- 4.1.1 Type 1 is a motor vehicle designed and used primarily for carrying persons, but that does not come within the definition of a motor bus, motorcycle, moped, or motor bicycle.
- 4.1.2 Type 2 is a motor vehicle capable of speeds in excess of 30 miles per hour on a dry, level, hard surface with no wind, designed and built to have at least 3 wheels in contact with the ground, a power source as an integral part of the vehicle, a curb weight of at least 1,500 pounds, and a passenger and operator area with sides permanently enclosed with rigid construction and a top that may be convertible.
- 4.2 "Highway" means all public ways and thoroughfares in the town and all bridges in the town on public ways and thoroughfares, including all of the following:



- 4.2.1 The entire width between the boundary lines of the right-of-way open to the use of the public as a matter of right and constituting a Town Road.
- 4.2.2 Those roads or driveways in the state, county, or town parks and in state forests that have been opened to the use of the public for the purpose of vehicle travel and roads or driveways upon the grounds of public schools, as defined in s. 115.01 (1), Wis. stats., and institutions under the jurisdiction of the Brown County Board of Supervisors, but does not include private roads or driveways.
- 4.3 "Motor Vehicle" means a vehicle, including a combination of 2 or more vehicles or an articulated vehicle, that is self-propelled, except a vehicle operated exclusively on a rail. "Motor Vehicle" includes, without limitation an automobile, a commercial motor vehicle, or a vehicle that is propelled by electric power obtained from overhead trolley wires but not operated on rails. A snowmobile or all-terrain vehicle is considered a motor vehicle for purposes made specifically applicable by this Ordinance, unless noted to the contrary in this Ordinance. Any electric personal assistance mobility device shall not be considered a motor vehicle.
- 4.4 "Official traffic-control device" means any sign, signal, marking, or device, not inconsistent with chapters 341 to 349, Wis. stats., placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning, or guiding traffic.
- 4.5 "Park" or "parking" means the halting of a vehicle, whether occupied or not, except temporarily for the purpose of, and while actually engaged in, loading or unloading property or passengers.
- 4.6 "Town" means the Town of Humboldt, Brown County, Wisconsin, whether used herein as a noun or adjective.
- 4.7 "Town Board" means the board of supervisors for the Town of Humboldt, Brown County, Wisconsin and includes designees of the board authorized to act for the board.
- 4.8 "Town Clerk" means the clerk of the Town of Humboldt, Brown County, Wisconsin.
- 4.9 "Vehicle" means an automobile and other motor vehicles as defined in s. 340.01 (35), Wis. stats., and includes, specifically, all of the following:
- 4.9.1 Camping trailer, as defined in s. 340.01 (6m), Wis. stats.
  - 4.9.2 Farm tractor, as defined in s. 340.01 (16), Wis. stats.
  - 4.9.3 Farm trailer, as defined in s. 340.01 (17), Wis. stats.
  - 4.9.4 Farm truck, as defined in s. 340.01 (18), Wis. stats.
  - 4.9.5 Farm truck tractor, as defined in s. 340.01 (18g), Wis. stats.
  - 4.9.6 Implement of husbandry, as defined in s. 340.01 (24), Wis. stats.
  - 4.9.7 Junk vehicle, as defined in s. 340.01 (25j), Wis. stats.
  - 4.9.8 Mobile home, as defined in s. 340.01 (29), Wis. stats.
  - 4.9.9 Moped, as defined in s. 340.01 (29m), Wis. stats.

- 4.9.10 Motor bicycle, as defined in s. 340.01 (30), Wis. stats.
- 4.9.11 Motor bus, as defined in s. 340.01 (31), Wis. stats.
- 4.9.12 Motorcycle, as defined in s. 340.01 (32), Wis. stats.
- 4.9.13 Motor home, as defined in s. 340.01 (33m), Wis. stats.
- 4.9.14 Motor truck, as defined in s. 340.01 (34), Wis. stats.
- 4.9.15 Road machinery, as defined in s. 340.01 (52), Wis. stats.
- 4.9.16 Road tractor, as defined in s. 340.01 (53), Wis. stats.
- 4.9.17 School bus, as defined in s. 340.01 (56), Wis. stats.
- 4.9.18 Trailer, as defined in s. 340.01 (71), Wis. stats.
- 4.9.19 Truck tractor, as defined in s. 340.01 (73), Wis. stats.

4.11 "Wis. stats." means the Wisconsin Statutes, including successor provisions.

## SECTION 5 - SUBDIVISION AND NUMBERING OF THIS ORDINANCE

- 5.1 This Ordinance is divided into sections designated by section numbers. Sections may be divided into subsections designated by subsection numbers. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by numbers. Reference to a "section," "subsection," "paragraph," or "subdivision" includes all divisions of the referenced section, subsection, paragraph, or subdivision.

## SECTION 6 - SPECIFIC PROVISIONS ON ROADS AND TRAFFIC CONTROL

- 6.1 **Rules of the Road Adopted.** Except for the suspension or revocation of motor vehicle operator's licenses, the Town adopts all of the provisions of chapters 341 to 348, Wis. stats., for which the penalty for violation thereof is a forfeiture, which statutes are incorporated into this Ordinance by reference as if fully set forth in this reference. The State of Wisconsin Revised Uniform State Traffic Deposit Schedule is hereby adopted as and for the determination of the forfeiture for violations of chapters 341 to 348 Wis. stats.
- 6.2 **Town Highway Alterations:** No person may make any excavation in, place any fill upon, install any culvert in, make any alteration in or of, or in any manner disturb, any Town Highway without a permit or approval therefor from the Town Board or its designee, as authorized by ss. 66.0425 and 86.07, Wis. stats. Any permit or approval issued under this subsection shall be subject to all of the following conditions:
- 6.2.1 The work shall be constructed subject to and in accordance with all rules and regulations that may be prescribed by the Town Board and be performed and completed to the Town Board's satisfaction.
  - 6.2.2 In the case of temporary alterations, the Town Highway shall be restored to its former condition, and the permittee shall be liable to the Town for all damages that occur during the progress of or as a result of the work.



- 6.2.3 If any culvert is installed, excavation is made, fill is placed, or other alteration is made in violation of the provisions of this subsection; the Town Highway may be restored to its former condition by the Town Board and the violator shall be liable to the Town for all costs and expenses incurred by the Town to complete such restoration. That restitution amount is hereby deemed in all cases to be the prescribed forfeiture for such violation and shall be chargeable and collectible pursuant to a municipal court citation issued to the violator(s).

### **6.3 Town Highway Closure**

- 6.3.1 Whenever any Town Highway is impassable or unsafe for travel, as determined by the Town Board, or during the construction or repair of any Town Highway and until it is ready for traffic, the Town Board may, pursuant to its oversight authority over Town Highways under s. 82.03, Wis. stats., close the Town Highway and keep it closed by maintaining barriers at each end of the closed portion. The barriers shall be of such material and construction and so placed as to indicate that the Highway is closed and shall be lighted at night. Persons without lawful authority of the Town Board, or its designees, shall not remove, take down, alter the position of, destroy, or pass over or beyond any barrier so erected, or travel with any vehicle upon any portion of a Town Highway closed by barriers as provided in this subsection, or walk or travel in any manner upon the materials placed upon the closed Town Highway as part of the repair or construction work.

### **6.4 Official Traffic Control Devices**

- 6.4.1 The Town Board shall procure, erect, and maintain appropriate official traffic-control devices, conforming to the uniform traffic control devices manual adopted by the State of Wisconsin, Department of Transportation under s. 84.02 (4) (e), Wis. stats. Official traffic-control devices shall be erected and maintained in those locations and in the manner authorized by the Town Board to give adequate warning to users of the Highway in question. The Town Chair or the Town Chair's designee shall be responsible for installing, repairing, and maintaining authorized official traffic-control devices.
- 6.4.2 The Town Clerk shall keep an official traffic-control device file and map located in the Town Clerk's office. The file shall contain a detailed listing of all authorized traffic-control devices as authorized by Town Board resolution and their location in the Town.
- 6.4.3 No person shall alter, remove, deface, obliterate, obscure or damage any traffic control device or Town Highway name identification sign. The penalty for a violation of this subsection shall be a forfeiture of not less than \$50.00 nor more than \$500.00, plus the applicable surcharges, assessments and costs for each violation.

## 6.5 Parking Regulations

- 6.5.1 The Town Board, or its designee, or any law enforcement officer shall attach to a vehicle parking in violation of this subsection a citation returnable to the Town's municipal court to serve as notice to the owner or operator of the motor vehicle that the vehicle has been parked in violation of this subsection. The penalty for a violation of this subsection shall be a forfeiture of \$10.00 for the first violation within 24 hours and a forfeiture of \$25.00 for the second and each subsequent violation within 24 hours. Payment of the forfeiture shall be made to the municipal court clerk in accordance with this Ordinance.
- 6.5.2 No person may park at any time any vehicle in any area on any Highway in the Town designated by the Town Board by resolution and marked by official traffic control devices to be an area for pedestrians or other traffic, or as a "no parking" area.
- 6.5.3 No person may park any vehicle on any Highway in the Town for the primary purpose of advertising or storage.
- 6.5.4 No person may park any vehicle other than parallel to the Highway surface within the Town, unless angle parking lines have been authorized by the Town Board by resolution for a designated area and the roadway marked accordingly by the proper town officials, in which event angle parking within the marked lines is mandatory.
- 6.5.5 No person may leave any motor vehicle on any Highway in the Town with the motor running or with any generator unit operating, unless the motor vehicle is occupied or attended by an individual licensed to operate the vehicle. Exceptions to this section may be granted for special or unusual circumstances with permission of a law enforcement officer or the Town Chair.
- 6.5.6 When so provided by the Town Board by resolution and designated by official traffic-control devices giving notice thereof, no person may park any vehicle for a period in excess of that designated by the resolution of the Town Board during the hours and subject to exceptions designated by the resolution of the Town Board and as specified on the official traffic-control devices placed by the Town. Temporary moving of a vehicle for a period of less than thirty (30) minutes or moving the vehicle to a nearby similarly restricted parking area not less than three hundred feet (300 ft.) from the original parking space shall not relieve a person from a penalty under this subsection.
- 6.5.7 Any vehicle parked on any Town road for greater than 24 hours shall be ticketed and towed away.

## 6.6 Speed Regulations

- 6.6.1. The provisions of ss. 346.57, 346.58, and 346.59, Wis. stats., relating to the maximum and minimum speed of vehicles, are adopted as part of this Ordinance



as if fully set forth in this Ordinance, except that under s. 349.11 (3) (c), Wis. stats., the following Highways have speed limits that have been modified as of the date of this Ordinance, by the Town Board, as follows: Van's Lane 25 mph limit. Additional exceptions pursuant to s. 349.11(3)(c) Wis. stats. may be made part of this Ordinance by subsequent modification resolution(s) of the Town Board. Upon passage of such resolution and the erection of signs giving notice of the modification of the speed limit, such modification(s) shall thereupon be deemed incorporated herein.

## **6.7 Heavy Traffic Routes**

6.7.1 The Town Board, by this Ordinance and pursuant to s. 349.17 Wis. stats., may by subsequent resolution designate certain Town Highways as heavy traffic routes and designate the types of motor vehicles that may be operated on those designated Highways. Any such Town Highway so designated shall be posted with proper signs as required by law. Upon the passage of such resolution and the erection of signs giving notice of any heavy traffic route, any such resolution shall thereupon be deemed incorporated herein.

## **6.8 Official Map of the Town of Humboldt**

6.8.1 The Town Board, being authorized to exercise village powers under s. 60.22, Wis. stats., pursuant to ss. 61.35 and 62.23 (6), Wis. stats., has adopted an official Town map that describes all Town Highways, bridges, culverts, and other official Town infrastructure and their locations. That map is filed with the Town Clerk and is designated as the "Official Map of the Town of Humboldt."

## **6.9 Obstruction of Town Highway Prohibited**

6.9.1 No person shall deposit snow, rocks, manure, mud, concrete, tires or any other item(s) or object(s) upon any Town Highway including both the travel portion and the right-of-way portion of the Town Highway. Each day that such items or objects remain upon the Town Highway shall constitute a separate violation of this subsection of this Ordinance.

6.9.2 The Town Board, or its designee, or any law enforcement officer may issue a citation returnable to the Town's municipal court for a violation of this subsection.

6.9.3 The penalty for violation of this subsection shall be a forfeiture of not less than \$20.00 nor more than \$200.00. Payment of the forfeiture shall be made to the municipal court clerk in accordance with this Ordinance.

6.9.4 In addition to the penalty for violation of this subsection set forth at Section 6.9.3 above, any person violating this subsection shall remove any and all items or objects constituting a prohibited obstruction and restore the Town Highway to its former condition. Nothing contained herein, shall preclude the Town from immediately proceeding to procure the materials and services deemed necessary

to remove the items or objects and restore the Town Highway to its former condition. If the Town proceeds to remove and restore, the violator shall be liable to the Town for all costs and expenses incurred by the Town to complete such removal and restoration. This restitution amount shall be deemed in all cases to be an additional forfeiture attributable to such violation, in addition to the penalty set forth at Section 6.9.3, and shall be chargeable and collectible pursuant to a municipal court citation issued to the violator(s).

#### **6.10 Disorderly Conduct With A Motor Vehicle Prohibited**

- 6.10.1 Disorderly conduct with a motor vehicle means engaging in violent, abusive, unreasonably loud, or otherwise disorderly conduct, including, but not limited to: unnecessary, deliberate, or intentional spinning of wheels, squealing of tires, revving of engine, blowing the horn, causing the engine to backfire, or causing the vehicle while commencing to move or while in motion to raise one or more wheels off of the ground; or otherwise provoking a disturbance or creating an annoyance with a motor vehicle.
- 6.10.2 No person shall cause or provoke disorderly conduct with a motor vehicle or cause a disturbance or annoy one or more persons within the Town by use of any motor vehicle, including, but not limited to, an automobile, truck, motor cycle, mini bike, snowmobile, or all-terrain vehicle.

#### **SECTION 7 - PENALTY PROVISION**

- 7.1 Except for violations of subsections 6.1, 6.2.3, 6.4.3, 6.5 and 6.9, any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this Ordinance shall, upon issuance of a citation returnable to the Town's municipal court and upon conviction, pay a forfeiture of not less than \$20.00 nor more than \$200.00, 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 8 - SEVERABILITY**

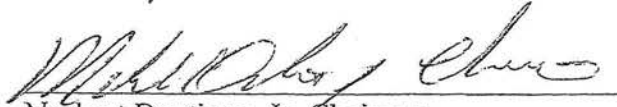
- 8.1 If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance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

#### **SECTION 9 - EFFECTIVE DATE**

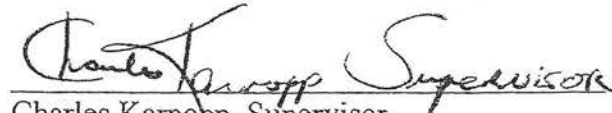
- 9.1 This Ordinance is effective on publication.
- 9.2 The Town Clerk shall properly publish this Ordinance as required under s. 60.80, Wis. stats.




Adopted this 4 day of February 2008.

  
Norbert Dantine, Jr. Chairman

  
Merlin Vanden Plas, Supervisor

  
Charles Karnopp, Supervisor

Approved, Attested By:

  
Judy Baiert, Town Clerk

TOWN OF HUMBOLDT  
CHAPTER 17  
WIND ENERGY FACILITY LICENSE ORDINANCE

# **TOWN OF HUMBOLDT**

## **WIND ENERGY FACILITY LICENSE ORDINANCE**

### **1. TITLE AND AUTHORITY**

This Ordinance shall be known, cited and referred to as: the Town of Humboldt Wind Energy Facility License Ordinance. The Town of Humboldt, by its Town Board, pursuant to Sections 60.22, 60.10(2)(c), 60.61, 66.0401 and 66.0403 of the Wisconsin Statutes, hereby enacts the following Ordinance.

### **2. DEFINITIONS**

As used in this Ordinance, the following terms shall have the meanings indicated:

- 2.1 FAA shall mean the Federal Aviation Administration.
- 2.2 Hub Height shall mean, when referring to a Wind Turbine, the distance measured from ground level to the center of the turbine hub.
- 2.3 Large Wind Turbine shall mean a wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator, and includes the turbine, blade, tower, base and pad transformer, if any; provided that such a system shall only be a Large Wind Turbine for purposes of this Ordinance if it both has a Total Height greater than 170 feet and nameplate capacity of greater than 100 kilowatts.
- 2.4 Licensee shall mean and include both the owners and operators of the Wind Energy Facility.
- 2.5 Licensor shall mean the Town of Humboldt.
- 2.6 MET Tower shall mean a meteorological tower used for the measurement of wind speed.
- 2.7 PSC shall mean the State of Wisconsin Public Service Commission.
- 2.8 Public shall mean and include the Licensee, the citizens and invitees of the Town of Humboldt and those individuals and entities whose health or safety may be affected by the installation and operation of the licensed Wind Energy Facility.
- 2.9 Small Wind Turbine shall mean a wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator, and includes the turbine, blade, tower, base and pad transformer, if any; provided that such a system shall only be a Small Wind Turbine for purposes of this Ordinance if it both has a Total Height less than 170 feet and name plate capacity of 100 kilowatts or less.
- 2.10 Total Height shall mean, when referring to a Wind Turbine, the distance measured from ground level to the blade extended at its highest point.

- 2.11 Town shall mean Town of Humboldt, Brown County, Wisconsin.
- 2.12 Town Board shall mean Town of Humboldt Town Board.
- 2.13 Wind Energy Facility shall mean an electricity generating facility consisting of one or more Wind Turbines under common ownership or operating control, whose main purposes are to supply electricity to the site and/or to off-site customer(s). It includes substations, MET towers, cables and wires and other buildings accessory to such facility.
- 2.14 Wind Energy Facility Siting Permit shall mean a construction and operating permit granted in accordance with the provisions of this Ordinance.
- 2.15 Wind Turbine. Wind Turbines shall mean one (or more) Small Wind Turbine or Large Wind Turbine, or both as the case may be.

### **3. PURPOSE**

The purpose of the Ordinance is to provide a regulatory scheme for the construction, operation and protection of Wind Energy Facilities in the Town of Humboldt, subject to reasonable restrictions, which will protect the health and safety of the Public while not significantly increasing the cost or significantly decreasing the efficiency of Wind Energy facilities. The Town Board recognizes that the Town can provide local assistance to state and federal agencies charged with protecting the health, safety and welfare of the Public. Because Humboldt is a primary agricultural area, the Town must often undertake added responsibility, given the limited number of county, state and federal agents assigned to the Town, and the added risks and responsibility accruing from the large amount of livestock farms and wildlife in the community.

### **4. SCOPE AND ADMINISTRATIVE REMEDY**

The Town intends at all times to regulate in accord with all state and federal statutes and regulations governing the subject of this Ordinance. Any determination as to the issuance or non-issuance of a license or provision of this Ordinance considered excessive or unreasonable by an applicant or other interested party shall be submitted to arbitration conducted by the PSC or any other state or federal agency or subdivision with jurisdiction over the subject of this Ordinance. The PSC or other agency shall select the arbiter. The arbiter may be a single or group of PSC or other agency commissioners or employees. Any PSC or other arbiter ruling as to any provision(s) of this Ordinance, which either repeals or recreates a provision hereof, shall be deemed to be an amendment hereto. No court action shall be commenced until or unless this and any other available administrative remedies have been exhausted.

## 5. **REGULATORY FRAMEWORK**

### 5.1 **COMPREHENSIVE PLANS**

Wind Energy Facilities shall be constructed in areas consistent with the 2006 Town of Humboldt Comprehensive Plan including any succeeding amendment(s) or revision(s) thereto.

### 5.2 **ZONING**

Wind Energy Facilities utilizing any Large Wind Turbines may be constructed in areas that are zoned A-1 Agricultural. Wind Energy Facilities utilizing only Small Wind Turbines may be constructed in areas that are zoned A-1 Agricultural and I-1 Limited Industrial. (See the official zoning map for the Town of Humboldt.)

### 5.3 **PRINCIPAL OR ACCESSORY USE**

Wind Energy Facilities may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of a Wind Energy Facility or a part of such facility on such lot. Wind Energy Facilities that are constructed and installed in accordance with the provisions of this Ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

### 5.4 **REQUIRED RECORDKEEPING**

- 5.4.1 The Licensee shall keep at its principal place of business, all of the following records and information (hereinafter "Documents"): (1) all permit applications and other Documents regarding any permit(s) or license sought or obtained regarding the Wind Energy Facility; (2) all inspection and testing records; (3) all repair and maintenance records; (4) all complaints, claims, incidents, occurrences which give rise to any type of insurance claim; (5) all operational interruptions or disruptions; (6) all specifications, drawings, manuals, designs, and other Documents containing information regarding the Wind Energy Facility Wind Turbines, ancillary equipment and interconnecting cables, wires and apparatus; and (7) all utility interconnection applications, agreements and other Documents regarding the Wind Energy Facility and its interconnecting utility.
- 5.4.2 Here the term "Documents" as used in this Section 5 and elsewhere in this Ordinance is used in the broadest possible sense and refers to any form of reproducible information, communication or data storage however produced or reproduced or reproducible. This definition includes, but is not limited to: agreements, books, calculations, charts, computer printouts, computer stored or generated data, contracts, data compilations from which information can be obtained, data sheets, data processing cards, dairies, drawings, forms, graphs, handwritten notes, indexes, letters, memoranda, pamphlets, photographs, reports, studies, tapes, quotes, estimates, proposals, and working papers. Any Document that contains any comment, notation, addition, signature, insertion or marking of

any kind, so that it is different from the original, is a separate Document and must be retained in the records of the Licensee.

## **5.5 AUTHORIZATION/DISCLOSURE OF RECORDS AND INFORMATION**

Upon receiving the grant of a license pursuant to this Ordinance, and for the entire term of the license, including any renewal thereof, the Licensee thereupon shall at all times be deemed to have authorized and consented to the Town Board or its authorized agent inspecting, copying or procuring photocopies, duplicates or other reproductions, of all Documents constituting records of the Wind Energy Facility as that term is defined in Section 5.4 of this Ordinance. The Licensee shall fully cooperate with the Town Board or its designated representative in this regard and shall make all such records available to the Town Board via its designated representative within a reasonable time of the request for same, not to exceed a period of seven (7) days from the date of such request, except that the time period may be extended by mutual agreement between the Town Board and the Licensee. Further, upon submitting an application for a license, the Licensee thereby authorizes and requests that the interconnecting utility furnish to the Town Board or its legal representative, upon the Town's request, complete information concerning the Wind Energy Facility, including without limitation all information as may be contained in the records of the interconnecting utility. This authorization includes the Licensee's continuing consent to fully authorize the interconnecting utility to allow the Town Board or its legal representative to inspect, copy, or procure photocopies, duplicates or other reproductions, of all Documents in the interconnecting utility's possession relevant to the Wind Energy Facility or containing any information with regard thereto. The Licensee hereby requests that the interconnecting utility cooperate with the Town Board or its legal representative in this regard, and the Licensee does hereby release the interconnecting utility from any and all legal responsibility or liability that may arise from the interconnecting utility's acts of disclosure to the Town Board or its legal representative.

## **6. APPLICABILITY**

The requirements of this Ordinance shall apply to all Wind Energy Facilities proposed after the effective date of this Ordinance. Wind Energy Facilities for which a required permit has been properly issued prior to the effective date of this Ordinance shall not be required to meet the requirements of this Ordinance; provided, however, that any such pre-existing Wind Energy Facility which does not provide energy for a continuous period of six (6) months shall meet the requirements of this Ordinance prior to recommencing production of energy. However, all modifications or alterations to an existing Wind Energy Facility including, but not limited to, the replacement or addition of any Wind Turbine or ancillary equipment shall only be affected in full compliance with this Ordinance.

## **7. WIND ENERGY FACILITY SITING PERMIT**

A permit shall be required for the construction and operation of a Wind Energy Facility in the Town of Humboldt. The ten (10) year permit fee shall be \$100. No person shall engage in the construction or operation of a Wind Energy Facility without a license or permit therefore, as provided by this Section.



- 7.1 The words "license" and-"permit," as used throughout this Ordinance, shall be interchangeable.
- 7.2 The Town Board may issue a Wind Energy Facility license, subject to the standards established by this Ordinance, pursuant to the following procedure. The Licensee shall submit the application fee of \$300, which shall accompany a written application containing: the name(s), mailing address(es) and telephone number(s) of the proposed Licensee(s) and a description of the proposed facility site. If the proposed Licensee is an entity, then the names, addresses and telephone numbers of all equity holders, officers, registered and authorized agents shall be provided upon the application. Appropriate supporting documents and maps shall be filed with the application. The application and all supporting documents shall be submitted to the Town Clerk along with four complete and legible copies of the application and all supporting documents. The original and one of the copies shall be retained by the Clerk to enable free public access to the documentation submitted. The other three copies of the documentation shall be disseminated to the Town Chairman and the Town Supervisors respectively.
- 7.3 The following information shall be provided by the applicant:
- 7.3.1 A statement describing the general character, features and timetable for completion of construction and the commencement of operation of the intended development;
  - 7.3.2 A general development plan showing: the tract boundaries and a statement of the total acreage of the tract, significant physical features of the tract, and zoning districts on and within 400 feet adjacent to the proposed project as depicted on an accurate map of the project area drawn to scale no less than 1/16<sup>th</sup> inch equals one foot, showing the nature, use and character of abutting properties, prepared by a registered surveyor;
  - 7.3.3 A construction plan;
  - 7.3.4 An operations plan;
  - 7.3.5 An equipment maintenance plan;
  - 7.3.6 The specifications concerning the Wind Turbines to be installed upon the site and the specifications concerning any ancillary equipment utilized to operate, monitor and control the Wind Turbines and the interconnection of the Wind Energy Facility to the utility grid system;
  - 7.3.7 The certified statement required pursuant to §8.67;
  - 7.3.8 A general outline of the organizational structure of the entity(ies) that will own and operate the Wind Energy Facility;
  - 7.3.9 An economic feasibility and impact statement concerning the Wind Energy Facility; and

7.3.10 The proposed Licensee's mailing address and information concerning the financial responsibility of the proposed Licensee of the Wind Energy Facility.

7.4 The Town Board shall commence a public hearing concerning the application for license not more than fifty (50) days following the Clerk 's receipt of a complete application. The public hearing and decision concerning the grant or denial of a permit shall be concluded not more than ninety (90) days following the commencement of the hearing, unless such time is extended by agreement between the applicant and the Town Board. In the absence of an extension of time, if no decision is issued within ninety (90) days of the commencement of the public hearing, then the application shall be deemed denied.

## 8. **GENERAL REQUIREMENTS FOR WIND ENERGY FACILITIES**

### 8.1 **VISUAL APPEARANCE; LIGHTING; POWERLINES**

8.1.1 Wind Turbines shall be painted a non-reflective, non-obtrusive color.

8.1.2 At Wind Energy Facility sites, the design of the buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the Wind Energy Facility to the natural setting and then existing environment.

8.1.3 Wind Energy Facilities shall not be artificially lighted, except to the extent required by the FAA or other applicable authority.

8.1.4 Wind Turbines shall not be used for displaying any advertising except for reasonable identification (including the current telephone number) of the manufacturer of the Wind Turbine or operator of the Wind Energy Facility.

8.1.5 Electrical controls and control wiring and power-lines shall be wireless or not above ground except where wind farm collector wiring is brought together for connection to the transmission or distribution network, adjacent to that network.

### 8.2 **SETBACKS**

The following setbacks and separation requirements shall apply to all Wind Turbines; provided, however, that the Town Board may reduce the standard setbacks and separation requirements if the intent of this Ordinance would be better served thereby.

8.2.1 Inhabited structures: Each Wind Turbine shall be set back from the nearest residence, school, hospital, church or public library, a distance not less than the greater of (a) two (2) times its Total Height or (b) four hundred (400) feet.

8.2.2 Property lines: Each Wind Turbine shall be set back from the nearest property line a distance not less than 1.5 times its Total Height, unless appropriate easements

are secured from adjacent property owners, or other acceptable mitigation is approved by the Town Board.

