

Town of New Denmark Official Zoning Map

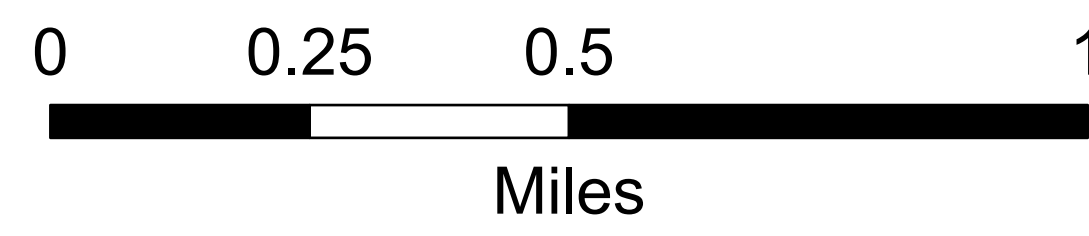
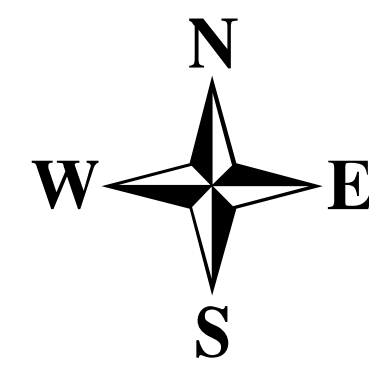
Town of New Denmark
Brown County, Wisconsin

Zoning Districts

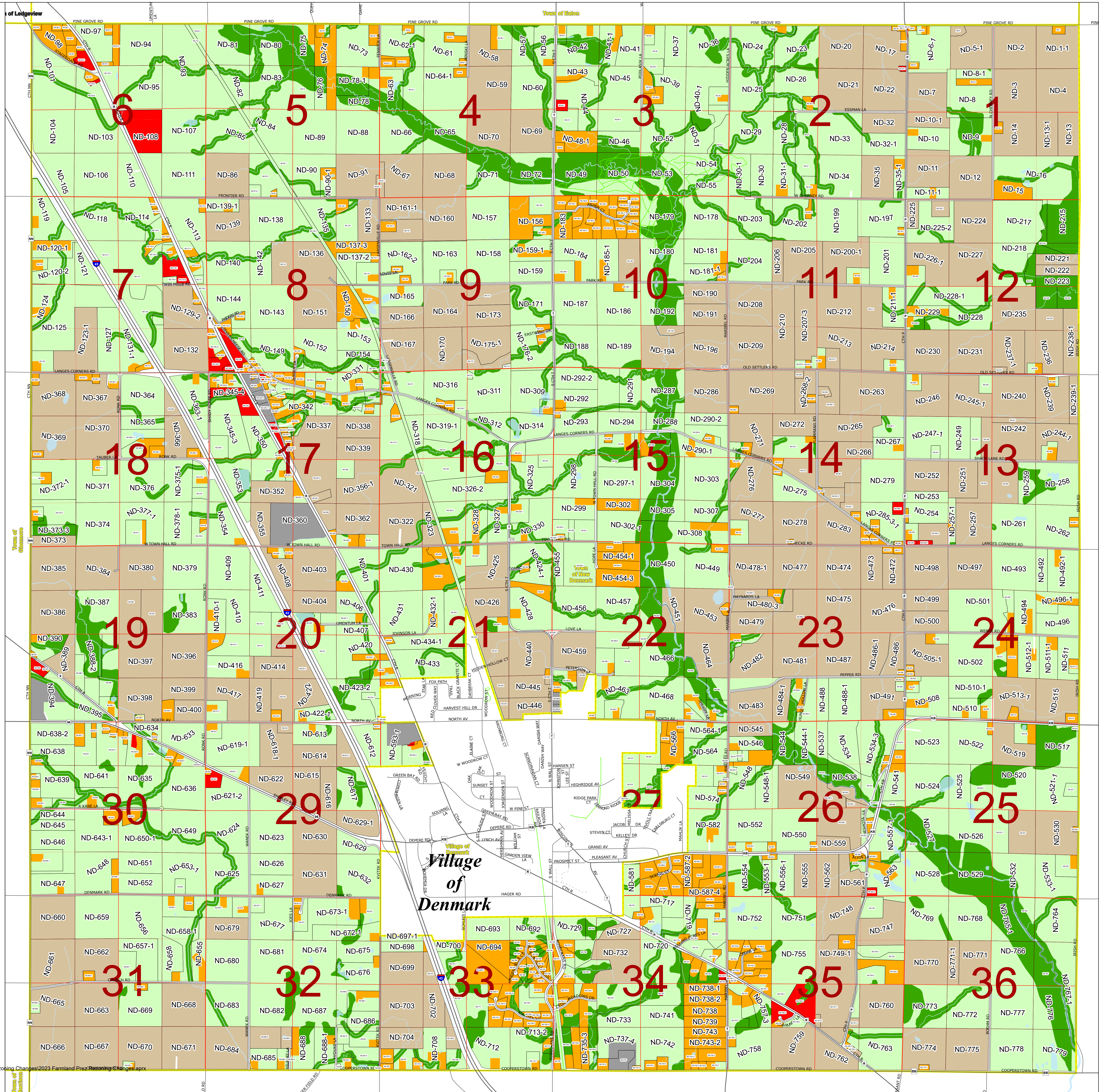
- AG Agricultural
- AG-FP Agricultural Farmland Preservation
- A-R Agricultural Residential
- B-1 Community Business
- I-1 Limited Industrial
- C-1 Conservancy

Legend

- Municipal Districts
- Tax Parcel
- PLSS Line
- Section Line
- Street Centerlines
 - Highway (Federal, State, or County)
 - Local Road or Street
 - Recreational Trail
- Water Bodies
 - Lakes, Ponds & Rivers
 - Rivers & Streams



Map updated 1/18/2023
Map updated 1/9/2019
Map updated 10/16/2018
Map updated 6/16/2014



ARTICLE XVIII – 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 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. When a non-conforming use or structure is damaged by fire, explosion, flood, the public enemy, act of God, or other calamity to the extent of more than sixty percent (60%) of its current local assessed value, it shall not be restored **except as to comply with the use provisions of this Ordinance.**
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. **Repairs, alterations, or improvements may only be made to a non-conforming building or structure upon the application for and issuance of a Non-Conforming Use Permit pursuant to Article XIX Section N of this Ordinance.**
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.

ARTICLE XIX – 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 incorporate the any applicable Chapters of the Town of New Denmark Code of Ordinance as if fully stated herein including but not limited to, Chapter 5 – Wind Energy Ordinance; Chapter 9 – Regulation of Sexually Oriented Adult Entertainment Establishments; Chapter 15 – Driveway and Culvert Ordinance; Chapter 19 – Board of Adjustments; Chapter 23 – House and Building Numbering; Chapter 31 – Nonmetallic Mineral Extraction Regulation and Control; and Chapter 34 – Subdivision.
2. This Ordinance shall provide for the position of Building Inspector, Zoning Administrator, Zoning Board of Appeals and Town Plan Commission.
3. This section shall provide the authority and necessary requirements for issuance of Building Permits and occupancy permits, non-conforming use permits, variances, appeals, amendments, conditional uses, fees, and penalties.
4. All building inspections preformed under this section are done pursuant to Sections 101.12 and 101.65 of the Wisconsin Statutes.
5. This Ordinance adopts and incorporates, as if fully stated herein, the Uniform Building Code as provided in Chapters SPS 320-325 of the Wisconsin Administrative Code and the Commercial Building Code as provided in Chapters SPS 361-366 of the Wisconsin Administrative Code.

B. Building Inspector

There is hereby created the position of Building Inspector, who shall administer and enforce this ordinance and shall be certified by the Division of Safety & Buildings, as specified by Wisconsin Statutes, Section 101.66 (2), in the category of Uniform Dwelling Code Construction Inspector. Additionally, this or other assistant inspectors shall possess the certification categories of UDC HVAC, UDC Electrical, and UDC Plumbing.

The Town of New Denmark Building Inspector shall have the following duties:

1. Issue all Building Permits and make and maintain records thereof.
2. Issue all certificates of occupancy and make and maintain records thereof.

3. Pursuant to Section 101.65 of the Wisconsin Statutes conduct inspection of buildings, structures, and use of land to determine compliance with the terms of this Ordinance.

C. Zoning Administration

The Town of New Denmark Zoning Administrator shall have the following duties.

1. Issue all rezoning certificates and make and maintain records thereof.
2. Provide and maintain a public information bureau relative to all matters arising out of this Ordinance.
3. Forward to the Town of new Denmark Plan Commission all applications for conditional uses and for amendments to this Ordinance that are initially filed with the Office of the Zoning Administrator.
4. 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.
5. Maintain permanent and current records of this Ordinance including, but not limited to: all maps, amendments, conditional uses, variances, appeals and applications thereof.
6. Initiate, direct and review, from time to time, a study of the provisions of this Ordinance, and to make reports of its recommendations to the Town Plan Commission.

D. 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 entrusted with the jurisdiction and authority 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 the application for variances 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. Meetings and Rules

- a. All members 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 New Denmark.
- d. The Chairman, or in his 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 New Denmark Town Chairman and subject to judicial review as by law may be provided.
- 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) 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 New Denmark.

E. Town Plan Commission

The Town Plan Commission shall be the authorizing 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 New Denmark Town Plan Commission shall carry out the following duties under this Ordinance.

- a. Receive from the Zoning Administrator his or her recommendations as related to the effectiveness of this Ordinance and report his or her conclusions and recommendations to the new Denmark Town Board.
- b. Review all applications for non-conforming use permits, 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.
- 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 seven (7) members as provided by Section 60.62 of the Wisconsin State Statutes.
- b. Commission members shall consist of the Town Chairman, who shall be its presiding officer, one (1) Town Board member, five (5) citizens and two (2) alternate members
- c. The Town Plan Commission members shall be removable by the Town Board of New Denmark cause upon written charges.
- d. 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 New Denmark.

F. Inspection Standards

1. Authority.

These regulations are adopted under the authority granted by s. 101.65, Wisconsin Statutes

2. Purpose.

The purpose of this ordinance is to promote the general health, safety and welfare and to maintain required local uniformity with the administrative and technical requirements of the Wisconsin Uniform Dwelling Code.

3. Scope.

The scope of this ordinance includes the construction and inspection of one- and two-family dwellings built since June 1, 1980.

Notwithstanding s. SPS 320.05, the scope also includes the construction and inspection of alterations and additions to one- and two-family dwellings built before June 1, 1980. Because such projects are not under state jurisdiction, petitions for variance and final appeals under ss. SPS 320.19 and 320.21, respectively, shall be decided by the municipal board of appeals. Petitions for variance shall be decided per s. SPS 320.19 (intro.) so that equivalency is maintained to the intent of the rule being petitioned. As the board of appeals approves petitions for variance, the chief inspector is granted the power to apply the results to similar circumstances by precedent.

Notwithstanding s. SPS 320.05, the scope also includes the construction and inspection of detached garages serving one- and two-family dwellings. The building structure and any heating, electrical or plumbing systems shall comply with the Uniform Dwelling Code. Petitions for variance and appeals shall be handled as in the previous paragraph.

4. The Wisconsin Uniform Dwelling Code, Chapters SPS 320-325 of the Wisconsin Administrative Code, and all amendments thereto, is adopted and incorporated by reference and shall apply to all buildings within the scope of this ordinance.

5. Penalties.

The enforcement of this section and all other laws and ordinances relating to building shall be by means of the withholding of Building Permits, imposition of forfeitures and injunctive action. Forfeitures shall be not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1,000.00) for each day of noncompliance.

6. The Building Inspector(s) shall keep a log of all inspections completed.

G. Building Permits

1. A Building Permit shall be required for any new building in excess of one hundred (100) square feet. A Building Informational Permit shall be required for all buildings or temporary buildings regardless of size to ensure compliance with applicable zoning regulations.

2. A Building Permit shall also be required if a person alters a building in excess of one thousand dollars (\$1,000.00) of value in any twelve (12) month period, or adds onto a building in excess of fifty (50) square feet in any twelve (12) month period. Restoration or repair of an installation to its previous code-compliant condition as determined by the Building Inspector is exempted from permit requirements. Residing, re-roofing, finishing of interior surfaces and installation of cabinetry shall be exempted from permit requirements. Every Building Permit shall state that the use complies with the provisions of this Ordinance.
3. Prior to the issuance of a Building Permit by the Building Inspector a Building Informational Permit shall be made in writing to the Town Board including such relevant information as required by the Town Board. The Town Board may at its discretion refer the Building Informational Permit back to the property owner for additional information required to make their determination on approval.
4. Prior to approval of a Building Informational Permit a copy of each Building Informational Permit shall be provided to the Town Zoning Administrator for review to ensure compliance with any applicable provisions of this Ordinance
5. The Town Board shall grant or deny any Building Informational Permit submitted for review within a forty-five (45) day period from the date of the submission of the Building Informational Permit. Reasons for denial of a Building Informational Permit shall be provided in writing to the individual who submitted such Building Informational Permit.
6. Upon approval of a Building Informational Permit by the Town Board, the Building Inspector shall request the submission of a uniform Building Permit application with any applicable fee. Any Building Permit applied for shall be granted or denied within a ten (10) day period from the date of application. Reason for denial of a Building Permit will be forwarded in writing by the Town Building Inspector to the applicant and the Town Board.
7. Application for a Building Permit shall be deemed to be an application for an occupancy certificate as well.
8. Each Building Permit application for business and industrial uses shall be accompanied by a plat in accordance with requirements as specified in Article XIX Section G, Plats.
9. Informational Building Permit forms and Building Permit application forms shall be made available to the public by the Town Clerk.
10. The Building Permit fees shall be determined by resolution and shall be provided by the Building Inspector. The Building Permit fee shall include thirty-five dollars (\$35.00) to be forwarded to the Wisconsin Department of Safety and

Professional Services for a UDC permit seal that shall be assigned to any new dwelling.

H. Occupancy Certificate

1. 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 Building Inspector to be in conformity with the plans and specifications upon which the Building Permit was based.
2. The occupancy certificate shall be issued or written notice shall be given to the applicant stating the reason why a certificate cannot be issued, not later than seven (7) days after the Building Inspector is notified in writing that the premises or building are ready for occupancy.
3. All occupancy permits shall be issued by the New Denmark Building Inspector.

I. Plats

1. All applications for Building Permits for business and industrial uses 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, as certified by a “registered land surveyor” or a “registered professional engineer,” the piece or parcel, lots, block, or blocks, or portions thereof, 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 application for a Building Permit.

J. Variances

1. Application

An application for a variance shall be filed with the Town Plan Commission. The application shall contain such information as the Board of Appeals by rule may require.

2. Standards for Variances

Variances may be granted by the Board of Appeals only when:

- a. 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.
- b. 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 classification.
- c. Alleged difficulty or hardship is caused by this Ordinance and has not been created by any person presently having an interest in the property.
- d. Granting of the variance shall not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
- e. 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.

3. Authorized Variances

Variances shall be granted by the Board of Zoning Appeals in accordance with the standards established in Section H-2.

K. Appeals

1. Scope of Appeals

- a. 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.

- b. Such an appeal shall be made within 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.
- c. The Town Plan Commission shall forthwith transmit to the Board of Appeals all of the paper constituting a record upon which the action appealed from was taken.

2. Finding on Appeals

- a. An appeal shall terminate all further proceedings on action 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 restraining 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 time and 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 New Denmark.
- c. The Board of Appeals shall thereafter reach its decision within 60 days from the filing of the appeal.
- d. The Zoning Board of Appeals may affirm or may reverse wholly or in part, or modify the order, requirement, decision or determination, that, in its opinion, ought to be done – and to that end, shall have all powers of the officer to whom the appeal is taken. The Town Plan Commission shall maintain records of all action of the Board of Appeals relative to appeals.

L. Amendments

1. Authority

The New Denmark 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 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 detailed 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 said hearing shall be published as provided in the state law on planning and zoning and applicable to the Town of New Denmark.

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 or 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 classification.
 4. Trend of development, if any in the general area of the property in question, including changes of any, which have taken place in its present zoning classification.
 5. Adequate public facilities to accommodate development either exist or will be provided within a reasonable time.

6. Provision of public facilities to accommodate development will not place an unreasonable burden on the ability of the town to provide them.
7. The land proposed for rezoning is suitable for development and development will not resulting in undue water or air pollution, cause unreasonable soil erosion or have an unreasonably adverse effect on rare or irreplaceable natural areas.
8. The Official Town Comprehensive Plan and any of the component parts thereof.
9. The Plan Commission may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification that that requested by the applicant.
10. The Plan Commission shall not recommend that 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 any amendment, provided however, that in the event of a written protest against any proposed amendment to this Ordinance, be duly signed and acknowledged by the owners of twenty percent (20%) or more either of the areas of the 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.

M. Conditional Uses

1. Purpose

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

2. Initiation

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 (1) or more of the conditional uses provided for in this ordinance in the zoning district in which the land is located.

3. Application

The application for a conditional use shall be filed with the New Denmark Town Planning Commission on a form so prescribed by the Town of New Denmark. The application shall be accompanied by such plans and/or data prescribed by the Town Plan Commission and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use will conform to the standards set forth in the respective districts. Such application shall be reviewed by the Town Plan Commission and a written recommendation submitted thereon to the Town Board.

4. Hearing on Application

Upon receipt in proper form of the written recommendation referred to in Section M-3, the Town Board shall hold at least one (1) public hearing on the proposed conditional use.

5. Authorization

For each application for a conditional use, the Town Plan Commission shall report to the Town Board its findings and recommendations, including the stipulation of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. If an application is received by the New Denmark Town Board, it shall be deemed to have been denied.

6. Standards

No conditional use shall be recommended by the Town Plan Commission unless said Commission shall find that the conditions comply with Article II, Intent, purpose and Severability.

7. Conditions and Guarantees

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

N. Non-Conforming Use Permit

1. Purpose

To allow for the issuance of building permits for permissible uses in conjunction with zoning lots which fall short of applicable zoning requirements for the designated zoning lot or are otherwise non-conforming as defined herein.

2. Limits

- a. Non-Conforming Use Permits shall only be issued for non-conforming parcels existing at or prior to the adoption of this ordinance section. Non-Conforming Use Permits may not be issued to any parcel which becomes non-conforming after adoption of the Non-Conforming Use Permit Ordinance.
- b. Non-Conforming Use Permits shall only be issued for zoning lots which include residential uses in whole or in part, including R-1 Residential, A-R Agricultural-Residential, A-1 Agricultural and AG-FP Farmland Preservation zoning districts.
- c. Non-Conforming Use Permits can only be granted for a Permitted Uses or Permitted Accessory Uses for the designated zoning district.

- d. Unless otherwise authorized under the provisions of this Zoning Code a Non-Conforming Use Permit shall not result in more than one (1) permanent single or multi family residence upon the designated parcel.
- e. Non-Conforming Use Permits may only be granted to a parcel with verified, permanent road access via public road, dedicated private drive, or recorded easement for vehicle access that is consistent with the driveway regulations contained in Chapter 15 of the Town of New Denmark Code of Ordinances, Driveway and Culvert Ordinance.
- f. Non-Conforming Use Permits may not be issued in lieu of a Conditional Use Permit for any authorized conditional uses for the designated zoning lot.
- g. The issuance of Non-Conforming Use Permits non-precedential to the application of this provision to any future request for issuance of a Non-Conforming Use Permit.

3. Initiation & Application

- a. A property owner who seeks to obtain a building permit for a permitted use or permitted accessory use for a designated zoning district which is non-conforming in some fashion from the requirements of said zoning district including but not limited to; lack of sufficient frontage, lack of required acreage, deviation from required setbacks; may seek to apply for a Non-Conforming Use Permit under this section.
- b. The application for a Non-Conforming Use Permit shall be filed with the New Denmark Town Zoning Administrator on a form so prescribed by the Town of New Denmark. The application shall be accompanied by a Building Informational Permit with such plans and/or data prescribed by the Town and shall include a statement in writing by the applicant and adequate evidence showing that the proposed non-conforming use would otherwise conform to the standards set forth in the respective districts but for the variations from such standards as requested.
- c. Such application shall be reviewed by the Town Plan Commission and a written recommendation submitted thereon to the Town Board.

4. Plan Commission Review

- a. Upon receipt of an application for Non-Conforming Use Permit and confirmation by the Zoning Administrator that the requested Non-Conforming Use Permit meets all the parameters of this section the

Zoning Administrator shall notified the chairperson of the Town Plan Commission to request a review of the application at the next Plan Commission Meeting.

- b. Upon required notice the Plan Commission shall review the application for Non-Conforming Use Permit and receive input from Town staff including the Building Inspector and Zoning Administrator and consider all of the following:
 - i. The nature of which the property is current non-conforming
 - ii. The potential impact upon the health and safety of the Town citizens, frequenters, and visitors by the non-conforming use.
 - iii. The impact of the non-conforming use on any neighboring properties and residences.
 - iv. The degree to which the property fails to conform to the existing zoning requirements.
 - v. The degree to which the requested use will fail to conform with the existing zoning requirements.
 - vi. The current zoning use in the area and the future use plan under the Town of New Denmark Comprehensive Plan.
 - vii. Any appropriate limitations or conditions which issuance of a Non-Conforming Use Permit should be contingent upon.

5. Hearing on Application

Upon receipt in proper form of the written recommendation Town Plan Commission, the Town Board shall hold at least one (1) public hearing on the proposed Non-Conforming Use Permit to take public comment on the requested permit.

6. Issuance, Denial, Referral

After public hearing the Town Board shall upon proper notice consider the Non-Conforming Use Permit in conjunction with the applicant's Building Informational Permit for approval and issuance, denial, or referral for additional information deemed necessary by the Town Board.

Upon issuance of Non-Conforming Use Permit the town Zoning Administrator shall provide to the property owner an approved Building

Informational Permit with Non-Conforming Use Permit with any appropriate conditions or limitations as determined by the Town Board.

7. Effect

Non-Conforming Use Permits properly granted shall run with the property and be transferable to subsequent owners.

If the non-conforming use under the permit is ceased for a period of more than six (6) months the Non-Conforming Use Permit shall be deemed abandoned; any future use must conform to all applicable zoning requirements.

Any request for a subsequent building permit must be accompanied with a Non-Conforming Use Permit application.

O. Fees

Any application for an Amendment, Conditional Use or Non-Conforming Use Permit, filed by or on behalf of the owner or owners of the property affected, shall be accompanied by a fee of one hundred seventy-five dollars (\$175.00). The fee for variances and appeals shall be two hundred seventy-five dollars (\$275.00). All fees shall be paid to the Town Zoning Administrator.

P. 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 Town Building Inspector shall report all such violations to the Town Board, 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.

Any person, firm or corporation, or agent, employee, or contractor of such, who violates, destroys, omits, neglects, or refuses to comply with, or who resists enforcement of any provision of this Ordinance; shall upon conviction thereof forfeit no less than two hundred dollars (\$200.00) nor more than one thousand dollars (\$1,000.00) together with court costs, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment of said forfeiture and costs of prosecution are made. Confinement to the county jail shall not exceed thirty (30) days for each offense. Each violation and each day of violation shall constitute a separate offense.

This section shall not preclude the Town of New Denmark from maintaining any appropriate action to prevent or remove a violation of this section.

TOWN OF NEW DENMARK ZONING ORDINANCE

Property of the Town of New Denmark

PREPARED JOINTLY BY THE BROWN COUNTY
PLANNING COMMISSION, THE NEW DENMARK
TOWN BOARD AND THE TOWN OF NEW DENMARK
CITIZENS PLANNING AND ZONING ADVISORY
COMMITTEE.

ADOPTED August 12, 1974 AMENDED September 9, 1985
AMENDED April 14, 2014 AMENDED _____, 2015

(DATCP draft submittal date 9/1/2015)

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ARTICLE I - TITLE AND AUTHORITY

TITLE

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

AUTHORITY

The Town of New Denmark pursuant to Sections 60.61 – 60.66, 60.82, 61.351, 62.23, 66.0435, 91.73, 93.90 101.12 and 101.65 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 Official Town Comprehensive Plan or any of the component parts thereof.

B. Purpose

The Zoning Ordinance of the Town of New Denmark, Brown County, Wisconsin, is adopted for the following purposes: to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote and to protect the public health, safety, comfort, convenience and general welfare; to provide adequate standards of light, air and open space; to maintain the aesthetic appearances, agricultural makeup, rural nature, and scenic values of the town; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and to foster a more rational pattern of relationship between 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 this 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 phrase "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, 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 use 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 areas, 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 (1/2) 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 walks, cemeteries, railroad right-of-tray, shorelines of waterways or municipal boundary lines.
8. BOARDING HOUSE/BED & BREAKFAST - a building or premises other than a hotel where lodging and meals are furnished for compensation for four (4) or more persons not members of a family.
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, TEMPORARY - any building not permanently affixed to the land for a period of time not to exceed six (6) months, or as otherwise allowed by specific ordinance. Any building with indoor plumbing, electrical or utility service or manufactured homes used as residence and affixed to a foundation shall not be classified as temporary buildings.
11. 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 deckline of a mansard roof and to the average height between the eaves and the ridge of a gable, hip or gambrel roof.
12. BREWERY – establishment for the commercial production or bottling of beer or other malt beverages.
13. 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 in-patient care.
14. 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.
15. COMMERCIAL FEEDLOTS - an agriculture enterprise where livestock are purchased and raised and then sold to a buyer, feedlot or slaughter house.

16. 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.
17. CONDITIONAL USE – uses of a special nature as to make impractical their predetermination as a principal use in a respective zone district.
18. DISTILLERY – an establishment for the commercial production or bottling of alcohol or spirits.
19. DRIVE IN RESTAURANT- an establishment which provides no permanent interior seating, but allows window service and carry out counter service for food products to automobile customers.
20. DWELLING - a building, or portion thereof, excluding a mobile home, designed or used exclusively for residential occupancy, including single family dwellings, two-family dwellings and multiple family dwellings, but not including hotels and motels.
21. DWELLING UNIT - one (1) or more rooms which are arranged, permanently installed, shall always be included for each "dwelling unit".
22. DWELLING, SINGLE-FAMILY - a building designed for and occupied exclusively by one (1) family.
23. DWELLING, TWO-FAMILY - a building designed for and occupied exclusively by two (2) families.
24. DWELLING, MULTIPLE-FAMILY - a building used and deigned as a residence for three (3) or more families including tenement housing, row houses, apartment houses and apartment hotels.
25. 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.
26. FAMILY - any member or individual related by blood, adoption, marriage, or domestic partnership not to exceed two (2) persons not so related living together on the premises as a single housekeeping unit, including any domestic servant.
27. FARM - any parcel of land, in a zoning district other than Agricultural-Farmland Preservation District (AG-FP), which is used for gain in the raising of agricultural products, livestock, poultry and dairy products.
28. FARMING – the operation of a farm as defined in Section 102.04(3) of the Wisconsin Statutes producing income for the property owner in the amount of six thousand dollars (\$6,000.00) in one calendar year or eighteen thousand (\$18,000.00) over a period of three (3) years.

29. FRONTAGE- the length of all contiguous 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.
30. FRONTAGE, ZONING LOT - the length of all the contiguous property of such zoning lot fronting on a street, measured between side lot lines.
31. FUR FARM - agricultural operation where the major income is derived from the selling or sale of fur bearing animals and/or pelts.
32. GRADE - the average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.
33. 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 on.
34. 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.
35. HARD SURFACED - a driveway or parking lot surfaced with concrete, bituminous paving or crushed stone.
36. HOME OCCUPATION – An accessory use of a residential dwelling unit by the resident thereof; provided that the accessory use is limited in extent and incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character thereof.
37. 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.
38. INDUSTRIAL PARK - a special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing then 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.
39. RECYCLING (SALVAGE) YARD - an open 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, and automobiles.

40. LODGING HOUSE - a residential building, or portion thereof - other than a motel, apartment hotel, or hotel – containing lodging rooms which accommodate persons who are not members of the keeper's family.
41. 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, but not including the public street or right-of-way.
42. 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, and certified survey maps approved and recorded in the Register of Deeds Office of Brown County.
43. 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 lot" may or may not coincide with a lot of record.
44. LOT, CORNER - a lot located at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.
45. LOT, DEPTH OF - the mean horizontal distance between the front lot line and the real lot line of a lot, measured within the lot boundaries.
46. LOT, INTERIOR - a lot other than a corner lot.
47. LOT, LINES - the peripheral boundaries of a parcel of land including the public street or right-of-way lines as a boundary line but not including the area within the public street or right-of-way.
48. LOT, AREA – the area lying within the peripheral boundary lines of a parcel of land not including that land lying within the public street or right-of-way.
49. LOT, THROUGH - interior lot having frontage on two (2) nonintersecting streets.
50. 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.
51. MOBILE HOME - any vehicle or structure which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped, used or intended to be used primarily for human habitation, including any addition, attachments, annexes, foundations and appurtenances thereto.

52. MOBILE HOME PARKS - any site, parcel or tract of land designed, maintained, intended or developed with facilities for locating two (2) or more mobile homes. It shall not include a sales lot in which automobiles or unoccupied mobile home units are parked for the purpose of inspection or sale.
53. 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.
54. MOTOR VEHICLE - any passenger vehicle, truck, truck trailer, trailer, or semi-trailer propelled or drawn by mechanical power.
55. 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 of the regulations of this ordinance or of any amendment hereto governing use for the zoning district in which such use is located.
56. PARKING SPACE - a graded and surfaced area of not less than one hundred (100) 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.
57. 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.
58. 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.
59. 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.
60. 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.

61. SETBACK - minimum horizontal distance between the front line of a building or structure and the front property line.
62. 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 of 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.
63. SIGN, ADVERTISING - a sign which directs attention to a business, commodity, service or entertainment not exclusively related to the premises where such sign is located or to which it is affixed.
64. 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.
65. STOCK FARM - an agricultural operation, usually non-dairying in nature where livestock are raised to the required age or weight for slaughterhouse purposes or for sale to commercial feedlots.
66. 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.
67. 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, thoroughway or however otherwise designated, but does not include driveways to buildings.
68. 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.
69. STRUCTURAL ALTERATION - Any 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.
70. 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 "nonconforming".