- 8.2.3 Public Roads: Each Wind Turbine shall be set back from the nearest public road a distance not less than 1.5 times its Total Height, determined at the nearest boundary of the right-of-way for such public road.
- 8.2.4 Communication and electrical lines: Each Wind Turbine shall be set back from the nearest above-ground public electric power line or telephone line a distance not less than 1.5 times its Total Height, determined from the nearest existing power line or telephone line.

### **8.3 SOUND LEVELS AND MEASUREMENT**

- 8.3.1 Audible sound due to Wind Energy Facility operations shall not exceed fifty (50) dBA for any period of time, when measured at the property line of any residence, school, hospital, church or public library existing or being constructed pursuant to a building permit on the date of approval of any Wind Energy Facility Siting Permit.
- 8.3.2 In the event audible sound due to Wind Energy Facility operations contains a steady pure tone, such as a whine, screech, or hum, the audible sound due to Wind Energy Facility operations shall not exceed forty-five (45) dBA for any period of time, when measured at the property line of any residence, school, hospital, church or public library existing or being constructed pursuant to a building permit on the date of approval of any Wind Energy Facility Siting Permit. A steady pure tone is defined to exist if the sound level of any one-third (1/3) octave band exceeds the sound levels of the two (2) contiguous one-third (1/3) octave bands by five (5) or more dB for any period of time.
- 8.3.3 If the ambient sound level (exclusive of the Wind Energy Facility) exceeds the applicable standards given above, the applicable standards shall be adjusted to equal the ambient sound level. The ambient sound level shall equal the L10 sound level for full spectrum sound, expressed in dBA. For steady pure tones, the ambient sound level shall equal the L10 sound level of the one-third (1/3) octave band that exceeds the sound levels of the two (2) contiguous one-third (1/3) octave bands by five (5) or more dB for any period of time, expressed in dB.
- 8.3.4 Ambient sound levels and audible sound due to Wind Energy Facility operations shall be measured at the property line of affected existing residences, schools, hospitals, churches and public libraries (including those being constructed pursuant to a building permit as of the date of approval of the Wind Energy Facility permit). Sound level measurement techniques shall employ all practical means of reducing the effect of wind-generated sound at the microphone.
- 8.3.5 In the event audible sound due to Wind Energy Facility operations exceed the audible sound standards listed above, a waiver to said standards may be granted by the Town Board provided that the following has been accomplished:

- a) Written consent from all affected property owners has been obtained stating that they are aware of the Wind Energy Facility and the audible sound standards imposed by this Ordinance, and that consent is granted to allow sound levels to exceed the audible sound standards otherwise allowed; and
- b) If the applicant wishes the waiver to apply to succeeding owners of the property, a permanent sound impact easement has been recorded in the Office of the Brown County Register of Deeds which describes the benefited and burdened properties and which advises all subsequent owners of the burdened property that sound levels in excess of audible sound standards permitted by this Ordinance may exist on or at the burdened property.

#### **8.4 MINIMUM GROUND CLEARANCE**

The blade tip of any Wind Turbine shall, at its lowest point, have ground clearance of no less than seventy-five (75) feet.

#### **8.5 SIGNAL INTERFERENCE**

The applicant shall include in the original plan and thereafter at all times during the period of licensure the Licensee shall utilize the best available feasible practices, techniques and devices to minimize or mitigate any interference with electromagnetic communications, such as radio, telephone or television signals caused by any Wind Energy Facility.

#### **8.6 SAFETY**

- 8.6.1 All wiring between Wind Turbines and the Wind Energy Facility substation shall be underground.
- 8.6.2 Wind Turbine towers shall not be climbable up to 15 feet above ground level.
- 8.6.3 All access doors to Wind Turbine towers and electrical equipment shall be lockable.
- 8.6.4 Appropriate warning signage shall be placed on Wind Turbine towers, electrical equipment, and Wind Energy Facility entrances.
- 8.6.5 The design, construction and operation of the Wind Energy Facility shall be in full compliance with all federal and state law, including but not limited to, Wisconsin Administrative Code PSC 119, the Wisconsin Electrical Safety Code, and the requirements of the interconnecting utility. As to the design, construction and operation of the Wind Energy Facility, the applicant, its successors and assigns shall engage in the best current practice to assure the safety and protect the health of the Public.

- 8.6.6 The Licensee shall engage in regular inspections and testing of the Wind Energy Facility to protect the safety and health of the Public. Inspection and testing records shall be created and kept as required in Section 5.4 hereinabove. As a continuing condition of the licensure of the Wind Energy Facility, all modifications, repairs or replacements to the operating procedures, Wind Turbines and ancillary equipment shall be conducted by the Licensee in accord with the best then current health and safety practices as to the equipment and operation of the Wind Energy Facility. By accepting and retaining the Wind Energy Facility license, the Licensee shall at all times during such licensure, be deemed to have certified that the aforesaid continuing condition has at all times been fully satisfied.
- 8.6.7 As a condition to approval of the applicant's permit and the initial licensure of the Wind Energy Facility, the applicant shall obtain and present a written certified statement issued by an engineer of the interconnecting utility or other licensed qualified engineering firm stating that the Wind Energy Facility site plan, equipment to be installed and operating plan provide safeguards for the health and safety of the applicant, the applicant's employees and agents and the Public which are consistent with the best current reasonably available practice(s) to protect the safety and health of the Public, and exemplify the best current health and safety practices as to the design, construction, equipment and operation of the Wind Energy Facility.
- 8.6.8 The Licensee shall obtain written verification from the interconnecting utility that the protective equipment settings and anti-islanding testing, including all anti-islanding and power quality protective systems, have been examined, tested and certified as suitable for approval and interconnection of the Wind Energy Facility to the interconnecting utility consistent with protection of the health and safety of the Public as provided in PSC 119.
- 8.6.9 The Licensee shall be required to cease operations for the duration of any Emergency. "Emergency" here shall mean a proven condition or situation that presents an imminent threat of danger to the health and safety of the Public or a significant threat of fire or other catastrophic damage to property.

## **8.7 INSURANCE REQUIREMENT**

The Licensee shall insure the Wind Energy Facility with first party coverage and obtain third party insurance against liability arising out of the construction and operation of the Wind Energy Facility. The Licensee shall annually file a certificate of insurance with the Town Clerk. Failure to timely provide this annual certificate of insurance is a violation of this Ordinance and may subject the Licensee to suspension or revocation of the permit and forfeitures provided at Section 9.4 of this Ordinance. The liability limit under the third-party coverage shall be not less than one million dollars (\$1,000,000.00).

## **9. LICENSE TERM, RENEWAL, SUSPENSION, REVOCATION, FORFEITURES**

### **9.1 INITIAL TERM**

The initial license term shall be for a period of ten (10) years from the date of licensure.

### **9.2 RENEWAL**

The license granted pursuant to this Ordinance may be renewed at the request of the Licensee for an additional ten (10) years, provided that the application for renewal shall be submitted to the Town Board not less than six (6) months prior to the expiration of the current license for the Wind Energy Facility. The Town Board shall conduct a public hearing concerning any license renewal request. Any license renewal request shall include the Licensee's consent and agreement to upgrade the Wind Energy Facility equipment, monitoring or testing systems and operational practices related to public health and safety, to the current best utility practices.

### **9.3 SUSPENSION/REVOCATION**

The license granted pursuant to this Ordinance may be suspended or revoked by the Town Board, but only after notice and opportunity for hearing. The determination as to any dispute arising under this Section shall be made pursuant to a hearing before the Town Board. The hearing shall be a due process hearing conducted upon not less than ten (10) days' prior written notice delivered by regular mail to the Licensee's mailing address contained in the original application. The Licensee has the continuing duty to provide the Town Clerk with the Licensee's current mailing address. The hearing shall be commenced and may be adjourned and conducted in multiple proceedings until such time as all of the relevant evidence has been presented. The Town Board shall make written findings of fact and issue its written decision within ten (10) days of the conclusion of the hearing.

### **9.4 FORFEITURE FOR VIOLATION OF ORDINANCE**

In addition to the suspension or revocation of the license provided hereinabove, any person who: begins to construct or operates a Wind Energy Facility without first obtaining or maintaining a license pursuant to this Ordinance; or operates a Wind Energy Facility in violation of the provisions of this Ordinance; or fails to timely remove a Wind Energy Facility as required under this Ordinance; or otherwise violates any provision of this Ordinance, shall be subject to a forfeiture of not less than twenty dollars (\$20.00) and not more than two hundred dollars (\$200.00). Each violation of this Ordinance shall be considered a separate offense. Any violation continuing more than one (1) day shall be considered a separate offense for each day the violation continues. In addition to the forfeiture(s) provided herein, the Town shall be entitled to recover its costs of prosecution, including its Town Attorney's fees and other costs.

## **10. PAYMENT IN LIEU OF TAXES**

As permitted by law, the Licensee shall timely pay to the Town any and all applicable payment(s) in lieu of taxes as provided under Wisconsin law. It is understood, that the payment



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r in lieu of taxes will be apportioned between Brown County and the Town of Humboldt as provided by law. The payment in lieu of taxes shall be paid in the amounts and manner as prescribed by the law of the State of Wisconsin. Upon the licensure of a Wind Energy Facility, the Town of Humboldt shall receive the greatest available remuneration as and for its payment in lieu of taxes, except as otherwise determined by the Town Board.

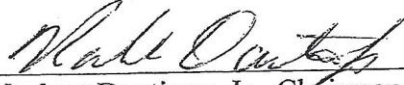
#### **11. REMOVAL OF WIND ENERGY FACILITY**

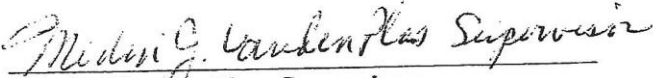
The Wind Turbines and all Wind Energy Facility related above ground improvements shall be removed from the licensed premises within one hundred twenty days (120) after the earlier to occur of the following dates: (a) the date the Wind Turbine generators reach the end of their useful life, (b) the date the Wind Energy Facility has been Abandoned, (c) the termination of any landowner lease under which the Wind Energy Facility has been allowed to remain in place, or (d) the revocation of the license granted pursuant to this Ordinance. Here, the term "Abandoned" means both the relinquishing of the right to operate the Wind Energy Facility and the failure to operate any particular Wind Turbine or maintain any particular Wind Turbine in a fully operational state of repair for a period of six (6) months. In the former instance, the Abandonment shall be deemed to have occurred as to the entire Wind Energy Facility. In the latter instance, the Abandonment shall be deemed to have occurred only as to the particular Wind Turbine(s) that have not been operated or have not been maintained in a fully operational state of repair for a period of six (6) months. As to any concrete foundation used for a Wind Turbine, the concrete foundation shall be removed to the closer to ground level of: (i) four (4) feet below ground level, or (ii) the level below ground level, at which the base of the concrete foundation hits bedrock. The Licensee shall cause the area above said foundation to be filled with dirt. If requested by the Town Board, the Licensee shall remove the gravel or paved surface of any access road(s) and replace such gravel or pavement surface with an equal depth of topsoil. The obligation for Wind Energy Facility removal and reclamation of the site is jointly and severally the obligation of the Licensee, the Licensee's successors and assigns, and the owner of the property whereupon the Wind Energy Facility is located. If the Licensee, the Licensee's successor or assign, or property owner fail to timely remove the Wind Energy Facility and/or restore the Wind Energy Facility site, the Town Board may retain contractors to perform the removal and restoration of the Wind Energy Facility site. All removal and restoration costs and expenses incurred by the Town Board, and other related costs and expenses incurred by the Town including but not limited to, any Town attorney's fees incurred in the course of effecting such removal, shall be chargeable as and for an assessment against the property and shall be collectible and payable as a charge against the real property which shall be included in the current or next tax roll for collection and settlement under Chapter 74 Wis. Stats.

#### **12. ASSIGNMENT**

The license granted pursuant to this Ordinance may not be assigned by the Licensee without the express written consent of the Town Board of the Town of Humboldt. The Town reserves the right to grant only a partial assignment whereupon the original Licensee shall remain jointly and severally liable with the assignee of the license. Any license granted pursuant to this Ordinance is not assignable or transferable to any other person, firm or entity, whether by operation of law or otherwise, without the express prior written consent of the Town Board.


Adopted this 3 day of March 2008.

  
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Norbert Dantine, Jr., Chairman

  
\_\_\_\_\_  
Merlin Vanden Plas, Supervisor

  
\_\_\_\_\_  
Charles Kamopp, Supervisor

Approved, Attested By:

  
\_\_\_\_\_  
Judy Baien, Town Clerk

**TOWN OF HUMBOLDT  
CHAPTER 19  
TOWN OF HUMBOLDT COMMUNITY CENTER  
ORDINANCE**

# CHAPTER 19 HUMBOLDT CODE OF ORDINANCES

## TOWN OF HUMBOLDT COMMUNITY CENTER ORDINANCE

### Section 1. Purpose and Authority

- 1.1 Purpose. The purpose of this Ordinance is to protect the Town's interest in preserving and maintaining the Humboldt Community Center while providing for public use and enjoyment of the Humboldt Community Center in an efficient and economic manner which protects the health, safety, convenience and general welfare of the Town of Humboldt and its citizens.
- 1.2 Authority. This Ordinance is created pursuant to the authority granted by Sections 60.22(1), 60.22(3), 65.90, 66.0113, 66.0114, 66.0115, and 66.0919.

### Section 2. Nondiscrimination

The Humboldt Community Center is open and available for use by all Humboldt residents and their invitees and any discrimination as to pricing, access, use or the full and equal enjoyment of the Town of Humboldt Community Center based on sex, race, color, creed, disability, sexual orientation, national origin or ancestry is prohibited.

### Section 3. Permit

Here, "Permit" means the Limited Use Permit which grants a limited license to access and use the Humboldt Community Center for a single date, multiple date(s), or regular recurring use. All use(s) of the Humboldt Community Center shall be by Permit except the regular recurring use by the Town Board, Plan Commission, Zoning Board of Appeals and other Town government or government-related uses. The Town Clerk shall issue all Permits and shall maintain a calendar of all dates and times for which Permits have been issued. Permits shall be issued on a first in time first in right basis, regardless of whether the Permit is for a single date, multiple date(s) or is a recurring use Permit. Permits are not transferrable or assignable by the Permit holder. Permit fees shall be established by the Humboldt Town Board and the fee schedule shall be available from the Town Clerk upon request. It shall be unlawful to use the Humboldt Community Center without payment of the required fee and a Permit. All Permit requests shall be made at least one week prior to the scheduled event.

### Section 4. Rules Governing Use and Conduct

- 4.1 Hours. It is unlawful for any person to be or remain upon the Humboldt Community Center property between 12:00 a.m. and 6:00 a.m.
- 4.2 No licensee may erect any temporary structure inside the building or upon the Humboldt Community Center grounds unless expressly allowed as an activity permitted in the Permit granted to the licensee.



- 4.3 Gambling. Making a bet, receiving, recording or forwarding a bet or offer to bet, or maintaining or possessing any gambling devices or materials upon the Humboldt Community Center premises is prohibited.
- 4.4 Permit holder shall be responsible for the conduct of those in attendance, which shall include disallowing alcoholic beverages to minors, general safety to those attending and cleanliness of the Humboldt Community Center.
- 4.5 Sound systems, public address systems or other noise emissions from the Humboldt Community Center premises shall be kept to a minimum so as not to interfere with the peace and enjoyment of the surrounding property owners.
- 4.6 The Permit holder is responsible for the removal of all licensee and invitee personal property from the premises upon expiration of the Permit.
- 4.7 All trash and refuse shall be removed from the Humboldt Community Center premises by the Permit Holder on or before the expiration of the Permit.
- 4.8 The key(s) for the Humboldt Community Center shall be returned to the Town Clerk within seventy-two (72) hours of the expiration of the Permit. Failure to timely return the key shall result in a \$200.00 charge against the Permit holder to cover the cost of changing the Humboldt Community Center locks and obtaining new keys.
- 4.9 No person shall take and carry away, transfer, conceal or retain possession of any item of Humboldt Community Center personal property.
- 4.10 The Permit Holder shall be liable for any damage or injury, to the Humboldt Community Center or any part thereof or to any Town personnel, occasioned by the activities or occupancy of the Humboldt Community Center premises including both damage and/or injury caused by the Permit Holder and the Permit Holder's invitees. It is unlawful for the Permit Holder to fail to have liability insurance which will cover any bodily injury or property damage which may occur in the course of the Function the Permit Holder is hosting.
- 4.11 It is unlawful to litter, deface, damage or alter the appearance of any elements of the Humboldt Community Center structure, property, sign or equipment.
- 4.12 Smoking is strictly prohibited within the Humboldt Community Center building and upon the Humboldt Community Center premises except in designated areas.
- 4.13 It is unlawful to build any fire at any location upon the Humboldt Community Center premises, except that grills may be allowed in a designated area as an activity permitted when expressly authorized on the Permit.
- 4.14 It is unlawful to possess any firearms or any other weapon of any kind upon the Humboldt Community Center premises or to discharge any firearm upon the Humboldt Community Center premises except as otherwise expressly permitted by law.

- 4.15 It is unlawful to possess, use or deliver any controlled substance upon the Humboldt Community Center premises unless such possession, use or delivery is authorized by the Uniform Controlled Substances Act, Chapter 161, Wis. Stats.
- 4.16 It is unlawful to use, operate, explode, set off, discharge or otherwise release or cause to be released any smoke bomb, fireworks, stink bomb or other substance or device which is physically harmful or otherwise irritating, offensive, repugnant or disgusting to the senses of smell or hearing.
- 4.17 It is unlawful to bring into or possess within the Humboldt Community Center any noisemaking devices including, but not limited to, air horns, powered megaphones, drums or other musical instruments unless expressly authorized as an activity permitted in the Permit.
- 4.18 Permit Holders and their invitees are prohibited from participating in any volleyball, baseball, soccer, football, roller skating, skateboarding, boomerang or disc tossing within any area upon the Humboldt Community Center premises which is within two hundred (200) feet of the Humboldt Community Center building unless expressly authorized as an activity permitted in the Permit. All sporting activities must be held in areas specifically designated in the Permit for that purpose.
- 4.19 It is unlawful to operate a motor vehicle at a speed in excess of fifteen (15) miles per hour upon the Humboldt Community Center premises.
- 4.20 It is unlawful to operate a motor vehicle upon the Humboldt Community Center premises in such a manner as would, if done on a public highway, constitute a violation of the motor vehicle code as set forth in the Town of Humboldt Code of Ordinances.
- 4.21 It is unlawful to park any vehicle at any location upon the Humboldt Community Center premises except such locations as are specifically designated as parking stalls, unless expressly allowed as an activity permitted in the Permit.
- 4.22 It is unlawful for the Permit Holder or any invitee to violate or breach any term or condition contained in the Permit, the Rental Rules and Regulations incorporated therein, or any other published rule, regulation or condition governing use or occupancy of the Humboldt Community Center (the "Rules"). Unless expressly waived as an activity permitted in the Permit, all Rules apply to every Function held at the Humboldt Community Center.

## **Section 5. Penalties**

- 5.1 Any person who violates this Ordinance shall be required to forfeit not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) plus costs. Each occurrence shall constitute a separate violation.
- 5.2 In addition to the penalties specified at Section 5.1 above, law enforcement personnel may take reasonable action to reduce the inconvenience or danger caused by a violation of this Ordinance or the Permit granted pursuant to this Ordinance, including, but not limited to: the removal of vehicles which are in violation of this Ordinance; the removal of persons



who are engaging in conduct that is in violation of this Ordinance; and the removal and disposal of personal property which is left upon the Humboldt Community Center premises in violation of this Ordinance.

- 5.3 The penalties specified in this Section, do not preclude a civil action by the Town against any violator of this Ordinance, Permit Holder, or invitee to recover for damages to the Humboldt Community Center property.
- 5.4 The penalties specified herein, do not preclude a civil action by any person against any violator of this Ordinance to recover for personal injuries resulting from a violation of this Ordinance.
- 5.5 The penalties provided herein do not preclude the Town from seeking restitution in the Municipal Court as part of any conviction for any citation issued pursuant to this Ordinance.

#### Section 6. Persons Authorized to Issue Citations

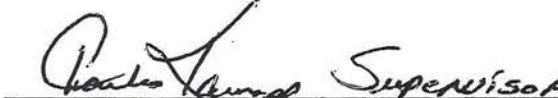
The following persons may issue citations authorized under this Ordinance:

- 6.1 Any County law enforcement officer;
- 6.2 The Town Constable; and
- 6.3 Any Town Supervisor.

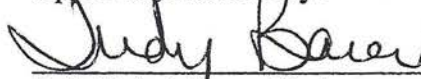
Adopted this 2 day of August 2010.

  
\_\_\_\_\_  
Norbert Dantine, Jr., Chairman

  
\_\_\_\_\_  
Merlin Vanden Plas, Supervisor

  
\_\_\_\_\_  
Charles Karnopp, Supervisor

Approved, Attested By:

  
\_\_\_\_\_  
Judy Baierl, Town Clerk

**TOWN OF HUMBOLDT  
CHAPTER 20  
EMPLOYEE GRIEVANCE PROCEDURE**

**Town of Humboldt Resolution for Adopting Employee Grievance Procedure**


Whereas §66.0509(1m), Wis. Stat. requires local governmental units to adopt an employee grievance procedure which shall be effective as of October 1, 2011;

Whereas the Town Board of the Town of Humboldt, Brown County, Wisconsin thoughtfully considered this requirement and instructed the Town Attorney to develop and prepare an employee grievance procedure that contains all of the legally required elements consistent with the historical policies and practices of the Town;

Now, therefore be it resolved, that the Town Board of the Town of Humboldt, Brown County, Wisconsin hereby adopts the attached Town of Humboldt Employee Grievance Procedure pursuant to §66.0509(1m), Wis. Stat. The Town Clerk shall: (1) prepare a copy of this Resolution and the attached Town of Humboldt Employee Grievance Procedure; (2) denominate that copy "Chapter 20"; (3) place that copy into the Town of Humboldt Code of Ordinances; (4) prepare an additional three copies of both the Resolution and the Town of Humboldt Employee Grievance Procedure; and (5) within 30 days of October 3, 2011, post those three copies in three separate places in the Town likely to give notice to the public pursuant to §60.80 Wis. Stat.

Adopted this 3<sup>rd</sup> day of October, 2011 *nunc pro tunc* as of October 1, 2011.

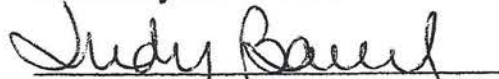
By the Town Board:

  
Norbert Dantine Jr., Chairman

  
Merlin Vanden Plas, Supervisor

  
Wesley Dörner, Supervisor

Attested by Town Clerk:

  
Judy Baierl, Clerk



## Town of Humboldt, Brown County, Wisconsin

### Employee Grievance Procedure

**Purpose:** This grievance procedure is adopted pursuant to s. 66.0509(1m), Wis. Stat., and is intended to provide a timely and orderly review of disputes regarding: a) employee terminations, b) employee discipline, and c) workplace safety.

#### Definitions for Terms Used in this Document:

**"Days"** means calendar Days, excluding the day of the stated event and legal holidays as defined in s. 995.20, Wis. Stat.

**"Deliver" and "Delivery"** mean by regular mail, postage prepaid; or by electronic mail. The regular mail means of Delivery shall be utilized as to all documents to be Delivered to all parties except: (i) the Grievant may personally Deliver the Grievant's initial Grievance Form to the Town Clerk; (ii) the Supervisor may Deliver a Step 1 Grievance Decision to the Grievant by personal Delivery at the conclusion of the Supervisor/Grievant meeting; and (ii) alternative Delivery means may be used as to any party who has agreed, in advance and in a separate writing filed with the Town Clerk, to receive notices and other documents by electronic mail or other means, but Delivery by any such other means is subject to the consent of the other party. A party may also elect to have notices and other documents Delivered instead to the party's agent or legal representative, but such election, including selection of the electronic mail means of Delivery, shall be made in a separate writing filed with the Town Clerk. Delivery shall be deemed complete: on the third day after the day of deposit in the United States mail; or on the day after the day shown to be the electronic mail transmission date; or if by personal Delivery then the day the personal Delivery occurred.

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

**"Grievant"** means the employee filing the grievance.

**"Hearing Officer"** means the impartial Hearing Officer required pursuant to s. 66.0509(1m)(d)2, Wis. Stat. The Hearing Officer to be selected by the Town Board on a case by case basis shall be a licensed Wisconsin lawyer, a professional mediator/arbitrator, a retired judge, or other qualified individual. The Hearing Officer shall not be an employee of the Town of Humboldt.

**"Step"** **"Steps"** means any or all of the three Steps for grievance determination including but limited to: (1) Step 1 Supervisor meeting; (2) Step 2 Hearing Officer hearing; and (3) Step 3 Town Board Appeal.

**"Supervisor"** means the Grievant's designated (by Town Board resolution) immediate Supervisor; or in the absence of any such Town Board resolution designating an immediate Supervisor then the Town Chairperson.

**"Termination"** means a discharge from employment for rule violations, poor performance, acts detrimental to the employer or other acts of misconduct. The term "Termination" does not include: a voluntary quit, completion of seasonal employment, completion of temporary assignment, completion of contract, layoff or failure to be recalled from layoff at the expiration of the recall period; retirement, job abandonment ("no call, no show" or other failure to report to work); or Termination of employment due to medical condition, lack of qualification or license, or any other cessation of employment not involving involuntary Termination.

**"Workplace Safety"** means but is limited to any standard relating to workplace safety established as a federal or state law statute, regulation or rule.

### **Section 1. Process and Timelines:**

- 1.1 The Grievant must file a written grievance with the Town Clerk within 10 Days of the Termination, Discipline or the Grievant's actual or reasonable knowledge of any Workplace Safety violation. So that an earnest effort can be made to resolve the matter informally, the Grievant must discuss the issue with his/her immediate Supervisor prior to filing the written grievance. However, in the case of a Termination, such a meeting is not required. Grievance forms may be obtained from the Town Clerk. The Town Clerk shall inform the Grievant's Supervisor and the Town Chairperson of the Town Clerk's receipt of the written grievance as soon as practicable.
- 1.2 The Supervisor will meet with the Grievant within 10 Days of the Clerk's receipt of the written grievance. The meeting may be adjourned and its duration may be extended beyond a single meeting session, but only upon written agreement between the Grievant and the Supervisor. A copy of any such agreement between the Grievant and the Supervisor to continue their meeting shall be filed with the Town Clerk by the Supervisor. The Supervisor shall Deliver a copy of the Supervisor's written response to the grievance to the Grievant within 10 Days following the conclusion of the meeting between the Grievant and Supervisor. The Supervisor shall file the original Supervisor's written response to the grievance in the Clerk's office at the time the copy of the Supervisor's written response is Delivered to the Grievant.
- 1.3 The Grievant may request an appeal to the Hearing Officer by Delivering a written request to the Town Clerk within 10 Days of the Delivery of the Step 1 decision to the Grievant. The Town Clerk shall notify the Town Chairperson and the Supervisor of the Clerk's



receipt of the Grievant's request for a hearing as soon as practicable. The Town Clerk will work with the Hearing Officer and Grievant to schedule a mutually agreeable hearing date.

- 1.4 The Hearing Officer shall Deliver the Hearing Officer's written decision to the Grievant and the Supervisor no later than 30 Days after the date the hearing is concluded. The Hearing Officer shall also Deliver a copy of the decision to the Town Clerk for filing in the Clerk's office.
- 1.5 The non-prevailing party may Deliver a written request with the Town Clerk for an appeal to the Town Board within 10 Days of Delivery of the Hearing Officer's decision. The Clerk shall notify the Town Chairperson about the Clerk's receipt of the request as soon as possible. The appeal shall be conducted as a review of the hearing record unless either party requests, or the Town Board determines that the Town Board will conduct a further evidentiary hearing to supplement the hearing record. Any such supplemental evidentiary hearing shall commence within 30 Days of the date the written request for appeal was Delivered to the Clerk. The Town Board shall decide the appeal and issue a written decision within 45 Days of the Delivery of the request for appeal to the Clerk unless: the parties agree to extend that time; or additional time is required to enable supplemental evidentiary hearing(s) before the Town Board, in which case the Town Board shall issue a written decision on the appeal within 20 Days of the conclusion of the supplemental evidentiary hearing. The Town Board may sustain, deny or modify the decision of the Hearing Officer. The appeal decision of the Town Board shall be final and binding. A copy of the Town Board's decision shall be Delivered to the Grievant and filed in the Town Clerk's office.
- 1.6 All timelines may be extended by mutual written agreement of the Town Board and the Grievant. Without such agreement, a failure of the Grievant to adhere to any of the specified timelines shall preclude any further consideration of the grievance.
- 1.7 If the last day on which an event is to occur is a Saturday, Sunday, or legal holiday, the time limit is extended to the next day which is not a Saturday, Sunday or legal holiday. A grievance or request for an appeal is considered timely if received by the Town Clerk during normal business hours or if postmarked by 11:59 p.m. on the due date.
- 1.8 If the grievance is not determined within the time limits, at any Step, the Grievant may proceed to the next available Step in this grievance procedure within 7 Days of the Grievant's Delivery of notice to the Town Clerk declaring the Grievant's intent to proceed to the next available grievance Step within 7 Days of Delivery of such notice to the Town Clerk, unless the grievance determination is Delivered to the Grievant within that 7 Day period.
- 1.9 The Grievant and Town Board may mutually agree in writing to waive or modify a Step or multiple Steps within this grievance procedure at anytime.
- 1.10 Granting the Grievant's requested or the parties' agreed upon remedy resolves the grievance.



**Section 2. Grievance Requirements:** The written grievance must be submitted on the Town's Grievance Form obtained from the Town Clerk and shall contain all information requested by the Grievance Form including:

- 2.1 A complete statement of the pertinent facts surrounding the nature of the grievance.
- 2.2 The date(s) the event(s) or incident(s) occurred or the date the alleged workplace safety concern was discovered.
- 2.3 The Steps taken to informally resolve the grievance, the individuals involved in the attempted resolution, and the results of such discussion.
- 2.4 The specific remedy requested; and
- 2.5 A clear description of the workplace safety rule alleged to have been violated, if applicable.

**Section 3. Supervisor's Response:** The Supervisor's written response to the Grievant's written grievance must contain:

- 3.1 A statement of the date(s) the meeting(s) between the Grievant and Supervisor were held.
- 3.2 A decision by the Supervisor as to whether the grievance is sustained or denied.

**Section 4. Procedure Before the Hearing Officer:**

- 4.1 The Hearing Officer shall create a record of the proceeding wherein the Hearing Officer shall: define the issues; identify areas of agreement; identify the issues in dispute; hear evidence and arguments; and render a written decision. Within 30 Days after the hearing is concluded, the Hearing Officer will issue a decision in writing indicating the findings and reasons for the decision. The Hearing Officer's written decision must contain:
  - 4.1.1 A statement of pertinent facts surrounding the nature of the grievance.
  - 4.1.2 A decision as to whether the grievance is sustained or denied, with the rationale for the decision.
  - 4.1.3 A statement outlining the timeline to appeal the decision.
- 4.2 The nature and extent of the hearing may be determined by agreement of the parties, but shall otherwise be determined by the Hearing Officer in accord with the severity of the Discipline at issue. For example, the procedure for a grievance over a relatively minor/minimal Discipline may be somewhat different from the procedure for a grievance over Termination.

- 4.3 The Hearing Officer will determine whether the Town acted in an arbitrary and capricious manner. A decision will not have been arbitrary or capricious if it was made in the best interest of the Town.
- 4.4 In all cases, the Grievant shall have the burden of proof to support the grievance. This process does not involve a hearing before a court of law; thus, the rules of evidence will not be strictly followed. However, no factual findings may be based solely on hearsay evidence.
- 4.5 The Hearing Officer may require the Grievant and Town to submit materials related to the grievance and witness lists in advance of the hearing in order to expedite the hearing.
- 4.6 The Hearing Officer's decision making authority is limited as follows:
- 4.6.1 The Hearing Officer shall sustain or reverse the initial grievance grant or denial decision of the Supervisor. The Hearing Officer is not given authority to modify the grievance grant or denial decision made by the Supervisor.
- 4.6.2 The Hearing Officer does not have authority to grant in whole or in part the specific remedy request of the Grievant if the Supervisor's initial determination was to deny the Grievance.
- 4.6.3 Upon reversing the grievance denial decision of the Supervisor, the Hearing Officer shall return the matter to the Supervisor for an initial determination of the Grievant's requested remedy by the Supervisor. The Supervisor's initial determination of the Grievant's remedy may thereafter be the subject of further hearing before the Hearing Officer, provided that in such event the Hearing Officer shall determine the remedy to be either: (i) the remedy determined by the Supervisor; or (ii) the final remedy request which was submitted to the Supervisor by the Grievant.
- 4.6.4 Unless otherwise expressly authorized in a separate written agreement between the parties, the Hearing Officer shall have no authority to modify the remedy alternatives proffered by either party either: in the context of the Supervisor's initial remedy determination, or in any subsequent hearing before the Hearing Officer.
- 4.7 If the Hearing Officer's decision on any grievance is appealed, only the issues in dispute raised in the hearing before the Hearing Officer may be appealed. Unless otherwise agreed in a separate writing executed by the parties, the issues to be determined in the appeal process are not subject to modification in the appeal procedure.

**Section 5. Representation:** Both the Grievant and the Town may be assisted and represented by a licensed Wisconsin attorney of their own choosing, in person or by teleconference, at any Step during the grievance procedure.



**Section 6. Consolidation:** The Supervisor and/or the Hearing Officer may consolidate grievances where a reasonable basis for consolidation exists. If more than one employee is grieving the same issue or circumstance, a single grievance form may be used and all such employees shall be thereupon collectively be deemed the Grievant. A group grievance must be signed by all grieving employees and must indicate that it is a group grievance at the first Step in the grievance process.

**Section 7. Costs, Attorneys Fees and Hearing Officer Fees:**

- 7.1 Any cost or expense incurred by a Grievant in investigating, preparing, or presenting a grievance shall be the sole responsibility of the Grievant.
- 7.2 At each Step of the grievance procedure, each party (Grievant and Town) shall bear its own costs for investigation, witnesses or preparation and all other out-of-pocket expenses, including their respective attorney fees.
- 7.3 Any out-of-pocket costs incurred by the Hearing Officer for recording the hearing or otherwise shall be added to the fees for services charged by the Hearing Officer (collectively "Hearing Officer Fees"). Unless otherwise provided in a separate written agreement between the parties, all Hearing Officer Fees shall be divided equally between the parties with the Grievant paying half and the Town paying the other half.
- 7.4 In order to secure the services of an impartial Hearing Officer in some cases it may be necessary that the Town undertake joint and several responsibility to the Hearing Officer for the Hearing Officer Fees. Notwithstanding and without waiving the Grievant's responsibility for the Hearing Officer's Fees (as defined and allocated at Section 7.3 above) the Town may pay the entire amount of the Hearing Officer's Fees to the Hearing Officer. If the Town pays the entire Hearing Officer Fees, thereupon and thereafter the Grievant shall be obligated to pay the Grievant's half of the Hearing Officer Fees to the Town upon demand. Any amount of Hearing Officer Fees not fully paid by the Grievant to the Town within 30 Days of the Town's Delivery of the Town's demand for payment to the Grievant, shall thereafter bear interest at the rate of one percent (1%) per month compounded monthly, until the entire amount owed to the Town has been paid in full by the Grievant.

**Town of Humboldt, Brown County Employee Grievance Form**

Employee Name: \_\_\_\_\_

Job Title: \_\_\_\_\_

Employee Contact Information: (provide phone numbers, regular mail address, email address, etc.)

Grievance Level (check one): (Step 1) Meeting with Supervisor

(Step 2) Request for Hearing Officer Hearing

(Step 3) Appeal to Town Board

**This section to be completed for Step 1 only:** Describe the grievance and then state all relevant facts, including: date(s), time(s) and place of incident(s) or occurrence(s) being grieved; names and contact information of persons involved; names and contact information of persons who witnessed or may have witnessed the incident or occurrence being grieved; steps taken and names and contact information of person(s) you contacted to informally resolve the grievance before submitting this form; and any other information which will assist with determining the facts, circumstances, witnesses, person(s), place(s) and thing(s) pertaining to or involved in this grievance. Attach additional sheets if more space for information concerning this grievance is needed.

Additional sheets attached

Describe relief sought:

\_\_\_\_\_  
Employee's Signature

\_\_\_\_\_  
Date Submitted

For office use only:

Date received: \_\_\_/\_\_\_/20\_\_\_

Clerk's initials: \_\_\_\_\_

**Town of Humboldt, Brown County, Grievance Decision Form**

Name of Employee: \_\_\_\_\_

Job Title: \_\_\_\_\_

Grievance Level (check one): (Step 1) Meeting with Supervisor   
(Step 2) Request for Hearing Officer Hearing   
(Step 3) Appeal to Town Board

-----  
Decision: (Attach additional pages if necessary)

Additional sheets attached.

-----  
Date Grievance or Grievant's Request for Hearing/Appeal Received: \_\_\_\_\_

Date of Meeting or Hearing: \_\_\_\_\_

Date of Decision: \_\_\_\_\_

Date Grievant Was Provided Copy of this Decision: \_\_\_\_\_

Delivery method: \_\_\_\_\_ (U.S. mail, electronic, mail hand delivered, etc.)

\_\_\_\_\_  
Supervisor or Hearing Officer Signature

\_\_\_\_\_  
(Title)

The Grievant may request an appeal to a Hearing Officer by filing a written request with the Town Clerk within 10 days of receiving the Supervisor's written response. Within 10 days of receipt of the Hearing Officer's decision, the non-prevailing party may file a written request with the Town Clerk for an appeal to the Town Board.

\*\*\*A copy of this completed form must be provided to the Town Clerk for record keeping purposes.

For office use only:

Date received: \_\_\_ / \_\_\_ /20\_\_\_

Clerk's initials: \_\_\_\_\_

**TOWN OF HUMBOLDT**  
**CHAPTER 22**  
**ORDINANCE TO EXTEND TOWN OFFICER TERMS IN**  
**RESPONSE TO ELECTION LAW CHANGES**



**TOWN OF HUMBOLDT**  
**Ordinance to Extend Town Officer Terms In Response to Election Law Changes**

Humboldt Code of Ordinances Chapter No. 22

Whereas, historically under Wisconsin Law §60.30(4) (b) the terms of office of elected town officers (other than elected assessors) have begun on the 2nd Tuesday in April;

Whereas town officers (other than assessors) elected in April 2012 and thereafter will now have their terms of office which cannot commence on the 2nd Tuesday in April due to recent State election law changes particularly those contained in 2011 Act 23;


Whereas those Act 23 law changes result in a week long "gap" between the end of the current terms of office for those town officers elected in either 2010 or 2011 and the start of the new terms of office for those officers elected in April 2012 or April 2013;


Whereas the unequivocal stated intent and purpose of the State Legislature as expressed Chapters 60 and 66 Wis. Stats. is that the Town Board by its supervisors, chairperson and other elected officers continuously and without interruption exercise and administer those powers and perform those important duties granted by statutory and common law to the Town as a body corporate and politic to preserve and protect the health, safety, welfare and convenience of the community;

Whereas in addition the Town Board has been informed and believes that the State Legislature will soon act to expressly amend Section 60.30 (4)(b) and/or to otherwise expressly authorize the Town Board to enact this type of ordinance, in any case providing that the term of office of any Town elective officers who were originally elected or appointed to serve for terms expiring on the 2nd Tuesday in April 2012 or 2013 shall be extended to the 3rd Tuesday in April in the same year in which their terms would otherwise have expired;

Now therefore, be it hereby ordained by the Town of Humboldt Town Board, Brown County, that the terms of elected Town officers which shall expire after 11:59 p.m. on the 2nd Monday of April in either April 2012 or April 2013 shall be extended and shall not expire until the 3rd Tuesday in April of the same year in which those terms would otherwise have expired. This Ordinance shall be effective upon publication or posting by the Town Clerk as required, pursuant to §60.80, Wis. Stats.

Adopted this 5 day of March 2012 by the Humboldt Town Board,  
Brown County, Wisconsin:

  
\_\_\_\_\_  
Norbert Dantine Jr. Town Chairperson

Attest:   
\_\_\_\_\_  
Judy Baiert, Town Clerk

**TOWN OF HUMBOLDT  
CHAPTER 23  
ORDINANCE TO ADOPT AMENDED COMPREHENSIVE  
PLAN FUTURE USE MAP**

ORDINANCE TO ADOPT AMENDED COMPREHENSIVE PLAN FUTURE USE MAP

CODE OF ORDINANCES CHAPTER 23


The Town Board of the Town of Humboldt, Brown County, Wisconsin pursuant to legal notice published on February 23, 2012 has conducted a public hearing on this 2<sup>nd</sup> day of April 2012 pursuant to Wisconsin Statutes §66.1001(4) and does hereby ordain:

Section 1. The Town Board of the Town of Humboldt, pursuant to Wisconsin Statutes Sections 66.1001, 60.22(3) and 60.62 to promote the public health, safety and general welfare of the Town, does hereby amend 2006 Town of Humboldt Comprehensive Plan Figure 2-6 entitled "Future Land Use Map" to include the revisions to the original Future Agricultural area contained on "Attachment A". Henceforth pursuant to this Ordinance the Future Land Use Map shall be comprised of both Figure 2-6 and Figure 2-6A. Figure 2-6A shall depict those designated Future Intensive Agricultural use areas which will continue to be zoned exclusive agriculture and eligible for tax credits pursuant to Wisconsin Statutes Chapter 91. Figure 2-6 shall continue to depict those designated Future Agricultural areas which will be zoned for agriculture but no longer be eligible for tax credits pursuant to Wisconsin Statutes Chapter 91. DESIGNATED INTENSIVE AGRICULTURE AREAS SUPERCEDE ALL OTHER FUTURE LAND USE DESIGNATIONS.

Section 2. Except as to the amendments to Figure 2-6 Future Land Use Map shown upon Attachment A which is hereby denominated henceforth by this Ordinance as Comprehensive Plan Figure 2-6A, all of the rest and remainder of the 2006 Town of Humboldt Comprehensive Plan adopted by ordinance dated April 3, 2006, including but not limited to the remainder of Figure 2-6 not superseded by Figure 2-6A, shall remain unchanged and in full force and effect.

Section 3. The Town Clerk shall disseminate copies of this amendment to the 2006 Town of Humboldt Comprehensive Plan as required by Wisconsin Statutes §66.1001(4) (b) and as otherwise instructed by the policies and procedures determined by the Town Board.


Adopted this 2 day of April, 2012 by the Humboldt Town Board:

  
\_\_\_\_\_

Norbert Dantine Jr. Town Chairman

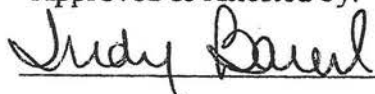
  
\_\_\_\_\_

Merlin Vanden Plas Town Supervisor

  
\_\_\_\_\_

Wesley Dornier Town Supervisor

Approved & Attested by:

  
\_\_\_\_\_

Judy Baierl Town Clerk



Ordinance would begin to be updated as required by WLI; on March 7, 2011 the Town Chairman provided a WLI update regarding the conversion fee elimination; on September 1, 2011 the Town Newsletter informed citizens that a WLI map had been updated and submitted to the County for review and provided citizens with a direct web link to DATCP published WLI information; on February 13 the Town of Humboldt Newsletter contained a bold printed notice that two consecutive Plan Commission meetings would be held on February 20, 2012 and February 27, 2012 and that both Brown County Planning representative Aaron Schuette and the Town Attorney would make presentations and be available to answer questions at the first meeting and that the Town Attorney would also attend the second meeting; and throughout this entire process citizens and property owners were encouraged to provide written comments or concerns

NOW, THEREFORE, BE IT RESOLVED that by a majority vote duly recorded in the meeting minutes, the Town of Humboldt Planning Commission recommends to the Town Board of the Town of Humboldt the adoption of "Attachment A" attached hereto as an amendment to the Plan's Future Land Use Map (Figure 2-6 of the Plan). Attachment A depicts the designated Future Intensive Agricultural area and shall upon approval of the Town Board become "Figure 2-6A" of the Plan. Attachment A/Figure 2-6A is a product of the multiple public meetings and other public input solicited from all citizens and property owners in the Town of Humboldt, which has been reviewed and is now recommended by a majority vote of this Planning Commission for adoption by the Town Board.

Approved this 2nd day of April, 2012.

  
\_\_\_\_\_  
John Zimonick                      4-2-2012  
Planning Commission Chairman      Date

CC: Town Board & Planning Commission Members

**TOWN OF HUMBOLDT  
CHAPTER 24  
AUTHORIZING FIRE CHIEF TO MAKE AND ENFORCE  
LAWFOR ORDERS, ESTABLISH EMERGENCY FEE  
SCHEDULE, COLLECT AND DISBURSE EMEGENCY  
FEES AND OBTAIN SPECIAL INSPECTION WARRANTS**

**TOWN OF HUMBOLDT**  
**Ordinance Authorizing Fire Chief to Make and Enforce Lawful Orders, Establish  
Emergency Fee Schedule, Collect and Disburse Emergency Fees, and Obtain Special  
Inspection Warrants**

Humboldt Code of Ordinances Chapter No. 24

Whereas Town of Humboldt Code of Ordinances Chapter 15 reaffirmed the creation of the New Franken Fire Department and adopted the Operating Agreement For the New Franken Fire Department ("Operating Agreement") to provide effective and efficient fire protection services to the Town of Humboldt to promote and protect public health, safety and welfare;

Whereas the Fire Chief of the New Franken Fire Department has been empowered by the Town of Humboldt to perform all duties as determined under the Operating Agreement and the laws of the State of Wisconsin;

Whereas the pursuant Town of Humboldt Code of Ordinances Chapter 14 the Town of Humboldt joined in the creation of the Brown County Joint Municipal Court ("Municipal Court") to promote public health, safety, welfare and convenience by providing local authority and jurisdiction to the Municipal Court to among other things enforce the Town's ordinances;

Whereas Town of Humboldt Code of Ordinances Chapter 10 has authorized the New Franken Fire Department Chief to issue citations summoning ordinance violators into Municipal Court on behalf of the Town; and

Whereas by this Ordinance the Town hereby: adopts State law; provides clear local enforcement authority to the Fire Chief to assure that the Fire Chief's lawful orders are obeyed; and provides further authority to the Fire Chief to among other things establish and collect fees for certain New Franken Fire Department emergency calls.

Now therefore, be it hereby ordained by the Town of Humboldt Town Board that:

**SECTION 1 – TITLE AND PURPOSE**

- 1.1 The title of this Ordinance is: Ordinance Authorizing Fire Chief to Make and Enforce Lawful Orders, Establish Emergency Fee Schedule, Collect and Disburse Emergency Fees, and Obtain Special Inspection Warrants. The purpose of this Ordinance is for the Town of Humboldt to empower the New Franken Fire Chief to enforce the Chief's lawful orders in the Municipal Court, to facilitate the charging and collection of Emergency Fees and restitution in appropriate cases, and to provide enhanced public safety and protection.



## SECTION 2 – AUTHORIFY & ADOPTION OF ORDINANCE

2.1 **AUTHORITY.** This Ordinance is adopted pursuant to the authority granted to the Town Board of the Town of Humboldt pursuant to Wisconsin Statutes: §26.13, §26.14, §60.22, §61.34, §60.23(23), §60.55, §60.555, §60.557, §66.0107, §66.0114, §66.0119, §66.0608(2), §101.14, §101.141, §101.145, §101.645, §165.55, §213.08, and §213.095.

2.2 **ADOPTION.** The Town Board of the Town of Humboldt, Brown County, Wisconsin, by this Ordinance, adopted on proper vote with a quorum and by roll call majority vote by the Town Board, hereby adopt certain State Statutes and hereby empower the Fire Chief of the New Franken Fire Department for the purpose of providing enhanced protection and preservation of the health, safety, welfare and convenience of the citizens of the Town of Humboldt.

## SECTION 3 – DEFINITIONS

3.1 “**Chief**” means the Fire Chief of the New Franken Fire Department.

3.2 “**Designated Inspector**” means a fire inspector authorized and designated by the Chief as provided in §101.14(2).

3.3 “**Emergency Fee**” means the costs for a fire call as reasonably determined and published by the Chief upon the NFFD Emergency Fee Schedule.

3.3 “**Firefighter**” means and is limited to a firefighter expressly authorized by the Chief or an Officer to perform a particular act.

3.4 “**NFFD**” means the New Franken Fire Department.

3.5 “**Officer**” means the Chief, assistant chief, captain, lieutenant and training officer.

3.6 “**Section**” when appearing as the symbol “§” means a section or subsection of the Wisconsin Statutes; but when appearing as the word “Section” or “Sections” means a section, subsection or sections of this Ordinance.

3.7 “**Separate Offense**” means:

3.7.1 Each day and each successive day upon which a violation of Sections 4.1.1, 4.3.1, 4.3.2, 4.3.3, 4.3.4 or 4.3.5 occurs and continues constitutes a separate offense;

3.7.2 Each time a command or order is ignored, refused or not obeyed in violation of Sections 4.2.1, 4.2.2, 4.2.3, 4.2.4 or 4.5.2 constitutes a separate offense;

3.7.3 Each separate act in violation of Sections 4.1.2, 4.1.3 or 4.5.1 constitutes a separate offense.

#### **SECTION 4 – AUTHORITY TO MAKE AND ENFORCE LAWFUL ORDERS & OBTAIN AND EXECUTE SPECIAL INSPECTION WARRANTS**

4.1 **FIRE INVESTIGATIONS.** Pursuant to §165.55 the Fire Chief is required to investigate or cause to be investigated the cause, origin and circumstances of every fire occurring in the Town of Humboldt by which property has been destroyed or damaged when the damage exceeds \$500.00, and on fires of unknown origin the Fire Chief must especially investigate whether the fire was the result of negligence, accident or design. In the course of any such investigation, the Fire Chief may demand that an insurer furnish information in its possession relating to the fire.

4.1.1 No insurer shall refuse, ignore or fail to timely furnish any information in its possession relating to a fire loss involving property to which a policy of insurance issued or serviced by that insurer may apply.

4.1.2 No insurer or person acting on behalf of an insurer shall commit fraud or malice in any statement made, material furnished or action taken in regard to the Fire Chief's demand for information.

4.1.3 No person shall "obstruct" the Fire Chief's fire investigation by knowingly giving false information, or knowingly placing, removing, altering or concealing physical evidence with intent to mislead the fire investigation.

4.2 **FIRE OR EMERGENCY SCENES.** Pursuant to §213.095 the Fire Chief, Officers and Firefighters of the New Franken Fire Department in the course of their duties of extinguishing fires, preventing fire hazards, or responding to first aid calls involving either persons or property, have the authority to: suppress any disorder and order all individuals or companies to leave the neighborhood of any fire or first aid scene; command from the inhabitants of the Town all necessary assistance for the suppression of fires and the preservation of property exposed to fire; enter any premises to do whatever may reasonably be necessary in the performance of the officer's duties while engaged in the work of extinguishing any fire or performing any duties incidental thereto; and enter any property or premises to do whatever may reasonably be necessary in the performance of the officer's duties while engaged in the work of aiding persons or minimizing the loss to property at a first aid scene. No person at a fire or emergency scene shall:



4.2.1 Ignore, refuse or fail to obey any order, by the Fire Chief, an Officer or Firefighter: issued to suppress disorder; or commanding the person to leave the neighborhood of any fire or first aid scene.

4.2.2 Ignore, refuse or fail to obey the command of the Fire Chief, an Officer or Firefighter to provide all necessary assistance for the suppression of fire or the preservation of property exposed to fire.

4.2.3 Block, hinder, obstruct, delay or deny the Fire Chief, Officer or Firefighter entry to any property or premises to do whatever may be reasonably necessary in the performance of NFFD's duty while engaged in the work of extinguishing any fire or performing any duties incidental thereto.

4.2.4 Block, hinder, obstruct, delay or deny the Fire Chief, Officer or Firefighter entry to any property or premises to do whatever may be reasonably necessary in the performance of NFFD's duty while engaged in the work of aiding persons or minimizing the loss to property at a first aid scene.

**4.3 INSPECTIONS.** Pursuant to §101.14 the Fire Chief, as a Deputy of the Wisconsin Department of Safety and Professional Services, is required to provide for the regular inspection of every public building and place of employment in the Town of Humboldt within required time periods and make reasonable orders for the repair or removal of any building or other structure which for want of repair or by reason of aged or dilapidated condition or for any other cause is especially liable to fire, and which is so situated as to endanger other buildings or property. The Fire Chief may also order the repair or removal of any combustible or explosive material or inflammable conditions, dangerous to the safety of any building or premises or the occupants thereof or endangering or hindering fire fighters in case of fire. The Fire Chief is authorized to at all reasonable hours enter into and upon all buildings, premises and public thoroughfares excepting only the interior of private dwellings, for the purpose of ascertaining and causing to be corrected any condition liable to cause fire, or any violation of any law or order relating to the fire hazard or the prevention of fires. The Fire Chief is required to provide inspections with the minimum frequency required by law, but the Fire Chief may require more frequent inspections than the minimum required by law. The Fire Chief is required to designate a sufficient number of inspectors to make the inspections required by law. No person shall:

4.3.1 Block, hinder, obstruct, delay or deny the Fire Chief or a Designated Inspector requested access to a public building or place of employment for the purpose of performing any inspection authorized by law.

4.3.2 Ignore, refuse or fail to obey any reasonable order for the repair or removal of any building or other structure which for want of repair or by reason of aged or dilapidated condition or for any other cause is especially liable to fire, and which is so situated as to endanger other buildings and property.

4.3.3 Ignore, refuse or fail to obey any order for the repair or removal of any combustible or explosive material or inflammable conditions, dangerous to the safety of any building or premises or the occupants thereof or which may endanger or hinder fire fighters in case of fire.

4.3.4 Ignore, refuse or fail to obey any order requiring correction of: any condition liable to cause fire; or violation of any law or other order relating to minimizing or eliminating fire hazard or promoting the prevention of fires.

4.3.5 Ignore, refuse or fail to obey a written notice regarding installation or maintenance of a residential building smoke detector issued by the Chief pursuant to §101.145.

**4.4 SPECIAL INSPECTION WARRANTS.** Pursuant to §66.0119 the Chief is hereby authorized to apply for, obtain and execute special inspection warrants for inspection of personal or real properties which are not public buildings or for portions of public buildings which are not open to the public upon showing that consent to entry for inspection purposes has been refused.

**4.5 CHIEF FIRE WARDEN.** Pursuant to §26.13 as town fire warden for the Town, the Town Chairman hereby delegates to the Chief full authority to perform all delegable duties of town fire warden and appoints the Chief as an emergency fire warden.

4.5.1 Among other things, in his role as a fire warden the Chief shall monitor fire risk conditions in the Town. Whenever the Chief deems it imprudent to set fires upon any land in the Town, the Chief may seek fire prohibition resolutions from the Town Board causing the posting of notices forbidding the setting of fires in the Town except those utilized for warming the person or cooking food. Any such Town Board resolution shall remain in effect until further written advice has been received from the Chief advising the Town Board that the fire ban resolution be rescinded.

4.5.2 The Chief is hereby empowered to take prompt measures against the spread and illegal setting of fires, and as to the later issue citations under this Ordinance. The Chief may also call upon any able bodied citizen to assist in fighting fires in such manner as the Chief directs, and any able-bodied citizen who refuses to render assistance may be subjected to the Chief's issuance of a citation for such unlawful refusal.

4.5.3 The Chief shall be responsible for preparing the itemized accounts on forms provided by the Department of Natural Resources documenting the Chief's services, the services of others and other expenses incurred in fighting any forest fire pursuant to §26.14(4).



4.5.6 As provided at §26.14(9)(b) any person who sets a fire on any land and allows such fire to escape and become a forest fire shall be liable for all expenses incurred in the suppression of the fire by the Town and NFFD and the Chief shall account for those expenses and pursue recovery of those expenses from the responsible persons either as restitution in the Municipal Court or pursuant to other civil action commenced within two (2) years of the setting of the fire as provided in §893.91.