71. WINERY – an establishment for the commercial production and bottling of wine.
72. 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.
73. YARD, FRONT - a yard extending along the full length of the front lot line between the side lot lines.
74. YARD, SIDE - a yard extending along a side lot line from the front yard to the rear yard.
75. 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 New Denmark.

B. Existing Ordinance

Restriction or requirements with respect to buildings or land or both which appear in other ordinances of the Town of New Denmark 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 (1) 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 and approval by the Town Plan Commission.
4. Accessory and temporary 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. The above height and area regulation shall not apply to accessory and temporary buildings designated as farm structures. However, the farm structures shall be located on a minimum farm site of five (5) acres.
5. If a nonconforming 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 nonconforming use is damaged by fire, explosion, act of God, violent wind, vandalism, fire, flood, ice, snow, mold, or infestation; to the extent of more than sixty percent (60%) of its current local assessed value; such structure may only be restored to a nonconforming use in conformity with Sec. 60.61(5m) Wisconsin Statutes (2013-14).

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 this ordinance, such lot may be occupied by a family if it meets the requirements of the Brown County Sanitary and Subdivision Ordinances.
8. Where the Town Building Inspector 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 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 XIX.

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 has been created by the accumulation of two (2) or more separate parcels.
3. 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, wireless television or broadcasting towers, masts or aerials, telephone, telegraph and power transmission poles and lines, microwave radio relay structures and necessary mechanical appurtenances are hereby exempted from the height regulations of this Ordinance.

3. Churches, schools, hospitals, sanitariums and other public and quasi-public buildings may be elected 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. Residence 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 five (5) 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 five (5) 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 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 use 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 percent (50%) 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.

ARTICLE V - ESTABLISHMENT OF ZONES

A. Zone District

For the purpose of this ordinance, the Town of New Denmark, Brown County, Wisconsin is hereby divided into the following zoning districts:

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

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 New Denmark, Brown County, Wisconsin, adopted November 10, 2008" 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. All zoning plats established prior to the original Zoning Map dated August 12, 1974 are grandfathered in as zoned even if said plats fail to meet the requirements set forth 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 line 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. Conservancy districts shall follow soil unit delineations identified on the U.S.D.A. Soil Conservation Service Soil Maps for the Town of New Denmark as determined by the Town Zoning Administrator.
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 show 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, the Board of Adjustment, after due hearing 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, wires, cable conduits, vaults, laterals, pipes, mains, valves, or any other similar distributing equipment for telephone or other communications, and electric power, gas, water and sewer lines, provided that the installation shall conform to the Federal Communication Commission anal Federal Aviation Agency rules and regulations, and other authorities having jurisdiction.

ARTICLE VI - R-I RESIDENTIAL

The following regulations shall apply in R-I Districts:

A. Permitted Uses

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

B. Permitted Accessory Uses

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

C. Conditional Uses

1. Multi-family dwellings
2. Home occupations
3. Mobile home parks
4. Planned unit development
5. Religious institutions in the form of convents, seminaries and monasteries
6. Cemeteries

7. Fire stations, police stations, post offices and other municipal facilities necessary for town operation.

8. Artificial Lakes

D. Lot Requirements with Public Sewer Only

1. Area – 10,000 square feet minimum

2. Zoning Lot Frontage – 85 feet minimum

E. Height Regulations

1. All structures – 35 feet maximum, except as provided by Article IV, Subsection E, Height Regulations

F. Building Setbacks

	<u>Principal Structure</u>	<u>Temporary & Accessory Building</u>
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 right of way	25 feet minimum from right-of-way

G. Building Size

1. Minimum size of dwelling shall be one thousand one hundred (1,100) square feet.

H. Accessory Building

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 XIV Off-Street Parking Requirements.

J. Signs

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

ARTICLE VII – A-R AGRICULTURE-RESIDENTIAL

The following regulations shall apply in A-R Districts:

A. Permitted uses

1. Agriculture, dairying, floriculture, forestry, general farming, 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. Commercial feed lots and stock farms
4. Parks, recreational sites and golf courses
5. Single family dwellings
6. Farm ponds
7. Transmission lines, substations, telephone and telegraph lines, public utility installations, radio and television stations and railroad right-of-way and passenger depots, not including switching, storage freight yards, or siding.

B. Permitted Accessory Uses

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

C. Conditional Use

1. Fur farms as defined under Article III
2. Artificial lakes
3. Colleges, universities, schools (elementary, junior high and senior high), hospitals, sanitariums, churches and other religious institutions.
4. Airfields, airports and heliports
5. Cemeteries

- 6. Quarries, sand and gravel pits
- 7. Town sanitary landfills and town solid waste disposal sites
- 8. Wineries where the fruit used to produce the wine is grown on site.

D. Lot Requirements

Area - 1½ acres minimum
 Zoning Lot Frontage – 200 feet minimum

E. Height Regulations

Farm Structures – 60 feet maximum*
 Residential Dwellings – 35 feet maximum*

F. Building Setbacks

	Principal Structure	<u>Temporary & Accessory Buildings</u>
Front Yard	50 feet minimum from right-of-way	50 feet minimum from right-of-way
Side Yard	25 feet minimum	25 feet minimum
Rear Yard	25 feet minimum	25 feet minimum
Corner Side	50 feet minimum from right-of-way	50 feet minimum from right-of-way

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

G. Building Size

Minimum size of residential dwelling shall be one thousand one hundred (1,100) 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 XIV, Off-Street Parking Requirements.

J. Signs

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

K. Other Requirements

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

ARTICLE VIII(A) – AGRICULTURAL FARMLAND PRESERVATION DISTRICT (AG-FP)

Lawful uses which are pursuant to the preservation of prime agricultural land for continual farming and which are performed in a manner consistent with the requirements of this Ordinance, shall be permitted in all **AG-FP** Districts. The following shall apply in **AG-FP** Districts:

A. Definitions

In this farmland preservation ordinance:

1. “Accessory use” means any of the following 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 farm residence, including normal residential appurtenances.
 - d. A business, activity, or enterprise, whether or not associated with an agricultural use, which meets all of the following requirements:
 - i. It is conducted on a farm by an owner or operator of that farm.
 - ii. It requires no buildings, structures, or improvements other than those described in par (a) or (c).
 - iii. It employs no more than 4 full-time employees annually.
 - iv. 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 a facility, whether or not located on a farm, that has at least one of the following as a primary and not merely incidental purpose:
- a. Providing agricultural supplies, agricultural equipment, agricultural inputs or agricultural service directly to farms, including farms in the farmland preservation zoning district.
 - b. Storing, processing or handling raw agricultural commodities obtained directly from farms, including farms in the farmland preservation zoning district.
 - c. Slaughtering livestock, including livestock from farms in the farmland preservation zoning district.
 - d. Marketing livestock to or from farms, including farms in the farmland preservation zoning district.
 - e. Processing agricultural by-products or wastes received directly from farms, including farms in the farmland preservation zoning district.
4. “Common ownership” for purposes of the farmland preservation ordinance means ownership by the same person or persons. “Common ownership” includes land owned by the same individual, married couple, joint tenants, tenants in common, corporation, LLC, partnership, estate or trust. Solely for purposes of this definition, a parcel owned by one member of a married couple is deemed to be owned by the married couple.
5. “Contiguous” means adjacent to or sharing a common boundary. “Contiguous” land includes land that is separated only by river, stream, section line, public road, private road, railroad, pipeline, transmission line, or transportation or transmission right-of-way. Parcels are not “contiguous” if they meet only at a single point.

6. “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.
7. “Farm residence” means a single-family or duplex residence that is the only residential structure on the farm.
8. “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.
9. “Livestock” means bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game bird, camelids, ratites and farm-raised fish.
10. “Open space parcel” means a parcel on which no buildings, other than hunting blinds or small sheds, have been constructed or approved for construction.
11. “Person” means an individual, corporation, partnership, limited liability company (LLC), trust, estate or other legal entity.
12. “Prime agricultural farmland” means all of the following:
 - a. An area with a class I or class II 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.
13. “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 the ordinance.

14. "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 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.

B. Land Use in Farmland Preservation District; General.

Only the following land uses are allowed in a farmland preservation zoning district:

1. Uses allowed under Sections C and D without a conditional use permit.
2. Uses allowed under Section E with a conditional use permit.
3. Prior nonconforming uses, subject to 60.61(5) Wis. Stats.

C. Permitted Uses.

The following land uses are allowed without a conditional use permit in a farmland preservation zoning district:

1. Agricultural Uses, as defined herein.
2. Undeveloped natural resources and open space area.
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.

D. Permitted Accessory Uses.

The following accessory land uses are allowed without a conditional use permit in a farmland preservation zoning district:

1. A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use, including:
 - a. A facility to store or process raw agricultural commodities, all of which are produced on the farm.
 - b. A facility used to keep livestock on the farm.
 - c. A facility used to store or process inputs primarily for agricultural uses on the farm.
 - d. A facility used to keep or service vehicles or equipment primarily employed in agricultural uses on the farm.
2. An activity or business operation that is an integral part of or incidental to, an agricultural use.
3. A farm residence, including normal residential appurtenances such as a pool, deck, or patio.
4. 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 the farm.
 - b. It requires no buildings, structures, or improvements other than those described in par. (a) or (c).
 - c. It employs no more than 4 full-time employees annually. It does not impair or limit the current future agricultural use of the farm or other protected farmland.

E. Conditional Use.

1. General.

- (a) The Town of New Denmark Plan Commission 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 Town of New

Denmark Plan Commission shall follow the procedures described in Town of New Denmark Zoning Ordinance Article XIX. Administration and Enforcement.

- (b) Before issuing a conditional use permit under par. (a), the Town of New Denmark Plan Commission shall determine in writing that the proposed use meets applicable conditions under this section. The Town of New Denmark Plan Commission may issue the permit subject to any additional conditions which the Town of New Denmark Plan Commission deems necessary to carry out the purposes of this ordinance.

2. Certain Conditional Uses.

- a. The Town of New Denmark may issue a conditional use permit for the certain conditional uses under Section E (2) (b) if all of the following apply:
 - i. The use supports permitted uses in the farmland preservation zoning district in direct and significant ways, and is more suited to a farmland preservation zoning district than to an industrial or commercial zoning district.
 - ii. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
 - iii. 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.
 - iv. The use is reasonably designed to minimize conversion of land, at and around the use site, from agricultural use of open space use.
 - v. The use does not substantially impair or limit the current or future agricultural use of other protected land.
 - vi. Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.
- b. Conditional Uses include:
 - 1. Farmstead food processing facilities.

2. A grain warehouse, potato warehouse, or other warehouse that stores raw agricultural commodities received from farms.
3. A dairy plant that processes or handles milk from farms.
4. A meat slaughter establishment.
5. A food processing plant that processes raw agricultural commodities received from farms.
6. A feed mill or rendering plant that processes raw agricultural commodities or agricultural by-products received directly from farms, or supplies animal feed directly to farms.
7. An ethanol plant, bio-diesel plant, communal manure digester, pelletizing plant or other facility that processes raw agricultural commodities, agricultural by-products or agricultural wastes (received directly from farms) to produce bulk fuel or other bulk products.
8. A sawmill or other facility that processes wood or other forest products received directly from farms.
9. A facility that provides farm inputs such as fertilizer, pesticides, seed or feed directly to farms.
10. A facility that is primarily engaged in sale and servicing of farm vehicles or other farm equipment.
11. A facility that is primarily engaged in providing agronomic or veterinary services to a farm.
12. A wind turbine or solar energy facility that collects wind or solar energy on the farm, and uses or transforms it to provide energy primarily for use on the farm.
13. A manure digester, bio-fuel facility, or other facility that produces energy primarily from materials grown or produced on the farm primarily for use on the farm.

14. A waste storage or processing facility used to store or process animal waste produced solely from livestock kept on the farm.

3. Compatible Infrastructure.

a. The Town of New Denmark may issue a conditional use permit for a proposed use under Section E, Conditional Use, if all of the following apply:

- i. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
- ii. 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.
- iii. 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.
- iv. The use does not substantially impair or limit the current or future agricultural use of other protected farmland.
- v. Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.

b. The Town of New Denmark may issue a conditional use permit for any of the following compatible infrastructure uses if that use meets applicable conditions under par. (a):

1. Transportation uses, including rail facilities, and agricultural aeronautic facilities.
2. Communication uses, including cell towers, antennae and broadcast towers.

F. Government and Nonprofit Community Uses.

1. The Town of New Denmark may issue conditional use permits for a government use, or for an institutional, religious or community use, if the Town of New Denmark determines that all of the following apply:

- a. The use and its location in the farmland preservation zoning district are consistent with the purpose of the farmland preservation zoning district.
- b. 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.
- c. The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
- d. The use does not substantially impair or limit the current or future agricultural use of other protected farmland.
- e. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

2. Government and Nonprofit Community Conditional Uses Include:

- a. Fire stations, police stations, post offices, and other government administration buildings.
- b. Schools, colleges, and universities.
- c. Religious institutions, including cemeteries and mausoleums.
- d. Public parks and recreation areas.

G. Dimensional Requirements

1. Lot Requirements within the AG-FP District:

Area – 35 Acres minimum

Zoning lot frontage – 500 feet minimum of contiguous frontage as defined herein.

2. Height Regulations:

Farm Structures – 60 feet maximum *

Residential Dwellings – 35 feet maximum

3. Building Setbacks:

	Principal Structure	Temporary & Accessory Buildings
Front Yard	50 feet minimum From right-of-way	50 feet minimum From right-of-way
Side Yard	25 feet minimum	25 feet minimum
Rear Yard	25 feet minimum	25 feet minimum

4. Building Size:

Minimum size of a residential dwelling shall be one thousand one hundred (1,100) square feet

5. Accessory Buildings:

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

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

H. Other Requirements

1. Parking:

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

2. Signs:

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

3. Other structures or buildings allowed within the **AG-FP** District shall meet the requirements of the District and remaining articles of the zoning ordinance as determined by the Town Zoning Administrator.

4. Soils within the **AG-FP** district shall be actively farmed using accepted conservation practices so as to insure a continuation of farming, prevent erosion of the soils and prevent depletion of soil quality.

5. Farm dwellings and related structures, existing prior January 1, 2015, which remain after farm consolidation may be separated from the farm parcel on a lot containing a minimum of one and one-half (1.5) acres and two hundred (200) feet of contiguous lot frontage.

6. Existing nonconforming residences located in the **AG-FP** that were constructed before January 1, 2014 may be continued in residential use and may be exempted from any limitations imposed or authorized under Article XVIII, Nonconforming Uses, Items 1, 2, 3, and 4.

I. Rezoning Land Out Of A Farmland Preservation Zoning District.

1. Except as provided in sub. (2), Town of New Denmark Plan Commission may not rezone land out of a farmland preservation zoning district unless the Town of New Denmark Plan Commission 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 any comprehensive plan, adopted by the Town of New Denmark Plan Commission, 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 other 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. The Town will report by March 1 of each year, to the State of Wisconsin Department of Agriculture, Trade and Consumer Protection and Brown County, the number of acres of the land in the Town that has been rezoned out of AG-FP District under Subsection (1) during the prior year and a map clearly showing the location of those acres in compliance with sec. 91.48 (2) & (3) Wis. Stats.

ARTICLE VIII(B) – A-1 AGRICULTURAL DISTRICT

Lawful uses which are pursuant to the preservation of prime agricultural land for continual farming and which are performed in a manner consistent with the requirements of this Ordinance, shall be permitted in all A-1 Districts.

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. Commercial feed lots and stock farms
3. Farm ponds
4. Transmission lines, substations, telephone and telegraph lines, public utility installations, radio and television stations, and public highway rights-of-way and improvement projects

B. Permitted Accessory Uses

1. Single family dwellings for those resident owners and laborers actually engaged in the farming operation, as defined herein.
2. 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.
3. Additional structures necessary for the continuance of farming operation.

C. Conditional Uses

1. Fur farms as defined under Article III
2. Artificial lakes
3. Colleges, universities, schools (elementary, junior high, and senior high), hospitals, sanitariums, churches and other religious institutions, which do not conflict with agricultural use and/or are found necessary in light of alternative locations available for such uses.

4. Airfields, airports and heliports, if public facilities or incidental to the farm operation.
5. Cemeteries, which do not conflict with agricultural use and/or are found necessary in light of alternative locations available for such uses.
6. Quarries, sand and gravel pits if public facilities or incidental to the farm operation.
7. Town sanitary landfills and town solid waste disposal sites, which do not conflict with agricultural use and/or are found necessary in light of alternative locations available for such uses.
8. Commercial raising of animals including foxes, mink and rabbits.
9. Riding academies and stables, which do not conflict with agricultural use and/or are found necessary in light of alternative locations available for such uses.
10. Agricultural warehouses, which do not conflict with agricultural use and/or are found necessary in light of alternative locations available for such uses.
11. Parks, recreation sites, and golf courses, if they are public facilities.
12. Railroad right-of-way and passenger depots, not including switching, storage freight yards, or sidings, which do not conflict with agricultural uses and /or are found necessary in light of alternative locations available for such uses.
13. Wineries where a portion of the fruit used to produce the wine is grown on site.
14. Mobile Home Parks pursuant to Article XII

D. Lot Requirements

Area - 35 acres minimum

Zoning lot frontage – 500 feet minimum of contiguous frontage as defined in herein.

E. Height regulations

Farm Structures – 60 feet maximum*

Residential Dwellings – 35 feet maximum*

F. Building Setbacks

	Principle Structure	<u>Temporary & Accessory Buildings</u>
Front Yard	50 feet minimum From right-of-way	50 feet minimum from right-of-way
Side Yard	25 feet minimum	25 feet minimum
Rear Yard	25 feet minimum	25 feet minimum
Corner Yard	50 feet minimum from right-of-way	50 feet minimum from right-of-way

G. Building Size

Minimum size of a residential dwelling shall be one thousand one hundred (1,100) square feet.

H. Accessory Buildings

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

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

I. Parking

Parking shall conform to the requirements as set forth in Article XIV off-street parking requirements.

J. Signs

Signs shall be regulated as set forth in Article XIII sign regulations.

K. Other requirements

1. Other structures or building allowed within the A-1 District shall meet there requirements of the District and reaming articles of the zoning ordinance as determined by the Town Zoning Administrator.

2. Soils with in the A-1 District shall be actively farmed using accepted conservation practices so as to insure a continuation of farming, prevent erosion of the soils an prevent depletion of soil quality.
3. Lands applicable – Soils of United States Department of Agriculture Land Capability Class I, II, and III Classification shall be considered as prime agricultural lands for the purpose of this Article.
4. Farm dwellings and related structures which remain after farm consolidation may be separated from the farm parcel on a lot containing a minimum of one and one-half (1.5) acres and two hundred (200) feet of contiguous lot frontage.
5. Existing nonconforming residences located in the A-1 Agriculture Districts at the time of the passage of this ordinance may be continued in residential use and may be exempted from any limitations imposed or authorized under Article XVIII Nonconforming Uses, Items 1, 2, 3, and 4.

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. Book and stationary stores
9. Business and professional use
10. Candy and confectionary stores
11. Carpet, rug and drapery stores
12. Clinics - doctor and dentist offices
13. Clothing and dry goods stores
14. Recognized fraternal and nonprofit clubs and lodges
15. Drug stores and pharmacies
16. Electrical and household appliance stores, including radio and television sales
17. Florist shops
18. Food stores, grocery stores and meat markets (retail sales only).
19. Hardware and paint stores

20. Jewelry stores
21. Liquor and packages goods stores
22. Post offices
23. Music stores including instrument sales and repairs
24. Office supply stores
25. Office machine sales stores
26. Parking lots and off-street loading areas
27. Laundrettes
28. Pet shops
29. Printing offices
30. Restaurants including the serving of alcoholic beverages
31. Shoe stores
32. Sporting good stores
33. Studios – photography, dance, design and artist – illustrators
34. Taverns
35. Tailor shops, toy shops, etc.
36. Variety stores
37. Radio and television stations excluding towers
38. Dry cleaning establishments
39. Furniture stores

B. Permitted Accessory Uses

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

C. Conditional Uses

1. Agricultural implement dealers

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 constructions 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. Mobile home parks
16. Mobile home and trailer sales and rentals
17. Public utility and service uses
18. Shopping centers
19. Stadiums, auditoriums and arenas
20. Theaters
21. Undertaking establishments and funeral parlors
22. Car washes
23. Used motor vehicle sales and services
24. Wholesale establishments
25. Wineries, breweries and distilleries

D. Lot requirements

With Public Sewer: Area – 15,000 square feet minimum
Zoning lot frontage – 85 Feet minimum

Without Public Sewer: Area – 40,000 square feet minimum
Zoning lot frontage – 100 feet minimum

E. Height Requirements

All Structures – 35 feet maximum, except as provided by Article IV, Subsection E, Height Regulations.

F. Building Setbacks

	Principle Structure	<u>Temporary & Accessory Buildings</u>
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
Corner Yard	30 feet minimum from right-of-way	30 feet minimum from right-of-way

G. Building Size

1. Minimum of eight hundred (800) square 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 XIV Off-Street Parking Requirements.

J. Signs

Signs shall be regulated as set forth in Article XIII 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. Dairy processing plants for milk and cheese
9. Electronic and scientific precision equipment
10. Feed and seed sales
11. Food processing establishments
12. Freight yards, terminals, and transshipment depots (motor trucks)
13. Fuel and ice sales
14. Glass products production and sales
15. Light machinery production
16. Lodges and offices of labor organizations
17. Manufacturing and bottling of non-alcoholic beverages
18. Municipal facilities
19. Parking lots
20. Printing and publishing establishments

21. Public utility and service uses
22. Warehouses, storage, and distribution facilities

B. Permitted Accessory Uses

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

C. Conditional Uses

1. Air, motor, railroad, and water freight terminals
2. Auto wrecking yards
3. Paper products manufacturing
4. Parks and recreational sites
5. Petroleum products, storage, processing and sales
6. Planned industrial unit development
7. Plastic manufacturing
8. Sewage treatment plants
9. Stadiums, auditoriums and arenas open or enclosed
10. Woodworking and wood products
12. Wineries, breweries and distilleries
11. Other manufacturing, processing or storage uses as determined acceptable by the Town Zoning Administrator and the Town Planning Commission.

D. Lot requirements

With Public Sewer: Area – 40,000 square feet minimum;
 Zoning lot frontage – 100 Feet minimum

Without Public Sewer: Area – 40,000 square feet minimum
 Zoning lot frontage – 100 feet minimum

E. Height Requirements

Principal Structure– 60 feet maximum, except as provided by Article IV, Subsection E, Height Regulations.

F. Building Setbacks

	Principle Structure	<u>Temporary & Accessory Building</u>
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
Corner Yard	25 feet minimum from right-of-way	25 feet minimum from right-of-way

G. Accessory Building

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

H. Parking

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

I. Signs

Signs shall be regulated as set forth in Article XIII sign regulations.

J. Other Requirements

Additional structures and buildings allowed in the I-1 Limited Industrial District shall meet the regulations of this district and other articles of the zoning ordinances 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 the 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
5. Wild crop harvesting
6. Sustained yield forestry
7. Fish hatcheries
8. Fences
9. Grazing and general farming provided a minimum of ten (10) feet of open land in its natural state be maintained between the grazing or farmed area and the edge of the stream bank with crossing permitted for cattle.*
10. Other uses which would not impair the natural fauna, flora, or water regimen.

* The interpretation of this section is as follows:

A farmer will be able to grow cultivated crops to within ten (10) feet of the stream bank edge. He will be able to graze cattle along the stream without fencing if his 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 ten (10) feet of the stream bank or otherwise abate the pollution in such manner as may be determined by the Town Planning Commission. If a fence has to be erected, provision will be allowed for watering cattle in the stream.

B. Conditional uses

1. Bridle and hiking paths

2. Parks, playgrounds, and other open recreation areas, if public.
3. Outdoor archery, rifle, or trap or skeet-shooting ranges, if public.
4. Golf courses and golf driving ranges, if public facilities
5. Irrigation
6. Sod Farming
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.

C. Other Requirements

Any use allowed in the C-1 District shall meet the regulations of this district and the other articles of the zoning ordinance as determined by the Town Zoning Administrator.

D. Warning and Disclaimer of Liability

The degree of flood protection intended to be provided by this Ordinance is considered reasonable for normal water or flooding levels. This Ordinance does not imply that areas adjacent to district boundaries, or uses permitted within such a district will always be free from flooding or water damage. Nor shall this ordinance create a liability on the part of the Town or any officer or employee thereof for any flood or water damagers that may result from reliance or compliance with this Ordinance.

ARTICLE XII – MOBILE HOME PARKS

This article shall regulate the parking, location and maintaining of all mobile homes and mobile home parks within the Town of New Denmark.

Mobile home parks shall be allowed as Conditional Uses in the R-1 Residential District only.

Mobile home parks shall be prohibited in all other zoning districts within the Town of New Denmark.

No mobile home park space shall be rented or leased for a period of less than thirty (30) days.

A. Definitions

The following definitions are in addition to Article III to further clarify and explain word usage in conjunction with this article on mobile home parks.

Mobile homes, mobile home parks and accessory use of a building shall apply as defined in Article III, Definitions.

1. UNIT – one (1) mobile home with wheels removed.
2. DEPENDENT UNIT – a mobile home lacking a bath or shower and toilet facilities.
3. INDEPENDENT UNIT – a mobile home that contains a kitchen, toilet facilities, bath or shower and fully equipped for living purposes.
4. PERSON – shall be construed to include an individual, partnership, firm, company, corporation, whether tenant, owner, lessee, licensee or other agent, heir of assign.
5. SPACE – a plot of land, whether leased, sold, rented, or transferred, which is intended for location of one (1) mobile home only.

B. Location Outside of Mobile Home Park

1. No person shall park or occupy a mobile home outside of an approved mobile home park except as provided for in Sub-section C of this Article and except as provided by Article VIII, Section C.
2. Emergency or temporary stopping or parking is permitted on any street, alley or highway for not longer than one hour subject to any other and further prohibition imposed by the traffic and parking regulation or ordinance for that street, alley or highway.

C. Permit for Location Outside of Mobile Home Park

(Permits issued under this section are nontransferable and will expire under change of occupancy.)

1. Upon a showing of a hardship and/or immediate necessity for use, the Town Zoning Administrator may issue special written permits allowing the location of a mobile home outside of a mobile home park for a period not to exceed ninety (90) days for any one (1) premises in any twelve (12) month period. The permit shall be granted only upon the written consent of the owner, legal agent of the owner, or the lessee of the location for which the permit is issued. Not more than one (1) mobile home shall be granted a permit to locate on any one (1) premises outside a mobile home park. Any violation of this clause shall comply with the penalty as set forth in Article XIX Administration and Enforcement of this Ordinance.
2. Application for the permit shall be made to the Town Clerk and shall be accompanied by an inspection fee of two hundred (\$200.00), and shall state the name and permanent addresses of the occupants of the mobile home, the license number of the mobile home and towing vehicle, place of last stay, intended purpose of stay at requested location, whether any occupant is employed in state; the exact location of premises, and the owner's and/or occupants sanitary facilities, and the permission of the occupant of the dwelling house for their uses; and a statement that all wastes from mobile home occupancy will be disposed of in a sanitary manner. Application for location on a vacant lot or parcel of land shall be accompanied by a statement of the nature and location of sanitary facilities, which must include a safe water supply and toilet within two hundred (200) feet of the proposed location of the mobile home, and a statement of permission from the owner for their use.
3. All occupied mobile homes not located in a mobile home park shall be subject to the remaining regulations of this Ordinance.

D. Mobile Home Park License

1. No person shall establish, operate or maintain or permit to be established, operated or maintained upon any property owned, leased, rented or controlled by him a mobile home park within the Town of New Denmark without first securing a license from the Town Board. The license shall expire one (1) year after issuance and must be renewed annually.
2. An annual fee of two hundred (\$200.00) shall be charged for the mobile home license or the renewal thereof.
3. The application for a license or renewal thereof shall be made on forms furnished by the Town Clerk and shall include the name and address of the owner in fee of

the tract (if the fee is vested in some person other than the applicant, a duly verified statement by that person that the applicant is authorized by him to construct or maintain the mobile home park and make the application), and such legal description of the premises upon which the mobile home park is or will be located as will readily identify and definitely locate the premises.

4. The applicant shall further comply with mobile home regulations as set forth in the Wisconsin Statutes Chapter 66.0453, and all amendments thereto.

E. Mobile Home Park Plan

1. Prior to the issuing of any license or permit for a mobile home park, the developer shall submit three (3) copies of the Mobile Home Park Plan to the Town Plan Commission of New Denmark. The plan shall be approved in writing by the Town Plan Commission prior to the start of construction or development of the park.
2. Each Mobile Home Park Plan submitted to the Town Plan Commission shall require the following information:
 - a. Exact area and extent of the proposed park, accompanied by a legal description or certified survey map. Plans shall be drawn at a scale of one (1) inch to two hundred (100) feet minimum.
 - b. All roadways, driveways, and ingress and egress points, and parking bays.
 - c. Complete layout of storm, sanitary and water systems for the park.
 - d. Plan for electrical distribution and lighting facilities.
 - e. Method and plan of garbage removal.
 - f. Plans for providing adequate fire protection for the park.
3. All mobile home parks shall further comply with the sanitation and health regulations as set forth by the State of Wisconsin and Brown County
4. Electrical service to mobile home spaces shall conform to the regulations as set forth in Chapter SPS 316 Wisconsin Administrative Code and all amendments thereto.
5. An adequate supply of pure water, furnished through a pipe distribution system with supply faucets shall be furnished for drinking and domestic purposes.
6. All mobile homes shall be independent units.

F. Driveways, Roadways, and Parking

1. All drives, parking areas, and walkways shall be hard surfaced.
2. Within the mobile home parks, a minimum roadway width of thirty (30) feet shall be established.
3. The mobile home park shall have direct access to a state highway, county highway or town road. There shall be sufficient points of ingress and egress to provide proper traffic movement as determined by the Plan Commission.
4. There shall be one (1) hard surfaced off-street automobile parking space for each mobile home unit. Minimum dimension of the parking space shall be ten (10) feet by twenty (20) feet in size.