## **SECTION 5 - STATE STATUTES ADOPTED AND ENFORCEABLE BY CHIEF.**

**5.1 STATUTES ADOPTED.** The provisions of §26.14(5) failure to extinguish a fire set; §26.14(6) setting a fire and allowing it to escape and become a forest fire; §26.14(7) setting a fire for the purpose of driving out game birds or animals; §26.14(8) setting fire to the land of another or a marsh; §941.10 negligent handling of burning materials; §941.11 unsafe burning; §941.12 interfering with fire fighting; §941.13 false alarm; §941.37 obstructing emergency or rescue personnel; §941.375 public safety worker protection; §940.20 battery to fire fighter; §946.40 refusing to aid officer; and §946.41 resisting or obstructing officer; are hereby adopted as part of this Ordinance.

**5.2 CITATION ISSUANCE.** The Chief may issue citations for violations of Section 5.1 and every other Section of this Ordinance.

## **SECTION 6 - REIMBURSEMENT FOR FIRE CALLS.**

**6.1 FIRE CALLS ON HIGHWAYS.** Pursuant to §60.557 the Chief is hereby authorized to document statutorily required written proof and may thereupon attempt to collect the costs incurred by NFFD in responding to vehicle fire calls:

6.1.1 On a county trunk highway: from the insurer of the person to whom the fire call was provided; or from the person to whom the fire call was provided but only if unsuccessful in collecting from the insurer or if the person has no insurer. If unsuccessful in collecting from the insurer or the person, then the Chief may proceed to collect the statutory reimbursement from the county maintaining that portion of the highway where the vehicle was located at the time of the call.

6.1.2 On a state truck highway or any highway that is part of the national system of interstate highways and maintained by the Wisconsin Department of Transportation: from the insurer of the person to whom the fire call was provided; or from the person to whom the fire call was provided but only if unsuccessful in collecting from the insurer or if the person has no insurer. If unsuccessful in collecting from the insurer or the person, then the Chief may proceed to collect

statutory reimbursement from the Department of Transportation for the costs, even if the fire equipment is not actually used.

**6.2 EMERGENCY FEE SCHEDULE.** The Chief shall determine the reasonable costs incurred by NFFD for a fire call. The reasonable costs shall include NFFD's operating and maintenance costs for response by its personnel and apparatus to emergency calls. The Chief shall thereafter document, publish, and from time to time thereafter update, revise and republish that document as the NFFD Emergency Fee Schedule.

**6.3 RECOVERY OF FEE AMOUNTS.** The Chief is hereby authorized to exercise the Chief's discretion to recover the amounts dictated by the Emergency Fee Schedule as and for the costs incurred by NFFD: in responding to any call under Section 6.1; or in the Town's Municipal Court as restitution for any other violation of any other Section of this Ordinance.

**6.4 AMOUNTS RECOVERED.** All Emergency Fees recovered pursuant to Section 6.3 shall be payable to NFFD, disbursed to the NFFD capital account portion of NFFD's Budget Account accumulated and utilized for the acquisition of new equipment for NFFD.

## **SECTION 7 - PENALTY PROVISION**

**7.1 SEPARATE OFFENSES.** Forfeitures, restitution, injunctive and such other relief as permitted by law may be pursued as to each and every violation of this Ordinance. All available legal and equitable remedies may be pursued as to each Separate Offense as defined in Section 3.7 above and by the statutory and common law of Wisconsin.

**7.2 FORFEITURES.** Upon the issuance of a citation returnable to the Municipal Court and upon conviction, any person or legal entity that fails to comply with the provisions of this Ordinance, in addition to any such other or further order(s) for restitution or other relief issued by the Municipal Court, shall be required to pay a forfeiture of not less than \$50.00 nor more than \$500.00, plus the applicable surcharges, assessments, and costs for each Separate Offense, except that no forfeiture charged hereunder shall exceed any State Law prescribed maximum forfeiture for those violations of State Laws adopted as provisions of this Ordinance. In addition to the forfeiture and costs, the convicted person or entity shall fully reimburse the Town for all Town Attorney's fees incurred by the Town in the investigation and prosecution of each charged violation.

**7.3 INJUNCTIVE RELIEF.** In addition to the forfeitures and restitution remedies available in the Town's Municipal Court, the Town may in an appropriate case also seek injunctive relief from a Circuit Court to enjoin further violations.



**SECTION 8 - SEVERABILITY.**


8.1 If any provision of this Ordinance or its application to any person, entity or circumstance is held invalid by a final court judgment, the invalidity of that provision or application in that instance does not affect other provisions or applications of this Ordinance that can be given effect with the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

**SECTION 9 - EFFECTIVE DATE.**



9.1 This Ordinance is effective on the date following the date of its adoption by the Town Board.

9.2 The Town Clerk shall lawfully publish this Ordinance as provided in §60.80(5).

Adopted this 2 day of April 2012 by the Humboldt Town Board,  
Brown County, Wisconsin:

  
Norbert Dantine Jr. Town Chairman

Attest:   
Judy Baiert Town Clerk

**TOWN OF HUMBOLDT  
CHAPTER 25  
TELECOMMUNICATIONS ORDINANCE**

Ordinance to Repeal and Recreate Article XIX of the  
Town of Humboldt Zoning Ordinance

SECTION 1. REPEAL AND RECREATION. By this Ordinance the Town Board of the Town of Humboldt hereby:

- 1.1 Recognizes that new Wisconsin Statutes §66.0404 requires amendments to current Article XIX of the Town of Humboldt Zoning Ordinance.
- 1.2 Repeals current Article XIX of the Town of Humboldt Zoning Ordinance; and
- 1.3 Recreates Article XIX of the Town of Humboldt Zoning Ordinance as set forth in the following sections of this Ordinance.

SECTION 2. TITLE AND PURPOSE

2.1 TITLE: Article XIX Telecommunications Facilities.

2.2 PURPOSE: The purpose of this Ordinance is to establish regulations and guidelines for the administration of permits allowing siting, constructing, installing and maintaining "mobile service support structures" and "mobile service facilities" as those terms are defined below; including new construction or substantial modification of facilities and support structures and collocation on existing support structures in the Town of Humboldt. The intent here is to strike a balance between the public interest in siting, constructing, modifying and maintaining mobile service facilities providing wireless services in the community and the interest of the community in preserving and protecting the community's health, safety, general welfare and convenience. The regulations in this Ordinance are designed to abide and assist with the enforcement of State and Federal law, while protecting and promoting the health, safety, general welfare and convenience of community and the rural character and quality of the Humboldt community. This Ordinance shall be administered to protect the Town from the potential adverse impacts of such structures while enhancing the ability of mobile service providers to provide such services to the community quickly, effectively, and efficiently.

2.3 AUTHORITY: The Humboldt Town Board enacts this Ordinance pursuant to Sections 60.22, 60.10(2)(c), 60.61, and 66.0404 Wisconsin Statutes.

2.4 STATE STATUTORY LIMITATIONS ON AUTHORITY: At the time of this Ordinance's adoption Wisconsin Statutes Section 66.0404 imposes the following limitations upon the Town's authority:

- 2.4.1 The Town of Humboldt shall not enact an ordinance imposing a moratorium on the permitting, construction, or approval of any of activities governed by this Ordinance.



- 2.4.2 The Town of Humboldt shall not enact an ordinance prohibiting the placement of a mobile service support structure in particular locations within the Town of Humboldt.

### SECTION 3. DEFINITIONS

- 3.1 "Antenna" means communications equipment that transmits and receives electromagnetic radio signals and is used in the provision of mobile services.
- 3.2 "Application" means an application for a permit under this Ordinance to: engage in an activity specified in Section 4; or to accomplish a Class 2 collocation pursuant to Section 5.
- 3.3 "Building Permit" means a permit issued by the Town Board that authorizes an applicant to engage in construction activities pursuant to a conditional use permit issued under Section 4 of this Ordinance or to conduct a Class 2 collocation consistent with this Section 5 of this Ordinance.
- 3.4 "Class 1" collocation means the placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support structure for the facility but does need to engage in "substantial modification" as defined at Subsection 3.20 below.
- 3.5 "Class 2" collocation means the placement of a new mobile service facility on an existing support structure such that the owner of the facility does not need to construct a free standing support structure for the facility or engage in substantial modification.
- 3.6 "Collocation" means Class 1 or Class 2 collocation or both.
- 3.7 "Distributed antenna system" means a network of spatially separated antenna nodes that is connected to a common source via a transport medium and that provides mobile service within a geographic area or structure.
- 3.8 "Equipment compound" means an area surrounding or adjacent to the base of an existing support structure within which is located mobile service facilities.
- 3.9 "Existing structure" means a support structure that exists at the time a request for permission to place mobile service facilities on a support structure is filed with the Town Clerk.
- 3.10 "Fall zone" means the area over which a mobile service support structure is designed to collapse.
- 3.11 "Improvement" and "Improvements" means and includes: any mobile service support structure; any mobile service facility; equipment compound; the grounds

containing any mobile service facility or mobile service support structure and any road, driveway, parking lot or area utilized or reserved for accessing the mobile service facility and/or mobile service support structure.

3.12 "Mobile service" has the meaning given in 47 USC 153 (33).

3.13 "Mobile service facility" means the set of equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and associated equipment, that is necessary to provide mobile service to a discrete geographic area, but does not include the underlying support structure.

3.14 "Mobile service provider" means a person who provides mobile service.

3.15 "Mobile service support structure" means a freestanding structure that is designed to support a mobile service facility including but not limited to a Tower as defined below.

3.16 "Owner" means collectively all of the titleholders to a property containing either or both a mobile service support structure or a mobile service facility.

3.17 "Permit" means a permit, other than a building permit, or approval issued by a political subdivision which authorizes any of the following activities by an applicant:

3.17.1. A Class 1 collocation.

3.17.2. A Class 2 collocation.

3.17.3. The construction of a mobile service support structure.

3.18 "Public utility" has the meaning given in s. 196.01 (5).

3.19 "Search ring" means a shape drawn on a map to indicate the general area within which a mobile service support structure should be located to meet radio frequency engineering requirements, taking into account other factors including topography and the demographics of the service area.

3.20 "Substantial modification" means the modification of a mobile service support structure, including the mounting of an antenna on such a structure that does any of the following:

3.20.1. For structures with an overall height of 200 feet or less, increases the overall height of the structure by more than 20 feet.

3.20.2. For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10 percent or more.



- 3.20.3. Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by 20 feet or more, unless a larger area is necessary for collocation.
- 3.20.4. Increases the square footage of an existing equipment compound to a total area of more than 2,500 square feet.
- 3.21 "Support structure" means an existing or new structure that supports or can support a mobile service facility, including a mobile service support structure, utility pole, water tower, building, or other structure.
- 3.22 "Tower" means a mast, pole, Monopole, guyed tower, Lattice Tower, free-standing tower, or other structure designed and primarily used to support Antennas. A ground or building mounted mast greater than fifteen feet tall and six inches in diameter supporting one or more Antennas, dishes, or arrays shall be considered to be a telecommunications Tower.
- 3.23 "Utility pole" means a structure owned or operated by an alternative telecommunications utility, as defined in s. 196.01 (1d); public utility, as defined in s. 196.01 (5); telecommunications utility, as defined in s. 196.01 (10); political subdivision; or cooperative association organized under ch. 185; and that is designed specifically for and used to carry lines, cables, or wires for telecommunications service, as defined in s. 182.017 (1g) (cq); for video service, as defined in s. 66.0420 (2) (y); for electricity; or to provide light.

#### SECTION 4. APPLICATION REQUIREMENTS AND PROCESS FOR SITING AND CONSTRUCTION OF NEW SUPPORT STRUCTURES AND/OR MOBILE SERVICE FACILITIES ; OR SUBSTANTIAL MODIFICATION OF EXISTING MOBILE SERVICE SUPPORT STRUCTURES AND MOBILE SERVICE FACILITIES DEFINED AS CLASS 1 COLLOCATIONS

- 4.1 Conditional Use Permit Required. No siting and construction of a new mobile service support structure or mobile service facility; or substantial modification of an existing support structure and mobile service facility shall be constructed, installed, enlarged, substantially repaired, modified, altered or reconstructed upon any Owner's property until or unless both a conditional use permit and building permit have been granted pursuant to this Ordinance. This conditional use permit requirement does not apply to:
- 4.1.1 A mobile service support structure and mobile service facility to be located upon property owned, leased or otherwise controlled by the Town or a Town subdivision, provided that a license or lease for such structure or facility has been approved by the Town Board. However, unless otherwise prohibited by law, mobile service support structures and mobile service facilities which are publicly owned and operated to provide for and

maintain a radio frequency system for police, fire and other municipal services are governed by this Ordinance and do require both permits from the Town regardless of whether or not they are to be used for any commercial use in addition to the primary public safety use.

4.1.2 Any facility where the Antenna height is under seventy (70) feet the Antenna and is owned and operated by a federally licensed amateur radio station operator or is used exclusively as a receive only Antenna. No more than one Tower for a licensed amateur is allowed on a parcel.

4.1.3 Any pre-existing mobile service facility or Antenna which has been in use and for which all Federal, State and local permits have been properly issued prior to the effective date of this Ordinance, may not be required to meet all of the requirements of this Ordinance, but shall meet: the Federal and State requirements, building codes, and safety standards; and the conditional use application and permit requirements as set forth at Section 4.5 below.

4.1.4 Mobile communication towers and masts providing public information coverage of news events of a temporary or emergency nature.

4.2 Zoning Districts. Applicants may seek a conditional use permit for a mobile service facility in any zoning district.

4.3 Application Content. Applications shall be submitted to the Town Clerk. The application shall be in writing and shall contain all of the following information:

4.3.1 The name and business address of, and the applicant's contact individual's identity and information.

4.3.2 The location of the proposed or affected support structure.

4.3.3 The location of the proposed mobile service facility.

4.3.4 If the application is to substantially modify an existing support structure, a construction plan which describes the proposed modifications to the support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment associated with the proposed modifications.

4.3.5 If the application is to construct a new mobile service support structure, a construction plan which describes the proposed mobile service support structure and the equipment and network components, including antennas, transmitters, receivers, base stations, power supplies, cabling, and related equipment to be placed on or around the new mobile service support structure.



4.3.6 If an application is to construct a new mobile service support structure, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement from an individual who has responsibility over the placement of the mobile service support structure attesting that collocation within the applicant's search ring would not result in the same mobile service functionality, coverage, and capacity; is technically infeasible; or is economically burdensome to the mobile service provider.

4.4 Application Completeness and Determination Procedure. Due to State law time limits the Plan Commission shall not conduct any public hearing(s) which would normally yield a written Plan Commission recommendation. Instead, upon filing the conditional use and building permit Application shall be submitted directly to the Town Board for public hearing and final determination by the Town Board.

4.4.1 The Town Chairperson shall initially determine whether the Application is complete. . If the Town Chairperson does not believe that the application is complete, the Clerk shall notify the applicant in writing, within 10 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was either missing or incomplete. An applicant may resubmit an application as often as necessary until it is accepted as complete.

4.4.2 If the applicant disputes the determination concerning the completeness of the application, the applicant shall appeal that decision directly to the Town Board by delivering a written appeal request to the Town Clerk. The appeal request shall state all of the disputed issues concerning the application's completeness. The Town Board will conduct a hearing concerning application completeness at the next regularly scheduled monthly Town Board meeting if the appeal request is received by the Town Chairperson ten or fewer days before the last date and time upon which an amended agenda can be posted and provide not less than twenty four (24) hours advance notice of the Town Board's intent to take action on the matter at such regular meeting. Otherwise, the Town Board shall conduct an application completeness appeal hearing at a special Town Board meeting to be held not more than ten days following the Town Clerk's receipt of the applicant's appeal request. For the avoidance of doubt, a complete application does not preclude the Town Board from requiring the applicant to submit other and further information during the course of the conditional use and building permit hearing.

4.4.3 Within 90 days of its receipt of a complete application, the Town Board shall complete all of the following or the applicant may consider the application for permits approved, except that the applicant and the Town Board may agree in writing to an extension of the 90 day period:

- 4.4.3.1 Review the application to determine whether it complies with all applicable requirements of this Ordinance and all applicable building codes.
  - 4.4.3.2 Make a final decision whether to approve or disapprove the application.
  - 4.4.3.3 Notify the applicant, in writing, of the Town Board's final decision.
  - 4.4.3.4 If the decision is to disapprove the application, include with the written notification substantial evidence which supports the Town Board's decision. A decision to disapprove may not be solely based upon esthetic concerns. The Town Board's final determination shall be documented in a separate writing, and if the recommendation or final determination is to deny the requested permit then the separate writing shall contain written statements of all of the reasons supporting the denial. A written record of the stated reasons for denial shall also be maintained in the meeting minutes of the Town Board public hearing.
- 4.4.4 The application process from submission to final determination by the Town Board shall be completed within a reasonable time after the application is determined to be complete. To expedite a final determination the applicant should provide along with the application a construction plan which describes, provides information and adheres to the requirements contained at Section 4.4.5 below.
- 4.4.5 Application Plan Content. The application and accompanying construction plan shall contain and address the following:
- 4.4.5.1 Full disclosure of the wireless service carriers and providers who intend or may be solicited to utilize the planned mobile service facility ("Users" "User") including: the identity and legal entity status of all applicants and Users including disclosure of any affiliates; the name, address and telephone number of the officer, agent or employee responsible for the accuracy of the information provided in the application; documentary proof of the applicants and Users registration and good standing with the FCC, showing that they are licensed by the FCC to construct, use and operate facilities; and evidence that any required FCC licenses are in good standing; a narrative and map description of the applicant(s) and Users existing telecommunications facilities in Brown County and Kewaunee County.



4.4.5.2 A narrative and map description of all applicants and Users' system wide plans describing existing and applied for mobile service facilities to serve the Town of Humboldt and its adjacent surrounding communities. Verification from a licensed professional that the proposed mobile service facility is being configured and located so as to minimize the number of facilities required to provide coverage for the Town of Humboldt and its adjacent surrounding communities.

4.4.5.3 A scaled site plan and a scaled elevation view and other supporting photos, drawings, calculations and other documented specifications, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all planned Improvements, including information concerning topography, frequency coverage, Tower height requirements, set backs, driveways, parking, fencing, landscaping, adjacent uses, and other information regarding the proposed mobile service facility, including but not limited to demonstrating that the planned facility meets the following building code requirements:

4.4.5.3.1 Towers shall be constructed out of metal or other nonflammable material, unless specifically permitted by the Town Board to be constructed otherwise.

4.4.5.3.2 Improvements constituting support facilities (e.g. equipment rooms, utilities and equipment enclosures shall be constructed out of non-reflective materials (visible exterior surfaces only) to the extent possible and, where possible, shall be sited below the ridge line or otherwise designed and placed to minimize their visual impact.

4.4.5.3.3 Improvements constituting equipment buildings, shelters and cabinets shall be designed and treated to look like a building or facility typically found in the area.

4.4.5.3.4 The plan shall include reasonable special design accommodations (materials, architectural features and color) if the mobile service facility is to be located in proximity to residential, historic or aesthetically significant structures, views and/or community features.

4.4.5.3.5 Showing that the mobile service facility will contain sufficient anti-climbing and other safety and security measures to reduce potential for trespass and injury.



- 4.4.5.3.6 Showing that Improvements are located, designed and screened to reduce visual impacts to the extent feasible considering the technological requirements of the proposed mobile services facility and the need to be compatible with the surrounding property uses and the character of the Humboldt community as reflected in the Town's Comprehensive Plan.
- 4.4.5.3.7 Showing that Antennas have been designed to blend in with its supporting Tower or structure and that the color selected will minimize the visibility of the Antennas to the greatest extent feasible.
- 4.4.5.3.8 Fully documenting that the applicant has made a good faith effort to achieve Co-location on an existing Tower as an alternative to the proposed Tower. The Town Board may disapprove an application if an applicant refuses to evaluate the feasibility of collocation within the applicant's search ring and provide the sworn statement described under Subsection 4.3.6.
- 4.4.5.4 An affidavit binding the applicant to make feasible space available on the Tower to other mobile service providers, including but not limited to competing providers at rates within the industry normal range of comparable market rates.
- 4.4.5.5 A separate document designating the applicant's duly appointed representative authorized to receive all notices for and on behalf of the applicant and Owner shall be filed as part of the application. Such designation may not appoint more than two (2) agents for receipt of notice per applicant and Owner, and shall provide the full name, mailing address, email address, and telephone number of the applicant's and Owners designated representatives and agents authorized to receive notices for and on behalf of the applicant and Owner. Any change of representative or agent by an applicant or Owner at any time prior or subsequent to the issuance of a permit, shall be immediately reported in writing to the Town Clerk. The applicant, Owner and their successors and assigns are solely responsible for updating their authorized representative(s) information on file with the Town Clerk. Any failure of receipt of notice attributable to an applicant or Owner failure to update the name or address of an authorized representative which results in adverse action being taken against the applicant or Owner is at the applicant and Owner's sole risk and does not void any such action

which may be taken by the Town Board in their absence. Delivery of all notices by the Town to an applicant or Owner prior or subsequent to the issuance of any permit under this Ordinance: shall be by regular U.S. Postal Service mail; and shall be deemed delivered on the third (3<sup>rd</sup>) day following the date of deposit with the U.S. Postal Service.

## SECTION 5. APPLICATION REQUIREMENTS AND PROCESS FOR MODIFICATION OF MOBILE SERVICE SUPPORT STRUCTURES AND MOBILE SERVICE FACILITIES DEFINED AS CLASS 2 COLLOCATIONS

- 5.1 A Class 2 collocation is a permitted use which is nevertheless subject to the regulations contained in this Section. A building permit is required for a Class 2 collocation. The required building permit shall be applied for and determined for issuance or denial based upon the regulations contained in this Section 5.
- 5.2 If an applicant submits an application for a Class 2 collocation building permit, the application shall contain all of the information required under subsection 5.3 and if all of the Subsection 5.3 information is submitted the application shall be considered complete.
- 5.3 The Class 2 collocation application shall be in writing and shall contain all of the following information:
  - 5.3.1 The name and business address of, and the contact individual for, the applicant.
  - 5.3.2 The location of the proposed or affected support structure.
  - 5.3.3 The location of the proposed mobile service facility.
- 5.4 If the Town Chairperson believes that any of the required information is not in the application, the Town Clerk shall notify the applicant in writing, within 5 days of receiving the application, that the application is not complete. The written notification shall specify in detail the required information that was incomplete. An applicant may resubmit an application as often as necessary until it is complete.
- 5.5 Within 45 days of its receipt of a complete application, except that the applicant and the Town Board may agree in writing to an extension of the 45 day period, the Town Board shall complete all of the following or the applicant may consider the application for building permit approved:
  - 5.5.1 Make a final decision whether to approve or disapprove the application.
  - 5.5.2 Notify the applicant, in writing, of the Town Board's final decision.



- 5.5.3 If the application is approved, issue the applicant the requested building permit.
  - 5.5.4 If the decision is to disapprove the application, include substantial evidence which supports the decision within the written notification of that disapproval.
  - 5.5.5 A decision to disapprove may not be based solely upon esthetic concerns.
- 5.6 The Class 2 collocation building permit application process from submission to final determination by the Town Board, shall be completed within a reasonable time after the application is determined to be complete. To expedite processing of a Class 2 collocation application and a final determination by the Town Board to grant or deny the requested building permit, the application documents and/or the applicant at the Town Board hearing regarding the requested permit should address the requests and be prepared to demonstrate adherence to the requirements contained at Section 5.7 below.
- 5.7 To expedite the issuance or denial of a Class 2 collocation building permit the application documents and/or the applicant's hearing presentation should address and demonstrate adherence to the following:
- 5.7.1 The requirements contained in Sections 4.4.5.3.2 through 4.4.5.3.7 of this Ordinance should be reviewed by the applicant and those which are relevant should be addressed by the applicant as to their feasibility and efficacy under the particular circumstances of the applicant's plan for the Class 2 collocation and the remaining useful life of the mobile service facility where the Class 2 collocation is proposed.
  - 5.7.2 A Town Board hearing shall be commenced as soon as possible after the application is deemed or determined to be complete.
  - 5.7.3 The applicant should submit a separate document committing the applicant to reasonable continuing compliance with the Class 2 collocation representations made by the applicant in the application and/or thereafter during the public hearing, all of which collectively shall be deemed included as a condition to the issuance and continuing authority granted by issuance of the Class 2 collocation building permit.

## SECTION 6. CONDUCT OF TOWN BOARD HEARINGS FOR SECTION 4 AND SECTION 5 PERMITS

- 6.1 Applicant's Presentation. The Applicant's presentation shall open the hearing, shall be made at the applicant's cost, and shall include the following as relevant to the application:

- 6.1.1 A visual analysis, which may include photo montage, field mockup, or other visual aids which show the potential visual impacts and the design capacity of the proposed mobile service facility, Class 1 collocation or Class 2 collocations to the satisfaction of the Town Board. Consideration shall be given to views from public areas as well as from private properties. The applicant's presentation shall accurately describe the current uses of the surrounding properties within the purview of the proposed or affected mobile service facility.
- 6.1.2 A thorough analysis assessing the impacts of the proposed mobile service facility or Class 1 collocation other existing mobile service facilities in the area; and the applicant shall identify and include all feasible alternative mitigation measures consistent with the technological requirements of the proposed mobile service facility.
- 6.1.3 Some verbal presentation may be part of the presentation, but documented facts and statements should be the predominate part the applicant's hearing presentation.
- 6.1.4 A full report from a qualified reputable licensed professional engineering firm or consultant demonstrating that the proposed mobile service facility has been designed and will be constructed in compliance with all codes, rules and regulations of any federal, state or local government agency and in accord with industry best practices. Applicant shall commit that the same consultant will inspect the mobile service facility during construction and at the conclusion of construction and shall submit both an interim and a final written report to the Town Board attesting and confirming that the mobile service facility has been constructed in compliance with both applicable law and industry best practices.
- 6.1.5 Documentation demonstrating that the applicant has made a good faith best effort to achieve collocation as required by Subsection 4.3.6 above. Such documentation may be supplemented by hearing testimony and other documentation which demonstrates that: no available collocation exists in the area where the applicant's mobile service facility must be located; or that no Tower of sufficient height exists and that the height deficiency on any existing available collocation Tower cannot be remedied at a reasonable cost; or the existing available collocation Tower is not of sufficient strength to support applicant's required equipment and its structural strength deficiency cannot be remedied at a reasonable cost; or the applicant's equipment would cause electromagnetic interference with equipment on the existing Tower(s) within the area where collocation may be available and where applicant needs to establish coverage, or that the equipment already on the existing available collocation Towers in that area would cause interference with the applicant's equipment and that in



either event the interference cannot be eliminated at a reasonable cost; or the fees, costs or contractual provisions attributable to Co-location as required by the owner of the existing Tower are unreasonable relative to industry norms; or that there are other factors which render collocation upon existing Towers unsuitable or unavailable and establishes that the public interest is best served by the placement and construction of a new Tower or mobile service facility. For purposes of this subsection, all existing mobile service facilities shall be deemed available unless demonstrated by the applicant to be unavailable for collocation.

6.1.6 Documentation from federal authorities that the proposed mobile service facility will be in compliance with all FCC and FAA regulations and that the applicant is duly licensed by and in good standing with the FCC.

6.1.7 Documentation demonstrating the applicant's financial ability to fulfill the applicant's financial responsibility to: complete the construction as planned; maintain the mobile service facility as required by this Ordinance; and ultimately remove the mobile service facility and restore the site as required by this Ordinance.

6.2 Town Board Participation. At any point in the applicant's presentation or thereafter, members of the Town Board, their consultants or legal representative may raise questions as to any particular matter presented by or on behalf of the applicant and may proffer evidence or witnesses or raise questions concerning any other relevant matters.

6.3 Public Participation. Following the applicant's initial presentation, the Town Board may elect to suspend the rules to hear from interested members of the public who may address questions to the applicant or the applicant's witnesses and may present evidence and witnesses concerning any relevant matters.