G. Site and Yard Requirements

The following regulations shall apply to all mobile home spaces that are sold, rented, leased or transferred in an approved mobile home park.

1. Mobile homes and Mobile Home Parks shall be a Conditional Use in the Residential R-1 District.
2. The minimum size of a mobile home park shall be five (5) acres in sewer area.
3. Space Size:
 - a. Unsewered Locations: (Hardship Sites Only)
Each mobile home space –

Area - 1 ½ acre minimum
Width - 100 feet minimum
 - b. Sewered Locations:
Each mobile home space –

Area - 5,000 square feet minimum
Width - 50 feet minimum
4. A concrete or bituminous pad shall be constructed on each mobile home space. The minimum size of this pad shall be ten (10) feet side by fifteen (15) feet in length. The minimum thickness of the surfacing shall be four (4) inches. The pad shall enclose all utility connections for the mobile home.

5. Each mobile home space shall provide a front yard setback of ten (10) feet and a rear yard setback of twenty (20) feet. Side yards shall have a minimum setback of five (5) feet each.
6. The yard setbacks shall be seeded and landscaped and in no case shall they be used for off –street parking or be occupied by a mobile home and/or its accessory buildings except for the following conditions:
 - a. Structures for utility outlets and garages serving more than one (1) mobile home space may be located within the side or rear yard setback of a common lot line.
 - b. The hitch used for pulling the mobile home may protrude into the front yard setback.

H. Parking Fee and Assessment

The Town Board of New Denmark shall have the authority to impose a parking fee on mobile homes within an approved mobile home park or outside of an approved park as provided for in Section 66.0435 of the Wisconsin Statutes.

The parking fee shall be based on the following regulations:

1. There is hereby imposed on each owner or operator of a mobile home park licensed hereunder a parking permit fee on each occupied mobile home unit which shall have been parked in such mobile home park. The parking fee shall also apply to mobile home units located outside of an approved mobile home park. The amount of the parking fee shall be determined by the Town Board of New Denmark and the local Town Assessor in accordance with Wisconsin State Statute, Chapter 66.0435 and as amended. No mobile home space shall be rented for a period of less than thirty (30) days.
2. The local assessor shall determine the total fair market value of each occupied mobile home, minus the tax exempt household furnishings, and then equalized to the general level of assessment on other real and personal property in the Town of New Denmark.
3. The value of each occupied mobile home thus determined shall be multiplied by the general property gross tax rate, less any credit rate for the property tax relief credit, established on the preceding year's assessment of general property.
4. Total annual parking permit fee shall be divided by twelve (12) to determine monthly fee.

5. A new fee rate and a new valuation shall be established each January and shall continue for that calendar year.
6. Said parking fee shall be collected by the owner or operator of the mobile home park and paid to the local taxing authority on or before the 10th day of the month following the period for which such parking permit is due.
7. No fee shall be imposed on a mobile home from another state, unless said unit has been placed within the Town of New Denmark for a sixty (60) day period.
8. The Town of New Denmark may retain ten percent (10%) of the parking fee for administration costs.
9. The Town of New Denmark shall pay to the school district in which park is located, within twenty (20) days after the end of each period such proportion of the remainder of the fees collected in the preceding month as the ratio of the most recent property tax for school purposes bears to the total tax levy for all purposes in the municipality.

I. Management

1. In every mobile home park there shall be located the office of the attendant or person in charge of said park. A copy of the park license and of this ordinance shall be kept in said office.
2. It is hereby made the duty of the attendant or person in charge, together with the licensee to:
 - a. Keep a register of all occupants, to be open at all times to inspection by state, federal and local officials, which shall show for all occupants of the mobile home park the following:
 1. Names and addresses
 2. Number and ages of all children
 3. Number of public elementary school children
 4. Number of public secondary school children
 5. State of legal residence
 6. Dates of entrance and departure
 7. License numbers of all mobile homes and towing or other vehicles
 8. State issuing such license
 9. Purpose of stay in park
 10. Place of last location and length of stay
 11. Place of employment of each occupant

- b. Maintain the park in a clean, orderly and sanitary condition at all times.
- c. Insure that the provisions of this Ordinance are complied with and enforced and report promptly to the proper authorities any violations of this Ordinance or any other violations of law which may come to his attention.
- d. Report to the health officer all cases of persons or animals afflicted or suspected of being affected with any communicable diseases.
- e. Maintain in convenient places, approved by the New Denmark fire Inspector, hand fire extinguishers in the ratio of one (1) for each eight (8) mobile home spaces.
- f. Collect the monthly parking permit fee provided for in Section H of this Article. A book shall be kept showing the names of persons paying said service charges and the amount paid.
- g. Submit with the total monthly parking permit fee payment to the Town Treasurer, a monthly report showing the names of persons paying said fees, and the amount paid if less than for a full month. The report to also indicate departure time for current tenants, and arrival time for new tenants including departure time if occurring the same month.

J. Penalty

Violation of Article XII Section thereof, shall result in a penalty imposed upon the violator as regulated in Article XIX Administration and Enforcement; Section O, Penalties.

ARTICLE XIII – SIGN REGULATIONS

The following regulations shall apply to all signs hereinafter erected or established with the Town of New Denmark.

A. General

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

B. Signs Exempt

All signs are prohibited in the Agricultural, Residential, and Agriculture-Residential zones except for the following:

1. Agricultural signs pertaining to the products of the agricultural premises not to exceed thirty-two (32) square feet in area for any one (1) 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 of the premises, the producer, and 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 Residential Zone, no sign shall exceed eight (8) square feet in area; whereas such signs shall not exceed 12 square feet in the Agriculture-Residential Zone. Corner lots in Residential Zones shall be permitted two (2) signs.
3. Name, occupation, and warning signs not to exceed two (2) square feet located on the premises. Corner lots shall be permitted two (2) such signs.
4. Bulletin boards of similar devices for churches and religious institutions shall not exceed thirty-two (32) 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, A-R Agricultural-Residential Districts, and A-1 Agricultural 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) store or eight (8) feet above the finished ground level, whichever is lower.
3. Non-residential 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 Districts shall conform to the following regulations set forth.

1. All signs over thirty-two (32) square feet 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 hearing by the Town of New Denmark Plan Commission and approval by the Town Board
2. Illuminated and flashing signs including LED displays shall be permitted only in the Community Business District. LED displays shall be permitted only upon approval by the Town of New Denmark Plan Commission at a public hearing and approval by the Town Board.
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 (1) 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 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 20 feet above the average ground level; and shall not be less than ten (10) feet above any pedestrian way, not less than 15 feet above a driveway.
8. One (1) pedestal – type sign, a ground sign generally supported by one (1) or more metal posts and not exceeding a height of twenty-five (25) feet, shall be permitted per 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.

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 including LED displays shall be prohibited in the Limited 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 XIII Section D – Community Business Districts.
4. Wall, roof, window and ground signs shall also comply with the required regulations as set forth in Article XIII Section D – Community Business District.
5. Signs shall further comply with the regulations as set forth in the Community Business Zone District.

ARTICLE XIV – OFF-STREET PARKING REQUIREMENTS

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

A. General

1. All parking spaces required to serve buildings 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 subsequently altered or enlarged so as to require the provisions of the 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.

<u>Angle</u>	<u>Stall Depth*</u>	<u>Width of Aisles*</u>
30°	17	12
45°	19	15
60°	20	18
90°	18	28

*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 lots of areas shall be subject to the approval of the Town Plan Commission 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 (1½) spaces for each dwelling unit.

3. MULTI-FAMILY DWELLINGS – one and one-half (1½) spaces for each dwelling unit.
4. MOTELS – one (1) space for each guest room plus one (1) stall for each three (3) employees.
5. HOTELS – one (1) space for each two (2) guest rooms plus such additional space as shall be required for supplemental uses, such as bars, ballrooms, or nightclub facilities in the hotel.
6. LODGING, ROOMING 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, 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 & UNIVERSITIES – one (1) parking space for each employee, plus one (1) space for each six (6) students.
15. PUBLIC LIBRARIES, ART GALLERIES, MUSEUMS – one (1) space for each fifty (50) square feet of gross floor space.
16. FRATERNITIES, SORORITIES & 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 & SKATING RINKS – parking spaces equal in number to thirty percent (30%) of the design capacity shall be provided.
21. AMUSMENT ESTABLISHMENTS NOT LISTED AND AMUSEMENT PARKS – parking spaces shall be provided in adequate number as determined by the Town Zoning Committee, 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 tee.
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 in persons of such clubs.
26. RECREATIONAL BUILDINGS AND COMMUNITY CENTERS – NON-COMMERCIAL – parking spaces equal in number to thirty percent (30%) of the capacity in persons shall be provided.
27. CONVENTS, SEMINARIES, MONASTERIES, NUNNERIES, RECTORIES, 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 & COMMERCIAL STABLES – one (1) parking space shall be provided for each employee, plus spaces adequate in number, as determined by the Town Zoning Committee, 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 one (1) space for each five thousand (5,000) square feet of lot area.
32. ANIMAL HOSPITALS & KENNELS – three (3) parking spaces shall be provided for each employee.
33. AIRPORTS & 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 & 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 additional space shall be furnished for each inside service bay.
35. AUTOMOBILE WASHES – one (1) space for each two (2) employees, plus one (1) space for manager, and in addition reservoir parking spaces equal to 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 great number possible of automobiles undergoing some phase of washing 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 & 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 additional space for each five (5) employees.
39. FOOD STORES, GROCERY STORES, MEAT MARKETS, BAKERIES, DELICATESSENS, SUPERMARKETS & 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 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 Zoning Committee deemed necessary 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 hundred (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 & 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 (1) 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 XV – 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 of expressway or freeway status.

C. Limitation of Access

1. There shall be no access points within five hundred (500) feet of the most remote and 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 roads 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 (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 right-of-way except where more stringent requirements are applicable.

ARTICLE XVI – ARTIFICIAL LAKES

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

A. Location

1. Artificial lakes shall be allowed as Conditional uses in the Agriculture-Residential Zones.

B. Permit

1. The property owner, developer or his assigned agent shall make application for an Excavation permit to the Town Zoning Committee prior to construction.
2. The Town Zoning Commission shall review and approve the site plan before issuing the Excavation Permit.

C. Site Plans

1. A map drawn at a minimum scale of one (1) inch to one hundred (100) feet showing the proposed lake site 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. Any artificially constructed lake two (2) acres or larger in area 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 of ten (10) 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 Social Conservation Service, Agriculture Stabilization Conservation Service and the Department of Natural Resources.
4. The ground water table in the surrounding area and adjacent to the lake shall be protected.
5. State Permits shall be required if high capacity wells are drilled on the site.
6. The Division of Environmental Health Requirements shall be met to insure proper safety of swimmers.
7. The perimeter of the lake shall be landscaped and seeded within six (6) months after completion of the excavation.
8. A Performance Bond shall be filed with the Town Board prior to the construction. Amount of bond per acre shall be specified by the Town Board of New Denmark.

ARTICLE XVII – MOBILE TOWER SITING

A. Title

This ordinance is entitled the Town of New Denmark Mobile Tower Siting Permit Ordinance.

B. Purpose.

The purpose of this ordinance is to regulate by zoning permit (1) the siting and construction of any new mobile service support structure and facilities; (2) with regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities; and (3) with regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.

C. Authority.

The Town Board has the specific authority under Sections 60.61 and 66.0404, Wis. Stats., to adopt and enforce this ordinance.

D. Adoption.

This ordinance, adopted by a majority of the Town Board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation by zoning permit (1) the siting and construction of any new mobile service support structure and facilities; (2) with regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities; and (3) with regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.

E. Definitions.

1. All definitions contained in s. 66.0404(1) are hereby incorporated by reference.

F. Subdivision and Numbering

This ordinance is divided into sections designated by uppercase letters. Sections may be divided into subsections designated by numbers. Subsections may be divided into

paragraphs designated by lowercase letters. Reference to a "section," "subsection," "paragraph," or "subdivision" includes all divisions of the referenced section, subsection, paragraph, or subdivision.

G. Siting and Construction of Any New Mobile Service Support Structure and Facilities

1. Application Process

a. A town zoning permit is required for the siting and construction of any new mobile service support structure and facilities. The siting and construction of any new mobile service support structure and facilities is a conditional use in the town obtainable with this permit.

b. A written permit application must be completed by any applicant and submitted to the town. The application must contain the following information:

i. The name and business address of, and the contact individual for, the applicant.

ii. The location of the proposed or affected support structure.

iii. The location of the proposed mobile service facility.

iv. 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.

v. 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.

vi. 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.

c. A permit application will be provided by the town upon request to any applicant.

d. If an applicant submits to the town an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the town shall consider the application complete. If the town does not believe that the application is complete, the town shall notify the applicant in writing, within ten (10) 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.

e. Within ninety (90) days of its receipt of a complete application, the town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the ninety (90) day period:

i. Review the application to determine whether it complies with all applicable aspects of the political subdivision's building code and, subject to the limitations in this section, zoning ordinances.

ii. Make a final decision whether to approve or disapprove the application.

iii. Notify the applicant, in writing, of its final decision.

iv. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

f. The town 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 paragraph b.vi.

g. If an applicant provides the town 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 set back or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the town provides the applicant with substantial evidence that the engineering certification is flawed.

h. The fee for the permit is three thousand dollars (\$3,000.00).

H. Class I Collocation

1. Application Process

a. A town zoning permit is required for a class 1 collocation. A class 1 collocation is a conditional use in the town obtainable with this permit.

b. A written permit application must be completed by any applicant and submitted to the town. The application must contain the following information:

i. The name and business address of, and the contact individual for, the applicant.

ii. The location of the proposed or affected support structure.

iii. The location of the proposed mobile service facility.

iv. 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.

v. 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.

vi. 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.

d. A permit application will be provided by the town upon request to any applicant.

e. If an applicant submits to the town an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the town shall consider the application complete. If the town does not believe that the application is complete, the town shall notify the applicant in writing, within ten (10) 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.

f. Within ninety (90) days of its receipt of a complete application, the town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the ninety (90) day period:

i. Review the application to determine whether it complies with all applicable aspects of the political subdivision's building code and, subject to the limitations in this section, zoning ordinances.

ii. Make a final decision whether to approve or disapprove the application.

iii. Notify the applicant, in writing, of its final decision.

iv. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

g. The town 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 paragraph b.vi.

h. If an applicant provides the town 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 set back or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the town provides the applicant with substantial evidence that the engineering certification is flawed.

i. The fee for the permit is three thousand dollars (\$3,000.00).

I. Class 2 Collocation

1. Application Process

a. A town zoning permit is required for a class 2 collocation. A class 2 collocation is a permitted use in the town but still requires the issuance of the town permit.

b. A written permit application must be completed by any applicant and submitted to the town. The application must contain the following information:

i. The name and business address of, and the contact individual for, the applicant.

ii. The location of the proposed or affected support structure.

iii. The location of the proposed mobile service facility.

c. A permit application will be provided by the town upon request to any applicant.

d. A class 2 collocation is subject to the same requirements for the issuance of a building permit to which any other type of commercial development or land use development is subject to under Article IX of this Zoning Ordinance.

e. If an applicant submits to the town an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the town shall consider the application complete. If any of the required information is not in the application, the town shall notify the applicant in writing, within five (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.

f. Within forty-five (45) days of its receipt of a complete application, the town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the forty-five (45) day period:

i. Make a final decision whether to approve or disapprove the application.

ii. Notify the applicant, in writing, of its final decision.

iii. If the application is approved, issue the applicant the relevant permit.

iv. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

g. The fee for the permit is five hundred dollars (\$500.00).

J. Penalty Provision

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than two hundred fifty dollars (\$250.00) nor more than one thousand dollars (\$1,000.00), 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.

K. Severability

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

ARTICLE XVIII – 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 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. When a building containing a nonconforming use is damaged by fire, explosion, act of God, violent wind, vandalism, fire, flood, ice, snow, mold, or infestation; to the extent of more than sixty percent (60%) of its current local assessed value; such structure may only be restored to a nonconforming use in conformity with Sec. 60.61(5m) Wisconsin Statutes (2013-14).
2. 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.
3. 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.
4. 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.
5. 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 XIX – 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 incorporate the any applicable Chapters of the Town of New Denmark Code of Ordinance as if fully stated herein including but not limited to, Chapter 5 – Wind Energy Ordinance; Chapter 9 – Regulation of Sexually Oriented Adult Entertainment Establishments; Chapter 15 – Driveway and Culvert Ordinance; Chapter 19 – Board of Adjustments; Chapter 23 – House and Building Numbering; Chapter 31 – Nonmetallic Mineral Extraction Regulation and Control; and Chapter 34 – Subdivision.
2. This Ordinance shall provide for the position of Building Inspector, Zoning Administrator, Zoning Board of Appeals and Town Plan Commission.
3. This section shall provide the authority and necessary requirements for issuance of Building Permits and occupancy permits; variances, appeals, amendments, conditional uses, fees, and penalties.
4. All building inspections preformed under this section are done pursuant to Sections 101.12 and 101.65 of the Wisconsin Statutes.
5. This Ordinance adopts and incorporates, as if fully stated herein, the Uniform Building Code as provided in Chapters SPS 320-325 of the Wisconsin Administrative Code and the Commercial Building Code as provided in Chapters SPS 361-366 of the Wisconsin Administrative Code.

B. Building Inspector

There is hereby created the position of Building Inspector, who shall administer and enforce this ordinance and shall be certified by the Division of Safety & Buildings, as specified by Wisconsin Statutes, Section 101.66 (2), in the category of Uniform Dwelling Code Construction Inspector. Additionally, this or other assistant inspectors shall possess the certification categories of UDC HVAC, UDC Electrical, and UDC Plumbing.

The Town of New Denmark Building Inspector shall have the following duties:

1. Issue all Building Permits and make and maintain records thereof.
2. Issue all certificates of occupancy and make and maintain records thereof.

3. Pursuant to Section 101.65 of the Wisconsin Statutes conduct inspection of buildings, structures, and use of land to determine compliance with the terms of this Ordinance.

C. Zoning Administration

The Town of New Denmark Zoning Administrator shall have the following duties.

1. Issue all rezoning certificates and make and maintain records thereof.
2. Provide and maintain a public information bureau relative to all matters arising out of this Ordinance.
3. Forward to the Town of new Denmark Plan Commission all applications for conditional uses and for amendments to this Ordinance that are initially filed with the Office of the Zoning Administrator.
4. 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.
5. Maintain permanent and current records of this Ordinance including, but not limited to: all maps, amendments, conditional uses, variances, appeals and applications thereof.
6. Initiate, direct and review, from time to time, a study of the provisions of this Ordinance, and to make reports of its recommendations to the Town Plan Commission.

D. 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 entrusted with the jurisdiction and authority 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 the application for variances 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. Meetings and Rules

- a. All members 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 New Denmark.
- d. The Chairman, or in his 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 New Denmark Town Chairman and subject to judicial review as by law may be provided.
- 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) 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 New Denmark.

E. Town Plan Commission

The Town Plan Commission shall be the authorizing 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 New Denmark Town Plan Commission shall carry out the following duties under this Ordinance.

- a. Receive from the Zoning Administrator his or her recommendations as related to the effectiveness of this Ordinance and report his or her conclusions and recommendations to the new Denmark Town Board.
- b. 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.
- 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 seven (7) members as provided by Section 60.62 of the Wisconsin State Statutes.
- b. Commission members shall consist of the Town Chairman, who shall be its presiding officer, one (1) Town Board member, five (5) citizens and two (2) alternate members
- c. The Town Plan Commission members shall be removable by the Town Board of New Denmark cause upon written charges.
- d. 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 New Denmark.

F. Inspection Standards

1. Authority.

These regulations are adopted under the authority granted by s. 101.65, Wisconsin Statutes

2. Purpose.

The purpose of this ordinance is to promote the general health, safety and welfare and to maintain required local uniformity with the administrative and technical requirements of the Wisconsin Uniform Dwelling Code.

3. Scope.

The scope of this ordinance includes the construction and inspection of one- and two-family dwellings built since June 1, 1980.

Notwithstanding s. SPS 320.05, the scope also includes the construction and inspection of alterations and additions to one- and two-family dwellings built before June 1, 1980. Because such projects are not under state jurisdiction, petitions for variance and final appeals under ss. SPS 320.19 and 320.21, respectively, shall be decided by the municipal board of appeals. Petitions for variance shall be decided per s. SPS 320.19 (intro.) so that equivalency is maintained to the intent of the rule being petitioned. As the board of appeals approves petitions for variance, the chief inspector is granted the power to apply the results to similar circumstances by precedent.

Notwithstanding s. SPS 320.05, the scope also includes the construction and inspection of detached garages serving one- and two-family dwellings. The building structure and any heating, electrical or plumbing systems shall comply with the Uniform Dwelling Code. Petitions for variance and appeals shall be handled as in the previous paragraph.

4. The Wisconsin Uniform Dwelling Code, Chapters SPS 320-325 of the Wisconsin Administrative Code, and all amendments thereto, is adopted and incorporated by reference and shall apply to all buildings within the scope of this ordinance.

5. Penalties.

The enforcement of this section and all other laws and ordinances relating to building shall be by means of the withholding of Building Permits, imposition of forfeitures and injunctive action. Forfeitures shall be not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1,000.00) for each day of noncompliance.

6. The Building Inspector(s) shall keep a log of all inspections completed.

G. Building Permits

1. A Building Permit shall be required for any new building in excess of one hundred (100) square feet. A Building Informational Permit shall be required for all buildings or temporary buildings regardless of size to ensure compliance with applicable zoning regulations.

2. A Building Permit shall also be required if a person alters a building in excess of one thousand dollars (\$1,000.00) of value in any twelve (12) month period, or adds onto a building in excess of fifty (50) square feet in any twelve (12) month period. Restoration or repair of an installation to its previous code-compliant condition as determined by the Building Inspector is exempted from permit requirements. Residing, re-roofing, finishing of interior surfaces and installation of cabinetry shall be exempted from permit requirements. Every Building Permit shall state that the use complies with the provisions of this Ordinance.
3. Prior to the issuance of a Building Permit by the Building Inspector a Building Informational Permit shall be made in writing to the Town Board including such relevant information as required by the Town Board. The Town Board may at its discretion refer the Building Informational Permit back to the property owner for additional information required to make their determination on approval.
4. Prior to approval of a Building Informational Permit a copy of each Building Informational Permit shall be provided to the Town Zoning Administrator for review to ensure compliance with any applicable provisions of this Ordinance
5. The Town Board shall grant or deny any Building Informational Permit submitted for review within a forty-five (45) day period from the date of the submission of the Building Informational Permit. Reasons for denial of a Building Informational Permit shall be provided in writing to the individual who submitted such Building Informational Permit.
6. Upon approval of a Building Informational Permit by the Town Board, the Building Inspector shall request the submission of a uniform Building Permit application with any applicable fee. Any Building Permit applied for shall be granted or denied within a ten (10) day period from the date of application. Reason for denial of a Building Permit will be forwarded in writing by the Town Building Inspector to the applicant and the Town Board.
7. Application for a Building Permit shall be deemed to be an application for an occupancy certificate as well.
8. Each Building Permit application for business and industrial uses shall be accompanied by a plat in accordance with requirements as specified in Article XIX Section G, Plats.
9. Informational Building Permit forms and Building Permit application forms shall be made available to the public by the Town Clerk.
10. The Building Permit fees shall be determined by resolution and shall be provided by the Building Inspector. The Building Permit fee shall include thirty-five dollars (\$35.00) to be forwarded to the Wisconsin Department of Safety and

Professional Services for a UDC permit seal that shall be assigned to any new dwelling.

H. Occupancy Certificate

1. 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 Building Inspector to be in conformity with the plans and specifications upon which the Building Permit was based.
2. The occupancy certificate shall be issued or written notice shall be given to the applicant stating the reason why a certificate cannot be issued, not later than seven (7) days after the Building Inspector is notified in writing that the premises or building are ready for occupancy.
3. All occupancy permits shall be issued by the New Denmark Building Inspector.

I. Plats

1. All applications for Building Permits for business and industrial uses 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, as certified by a “registered land surveyor” or a “registered professional engineer,” the piece or parcel, lots, block, or blocks, or portions thereof, 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 application for a Building Permit.

J. Variances

1. Application

An application for a variance shall be filed with the Town Plan Commission. The application shall contain such information as the Board of Appeals by rule may require.

2. Standards for Variances

Variances may be granted by the Board of Appeals only when:

- a. 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.
- b. 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 classification.
- c. Alleged difficulty or hardship is caused by this Ordinance and has not been created by any person presently having an interest in the property.
- d. Granting of the variance shall not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
- e. 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.

3. Authorized Variances

Variances shall be granted by the Board of Zoning Appeals in accordance with the standards established in Section H-2.

K. Appeals

1. Scope of Appeals

- a. 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.

- b. Such an appeal shall be made within 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.
- c. The Town Plan Commission shall forthwith transmit to the Board of Appeals all of the paper constituting a record upon which the action appealed from was taken.

2. Finding on Appeals

- a. An appeal shall terminate all further proceedings on action 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 restraining 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 time and 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 New Denmark.
- c. The Board of Appeals shall thereafter reach its decision within 60 days from the filing of the appeal.
- d. The Zoning Board of Appeals may affirm or may reverse wholly or in part, or modify the order, requirement, decision or determination, that, in its opinion, ought to be done – and to that end, shall have all powers of the officer to whom the appeal is taken. The Town Plan Commission shall maintain records of all action of the Board of Appeals relative to appeals.

L. Amendments

1. Authority

The New Denmark 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 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 detailed 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 said hearing shall be published as provided in the state law on planning and zoning and applicable to the Town of New Denmark.

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 or 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 classification.
 4. Trend of development, if any in the general area of the property in question, including changes of any, which have taken place in its present zoning classification.
 5. Adequate public facilities to accommodate development either exist or will be provided within a reasonable time.

6. Provision of public facilities to accommodate development will not place an unreasonable burden on the ability of the town to provide them.
7. The land proposed for rezoning is suitable for development and development will not resulting in undue water or air pollution, cause unreasonable soil erosion or have an unreasonably adverse effect on rare or irreplaceable natural areas.
8. The Official Town Comprehensive Plan and any of the component parts thereof.
9. The Plan Commission may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification that that requested by the applicant.
10. The Plan Commission shall not recommend that 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 any amendment, provided however, that in the event of a written protest against any proposed amendment to this Ordinance, be duly signed and acknowledged by the owners of twenty percent (20%) or more either of the areas of the 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.

M. Conditional Uses

1. Purpose

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

2. Initiation

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 (1) or more of the conditional uses provided for in this ordinance in the zoning district in which the land is located.

3. Application

The application for a conditional use shall be filed with the New Denmark Town Planning Commission on a form so prescribed by the Town of New Denmark. The application shall be accompanied by such plans and/or data prescribed by the Town Plan Commission and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use will conform to the standards set forth in the respective districts. Such application shall be reviewed by the Town Plan Commission and a written recommendation submitted thereon to the Town Board.

4. Hearing on Application

Upon receipt in proper form of the written recommendation referred to in Section M-3, the Town Board shall hold at least one (1) public hearing on the proposed conditional use.

5. Authorization

For each application for a conditional use, the Town Plan Commission shall report to the Town Board its findings and recommendations, including the stipulation of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. If an application is received by the New Denmark Town Board, it shall be deemed to have been denied.

6. Standards

No conditional use shall be recommended by the Town Plan Commission unless said Commission shall find that the conditions comply with Article II, Intent, purpose and Severability.

7. Conditions and Guarantees

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

N. 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 one hundred seventy-five dollars (\$175.00). The fee for variances and appeals shall be two hundred seventy-five dollars (\$275.000. All fees shall be paid to the Town Zoning Administrator.

O. 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 Town Building Inspector shall report all such violations to the Town Board, 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.

Any person, firm or corporation, or agent, employee, or contractor of such, who violates, destroys, omits, neglects, or refuses to comply with, or who resists enforcement of any provision of this Ordinance; shall upon conviction thereof forfeit no less than two hundred dollars (\$200.00) nor more than one thousand dollars (\$1,000.00) together with court costs, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment of said forfeiture and costs of prosecution are made.

Confinement to the county jail shall not exceed thirty (30) days for each offense. Each violation and each day of violation shall constitute a separate offense.

This section shall not preclude the Town of New Denmark from maintaining any appropriate action to prevent or remove a violation of this section.

APPENDIX

The illustrations contained in this appendix are provided solely to clarify the intent of the textual provisions of this Zoning Ordinance.

COVER PAGE FOR NUISANCE ORDINANCE

- 3.01 Public Nuisances Prohibited.
- 3.02 Public Nuisances Defined.
- 3.03 Public Nuisances Affecting Health.
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CHAPTER 3

PUBLIC NUISANCES

3.01 PUBLIC NUISANCES PROHIBITED.

No person shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Town.

3.02 PUBLIC NUISANCES DEFINED.

A public nuisance is a thing, act, occupation, condition or use of property which continues for such length of time as to:

- A. Substantially annoy, injure or endanger the comfort, health, repose or safety of the public.
- B. In any way render the public insecure in life or in the use of property.
- C. Greatly offend the public morals or decency.
- D. Unlawfully and substantially interfere with, obstruct or tend to obstruct, or render dangerous any street, alley, highway, navigable body of water, or other public way.

3.03 PUBLIC NUISANCES AFFECTING HEALTH.

The following acts, omissions, places, conditions and things are specifically declared to be public health nuisances; but such enumeration shall not be construed to exclude other health nuisances coming within the definition of Ord. 3.02.

- A. **ADULTERATED FOOD.** All decayed, adulterated or unwholesome food or drink sold or offered for sale to the public.
- B. **CARCASSES, UNBURIED.** Carcasses of animals, birds or fowl not intended for human consumption or food which is not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
- C. **INSECTS OR VERMIN, BREEDING PLACES FOR.** Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material in which flies, mosquitoes, disease-carrying insects, rats or other vermin can breed.
- D. **WATER, STAGNANT.** All stagnant water in which flies, or other insects can multiply.
- E. **PRIVY VAULTS AND GARBAGE CANS.** Privy vaults and garbage cans which are not fly-tight.