## SECTION 7. APPROVAL OR DENIAL OF PERMIT CONSIDERATIONS

7.1 When determining whether to grant, deny or place additional conditions upon a conditional use or building permit under Section 4 or a building permit requested under Section 5 of this Ordinance, the Town Board shall consider the Purposes of this Ordinance set forth in Section 2.2 above and the following:

7.1.2 Whether the proposed new mobile service facility or Class 1 collocation as planned by the applicant is feasible. However, the Town Board shall not consider radio frequency signal strength or the adequacy of mobile service quality when making its determination.

7.1.3 How high the Tower must be to meet the requirements of the service area. Provided however, the Town Board shall not disapprove an application



based solely on the height of the mobile service support structure or on whether the structure requires lighting.

- 7.1.4 Whether there are alternative solutions already available or under construction pursuant to a Town issued permit which are within or near the Town and designed to fill the gap in the community's service area which the application seeks to fill.
- 7.1.5 Has the applicant provided sufficient information and documentation to demonstrate that there is a lawful need as defined by Subsection 4.3.6 above to construct the Tower and mobile service facility as proposed by the applicant?
- 7.1.6 Whether the Tower should be camouflaged (e.g. as a sign, tree, flag pole, etc.) and whether the applicants planned Improvements must be modified to fit into the neighborhood better by conditions specified in the permit.
- 7.1.7 Has the applicant been candid and truthful in its application and fully answered all questions raised during the hearing regarding the application and hearing submissions?
- 7.1.8 Has the applicant demonstrated the requisite licensure and good standing with the FCC?
- 7.1.9 Has the applicant delivered adequate proof of compliance with any applicable FAA requirements?
- 7.1.10 Has the applicant provided sufficient evidence regarding the potential users of the mobile service facility and is the applicant's plan consistent with that potential usage?
- 7.1.11 Does the applicant's plan adequately address the traffic, parking and other concerns owners and users of the facility may bring to the area?
- 7.1.12 Is the applicant's construction design and plan, consistent with the Town's Comprehensive Plan for the area where the facility is to be located?
- 7.1.13 Will the area of the community where the mobile service facility is to be located be damaged as to its current or intended uses, and if so, does the applicant's plan mitigate those damages to a reasonably acceptable level?
- 7.1.14 Has the applicant fully and fairly considered all reasonably available and feasible collocation alternatives?
- 7.1.15 Is the applicant's planned facility in compliance with FCC regulations?

- 7.1.16 The capacity of the Tower structure for additional Antennas to accommodate expansion of the Tower's use for future collocations.
  - 7.1.17 Proximity and visibility of the Tower to residential structures and current residential district or Comprehensive Plan identified future residential district boundaries.
  - 7.1.18 The nature of current and future Comprehensive Plan identified uses on adjacent and nearby properties.
  - 7.1.19 The surrounding topography, tree coverage and foliage.
  - 7.1.20 Proposed ingress and egress plan for the mobile service facility.
  - 7.1.21 All Towers, Antennas and Improvements must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the Federal or State government with authority to regulate them.
  - 7.1.22 Any other and further matters or considerations consistent with the Purposes of this Ordinance and the law governing the subject matter of this Ordinance.
- 7.2 When determining whether to grant or deny or place conditions upon a conditional use or building permit pursuant to this Ordinance, the Town Board shall not:
- 7.2.1 Unreasonably discriminate against providers of functionally equivalent mobile services.
  - 7.2.2 Prohibit or have the effect of prohibiting the provision of personal wireless services.
  - 7.2.3 Fail to act upon a request to place, construct or modify a facility within a reasonable time.
  - 7.2.4 Fail to present any decision to deny a request in writing.
  - 7.2.5 Issue a denial decision that is not based upon substantial evidence contained in the hearing record and recounted in the written denial decision.
  - 7.2.6 Regulate or act on a request based upon the environmental effects of radio frequency emissions. These facilities only need to comply with the FCC regulations regarding radio frequency emissions.



- 7.2.7 Impose environmental testing, sampling, or monitoring requirements, or other compliance measures for radio frequency emissions, on mobile service facilities or mobile service providers.
- 7.2.8 Condition approval of such activities on the agreement of the structure or mobile service facility owner to provide space on or near the structure or facility for the use of or by the Town or an agency of the Town at less than the market rate, or to provide the Town or an agency of the Town with any other services via the owner's structures or facilities at less than the market rate.
- 7.2.9 Limit the duration of any permit that is granted.
- 7.2.10 Require an applicant to construct a distributed antenna system instead of either constructing a new mobile service support structure or engaging in collocation.
- 7.2.11 Disapprove an application based on an assessment by the Town Board of the suitability of other locations for conducting the activity.
- 7.2.12 Require that a mobile service support structure, existing structure, or mobile service facilities have or be connected to backup battery power.
- 7.2.13 Impose a setback or fall zone requirement for a mobile service support structure that is different from a requirement that is imposed on other types of commercial structures.
- 7.2.14 Consider an activity a substantial modification under Subsections 3.20.1 or 3.20.2 if a greater height is necessary to avoid interference with an existing antenna.
- 7.2.15 Consider an activity a substantial modification under Subsection 3.20.3 if a greater protrusion is necessary to shelter the antenna from inclement weather or to connect the antenna to the existing structure by cable.
- 7.2.16 Limit the height of a mobile service support structure to under 200 feet.
- 7.2.17 Condition the approval of an application on, or otherwise require, the applicant's agreement to indemnify or insure the Town in connection with the Town's exercise of its authority to approve the application.
- 7.2.18 Condition the approval of an application on, or otherwise require, the applicant's agreement to permit the Town to place at or collocate with the applicant's support structure any mobile service facilities provided or operated by, whether in whole or in part, an agency or entity in which the Town has a governance, competitive, economic, financial or other interest.

7.2.19 Require that a mobile service support structure be placed on property owned by the Town or an agency or entity in which the Town has a governance, competitive, economic, financial or other interest.

7.2.20 Prohibit the placement of emergency power systems.

#### SECTION 8. CONDITIONS APPLICABLE TO ALL CONDITIONAL USE AND BUILDING PERMITS ISSUED PURSUANT TO SECTION 4

8.1 Security & Signs. The premises containing the mobile service facility shall be secured and reasonably protected from unauthorized entrance. A sign not greater than nine square feet shall be posted in the immediate vicinity of the Improvements warning of electrical equipment and climbing dangers, informing the public of the owner's name, and providing an emergency contact telephone number. No commercial advertising sign(s) shall be placed upon the Tower, any Antenna or Improvement(s) upon the mobile service facility.

8.2 Abandonment/Removal. If a mobile service facility shall cease to be used for a period exceeding six months and a day, the applicant holding the permit granted pursuant to this Ordinance shall remove the mobile service facility upon delivery of a written request for removal from the Town's authorized representative. If there are two or more users of the mobile services facility, then this abandonment provision shall not become effective until all users cease using the mobile service facility, but only if those remaining users thereupon undertake full responsibility for all permit requirements via transfer of the permit as permitted by Section 10.3 below. The request for removal shall be in the form of a Town Board resolution a copy of which shall be delivered via regular mail and shall be deemed delivered upon the third day following deposit of the notice in the U.S. Postal service regular mail addressed to the addressee designated in the Town's records as the permit holder's representative to receive notices. Removal shall be completed by the applicant at no cost to the Town within ninety (90) days of the date such resolution was deposited in the mail per the affidavit of the Town Clerk filed in the Town records upon the date of mailing. If the removal of the mobile services facility is not timely completed, then the Town may proceed to retain the contractor described at Section 8.3 below and shall be reimbursed for the contractor's charges from the performance bond, letter of credit or other security posted pursuant to Section 8.3. If the funds available to the Town pursuant to Section 8.3 are insufficient to cover the Town's expenditures incurred in the removal, then the Town may proceed to collect any unreimbursed amount as a tax assessed and as a lien against the property upon which the mobile service facility was located. Removal may include dismantling and removal of all Improvements and restoration of the property including but not limited to excavation and removal of all foundations, pads and buried electrical improvements, replacement of topsoil and restoring the grade of the property to its original state.



- 8.3 Performance Bond. No permit shall be granted until the applicant has delivered a performance bond or an irrevocable letter of credit payable to the Town of Humboldt in the sum of \$20,000.00 or a greater amount only if the Town Board determines pursuant to a firm all inclusive bid offered by a responsible local contractor demonstrating that a sum greater than \$20,000.00 is required to fully pay that contractor to effect the removal of the mobile service facility anytime during the upcoming two year period in the event that the applicant fails to fully perform its obligations to remove the mobile service facility and restore the property following abandonment of the mobile service facility.
- 8.4 Setbacks. All Towers shall be placed not less than 100% of the height of the Tower away from any right of way and any adjoining property boundary unless the applicant provides the Town Board with an engineering certification showing that a mobile service support structure, or an existing structure, is designed to collapse within a smaller area than the fall zone area required in this Subsection. Upon being provided with that engineering certification the setback requirement of this Subsection does not apply to such a structure unless the Town Board provides the applicant with substantial evidence that the engineering certification submitted by the applicant is flawed.. Here the height of the Tower includes any additional height of the structure attributable to any Antenna or anything else attached to the Tower. In the absence of an engineering certification, a variance from this setback requirement may be granted by the Town Board only under special circumstances posing no risk to public health, safety, general welfare or convenience and which don't unduly compromise the interests of the adjoining property owners or the landscaping requirements determined pursuant to Section 8.5 below.
- 8.5 Landscaping. Unless expressly waived by final determination of the Town Board, mobile service facilities shall be landscaped with a mixture of deciduous and evergreen trees and shrubs that effectively screen the view of the Improvements from adjacent residential properties. The standard buffer shall be a landscaped strip at least six (6) feet wide outside the perimeter of the mobile service facility. In locations where the visual impact of the Improvements would be minimal and as to access road or other Improvements, the landscaping requirement may be reduced or waived altogether. Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, for example a large wooded lot, natural growth around the property perimeter may be sufficient buffer.
- 8.6 Maintenance/Repair. The permit holder shall be responsible for the maintenance, replacement and repair of all Towers, Antennas, Improvements and landscaping buffers related to the permitted mobile service facility. All Improvements shall be maintained and kept in reasonable condition. Ordinary wear and tear shall be timely addressed seasonally to maintain the facility in "like new" condition to the extent feasible. The Town Board may issue and deliver written maintenance or repair orders to the representative of the permit holder by regular mails as provided in Subsection 4.4.5.5 above. The maintenance or repair order shall be in the form of a Town Board resolution requiring that the maintenance or repair be completed within a stated



reasonable period of time. If the permit holder objects to the Town Board order, then the permit holder shall deliver written notice of such objection to the Town Clerk not later than ten (10) days after delivery of the Town Board's order. If the permit holder timely objects and requests that a hearing be held, then the Town Board shall schedule a public hearing regarding the matter and shall provide the permit holder with not less than ten (10) days prior written notice of the date, time and place for such hearing. If the permit holder fails to timely object or request a hearing, then the Town Board's order for repair or maintenance shall be timely complied with in accord with the time allotted in the Town Board's order. If during the permit term, federal or state regulations regarding Towers, Antennas or any Improvements are changed, and if failure to require adherence to those regulations present a clear and present threat to the health, safety, welfare or convenience of the public, then they may issue an order requiring compliance and the permit holder shall repair or replace the non-compliant aspects of any such Tower, Antenna or Improvement within six (6) months to bring the mobile service facility into compliance with the new federal and/or state regulation unless a more stringent compliance schedule is mandated by the federal or state authorities.

#### SECTION 9. PERMIT TERM & RESPONSIBLE PARTIES/PERMIT VIOLATION ACTIONS/REPORT EVENTS

9.1 All permits granted under Section 4 or Section 5 of this Ordinance have an indefinite term but are subject to compliance review by the Town Board. Responsible parties include the applicant, the applicant's heirs, successors and assigns, and the owner(s) of the property where the mobile service facility and/or mobile service support structure are located. All responsible parties are jointly and severally liable for the permit holder's obligations under this Ordinance.

9.2 Permits may be reviewed by the Town Board in the event that complaints concerning non-compliance with permit terms and conditions arise. Non-compliance with permit terms and conditions issued pursuant to this Ordinance, any provision of this Ordinance, or the requirements of any other Town ordinance, State or Federal law or permit may constitute grounds for permit actions including: revision, suspension or revocation.

9.2.1 Upon any such review, permits issued pursuant to this Ordinance are subject to possible revision, suspension or revocation actions by the Town Board. The Town may enforce its other ordinances or prosecute violations of the terms and conditions of any permit issued pursuant to this Ordinance through citation forfeiture actions in the Brown County Joint Municipal Court.

9.2.2 No action(s) shall be taken to revise, suspend or revoke any permit until not less than ten (10) days prior written notice of a hearing to consider such action has been delivered by regular mail to the permit holder's and other responsible parties identified in Section 9.1. Such written notice

shall be deemed delivered to the permit holder and other responsible parties on the third (3<sup>rd</sup>) day following deposit of such notice with the U.S. Postal Service.

9.3 Not later than December 15 of each calendar year, the permit holder shall deliver an annual report to the Town Clerk. The annual report shall provide updated information concerning: any previously undisclosed mobile service facility applied for or constructed by the permit holder in any town adjacent to the Town during the past year; information provided in the report shall include an update of the possible collocation Towers then currently located within one quarter mile of the Town; whether the permit holder, its affiliates, subsidiaries or related entities have plans in the works for seeking additional permits from the Town pursuant to this Ordinance during the upcoming calendar year; reporting any other local, state or federal government agency inquiries, complaints or adverse actions taken or threatened by the FCC or any other government agency relating to any relevant government permit or license during the reporting year and if so then providing information as to the status of any such FCC or other agency situation. Failure to provide an annual report or an accurate annual report may result in permit suspension or revocation.

## SECTION 10. PERMIT FEES, CONSULTANT FEES AND PERMIT TRANSFERABILITY

### 10.1 Permit Fees.

10.1.1 SECTION 4 PERMIT: The fee for a Section 4 conditional use and building permit is \$3000.00 payable to the Clerk in two installments: a first installment payment of \$1500.00 upon filing of the application; and if the permit is granted then a second installment payment of \$1500.00 on or before the date set for the Town Board public hearing. If the permit is withdrawn prior to commencement of the public hearing then the first installment shall be retained by the Town, but the second installment is not due or payable.

10.1.2 SECTION 5 PERMIT: The fee for a Section 5 permit is \$500.00.

### 10.2 Reimbursement For Third Party Consultant Fees.

10.2.1 In addition to the permit fee required pursuant to Section 10.1 above, the applicant shall be required to reimburse the Town for any third party consultant fees the Town incurs in the course of reviewing the application, conducting the public hearing or issuing its final determination. All reimbursable consultant fees shall be timely paid to the Town upon the terms and conditions stated in Subsection 10.2.2 below. The Town shall only claim reimbursement for the third party consultant's service fees charged and payable by the Town. The Town shall not claim any reimbursement for any third party consultant travel expenses charged to the Town.



10.2.2 By resolution at any time following the filing of a Section 4 application, the Town Board may require an applicant to make an advance deposit based upon the third party consultant's reimbursable services fee estimate. Any such deposit shall be applied to reimburse the Town for the consultant's service fees as those fees become payable and have been paid by the Town. Any consultant fees not reimbursed by draw upon an advance deposit shall be due and paid in full to the Town within twenty (20) days of the date of the billing statement delivered by regular mail to the applicant and the applicant's representative at the mailing address provided in the application.

10.2.3 Upon any reimbursement payment default the Town may act by resolution to suspend its processing of the application or suspend the use of any permit issued until such time as the delinquent reimbursement amount owed to the Town has been paid in full. Any delinquent reimbursement amount owed to the Town may by further resolution of the Town Board be chargeable as and for an assessment against the property and shall be collectible and payable as a charge against the real property which shall be included in the current or next tax roll for collection and settlement under Chapter 74 Wis. Stats.

10.3 Permit Transferability. Any Section 4 conditional use permit granted is transferable to any subsequent owner of the mobile service facility or owner of the property occupied by the Facility provided that:

10.3.1 The permit is not suspended or revoked or subject to an ongoing hearing which could result in a suspension or revocation;

10.3.2 The transferee is qualified to hold the permit;

10.3.3 The transferee agrees to be bound and remains in compliance with the conditions contained in the permit and all regulations contained in this Ordinance or any other applicable law;

10.3.4 There shall be no cessation or gap as to the performance bond required pursuant to Section 8.3; and

10.3.5 Written notice of such transfer shall be delivered to the Town Clerk not less than twenty (20) days prior to any such transfer to enable the Town Board to conduct any investigation or hearing concerning such transfer the Town Board may deem necessary or appropriate under the circumstances.

SECTION 11. FINAL ADMINISTRATIVE APPEAL REQUIRED BEFORE COURT ACTION


- 11.1 State Law. Wisconsin Statutes §66.0404 provides that a party who is aggrieved by the final decision of the Town Board to disapprove of a Section 4 or Section 5 application may bring an action in the circuit court of the county in which the proposed activity, which is the subject of the application, is to be located. Wisconsin Statutes Chapter 68 authorizes the Town to create this administrative procedure Section which shall govern and determine both: what constitutes a “final decision” of the Town Board to deny in whole or in part any application for a Section 4 or Section 5 permit; and the administrative procedure the applicant who is aggrieved by any original written decision issued by the Town Board pursuant to Sections 4.4.3 or 5.5 must follow to obtain a final decision which is then actionable in the circuit court.
- 11.2 Final Decision. All initial written decisions issued by the Town Board denying an application pursuant to Section 4.4.5 or Section 5.5 shall be preliminary decisions not final decisions. A final decision denying an application pursuant to Section 4.4.5 or 5.5 can only be obtained by the applicant through the administrative procedure set forth at Section 11.3 below.
- 11.3 Administrative Procedure. To obtain a final decision denying an application under Section 4.4.5 or Section 5.5 the applicant shall:
- 11.3.1 Deliver a written Notice of Appeal to the Town Clerk by personal delivery or regular mail within thirty days of the applicant’s receipt of the Town Board’s written preliminary decision.
  - 11.3.2 The Notice of Appeal shall request a review hearing before the Town Board and shall state all of the particular elements of the preliminary decision which are in dispute and state the ground or grounds upon which the applicant contends that the decision should be modified or reversed.
  - 11.3.3 The Town Board shall conduct a public hearing on the applicant’s appeal within fifteen days of the Clerk’s receipt of the Notice of Appeal and shall deliver by regular mail written notice of the date, time and place for the public administrative appeal hearing not less than 10 days before such hearing.
  - 11.3.4 At the administrative appeal hearing, the appellant and the Town Board shall identify and then discuss each disputed matter and each shall be prepared to change adjust or compromise their position concerning each particular matter in dispute. The appellant and the Town may be represented by their respective attorneys at the administrative appeal hearing. The hearing may be conducted in a single or in multiple sessions as required to achieve a full review of all matters in dispute between the applicant and the Town.



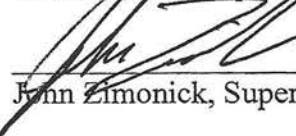
11.3.5 At the conclusion of the discussion portion of the administrative appeal hearing the Town Board may go into closed session to deliberate and determine its final decision to deny or approve the application. Following deliberation the Town Board may affirm, reverse or modify the preliminary decision, but shall announce its final decision at the conclusion of the administrative appeal hearing and that final decision shall be reduced to writing and delivered to the applicant as required by this Ordinance at Section 4.4.5 or Section 5.5 within ten days of the close of the administrative appeal hearing.

11.3.6 The time limits set forth in Subsections 11.3.3 and 11.3.5 may be extended or revised by separate written agreement of the parties. The format of the public hearing and procedure for conducting the public hearing shall be discussed and determined by the parties prior to commencement of the hearing. The parties may also agree to enlist the services of a mediator or arbitrator to conduct the administrative review hearing.

Adopted by the Town Board of the Town of Humboldt on the 6 day of January, 2014 by majority vote of the Town Board. This Ordinance shall be effective upon the day following its posting or publication as required by Wisconsin Statutes Section 60.80.

  
\_\_\_\_\_  
Steve Datt, Chairman

  
\_\_\_\_\_  
Warren Jadin, Supervisor

  
\_\_\_\_\_  
John Zimonick, Supervisor

Approved, Attested By:

  
\_\_\_\_\_  
Judy Baierl, Town Clerk



**TOWN OF HUMBOLDT  
CHAPTER 26  
PARK AND RECREATION BOARD AND DEPARTMENT**

**TOWN OF HUMBOLDT**  
**Ordinance Creating and Empowering the Town of Humboldt Recreation**  
**Department and Recreation Board**

**Humboldt Code of Ordinances Chapter No. 26**

Whereas the Town Board of the Town of Humboldt pursuant to information gathered at duly noticed public hearings is informed and believes that the establishment, operation and maintenance of a department of public recreation will promote the health, safety and welfare of the Humboldt community;

Whereas the Town Board has complied with Wisconsin Statutes §65.90 by including the Recreation Department created by this Ordinance as a separate line item in the Humboldt municipal budget;

Whereas the Town Board has decided that this Ordinance shall be the determinative single source for the organizational structure, operating rules and authority of both the Humboldt Recreation Department and the Humboldt Recreation Board; and

Whereas by this Ordinance the Town hereby creates a Recreation Department and Recreation Board to: research and identify Recreation projects; develop approved Recreation projects and Facilities; maintain established Recreation projects and Facilities for use by the Humboldt community; and obtain grants, donations and other private and public funding necessary to develop and maintain Recreation projects and Facilities for the benefit of the Town of Humboldt.

Now therefore, be it hereby ordained by the Town of Humboldt Town Board that:

**SECTION 1 – TITLE AND PURPOSE**

- 1.1 The title of this Ordinance shall be: “**Town of Humboldt Recreation Department and Recreation Board Ordinance**”. The purposes of this Ordinance are: initially for the Town of Humboldt to construct and maintain a playground with playground equipment at the Humboldt Community Center as the first project and Facility in the Town; and thereafter to research, develop, construct and maintain other recreation projects and Facilities both within and outside of the boundaries of the Town of Humboldt but in all instances for the health, safety, welfare and convenience of the residents of Humboldt.

## SECTION 2 – AUTHORITY & ADOPTION OF ORDINANCE

2.1 **AUTHORITY.** This Ordinance is adopted pursuant to the authority granted to the Town Board of the Town of Humboldt pursuant to Wisconsin Statutes: §66.0123, §66.0301, §60.22, and §61.34.

2.2 **ADOPTION.** The Town Board of the Town of Humboldt, Brown County, Wisconsin, by this Ordinance, adopted at a duly noticed open public meeting with a quorum present and by roll call majority vote by the Town Board: for the purpose of providing Recreation opportunities and Facilities to enhance, protect and preserve the health, safety, welfare and convenience of the Town of Humboldt community; hereby creates and empowers the Humboldt Recreation Department and Humboldt Recreation Board subject to the Town Board's expressed and implied reserved power of approval.

## SECTION 3 – DEFINITIONS

**The following capitalized words when used anywhere above or below this Section of this Ordinance, whether in bold or non-bold type shall mean:**

3.1 **“Board”** means the Recreation Board of the Town of Humboldt.

3.2 **“Department”** means the Humboldt Recreation Department which is an agency of the Town of Humboldt. For the avoidance of doubt the Department shall have no other employees or personnel separate or apart from the Board and the Department shall be solely staffed and governed by the Board which is the custodian of all of the Department's original records.

3.3 **“Facility” or “Facilities”** means any and all public Recreation locations proposed by the Board and approved by the Town Board for development and administration by the Board, regardless whether the particular nature of the public Recreation activity includes land, improvements, or other Recreation activity programs approved by the Town Board and then established and administered by the Board to facilitate Recreation opportunities and activities for the Town.

3.4 **“Ordinance”** means this Town of Humboldt Recreation Department and Recreation Board Ordinance.

3.5 **“Recreation”** means and includes any outdoor or indoor activity undertaken for the purpose of exercise, relaxation, or pleasure including practice or instruction in any such activity or any other outdoor or indoor sport, game, physical or educational activity including all play activities, but does not include any organized team sport activity sponsored by the Board or Town.

3.6 **“Town”** means the Town of Humboldt, Brown County, Wisconsin.



3.7 **"Town Board"** means the Town Board of the Town of Humboldt.

3.8 **"Town Supervisor"** means the three elected Town supervisors including the supervisor designated as Humboldt's Town Chairperson.

3.9 **"Section"** when appearing as the symbol "§" means a section or subsection of the Wisconsin Statutes; but when appearing as the word "Section" or "Sections" or "Subsections" means a section, subsection or multiple sections or subsections of this Ordinance.

#### **SECTION 4 – ESTABLISHMENT AND AUTHORITY OF THE RECREATION DEPARTMENT AND BOARD**

4.1 **Creation.** Pursuant to §66.0123 the Department and the Board which conducts the Department's business are hereby created and organized as follows:

4.1.1 The Board shall consist of three (3) members appointed by the Town Chairperson. Each original Board member shall be appointed to an assigned seat numbered one through three.

4.1.2 The initial member appointed to Board seat number one shall serve a one year term. The initial member appointed to Board seat number two shall serve a two year term. The initial member appointed to Board seat number three shall serve a three year term.

4.1.3 Following the expiration of the initial terms all Board member appointments including re-appointments for each numbered seat shall be for a three year term.

4.1.4 All Board members shall serve gratuitously.

4.1.5 Public records of all Department and Board business actions shall be collected, created, filed, preserved and kept by the Board member designated by majority vote of the Board as the "Board Secretary". The Board Secretary shall be responsible for creating and timely posting agendas which comply with Wisconsin Open Meetings Law. The Board Secretary shall take minutes of all Board meetings, submit those minutes for subsequent approval by the Board, and preserve those along with all public records of the Board and Department's business activities. All original Department records shall be kept by the Board Secretary. Copies of all Department records collected or created during each calendar quarter shall be filed with the Town Clerk not later than the 15<sup>th</sup> day following the close of each calendar quarter. For the avoidance of doubt copies of all Department/Board records shall be filed with the Town Clerk not later than April 15<sup>th</sup>, July 15<sup>th</sup>, October 15<sup>th</sup> and January 15<sup>th</sup> of each year. The Town Clerk

shall maintain the Department/Board record copies as a backup to the original records kept by the Board Secretary.

4.1.6 A separate bank account and an up to date accounting of all funds received and expended by the Board shall be maintained and kept by the Board Secretary who shall timely file an annual report to the Town Board. All expenditures from the Department's accounts shall require two authorized signatures. One of the two required authorized signatories shall at all times be the Town Treasurer. In addition, the Board Secretary shall prepare from time to time such other financial reports as may be determined or requested by the Board or Town Board.

4.1.7 Liability and property insurance covering all Facilities shall be procured and provided by the Town Board, but a copy of the policy or endorsement covering the Facilities shall be provided to the Board.

**4.2 BOARD DUTIES, AUTHORITY AND LIMITATIONS.** Pursuant to §66.0123 the Board is by the following Subsections delegated the following authority subject to the reserved powers of approval and the other limitations set forth in: the Subsections to this Section, other Sections and Subsections of this Ordinance, or in subsequent amendments to this Ordinance.

4.2.1 The Board may conduct the activities of the Department and shall make an annual report to the Town Board which describes the Board's activities in the previous calendar year including receipts and expenditures. The Board's annual report to the Town Board shall be submitted not less than fifteen (15) days before the annual §66.10 Town meeting. The Board shall timely submit any other report(s) which may be requested by written resolution of the Town Board.

4.2.2 The Board may create and delegate the Board's authority to special working committees for projects involving existing or developing potential new Facilities. Provided however, Facilities may only be established and operated by recommendation of the Board and with the consent and approval of the Town Board. With the consent and approval of the Town Board, Recreation activities may be conducted at Facilities on: property owned, purchased or leased by the Town; on other public property under the custody of any other public authority, body or board; or on private property with the consent of its owners.

4.2.3 The Board shall request prior approval and authority from the Town Board to pursue fundraising or seek or accept particular grants, donations or engage in other fundraising activities. The Board shall not engage in any preliminary or other fundraising activities utilizing the name of the Town or the Department without the prior express written approval of the Town Board. Town Board approval is also required before the Board: accepts gifts and bequests of land, money or other property; or uses gifts and bequests in whole or in part and the income from any gifts or bequests or the proceeds from the sale of any such



donated property in the establishment, maintenance or operation of any new or existing Recreation Facility or activity.