F. POLLUTION, WATER. 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.

G. ODORS, NOXIOUS. Any use of property, substances or things within the Town emitting or causing any foul, offensive, noisome, noxious or disagreeable odors, gases, effuvia or stench 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.

H. POLLUTION, STREET. Any use of property which causes any noxious or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the Town.

I. POLLUTION, AIR. The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash, industrial dust or other atmospheric pollutants within the Town or within one mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or threaten or cause substantial damage to property in the Town.

J. ANIMALS, LOOSE. Any animal running at large in the Town. Any animal shall be deemed to be at large when it is off the premises owned or leased by its owner or custodian unless crated, penned, or under the control of a person able to control the animal by means of a leash of sufficient strength to control the action of the animal or such other personal attention as will reasonably control the conduct and actions of the animal.

K. ABANDONED WELLS. All abandoned wells not securely covered or secured for public use.

L. OBSTRUCTION OF WATERCOURSE, ETC. Any obstruction in or across any watercourse, drainage ditch or swale.

M. DEPOSIT OF GARBAGE, REFUSE, ETC. The deposit of garbage, refuse or any offensive substance on any public or private property except as may be permitted by ordinance. Garbage cannot be placed out for pickup prior to 24 hours before such scheduled pickup.

3.04 PUBLIC NUISANCES OFFENDING MORALS AND DECENCY.

The following acts, omissions, places, conditions and things are 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 coming within the definition of Ord. 3.02:

A. DISORDERLY HOUSES. All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling. Any building in which gambling, prostitution, or liquor and fermented malt beverage violations occur or which is used for the purpose of unlawfully selling, serving, storing, keeping or giving away controlled substances as defined in Wis. Stats. Ch. 961 (Uniform Controlled Substance Act). No person shall knowingly keep, control or operate a disorderly house, or knowingly be an inmate of, frequent, patronize, or be found within any disorderly house. In addition to the forfeiture provisions of this chapter, the

operation of any disorderly house shall be deemed to be a public nuisance and may be enjoined by the Town.

B. GAMBLING DEVICES. All gambling devices and slot machines.

C. UNLICENSED SALE OF LIQUOR AND BEER. All places where intoxicating liquor or fermented malt beverages are sold, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for by the ordinances of the Town.

D. CONTINUOUS VIOLATION OF TOWN ORDINANCES. Any place or premises within the Town where Town Ordinances or State Laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.

E. ILLEGAL DRINKING. Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of State Laws.

3.05 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY.

The following acts, omissions, places, conditions and things are 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 Ord. 3.02:

A. DANGEROUS SIGNS, BILLBOARDS, ETC. All signs, billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety.

B. ILLEGAL BUILDINGS. All buildings erected, repaired or altered in violation of Town Ordinances relating to materials and manner of construction of buildings and structures within the Town.

C. UNAUTHORIZED TRAFFIC SIGNS. All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be, or may be mistaken as, official traffic control devices, railroad signs or signals or which, because of their color, location, brilliance or manner of operation, interfere with the effectiveness of any such device, sign, or signal.

D. OBSTRUCTION OF INTERSECTIONS. All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.

E. LOW-HANGING TREE LIMBS. All limbs of trees which project over and less than 14 feet above any public sidewalk or street.

F. DANGEROUS TREES. All trees which are a menace to public safety or are the cause of substantial annoyance to the general public.

G. FIREWORKS. All use or display of fireworks except as provided by State Laws and Town Ordinances.

H. **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.

I. **LOW-HANGING WIRES AND CABLES.** All wires and cables over streets, alleys, sidewalks or crosswalks, and all excavations in or under the same, except as permitted by the Ordinances of the Town, but including those which, although made in accordance with such ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished or which do not conform to the permit.

J. **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, greatly annoys or disturbs a neighborhood or any considerable number of persons within the Town.

K. **OBSTRUCTIONS OF STREETS; EXCAVATIONS.** All obstructions of streets, alleys, sidewalks or crosswalks, and all excavations in or under the same, except as permitted by the Ordinances of the Town, but including those which, although made in accordance with such ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished or which do not conform to the permit.

L. **UNLAWFUL ASSEMBLIES.** Any authorized or prohibited use of property abutting on a public street, alley or sidewalk, or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.

M. **NOISES OR VIBRATIONS.** All loud, discordant, and unnecessary noises or vibration of any kind.

N. **OPEN AND UNGUARDED PITS, WELLS, ETC.** All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley, or sidewalk.

O. **ABANDONED REFRIGERATORS OR ICE BOXES.** All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which cannot be opened by pushing from inside by a small child.

P. **REPEATED OR CONTINUOUS VIOLATIONS.** Repeated or continuous violations of the ordinances of the Town or State Laws relating to the storage of flammable liquids.

Q. **STRUCTURE OR MATERIAL WHICH CONSTITUTES A FIRE HAZARD.** Any structure, material or condition which constitutes a fire hazard or will impair the extinguishing of any fire.

R. **ICE AND SNOW REMOVAL.** All ice not removed from the public sidewalks and all snow not removed from public sidewalks within 24 hours after it has ceased to fall thereon.

S. **ILLEGAL DEPOSIT OF SNOW OR OTHER SUBSTANCES.** The placing, depositing, plowing onto, or otherwise putting snow or other substance onto the traveled portion of a public or private roadway or other property which endangers the safety of persons traveling such roadway or property. Town or county employees while engaging in snow removal operations or acting in the performance of their position are exempt from this section.

T. **ANY NUISANCE.** Any nuisance so defined by the Wisconsin Statutes.

3.07 SMOKE.

A. **DENSE SMOKE.** The emission of dense smoke from the smokestack of any engine or from the smokestack or chimney of any building within the Town is hereby declared to be a public nuisance and is prohibited.

B. **STATIONARY ENGINEER.** The owner, lessee, or occupant of any building, or the fireman, engineer, or any other person having charge or control of any furnace or stationary engine who shall cause, permit or allow dense smoke to issue or be emitted from the smokestack or chimney connected with any such furnace or stationary engine within the Town shall be guilty of creating a public nuisance and of violating the provisions of this section.

C. **ALL SOOT PROHIBITED.** The emission of soot, cinders, or coal dust from any chimney, stack, furnace or from any building within the Town is hereby declared to be a public nuisance and is prohibited.

3.08 DISEASED TREES.

A. It is determined that the health and general welfare of the Town requires preventative control of the disposal and tree care of infected trees within the Town.

B. All dead or freshly cut elm wood shall be burned or treated with an approved spray and oil base as approved by the Town Forester, and no person shall keep any dead or freshly cut elm on any premises in the Town unless so treated.

C. The Town Board may designate a person as Town Forester and either the Town Board, any member thereof or the Town Forester may order the property owner to remove and destroy any elm tree determined to be infected with Dutch Elm Disease; or any tree of any species infested with any disease. Notice shall be given by mailing to the last known address of the property owner by registered mail or by delivery of notice and service thereof by the police department on such owner or agent of such owner.

D. The Town Forester, Police Department or any member of the Town Board is hereby empowered to enter upon private property within the Town for the purpose of inspecting all trees thereon to determine whether any of such trees are infected or diseased or in need of preventative measures; and is further empowered to inspect such private premises to determine the presence of any infected logs, firewood or stumps or the presence of any dead elm trees, elm logs, elm firewood or elm stumps.

E. The Town board, any member thereof, Police Department or the Town Forester may order any property owner to spray the trees and the ground around such trees with a substance approved by the Town Board or Town Forester to eliminate or control Dutch Elm Disease and other tree infestation. Notice shall be given in the same manner as provided in sub. (C) above.

F. When any property owner is directed to remove a tree or spray a tree or area, he shall advise the Town Board of his compliance within 10 days after receipt of notice.

G. No person shall engage in the sale of spraying service for elm trees for the prevention of Dutch Elm Disease or other tree disease without first registering with the Town Board and furnishing a sample of the spraying substance for analyzation and thereupon receive a permit if they meet with the approval of the Board. It shall be a condition of the permit that the Police Department, or person designated by the Town Board may demand a sample of the spray material from any person holding a permit from the Board at any time and refusal to supply a sample of the spray material shall automatically suspend the permit.

3.09 STORAGE OF JUNK.

A. The unsheltered accumulation or storage of old, unused, stripped and junked automobiles not in good and safe operating condition, any other vehicles, machinery, implements, equipment, any parts hereof, and personal property of any kind which is no longer safely usable for the purposes for which it was manufactured within the Town is declared to be a nuisance and dangerous to the public health, safety and well-being.

B. The owner, tenant, lessee and occupants of any lot upon which such accumulation or storage is made and the owner and lessee of the items involved in such storage, all referred to collectively as "owners", shall jointly and severally abate the nuisance by promptly moving such items into completely enclosed buildings authorized to be used for such storage purposes, if the same can be found within the Town, or otherwise by moving the items to a location outside the Town.

C. Whenever the owners fail to abate the nuisance, the Town shall move such items to a location of its selection, and the expense therefore shall be billed to the owners, jointly and severally, which bill shall be coverable through tax roll. When such items have been removed and placed in storage by the Town, they shall be sold by the Town after the lapse of such time as is provided.

If the proceeds of such sale are insufficient to pay the costs of abatement, the owners shall be jointly and severally liable to the Town for the balance of the costs to be recoverable in a suit of law. If the proceeds are in excess of costs, the balance shall be paid to the owners or deposited with the Town for their use.

3.10 NOISE STANDARDS.

A. PROHBITIONS. Nose that is unreasonably loud, disturbing, and unecessary is prohibited. Such noice includes, but is not limited to the following:

1. Noise that is a threat to public health, safety, and general welfare because of its intensity, character, or duration.

2. The creation of any excessive noise on any street adjacent to any place of worship, school, institution of learning, library, hospital or sanitarium, or any court while the same is in session, which unreasonably interferes with the working or activities of such place.

3. Owning, keeping, possessing or harboring any animal or animals which frequently or habitually howl, bark, meow, squawk or make such other noise as is plainly audible across property boundaries or through partitions common to two (2) persons within a building.

B. Exemptions

1. Animal shelters or kennels which were legally in existence as of the date of adoption of this chapter.

2. Agricultural activities. For the purposes of this section, livestock is considered an agricultural use.

3. Automobile races at commercial facilities before 10:00 p.m., except Friday and Saturday evenings, which will be before 11:00 p.m. provided such facility was legally in operation as of the date of this provision.

4. Temporary construction activities between the hours of 6:00 a.m. and 10:00 p.m. on Mondays through Saturdays.

5. Property maintenance and repair, including the use of power equipment including but not limited to lawn mowers, weed trimmers, leaf blowers and chain saws between the hours of 7:00 a.m. and 10:00 p.m.

6. These are general standards that may be superseded, as appropriate, in the issuance of a special permit or special exception.

C. SOUND AMPLIFIERS

1. The use of sound amplifiers outside buildings within the Town is prohibited without a permit from the Town. A sound amplifier shall not be operated after 10:00 p.m. or before 7:00 a.m. or in the vicinity of churches while services are being conducted, or near schools that are in session. The Town may order a reduction in the volume of an amplifier on complaint being made by a citizen or when such loudspeaker is a nuisance because of volume, the method in which it is being used, at the location in which it is being operated.

2. Between the hours of 10:00 p.m. and 7:00 a.m., no person may operate a radio, juke box, or other electric sound amplification device emitting sound from any business premises within the Town that is audible on residentially-zoned property under normal conditions from a distance of 75 feet or more beyond the lot line of any business premises described which emits a sound, unless the electric sound amplification device is being used to request assistance or warn against unsafe conditions.

3.11 LOT LINE NOISE REGULATION.

A. This section provides for noise limitations for emitting and receiving zones located in various zoning districts as established in the Town. No person shall operate or cause to be operated on private or public property any source of sound in such a manner as to create a sound level which exceeds any of the limits set for the Zone categories in Table I.

TABLE I

Maximum Permissible Sound Pressure

(Levels in Decibels re .0002 Microbars)

7:00 a.m. to 10:00 p.m.

Octave Band Center Residential Commercial Industrial Commercial

Frequency Into Residential Commercial

31.5 72 79 79 72 72

63 71 78 78 71 71

125 65 72 73 66 65

250 57 64 67 60 57

500 51 58 61 54 51

1000 47 52 55 49 45

2000 39 46 50 44 39

4000 34 41 46 40 34

8000 32 39 43 37 32

A-scale levels 55 dB(A) 63 dB(A) 64 dB(A) 58 dB(A) 55dB(A) (for monitoring purposes)

B. DECIBEL LEVEL CORRECTIONS.

1. The levels cited above are daytime levels. Daytime shall refer to the hours between sunrise and sunset on any given day.

2. When noise is present at night time, subtract (-5dB) from the levels in the table above.

C. **DEFINITIONS OF ZONE CATEGORIES.** The following zones are included in the zone categories. These are defined:

1. **Residential:** Rural Residential, Single Family Residence, Agriculture, and Exclusive Agricultural.
2. **Commercial:** Community Business, Service & Entertainment, and Highway Business.
3. **Industrial:** Limited Industrial and Industrial Park.

Regulation will be according to the underlying zones. Conservancy zones that are not publicly owned shall be regulated according to the adjacent zone. If the neighboring zones are different, they shall be extended to the center of the conservancy for the purposes of this section.

D. **MEASUREMENTS.** The measurement shall be made at or beyond the property line of the property on which said noise is generated or at or within the property line of the property on which said noise is perceived, as inappropriate. Measurement shall be done at a minimum height of 4 feet above the ground.

The measurement of sound shall be made either with a sound level meter that meets or exceeds the ANSI requirements of the American Standard Specification for Sound Level Meters, Type I or Type II (ANSI #1.4 -1971) or with an Octave Band Analyzer that meets or exceeds the requirements of ANSI (#1.6 -1960) or any subsequent nationally adopted standards superseding the above standards. In both cases, the instruments should be maintained in calibration and good working order.

When a sound level meter is used, it shall be set to the A-weighting scale and in the FAST response mode. A windscreen shall be mounted on the microphone and the noise limitations shall be the A-scale levels set forth in Table I.

An octave band analyzer may be employed when there is a concentration of sound energy within a limited number of bands, but its use shall not be restricted to such situations. When an octave band analyzer is used, a standard octave band analyzer shall be conducted that spans the frequency range set forth in Table I.

E. **EXCEPTIONS.** The provisions of this article shall not apply to:

1. Activities covered by the variance and exemption section of this section.
2. The activities covered under the motor vehicle section of this section.
3. Non-stationary farming equipment.

F. ANALYSIS. Where an octave band analysis is not done, an A-weighted sound level measurement of the noise shall be taken. When this method is used, the noise limitations shall be the A-scale levels included in the Table.

3.12 AIR CONTAMINANTS.

No operation or use shall cause, create, or allow air contaminants at the emission point or within the bounds at the property which exceeds Federal or State air pollution regulations.

3.13 VIBRATIONS.

The use of any property or portion thereof which is zoned in any Industrial District Classification causing earth-shaking vibrations such as are created by uses including, but not limited to, drop forges and hydraulic surges, shall be controlled in such manner as to prevent transmission beyond the lot line of earth-shaking vibrations perceptible without the aid of instruments.

3.14 ABATEMENT OF PUBLIC NUISANCES.

A. ENFORCEMENT. The Police Department, Zoning Administrator, Fire Chief, Building Inspector, and Health Officer 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 actions shall be taken under this section to abate a public nuisance unless the officer has inspected or caused to be inspected the premises where the nuisance is alleged to exist and has satisfied himself or herself that a nuisance does in fact exist. Whenever practicable, the inspecting officer shall cause photographs to be made of the premises and shall file the same in the office of the Town Clerk.

B. 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 Town may direct the proper officer to cause the same to be abated or to remove such nuisance within 24 hours and shall state that unless such nuisance is so abated, the Town will cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.

C. ABATEMENT BY TOWN. If the nuisance is not abated within the time provided, or if the owner, occupant, or person causing the nuisance cannot be found, the Town Designee shall cause the abatement or removal of such nuisance.

The charge for the abatement or removal shall be \$100 per hour with a minimum charge of one hour per parcel and its costs shall be charged to the property owner. If such charges are not paid by November 15 of the year in which they are billed, such charges, together with an additional administrative fee for collection equal to 10% of the total of such charges and fees, shall be extended on the next succeeding tax roll as a tax charged against the property affected and collected in the same manner as are other taxes, pursuant to §66.0517, Wis. Stats.

D. ABATEMENT AFTER NOTICE. If the inspecting officer determines that a public nuisance exists on private premises but that such nuisance does not threaten great and immediate danger to the public health, safety, peace, morals or decency, he/she shall serve notice on the person causing or maintaining the nuisance to remove the same within 10 days. If such nuisance is not removed within 10 days, the proper officer shall cause the nuisance to be removed as provided in sub. (B).

E. 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 the laws of the State.

F. COURT ORDER. Except when necessary under sub. (B), an officer hereunder shall not 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.

3.15 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 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 costs shall be assessed against the real estate as a special charge.

3.16 PENALTY.

Except as otherwise provided herein, any person who shall violate any provision of this Chapter, or any regulation, rule or order made hereunder, or permit or cause a public nuisance, shall be subject to a forfeiture of not less than \$10 nor more than \$500 for each offense. In addition, the person shall be responsible for the costs of prosecution and in default of payment of such forfeiture and costs of prosecution, he/she may be imprisoned in the County Jail until said costs and fine are paid, but not to exceed ninety (90) days for each violation. Each day that the violation continues to exist shall constitute a separate offense.

3.17 ENFORCEMENT.

The Town Forester, Police Department, or any member of the Town Board may enforce Section 3.08. Any other provisions of this Chapter may be enforced by any Town Board member, Town Administrator, or Police Department. The Building Inspector, Zoning Administrator, and Health Officer may enforce any provisions of this Chapter relating to his or her position.

3.18 NOXIOUS WEEDS PROHIBITED

Pursuant to Wis. Stats. §66.0407, it shall be the duty of every owner, occupant, agent or person in charge of any lot or parcel of land within the Residential Sewered (RS), Public Lands (PL), all Business (B, NB and PCD), Highway Business (HB), I-1 & I-2 (Industrial) Zoning

Classifications of the Town to destroy noxious weeds growing upon their premises or on the area adjacent to the sidewalk or streets upon which the premises abut all of the following: Canada thistle, leafy spurge, ragweed, English charlock (wild mustard), garlic mustard, burdock, poison ivy, oxalis, field bindweed (commonly known as creeping Jenny), quack or quitch grass, field dodder, Indian mustard, sow thistle, purple loosestrife, and other noxious weeds growing upon their premises or on the area adjacent to the sidewalk or streets upon which such premises abut within:

A. The destruction of said thistles or weeds shall be made at all times before the same go to seed or at such time as the weed commissioner shall order.

B. Neglect or failure on the part of the owner or occupant to obey the provisions of this section or to comply with the orders of the weed commissioner within the time stated on any notice he may serve, shall be deemed a violation of this section and said weed commissioner shall proceed to cut down or otherwise destroy such thistles, trees or other noxious weeds.

C. Annually, the Town shall appoint a weed commissioner who shall keep an account of such expense and make a report of the same to the clerk who shall enter the amount therein charged to each lot or parcel of land in the next subsequent tax roll as a special tax against said lot or parcel of land and the same shall be collected in all respects like other Town taxes upon real estate.

D. Lands exempt from these regulations include Wetlands as designated by Brown County Mapping or other official wetland delineation and Environmentally Sensitive Areas (ESA).

COVER PAGE FOR TRAFFIC ORDINANCE

- 4.01 State Traffic Laws Adopted.
- 4.02 Official Traffic Signs And Signals.
- 4.03 Illegal Signs.
- 4.04 Disorderly Conduct With A Motor Vehicle.
- 4.05 Negligent Operation Of Vehicle.
- 4.06 Compression Brakes Prohibited.
- 4.07 Penalty.
- 4.08 Enforcement.
- 4.10 Heavy Truck Routes

**CHAPTER 4
TRAFFIC**

4.01 STATE TRAFFIC LAWS ADOPTED.

A. Except as otherwise specifically provided in this Chapter, the statutory provisions in Ch. 23, Ch. 30.50 to 30.71, Ch. 30.80, Ch. 30.99, Ch.167, Chs. 340 to 348 and §941.01(1), Wis. Stats., describing and defining regulations with respect to vehicles and traffic, inclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment, are hereby adopted and by reference made part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this Chapter. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this Chapter in order to secure uniform statewide regulation of traffic on the highways, streets, roads and alleys of the State of Wisconsin. Sections of the Wisconsin Statutes adopted herein shall have the same number in this code preceded by (4.) and may be so cited.

B. Sections of Chapters 340 through 348 adopted by reference shall include but not be limited to the following:

340.01	Words and phrases defined.
341.04	Penalty for operating unregistered vehicles, etc.
341.11(4)	Display of registration plates.
341.15	Display of registration plates.
341.16(4)	Issuance of duplicate plates.
341.41	Reciprocity permits.
341.51(5)	Dealer registration.
341.55	Misuse of dealer plates.
341.57(3)	Registration of finance companies and financial institutions.
341.61	Improper use of evidence of registration.
341.62	False evidence of registration.
341.63	When registration is to be suspended.
342.05(4)	Certificate of title required.
342.15(5)(6)(7)	Transfer of interest in vehicle.
342.23	Secured party's and owner's duties.
342.30, 342.31, 342.32, 342.34	Anti-theft and anti-fraud provisions.
343.01	Word and phrases defined.
343.05	Operators to be licensed; exceptions.
343.305	Implied consent.
343.35	Surrender of licenses upon cancellation, revocation, suspension.
343.45-343.46	Unlawful practices related to licenses.
343.60-343.72	Licensing of driver's schools and instructors.
343.73	Penalty for violation of Sect. 343.60-343.72
344.01	Word and phrases defined.
344.45-344.48	Penalties for violations of chapter.
344.51	Financial responsibility for domestic rented vehicles.

345.01	Words and phrases defined.
345.20-345.53	General provisions in traffic forfeiture actions.
345.55	Traffic officers not to profit from arrests.
346.01	Words and phrases defined.
346.02	Applicability of chapter.
346.03	Applicability of rules of the road to authorized emergency vehicles.
346.04,346.05-346.16	Driving, meeting, overtaking and passing.
346.17	Penalty for violating Sections 346.04-346.16
346.18-346.21	Right of way.
346.22	Penalty for violating sections 346.18-346.21
346.23-346.29	Drivers and pedestrians.
346.30	Penalty for violating Sections 346.23-346.29
346.31-346.35	Turning and stopping and required signals.
346.36	Penalty for violating Sections 346.31-346.35
346.37-346.42	Traffic signs, signals and markings.
346.43	Penalty for violating Sections 346.37-346.42
346.44-346.48	Required stops.
346.49	Penalty for violating Sections 346.44-346.48
346.50-346.55	Restrictions on stopping and parking.
346.56	Penalty for violating Sections 346.50-346.55
346.57-346.595	Speed restrictions.
346.60	Penalty for violating Sections 346.57-346.595
346.61	Applicability of sections relating to reckless and drunken driving.
346.62	Reckless driving-first offense in 4 years.
346.63	Operating under influence of intoxicant-first offense in 10 years.
346.64	Employment of drunken operators-first offense in a year.
346.65(1) and (2)	Penalty for violating Sections 346.62-346.64
346.66	Applicability of sections relating to accident and accident reporting.
346.67	Duty upon striking person or attended or occupied vehicle.
346.68 and 346.69	Duty upon striking unattended vehicle-upon striking property on or adjacent on highway-first offense within a year.
346.70-346.73	Duty to report accident, etc.
346.74	Penalty for violating Sections 346.67-346.73
346.77-346.81	Bicycles and play vehicles.
346.82	Penalty for violating Sections 346.77-346.805
346.87-346.94	Miscellaneous rules.
346.95	Penalty for violating sections 346.87-346.94
347.01-347.05	General provisions.
347.06-347.29	Lighting provisions.
347.30	Penalty for violating lighting equipment requirements.
347.35-347.49	Other equipment.
347.50	Penalty for violating Sections 347.35-347.49
348.01-348.02	Size, weight, load-General Provisions.
348.05-348.10	Size and load.
348.11	Penalty for violating size and load limitations.
348.15-348.20	Weight.

348.21	Penalty for violating weight limitations.
348.25-348.27	Permits.
348.28	Permits to be carried-penalty.

C. Wisconsin Administrative Code Provisions Adopted. There are also hereby adopted by reference the following Standards for Motor Vehicle Equipment. Any future amendments, revisions, or modifications of the provisions incorporated herein are intended to be made part of this Code in order to secure uniform state-wide regulation of traffic on the highways, streets, and alleys of the State of Wisconsin.

Subchapter I – General Provisions

Trans 305.01	Purpose and scope.
Trans 305.02	Applicability.
Trans 305.03	Enforcement.
Trans 305.04	Penalty.
Trans 305.05	Definitions.
Trans 305.06	Identification of vehicles.
Trans 305.065	Homemade, replica, street modified, reconstructed, and off-road vehicles.

Subchapter II – Automobiles, Motor Homes, and Light Trucks

Trans 305.07	Definitions.
Trans 305.075	Auxiliary lamps.
Trans 305.08	Back-up lamps.
Trans 305.09	Directional signal lamps.
Trans 305.10	Hazard warning lamps.
Trans 305.11	Head Lamps.
Trans 305.12	Parking lamps.
Trans 305.13	Registration plate lamps.
Trans 305.14	Side marker lamps, clearance lamps, and reflectors.
Trans 305.15	Stop lamps.
Trans 305.16	Tail lamps.
Trans 305.17	Brakes.
Trans 305.18	Bumpers.
Trans 305.19	Doors, hoods, locks, and latches.
Trans 305.20	Exhaust and air pollution control systems.
Trans 305.21	Floor pan and firewall.
Trans 305.22	Fenders and projecting parts.
Trans 305.23	Frames.
Trans 305.24	Fuel systems.
Trans 305.25	Horn.
Trans 305.26	Mirrors.
Trans 305.27	Restraining devices and seats.
Trans 305.28	Speed indicator and odometer.
Trans 305.29	Steering and suspension.
Trans 305.30	Tires and rims.
Trans 305.31	Modifications affecting height of a vehicle.
Trans 305.32	Vent, side, and rear windows.
Trans 305.33	Windshield defroster-defogger.

- Trans 305.34 Windshields.
- Trans 305.35 Windshield wipers.

Subchapter III – Motorcycles

- Trans 305.37 Applicability of Subchapter II.
- Trans 305.38 Brakes.
- Trans 305.39 Exhaust system.
- Trans 305.40 Fenders and bumpers.
- Trans 305.41 Fuel system.
- Trans 305.42 Horn.
- Trans 305.43 Lighting.
- Trans 305.44 Mirrors.
- Trans 305.45 Sidecars.
- Trans 305.46 Suspension system.
- Trans 305.47 Tires, wheels, and rims.

Subchapter IV – Heavy Trucks, Trailers, and Semi-trailers

- Trans 305.48 Definitions.
- Trans 305.485 Applicability of Subchapter II.
- Trans 305.49 Axle control valves.
- Trans 305.50 Bed and body on trailers and semi-trailers.
- Trans 305.51 Brakes on heavy trucks, trailers, and semi-trailers.
- Trans 305.52 Coupling devices.
- Trans 305.53 Fenders and mud guards.
- Trans 305.54 Frames on heavy trucks, trailers, and semi-trailers.
- Trans 305.55 Lighting devices.
- Trans 305.56 Rear end protection.
- Trans 305.57 Suspension system on heavy trucks, trailers, and semi-trailers.
- Trans 305.58 Wiring

4.02 OFFICIAL TRAFFIC SIGNS AND SIGNALS.

A. The Town Chairman and Town are Authorized to Procure and Erect Signs and Signals. The Town Chairman and/or Town are hereby authorized and directed to procure, erect or cause to be erected and maintain appropriate standard traffic signs, signals and markings conforming to the rules of this Chapter as required by State Law. Signs shall be erected in such locations and manner as the Town Board shall determine will best effect the purposes of this Chapter and give adequate warning to users of the street or highway.

B. Removal of Unofficial Traffic Signs and Signals. The Town Chairman, Town Board, and/or Police Department subject to the approval of the Town Chairman or Town Board, shall have the authority granted by §349.09, Wis. Stats., and are hereby directed to order the removal of a sign, signal, marking or device placed, maintained or displayed in violation of this Chapter or §346.41, Wis. Stats. Any signs which impose any immediate safety risk to pedestrians, vehicular traffic, or the public at large may be removed by the Police Department without prior approval but only after ascertaining, if possible, that permission has not been granted by Town Officials for posting of said signs. Any charge imposed on a premises for

removal of an illegal sign, signal, or device shall be reported to the Town Board at its next regular meeting for review and certification.

4.03 ILLEGAL SIGNS.

A. No person shall erect, or cause to be erected, any advertising, direction, guide, warning or other sign or marker within any public highway within a distance of 1,000 feet from the intersection of any two or more highways, when such intersection is beyond the corporate limits of any city or town, unless permission is first obtained from the officials charged with the maintenance of such highway. (Wis. Stats. 86.191(1).)

B. No person shall post or fasten on any telegraph, telephone, traffic post, or electric pole within the Town or upon any tree within any street or public ground in the Town any bill, sign, notice, or advertising device. Permission to any person to erect and maintain poles shall not be construed to grant the right to use or rent such poles for advertising purposes.

C. Subsection (A) and (B) applies to illegal signs placed in applicable highway right-of-ways in view of pedestrians and vehicular traffic. Any person that violates this subsection shall be subject to a forfeiture of at least \$25 nor more than \$100. In addition, the person is also responsible for the costs of prosecution and in default of payment of such forfeiture and the costs of prosecution, he/she may be imprisoned in the County Jail until such forfeiture and costs are paid, but not to exceed thirty (30) days.