4.2.4 The Board shall prepare and submit an annual budget proposal to the Town Board regardless of whether tax or assessment funding is being requested by the Board. The Board shall have a representative present at all Town Board budget work sessions and hearings which address the Department's proposed budget.

4.2.5 The Board shall not negotiate or enter into any contracts which bind the Town to purchase anything or compensate anyone for any service, or create any claim or demand against the Town without the prior express written approval of the Town Board.

4.2.6 The Board shall not offer to purchase or lease any real or personal property or accept any offer of free use of any real or personal property from any other government entity or any private individual or entity without the prior express written approval of the Town Board. Proffered gifts and bequests of land, money or other personal property shall not be accepted by the Board without the prior express written approval of the Town Board.

4.2.7 The Board shall fully cooperate with all audits which shall be made of the accounts of the Board in the same manner, at the same time and by the same firm which audits the Town.

4.2.8 As required by §66.0123(4)(d) every member of the Board shall furnish a surety bond in the amount fixed by the Town Board.

4.2.9 Every proposed cooperative agreement to develop any joint Facility with any other municipality must be negotiated and approved by the Town Board.

4.2.10 The Board may pursue legal actions seeking recourse through the filing of criminal, forfeiture or civil actions in court only with prior Town Board approval. The Board shall initiate, cooperate with and facilitate any: criminal investigation; any civil action investigation; or any insurance claim involving the Department, its business or patrons immediately without delay, but the Board Secretary shall in writing notify the Town Chairperson of the initiation of any such investigation or claim within three (3) days of its commencement. At its next regular monthly or at a duly noticed special Town Board meeting the Town Board by resolution shall expressly and specifically determine the extent of the delegation of authority to the Board as to the course, continuation, final determination or termination of any investigation or insurance claim initiated by the Board.

4.2.11 The Board Secretary shall provide the Town Clerk with the legal description and parcel number of each and every Facility developed and used for recreational activities.

4.2.12 The Board shall establish rules applicable to Facilities which govern the posting of signs, notices, solicitations, advertising literature, flyers, pamphlets of whatever nature on Facility property or any tree, shrub, post, barrel, container, building, or any other plant, structure, equipment or apparatus or improvement located upon a Facility. Those rules shall not prohibit distribution of literature by means of direct personal contact between the distributor and recipient to the extent permitted by law. Those rules shall not prohibit the posting of signs and notices at a Facility by the Board or in connection with any Recreation activity at a Facility but only as expressly permitted by other Board rule or resolution.

4.2.13 The Board may enter into contracts or issue licenses to sellers wishing to provide concessions or other products or services for sale at Facilities only with prior express written approval of the Town Board.

4.2.14 The use of bicycles, roller blades, skateboards and other non-motorized vehicles shall be regulated by Board rules applicable to those vehicles in the context of each particular Facility.

4.2.15 The Board shall post a sign in a conspicuous place at all appropriate Facilities providing contact information for the Board representative responsible for receiving all concerns or complaints concerning the condition of repair, apparent hazards or any other user safety concerns or suggestions regarding a Facility or any improvement or equipment located at any Facility.

4.2.15 At appropriate Facilities, the Board shall post signs designating the parking lots and/or parking areas serving the particular Facility.

4.2.16 The Board shall establish trash disposal and recycling policies for all Facilities. As to the initial Facility involving the installation and maintenance of playground equipment at the Town of Humboldt Community Center, the trash disposal and recycling policy shall strictly require and signs shall be posted at that Facility requiring that no trash or recyclables be left or disposed of at that Facility and that all users must remove and take away with them any and all trash or recyclables they bring to that Facility.

4.2.17 Subject to approval by the Town Board, the Board may propose rules regarding firearms, fireworks, pets, alcoholic beverages, sound amplification, seasonal opening and closing dates and other matters regarding Facilities.



4.2.18 The Board shall not sponsor any organized team sport activities at any Facility without the express prior written consent of the Town Board.

4.2.19 The Board shall not charge any fee for use, admission fee, or participation fee for any Facility without the prior express written approval of the Town Board.

4.2.20 The Board shall design, construct and operate all Facilities in compliance with Title II of the Americans With Disabilities Act and consistent with the civil rights protections provided to qualified individuals with disabilities. The Board shall review the ADA requirements and play areas and Facilities constructed in the Town shall comply with technical standards for accessible design governing Recreation programs and Facilities including but not limited to The Uniform Federal Accessibility Standard (UFAS) established under the Architectural Barriers Act and the Americans With Disabilities Act Accessibility Guidelines adopted by the United States Department of Justice. Generally the Board shall design and operate the Town's Recreation Facilities and programs so that, when viewed in their entirety, they are readily accessible to and usable by individuals with disabilities. The Board shall not propose or place special charges on individuals with disabilities to cover the costs of measures necessary to ensure nondiscriminatory treatment, such as making modifications required to provide program accessibility or providing qualified interpreters. Recreation program requirements which tend to screen out individuals with disabilities like requiring a driver's license as the only acceptable means of identification are prohibited. The Board shall eliminate all unnecessary eligibility standards or rules that deny individuals with disabilities an equal opportunity to enjoy Town Recreation services, programs, activities or Facilities while recognizing that there are certain lawful eligibility standards and rules which are necessary for the provision of certain Recreation services, programs or activities. The Board shall not create any policy or rule, nor shall it administer any policy or rule which refuses to allow a person with a disability to participate in a service, program, or activity simply because the person has a disability (e.g. the Board policy or practice may not refuse to allow a person with epilepsy to use the Town's Recreation Facilities or participate in the Town's recreation programs.)

4.2.21 The Board shall not ban or encumber the use of service animals at Facilities. Individuals with disabilities must be permitted to be accompanied by their service animals in all areas of the Facilities where other non-disabled members of the public are allowed. Provided however, the responsibility to make reasonable modifications in policies, practices, and procedures that deny equal access to individuals with disabilities does not require allowance of service animals if the introduction of animals would cause a fundamental alteration to the particular Recreation program. The Board shall otherwise in all instances make an exception to any rule prohibiting animals in public areas in order to admit guide dogs and other service animals assisting individuals with disabilities.



4.2.22 The Board shall in each instance consider whether the "safe harbor" provisions governing Recreation program or Facility accessibility and existing Town properties and improvements may apply and thereby either alter or eliminate any of the current ADA compliance requirements. When dealing with ADA issues, the Board should note that the law in effect at the time this Ordinance was adopted includes certain "safe harbor" provisions which grant exceptions to certain ADA requirements. For example, the ADA does not require retrofitting of existing buildings to eliminate barriers to access, but does establish a high standard of accessibility for new buildings. Any particular exception to be exercised or asserted on behalf of the Town shall first be expressly determined and authorized by Town Board resolution consistent with the particular facts and applicable law. The following are examples and information for Board and Town Board general information purposes only:

4.2.22.1 Structural impracticability when unique characteristics of terrain prevent incorporation of accessibility features.

4.2.22.2 The Town is not required to take any action that would result in a fundamental alteration in the nature of the service, program or activity or in undue financial and administrative burdens. But the Town and therefore the Board are required to take any other action, which if available would ensure that individuals with disabilities receive the benefits afforded to those who are not disabled, if provision of that benefit to the disabled would not result in a fundamental alteration of the nature of the service, program or activity or create an undue financial or administrative burden.

4.2.22.3 Integration of individuals with disabilities into the mainstream of society is fundamental to the purposes of the ADA. The Board shall not provide services or benefits to disabled individuals through programs that are separate or different unless the separate programs are necessary to ensure that the benefits and services provided to disabled individuals are equally effective. Even when separate programs of disabled and non-disabled individuals are permitted, a disabled individual still has the right to choose to participate in the regular non-disabled program. For example, it is not a law violation to offer Recreational programs specifically designed for children with mobility impairments, but it would be a law violation if children with mobility impairments were uniformly banned by Board rule or practice from participating in other Recreation programs.

4.2.23 The Board shall post appropriate warning signs regarding and restrict access to any known danger(s) located upon any Facility. When appropriate the Board shall procure and require written liability waivers from those who participate in Recreation activities at certain Facilities. The Board shall develop and post signs informing Recreation Facility participants that the participant is at all times responsible to do all of the following things: act within the limits of his or her ability; heed all warnings regarding participation in the Recreation activity; maintain control of his or her person and any equipment,

device or animal the person is using while participating in the Recreation activity; and refrain from acting in any manner that may cause or contribute to death or injury to himself or herself or to other persons while participating in the Recreation activity.

4.2.24 The Board shall establish and post other rules for use of the Facilities including rules governing days and hours of use; proper use and conduct while upon the Facilities. The rules of use shall contain the admonition that the Town will not permit any discrimination as to access or use of any Facility on any basis prohibited by State or United States law. Generally all Facilities shall be open to Town residents, invitees and visitors. The Board may when and where appropriate limit the use of certain Facilities at certain times based upon age, size or other health and safety based criteria. No Facility use restriction or use fee shall be established by the Board without the prior express written consent of the Town Board.

4.2.25 The Board shall propose and the Town Board shall approve a regular inspection schedule applicable to each Facility. The inspections shall ascertain the current condition and result in a written report to the Board as to the current condition of each Facility. In all cases where the inspection reveals that an apparent known danger exists at a Facility, the inspector shall immediately temporarily restrict access to and/or use of the Facility until corrective repairs can be made to eliminate any apparent or known danger observed during the inspection and noted in the inspector's report. The Board shall be responsible for procuring maintenance and repair of all Facilities.

**4.3 APPROVALS.** The following rules apply to Town Board approvals required pursuant to any Subsection of Section 4.2 above and the purchase of any land for Facilities:

4.3.1 The Section 4.2 Town Board approval requirements remain in full force and effect whenever one or more of the Board members are not a Town Board Supervisor. The Town Board approvals required pursuant to any Subsection of Section 4.2 above do not apply only if all three of the Board members are also Town Board Supervisors.

4.3.2 As provided in §60.10 every purchase of land by the Town must be authorized by resolution approved at an annual or special Town meeting.

## **SECTION 5 – FIRST AND SUBSEQUENT FACILITIES.**

**5.1 FIRST FACILITY.** Establishing a playground with playground equipment at the Town Community Center shall be the first Facility created pursuant to and governed by this Ordinance.



**5.2 SUBSEQUENT FACILITIES.** No provision of this Ordinance shall be construed as limiting the Board from researching, proposing and requesting Town Board approval for other Recreation activities proposed to be conducted at the Section 5.1 first Facility or for the development of other Facilities for the benefit of the Town. Projects proposed may or may not involve Facilities which are proposed to be constructed and maintained within the boundaries of the Town. Proposals may also be considered for Facilities for the Recreation benefit of the Town which are to be constructed and maintained in cooperation with and pursuant to a contract with a neighboring municipality or multiple neighboring municipalities pursuant to §66.0301.

## **SECTION 6 – EXCEPTIONS OR AMENDMENTS TO THIS ORDINANCE.**

**6.1** An exception nullifying any rule(s) contained in this Ordinance for purposes of any particular instance or case and any and all amendments to this Ordinance shall in every instance and case be in the form of a written resolution of the Town Board which expressly describes the exception or amendment granted or determined by the Town Board.

**6.1.1** Two copies of every original Section 6.1 resolution passed by the Town Board shall be prepared and certified by the Town Clerk. One certified copy of each Section 6.1 resolution shall be appended to this Ordinance in the Town's Code of Ordinances book. The second certified copy of each Section 6.1 resolution shall be delivered to the Board to be appended to the Board's copy of this Ordinance.

**6.1.2** If the Section 6.1 resolution amends this Ordinance, the Clerk shall make a handwritten notation in the margin at the Ordinance Section(s) amended by the resolution which states: "This Section has been amended by resolution of the Town Board please see appended resolution dated (insert date of resolution)."

## **SECTION 7 - SEVERABILITY.**

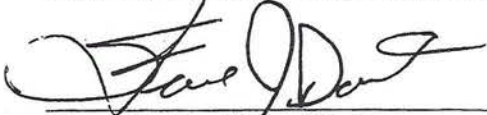
**7.1** If any provision of this Ordinance or its application to any person, entity or circumstance is held invalid by a final court judgment, the invalidity of that provision or application in that instance does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or invalid application, and to this end, the provisions of this Ordinance are severable.

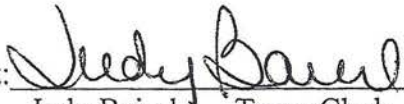
## **SECTION 8 - EFFECTIVE DATE.**

**8.1** The Town Clerk shall lawfully post this Ordinance as provided in §60.80.

8.2 This Ordinance is effective on the date following the date of its posting by the Town Clerk.

Adopted this 4 day of Nov 2013 by majority vote of the Humboldt Town Board, Brown County, Wisconsin:

  
\_\_\_\_\_  
Steve Dart    Town Chairman

Attest:   
\_\_\_\_\_  
Judy Baierl    Town Clerk

# Section 27

## Town of Humboldt

### **An ordinance Creating Section 27 of the Town of Humboldt Code of Ordinances Regulating the Use of All Terrain Vehicles and Utility Terrain Vehicles and Designating the Routes therefore.**

The town board of the Town of Humboldt hereby ordains as follows:

SECTION I The intent of this chapter is to establish routes and provide for the safe operation of ATVs and UTVs upon designated roadways within the Town of Humboldt

SECTION II: Section 27 of the Town of Humboldt code of ordinances is hereby created to read as follows:

#### **Designation and Regulation of ATV and UTV Routes.**

(1) Adoption of State ATV and UTV Laws and Definitions: State ATV and UTV laws and definitions found in Wisconsin State Statutes 23.33 and Wisconsin Administrative Code NR 64 are adopted by reference and fully incorporated herein by reference, pursuant to Wisconsin State Statutes 23.33 (11)(a).

#### (2) Routes

(a) Any Town road that is signed in accordance with NR 64.12 and NR 64.12(7)c (as those sections may hereafter be amended) may be used by ATVs and UTVs in accordance with such signage and as provided by the applicable portions of § 23.33 Wis. Stats and this ordinance.

(b). The following roads cannot be used by ATVs or UTVs:

1. All lettered County Highways (T, P, QQ, N, IV, V)
2. State Highway 54/57

(3) Local Regulation. The operator of an ATV/UTV shall obey **all** State of Wisconsin laws regarding the operation of ATVs/UTVs and the following conditions:

(a) • No person may operate an ATV or UTV on the roadway portion of any highway in the town unless it has been designated and properly signed, in accordance with Wisconsin Natural Resources Administrative Code NR 64.12(7)(c) as an ATV and/or UTV route, by this ordinance.

(b) ATV/UTV routes in the Town of Humboldt will be open from 5am-11pm and closed from 11pm-5am year round.

(c) All ATV and UTV operators shall ride on the extreme right side of the pavement except that left turns may be made from any part of the roadway which is safe given prevailing condition, but shall not operate on the shoulders or in the ditch.

(d) • All ATV and UTV operation on any portion of a designated route shall not exceed 25 miles per hour (MPH) or the posted speed limit for ATV and UTV whichever is lower.



(e) • All ATV and UTV operation on any portion of a designated route shall be single file in a line of ATVs and or UTVs arranged one behind another.

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**An ordinance Repealing and Recreating Section 27 (3) (f) of the Town of Humboldt Code of Ordinances Regulating the Use of All Terrain Vehicles and Utility Terrain Vehicles and Designating the Routes therefore.**

The town board of the Town of Humboldt hereby ordains as follows:

**SECTION I:** Section 27 (3) (f) of the Town of Humboldt code of ordinances (including sections 27 (3)(f)(1) and (2)) is hereby repealed and recreated to read as follows:

(f) • No person may operate an ATV or UTV on a designated route or roadway unless that person is twelve (12) years of age or older and has obtained a safety certificate from the Department of Natural Resources.

**SECTION II** The Town clerk shall immediately send a copy of the ordinance to the Wisconsin Department of Natural Resources (WDNR), to the state traffic patrol, and to the Brown County Sheriff's department per Wisconsin State Statute 23.33(11)(b).

**SECTION III.** This ordinance shall become effective upon its passage and posting according to law.

Adopted the 7 day of January 2019

**Town Board of Humboldt:**

**Add signature lines.**

*Steve J. Dost*  
*Wesley J. Corner*  
*John P. Zimond*

*Judy Bane, Clerk*  
*1/7/19*

## Town of Humboldt

---

(g) • All ATVs and UTVs operating on any portion of an established designated ATV or UTV route shall display lighted headlight(s) and taillights conforming to Wisconsin State Statute 23.33 equipment requirements at all times.

(4) Enforcement. This ordinance shall be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin

(5) Penalties.

(a) Any person who violates this section shall forfeit not more than \$250.

(b) Nothing in this ordinance is intended to foreclose the enforcement of the provisions of state law with regard to ATV and UTV operation, specifically including § 23.33 Wis. Stats. in a court of competent jurisdiction.

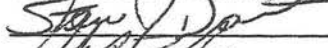

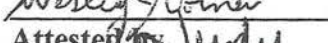

**SECTION III** The provisions of this ordinance shall be deemed severable, and it is expressly declared that the Town would have passed the other provisions of this chapter irrespective of whether one or more provisions may be declared invalid. If any provision of this chapter or the application to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

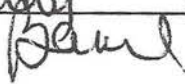
**SECTION IV** The Town clerk shall immediately send a copy of the ordinance to the Wisconsin Department of Natural Resources (WDNR), to the state traffic patrol, and to the Brown County Sheriff's department per Wisconsin State Statute 23.33(11)(b).

**SECTION V.** This ordinance shall become effective upon its passage and posting according to law.

Adopted the 6<sup>th</sup> day of March, 2017.

Town Board of Humboldt:

 , Steve Dart , chairman  
 , John Zimonick, supervisor  
 , Wes Dorner, supervisor  
Attested by  , Judy Baiert, clerk





CHAPTER 28: EXEMPTION FROM BONDING FOR TAX COLLECTIONS

TOWN OF HUMBOLDT

STATE OF WISCONSIN

Town of Humboldt, Brown County

The supervisors of the Town of Humboldt, Brown County, Wisconsin, hereby ordain as follows:

That the treasurer of the town is exempted from giving the bond specified in s. 70.67 (2), Wis. stats.

That the town hereby obligates itself to pay, in case the town treasurer fails so to do, all state and county taxes that the treasurer is required to pay to the county treasurer.

STATE OF WISCONSIN

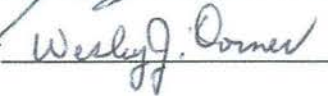
Town of Humboldt

Brown County

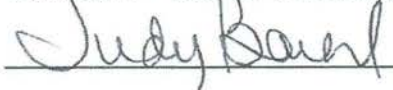
I, Judy Baierl, clerk of the Town of Humboldt, Brown County, Wisconsin, certify that the foregoing is a true, correct and complete copy of an ordinance adopted by the town board of the Town of Humboldt on December 4th, 2017.

Chairman  Steve Dart

Supervisor  John Zimonick

Supervisor  Wesley J. Dorner

Town Clerk – Town of Humboldt, Brown County

 Judy Baierl

AN ORDINANCE CREATING SECTION 29 OF THE HUMBOLDT CODE OF  
ORDINANCES ON SUBDIVISION AND PLATTING REGULATIONS.

The Town Board of the Town of Humboldt, upon recommendation of the Planning Commission of the Town of Humboldt and having provided a Class 2 notice and having heard interested parties as required by state law, ordains as follows:

SECTION 1: SECTION 29 SUBDIVISION AND PLATTING REGULATIONS of the HUMBOLDT CODE OF ORDINANCES is hereby created to read as follows:

**SECTION 29  
SUBDIVISION AND PLATTING REGULATIONS**

**TABLE OF CONTENTS**

<u>29.01 AUTHORITY</u> .....	2
<u>29.02 TITLE</u> .....	2
<u>29.03 JURISDICTION</u> .....	2
<u>29.04 APPLICABILITY</u> .....	2
<u>29.05 PURPOSE</u> .....	4
<u>29.06 ABROGATION AND GREATER RESTRICTIONS</u> .....	5
<u>29.07 INTERPRETATION</u> .....	5
<u>29.08 SEVERABILITY AND NON-LIABILITY</u> .....	5
<u>29.09 AMENDMENTS</u> .....	5
<u>29.10 DEFINITIONS</u> .....	6
<u>29.11 DEDICATION AND PRESERVATION OF LAND</u> .....	13
<u>29.12 LAND SUITABILITY</u> .....	14
<u>29.13 EROSION PREVENTIONS REQUIREMENTS</u> .....	15
<u>29.14 ENVIRONMENTALLY SENSITIVE AREAS</u> .....	15
<u>29.15 STREETS AND HIGHWAYS</u> .....	16
<u>29.16 LOTS</u> .....	19
<u>29.17 EASEMENTS</u> .....	20
<u>29.18 STORM WATER DRAINAGE</u> .....	21
<u>29.19 PLANNED UNITS DEVELOPMENT</u> .....	21
<u>29.20 PRELIMINARY CONSULTATION</u> .....	22
<u>29.21 PRELIMINARY PLAT REVIEW</u> .....	22
<u>29.22 FINAL PLAT REVIEW</u> .....	24
<u>29.23 PROCEDURE FOR CERTIFIED SURVEY MAP REVIEW</u> .....	25

<u>29.24 COMBINING PARCELS</u> .....	27
<u>29.25 RETRACEMENT CERTIFIED SURVEY MAPS</u> .....	27
<u>29.26 RECORDATION</u> .....	27
<u>29.27 DEVELOPMENT AGREEMENTS</u> .....	288
<u>29.28 VARIANCES</u> .....	29
<u>29.30 ACCESSOR'S PLAT</u> .....	30
<u>29.31 FEES</u> .....	<b>Error! Bookmark not defined.</b>
<u>29.32 PUBLIC NUISANCE AND FORFEITURE</u> .....	30

## **29.01 AUTHORITY**

These regulations are adopted under the authority granted by ss. 60.22(3), 61.35 and 236.45 (2), of the Wisconsin Statutes.

## **29.02 TITLE**

The ordinance shall be known as, referred to, or cited as the Town of Humboldt Subdivision and Platting Regulations.

## **29.03 JURISDICTION**

Jurisdiction of these regulations shall include all land and waters within the Town of Humboldt, Brown County, Wisconsin subject to the pre-emptive authority of the State and County as proscribed by law.

## **29.04 APPLICABILITY**

These regulations shall apply to the following:

1. Any land division that creates at least one parcel located within the Brown County Sewer Service Area that is 40 acres or less in size (not including any land within public right-of-ways), or
2. Any land division that creates at least one parcel not located within the Brown County Sewer Service Area that is 10 acres or less in size (not including any land within public right-of-ways).
3. Subdivision: Any land division which results in a subdivision as defined herein



shall require a plat thereof be prepared and submitted for review, approval, and recording as required by this ordinance, Chapter 21 of the Brown County Code of Ordinances and Chapter 236 of the Wisconsin Statutes.

4. Replating: When a replat of a recorded subdivision or part thereof is proposed, the subdivision plat shall be vacated or altered according to the provisions of this ordinance, Chapter 21 of the Brown County Code of Ordinances and Chapter 236, Wisconsin Statutes.
5. Certified Survey Map: Any division of land by a certified survey map prepared, approved and recorded as required by this ordinance, Chapter 21 Brown County Code and Chapter 236, Wisconsin Statutes that creates not more than four parcels.
6. Lot Reduction
  - a. Lots less than 10 acres in size, existing as the date of the adoption of this ordinance shall not be further reduced in size, shape, frontage, etc. without review and approval under the requirements of this ordinance, as either a subdivision plat or certified survey map.
  - b. Lots of 10 acres in size or greater shall not be reduced below 10 acres in size. As a result of the sale or exchange of land, between owners of adjoining or abutting lots and/or parcels, without review and approval, as either a subdivision plat or certified survey map, as prescribed by this ordinance.
7. Exceptions: The provisions of this section shall not apply to:
  - a. Transfers of interest in land by will or pursuant to court order.
  - b. Leases for a term not to exceed 10 years, mortgages or easements.
  - c. The sale or exchange of land between owners of adjoining property if additional lots and/or parcels are not thereby created and the lots and/or parcels resulting are not reduced below the minimum requirements of this ordinance.
  - d. A division of land resulting in parcels more than ten acres in area.
  - e. Cemetery plats made under Section 157.07 of the Wisconsin Statutes.
  - f. Assessors' plats made under Section 70.27 of the Wisconsin Statutes.
  - g. Development, which does not create a new road, or extend an existing road within the Town of Humboldt, will not be subject to the provisions of this ordinance, but shall be subject to all existing Town of Humboldt Zoning Ordinances, Chapter 21 of the Brown County Ordinances, and

## 29.05 PURPOSE

These regulations are adopted for the following purposes:

1. To protect and provide for the public health, safety, and general welfare of the Town.
2. To guide the future growth and development of the Town, in accordance with adopted Master Plans or Comprehensive Plans.
3. To provide for adequate light, air and privacy, to secure safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.
4. To protect the character and the social and economic stability of all parts of the town and to encourage the orderly and beneficial development of all parts of the town.
5. To protect and conserve the value of land throughout the town and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
6. To guide public and private policy and action in order to provide adequate and efficient public requirements and facilities.
7. To provide the most beneficial relationship between the uses of land and buildings and circulation of traffic throughout the town. Having particular regard to avoidance of congestion in the streets and highways and pedestrian traffic movements appropriate to various uses of land and buildings, and to provide for proper location and width of street and building lines.
8. To establish reasonable standards of design and procedures for subdivisions and re-subdivisions in order to further the orderly layout and use of land and to insure proper legal descriptions and monumenting of subdivided land.
9. To insure that public facilities are available and will have a sufficient capacity to serve the proposed subdivision.
10. To prevent and control erosion, sedimentation, and other pollution of air, streams, and ponds; to insure the adequacy of draining facilities; to safeguard potable water suppliers; and to encourage the wise use and management of natural resources throughout the town in order to preserve the integrity, stability, and beauty of the community and value of the land.



11. To preserve the natural beauty and topography of the town and to insure appropriate development with regard to these natural features.
12. To prevent destruction of unique environmental areas.
13. To obtain the wise use, conservation, protection, and proper development of the town's soil, water, wetland, woodland, and wildlife resources and attain a proper adjustment of land use and development to supporting and sustaining natural resource base.

#### **29.06 ABROGATION AND GREATER RESTRICTIONS**

It is not intended that this ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, ordinances, or permits previously adopted or issued pursuant to law. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.

#### **29.07 INTERPRETATION**

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

#### **29.08 SEVERABILITY AND NON-LIABILITY**

1. If any sections, provisions, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.
2. The town does not guarantee, warrant, or represent that only those areas designated as flood lands, will be subject to periodic inundation, and that those soils listed as being unsuited for specific uses, are the only unsuited soils within the town, and that the groundwater will be of sufficient quantity or quality for use, and thereby asserts that there is no liability on the part of the Town Board, the Town Planning Commission, or employees for sanitation problems, water quality or quantity problems, or structural damages that may occur as a result of reliance upon, and conformance with, this ordinance.

#### **29.09 AMENDMENTS**

For the purpose of promoting the public health, safety, and general welfare, the Town Board may, from time to time, amend the regulations imposed by this ordinance after referral and

recommendation by the Planning Committee. The Town Board shall hold a public hearing on all proposed amendments preceded by publication of a Class 2 notice preceding the hearing.