4.04 DISORDERLY CONDUCT WITH A MOTOR VEHICLE.

A. Conduct Prohibited. No person shall, within the Town of New Denmark, by or through the use of any motor vehicle, including, but not limited to, an automobile, truck, motorcycle, mini-bike, All Terrain Vehicle (ATV), Moped, go-carts, snowmobile, or other means of conveyance operated by motor, cause or provoke disorderly conduct with a motor vehicle.

B. Definition. Disorderly conduct with a motor vehicle shall mean, while operating or in control of a motor vehicle, to engage in conduct or activities which are violent, unreasonably loud, dangerous to persons or property, or otherwise against the public peace, welfare, and safety, including but not limited to unnecessary, deliberate, or intentional spinning of the wheels, squealing of the tires, revving or racing of the engine, blowing of 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 the ground. This subsection also applies to the intentional pushing, unlawful towing or any other intentional contact of a motor vehicle by another motor vehicle on any highway within the Town. Specifically excluded from this definition are legitimate, scheduled racing events. Police officials, highway maintenance units or authorized wrecker services in the performance of their respective duties are exempt from this section.

C. 1. Penalty. Any person found guilty of violating Ord. 4.04, or any part thereof, may be required to forfeit not less than \$10 nor more than \$200, and the costs of prosecution, for the first offense, and not less than \$50 nor more than \$300, and the costs of prosecution, for the second or subsequent violation within two years.

2. In addition, upon failure to pay said forfeiture, and the costs, any person may be confined in the County Jail for a period not to exceed 10 days for the first offense and 30 days for the second or subsequent offense, or until the payment of said forfeiture and costs is made.

4.05 NEGLIGENT OPERATION OF VEHICLE.

Whoever endangers another's safety by a high degree of negligence in the operation of a vehicle, not upon a highway as defined in Wis. Stats. §340.01, shall be subject to a forfeiture of at least \$100 nor more than \$500, in addition to the costs of prosecution, and upon default of payment may be imprisoned in the County Jail until said forfeiture and costs are paid, but not to exceed 90 days. (Wis. Stats. §941.01)

4.06 COMPRESSION BRAKES PROHIBITED.

No person shall use motor vehicle brakes within the Township of New Denmark which are in any way activated or operated by the compression of the engine of any such motor vehicle or any unit or part thereof. It shall be an affirmative defense to the prosecution under this section that such compression brakes were applied in an emergency situation and were necessary for the protection of persons and/or property. Any person found guilty of violating Ord. 4.06, or any part thereof, will be required to forfeit not less than \$10 nor more than \$200 and in addition, upon failure to pay said forfeiture, and the costs, any person may be confined in the County Jail for a period not to exceed 10 days for each violation or until said forfeiture and costs are paid.

4.07 PENALTY.

The penalty for violation of this Chapter shall be a forfeiture and penalty assessment if required by Wisconsin Statutes, a jail assessment if required by §302.46 Wis. Stats., plus any applicable fees prescribed in Ch. 814, Wis. Stats.

A. State Forfeiture Statutes. Any forfeiture for violation of Ordinance 4.01 shall conform to the forfeiture permitted to be imposed for violation of the statutes adopted by reference, including any variations or increases for subsequent offenses.

B. Local Regulations. Except as otherwise provided in this Chapter, the penalty for a violation of this Chapter shall be as provided in Chapter 26 of this General Code of Ordinances.

4.08 ENFORCEMENT.

A. Enforcement Procedure. This Chapter shall be enforced according to §23.33, §66.0114, §345.11-§345.61, and §350.17 Wis. Stats.

B. Deposit. Any person arrested for a violation of this Chapter may make a deposit of money as directed by the arresting officer at the Town Clerk of Court's Office or by mailing the deposit to such place. The arresting officer or the person receiving the deposit shall notify the arrested person, orally or in writing, that:

1. If the person makes a deposit for a violation of a traffic regulation, the person need not appear in court at the time fixed in the citation and the person will be deemed to have tendered a plea of guilty and submitted to a forfeiture and penalty assessment if required by Wisconsin Statutes, a jail assessment if required by §302.46 Wis. Stats., plus any applicable fees prescribed in Ch. 814, Wis. Stats., not to exceed the amount of the deposit that the court may accept as provided in §345.37 Wis. Stats.

2.. If the person fails to make a deposit for a traffic regulation or appear in court at the time fixed in the citation, the court may enter a default judgment finding the person guilty of the offense or issue a warrant for his or her arrest.

3. The amount of the deposit shall be determined in accordance with the Wisconsin Revised Uniform Traffic Deposit Schedule established by the Wisconsin Judicial Conference and shall include a jail assessment if required by §302.46 Wis. Stats., and court costs. If a deposit schedule has not been established, the arresting officer shall require the alleged offender to deposit the forfeiture established by the Town Board, which shall include the penalty assessment. Deposits for non-moving violations shall not include the penalty assessment.

4. The arresting officer or the person receiving the deposit shall issue the arrested person a receipt therefore as required by §345.26(3)(b) Wis. Stats.

C. Petition to Reopen Judgment. Whenever a person has been convicted in Wisconsin on the basis of a forfeiture of deposit or plea of guilty or no contest and he or she was not informed under §345.27(1) and (2) Wis. Stats., he or she may, within 60 days after being notified of the revocation or suspension of his or her operating privilege, petition the court to reopen the judgment and grant him or her an opportunity to defend on merits.

If the court finds that the petitioner was not informed as required under §345.27(1) and (2), Wis. Stats., it shall order the judgment reopened. The court order reopening the judgment automatically reinstates the revoked or suspended operating privilege.

4.10 HEAVY TRUCK ROUTES.

A. The following County roads are governed by the Brown County Highway Commissioner:

1. CTH R
2. CTH KB
3. CTH NN
4. CTH T
5. CTH P
6. CTH X
7. State Highway 96

B. Trucks Prohibited on Other Than Designated Heavy Truck Routes. It shall be unlawful for any person or company to operate any motor vehicle having a gross weight of more

than eight thousand (8,000) pounds except motor buses on any street other than on a Federal or State trunk highway or on streets designated in subsection (A) hereof, except when necessary for the purpose of obtaining orders and delivering and moving supplies or other necessary commodities to or from any place of business or residence fronting on any such streets, and except when necessary for the purpose of leaving or returning to the terminal or place of garaging of any such vehicle. When it is necessary for the operator of such a vehicle to travel upon a street not designated for heavy truck traffic as provided in subsection (A) hereof, such operator shall leave and re-enter such heavy truck routes at the point closest to his/her immediate destination.

C. Truck Route Signage. The Town shall erect or cause to be erected yellow street signs to give notice of the designation of the streets listed in subsection (A) as heavy truck routes.

D. Commercial Motor Vehicles Prohibited from using Certain Streets. No person shall operate any motor truck, road tractor, or truck tractor upon any street that is not designated as a heavy truck route, except for the purpose of obtaining orders for and delivering or moving supplies or other necessary commodities to or from any place of business or residence fronting on such streets.

E. Penalty. Each violation of this subsection will be considered a separate offense. Any person, partnership or corporation that violates this subsection shall be subject to a forfeiture of at least \$25 nor more than \$2,500. A violation of this subsection may also result in the revocation of any license or permit issued by the Town of New Denmark. In addition, the person is also responsible for the costs of prosecution and in default of payment of such forfeiture and the costs of prosecution, he/she may be imprisoned in the County Jail until such forfeiture and costs are paid, but not to exceed ninety (90) days for each violation.

3/9/2009

COVER PAGE FOR WIND ENERGY ORDINANCE

- 5.00 Large Wind Energy Facilities.
- 5.01 Purpose.
- 5.02 Definitions.
- 5.03 Regulatory Framework.
- 5.04 Applicability.
- 5.05 General Requirements for Wind Energy Facilities.
- 5.06 Setbacks.
- 5.07 Noise and Vibration.
- 5.08 Minimum Ground Clearance.
- 5.09 Signal Interference.
- 5.10 Shadow Flicker.
- 5.11 Ice Shedding.
- 5.12 Avian Risk.
- 5.13 Waste Management.
- 5.14 Safety.
- 5.15 Removal.
- 5.16 Penalties.
- 5.17 Review.
- 5.18 Severability.

CHAPTER 5

WIND ENERGY FACILITY

5.00 LARGE WIND ENERGY FACILITIES.

The following regulations shall apply to all large wind energy facilities, as defined in Section 5.02 of this Ordinance, hereinafter constructed or developed within the Town of New Denmark, Brown County, Wisconsin.

5.01 PURPOSE.

The purpose of this Ordinance is to provide a regulatory means for the construction and operation of large wind energy facilities in the Town of New Denmark, subject to reasonable restrictions, which will preserve the public health and safety.

5.02 DEFINITIONS.

As used in this Ordinance, the following terms shall have the meanings indicated:

- A. Commission: The Town of New Denmark Planning Commission.
- B. Decommissioning: The process of use termination and removal of all or part of a large wind energy facility by the owner or assigns of the large wind energy facility.
- C. FAA: The Federal Aviation Administration.
- D. Hub Height: When referring to a wind turbine, the distance measured from ground level to the center of the turbine hub.
- E. Karst Feature: An area or surficial geologic feature subject to bedrock dissolution so that it is likely to provide a conduit to groundwater, and may include areas with soils less than 60 inches thick over bedrock, caves, enlarged fractures, mine features, exposed bedrock surfaces, sinkholes, springs, seeps, swallets, and depressional areas with no surface drainage.
- F. MET Tower: A meteorological tower used for the measurement of wind speed.
- G. Total Height: When referring to a wind turbine, the distance measured from ground level to the blade extended at its highest point.
- H. Town: Town of New Denmark, Brown County, Wisconsin.
- I. Use Termination: The point in time at which a large wind energy facility owner provides notice to the Town of New Denmark that the large wind energy facility or individual wind turbines are no longer used to product electricity unless due to repairs. Such notice of use termination shall occur no less than 30 days prior to actual use termination.

J. Wind Energy Facility, Large: An electricity generating facility consisting of one or more wind turbines under common ownership or operating control, and includes substations, MET towers, cables/wires and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customers. It includes substations, MET towers, cables and wires and other building accessory to such facility.

K. Wind Energy System, Small: A wind energy system that is used to generate electricity with a total height to 170 feet or less and has a name plate capacity of 100 kilowatts or less. Small-scale wind turbines are regulated within the Town of New Denmark Zoning Ordinance.

L. Wind Turbine: 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 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.

5.03 REGULATORY FRAMEWORK.

A. Zoning

1. Large wind energy facilities may only be constructed in areas that are zoned Exclusive Agriculture with an approved conditional use permit from the Town of New Denmark.

2. Application for a conditional use permit for a large wind energy facility shall be submitted to the Town with the following information:

a. The name, address, legal corporate status and telephone number of the applicant responsible for the accuracy of the application and site plan.

b. The name, address, legal corporate status and telephone number of the owner of the proposed large wind energy facility.

c. A signed statement indicating that the applicant has legal authority to construct, operate, and develop the wind energy system(s) under state, federal and local laws and regulations, including Federal Aviation Administration (FAA), state and local building codes.

d. The applicant shall also provide copies of the Proof of a Certificate of Authority from the Public Service Commission of Wisconsin and the Public Service Commission of Wisconsin Environmental Assessment, if applicable.

e. A description of the number and kind of wind energy system(s) to be installed.

f. A description of the large wind energy system(s)' height and design, including a cross section, elevation, and diagram of how the wind energy system will be anchored to the ground.

g. A site plan, drawn to a scale of not less than 1 inch to 100 feet, showing the parcel boundaries and a legal description, 2-foot contours for the subject site and 100 feet beyond the subject site, karst features, support facilities, access, proposed landscaping and fencing.

h. Photo exhibits visualizing the proposed wind energy system.

i. A statement from the applicant that all wind energy system(s) will be installed in compliance with manufacture's specifications, and a copy of those manufacturer's specifications.

j. A copy of the lease with the landowner if the applicant does not own the land for the proposed large wind energy facility(s). A statement from the landowner of the leased site that he/she will abide by all applicable terms and conditions of the conditional use permit, if approved.

k. A statement indicating what hazardous materials will be used and stored on the site, and, how those materials will be stored.

l. A statement indicating how the large wind energy facility will be lit, if applicable.

m. A non-refundable \$500.00 application fee payable to the Town Treasurer.

3. A site grading, erosion control, and stormwater drainage plan shall be submitted to the Town Engineer for review and approval prior to granting building permit.

4. All other permits, including those for work done in rights-of-way shall be applied for by the applicant to the appropriate agency prior to construction.

5. Wind energy facilities may not include offices, vehicle storage, or other outdoor storage. One accessory storage building may be permitted per wind turbine at Town Board discretion. The size and location of any proposed accessory building shall be shown on the site plan. No other structure or building is permitted unless used for the express purpose of the generation of electricity.

6. Applicant may submit one conditional use permit application for entire large wind energy facility project located in the Town of New Denmark.

7. No grading, filling, or construction may begin until the Town of New Denmark Building Inspector issues a building permit. A separate building permit shall be required for each wind turbine to be constructed.

8. A certificate of insurance with a minimum of \$2,000,000 liability coverage per incidence, per occurrence shall be required. Each renewal period will require a copy of certificate of insurance be provided to the Town of New Denmark. An expired insurance certificate or an unacceptable liability coverage amount is grounds for revocation of the conditional use permit.

9. The Town shall require an irrevocable letter of credit, bond, or cash escrow, held in trust in favor of the Town of New Denmark to recover the costs associated with removal of a use terminated wind generator and appurtenant facilities. The amount of the irrevocable letter of credit, bond, or cash escrow shall be set by the Town of New Denmark prior to conditional use permit approval and shall remain in effect until released by the Town.

10. A large wind energy facility authorized by conditional use permit shall be started within twelve (12) months of conditional use permit issuance and completed within thirty-six (36) months of conditional use permit issuance, or in accordance with a timeline approved by the Town Board. Upon request of an applicant, and for good cause, the Town Board may grant an extension of time.

11. The applicant shall submit a copy of all “as built plans” including structural engineering and electrical plans for all towers following construction to the Town to use for removal of large wind energy facility, if large wind energy facility owner or its assign fails to meet the requirements of this Ordinance.

12. The Town may require additional conditions to ensure safety and a proper land use fit to the surrounding area.

B. Principal or Accessory Use

1. 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 large wind energy facility or a part of such facility of such lot. Large 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.

2. A building permit, issued by the Town of New Denmark Zoning Administrator, shall be required for each individual wind turbine prior to construction of said wind turbine.

5.04 APPLICABILITY.

A. The requirements of this Ordinance shall apply to all large wind energy facilities proposed after the effective date of this Ordinance. Large 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 large wind energy facility which does not provide energy for a continuous period of twelve (12) months shall meet the requirements of this Ordinance prior to recommencing production of energy. However, no modification or alteration to an existing large wind energy facility shall be allowed without full compliance with this Ordinance.

5.05 GENERAL REQUIREMENTS FOR WIND ENERGY FACILITIES.

A. Design and Installation

1. Wind turbines shall be painted a non-reflective, non-obtrusive color, such as grey, white, or off-white.
2. At large wind energy facility sites, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the large wind energy facility to the nature setting and existing environment.
3. All landscaping must be properly maintained, including grass cutting.
4. Wind energy facilities shall not be artificially lighted, except to the extent required by the FAA.
5. No form of advertising shall be allowed on the pole, turbine, blades, or other buildings or facilities associated with the use, except for reasonable identification of the manufacturer or operator of the large wind energy facility.
6. All wind energy facilities shall be equipped with a redundant braking system. This includes both aerodynamic overspeed controls (including variable pitch, tip, and other similar system) and mechanical brakes. Mechanical brakes shall be operated in a fail-safe mode. Stall regulation shall not be considered a sufficient braking system for overspeed protection.
7. To the extent applicable, the large wind energy facility shall comply with all applicable building codes and standards.
8. Electrical controls, 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.
9. All electrical components of the large wind energy facility shall conform to relevant and applicable local, state, and national codes, and relevant and applicable international standards.
10. The owner of a large wind energy facility shall defend, indemnify, and hold harmless the Town of New Denmark and their officials from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses, and liabilities whatsoever including attorney fees arising out of the acts or omissions of the operator concerning the operation of the large wind energy facility without limitation, whether said liability is premised on contract or tort.
11. The owner of the large wind energy facility (applicant) shall reimburse the Town and/or County for any and all repairs and reconstruction to the public roads, culverts, and natural drainageways resulting directly from the construction of the large wind energy facility. A qualified independent third party, agreed to by the Town and/or County and applicant, and paid

for by the applicant, shall be hired to inspect the roadways to be used during construction. This third party shall be hired to evaluate, document, videotape, and rate road conditions prior to the construction of the large wind energy facility and again within 30 days after the large wind energy facility project is complete. Any road damage done by the applicant or subcontractors shall be repaired or reconstructed at the applicant's expense.

12. Where large wind energy facility construction cuts through a private or public drain tile field, the drain tile must be repaired and reconnected to properly drain the site to the satisfaction of the landowner.

13. Any recorded access easement across private lands to a large wind energy facility shall in addition to naming the large wind energy facility owner as having access to the easement shall also name the Town of New Denmark as having access to the easement for purposes of inspection or decommissioning with 24-hour advance notice to the property owners and large wind energy facility owner.

14. The owner of a large wind energy facility shall reimburse the Town of New Denmark for any and all legal notices, meeting fees, and reasonable fees for consulting, legal advice, and engineering. The Town shall submit copies of all related Town-paid invoices to the large wind energy facility owner for repayment to the Town.

15. Any wind energy turbine or facility that does not produce energy for a continuous period of twelve months, excluding time spent on repairs or improvements, shall be considered abandoned and shall be removed in accord with the removal provisions of Section 5.15 of this Ordinance.

16. The large wind energy facility owner and operator shall maintain a phone number and identify a responsible person for the public to contact with inquiries and complaints throughout the life of the project.

5.06 SETBACKS.

A. The following setbacks and separation requirements shall apply to all wind turbines.

1. **Inhabited Structures.**

a. Each wind turbine shall be set back from the nearest residence, school, hospital, church, or public library a distance of no less than the greater of two (2) times its total height or one thousand five hundred (1,500) feet.

1) The New Denmark Town Board may grant a waiver to this requirement for a participating and/or non-participating landowner to decrease the setback. In no instance shall the setback be decreased to less than 1.1 times the total height of the wind turbine. This waiver shall be signed by the impacted property owner(s) and recorded with the property with the Brown County Register of Deeds.

2. **Property Lines.**

a. Each wind turbine shall be setback from the nearest property line a distance no less than 1.1 times its total height.

1) The New Denmark Town Board may grant a waiver to this provision where strict enforcement would not serve the public interest. This waiver shall be signed by the impacted property owner(s) and recorded with the property with the Brown County Register of Deeds.

3. Public Roadways.

a. Each wind turbine shall be set back from the nearest public road right-of-way a distance of no less than 1.1 times its total height.

1) The New Denmark Town Board may grant a waiver to this provision where strict enforcement would not serve the public interest.

4. Communication and Utility Lines.

a. Large wind energy facility must meet all utility company setbacks and/or easements. Owner of the large wind energy facility is responsible for contacting the appropriate utility to determine the location of all above and underground utility lines including, but not limited to, electricity, natural gas, petroleum, propane, cable television, and fiber optic.

b. Utility line and/or easement locations shall be provided to the Town of New Denmark for verification.

5.07 NOISE AND VIBRATION.

A. Audible noise due to large wind energy facility operations shall not exceed forty-five (45) DBA for ten percent of the time over a continuous 24 hour period, when measured at any residence, school, hospital, church, or public library existing on the date of approval of a large wind energy facility building permit.

1. If audible noise exceeds 45 DBA for ten percent of the time over a continuous 24 hour period, the offending wind turbine must be inoperable until repairs are completed, or a waiver is obtained from affected property owners in accordance with 5.07(F).

2. The Town of New Denmark reserves the right to review the repair plan and evaluate its effectiveness.

B. Wind energy facilities shall not create an audible steady, pure tone such as a whine, screech, hum, or vibration.

C. In the event the ambient noise level (exclusive of the development in question) exceeds the applicable standard given above, the applicable standard shall be adjusted so as to equal the ambient noise level. The ambient noise level shall be expressed in terms of the highest whole number sound pressure level in DBA, which is succeeded for more than five (5) minutes per hour. Ambient noise levels shall be measured at the exterior of potentially affected existing

residences, schools, hospitals, churches, and public libraries. Ambient noise level measurement techniques shall employ all practical means of reducing the effect of wind-generated noise at the microphone. Ambient noise level measurements may be performed when wind velocities at the proposed project site are sufficient to allow Wind Turbine operation, provided that the wind velocity does not exceed thirty (30) mph at the ambient noise level measurement location.

D. Any noise level emanating from a wind energy facility falling between two whole decibels shall be the higher of the two.

E. Any noise monitoring or measurements, which need to be determined by the New Denmark Town Board, shall be paid for by the applicant or wind turbine facility owner.

F. In the event the noise levels resulting from the wind energy facility exceed the criteria listed above, a waiver to said levels may be granted by the Town provided that the following has been accomplished:

1. Written consent from the affected property owners has been obtained stating that they are aware of the large wind energy facility and noise limitations imposed by this Ordinance, and that consent is granted to allow noise levels to exceed the maximum limits otherwise allowed; and

2. A permanent noise impact easement has been recorded in the Brown County Register of Deeds which describes the benefited and burdened properties and which advised all subsequent owners of the burdened property that noise levels in excess of those permitted by this Ordinance may exist on or at the burdened property.

5.08 MINIMUM GROUND CLEARANCE.

A. The blade tip of any wind turbine shall, at its lowest point, have ground clearance of no less than seventy-five (75) feet.

5.09 SIGNAL INTERFERENCE.

A. The applicant shall mitigate any interference with electromagnetic communications, such as radio, telephone, or television signals caused by any large wind energy facility. If the applicant is a public utility, PSC 113.0707 Wis. Adm. Code also applies.

5.10 SHADOW FLICKER.

A. The large wind energy facility owner and/or operator shall make reasonable efforts to minimize or mitigate shadow flicker to any occupied building on non-participating landowners' property.

5.11 ICE SHEDDING.

A. The large wind energy facility owner and/or operator shall ensure that ice from the wind turbine blades does not impact any non-participating landowners' property.

5.12 AVIAN RISK.

A. The large wind energy facility owner and/or operator shall make reasonable efforts to minimize avian mortality from the operation of a large wind energy facility. The Town of New Denmark may require an avian risk study prior to issuance of a conditional use permit for a large wind energy facility.

5.13 WASTE MANAGEMENT.

A. All solid waste whether generated from supplies, equipment, parts, packaging, or operation or maintenance of the facility, including old parts and equipment, shall be removed from the site in a timely manner consistent with industry standards.

B. All hazardous waste generated by the operation and maintenance of the facility, including, but not limited to, lubricating materials, shall be handled in a manner consistent with all local, state, and federal rules and regulations.

5.14 SAFETY.

A. All wiring between wind turbines and the large wind energy facility substation shall be underground.

B. Wind turbine towers shall not be climbable up to fifteen (15) feet above ground level.

C. All access doors to wind turbine towers and electrical equipment shall be lockable.

D. Appropriate warning signage shall be placed on Wind Turbine towers, electrical equipment, and large wind energy facility entrances.

E. The large wind energy facility site and all structures shall have an annual inspection report of structural stability, at cost to the large wind energy facility owner, with a report filed with the New Denmark Town Clerk.

F. The owner/operator of the large wind energy facility shall coordinate with the Wisconsin Public Service Commission (PSC) to test for stray voltage upon request by the New Denmark zoning Administrator.

G. All substations shall be fenced to prevent public access. Chain link fencing shall include vinyl or aluminum slats or other landscaping to create an opaque visual barrier.

5.15 REMOVAL.

A. All wind generators and appurtenances shall be removed from the site within seven months or 210 days of use termination notice to the Town of New Denmark by the owner of the facility or its assigns.

1. Upon request of the owner or assigns of the large wind energy facility, and for good cause, the New Denmark Town Board may grant a reasonable extension to time.

B. The site shall be stabilized, graded, and cleared of any debris by the owner of the facility or its assigns. If site is not to be used for agricultural practices following removal, site shall be seeded to prevent soil erosion.

C. Any foundation shall be removed to a minimum depth of four (4) feet below grade, or to the level of the bedrock if less than four (4) feet below grade, by the owner of the facility or its assigns.

D. Any access roads shall be removed, cleared, and graded by the owner of the facility or its assigns, unless the property owner wants to keep the access road. The Town of New Denmark will not be assumed to take ownership of any access road unless through official action of the Town Board.

E. Removal shall conform to the contract between property owner and the owner/operator of the large wind energy facility, in addition to the requirements set forth in this Ordinance.

5.16 PENALTIES.

A. Any wind generation facility, turbine or appurtenant facility hereinafter significantly erected, moved or structurally altered 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.

B. Any wind generation facility that does not meet the requirements of this Ordinance, including, but not limited to, those dealing with noise or visual appearance, or does not meet the conditions attached to an approved conditional use permit shall provide grounds for revocation of the conditional use permit, thereby deeming the facility an unlawful structure.

C. The Zoning Administrator shall report all such violations to the Town Board who may then refer the matter to the Town Attorney to bring action to enjoin the erection, moving or structural alteration of such facility or to cause such facility to be vacated or removed.

D. Any person, firm or corporation, or agent, employee, or contractor of such, who violates, destroys, omits, neglects, or refuses to comply with, or who resists enforcement of any provision of this Ordinance; shall upon conviction thereof forfeit no less than \$1,000 per 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 payment of said forfeiture and costs of prosecution are made. Confinement to the county jail shall not exceed 30 days for each offense. Each violation and each day of violation shall constitute a separate offense.

E. This section shall not preclude the Town of New Denmark from maintaining any appropriate action to prevent or remove a violation of this section.

5.17 REVIEW.

A. Nothing in this Ordinance shall be construed as limiting an aggrieved person's right to a Certiorari Review in Circuit Court as permitted by Wisconsin law.

limiting an aggrieved person's right to a Certiorari Review in Circuit Court as permitted by Wisconsin law.

5.18 SEVERABILITY.

A. The sections, paragraphs, sentences, clauses, articles and phrases of this chapter are severable; if any provision is found to be unconstitutional, invalid or unenforceable, such finding shall not affect the remaining portions of this chapter.

3/9/2009

COVER PAGE FOR RECYCLING & SOLID WASTE COLLECTION AND DISPOSAL

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CHAPTER 6

SOLID WASTE DISPOSAL

6.01 TITLE.

The title of this Ordinance is the Town of New Denmark Solid Waste Disposal Ordinance.

6.02 PURPOSE.

The purpose of this Ordinance is to effectively and efficiently manage the solid waste generation and collection by and of the Town of New Denmark.

6.03 ABROGATION AND GREATER RESTRICTIONS.

It is not intended by this Ordinance to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, Ordinances or permits previously adopted or issued pursuant to law. However, whenever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall apply.

6.04 INTERPRETATION.

In their interpretation and application, the provisions of this Ordinance shall be held to 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. Adm. Code, standards or its successor chapter and where the Ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and Chapter NR 544 Wis. Adm. Code standards or its successor chapter 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.

6.05 SEVERABILITY.

Should any portion of this Ordinance be declared unconstitutional or invalid by a court or competent jurisdiction the remainder of this Ordinance shall not be affected.

6.06 APPLICABILITY.

The requirements of this Ordinance apply to all persons and households in the Town of New Denmark.

6.07 ADMINISTRATION.

The provisions of this Ordinance shall be administered by the Town Board of the Town of New Denmark or its designee.

6.08 EFFECTIVE DATE.

These provisions pursuant to NR 544 Wis. Adm. Code shall take effect upon publication.

6.09 DEFINITIONS.

For the purpose of this Ordinance:

"Bi-metal container" means a container for carbonated malt beverages that is made primarily of a combination of steel and aluminum.

"Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.

"Green box" recyclable material facility means recyclable containers placed by the Town, its agents, or its contractors to be used by the service recipients in the Town for the temporary collection of recyclable material.

"HDPE" means high density polyethylene, labeled by the SPI code #2.

"LDPE" means low density polyethylene, labeled by the SPI code #4.

"Magazines" means magazines and other materials printed on similar paper.

"Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnaces, boiler, dehumidifier, water heater or stove.

"Multiple-family dwelling" means a property containing 3 or more residential units, including those which are occupied seasonally.

"Newspaper" means a newspaper and other materials printed on newsprint.

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

"Office paper" means high grade printing and writing 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.

"Other resins or multiple resin" means plastic resins labeled by the SPI code #7.

"Persons" includes any individual, corporation, partnership, association, local government unit as defined on §66.0131(a) Wis. Stats., state agency or authority or Federal authority.

"PETE" means polyethylene terephthalate, labeled by the SPI code #1.

"PP" means polypropylene, labeled by the SPI code #5.

"PS" means polystyrene, labeled by the SPI code #6.

"PVC" means polyvinyl chloride, labeled by the SPI code #3.

"Recyclable materials" includes lead acid batteries, major appliances, waste oil, yard waste, aluminum containers, corrugated paper or other container board, foam polystyrene packaging, glass containers, magazines, newspaper, office paper, rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS and other resins, steel containers, waste tires and bi-metal containers.

"Residential Equivalent Unit (REU)" means a residential living space required to house one family regardless of family size. For example, a duplex would consist of two residential equivalent units.

"Solid waste" has the meaning specified in §289.01(33) Wis. Stats.

"Solid waste facility" has the meaning specified in §289.01(35) Wis. Stats.

"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.

"Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.

"Yard waste" means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than 6 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

"Recycling contract" shall refer to the Cooperative Agreement with rural municipalities to provide curbside or drop-off recycling center collection of commingled or source separated household recyclables and a materials recovery facility by and between Brown County, State of Wisconsin and the Town of New Denmark dated February 07, 1994.

6.10 SEPARATION OF RECYCLABLE MATERIALS.

Occupants of single family and two (2) to four (4) unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following materials from post-consumer waste:

Lead acid batteries.

Major appliances.

Waste oil.

Yard waste.

Aluminum containers.

Bi-metal containers.

Corrugated paper or other container board.

Foam polystyrene packaging.

Glass containers.

Magazines.

Newspaper.

Office paper.

Rigid plastic containers made of PETE, HDPE, HVC, LDPE, PP, PS and other resins or multiple resins.

Steel containers.

Waste tires.

The Town Board reserves the right to designate by order in writing, additional solid waste as recyclable materials to be separated by occupants to be collected by the Town or its contractor and to designate, after a variance has been obtained by the Town Board from the DNR under § 287.11(2m) Wis. Stats or its successor provision, currently separated and collected recyclable materials as no longer recyclable material to be separated and/or to be collected by the Town or by its contractors in the Town and to add or delete any of these materials or waste from any recyclable material collection services provided for or contracted by the Town. The Town Board shall provide written notice to known occupants affected by these changes and to any contractor of this written order.

Upon any designation notice to known occupants forwarded by first class mail, the Town or its contractor may reject any recyclable material waste or material determined to no longer be collected by the Town or by its contractor. The Town Board shall direct whether these recyclable materials not to be collected shall be separated from post-consumer waste and how they shall be managed by any occupant of the Town.

6.11 SEPARATION REQUIREMENTS EXEMPTED.

The separation requirements of Section 6.11 do not apply to any occupants of the Town regarding the following:

Occupants of single family and two (2) to four (4) unit residences, multiple-family dwellings and non-residential facilities and properties that send their post-consumer waste to a

processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in Section 6.11 from solid waste in as pure a form as is technically feasible.

Solid waste from these occupants which is burned as a supplemental fuel at a facility if less than 30% of heat input to the facility is derived from the solid waste burned as supplemental fuel.

A recyclable material of these occupants specified in Sections 6.11 (1) e. through o. for which a variance has been granted to the Town by the Wisconsin Department of Natural Resources under §287.11(2m) or §287.07(7)(d), Wis. Stats. or s. NR 544.14 Wis. Adm. Code or their successor provisions.

A recyclable material for which the Town has obtained the above variances from the DNR under §287.11(2m) Wis. Stats or its successor provision, and the Town Board does not require separation of this recyclable material from post-consumer waste.

6.12 CARE OF SEPARATED RECYCLABLE MATERIALS.

To the greatest extent practicable, the recyclable materials separated in accordance with section 6.11 shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste and agricultural chemical containers.

No person may place or deposit for any recyclable material collection by the Town or its contractor in the Town in violation of Section 6.25, any household hazardous waste, medical waste, agricultural pesticide containers, or any other wastes and materials noted in Section 6.25. Recyclable materials separated for recyclable material collection shall be stored by all persons in a manner which protects them from wind, rain, other inclement weather conditions.

No person may place for recyclable material collection in the Town, by the Town, its contractors or by permitted collector, any separated recyclable materials that are unmarketable or contaminated or that are placed and stored for collection in a manner that will cause the material to be declared unmarketable or to be declared contaminated by the Town, its contractor, or by any permittee of the Town, that when placed or deposited for recyclable material collection will create a public nuisance or that will create litter conditions in the Town.

6.13 MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE TIRES, WASTE OIL AND YARD WASTE.

Occupants of single family and two (2) to four (4) unit residences, multiple-family dwellings and non-residential facilities and properties, except as otherwise directed by order of the Town Board, shall manage lead acid batteries, major appliances, waste oil, waste tires, and yard waste as follows:

Lead acid batteries, waste tires and waste oil shall not be collected by the Town at the curbside, but shall be disposed of by the person or owner at the Town Drop Off Recycling Center or taken to the Brown County Hazardous Waste Facility.

Major appliances and yard waste shall not be collected by the Town at curbside, but shall be disposed of by person or owner at the Town Drop Off Recycling Center or in accordance with State statute, DNR regulation and Wisconsin Administration Code.

6.14 REPARATION AND COLLECTION OF RECYCLABLE & SOLID WASTE MATERIALS.

The Town shall provide solid waste collection to all residential properties up to and including 3 dwelling units, per lot of record.

Recyclable waste to include commingled and paper shall be collected by the Town for all residential properties up to and including 3 dwelling units, per lot of record, provided such waste is properly separated, handled, prepared, contained stored and located in conformance with this Chapter and the rules and regulations established and publicized by the Public Works Director. Roadside recycling is mandatory and residents are required to comply when they are served by a recycling route. Recycling Waste Collection shall be provided once every two weeks to each household for one container furnished by the Town. Additional containers may be obtained for a fee as set from time to time by resolution of the Town Board. Recycling waste shall be placed out for collection separate from but next to other solid waste on the regular refuse collection day.

All non-residential business establishments and multiple family dwellings units shall be responsible for the disposal of solid waste and recyclable materials in accordance with Section 6.11 of the Town code. The Town shall not provide these services for any business establishment (Commercial, industrial, manufacturing or other), multiple family dwelling units (defined as a dwelling that has more than a three family dwelling unit per lot of record), non-profit organization or other organization. Those business establishments that also have a dwelling unit attached to the building will not be provided with solid waste or recyclable pick-up service from the Town, as such establishments will be considered non-residential unit in accordance with this Ordinance.

Except as otherwise provided by order of the Town Board, occupants of single family and two (2) to three (3) unit residences shall do the following for the proper preparation and proper recyclable material collection of the separated materials specified in Sections 6.11(5) through (14):

A. Magazines or other materials on similar paper, newspapers, or other materials printed on newsprint, office paper and corrugated paper, or other container board (collectively referred to as "paper") shall be separated from other recyclable materials contained by placing in a paper grocery bag or securely tied in both directions with heavy string or cord or any other method approved by the Town of New Denmark or Brown County in accordance with recycling contract and/or any contractor requirements.

B. Aluminum containers, bi-metal containers, foam polystyrene packaging, glass containers, plastic containers and steel containers may be commingled and placed in one container and shall be collected and disposed of in accordance with the recycling contract and/any contract requirements.

C. All recyclables shall be rinsed and free of putritiable substances.

D. All other solid waste not restricted by this Ordinance, considered "hazardous" or recyclable, shall be placed in the approved trash cart supplied by the Town for the explicit purpose of garbage collection.

E. Solid waste shall not be placed into trash carts in an unconfined manner but must be contained within a bag of sufficient structural integrity and containment value as to not allow dispersion by wind, accident or during the collection process prior to placement in the trash cart. Under no circumstance are materials to be placed in a loose manner.

6.15 RIGHT TO REJECT MATERIALS.

The Town or its contractor has the right to reject and leave at the curb or roadside, recyclable or solid waste material where these recyclable materials are not prepared according to the specifications of this Ordinance as noted in Section 6.15 of this Ordinance.

6.16 RIGHT TO COLLECT MATERIALS.

No person, unless the persons are exempt under Section 6.12 or unless the persons are provided written permission from the Town Board, may collect for the Town, including any contractor of the Town, any recyclable or solid waste materials if:

the recyclable or solid waste materials are not completely and properly separated from other wastes or other materials.

the recyclable or solid waste materials are not placed for collection in the proper bins, containers or bags.

the recyclable or solid waste materials are contaminated with other wastes or residuals, including those wastes and materials noted in §6.25.

the recyclable or solid waste materials are commingled contrary to §6.15.

the recyclable or solid waste materials are not of a marketable quality or are not placed for collection in a marketable or appropriate condition.

the recyclable materials or solid waste are not generated from the proper sources within the Town.

the person, who placed the recyclable or solid waste materials for collection, is not eligible to receive collection service from the Town or its contractor.

the recyclable or solid waste materials are not placed for collection on the proper dates or times or locations.

the recyclable or solid waste materials are not currently authorized for collection by the Town or its contractor.

Upon rejection of any of these materials or waste, the person authorized to reject the recyclable or solid waste materials; for the Town or its contractor shall provide to the occupant the reasons for the rejection of these materials or waste either in writing or orally. The contractor or any other person authorized or permitted to operate any curbside or roadside recyclable material collection service for the Town or to operate any "green box" recyclable material collection facility for the Town shall provide to the Town, on a monthly basis, a lists of names, in writing, of occupants or other persons, if known, whose recyclable or solid waste materials were rejected for collection and the reason(s) for such rejection.

No person may place or deposit for recyclable or solid waste material collection by the Town or its contractor, unless the person is exempt under Section 6.12 or unless provided written permission by the Town Board, any recyclable or solid waste materials where the recyclable or solid waste materials have not been properly separated from the waste or other materials as required by order of the Town Board, as required by Chapter NR 544 Wis. Adm. Code, or its successor chapter, or as required by this Ordinance and where the recyclable or solid waste materials have not been properly contained in the bags, bins, or other containers as required by order of the Town Board or by this Ordinance.

6.17 RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF MULTIPLE-FAMILY DWELLINGS.

Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in Sections 6.11(5) through (14) and to supply a means for disposal of other solid waste as approved or disapproved in §6.11(5) through (14):

- A. Provide adequate, separate, containers for the recyclable and solid waste materials.
- 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 recyclable material collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.

Provide for the solid waste material collection of all other materials generated by the tenants as approved or disapproved for collection in Sections 6.11(5) through (14) and the delivery of the materials to a recycling facility.

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.

The requirements specified in A (1) do not apply to the owners or designated agents of multiple-family dwellings if the post consumer waste generated within the dwelling is treated as a processing facility licensed by the Wisconsin Department of Natural Resources that recovers for recycling the materials specified in Sections 6.11(5) through (14) from solid waste in as pure a form as is technically feasible.

6.18 RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF NON-RESIDENTIAL FACILITIES AND PROPERTIES.

Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in Sections 6.11(5) through (14): and to supply a means for disposal of other solid waste as approved or disapproved in Sections 6.11(5) through (14) :

- A. Provide adequate, separate, containers for the recyclable and solid waste materials.
- 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 recyclable material collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
- D. Provide for the solid waste material collection of all other materials generated by the tenants as approved or disapproved for collection in Sections 6.11(5) through (14) and the delivery of the materials to a recycling facility.
- E. Provide users, tenants and occupants the 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.

The requirements specified in A do not apply to the owners or designated agents of non-residential facilities and properties if the post consumer waste generated within the facility or property is treated at a processing facility licensed by the Wisconsin Department of Natural Resources that recovers for recycling the materials specified in Sections 6.11(5) through (14) from solid waste in as pure a form as is technically feasible.

6.19 PROHIBITIONS OF DISPOSAL OF RECYCLABLE OR SOLID WASTE MATERIALS SEPARATED FOR RECYCLING.

No persons may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the recyclable materials specified in §6.11(5) through (15) which have been separated in the Town for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

6.21 PERMITTING.

No person may engage in the use operation or business of collecting solid waste or recyclable material for consideration within the Town without being licensed or permitted by the DNR under NR 502.06 Wis. Adm. Code or its successor provision.

No person may engage in the use, operation or the business of collecting solid waste, hazardous waste, recyclable material or other material noted in §6.25 for consideration within the

Town without being permitted by the Town pursuant to this Ordinance. This required Town permit provision shall include any persons contracted by the Town to provide for recyclable material collection services for the Town and for its occupants.

6.22 ANTI-SCAVENGING OR UNLAWFUL REMOVAL OF SOLID WASTE MATERIALS.

No person, unless under contract with the Town, unless under permit by the Town Board or unless provided written permission by the Town Board, may collect or remove any recyclable material that has been deposited or placed for material collection.

6.23 RECYCLABLE MATERIAL/SOLID WASTE FROM OUTSIDE THE TOWN.

No person, unless provided written permission by the Town Board, may deposit or place for recyclable or solid waste material collection by the Town or its contractor at any location in the Town, any recyclable materials, wastes, or other materials, where these materials, wastes, or other materials have been generated from sources outside the Town.

This provision shall not apply to any recyclable or solid waste material properly placed on public or private land by any person in any Town authorized recyclable or solid waste material containers established for and permitted by the Town Board for general public deposit of recyclable or solid waste material.

6.24 NO DUMPING OF RECYCLABLE OR SOLID WASTE MATERIALS.

No person, unless provided written permission by the Town board, may litter, dispose, discharge or dump any recyclable or solid waste material in any road, highway, road right-of-way, waters, street, alley or other public land or location, within the Town unless it is deposited or placed properly for collection in the proper bags, bins, receptacles or containers in the proper manner, date, time and location specified in this Ordinance or as authorized and specified by the Town Board.

A. No person, unless provided permission by the owner or occupant of the land, shall litter, dispose, discharge or dump any recyclable or solid waste material on private land.

B. No person shall litter or permit any recyclable or solid waste material to be thrown from a vehicle operated by that person in the Town.

This provision shall not apply to any recyclable or solid waste material, clean and not contaminated, placed on public land or private land in the Town by any person in any authorized recyclable or solid waste material containers established for and permitted by the Town Board for general public deposit of recyclable or solid waste material.

6.25 NON-COLLECTABLE MATERIALS.

No person, unless provided written permission by the Town Board, may deposit or place for any recyclable or solid waste material collection by the Town or by its contractor, at any

location in the Town any of the following recyclable materials, wastes, residuals, and other materials:

hazardous waste, including household hazardous wastes.

toxic wastes.

free liquid in any containers, including paints and solvents.

pesticides, excluding non-agricultural pesticide containers if properly cleaned, not contaminated, and if approved by the Town Board for separation and for recyclable material collection.

medical wastes.

asbestos.

sludge wastes.

industrial or commercial wastes from any industrial or commercial facility or operation.

waste from pollution control equipment.

residue and debris from clean-up of a chemical discharge or chemical residue and debris from any facility or operation using chemicals in any commercial, agricultural or industrial processes.

ash waste.

hazardous and toxic demolition and construction wastes and demolition and construction wastes containing asbestos.

bio-medical wastes.

septage (human or otherwise) wastes.

animal fecal wastes.

dead animals.

brush or trees.

wood treated with chemical preservatives.

explosive material.

contaminated recyclable material as determined by the Town Board or its contractor.

No person may, in any recyclable or solid waste material collection, knowingly collect for the Town any of the above noted wastes, materials, contaminated recyclable materials and any other recyclable materials which are not of marketable quality or which are placed for recyclable material collection in an unmarketable condition, unless provided written permission by the Town Board. This prohibition shall apply to any contractor for the Town.

6.26 REPORTING REQUIREMENTS.

Any person permitted by or contracted by the Town to collect for consideration, any recyclable material for the Town or other persons in the Town shall be required as a provision of the contract or as a condition of the Town recyclable collection permit to maintain appropriate records for the Town and to report in writing to the Town Clerk at least annually by February 28 of each year sufficient and accurate information and data related to the amount, weight and type of recyclable material, waste and other material collected by the contractor or by the permittee in the Town for the Town or for any occupants in the Town in the previous year. The information and data to be provided shall be sufficient in detail to allow the Town to meet the recyclable material collection, compliance and data requirements established for the Town in NR 544 Wis. Adm. Code or its successor chapter. The annual report may, at a minimum, specifically require from the contractor or permittee:

the amount, weight and type of recyclable material, waste and other material collected in the Town for the Town or for other occupants in the Town.

the amount, weight and type of recyclable material processed or marketed for the Town or for other persons and the amount, weight and type of recyclable material for the Town or for other occupants in the Town rejected for processing or marketing. This shall include weight slips.

the amount, weight, type and final disposal or treatment location for any recyclable material, contaminated recyclable material, waste or other material collected in the Town for the Town or for other occupants which was later disposed or treated in any solid waste disposal facility or solid waste treatment facility.

Failure by any contractor of the Town or any person with a Town recyclable material collection permit to file the above noted information, data and reports with the Town Clerk in an accurate and timely manner, shall be cause for the Town Board to seek enforcement or penalties, to revoke any permit and/or terminate any contract with the contractor or permittee.

6.27 OWNERSHIP OF MATERIAL AND EQUIPMENT.

Any recyclable or solid waste material, waste or other material not rejected by the Town, its employees, agents or by any of its contractors in its recyclable or solid waste material collection at any Town recyclable material collection facility or curbside collection point, unless previously rejected by the Town, its employees, its agents or by any of its contractors, shall become the property of the Town, unless the Town has a contract to the contrary with the contractors.

The recyclable material, waste, or other material deposited for collection at any curbside or roadside collection location, shall, upon its collection by any contractor of the Town, become the property of the contractor unless the Town has a contract to the contrary with the contractor.

Each residential equivalent user shall be assigned one bin for recycling, and one trash cart for garbage. The cost of the trash cart will as set from time to time by resolution of the Town board or as incorporated into the fee structure for solid waste management and pick-up. Town residents may purchase an additional recycling bin for a fee as set from time to time by resolution of the Town board.

Additional trash carts are not allowed, however residents may request the largest cart size offered.

Replacement and repairs for normal wear and tear to the trash carts shall be the responsibility of the Town.

The Town reserves the right to charge the resident for repairs or replacement in cases of loss, negligence, and/or abuse.

All bins, carts, and receptacles are the property of the Town and are to remain at the residence to which they have been assigned upon transfer of real estate.

6.28 RECYCLABLE AND SOLID WASTE MATERIAL COLLECTION SCHEDULE.

The Town Board may establish the dates and times of authorized placement and collection for waste materials, or other materials where these materials or wastes are to be collected in the Town, by the Town, by any contractor of the Town or by any permitted collector of the Town. The Town Clerk shall publish a notice in the official newspaper and also provide written notice by 1st class mail to every known occupant in the Town of the collection schedule.

6.29 SPECIFIED CONTAINERS/SPECIFIED LOCATIONS, TIMES AND DATES FOR COLLECTION.

No person, unless provided written permission by the Town Board, may deposit or place for collection, at curbside or roadside, any material that exceed any requirement as set forth in the vendor contract and/or any contractor requirements.

No person may place for collection any eligible material or collection receptacle at any collection point prior to 36 hours in advance of the scheduled collection time. Materials placed after 6 am of the scheduled pickup day are not guaranteed collection. Ineligible materials and receptacles must be removed from plain view prior to 36 hours after collection occurs unless granted a special provision by the Town. Such special provision will be specific to the occupant and is not transferable.

No person shall place a trash cart within 4 feet of a recycling bin, street sign, fire number, mailbox, or any other permanent or non-permanent object. If feasible, a trash cart is to be placed on one side of the driveway and the recyclables bin on the other side of the driveway. Carts and

bins shall be placed no greater than 4 feet from the edge of the pavement and in no instance shall placement be on the traveled road surface.

6.31 REGULATIONS/NOTICE TO OCCUPANTS.

The Town Board may establish any orders, permits, rules and regulations necessary to administer and enforce this Ordinance and to provide a proper, safe and efficient recyclables and solid waste collection program for the Town. The Town Board shall provide to the known occupants receiving recyclables and solid waste material collection services by the Town or its contractors a written notice of these orders, permits, rules and regulations by first class mail to the last known address, annually on or before January 01 of each year along with, at a minimum, the following information:

the type, amount, times and dates for the recyclable material collection services and the eligibility requirements for collection by the Town or its contractor, if any.

the name, address and phone number of the person to receive complaints or concerns for the Town related to recyclable material collection services and facilities.

the specific requirements for proper placement, proper separation and proper containment of recyclable material.

the specific wastes and materials not to be placed for collection and the reasons for possible refusal by the Town or its contractor not to collect certain recyclable materials, wastes and materials.

the maximum amount in weight or volume of recyclable materials to be placed for collection per scheduled collection period.

any other information deemed relevant to the occupants by the Town Board, including any possible penalties for violation of this Ordinance.

6.32 GENERAL REGULATORY PROVISIONS.

No person in the Town may:

Continue to place for recyclable material collection at any location in the Town any unauthorized recyclable materials, wastes or other materials after receipt of written warning notice by certified mail or personal service from the Town Board or its designee, that the specific recyclable materials, wastes or other materials will not be collected by the Town, its contractor, and/or any permitted collector and the person therefore may not continue to place for recyclable material collection in the Town these unauthorized wastes or materials.

Place, discharge, litter or deposit in the Town for collection, storage, treatment, processing or disposal any recyclable materials, any wastes or other materials at any temporarily closed or permanently closed "green box" recyclable material collection facility or other closed recycled material or waste storage, treatment, processing or disposal facility. This provision shall include any placement, littering, discharge or deposit by any person on any public or private land

in the Town of any recyclable materials, wastes or other materials where the materials or wastes were not authorized for placement by the owner or occupant of the land where the materials or wastes were placed.

Place for solid waste, hazardous waste or other material collection in the Town by the Town, its contractor, permittee collector or any other person any recyclable material, where the person is not exempt under §6.12, where these recyclable materials should have been properly separated and where these recyclable materials should have been placed for only recyclable material collection as required under NR 544 Wis. Adm. Code or its successor chapter or as required under this Ordinance.

6.33 FEES AND VOLUME BASED RATES.

The Town Board may establish fee charges for occupants of the Town for the payment of recyclable and solid waste material collection services. Fees may be assessed on a per occupant basis or Residential Equivalent Unit (REU), with or without differential rates for seasonal or full-time occupant services. Fees for such service shall be as set from time to time by resolution of the Town Board.

The Town Board may establish volume based fee or Residential Equivalent Unit (REU) charges for occupants for the payment of recyclable and solid waste material collection services. Fees may be assessed on each container or each bag placed or deposited by occupants for collection by the Town or its contractor with the fee charge, the method of payment and the time and location for payment determined by the Town Board. If the Town and its occupants do not comply with NR 544.04(6), Wis. Adm. Code or its successor chapter related to demonstrating separation for recycling of at least 25% by volume or by weight of the total solid waste collected within the Town, then the Town Board shall require a volume based fee system that meets the requirements of NR 544.04(6) Wis. Adm. Code or its successor chapter. Fees for such service shall be as set from time to time by resolution of the Town Board.

Annually the fee, as established by resolution of the Town Board, shall be collected by placing a special charge on the tax roll for the coming year, except that in 2005, the fee for the last quarter of 2005 and the fee for 2006 shall be placed on the tax roll for the 2005 levy year.

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

6.34 ENFORCEMENT/RULES OF CONSTRUCTION/CITATIONS.

Inspection.

A. For the purpose of ascertaining compliance with the provisions of NR 544 Wis. Adm. Code or its successor chapter and compliance with this Ordinance, any authorized officer, employee or representative of the Town, may pursuant to §66.0119 Wis. Stats. or its successor chapters and pursuant to NR 544 Wis. Adm. Code or its successor provisions, inspect recyclable and solid waste materials in the Town separated for recycling, inspect post-consumer waste in the Town intended for disposal, inspect any recyclable material collection locations and any other collection facilities and collection vehicles in the Town, including any collection areas for single family,

B. Two (2) to four (4) residential dwelling units, multiple family dwelling units and non-residential facilities and properties that are controlled by any occupants, any contractor of the Town, any permittee collector, or any other person participating in any recycling activity in the Town, any solid waste disposal facilities and solid waste treatment facilities and, in addition, inspect any records relating to recyclable materials activities of any occupants, any contractor for the Town, any permitted collectors or other persons in the Town. These records shall be kept confidential by the Town Board when necessary to protect proprietary information.

C. No persons who have permits issued under this Ordinance for recyclable and solid waste material collection may refuse access to any records or property controlled by that person related to these recyclable materials activities in the Town, to any authorized officer, employee or authorized representative of the Town who requests access to the records or property for purposes of this inspection, and who presents appropriate credentials. In addition, no persons with these permits may obstruct, hamper, or interfere with any such authorized inspection.

D. Occupants of the Town and any person with permits issued by the Town providing recyclable and solid waste material collection services in the Town shall cooperate fully with the Town Board or its designees in any inspection of their facilities or properties. The Town Board or its designees shall provide to occupants or other persons twenty-four (24) hours oral or written notice prior to inspection of the records, facilities, or properties unless the Town Board, by order, declares that inspections with less or no notice are necessary to insure compliance by the occupants or these persons.

6.35 PENALTIES.

A. Any person who violates a provision of this Ordinance may be issued a citation by the Town pursuant to this Ordinance to collect forfeitures. The issuance of a citation shall not preclude proceeding under any 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.

B. Penalties for violating this Ordinance may be assessed as follows:

Any person who violates a provision of this Ordinance, except Section 6.19, may be required to forfeit not less than \$10 or more than \$1,000. In addition, the person shall be responsible for the costs of prosecution and in default of payment of such forfeiture and costs of prosecution; he/she may be imprisoned in the County Jail until said costs and forfeiture are paid, but not to exceed thirty (30) days for each violation.

Any person who violates Section 6.19 may be required to forfeit \$50 for the first violation, \$200 for the second violation, and not more than \$2,000 for a third or subsequent violation in addition to costs of prosecution. In addition, the person shall be responsible for the costs of prosecution and in default of payment of such forfeiture and costs of prosecution, he/she may be imprisoned in the County Jail until said costs and forfeiture are paid, but not to exceed thirty (30) days for each violation.

Citations for violations of this Ordinance may be issued as noted in this Ordinance.

The Town Board may seek injunctive relief, when appropriate.

These penalties shall not be construed to abrogate any minimum or maximum penalties prescribed by the laws of the State of Wisconsin.

Each day a violation exists is a separate offense.

Any person shall be requested by Ordinance or by order of the Town Board to obtain or maintain a permit under this Ordinance and who is required to post a bond as a condition of the permit may be required to forfeit the permit and the bond to reimburse the Town for any costs or expenses reasonably incurred by the Town to revoke the permit, to insure compliance with the Ordinance, to enforce violations of this Ordinance or insure compliance with conditions of the permit, including reasonable attorney fees.

COVER PAGE FOR TELECOMMUNICATION TOWERS, ANTENNAS AND RELATED FACILITIES

- 7.01 Purpose and Intent.
- 7.02 Definitions.
- 7.03 Exempt from County Review.
- 7.04 Areas Permitting Telecommunication Facility Location with Special Exception Approval.
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- 7.06 Areas Prohibiting Telecommunication Facility Location.
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- 7.08 Annual Information Report.
- 7.09 Removal/Security for Removal.
- 7.10 Pre-existing Telecommunication Towers.
- 7.11 Compliance.
- 7.12 Structural, Design and Environmental Standards.
- 7.13 Separation and Setback Requirements.
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- 7.15 Appeal Procedures.
- 7.16 Applicability.
- 7.17 Severability.

CHAPTER 7
TELECOMMUNICATION TOWERS, ANTENNAS AND RELATED FACILITIES

7.01 PURPOSE AND INTENT.

The purpose and intent of this chapter is to provide a uniform and comprehensive set of standards for the development and installation of telecommunication towers, antennas and related facilities. The regulations contained herein are designed to protect and promote public health, safety, community welfare and the aesthetic quality of the Town of New Denmark, as set forth within the goals, objectives and policies of the Town of New Denmark Zoning Ordinance and the Brown County Zoning Ordinance, to encourage managed development of telecommunications infrastructure, while at the same time not unduly restricting the development of needed telecommunications facilities.

It is intended that the Town shall apply these regulations to accomplish the following:

- A. Minimize adverse visual effects of telecommunication towers, antennas and related facilities through design and siting standards.
- B. Maintain and ensure that a non-discriminatory, competitive and broad range of telecommunications services and high quality telecommunications infrastructure consistent with the Federal Telecommunications Act of 1996 are provided to serve the community, as well as serve as an important and effective part of the Brown County's police, fire and emergency response network.
- C. Provide a process for obtaining necessary permits for telecommunication facilities while at the same time protecting the interests of the Brown County citizens.
- D. Protect environmentally sensitive areas of Brown County by regulating the location, design and operation of telecommunication towers, antennas and related facilities.
- E. Encourage the use of alternative support structures, co-location of new antennas on existing telecommunication towers, camouflaged towers, and construction of towers with the ability to locate three or more providers.

Furthermore, this Ordinance is not intended to regulate residential satellite dishes or residential television antennas that are used privately. Additional, it is not intended to regulate satellite dishes/antennas whose regulation is prohibited by § 59.69(4d) Wis. Stats., or its successor sections, of the Wisconsin Statutes as amended from time to time or as preempted by Federal law.

7.02 DEFINITIONS.

For the purpose of Chapter 7, the following terms and phrases shall have the meaning ascribed to them in this section:

Alternative Support Structure: Clock towers, steeples, silos, light poles, water towers, buildings or similar structures that may support telecommunication facilities.

Antenna: Any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves, when such system is either external to or attached to the exterior of a structure. Antennas shall include devices having active elements extending in any direction, and directional beam type arrays having elements carried by and disposed from a generally horizontal boom, that may be mounted upon and rotated through a vertical mast or tower interconnecting the boom and antenna support, all of which elements are deemed to be a part of the antenna.

Antenna Building Mounted: Any antennas, other than an antenna with its supports resting on the ground, directly attached or affixed to a building.

Antenna Ground Mounted: Any antenna with its base placed directly on the ground.

Building: Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

Camouflaged Tower: Any telecommunication tower that due to design or appearance entirely hides, obscures, or conceals the presence of the tower and antennas.

Guyed Tower: A telecommunications tower that is supported in whole or in part by guy wires and ground anchors or other means of support besides the superstructure of the tower itself.

Height, Telecommunications Tower: The distance measured from the original grade at the base of the tower to the highest point of the tower. This measurement excludes any attached antennas, protection devices (e.g. lightning rods) and lighting.

Lattice Tower: A telecommunication tower that consists of vertical and horizontal supports and crossed metal braces.

Monopole: A telecommunication tower of a single pole design.

Navigable Stream or Lake: As designated on the United States Geological Survey (USGS) map and/or the Brown County Zoning maps.

Non-Conforming: Any pre-existing telecommunications facility that was in existence prior to the adoption of this Ordinance and that has not been issued a conditional use permit or was issued a conditional use permit prior to the adoption date of this Ordinance. This definition shall only apply to this specific Ordinance and shall not apply to other Brown County Zoning Ordinances.

Operation: Means other than nominal use; when a facility is used regularly as an integral part of an active system of telecommunications, it shall be deemed in operation.

Platform: A support system that may be used to connect antennas and antenna arrays to telecommunication towers or alternative support structures.

Satellite Dish: A device incorporating a reflective surface that is solid, open mesh, or bar configured that is shallow dish, cone, horn, or cornucopia shaped, and is used to transmit and/or receive electromagnetic signals. This definition is meant to include, but is not limited to, what are commonly referred to as satellite earth stations, TVROs and satellite microwave antennas.