## 29.10 DEFINITIONS

Terms used in the ordinance mean as follows:

1. Act or Action: In the context of the Town Board or Town Planning Commission's review of a preliminary or final subdivision, act or action shall mean approval, conditional approval, denial, or a request for a modification, or for additional study, field inspections or documentation.
2. Alley: An unnamed public or private right-of-way that provides access to abutting properties.
3. Assessor's Plat: A subdivision used to reconcile parcel boundaries between two or more separate owners when boundaries cannot be accurately described or retraced due to lost, destroyed or missing monuments, errors in measurements or locations or ambiguous land descriptions.
4. Blocks: A parcel, lot, or group of lots existing within well-defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers, and having an assigned number, letter, or other name through which it may be identified.
5. Brown County Sewer Service Area: Those areas within Brown County that are presently served or anticipated to be served by a sewage collection system, as identified within the approved Brown County Sewage Plan and subsequent amendments thereto.
6. Buildable Area: The area of a lot remaining after the building setback requirements have been met and excluding the Unbuildable areas as determined by this ordinance and the Town Planning Commission.
7. Building Setback Line: The distance from the boundaries of a lot within which building(s) shall not be erected.
8. Certified Survey Map: A map of not more than four parcels prepared in accordance with Chapter 236, Wisconsin Statutes, and the terms of this ordinance. A certified survey map has the same legal force and effect as a subdivision plat. A certified survey map may be referred to as a CSM.
9. Combination Certified Survey Map: The act of creating a single lot description and tax parcel out of two or more separately described parcels.
10. Comprehensive Plan: The official guide for the physical, social, and economic growth of the town, properly enacted or adopted according to statute, which is now or may hereafter be in effect.

11. Conditional Approval: Approval of a plat by the Town Planning Commission or Town Board subject to the plat meeting certain specified requirements as determined by the Town Board or Town Planning Commission.
12. County Plat: A map of a division of land prepared in the same manner as required in Chapter 236 of the Wisconsin Statutes, except that all reviews are completed at the local level, in accordance with the terms of this ordinance and where:
  - a. The act of division creates 5 or more lots, of which no more than 4 lots are 1.5 acres or less in area; or
  - b. Five or more lots of which no more than 4 lots are 1.5 acres or less in area are created by successive division within a period of 5 years.
13. Contiguous: Next to, abutting, or touching and having a portion that is coterminous.
14. Cul-de-Sac: A short minor street having one end open to motor traffic and the other end terminated by a vehicular turnaround.
15. Days: Shall refer to calendar days.
16. Dead-End Street: A street having only an outlet for vehicular traffic and no vehicular turnaround.
17. Development: The act of constructing buildings or installing site improvements, such as grading, clearing, ditching installing utilities or any other activity necessary prior to construction.
18. Double Frontage Lots: A lot other than a corner lot, which has frontage on town roads, substantially parallel streets.
19. Drainage Easement: Land required for the installation of storm water sewers or drainage ditches and/or required for the preservation or maintenance of a natural stream or watercourse or other drainage facility.
20. Easement: The portion of land set aside or over which a liberty, privilege, or advantage in land without profit, existing distinct from the ownership of the land, is granted to another for limited right of use.
21. Existing Parcel: A parcel, lot, or tract of land which the enclosing boundaries are separately described and are either of record in the Office of the Register of Deeds or defined by an existing tax parcel. An existing parcel completely severed by a public right-of-way shall be construed to comprise two parcels.
22. Final Plat: The map or drawing of a subdivision prepared in compliance with the provisions of Chapter 236, Wisconsin Statutes, Chapter 21 Brown County Code and the terms of this ordinance.



23. Flood: A temporary rise in stream flow or stage that results in water overtopping its banks and inundating areas adjacent to the channel.
24. Flood fringe: That area of land used to carry floodwater between the floodway and the regional flood limits.
25. Floodplain: The land adjacent to a body of water, which has been or may be hereafter covered by floodwater including, but not limited to, the regional flood.
26. Floodway: The channel of a stream and those portions of the floodplain adjoining the channel that are required to carry and discharge the flood waters or flood flows of any river or stream, including, but not limited to, flood flows associated with the regional flood.
27. Flood Profile: A graph of a longitudinal profile showing the relationship to the water surface elevation of a flood event to location along a stream or river.
28. Frontage: A length of the front property line of the lot, lots, or tract of land abutting a public street, road, highway, or rural right-of-way.
29. Gradient: The slope of land, road, street, or other public way specified in percent (%).
30. Hardship: A restriction on property so unreasonable that it results in an arbitrary and capricious interference with basic property rights. Hardship relates to the physical characteristics of property, not the personal circumstances of the owner or user, and the property is rendered unusable without the granting of a variance.
31. High Water Elevation: The recorded average of all the high water elevations during the period of record for a flowage or the body of water.
32. Improvement, Public: Any sanitary sewer, storm sewer, drainage ditch, water main, roadway, parkway, sidewalk, pedestrian way, planting strip, off-street parking area or other facility for which the local municipality may ultimately assume the responsibility for maintenance and operation.
33. Land Division: The act of creating two or more separately described parcels, at least one of which is ten acres or less in size, from a single parcel of land by the owner thereof or his agent.
34. Land Division Document: For the purposes of this ordinance a land division document shall include a preliminary, final or recorded subdivision plat, certified survey map, or retracement certified survey map.
35. Limited Access Expressway or Freeway: A divided arterial street or highway for through traffic with full or partial control of access, either with or without grade-separated intersections.

36. Local Unit: A local unit in this ordinance includes the town as well as the county, villages, and cities.
37. Lot: A designated part of a subdivision or certified survey map having an assigned number through which it may be identified and meeting the requirements of this ordinance for a building site. For the purposes of this ordinance, a lot may also include the terms parcel, tract, or building site in determining the applicability of this ordinance to land divisions.
38. Lot Area: The area contained within the property lines of the individual parcels of land as shown on a plat, excluding any area within a street right-of-way but including the area of any easement.
39. Neighborhood Unit: A residential living environment where the internal street system discourages through traffic and where major thoroughfares preferably bound the neighborhood; centrally located community buildings, schools, and playgrounds provide maximum pedestrian accessibility. Local shops to meet daily household needs and grouped together at accessible points providing a harmony of design and development.
40. Official Map: The map of the city, village, town, or county by law showing thereon streets, highways, parkways, parks, schools, and other public facilities as provided by Sections 62.23 (6), 60.74 or 80.64, Wisconsin Statutes.
41. Open Space: Land within a subdivision or development retained for use as recreation areas, agriculture, or for natural resource protection in an essentially undeveloped state.
42. Outlot: A parcel of land so designated on a plat or certified survey map and which is any of the following:
- a. A parcel of land left over at the time of platting and which is intended to be divided further in the future.
  - b. A platted parcel which does not meet the requirements of a lot at the time of platting.
  - c. A platted parcel which is intended for open space or other use and held in common ownership or which is transferred to a public agency or utility.
43. Parcel: A continuous acreage of land described in a single description in a deed or one of a number of lots or outlots on a plat, separately owned or capable of being separately conveyed.
44. Plat: A map of a subdivision.
45. Preliminary Plat: A map showing the salient features of a proposed subdivision submitted to the Town Planning Commission for purposes of preliminary



consideration.

46. Principal Structure: A structure housing the land use activity that is primary or predominant on the site. A structure that includes or is a residential house, apartment or condominium unit as a principal structure for a residential use.
47. Public Utility: Every corporation, company, association, sanitary district, or municipality that may own, or operate any plant or equipment for the conveyance of telephone messages, or for the production, transmission, delivery, or furnishing of heat, electricity, gas, water, cable television, sewer, or any other service deemed to be in the public interest, shall be deemed a public utility.
48. Replat: The changing of the boundaries of a recorded subdivision plat or part thereof.
49. Residential Subdivision: A subdivision within a Sanitary District within the Town of Humboldt.
50. Retracement Certified Survey Map: A certified survey map that retraces, identifies and locates the boundaries of an existing parcel or parcels of land and which does not create additional parcels or alter existing boundaries.
51. Restrictive Covenant: Written stipulations on the face of the plat or certified survey map regarding restrictions on the use or development of land that are binding on the property owner and subsequent owners of the property.
52. Reviewing Agency: Means an agency, which is entitled to review and make recommendations concerning a subdivision prior to the Board action.
53. Right-of-way: A strip of land occupied or intended to be occupied for a special use, dedicated to the public by the maker of the plat on which such right-of way and provided safe and orderly points of access at fairly uniformly spaced intervals.
54. Roadway: A surfaced curb-to-curb or paved portion of a street available for vehicular traffic movement and parking.
55. Service Drive: An approved public street generally paralleling and contiguous to a main travel way, primarily designed to promote safety by eliminating ingress and egress to the right-of-way and providing safe and orderly points of access at uniformly spaced intervals.
56. Service Way (alley): A public or private way, which provides a secondary access to a lot, block, or parcel of land.
57. Sidewalk: That portions of a street or cross walkway, paved or otherwise surfaced, intended for pedestrian use only.

58. State Plat: A map of a subdivision of land prepared in accordance with Chapter 236 Wisconsin Statutes and the terms of this Ordinance where:
- a. The act of division creates five (5) or more lots each two (2) acres or less in area; or
  - b. Five (5) or more lots each two (2) acres or less in area are created by successive divisions within a period of five (5) years.
59. Street: all access ways in common use, such as streets, roads, lanes, highways, avenues, boulevards, alleys, parkways, viaducts, circles, courts, and cul-de-sacs, and includes all of the land lying between the right-of-way lines as delineated on a plat showing such streets whether improved or unimproved, and whether dedicated for public use or held in trust, under the terms of a reservation, but shall not include those access ways, such as easements and rights-of-way intended for solely limited utility purposes, such as for electric power lines, gas lines, telephones lines, water lines or drainage and sanitary sewer. For the purposes of determining the street frontage of a proposed lot, frontage on alleys, parkways, and viaducts shall not be appropriate street frontage.
60. Street, Arterial: A major high capacity street designed to carry large volumes of traffic between major activity areas of the community.
61. Street, Collector: A street which provides moderate speed movement within major activity areas and collects and distributes traffic between arterials and local streets, included would be principal entrance and traffic movement streets within a residential development.
62. Street, Half: A street bordering one (1) or more property lines of a tract of land in which the subdivided has allocated a part of the ultimate right-of-way width.
63. Street, Minor (or Local): A Street designed for low speed travel and generally low traffic volumes, which provides land access from neighborhoods and minor activities to the collector and arterial systems.
64. Structure: Anything constructed or erected on the ground (to include all types of buildings, and attachments to buildings).
65. Subdivider: Any individual, firm, association, syndicate, partnership, corporation, guardian, attorney, trust or any other legal entity commencing proceedings under the regulations of this chapter to effect a subdivision of land hereunder for himself or for another or for others.
66. Subdivision: Any division of a lot by the owner thereof, or his/her agent, for the purpose of sale, lease, or building development where:
- a. The act of division creates five (5) or more lots each two (2) acres or less in area; or



- b. Five (5) or more lots each two (2) acres or less in area are created by successive divisions within a period of five (5) years.
67. Surety Bond: A bond guaranteeing performance of a contract or obligation through possible forfeiture of bond if said contract or obligation is unfulfilled by the subdivider.
68. Surveyor: A land surveyor duly registered in the State of Wisconsin.
69. Tax Parcel Number: An identification number assigned to real estate in Brown County for taxation purposes.
70. Thoroughfare: A Street with a high degree of continuity, including collectors, major arterials, and limited access highways.
71. Transitional Subdivision: A subdivision with in proximity of a sewer service area of a sanitary district, as identified by the "Town Zoning Map as Transitional Zone". Where sanitary services are projected in the near future and hookup to such services, when available shall be required.
72. Town Board: The governing body of the Town of Humboldt.
73. Town Planning Commission: An officially constituted town body whose duties include administration of the town subdivision regulations.
74. Tract: A lot or parcel or contiguous group of lots or parcels in single ownership or under single control, usually considered a unit for purposes of subdivision or development.76.7676
75. Unbuildable Area: The area within a lot which is not able to be used for building purposes and not able to be calculated as a buildable area.
76. Undeveloped Land: Land in parcels or tracts sufficiently large for future subdivision, which is presently in agriculture, woodland, or other non-intensive use.
77. Variances: A departure from the terms of this Ordinance as applied to a specific building, structure, or parcel of land, which the Town Zoning Board of Appeals may permit, pursuant to the requirements within this Ordinance.
78. Wetlands: A wetland is an area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophilic vegetation and which has soils indicative of wet conditions. Wetland delineation is established by, approved by the Wisconsin Department of Natural Resources and the U.S. Army Corps of Engineers.

## 29.11 DEDICATION AND PRESERVATION OF LAND

1. Whenever a tract to be divided includes a proposed street, highway, or parkway or proposed site for a park, playground, school, or other public use or facility, as indicated on any officially adopted map or plan, such space shall be suitably incorporated by the developer after the proper determination of its necessity by the Town Board. Existing and planned streets within the tract to be divided, the subdivider shall dedicate the right-of-way in accordance with the standards provided in this ordinance.
2. If areas potential public access or acquisition is included within a proposed plat or certified survey map, the Town Board may refer the matter to the Planning Commission for review and input and shall allow thirty (30) days for reply. If the Planning Commission does not replay in 30 days, the Town Board shall assume the Planning Commission approves of the public access. The Board shall determine the necessity upon receiving the Planning Commission input and shall determine the boundaries and areas of the parcel to be acquired and if the property is to be acquired.
  - a. If the Town Board determines to acquire or accept the property, the Town Board or its designee shall notify the property owner and shall designate on the subdivision plat or certified survey map that area proposed to be acquired by the public body.
  - b. On subdivision plats or certified survey maps in which land is designated for acquisition by a governmental unit, or subdivision thereof, within one (1) year of notifications, in writing, from the owner of said property to the appropriate governmental unit, or subdivision thereof, that he/she intends to develop the property. Such notice of intent shall be accomplished by a sketch plan of the proposed development and a tentative schedule of construction. Failure to execute such a binding and enforceable agreement within the prescribed one (1) year shall result in the loss of the "Designated for acquisition" category of the property involved, and the owner shall then be free to develop said property. Nothing herein shall prevent property on a plat or map as being designated as dedicated, nor shall it prevent the exercise of Eminent Domain powers as authorized by law.
  - c. Whenever a proposed subdivision plat or certified survey map includes a proposed dedication of land to public use and the Town Board or finds that such land is not required or not suitable for public use, the Town Board may refuse to approve such dedication.
  - d. When a final subdivision plat or certified survey map has been approved by the "public bodies" and all other required approvals are obtained and the plat or map is recorded, that approval shall constitute acceptance for

the purpose designated on the plat or map of all lands shown on the plat or map as dedicated to the public, including street right-of-ways.

## 29.12 LAND SUITABILITY

1. No land shall be divided or subdivided for a use which is held unsuitable by the Town Board for reason of flooding or potential flooding, adverse soil or rock formations, sever erosion potential, unfavorable topography, drainage, inadequate water or sewage disposal capabilities, or any other condition likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision plat or certified survey map or of the community.
2. Except as proved herein, the Town Board shall determine such unsuitability at the time the subdivision plat or certified survey map is considered for approval.
3. When a proposed subdivision plat or certified survey map is located in an area where flooding or potential flooding may be a hazard, the Town Board may require that this subdivider determine the floodplain boundaries for the proposed plat or map. Floodplain boundaries, as determined by the subdivider shall be reviewed and approved by the Wisconsin Department of Natural Resources.
4. When a proposed subdivision or certified survey map is located wholly or partly in an area where flooding or potential flooding is a hazard, the Town Board shall apply the following standards in addition to all other requirements in the approval of plats and certified survey maps.
  - a. The development shall be in accordance with the floodplain management standards of the Floodplain-Shoreland Management Section, Wisconsin Department of Natural Resources, and the Brown County Shoreland Floodplain Ordinance.
  - b. Floodplain lines and where calculated floodway lines, shall be shown on all final plats and maps.
5. Unless otherwise provided by law, subdivisions in areas not served by public sewer shall comply with the requirements of Chapters COMM 83 and 83of the Wisconsin Administrative Code. as may hereafter be amended.
6. All new land divisions not served by public sewer created by certified survey map or county plat shall have a state acceptable soil test done for each proposed lot. No more than four (7) lots shall be allowed in any County Plat to be developed with holding tanks as the on-site waste disposal system
7. The Town Board, in applying the provisions of this section, shall, in writing, recite the particular facts upon which it bases its conclusion that the land is not



suitable for the proposed use and afford the subdivider an opportunity to present evidence that the means of overcoming such suitability, if he/she so desires, at a meeting of the Board. Thereafter, the Board may affirm, modify, or withdraw its determination of unsuitability.

8. The subdivider may, as a part of the preliminary plat or certified survey map procedure, require a determination of land suitability providing that the subdivider shall provide all necessary maps, data, and information for such a determination to be made.
9. Each proposed subdivision plat or certified survey map shall be in compliance with the Town of Humboldt Comprehensive Plan.
10. No floodplain may be filled, to provide for a buildable area on any lot.

### **29.13 EROSION PREVENTIONS REQUIREMENTS**

1. The Town Board may require a proposed subdivision or certified survey map to include a detailed erosion and sediment control plan. The plan shall detail all proposed grading techniques, land division design, landscaping, vegetative cover, berms, sediment basins, and other storm drainage and surface water runoff measures to reduce erosion and sedimentation caused by surface water runoff. Erosion and sediment control plans shall be submitted to the Town Planning Commission.
2. The Town Board may require side and/or rear building setback limits when a severe slope or unstable soil type exists on the proposed land-divisions.

### **29.14 ENVIRONMENTALLY SENSITIVE AREAS**

1. Environmentally sensitive areas include water related features as identified in the most current approved Brown County Sewage Plan, or the following, as defined at Section 21.33 of the Brown County Code, if more restrictive:
  - a. Navigable waterways.
  - b. Land within 75-feet from the ordinary high water mark (OHWM) of navigable waterways with no flood study
  - c. Floodway plus land within 35-feet from the floodway line, or 75-feet from the ordinary high water mark (OHWM), whichever is greater
  - d. Non-navigable waterways.

- e. Land within 35-feet from the top of bank of non-navigable waterways.
  - f. Wetlands.
  - g. Land within 35-feet of wetlands that are larger than 2 acres in size
  - h. Land within 20-feet from the top and bottom of steep slopes that are 20% or greater that are located within and extend beyond any of the aforementioned natural resource features. The steep slope is also considered part of the ESA
2. Environmentally Sensitive areas shall be shown on Certified Survey Maps and Final Plats to the extent required by State Law and shall be regulated as provided at Section 21.33 of the Brown County Code.

## **29.15 STREETS AND HIGHWAYS**

1. Street Location
- a. The arrangement, character, extent, width, and location of all streets shall conform to all applicable plans officially adopted by the Town of Humboldt, and shall be related to existing and planned streets, topographic conditions, existing natural features, public convenience and safety, and proposed uses of land to be served by such streets.
  - b. All town roads must comply with the minimum design standards of provided by Trans Section 204 Wis. Ad. Code as may hereafter be amended.
2. Arrangement of Streets
- a. Major arterial streets shall be properly integrated with the existing and proposed system of major streets, highways, and thoroughfares.
  - b. Collector streets shall be properly related to special traffic generation facilities, such as schools, churches, and shopping centers, to population densities, and to the arterial streets into which they feed.
  - c. Local streets shall be laid out to conform as much as possible to topography, to permit efficient drainage and sewer systems, to require the minimum amount of street necessary to provide convenient, safe access to property.
3. When a subdivision abuts or contains an existing or proposed arterial street, the Town Board may require service drives, reverse frontage lots with screen plantings contained in a non-access reservation along the rear of the property line, deep lots with rear service alleys or such other treatment as may be necessary for

adequate protection of residential properties and to afford separation of through traffic and local traffic.

4. Where a subdivision or certified survey map borders on or contains a railroad right-of-way or limited access such right-of-way at a distance suitable for the appropriate use of the intervening land. Such distance shall be determined with regard for the requirements of approach grades and future grade separations.
5. Street jogs with centerline offsets of less than two hundred feet (200) shall be avoided.
6. Property lines at street intersections may be rounded with a radius of twelve (12) feet. Cut offs or courts may be permitted in place of rounded corners
7. Cul du sacs and dead end streets shall only be permitted if authorized by the Town Board or when said street appears on the town's official street map and cannot be otherwise laid out because of a natural or manmade abutment.
8. Arc distances when appropriate for lot frontage on curved right of ways shall be provided for municipal assessment purposes.
9. Streets shall be laid out so as to intersect as nearly as possible at right angles and no street shall intersect any other street at less than 60 degrees, and more than two streets intersecting at one point shall be discouraged.
10. Reserve strips or median strips controlling access to streets shall be prohibited, except where approved by the Town Board.
11. The minimum right-of-way and roadway of all streets shall be equal to or greater than the width specified below, unless a lesser width is approved by the Town Board.
  - a. Arterial Streets - 100 feet.
  - b. Collector Streets - 80 feet.
  - c. Local Streets - 70 feet.
  - d. Service drives - 50 feet in addition to the major traffic street it adjoins.
  - e. Exceptions - Where a major residential street including any proposed extensions thereof does not exceed one thousand (1,000) feet in length, a street seventy (70) feet in width may be permitted or when a minor residential street would necessitate lots with depths less than one hundred ten (110) feet, a street seventy (70) feet in width may be permitted.



12. Minimum sight distance shall comply with county and state design standards.
13. The minimum radii or curvature on the centerline shall be as specified below:

Street Type	Minimum Radius in Feet
Arterial	300
Collector	200
Local	100

14. Cul-du-sacs: Any street designed to have one (1) end permanently or temporarily closed shall not exceed one thousand (1,000) feet in length and shall provide a turnaround with a minimum right-of-way radius of eighty (80) feet.
15. Temporary turn-around: Use of property contained within a temporary turn-around (cul-du-sac) not dedicated as public road property shall revert to the abutting property owner when the road is extended beyond the temporary turn around.
16. Half streets (streets with less than full right-of-way width).
  - a. Where a half street has previously been dedicated adjacent to the subdivision, the remaining half of the street shall be dedicated to the subdivider.
  - b. Where no half street adjacent to the subdivision exists, the dedications of the half streets will not be approved, unless the remaining portion shall appear as a mapped street on the official map.
17. The Town Board may require that the subdivider prepare and submit street plans showing street locations beyond the boundary of the proposed subdivision. The street plans shall include an area determined by the Town Board or Town Planning Commission and be in conformance with the town's official street map.
18. Street Names.
  - a. Any street, which is the reasonable continuation of an existing street, shall bear the same name. If the topography or other feature of a permanent nature are such as to render the continuation of the actual roadway impossible and where some nomenclature is apt to produce confusion, the street shall not carry the same name as the street to which it may be geometrically aligned.



- b. The Town Board or Town Planning Commission may disapprove the name of any street shown in the plat, which has already been used elsewhere in the county, which, because of similarity, may cause confusion.
  - c. The term boulevard shall be reserved for such streets, which because of their breadth or monumental character, are to be especially designated.
19. Lots shall have a minimum building setback line from the right-of-way line equal to the requirements as set forth in the Town Zoning Ordinance of the zone in which the lot is located.

### **29.16 LOTS**

- 1. The lot size, width, frontage, depth, shape and orientation, and the minimum building setback lines shall conform to the requirements of this Ordinance and shall also meet the minimum requirements as set forth in the Town of Humboldt Zoning Ordinance for the zone in which the proposed lot is located in.
- 2. Residential lot area shall not include land designated for right-of-way
- 3. The subdivider shall identify within each proposed lot the map or plat, all the any unbuildable areas.
- 4. Where possible, lot lines shall be perpendicular to the street line and to the tangent at the lot corner on curved streets.
- 5. Lots shall not cross municipal boundary lines.
- 6. Lot dimensions shall conform to the requirements of the local zoning ordinance, as well as existing county and state requirements, however:
  - a. Residential lots not served by public sewerage disposal facilities shall comply with the rules and regulations of the Department of Commerce of the Wisconsin Administrative Code where applicable, the Brown County Sanitary Ordinances and other state and local requirements.
  - b. The minimum lot width or frontage may be measured at the narrowest width within the first Twenty-Five (25) feet of lot depth immediately in back of the front yard setback line if the proposed lot is located on the outer radius of a curved street or a cul-de-sac.
- 7. Lot Drainage. Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designated so as to avoid concentration of storm drainage water from each lot to adjacent lots.

8. Every lot shall abut on a public street.
9. Side lot lines shall be substantially at right angles or radial to street lines.
10. Double frontage or reverse frontage lots shall be avoided, except where essential to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) feet may be required along the line of residential lots abutting such a traffic arterial.
11. When residential lots within the proposed subdivision back upon the right-of-way of an existing or proposed limited access highway or railroad, or when the Town Board or Town Planning Commission deems it necessary, the following restriction shall be lettered on the face of the plat: "Direct vehicular access to (name of road) from lots abutting said road is prohibited".
12. The use of outlots shall be avoided whenever possible. Outlots may be approved at the discretion of the Town Board where circumstances and conditions warrant. The Town Board may approve outlots where the following conditions exist.
  - a. The proposed outlot(s) is a sufficient size to be developed independent of the proposed and division.
  - b. The proposed outlot is dedicated for the public such as utilities, open space, etc.
13. Zero lot line lots shall conform to all requirements of the local municipality zoning ordinance. Zero lot line developments shall only be allowed in municipalities that have adopted a zero lot line zoning ordinance, planned unit development, or variance.

## **29.17 EASEMENTS**

The Town may require easements for electric power and communications facilities, storm and sanitary sewers, streets, trees, floodwater, gas, water, cable television lines, or other utility lines. Where such easements are specifically located within the area being subdivided, they shall be placed so as not to interfere unreasonably with the use and enjoyment of the property for residential or other purposes.

## **29.18 STORM WATER DRAINAGE**

1. Stormwater easements shall be provided for where required by the Town Board or Town Planning Commission to accommodate present and future storm water runoff. Storm water facilities shall be designed to permit the unimpaired flow of surface water, insure the drainage of all points along the line of streets, and provide positive consideration shall be given to protection against soil erosion and siltation of surface waters and preventing excess run off on adjacent property. Grading or construction adequate for the purpose may be required. Where necessary, storm water drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow, subject to review and approval by the Town Board and Town Planning Commission.
2. Stormwater management plans shall be submitted by the subdivider to the Planning Commission for review and comment for all land divisions containing 5 or more parcels and other land divisions as determined by the Planning Commission or Town Board. The stormwater management plan shall include all the information required by Section 21.66 of the Brown County Code unless otherwise specified by the Town Board or Planning Commission.

## **29.19 PLANNED UNITS DEVELOPMENT**

1. The requirements and standards of this ordinance may be waived by the Town Board for planned developments providing such proposed developments shall be planned as a unit, be appropriate to the site and location, shall be of sufficient size to permit the unified development of the area, shall meet the requirements for such use as set forth in the Town of Humboldt Zoning Ordinance, and is approved by the Town Board. In addition, continued provisions, maintenance, and use of open space, recreation areas, services, and amenities shall be assured in a manner acceptable to the Town Board.
2. It is the intent of this section to permit other types of planned development, cluster subdivisions and planned unit developments with owner-occupied row housing and with private owned common property comprising a major element of the development.
3. Nothing in this section is intended to lessen or eliminate the duty of the developer to provide subdivision documents and all other information required by this ordinance or other reasonable request by the Town Board or Planning



Commission.

## **29.20 PRELIMINARY CONSULTATION**

It is recommended that prior to the filing of an application for the approval of a preliminary plat or certified survey map, the subdivider consult with the Town Planning Commission for advice and assistance. The Consultation is neither formal nor mandatory, but is intended to inform the subdivider in the planning of his/her development. In doing so, both the subdivider and the Planning Commission may reach mutual conclusions regarding the proposed area to be developed.

## **29.21 PRELIMINARY PLAT REVIEW**

1. A preliminary plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor and the plat prepared on tracing cloth or paper of good quality at a scale of not more than one hundred (100) feet to the inch and shall show correctly on its face the following information:
  - a. Plat with plat name prepared by a registered land surveyor.
  - b. Plat pages numbered.
  - c. Date.
  - d. Scale.
  - e. North point.
  - f. Surveyor name and contact information.
  - g. Surveyor signature, date, and seal (on hard copies).
  - h. Location of the plat by private claim or by government lot, quarter, quarter section, section, township, range, and county.
  - i. A small scale drawing of the section or region in which the plat lies with the location of the plat clearly identified.
  - j. Boundary lines and platting status.
  - k. Lots numbered sequentially. Outlots numbered sequentially.