Telecommunication Facility: A facility, site, or location that contains one or more antennas, telecommunication towers, alternative support structures, satellite dish antennas, other similar communication devices, and support equipment which is used for transmitting, receiving, or relaying telecommunications signals, excluding those facilities exempted under Section 7.03.

Telecommunication Facility Co-located: A telecommunication facility comprised of a single telecommunication tower or building supporting multiple antennas, dishes, or similar devices, owned or used by more than one public or private entity.

Telecommunication Support Facility: The telecommunication equipment buildings and equipment cabinets.

Telecommunications Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including camouflaged towers, lattice towers, guy towers, or monopole towers. This includes radio and television transmission towers, microwave towers, and common-carrier towers. It shall exclude alternative support structures and those facilities exempted under Section 7.03.

Utility Pole Mounted Antenna: An antenna attached, without regard to mounting, to or upon an existing or replacement electric transmission or distribution pole, street light, traffic signal, athletic field light, utility support structure or other similar structure approved by the Brown County Zoning Department.

7.03 EXEMPT FROM COUNTY REVIEW.

The following shall be permitted without Town approvals:

- A. The use of all television antenna, satellite dishes and receive only antennas, provided that the primary use of the property is not a telecommunication facility and that the antenna use is accessory to the primary use of the property.
- B. Amateur Radio. This Ordinance shall not govern the installation of any antenna and their supporting towers, poles and masts that is owned and/or operated by a federally licensed amateur radio operator or, is used exclusively for receive-only antennas.
- C. Mobile services providing public information coverage of news events of a temporary or emergency nature.
- D. Free standing (Ground Mounted Antenna) antennas (not supported on or attached to a building) and their supporting towers, poles or masts and their equipment buildings, three hundred fifty (350) square feet or less in size, may be installed without a zoning permit when the overall height of the antennas and their supporting structures do not exceed a height of forty-five (45) feet above the original grade at the site of the installation. Antennas, their supporting towers,

poles or masts, and their equipment building to be located in the A-1 zoning district, are subject to meeting the requirements of Sec. 91.01 (10) Wis. Stats.

E. Antennas installed on, or attached to, any existing building (Building Mounted Antenna), and buildings three hundred fifty (350) square feet or less in size, when the height of the existing telecommunication tower, or alternative support structure and their equipment antenna and it's supporting tower, pole or mast is thirty (30) feet or less above the highest part of the building or alternative support structure to which it is attached. Antennas, installed on, or attached to, any existing building, an existing telecommunication tower or alternative support structure and their equipment buildings to be located in the A-1 zoning district are subject to meeting the requirements of Sec. 91.01(10) Wis. Stats.

F. Utility Pole Mounted Antennas, if the height of the antenna is thirty (30) feet or less above the highest part of the utility pole.

7.04 AREAS PERMITTING TELECOMMUNICATION FACILITY LOCATION WITH SPECIAL EXCEPTION APPROVAL.

Telecommunications facilities may be permitted in the following zoning districts, subject to Special Exception review and approval by the Town of New Denmark Zoning Board of Appeals and, in compliance with Sections 7.06 and 7.12, and all other applicable section of this Ordinance:

A. A-1, Exclusive Agricultural District, subject to meeting the requirements of Sec. 91.01(10) Wis. Stats.

1. The activity will not convert land that has been devoted primarily to agricultural use.

2. The activity will not limit the surrounding land's potential for agricultural use.

3. The activity will not conflict with agricultural operations on the land subject to a farmland preservation agreement.

4. The activity will not conflict with agricultural operations on other properties.

B. A-2, Agricultural District.

C. B, Business District.

D. I, Industrial District.

E. MR, Mineral Reservation District.

F. C-2, Upland Conservancy District.

7.05 AREAS LIMITING TELECOMMUNICATION FACILITY LOCATION.

Telecommunication facilities may be permitted, subject to Special Exception review and approval by the Town of New Denmark Zoning Board of Appeals as identified in Section 7.04 but are subject to review and approval of the Federal Aviation Administration (FAA), Wisconsin State Bureau of Aeronautics and other appropriate agencies, if applicable.

- A. Two (2) mile radius from heliports.
- B. One (1) mile radius from private airport runway(s).
- C. Three (3) mile radius from public use airport runway(s).

7.06 AREAS PROHIBITING TELECOMMUNICATION FACILITY LOCATION.

No telecommunications facilities, except exempt facilities as defined in Section 7.03, shall be permitted within:

- A. Historic sites and districts listed on the National Register of Historic Places.
- B. Wetlands.
- C. Floodplains.
- D. Zoning Districts:
 - 1. R-1, Residential Low Density District.

All maps identifying the prohibitive areas are on file with the Town Clerk and are available for public review and inspection.

7.07 SPECIAL EXCEPTION APPLICATION.

Locating and constructing a telecommunication tower or a new alternative support structure, including the buildings or other supporting equipment used in connection with said tower shall require a Special Exception Permit. The Town of New Denmark Zoning Board may authorize a Special Exception Permit after review and a public hearing, provided that such special exception is in accordance with the purpose and intent of this Ordinance.

A. Submittal Information. For all telecommunication facilities, except exempt facilities as defined in Section 7.03, the following information is required to accompany every application. Said information shall include, but may not be limited to:

- 1. Completed special exception application and fee of \$500.00.

2. Original signature of applicant and land owner (if the telecommunication facility is located in an easement or pursuant to a ground lease, the beneficiaries of the easement or ground lease and underlying property owner must authorize the application.)

3. The identity of the carrier, provider, applicant, landowner and service provider and their legal status.

4. The name, address and telephone number of the officer, agent and/or employee responsible for the accuracy of the application.

5. A plat of survey, showing the parcel boundaries, tower, facilities, location, access, landscaping and fencing.

6. A written legal description of the site.

7. In the case of a leased site, a lease agreement or binding lease memorandum which shows on its face that it does not preclude the tower owner from entering into leases on the tower with other provider(s) and the legal description and amount of property leased.

8. A description of the telecommunications services that the applicant offers or provides, to persons, firms, businesses or institutions.

9. Federal Communications Commission (FCC) license numbers and registration numbers, if applicable.

10. Copies of Finding of No Significant Impacts (FONSI) statement from the Federal Communication Commission (FCC) or Environmental Impact Study (EIS), if applicable.

11. An alternative analysis shall be prepared by the actual applicant or on behalf of the applicant by its designated technical representative, except for exempt facilities as defined in Section 7.03, subject to the review and approval of the Town of New Denmark Zoning Board, which identifies all reasonable, technically feasible, alternative locations and/or facilities which could provide the proposed telecommunications service. The intention of the alternatives analysis is to present alternative strategies which could minimize the number, size, and adverse environmental impacts of facilities necessary to provide the needed services to the county.

The analysis shall address the potential for co-location and the potential to locate facilities as close as possible to the intended service area. It shall also explain the rationale for selection of the proposed site in view of the relative merits of any of the feasible alternatives. Approval of the project is subject to the review and approval of the Town of New Denmark Zoning Board. The Town may require independent verification of this analysis at the applicant's expense, the consultant or the alternate chosen by the Town of New Denmark Zoning Board from a list mutually agreed upon by the Town and the Telecommunications Industry.

12. Plans indicating security measures (i.e. access, fencing, lighting, etc.).

13. Shall include a tabular and map inventory of all of the applicants' existing telecommunications towers that are located within the Town of New Denmark, and including all of the applicant's existing towers within fifteen hundred (1,500) feet of the Town boundary. The inventory shall specify the location, height, type, and design of each of the applicants' existing telecommunication towers, and the ability of the tower or antenna structure to accommodate additional co-location antennas.

14. A report prepared by an engineer licensed by the State of Wisconsin, certifying the structural design of the tower and its ability to accommodate additional antennas.

15. Proof of liability insurance coverage, with a Certificate of Insurance, annually or until cancelled, showing the policy period.

16. Such other information as the Town of New Denmark Zoning Board may reasonably require.

17. Copies of an Affidavit of Notification, indicating that the airport operator and airport property owner(s), within the areas limiting telecommunication facility locations as identified under Section 7.05, if applicable, have been notified via certified mail.

B. Co-location. All tower owners shall make available unused space for co-location of other telecommunication facilities, including space for those entities providing similar competing services. Co-location is not required if the host facility can demonstrate that the addition of the new service or facilities would impair existing service or cause the host to go offline. All co-located and multiple-user telecommunication support facilities shall be designed for compatible joining to facilitate site sharing.

C. Technical Review. The Town, upon direction of the Zoning Board, shall employ on behalf of the Town, an independent technical expert to review materials submitted in those cases where a technical demonstration of unavoidable need or unavailability of alternatives has been determined necessary by the Board. The applicant shall pay all the costs of said review. The payment to the Town Treasurer shall be due upon receipt of the invoice. All invoices, fees and charges accumulated for the technical review, must be paid in full prior to the issuance of the Special Exception Permit.

D. Submittals Required following the Special Exception Approval. For each special exception permit approved by the Town of New Denmark Zoning Board, the applicant shall submit the following before the special exception permit will be issued:

1. Copies of the determination of no hazard from the Federal Aviation Administration (FAA) including any aeronautical study determination or other findings, and the Wisconsin State Bureau of Aeronautics, if applicable.

2. Copies of any Environmental Assessment (EA) reports on Form 600 or Form 854, submitted to Federal Communication Commission (FCC), if applicable.

3. Copies of any filings submitted to the Federal Communication Commission (FCC), shall be submitted within thirty (30) days of filing, subject to the review of the Zoning Board.

4. Proof of Bond as security for removal.

7.08 ANNUAL INFORMATION REPORT.

The purpose of the annual review report under this Section is to provide the Town with accurate and current information concerning the telecommunications tower owners and providers, who offer or provide telecommunications services within the Town, or that own or operate telecommunication facilities with the Town, to assist the Town in enforcement of this Ordinance, and to assist the Town in monitoring compliance with the special exception permit and this Ordinance.

A. Annual Information Report. All telecommunications tower owners of any new or existing telecommunication tower, shall submit annually on or before January 31st of each year to the Town, a Telecommunications Facility Annual Information Report. The Annual Report shall include the tower owner name(s), address(s), phone number(s), contact person(s), annual review fee, and proof of bond as security for removal. The tower owner shall supply the tower height and current occupancy, if applicable. This information shall be submitted on a county form, designated for such use, and shall become evidence of compliance.

B. Annual Information Report Fee. Following the special exception approval, every year thereafter, the tower owner shall submit on or before January 31st of each year to the Town Treasurer, the annual review fee of \$100.00 per tower site. The fee submittal is the responsibility of each tower owner. Failure to provide this information shall result in a civil forfeiture of \$100.00 per day, until the information is received by the Town. Also the tower owner, needs to submit an annual or until cancelled, a Certificate of Insurance, showing the policy period.

7.09 REMOVAL/SECURITY FOR REMOVAL.

A. It is that express policy of the Town of New Denmark and this Ordinance, that telecommunications facilities be removed once they are no longer in use and not a functional part of providing telecommunications services, and that it is the telecommunications tower owner's responsibility to remove such facilities and restore the site to its original condition or a condition approved by the Town. This restoration shall include removal of any subsurface structure or foundation, including concrete, used to support the telecommunications facility down to 10 feet below the surface. This depth of removal requirement may be modified by the Town after public hearing and review. After a telecommunications facility is no longer in operation, the tower owner shall have ninety (90) days to effect removal and restoration unless weather prohibits such efforts.

B. Security for Removal. The telecommunications tower owner shall provide to the Town of New Denmark, prior to the issuance of the special exception permit or the issuance of a zoning permit, a performance bond in the amount of Twenty Thousand Dollars (\$20,000.00) or a bond equal to a written estimate from a qualified tower removal contractor, to guarantee that the

telecommunications facility will be removed when no longer in operation. The Town of New Denmark will be named as obliged in the bond and must approve the bonding company.

7.10 PRE-EXISTING TELECOMMUNICATION TOWERS.

A. All pre-existing telecommunication towers shall be exempt from obtaining a permit and from all zoning regulations as outlined in this Ordinance unless such towers are moved, relocated, increased in height or otherwise substantially changed except as otherwise provided for in Section 7.10 (B) of this ordinance

B. Non-conforming and conforming telecommunication towers and facilities may add to, move or replace the tower and facilities upon review and approval of a Special Exception Permit by the Town Zoning Board. An existing telecommunication tower may be increased in height a maximum of fifty (50) feet, relocated or reconstructed within fifty (50) feet of its existing location to accommodate co-location subject to meeting all other sections of this Ordinance, except Sections 7.07 and 7.12. Routine maintenance and repair on telecommunications facilities is permitted.

7.11 COMPLIANCE.

A. Revocation. Grounds for revocation of the special exception permit, shall be limited to one of the following findings:

1. The owner of such site, service provider and/or tower owner, fails to comply with the requirements of this Ordinance as it existed at the time of the issuance of the conditional use permit.

2. The permittee has failed to comply with the conditions of approval imposed.

3. The facility has not been properly maintained.

B. Revocation Process.

1. The owner of such site, service provider and/or tower owner, shall be notified by certified mail of noncompliance by the Town of New Denmark.

2. The owner shall comply with such notice within thirty (30) days, to the satisfaction of the Town Zoning Board.

3. If compliance is not obtained within thirty (30) days, the Town Zoning Board shall notify the Town Board of the noncompliance and request permission to proceed with the revocation process. (This time period may be extended by staff to adjust for seasonal limitations.)

4. The Town Zoning Board shall petition the Town of New Denmark Board for a public hearing following publication of a Class 2 notice in the legal newspaper.

5. A copy of a hearing notice shall be mailed certified to the owner of record of the tower site at least two (2) weeks prior to the hearing date.

6. All members of the Town Zoning Board shall appear at the hearing before the Town Board to present the evidence of noncompliance. All other interested parties may also give testimony to the Board.

C. Abandonment. Any antenna or tower that is not operated for a continuous period of twelve (12) months, shall be considered abandoned. Time may be extended if the tower owner demonstrates a good faith effort to secure new tenants. In such circumstances, the following shall apply:

1. The owner of such antenna and/or tower, shall remove said antenna and/or tower including all supporting equipment and building(s) within ninety (90) days of receipt of notice from the Town Board notifying the owner of such abandonment. If removal to the satisfaction of the Town Board does not occur within said ninety (90) days, the Town Board may order removal, utilizing the established bond as provided under Section 7.09 and salvage said antenna or tower and all supporting equipment and buildings(s). If there are two or more users of a single tower, then this provision shall not become effective until all operations of the tower cease.

2. The recipient of a special exception permit or zoning permit for a telecommunications facility under this Ordinance shall notify the Town Board when the facility is no longer in operation.

7.12 STRUCTURAL, DESIGN AND ENVIRONMENTAL STANDARDS. (Except exempt facilities as defined in Section 7.03.)

A. Tower, Antenna and Facilities Requirements. All telecommunication facilities, shall be designed to blend into the surrounding environment to the greatest extent feasible. To this end, all of the following measures shall be implemented:

1. All telecommunication facilities shall comply at all times with all Federal Communication Commission (FCC) rules, regulations, and standards. To that end no telecommunication facility or combination of facilities shall produce at any time power densities in any inhabited area that exceed the Federal Communication Commission (FCC) adopted standard for human exposure, as amended, or any more restrictive standard subsequently adopted or promulgated by the Federal Government. All telecommunication tower and antenna shall meet or exceed the standards and regulations, in place at the time of the issuance of the Special exception Permit, of the Federal Aviation Administration (FAA) the Wisconsin State Bureau of Aeronautics, Occupational Safety and Health Association (OSHA), the Federal Communication Commission (FCC), and any other agency of the State and/or Federal Government with the authority to regulate towers and antennas.

2. Telecommunication towers shall be constructed out of metal or other nonflammable material, unless specifically permitted by the Town to be otherwise.

3. All ground mounted telecommunication towers shall be self-supporting monopoles or lattice towers except, where satisfactory evidence is submitted to the Town Zoning Board that a guyed tower is required.

4. Satellite dish and parabolic antennas shall be situated as close to the ground as possible to reduce visual impact without compromising their function.

5. Telecommunication support facilities (i.e., equipment rooms, utilities, and equipment enclosures) shall be constructed out of non-reflective materials (visible exterior surfaces only). Telecommunication support facilities shall be no taller than one story, fifteen feet (15') in height, measured from the original grade at the base of the facility to the top of the structure, and shall be designed to blend with existing architecture in the area or shall be screened from sight by mature landscaping, and shall be located or designed to minimize their visibility.

6. Telecommunications towers, facilities and antennas shall be designed and constructed in accordance with the State of Wisconsin Uniform Building Code, National Electrical Code, Uniform Plumbing Code, Uniform Mechanical Code, and Uniform Fire Code, in effect at the time of manufacture.

7. The maximum height of an antenna platform located on a roof top shall be twenty (20) feet above the roof.

8. Telecommunication facilities shall not interfere with or obstruct existing or proposed public safety, fire protection or Supervisory Controlled Automated Data Acquisition (SCADA) operation telecommunication facilities. Any actual interference and/or obstruction shall be corrected by the applicant at no cost to the Town.

B. Height. The height of a telecommunication tower shall be measured from the original grade at the base of said tower to the highest part of the tower itself. In the case of building mounted towers, the height of the tower includes the height of the portion of the building on which it is mounted. In the case of “crankup” or other similar towers whose height can be adjusted, the height of the tower shall be the maximum height to which it is capable of being raised.

C. Lighting. Telecommunications towers shall not be artificially lighted unless required by the Federal Aviation Administration (FAA) or other applicable regulatory authority.

D. Site Development, Roads and Parking.

1. A leased parcel intended for the location of new telecommunication tower(s) and equipment buildings(s), shall maintain a minimum parcel size of twenty-five hundred (2,500) square feet. The Town of New Denmark Zoning Board may modify the leased parcel size requirement after public hearing and review.

2. A parcel owned by the telecommunication carrier and/or provider and intended for the location of new telecommunication tower(s) and equipment building(s), shall meet the minimum size requirement of the zoning district.

3. All sites must be served by a minimum thirty (30) foot wide easement with a turn around. The Town Zoning Board may modify the easement and turn around requirement after public hearing and review. All sites shall use existing access points and roads whenever possible. The access point to the site shall be approved by the Town of New Demark or the Brown County Highway Department depending on road jurisdiction.

E. Vegetation Protection and Facility Screening.

1. Except exempt facilities as defined in Section 7.03, all telecommunications facilities shall be installed in such a manner so as to minimize disturbance to existing native vegetation and shall include suitable mature landscaping to screen the facility. For purposes of this section, "mature landscaping" shall mean trees, shrubs or other vegetation of an initial height of 5 feet that will provide a buffer area of at least 4 feet in width that will provide the appropriate level of visual screening immediately upon installation.

2. Upon project completion, the owner(s)/operator(s) of the facility shall be responsible for maintenance and replacement of all required landscaping during the current growing season.

3. Facility structures and equipment, including supporting structures, shall be located, designed and screened to blend with the existing natural or built surroundings, so as to reduce visual impacts.

F. Fire Prevention. All telecommunication facilities shall be designed and operated in accordance with all applicable codes regarding fire prevention.

G. Noise and Traffic. All telecommunication facilities shall be constructed and operated in such a manner as to minimize the amount of disruption caused to nearby properties. To that end, all the following measures shall be implemented for all telecommunication facilities, except exempt facilities as defined in Section 7.03:

1. Noise producing construction activities shall only take place on weekdays (Monday through Saturday, non-holiday) between the hours of 6:00 a.m. and 6:00 p.m., except in times of emergency repair; and

2. Backup generators shall only be operated during power outages and for testing and maintenance purposes.

H. Signs. Signs shall be mounted on the fenced enclosure, on or adjacent to the gate prohibiting entry without authorization, warning of the danger from electrical equipment and unauthorized climbing of the tower, and identifying the owner of the tower and telephone number for contact in case of emergency. The sign shall be no larger than six (6) square feet.

No commercial advertising signs may be located on the telecommunications facilities.

7.13 SEPARATION AND SETBACK REQUIREMENTS. (Except exempt facilities as defined in Section 7.03).

A. Minimum Separation between Telecommunication Towers (by tower type).

Proposed Tower Types:	Lattice	Guyed	Monopole - 85 ft. in height or greater
Lattice	1 mile	1 mile	1 mile
Guyed	1 mile	1 mile	1 mile
Monopole - 85 ft. in height or greater	1 mile	1 mile	1 mile

1. Additional towers may be permitted subject to special exception review and approval of the Town Zoning Board.

2. Camouflaged towers may be located closer than requirement listed above with special exception approval.

B. Setbacks. All setbacks shall be measured from the base of the tower or structure.

1. Setbacks from all habitable residential buildings, except buildings located on the subject parcel, shall be a minimum of five hundred (500) feet.

2. Setbacks from all historic sites and districts. All new towers shall be setback a distance equal to 125% of the height of the tower from historic sites and districts.

3. Setbacks from the road right of ways of all streets. All new towers shall be setback a distance equal to 125% of the height of the tower from all streets.

4. Setbacks from property lines. All new towers shall be setback a minimum of 125% of the height of the tower from all property liens. (This requirement does not apply to the boundary of the leased parcel unless the leased parcel boundary is also a property line.) This setback requirement may be modified by the Town Zoning Board after public hearing and review.

5. Setback from the Ordinary High Water Mark (OHWM). All new towers shall be setback a minimum of 125% of the tower height from the Ordinary High Water Mark (OHWM) of a navigable lake or stream.

6. Guy Wire Anchor Setback. All guy wire anchors shall be at least twenty-five (25) feet from all property lines. This setback requirement may be modified by the Town Zoning Board after public hearing and review.

7.14 ZONING PERMITS.

A Town of New Denmark zoning permit is required from the Town Board, for the location of all telecommunication facilities, except exempt facilities as defined in Section 7.03. The applicant shall submit information required under Section 7.07(A), Special Exception

application, except the special exception application and fee. Facilities proposed to be co-located on facilities previously approved under this Ordinance shall be exempt from submitting information required under Section 7.07(A), but shall be required to submit a zoning permit application for review and approval.

A. Permitted Uses:

1. Locating/Installing an antenna that adds no more than fifty (50) feet to the height of a new or existing alternative support structure or an existing telecommunication tower, including placement of additional buildings or other supporting equipment used in connection with said antenna, subject to meeting all other sections of this Ordinance except Section 7.07, and if located on land zoned A-1 is subject to meeting the requirements of Sec. 91.01(10) Wis. Stats.

2. Existing non-conforming and conforming telecommunication towers, antennas and facilities may be increased one time during the life of the tower, a maximum of fifty (50) feet in order to accommodate co-location.

7.15 APPEAL PROCEDURES.

A person aggrieved by any decision of the Town of New Denmark Zoning Board, or its successor, regarding the siting of a telecommunications facility, may within thirty (30) days after the filing of the decision in the Town of New Denmark Board, commence an action seeking the remedy available by certiorari.

A. Upon recommendation of the Town Zoning Board, the Town Board shall from time to time, establish and review fees for application processing, annual information, existing information, review fees, security for removal, and any other fees that the Town Board may deem appropriate as it applies to this Ordinance.

B. No application shall be considered filed with the Town unless, and until said application is accompanied by the appropriate application fee.

7.16 APPLICABILITY.

A. Exemptions Under State Law. This subchapter applies to any land division in any unincorporated area of the Town of New Denmark, where the division creates at least one parcel of land which is nineteen (19) acres or smaller in area, unless the division is covered by the exemptions listed in §236.03(2), §236.03(3) or §236.45(a)1 through 3, Wis. Stats. Such exemptions are below. Except that any quarter-quarter section, fractional or otherwise, served by a public road, may be split into two (2) equal parcels without a survey; however, this does not apply to Government lots. Such land divisions require review by the Town.

§236.03(2) Cemetery and assessors' plats.

§236.03(3) Sale or exchange of parcels of public utility or railroad right-of-way to adjoining property owners, where approved by joining property owners, where approved by the City, Village, or Town or County.

§236.45(2)(a)

1. Transfers of interests in land by Will or court order.
2. Leases for terms not to exceed ten (10) years, mortgages or easements.
3. Sale or exchange of land between owners of adjoining parcels if no new lots are created and if neither lot is reduced below minimum size lots.

B. A legal description or preliminary map for an exemption based on §236.45(2)(a)3, shall be reviewed by the Town prior to recording any document evidencing the contemplated sale or exchange of real estate: the legal description or preliminary map shall clearly describe or indicate the parcel to which it is to be attached. Review of legal description or preliminary map shall be completed in ten (10) working days. If not reviewed within ten (10) working days, it shall be determined to be approved.

C. All certified survey maps shall be reviewed by the Town prior to recording, as well as, any legal description which divides an existing parcel.

7.17 SEVERABILITY

If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance. The Town of New Denmark Board declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more such provisions be declared unconstitutional or invalid. This Ordinance shall be published in the manner and form required by the Wisconsin Statutes as amended from time to time, and shall be effective on the date of publication or posting.

3/9/2009

COVER PAGE FOR ABANDONED, UNLICENSED, JUNK VEHICLES.

- 8.01 Definitions
- 8.02 Unlicensed Motor Vehicles
- 8.03 Abandoned Motor Vehicles
- 8.04 Junked Vehicles
- 8.05 Permits Required
- 8.06 Enforcement
- 8.07 Penalty

CHAPTER 8

ABANDONED, UNLICENSED, & JUNK VEHICLES

8.01 DEFINITIONS.

The following terms shall have the meanings indicated:

Administrative Rule. The specific requirements that may be created to regulate the storage of unlicensed motor vehicles:

1. Number of vehicles.
2. Size of enclosures (height, width, etc.).
3. Color.
4. Type of material.
5. Location.
6. Restrictions to certain zones only.
7. Etc.

Application. A written form upon which a request is made for a permit.

Enclosure. The type of construction required to hide and harbor vehicles from public view.

Junked Vehicle. Any abandoned, disassembled, dismantled, inoperable or wrecked instrument by which someone travels or something is conveyed, either by wheels, runners or tracks.

Licensed. Any license that is required to be carried by any motor driven vehicle when driven, used or propelled upon the public highway.

Owner. Considered to be the person or persons who occupy the premises and who may or may not be the responsible person or persons to harbor such unlicensed motor vehicle.

Permit. The written authority given by the Town Board to allow storage of unlicensed motor vehicles.

Salvage Dealers. Dealers regulated by §175.25, Wis. Stats.

Storage. The placement of a vehicle upon real property described in Town assessment and tax role.

Unlicensed Motor Vehicle. A vehicle required to be licensed by the State Department of Transportation when driven or propelled upon a public road, but is not so licensed.

Zoned-Zoning. Any land use control ordinance, County or Town, that may be in force.

8.02 UNLICENSED MOTOR VEHICLES.

No unlicensed motor vehicle shall be permitted to be stored, harbored or held upon any parcel of property in the Town without a proper permit issued by the Town Board for that purpose.

The Town Board is authorized to issue permits to store unlicensed motor vehicles upon a parcel of property when certain enclosure requirements have been met. (Enclosure requirements shall be established by an administrative rule adopted by the Town Board.) The type of enclosure to keep stored material from the general view of a passing public shall be predetermined by the Town Board and may be attached to this section as an amendment or administrative rule.

8.03 ABANDONED MOTOR VEHICLES.

A. No person or entity shall leave unattended any motor vehicle, trailer, semi-trailer 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 as aforesaid without permission of the Town or property owner for more than 24 hours, the vehicle is deemed abandoned and constitutes a public nuisance.

B. Any police officer having jurisdiction, who discovers any vehicle on any public or private property which has been abandoned, shall cause the vehicle to be removed to a suitable place of impoundment.

C. Any vehicle left unattended in violation of this chapter shall be impounded until lawfully claimed or disposed of under Section 8.07.

8.04 JUNKED VEHICLES.

No junked vehicle, or parts thereof, may be stored outside any building on any property located in the Town without a proper permit issued by the Town Board for that purpose. No person shall leave any junked vehicle on any street, highway or other public property within the Town. No person in charge or control of any private property within the Town, whether as owner, tenant, occupant or otherwise, shall allow junked vehicles to remain on such property for more than 60 days. The Town Board is authorized to issue permits to store junked vehicles upon a parcel of such property when certain requirements have been met. These requirements shall be established by administrative rule adopted by the Town Board. Such administrative rules shall govern the enclosure of junked vehicles for the purposes of storing junked vehicles from the general view of the passing public.

8.05 PERMITS REQUIRED.

A. A written permit to store an unlicensed or junked vehicle shall be issued upon proper application having been made and only after the applicant has met all the requirements of any administrative rule in force at the time the application is made as to the type of enclosure deemed necessary to be constructed, erected and maintained by the owner or occupant of the property.

B. A written permit form shall be furnished when a permit has been authorized to be issued by the Town Board.

C. Written application forms shall be furnished to any person upon request.

D. Applications for an unlicensed vehicle storage permit or junked vehicle storage permit shall be filed with the Town Clerk at least 10 days prior to the next regularly scheduled meeting of the Town Board.

E. Any application for an unlicensed motor vehicle storage permit or junked motor vehicle storage permit shall be acted upon within 60 days after it was filed with the Town Clerk.

F. If the permit is issued, it shall be issued for a period of 6 months.

G. If the permit is denied, the Town Board shall notify the applicant of such denial.

H. An annual permit fee of \$25 shall be paid into the Town Treasury before the permit is actually issued.

I. An application for an unlicensed motor vehicle storage permit or junked motor vehicle storage permit may be required annually.

J. An application for an unlicensed motor vehicle storage permit or junked motor vehicle storage permit shall bear the signature of either the owner or occupant of the property for which the permit is being sought.

8.06 ENFORCEMENT.

A. Enforcement of this section shall be the responsibility of the Town Board, and/or Police Department. The Zoning Administrator or Building Inspector may enforce any provisions of this chapter relating to his or her position.

B. Inspection of an enclosure facility may be executed each year before the next year's annual permit is acted on by the Town Board.

8.07 PENALTY.

A. Revocation of Permit. A permit to store unlicensed or junked vehicles may be revoked at any time that it is determined that the permit holder is not in compliance with the terms of this section and administrative rules for maintaining property storage enclosures.