- l. Dimensions of and area of lots, outlots, rights-of-way, and the encompassing area of the map listed as square footage.
- m. Layout, locations, widths, and names of existing or dedicated streets, alleys, or other public walkways.
- n. Street access restrictions.
- o. Radii of all curves.
- p. Layout, locations, widths, types, and names of existing public and private easements, drainage easements, railroads, utility rights-of-way, public stormwater management facilities and private waste water treatment system locations.
- q. Existing permanent buildings and structures.
- r. Parks and cemeteries.
- s. Location and dimensions of any site to be reserved or dedicated for parks, playgrounds, or other public use or to be reserved by deed or covenants for use of all property owners in the plat with the conditions, if any, of such dedication or reservation.
- t. Environmentally sensitive areas, including: waterways, wetlands, floodways, steep slopes, and associated setbacks.
- u. Floodplains, drainage ways and associated setbacks.
- v. Airport zoning districts.
- w. The Planning Commission or Town Board may require information to be shown beyond the plat boundary, if needed, for review of the preliminary plat.
- x. Surveyor's Certificate, Owner's Certificate, Municipality Certificate(s), Brown County Planning Commission Certificate, Brown County Treasurer's Certificate.
- y. Additional certificates identified in Section 236.21 of the Wisconsin Statutes.
- z. Required notes and restrictive covenants.
- aa. Title under which the proposed subdivision is to be recorded.
- bb. The entire area continuous to the proposed plat owned or controlled by the subdivider shall be included on the preliminary plat even though only a portion of the area is proposed for immediate development. The Town

Planning Commission may waive this requirement where it is unnecessary to fulfill the purpose and intent of this Ordinance and undue hardship would result from the strict application thereof.

2. Review procedure. The subdivider shall submit eleven (11) copies of the preliminary plat to the Town Clerk no less than ten days prior to the regularly scheduled Town Planning Commission Meeting. The Town Board and Town Planning Commission shall review the plat for compliance with this ordinance and all other town ordinances.
  - a. The Town Planning Commission shall review the proposed preliminary plat at a meeting scheduled for that purpose. The Planning Commission, at its discretion, may use the initial meeting as an opportunity to listen to the subdivider present the proposal and to become familiar with the proposed plat and may make a recommendation to the Town Board at this meeting. If the Planning Commission does make a recommendation at this meeting, it should forward its recommendation concerning the proposed plat to the Town Board.
  - b. If the Planning Commission did not make a recommendation concerning the proposed plat at the initial review meeting it shall schedule another meeting within 30 days. The Planning Commission shall make a recommendation to the Town Board regarding the proposed preliminary plat at that meeting and shall forward its recommendation concerning the proposed plat to the Town Board.
  - c. The Town Board shall take action on the proposed preliminary plat at its next regularly scheduled Town Board meeting. The Town Board shall express its approval, in writing, to the surveyor and/or subdivider and state the conditions of such approval and, if disapproved, shall express its disapproval and state its reasons for rejection. The proposed plat should not proceed to the next level (final plat approval) unless approved or approved conditionally by the Town Board.

## **29.22 FINAL PLAT REVIEW**

1. The subdivider shall submit eleven (11) copies of the final plat to the Town Clerk no less than ten days prior to the Town Planning Commission Meeting and shall be submitted within six (6) months of the approval of the preliminary plat. Failure to submit the final plat within the six (6) month period may require re-submittal as a preliminary plat upon determination of the Town Planning Commission.
2. In addition to the information required by Chapter 236 of the Wisconsin Statutes and Section 21.43(3) the subdivider for final plat submission the subdivider shall

provide the following:

- a. Necessary utility easements and location of facilities with easements.
  - b. Railroad rights-of-way within and abutting the plat.
  - c. Floodway and floodplain boundaries where applicable.
  - d. All lands reserved for future public acquisition or reserved for the common use of property owners within the plat.
  - e. Special restrictions or notes required by the Board and any other approving or objecting agency, such as relating to floodplains, airport noise cones, or access control along public ways.
  - f. Erosions and sediment control measures, where applicable.
  - g. Locations and dimensions of all preplanned on-site waste disposal systems.
  - h. Unbuildable areas
3. Upon receipt thereof, the Town Board and Town Planning Commission shall examine the final plat and all necessary certificates as to its conformance with the approved preliminary plat, this ordinance and all town ordinances.
  4. The Planning Commission shall at its next meeting, make a recommendation to the Town Board concerning the final plat submittal.
  5. At its next regularly scheduled meeting, the Town Board may approve or deny the proposed plat, within Ninety (90) days. If disapproved or conditionally approved, the reasons or condition shall be stated on the record of the Town Board and forwarded to the surveyor and/or subdivider.
  6. The final plat shall be recorded by the subdivider in the office of the Register of Deeds of Brown County, Wisconsin as per chapter 236, Wisconsin Statutes.

### **29.23 PROCEDURE FOR CERTIFIED SURVEY MAP REVIEW**

1. Certified survey maps may be used when a proposed land division generates less than five land divisions from a parent parcel (a certified survey creating up to four new lots with the remaining portion being the parent parcel will create no more than five buildable parcels) within a five year period, when any of the following apply: The land division is made by the same land owner a relative of the property owner, or a person who purchased the property with the intent of land division. Any attempt to further divide the subject property will trigger full



subdivision platting requirements.

2. The certified survey map shall meet all the surveying requirements as set forth in Wisconsin Statutes 236 and Chapter 21 of the Brown County Ordinances for certified survey maps and shall include the following where applicable:
  - a. Floodplain, floodway, and drainage easement boundaries.
  - b. Approval signature of municipality in which the map is located.
  - c. Extra-territorial plat jurisdiction signature.
  - d. Building setback lines.
  - e. Necessary utility easements and location of facilities within the easements.
  - f. All existing visible structures at time of survey.
  - g. Location of necessary erosion and sediment control measures.
  - h. Locations and dimensions of all preplanned on-site waste disposal systems.
  - i. The requirements for soil information for proposed certified survey maps which have been prepared for uses other than for a proposed habitable building site may be waived at the discretion of the Town Planning Commission, provided that the following restrictive covenant be placed on the map: "The construction of structures which may rely upon on-site sewerage disposal systems for sanitary waste disposal shall be prohibited.
  - j. Topographic information in the form of five (5) foot contours with two (2) foot supplemental contours portrayed for areas adjacent to watercourses to a height of ten (10) feet above the estimated high water mark may be required by the Town Planning Commission. This information need not be shown on the final map.
3. (3) The subdivider shall submit eleven (11) copies of the Certified Survey Map to the Town Zoning Clerk no less than ten days prior to the regularly scheduled Town Planning Commission Meeting. The Town Planning commission shall review the proposed certified survey map for compliance with this ordinance, and all other town ordinances at its regularly scheduled Planning Commission meeting.
4. The Planning Commission, at its discretion, may use the initial meeting as an opportunity to become familiar with the proposed map and may not make a recommendation to the Town Board at this meeting. If the Planning Commission does make a recommendation at this meeting, it should forward its recommendation concerning the proposed map to the Town Board. If the



Planning Commission did not make a recommendation concerning the proposed map at the initial review meeting it shall make a recommendation to the Town Board at the next scheduled Planning Commission Meeting. The Planning Commission shall forward its recommendation concerning the proposed map to the Town Board. The Town Board shall take action on the proposed map at its next regularly scheduled Town Board meeting after receiving the recommendation of the Planning Commission. The Town Board shall state the conditions of approval, if any, and if disapproved, shall express its disapproval and state its reasons for rejection.

5. The certified survey map shall be filed for recording with the Register of Deeds of Brown County within 60 days of the last approval of the map.

#### **29.24 COMBINING PARCELS**

1. Contiguous parcels under identical ownership may be combined certified survey map shall be required for the combining of two or more existing tax parcels or existing parcels of record into fewer parcels, including the reduction of an existing parcel when the various parts are attached to an adjoining parcel unless such combining is required by the local assessor or Brown County Property Listing and is necessary for valuation purposes under Section 70.23(2) of the Wisconsin Statutes, or is the result of clear adverse possession claim between abutting landowners.
2. The document requirements and procedures for the review of certified survey maps shall be followed.

#### **29.25 RETRACEMENT CERTIFIED SURVEY MAPS**

A certified survey map may be used to identify and locate existing parcels of record. The retracement certified survey map must meet the following requirements.

1. The map shall be prepared in accordance with Section 236.34 and Chapter 21 of the Brown County Ordinances.

#### **29.26 RECORDATION**

All final land division documents shall be recorded by the subdivider in the office of the register of Deeds of Brown County, Wisconsin, within 30 days of the date of the last approval of the plat and in accordance with Chapter 236 Wisconsin Statutes.

## 29.27 DEVELOPMENT AGREEMENTS.

Whenever a tract of land is divided as provided by this Chapter, the Town Board may require and enter into a signed and recordable developer's agreement, even if no rezoning is necessary. The items the developer's agreement should include, without limitation, the following topics:

1. A thorough description of the proposed development, together with relevant phases of the development and a timeline for the completion (a project plan).
2. The proposed zoning necessary to develop the property consistent with the project plan.
3. Demolition and site clearance, if relevant.
4. A complete list of the improvements including, without limitation:
  - a. streets
  - b. sanitary sewer
  - c. water distribution
  - d. storm sewer
  - e. curb and gutter
  - f. sidewalks
  - g. topsoil and seeding
  - h. erosion control
  - i. landscaping
  - j. lighting plan, including the street lighting
  - k. signage
  - l. pipe culvert standards/materials/sizing
5. Right of inspection during construction
6. Completion date for all improvements.
7. Financial assurance for the completion of those improvements that have been accepted by the Town, this includes surety bonds or escrows.
8. Protocol for approval and transfer of those improvements that will be dedicated to

the Town, including inspection, review of as-builts, and dedication.

9. Description of building permits and occupancy permits needed for the project.
10. Delineation of applicable fees.
11. Indemnification and hold harmless of the Town.
12. Preparation and approval of proposed restrictive covenants applicable to the project and provision of the enforcement of those covenants that benefit the Town.
13. Non-discrimination clause.

## 29.28 VARIANCES

1. When the Town Zoning Board of Appeals finds that "Extraordinary hardship: or "practical difficulties" may result from strict compliance with these regulation and/or the purposes of these regulation may be served to a greater extent by an alternative proposal, it may approve variances to these subdivision regulations so that substantial justice may be done and the public interest secured, provided that such variances shall not have the effect of nullifying the intent and purpose of these regulations; and further proved the Town Zoning Board of Appeals shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific cast that:
  - a. The granting of the variance will not be detrimental to the public safety, health, or welfare, or injurious to other properties.
  - b. The conditions upon which the request is based are unique to the property for which the variance is sought and are not applicable generally to other property.
  - c. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, the strict letter of these regulations are carried out.
  - d. The variance will not in any manner vary the provisions of the other town ordinances, or the Official Map.
2. When approving variances, the Town Zoning Board of Appeals may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these regulations.



3. A petition for any such variance shall be submitted, in writing, by the subdivider at the time when the preliminary plat or certified survey map is filed for consideration of the Town Planning Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

### **29.30 ACCESSOR'S PLAT.**

When a subdivision is created in violation of this Ordinance, the town may order an assessor's plat be made under Section 70.27 Wisconsin Statutes, at the expense of the subdivider or his/her agent.

### **29.31 FEES**

The subdivider shall pay the Town of Humboldt all fees as herein after required and at the times specified and all fees required for road signage by the town.

1. **PRELIMINARY PLAT REVIEW FEE.** The subdivider shall pay a fee amounting to Two Hundred (\$200.00) Dollars for plats containing 4 lots or less. For larger plats Thirty (\$30.00) Dollars will be added for each lot in excess of 4. The fee shall be paid at the time of application for approval of any preliminary state or county subdivision plat and shall be submitted to the Town of Humboldt Clerk.
2. **CERTIFIED SURVEY MAP REVIEW.** There shall be no fee for the review of a certified survey map.
3. **VARIANCE REQUEST FEE.** The subdivider shall pay a fee amount of Two Hundred (\$200.00) Dollars to the Town of Humboldt at the time of application for each variance requires from the Subdivision and Platting Regulations. The fee shall be submitted to the Town of Humboldt Clerk.

### **29.32 NON COMPLIANCE, PUBLIC NUISANCE AND FORFEITURE.**

1. Any violation of any provision of this Ordinance by any person, firm, association, corporation or his/her/their agent, employee, or officer, shall be unlawful. A violator shall, upon a finding that a violation exists, forfeit to the town not less than One Hundred (\$100.00) Dollars nor more than Five Hundred (\$500.00) Dollars, together with the taxable cost in such action. Each day during which such violation exists shall constitute a separate offense.
2. No building permit shall issue for any lot within a subdivision until there has been approval of the subdivision as required by this chapter and, where applicable, an executed developer's agreement as required by Section 29.27 of this code.



3. Every violation of this Ordinance is a public nuisance, and the creation thereof may be enjoined and maintenance thereof may be abated by action at suit of the Town, County, State or any citizen whose interests are adversely affected.
4. Each day during which such violation exists shall constitute a separate offense.

SECTION 2: Ordinances or parts of ordinances conflicting with or contravening the provisions of this Ordinance are hereby repealed.

SECTION 3: This Ordinance shall take effect upon passage by majority vote of the membership of the Town Board and publishing as provided by law.

PASSED AND ADOPTED by the Town Board of the Town of Humboldt, Wisconsin this 2 day of July, 2018.

*Steve Dost*

CHAIRMAN

*Wesley J. Ormer*

Supervisor

*John Zimonich*

Supervisor

attested by: *Judy Bared, clerk*  
*7/2/18*

**TOWN OF HUMBOLDT**  
**AN ORDINANCE ESTABLISHING FIRE PROTECTION CHARGES**

The Town Board of the Town of Humboldt, Brown County, Wisconsin, hereby ordains as follows:

**SECTION I. AUTHORITY.** This ordinance is adopted pursuant to the authority granted to town boards under Sec. 60.55(2)(b) of the Wisconsin Statutes, which allows towns to recover the cost of fire calls made to properties located within the town.

**SECTION II. LIABILITY FOR FIRE PROTECTION COSTS.** The Town of Humboldt, Brown County, Wisconsin, hereby imposes a charge for each fire call made within the limits of the Town of Humboldt. This fee shall not exceed the actual cost to the Town for the fire call. The charge shall be made according to a fee schedule that will be maintained by the Town. If the fire call is to real estate located within the Town, the charges shall be imposed on all owners of the real estate to which the particular fire call is made. The liability for the charges shall be joint and several as to all owners of the real estate. In the event that a fire call is made to personal property located within the Town, such as a vehicle, the charges provided for under this ordinance shall be imposed on all owners of such personal property. The liability for the charges shall be joint and several as to all owners of the personal property.


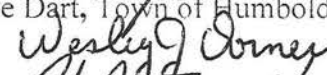
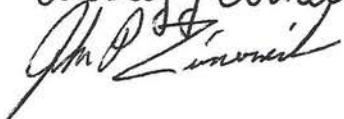
**SECTION III. PAYMENT OF FIRE CALL FEE.** The fire call charges provided for in this Ordinance shall be paid in full to the Clerk of the Town of Humboldt no later than 60 days after the date of the particular fire call.

**SECTION IV. UNPAID ACCOUNTS.** The failure to pay any bill for charges incurred pursuant to this Ordinance within 60 days of the date of the fire call will result in interest being charged from the date of the bill according to the fee schedule. Any bill for a fire call to real estate, plus any accrued interest, that has been unpaid for 90 or more days as of November 1 of any year shall become a lien against the real estate and shall be placed on the tax roll as a delinquent special charge under Sec. 66.0627 of the Wisconsin Statutes.

**SECTION V. SEVERABILITY.** Should any section of provisions of this Ordinance be declared invalid for any reason by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

**SECTION VI. EFFECTIVE DATE.** This Ordinance shall become effective upon adoption and publication or posting as provided by law, pursuant to Sec. 60.80 of the Wisconsin Statutes.

SIGNED:

  
\_\_\_\_\_  
Steve Dart, Town of Humboldt Chairman  
  


1-7-9  
Date

ATTEST:

Judy Baiert Clerk  
Judy Baiert, Town Clerk/Treasurer

1/7/19  
Date

Voted for: 3  
Voted against: 0  
Abstained: 0  
Date of passage: 1-7-19  
Date of posting: 1-2-19  
Effective date: 1-7-19

ORDINANCE SECTION 31  
TOWN OF HUMBOLDT  
DRIVEWAY REQUIREMENTS FOR EMERGENCY SERVICES

**DRIVEWAYS**

**Driveway Requirements for Emergency Services**

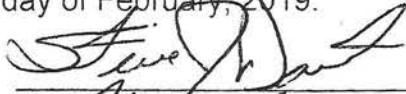
The minimum requirements for all driveways or private access drives are:

- A. Driveways shall be at least sixteen (16) feet wide, have not less than fourteen (14) feet of hard surfacing of gravel, asphalt, or concrete with one (1) foot shoulders on either side and an overhead clearance of sixteen (16) feet so fire and emergency equipment can enter unobstructed. In addition to these requirements, driveways to state trunk highways, or county highways will also require appropriate permits from the Wisconsin Department of Transportation (DOT) and Brown County Highway, as applicable.
- B. Every private roadway or driveway in excess of 300 feet in length shall be provided with a turnaround for emergency vehicles. The turnaround shall be constructed of a hard surface of gravel, asphalt, or concrete and shall be of sufficient size to accommodate the turning radius of large emergency and rescue vehicles (see illustration examples).
- C. Owners of driveways which are not in compliance with the aforementioned requirements may be held fiscally responsible for all damages to emergency vehicles and equipment incurred while rendering services to said owners.
- D. The Town of [Green Bay / Humboldt / Scott] which is part of the New Franken Fire Department will assume no liability for private properties damaged while in pursuit of their firefighting activities, if said properties do not have either existing or new driveways conforming to the standards as established in these directives, and further, will not be held liable for not being able to service a fire call properly for lack of adequate ingress and egress.



The above foregoing ordinance was duly adopted at a regular meeting of the Town of Humboldt board on the 4<sup>th</sup> day of February, 2019.

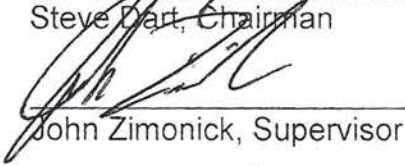
SIGNED:



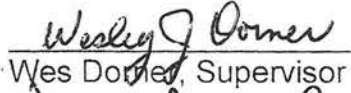
Steve Dart, Chairman

2-4-19

Date

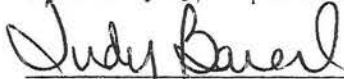


John Zimonick, Supervisor



Wes Dornier, Supervisor

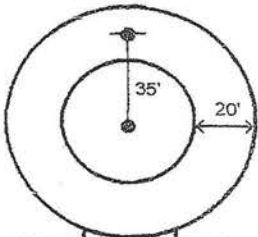
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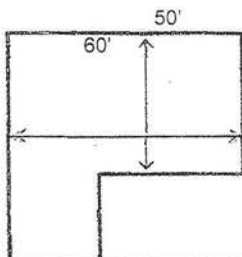
Judy Baiert, Clerk

2/4/19

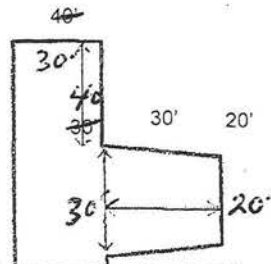
Date



CIRCLE



TURNAROUND



TURNAROUND

## Section 32

### Town of Humboldt Town Road Right-of-way Ordinance

- Section 1 Permit required for excavation, fee, insurance
- Section 2 Regulations governing excavation and openings
- Section 3 Obstruction of intersections or signs, trees, fences, poles  
And other structures
- Section 4 Deposits of waste or rubbish on right-of-way
- Section 5 Structures and construction in Town right-of-way
- Section 6 Drain Water Discharge
- Section 7 Violations

CHAPTER 32  
TOWN OF HUMBOLDT  
BROWN COUNTY, WISCONSIN

**Ordinance for Restricting Use and Obstruction of Town Road  
Right-of-Way Ditches and Embankments**

SECTION ONE. Permit required for excavation; fee; insurance.

A. Permit required.

- (1) No person, partnership, utility or corporation, or his or its agents or employees or contractors, shall make or cause to be made any excavation, alterations or obstruction in any public road, public way, public ground, public sidewalk or Town-owned easement, or fill or alter any culvert or construction or install additions or extensions to his or its existing facilities within the Town of Humboldt without a permit therefor from the Town or designee.
- (2) The applicant shall submit to the Town a written request for a utility construction/street excavation permit and a plan (engineering plans or specifications) of the proposed alteration, extension, or addition, showing its location and details of construction, including specified depth, method of excavation, open cut or auguring, provisions of restoration and any other materials requested by the Town. By submitting an application, the applicant agrees to be bound by the terms of this Ordinance.

B. Fee. The fee for a permit shall be set by the Town of Humboldt fee schedule. The fee shall be paid at the time of application.

C. Insurance required. A permit shall be issued only upon condition that the applicant submit to the Town satisfactory written evidence that the applicant has in force and will maintain during the time the permit is in effect liability insurance of not less than \$1,000,000 per occurrence and \$2,000,000 aggregate. The Town shall be named an additional insured on the policy.

SECTION TWO. Regulations governing excavations and openings.

A. Frozen ground. No openings in the roads or public ways shall be permitted when the ground is frozen except where it is deemed necessary by the Town.

B. Removal of paving. In any opening or excavation, all paving or ballasting materials shall be removed with the least possible loss of or injury to surfacing materials and together with the excavated materials from the opening shall be placed so as to cause the least

practicable inconvenience to the public, no drainage is impacted and not placed in wetlands.

C. Protection of public

- (1) Every occurrence shall have the required traffic control signing and devices following the Wisconsin MUTCD manual. Warning lights shall be kept on from sunset to sunrise. Such lights shall be spaced to give adequate warning of the existence of the work zone. No trench shall be excavated more than 250 feet in advance of pipe or conduit laying nor left unfilled more than 50 feet over night. Single hole within 15 feet of the edge of the travel roadway will need to be temporary plated.
- (2) All necessary precautions shall be taken to guard the public from accidents or damage to persons or property through the period of the work. Each person making such opening shall be held liable for all damages, including costs incurred by the Town in defending any action brought against it for damages, as well as costs of any appeal, that may result from the neglect by such person or his employees of any necessary precaution against injury or damage to persons, vehicles, or property of any kind.

D. Replacing road surface. Upon completion of work pursuant to a permit issued by the Town, the applicant shall replace and restore the pavement over any opening he may make as near as can be to the state and condition in which he found it and keep and maintain the same in such condition, normal wear and tear excepted, to the satisfaction of the Town Board for a period of one (1) year,

E. Notice. The permittee shall notify the Town Supervisor, Brown County Sheriff's Department and Highway Department and all private individuals, firms and corporations affected by the work to be done at least 48 hours before such work is to commence. The Town Chairman or designee shall also be notified at least four hours prior to backfilling and/or restoring the surface.

F. Validity of Permit. Unless the work shall be commenced within the time prescribed in the permit, the permit shall be void. A new permit will be required if 90 days have been passed from the initial permit and a new permit must be obtained for an additional fee charged. The Town may extend the time limitation for good cause. The utility or contractor shall have present at the site of construction and during the restoration period a copy of the construction plans and Town permit.

G. Emergency excavation. In the event of an emergency, any person, firm or corporation owning or controlling any sewer, gas main, water main, conduit or other utility in or under any public road or way and his agents and employees may take immediate proper emergency measures to remedy dangerous conditions for the protection of property, life, health or safety without obtaining an excavation permit, provided that such person, firm or corporation shall apply for an excavation permit not later than the next business day.



- H. Exception. The provisions of this section shall not apply to excavation work done by Town employees or contractors performing work under contract with the Town.

SECTION THREE. Obstruction of intersections or signs; trees, fences, poles, and other structures.

- A. Obstruction of intersections. No person shall maintain, plant, or permit to remain on any private or public premises situated at the intersection of two or more roads in the Town any hedge, tree, shrub or other growth or object which may obstruct the view of the operator of any motor vehicle or pedestrian approaching such intersection.
- B. Obstruction of signs. It is unlawful for any person to plant, cause to grow, allow to grow or maintain any trees, bushes, shrubbery, or vegetation of any kind which is an obstruction to the clear and complete vision of any traffic sign in the Town. It shall be the duty of every owner of such tree, bush, shrubbery, or vegetation to remove such obstruction.
- C. Abatement procedure. Any shrub, tree or other plant which obstructs the view at an intersection, or the view of a traffic sign shall be deemed to be danger to public travel, and the Town shall notify the property owner in writing, describing the conditions, stating the steps necessary to correct the conditions, and establishing a reasonable time within which the corrective steps shall be taken. In the event that effective steps are not taken within the time specific, it shall be lawful for the Town to abate these conditions to the extent necessary to assure compliance with the foregoing requirements, and the costs thereof may be assessed to the owner.
- D. Vegetation in right-of-way. Other than mowing, no person shall till, graze, kill or destroy the vegetation in the right-of-way. No person shall plant additional vegetation in the right-of-way.
- E. Fences, poles, and other structures. No person shall build or reconstruct any fence, pole, boulders, or other structure within the public road right-of-way measured from the center of the road to a point 18 inches from the back line of the right-of-way unless otherwise approved by the Town. This provision shall not apply to mailboxes and boxes for delivery of newspapers.

SECTION FOUR. Deposit of waste or rubbish on Right-of-way.

- A. It shall be unlawful for any person to throw or deposit any weeds, sod, brush, cans, glass, gravel, stones, boulders, dirt, machinery, garbage or other waste or rubbish in or on the right-of-way of any highway located in the Town of Humboldt.

SECTION FIVE. Structures and construction in Town right-of-way.

- A. Mailboxes and boxes for delivery of newspapers. The provision of this Ordinance shall not apply to the installation of mailboxes and boxes for the delivery of newspapers.
- B. Existing structures and obstructions. Any existing structure, sign, fence, wall, pavement, or other obstruction (including trees) which, in the judgment of the Town, will prevent proper snow removal from the pavement and shoulders or mowing of the ditches of the Town highway shall be removed by the owner or occupant of the adjacent property within 15 days of receiving written notice from the Town. If the owner or occupant does not remove said structure or obstruction within the allotted time, the Town shall remove it or make arrangements to have the obstruction removed and the expense of removal shall be charged to the adjacent property as a special charge or special assessment.
- C. The Town assumes no responsibility for the replacement or repair of any such items where loss, damage, or injury to such items is the result of Town operations including maintenance, snowplowing, construction, or reconstruction of roadways or ditches, which work is being performed by the Town or the Town's contractor on the Town's Roadrights-of-way.

SECTION SIX. Drain Water Discharge.

- A. Every building and all parts thereof shall be drained so as not to cause dampness on the walls and ceilings. No downspout within six feet of adjoining property shall be pointed toward such property. Discharge from a downspout shall not create a nuisance. The downspout discharge shall be considered a nuisance in situations including, but not limited to, such discharge creating icing problems on streets, alleys, or sidewalks, damaging a city street or sidewalk, creating ponds of standing water, or flowing over adjoining property
- B. Sump pump discharge in areas where storm sewers are not available, sump pumps shall discharge onto the surface not closer than six feet of the adjoining property and shall be directed either to the rear lot line or to the road or to a recorded drainage easement and shall not be directed as to flow on adjacent property. Discharge from the sump pump shall not create a nuisance. The sump pump discharge shall be considered a nuisance in situations including, but not limited to, such discharge creating icing problems on streets, alleys, and sidewalks, damaging a street or sidewalk, creating ponds of standing water, known drainage problem areas shall not be compounded or flowing over adjoining property.

SECTION SEVEN. Violations.

Any person, persons, partnerships, company, or corporation who violates any provision of this Ordinance shall be subject to a forfeiture of not less than \$250 nor more than \$500 for each violation. For purposes of determining forfeitures, each day that a violation continues shall be considered a separate offense. In addition, the Town shall be entitled to recover its reasonable attorneys' fees included in any enforcement action and shall be entitled to injunctive relief, abatement orders, and other equitable relief.

Dated this 6<sup>TH</sup> day of February, 2023

TOWN OF HUMBOLDT

  
\_\_\_\_\_  
Tim VanPay, Chairperson

By:

Tim VanPay, Chairperson

Attest:

Attest:

  
\_\_\_\_\_  
Judy Baiert, Town Clerk

Judy Baiert, Town Clerk