B. Removal and Impoundment. After notice to the owner, any vehicle in violation of this subsection may be impounded until lawfully claimed or disposed of under subpar. C below; except if the Town Board or its designee determines that the costs of towing and storage charges of 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 Board or its designee that the vehicle is not wanted for evidence or any other reason.

C. Disposal.

1. Vehicles or Parts Thereof Exceeding \$100 in Value.

a. If the Town Board or its designee determines that the value of any abandoned vehicle exceeds \$100, the owner and lien holders of record shall be notified by certified mail that the vehicle has been deemed abandoned and impounded by the Town and may be reclaimed within 15 days upon payment of accrued towing, storage and notice charges and if not reclaimed, shall be sold.

b. If an abandoned vehicle exceeding \$100 in value is not reclaimed within the period and under the conditions provided in subpar. (a) above, it may be sold by sealed bid or at auction. If no satisfactory bid is received, the vehicle may be sold at private sale.

c. After deducting the expenses of impoundment and sale, the balance of the proceeds, if any, shall be paid to the Town treasury.

2. Vehicles or Parts Thereof Less Than \$100 In Value. Any abandoned vehicle which is determined by the Town Board or its authorized representative to have the value of less than \$100 may be disposed of by direct sale to a licensed salvage dealer upon determination that the vehicle is not reported stolen.

D. Owner Responsible For Impoundment And Sale Costs. The owner of any abandoned vehicle, except a stolen vehicle, is responsible for the abandonment and all costs of impounding and disposing of the vehicle, provided no costs shall be imposed without notice thereof to the owner and an opportunity for the owner to be heard. Costs not recovered by the sale of the vehicle may be recovered in a civil action by the Town against the owner.

E. Notice of Sale or Disposal. Within 5 days after the sale or disposal of a vehicle as provided in subpar. 2, the Town Board or its designee shall advise the State Department of Transportation, Division of Motor Vehicles, of the sale or disposal on a form supplied by the division. A copy of the form shall be given to the purchaser of the vehicle and a copy shall be retained on file in the Town.

F. Forfeiture. In addition to any remedy above, any owner, occupant, persons or persons violating any provision of this Ordinance shall be subject a forfeiture of at least \$10 nor more than \$200 together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution, he/she may be imprisoned in the County Jail until said fines and costs are paid, but not to exceed 30 days. Each day violation exists is a separate offense.

G. Public Nuisance. Nothing in this chapter shall be construed as prohibiting the abatement of a public nuisance by the Town or its officials in accordance with the laws of Wisconsin.

3/9/2009

COVER PAGE FOR STREET GRADES AND TOWN ROAD NAMES

10.01 Road Construction in New Subdivision.

10.02 Street Grades.

10.03 Storm Drainage And Grading Plan.

10.04 Appeal To Town Board.

10.05 Noncompliance/Penalty.

10.06 Road Names.

CHAPTER 10

ROAD CONSTRUCTION IN NEW SUBDIVISIONS, STREET GRADES AND TOWN ROAD NAMES

10.01 ROAD CONSTRUCTION IN NEW SUBDIVISIONS.

A. The developer or person requesting road construction must submit to the Town Board an application in writing and an approved final plat or certified survey for lands to be serviced.

B. The Town will construct roads in accordance with the following conditions:

1. Design Escrow. The Town's engineer shall design or review all proposed roads, including storm management issues. All costs and expenses incidental to the design and bidding including engineering, permits and other fees associated with the project shall be borne by the person requesting the roadway. Prior to the Town's involvement the person shall submit to the Town the actual escrow money for the estimated amount of the design or review costs as determined by the Town Board. The money will be deposited by the Town Treasurer with the Town's banking institution. The amount shall be sufficient to cover Town payment to all parties under contract with the Town for the road design or review. This money will not be refunded if the project does not proceed to construction.

2. Bidding/Construction. The Town shall bid the work. All construction contracts shall be subject to Wisconsin State Statutes, Public Works Contract Requirements. Unless prior approval is granted by the Town Board, road construction bids will be taken on any of four regularly scheduled bid letting dates. These dates will be on the last Thursday of the month in March, May, July and August. The Town's engineer shall perform on-site inspection and contract administration during construction of the roadways.

3. Construction Escrow. The person who requests the roads shall pay the entire costs of said construction. No later than two weeks after the Bid Date and prior to the Town signing contracts for the project construction, the persons requesting the roads shall provide the funds to the Town in an amount equal to the construction, engineering, administration, contingencies, staking and inspection costs for the project in the following manner:

a. **For Phase I Construction (grading, drainage, gravel base and bituminous binder course paving):**

The escrow amount as determined by the Town Board (120% of the awarded bid amount) shall be submitted to the Town Treasurer for deposit with the Town's banking institution. The Town will make all project payments as the same come due and owing during the course of construction.

b. **For Phase II Construction (bituminous surface paving):**

The escrow amount as determined by the Town Board (110% of the awarded bid amount) shall be submitted to the Town Treasurer for deposit with the Town's banking institution. The Town will make all project payments as the same come due and owing during the course of construction.

4. Credit Account. As approved by the Town, in lieu of the escrow payment for design and construction costs, the Developer may submit a letter verifying an irrevocable credit account to the Town to cover all costs associated with the proposed project. This account shall be so arranged and a special agreement executed between the Developer, the bank and the Town of New Denmark to allow the latter to withdraw monthly amounts from the account sufficient to cover monthly costs to the Contractor under contract with the Town.

C. Building permits will not be issued until the road is constructed to a gravel surface and accepted by the Town.

D. Special Agreements. The person requesting the road construction shall execute any other special agreements deemed necessary by the Town.

10.02 STREET GRADES

A. PERMIT REQUIRED. No building permit shall be issued for the construction of any new building or excavating work in the Town of New Denmark until the applicant(s) shall have obtained the sidewalk grades on the street or streets adjoining the proposed improvements, or having obtained the grade elevations of the highest road right-of-way adjoining the building site from the Town Building Inspector.

B. PROCEDURE. Before obtaining such grades where none has already been established, the applicant shall pay to the Town Treasurer the sum of \$5.00 and upon being exhibited, the Town Treasurer's receipt, the Town Building Inspector shall then establish such grades for the applicant. If grades are already established, no fee shall be paid by the applicant; but in any event, the applicant must ascertain the grades before issuance of any such permit.

C. CONSTRUCTION WORK TO CONFORM WITH GRADES. No person, before or after obtaining such grades, shall construct any building or do any excavating work except in conformity with the provisions set forth herein.

10.03 STORM DRAINAGE AND GRADING PLAN

In order to insure positive drainage from all lots within each proposed block so that no surface water will pond within the block, the sub-divider shall submit, at the time of final plat review, a drainage plan for each block within the proposed subdivision. This drainage plan shall include the final grade elevations to be maintained along rear lot lines.

Should the approved drainage plan require grading or the installation of storm sewer drainage facilities within any block or blocks, the sub-divider shall cause such grading or other improvements to be installed at his/her expense at the same time the subdivision roads are being graded.

In order to insure compliance with the approved drainage plan, a covenant shall be included on the face of the final plat referring to the drainage plan and requiring compliance therewith.

At the time of final plat review the sub-divider shall submit one (1) copy of the drainage and grading plan, drawn on the same sheet size as the final plat, to the Town Building Inspector.

It is intended that all buildings shall be constructed at an elevation to be decided upon at the discretion of the Town Building Inspector.

10.04 APPEAL TO TOWN BOARD.

In case any applicant shall be aggrieved by any action in connection with the issuance of a permit, or the refund of a deposit, or in connection with the application of this Ordinance, he/she shall have a right to appeal to the Town Board by filing notice of appeal containing his/her Post Office address within ten (10) days after such action, and outlining the nature of his/her grievance.

10.05 NONCOMPLIANCE/PENALTY.

Should repairs or grade levels required under this Ordinance not be completed or complied with within specified deadlines, a permit applicant may be subject to a forfeiture not to exceed \$300. In addition, a permit applicant shall be responsible for the costs of prosecution and in default of payment of such forfeiture and costs of prosecution, he/she may be imprisoned in the County Jail until said costs and forfeiture are paid, but not to exceed thirty (30) days for each violation. The permit applicant is further responsible for the costs of repairs ordered by the Town Board following said applicant's noncompliance with the provisions hereof. Each day violation exists is a separate offense.

10.06 ROAD NAMES.

In accordance with §82.03(7) Wis. Stats., which requires the assignment of names for each road under the Town's jurisdiction, the road names as shown on the attached plat are hereby assigned, and all future roads will be named when accepted by the Town.

COVER PAGE FOR DRIVEWAY/CULVERT ORDINANCE

- 15.01 Purpose.
- 15.02 Definition.
- 15.03 Application for Permit.
- 15.04 Driveway/Culvert Construction Application Required.
- 15.05 Driveway Location.
- 15.06 General Requirements.
- 15.07 Final Inspection/Approval.
- 15.08 Prohibited Driveways and/or Filling.
- 15.09 Mail Boxes.
- 15.10 Newspaper Box Placement.
- 15.11 Applicability.
- 15.12 Appeal.
- 15.13 Enforcement.
- 15.14 Penalty.

CHAPTER 15

DRIVEWAY/CULVERT

15.01 PURPOSE.

The purpose of this Ordinance is to promote the safety and general welfare of the citizens of the Town of New Denmark through authorization of driveway locations and minimum standards which allow proper drainage of surface waters within town ditches.

15.02 DEFINITION.

A driveway is defined as a private roadway which serves no more than one parcel of land owned by the same individual(s).

15.03 APPLICATION FOR PERMIT.

Prior to the installation of any driveway or culvert in the Town of New Denmark right-of-way, the property owner or the owner's agent shall apply in writing to the Town of New Denmark for a permit to place such driveway and culvert. Application shall include the location, length and width of the driveway along with the elevation of placement, intended diameter and length of the culvert. A check, in the amount of twenty-five (25) dollars payable to the "Town of New Denmark" shall accompany the completed application.

If the culvert is installed without an approved permit, a fine of five hundred (\$500) dollars will be assessed by the Town Board. If the Town Board determines the size and/or length of a culvert, installed without a permit, to be inappropriate, the landowner shall remove the culvert within thirty (30) days and install a culvert of the correct specifications. Upon failure to do so, the town will remove the existing culvert and install a culvert to the correct specifications. The landowner will be billed for costs associated with removal and installation.

15.04 DRIVEWAY/CULVERT CONSTRUCTION APPLICATION REQUIRED.

A. No person, partnership, company nor corporation shall locate, establish, or construct any new driveway or install or replace any culvert without having first obtained a Driveway/Culvert Construction Application from the Town Building Inspector or Town Board who shall determine need, size and grade and collect the fee as determined by the Town Board.

B. Prior to the time the use of a property served by a driveway changes, the owner and/or other necessary parties shall obtain a Construction Application from the Town of New Denmark Building Inspector and approval from the Town of New Denmark before the new use of the property can be undertaken.

15.05 DRIVEWAY LOCATION.

The Town Building Inspector or Town Board shall approve the location of any driveway which will intersect with any private road or town highway located within the Town of New

Denmark. The Town Building Inspector or Town Board will determine the need for culverts on all driveways. No more than three (3) driveways shall be permitted along the arc of a cul-de-sac.

Driveways shall be located so as to not create a safety hazard for vehicles traveling on the roadway, or vehicles existing or entering the property. The Town Board shall determine the permitted location for driveways with consideration given to the road's classification, topography, linear/curvilinear roadway attributes and posted travel speed. Driveways shall be located to permit a safe distance from a vehicle at the driveway entrance to see an approaching vehicle and to have adequate time to exit or enter the driveway safely, and for an approaching vehicle to clearly see a vehicle on the driveway and safely stop.

The property owner/developer must obtain permission from the State of Wisconsin, Department of Transportation for access to state and federal highways, and from the Brown County Highway Department for access to any county highway.

15.06 GENERAL REQUIREMENTS.

The location, design and construction of driveways shall be in accordance with the following:

A. General Design. All driveway approaches shall be at least twenty (20) feet apart and there shall be at least ten (10) feet from the edge of the driveway to the property line except by special permission from the Building Inspector. Driveways shall in all cases be placed wherever possible as to not interfere with utilities in place.

In addition to those requirements listed above, private driveways one hundred fifty (150) feet and over in length, measured from the edge of the traveled surface of the intersecting highway to the structure, must meet the following standards to permit access to principle buildings by the Town of New Demark Fire Department: a minimum twenty-four (24) foot right-of-way, minimum clear-cut width of twenty (20) feet, minimum driving surface of sixteen (16) feet, a minimum height clearance of fifteen (15) feet, and a minimum width of twenty (20) feet for all aprons and approaches. Driveways one hundred fifty (150) feet and over accessing parcels on which there are no structural improvements are exempt from the requirements in this paragraph. However, if a structure is subsequently built, this will mandate upgrade of the culvert and driveway to the standards of this Ordinance.

The Building Inspector, based on recommendations of the Town of New Denmark Fire Department, may request additional clear cut and driving surface widths to alleviate concerns caused by sharp curves, steep inclines or other situations which would interfere with emergency vehicles utilizing the driveway.

B. Culverts. The Town Building Inspector or Town Board will determine the need for culverts on all driveways. If culverts are needed, the Building Inspector or Superintendent of Highways will determine the culvert diameter and length based on site location and drainage needs. In no case shall the culvert diameter be less than fifteen (15) inches nor the culvert length less than two (2) feet greater than the width of the driveway.

C. Drainage. The surface of the driveway connecting with the highway cross sections shall slope downward and away from the highway shoulder a sufficient distance consisting of a 4' (ft) 4" (in) slope to preclude ordinary surface water drainage flowing onto the highway roadbed. Under no circumstances shall such driveway apron extend above any highway pavement.

15.07 FINAL INSPECTION/APPROVAL.

The final inspection and approval for driveways will be made by the Town Building Inspector or Town Board at completion of construction.

15.08 PROHIBITED DRIVEWAYS AND/OR FILLING.

No person, firm or corporation shall place, construct, locate in, or cause to be placed, constructed or located in, any obstruction or structure with the right-of-way limits of any highway in the Town of New Denmark except as permitted by this Ordinance. As used herein the word "structure" includes private driveways, a portion of which extends into any highway, and which is in non-conformance with this Ordinance.

15.09 MAIL BOXES.

Mail boxes shall be installed in accordance with the US Postal Service regulations, approximately 8 inches from the Town pavement as illustrated in the attached and incorporated diagram included in this Ordinance. Mail box supports and attachments shall be strong enough to withstand the pressure and thrust of plowed wet snow, but shall not be so formidable and massive as to damage vehicles and cause serious injury to people who may accidentally strike them.

15.10 NEWSPAPER BOX PLACEMENT.

All newspaper boxes within the Town limits shall henceforth be attached, or placed as close as practical to, residential and commercial mailboxes specified and utilized by the United States Postal Service. It is intended that said mailboxes shall be attached to the pole and/or other edifice utilized for placement of the United States Postal Service mailboxes.

It is intended by this ordinance that henceforth no newspaper boxes shall exist or be placed on the side of Town Roads alternate from the side whereon United States Postal Service mailboxes are placed.

15.11 APPLICABILITY.

This Ordinance shall apply to all driveways constructed or reconstructed within the Town of New Denmark after the effective date of this Ordinance.

15.12 APPEAL.

The property owner/developer has the right to appeal to the Town Board any decision/recommendation made by the Town Building Inspector or Town Board.

15.13 ENFORCEMENT.

No fire number or building permit for construction of any kind will be issued until such time as the Driveway/Culvert Construction Application has been approved.

15.14 PENALTY.

Any persons, partnerships, company or corporation who violates any provision in this Ordinance shall pay, when a permit fee is required, double the specified fee and shall remove, alter or correct the installation as ordered by the Town Building Inspector or Town Board. If the owner or occupant does not correct the installation as ordered by the Town within the allotted time, the expense of correcting the installation shall be done by the Town and the expense thereof shall be charged to the property as a special charge pursuant to Section 66.0301, Wisconsin State Statues after notice and hearing.

3/9/2009

COVER PAGE FOR EXCAVATION TOWN STREETS AND ROAD ORDINANCE

- 20.01 Permit Required.
- 20.02 Form Of Application.
- 20.03 Agreement Of Applicant.
- 20.04 Notification Of Road Inspector.
- 20.05 Report Of Utility Conduit.
- 20.06 Bond.
- 20.07 Appeal To Town Board.
- 20.08 Barricades.
- 20.09 Excavation Work.
- 20.10 Trench Backfilling.
- 20.11 Resurfacing.
- 20.12 Supervision.
- 20.13 Emergency Action.
- 20.14 Noncompliance Penalty.
- 20.15 Enforcement.

EARTH EXCAVATION (SEE ZONING ORDINANCE)

CHAPTER 20

EXCAVATION TOWN STREETS AND ROADS

20.01 EXCAVATIONS IN STREETS - PERMIT REQUIRED.

No person shall tunnel under or excavate, dig, upon or in, remove any tree or remove any material from any street, alley, sidewalk or other public place in the Town without having obtained a permit as is herein required, and having first paid to the Town Building Inspector the requisite fee. The excavation permit shall be obtained by the contractor or person performing the work and a separate permit shall be obtained for each property owner benefited by the work to be performed and for each street involved.

Those individuals required to obtain a permit as set forth herein, shall bear personal responsibility for noncompliance with the provisions of this Ordinance. The excavation permit shall be void if the work for which the permit is issued is not started within 15 days or completed within 30 days from the date of issuance of the excavation permit.

20.02 FORM OF APPLICATION.

An application for such permit shall be made to the Town Building Inspector and shall provide for the following information as shall be required:

- A. The purpose of the proposed excavation.
- B. Location (legal description or street number) of the premises for the benefit of which the excavation is to be made.
- C. The name and residence of the owner of the premises.
- D. The type of surfacing on the street in which the excavation is proposed to be made.
- E. The maximum depth of the proposed excavation.
- F. The name and address of the applicant.

20.03 AGREEMENT OF APPLICANT.

The application shall contain and it shall be the duty of the applicant and owner to comply with the following provisions:

"The undersigned applicant understands and agrees that if permission to excavate shall be granted pursuant to this request, then in consideration thereof, we will:

A. Place or cause to be placed suitable and adequate warning and safety devices, barricades and lights in such places in such quantity and of such kind or nature as stipulated in the Town Code so long as such excavation is unsurfaced or remains a hazard to traffic of any kind upon such street.

B. Open the excavation by neat 1" saw joints through masonry or asphalt surface course.

C. Indemnify and hold harmless the Town of New Denmark from all costs, damages, and liabilities of every kind including all expenses and costs of defending any suit for damages on account of any claims, valid or otherwise, as to which it is claimed or alleged by any claimant that said excavation was the sole or a contributing cause.

D. Close and backfill such excavation and replace the surface of the street in accordance with the Town Code.

E. Upon demand by the Town Board keep in effect until all hazard to traffic caused by such excavation has been removed and terminated a bond or a policy of insurance against liability to third persons for any damage growing out of negligence in the making, guarding, backfilling or resurfacing of the excavation with limits of at least \$100,000 for any one person and \$300,000 for any one accident and \$25,000 property damages.

F. Agree to assume personal responsibility for noncompliance with the provisions of the Town of New Denmark Ordinance entitled EXCAVATIONS IN STREETS.

20.04 NOTIFICATION OF ROAD INSPECTOR.

An applicant who has been authorized to excavate or dig in accordance with the terms of this Section shall notify the Town Road Inspector of the date on which he/she will begin excavation and the period of time he/she will require to complete work in the street. No excavation authorized under this Chapter may be initiated until such notification has been made.

20.05 REPORT OF UTILITY CONDUIT.

Whenever any person while so excavating, digging in or upon, or removing any material from any public right-of-way as aforesaid, shall uncover, strike, disturb or discover any pipe, conduit, casing or other object used to transmit gas, water, sewage, storm water, or electrical current, he/she shall report the fact to the Road Inspector before progressing further with the excavation or removal. It shall be the duty of the Road Inspector, upon receipt of such report, to inspect the excavation and determine what damage, if any, has been done to the pipe or casing and notify the proper owner or department maintaining same if the pipe or casing has been damaged or appears to have been damaged.

20.06 BOND.

In lieu of the fee required above, any utility may execute and file with the Town Clerk a surety bond in the sum of at least \$1,000 with the corporate surety conditioned upon the timely and faithful performance of all conditions prescribed in this Section except that all utilities shall

be required to replace permanent type pavement. The fees reflecting Town replacement of permanent pavements shall be waived for all utilities and a nominal filing fee of \$1.00 charged per application.

20.07 APPEAL TO THE TOWN BOARD.

In case any applicant shall be aggrieved by any Section in connection with the issuance of a permit, or the refund of a deposit, or in connection with the application of this Chapter, he/she shall have the right to appeal to the Town Board by filing notice of appeal containing his/her post office address within 10 days after such action.

20.08 BARRICADES.

Barricades shall be placed at excavations in compliance with the following standards:

A. Barricade shall consist of one or more horizontal nominal two by eight inch or two by ten inch rails spaced vertically at approximately 20 inches center to center, with upper edge of the top rail at a height of approximately 3 to 5 feet above the roadway level. Barricades may be made of variable length as required.

B. Each barricade rail shall be marked with alternate black and white stripes of 4 to 6 inch width at an angle of 45 degrees with the vertical slanting downward toward the side on which traffic is to pass.

C. All barricades used at night shall be effectively lighted with a minimum of one light or flasher for each 8 feet of length of barricade.

D. A construction approach warning sign lighted with at least one light or flasher shall be placed adjacent to the roadway approximately 150 feet in advance of barricade installations.

E. Each barricade shall have the contractor's name, address and telephone number and shall be such that the contractor or his/her authorized representative can be reached 24 hours per day.

20.09 EXCAVATION WORK.

No person shall tunnel under, or excavate, dig upon or in, remove any tree or remove any material from any street, alley, sidewalk or public place unless the excavation is accomplished as follows:

A. Pavement excavated shall be outlined with neat 1" deep saw joints. These saw joints shall be placed at least one foot away from the edge of the proposed trench.

B. The excavation shall not in any case be larger beneath the ground surface than at the surface of the excavation itself. Undercutting of any pavement courses shall be avoided.

C. Access to fire hydrants and other street equipment shall be maintained at all times.

D. Adjoining private property shall be protected by providing foundations and bracing and other suitable measures for this purpose.

E. All gutters shall be maintained free and unobstructed.

F. The excavator shall not begin any excavation on any through street in travel lanes within the Town before 9:00 a.m. and shall have such excavation backfilled and complete with the asphaltic interim pavement before 4:00 p.m. and barricades removed. If underground work cannot be completed by 4:00 p.m., excavator shall make provisions to place a temporary bridge over excavation that will allow traffic to utilize the travel lane.

20.10 TRENCH BACKFILLING.

The trench backfill of any street excavation shall be accomplished as follows:

A. The backfill from the bottom of the conduit to a point one foot above the conduit shall be fine granular material carefully placed by hand and well tamped to fill completely all the spaces under and adjacent to the conduit so as to form a bed that will preclude subsequent settlement.

B. The remainder of the backfilling shall consist of granular materials known as 3/4" stone. This backfilling shall be made immediately after placing the hand backfill and shall be accomplished by placing and compacting in layers not to exceed 8 inches in depth.

20.11 RESURFACING.

Pavement removed for any street excavation shall be restored in the following manner:

A. On streets surfaced with gravel the contractor shall complete the compacted backfill to a point 6 inches below the finished street grade and immediately place 6 inches of compacted gravel surface course equal in quality to that which is existing.

B. On streets surfaced with asphalt, concrete or brick, the excavator shall complete the compacted backfill to a point 3 inches below the finished street grade and immediately place a minimum of 3 inches of compacted asphalt surface course thereon.

C. Immediately after placing of the surface course the area shall be cleaned and left in a safe and satisfactory manner and the street opened to traffic.

D. The contractor shall, after trenches have been stabilized, remove interim asphaltic pavement between the saw joints. The contractor will then adjust the granular subbase to permit placement of the permanent type pavement equal in depth and material to original conditions.

20.12 SUPERVISION.

The Road Inspector shall from time to time inspect all excavations and tunnels being made in or under any public street, alley or other public place in the Town to see to the enforcement of the provisions of this section.

20.13 EMERGENCY ACTION.

Nothing in this Section prohibits the making of such excavations as may be necessary for the preservation of life and property or for the location of trouble in conduit or pipe, or for making repairs, provided that the person making such excavations shall apply to the Town Clerk for such a permit on the first working day after such work is commenced.

20.14 NONCOMPLIANCE PENALTY.

Should repairs required under this Ordinance not be completed within the specified deadlines, or should the repairs undertaken not comply with the provisions of this Ordinance, the permit applicants shall each be personally responsible for a forfeiture of not more than \$300 and be jointly responsible for the actual cost of repairs ordered by the Town Road Inspector and/or Town Board following said applicant's noncompliance with the provisions hereof. In addition, the permit applicants shall be responsible for the costs of prosecution and in default of payment of such forfeiture and costs of prosecution, he/she may be imprisoned in the County Jail until said costs and forfeiture are paid, but not to exceed thirty (30) days for each violation. Each day that the violation continues to exist shall constitute a separate offense.

20.15 ENFORCEMENT.

Enforcement of this Chapter will be the responsibility of the Town Board or its designee, Building/Road Inspector, Zoning Administrator, and/or Police Department.

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ALTERNATE DEVELOPMENT (CONSERVATION BY DESIGN)
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INTRODUCTION

34.01 AUTHORITY. The New Denmark Town Board, pursuant to the authority granted by Chapter 236.45, Wisconsin Statutes, adopts the provisions of this Chapter.

34.02 TITLE. This Chapter shall be known as, referred to or cited as the "Subdivision and Alternative Development Ordinance, Town of New Denmark, Wisconsin".

34.03 PURPOSE AND INTENT. The purpose of this Chapter is to regulate and control the residential division of land within the Town of New Denmark for the following purposes:

- A. To promote public health, safety and general welfare.
- B. To further the orderly layout and use of land.
- C. To prevent the overcrowding of land.
- D. To further the orderly flow of traffic to and from the streets and highways.
- E. To facilitate adequate provisions for public infrastructure.
- F. To facilitate enforcement of community development standards set forth herein and on the Official Map of the Town of New Denmark.
- G. To facilitate implementation of community development standards set forth in the Community's Comprehensive Plan.

34.04 ABROGATION AND GREATER RESTRICTIONS. It is not intended by this Chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations or permits previously adopted or issued pursuant to law. However, whenever this Chapter imposes greater restrictions, the provisions of this Chapter shall govern. This Section shall not preclude the Town of New Denmark from maintaining any appropriate action to prevent or remove a violation of this Ordinance including injunctive relief.

34.05 INTERPRETATION. The provisions of this Chapter shall be held to be minimum requirements and shall not be deemed a limitation or repeal of any power granted by the Wisconsin Statutes.

34.06 JURISDICTION. The jurisdiction of this Chapter shall include all lands within the Town of New Denmark after the effective date of this Ordinance. However, in no instance shall the provisions of this Chapter apply to:

- A. Transfer of interests in land by will or pursuant to court order.
- B. Leases for a term not to exceed 10 years, mortgages or easements.

C. Sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the resultant lots are not reduced below the minimum sizes required by these regulations, or other applicable laws or ordinances.

34.07 COMPLIANCE. All divisions of land resulting in lots less than ten acres shall comply with this Chapter.

- A. Applicable local ordinances.
- B. The provisions of Chapter 236, Wisconsin Statutes.

GENERAL PROVISIONS

34.08 RULES. In this Chapter, the rules and definitions contained in this Section shall be observed and applied, except when the context clearly indicates otherwise.

Words used in the present tense shall include the future and words used in the singular number shall include the plural number and the plural, the singular.

The word "shall" is mandatory and not discretionary.

The words "may" and "should" are permissive.

The masculine gender includes the feminine and neuter.

Conservation by Design Subdivisions are optional.

34.09 DEFINITIONS. The following definitions shall apply in interpreting this Ordinance. Other definitions contained in the Brown County Subdivision and Platting Regulations, Chapter 21 of Brown County Ordinances, effective December 13, 2001 unless contrary to the definitions herein shall also be considered.

A. Active Recreation Facilities - Formal prescribed sites for leisure activities requiring some constructed facilities and organized activity.

B. Adjusted Tract Acreage – The resulting area of a parcel of land after the primary conservation areas (typically wetlands, floodways, and slopes exceeding 25%) are deducted.

C. Alley - A public or private right-of-way, which provides secondary access to abutting properties.

D. Arterial Street - A street used or intended to be used primarily for fast or heavy through traffic. Arterial streets shall include freeways and expressways, as well as standard arterial streets, highways and parkways.

E. Block - A 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.

F. Building - Any structure built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind and which is permanently affixed to the land.

G. Building Setback Line - A line parallel to the street line or waterline, defined by the Town of New Denmark Zoning Ordinance, defining the area between the property line and the building setback line where buildings may not be erected.

H. Certified Survey Map - As defined in Chapter 236.34, Wisconsin Statutes, and may be referred to as a CSM.

I. Collector Street - A street intended to provide both land access service and traffic circulation. They also collect traffic from minor streets and channel it onto the arterial street system.

J. Conservation Subdivision - A land division or housing development that is characterized by compact lots that are surrounded by, or interspersed with, preserved open space, where the natural features of the land are preserved to the greatest extent possible.

K. County Plat - A map of a division of land prepared in the same manner as required in Chapter 236, Wisconsin Statutes, except that all reviews are completed at the local level, in accordance with the terms of this Ordinance and where:

1. The act of division creates five (5) or more lots of which no more than four (4) lots are one and one half (1.5) acres or less in area; or

2. Five (5) or more lots, of which no more than four (4) lots one and one half (1.5) acres or less in area, are created by successive division within a period of five (5) years.

L. Cul De Sac - A short minor street having one end open to traffic and the other end terminated by a vehicular turnaround.

M. Development - The act of constructing buildings and/or site improvements.

N. Improvement, Public - Any sanitary sewer, storm sewer, drainage ditch, water main, roadway, park, parkway, public access, sidewalk, trail, pedestrian way, planting strip, off-street parking area or other facility for which the County or Town may ultimately assume the responsibility for maintenance and operation.

O. Land Division - The dividing of land, which results in the creation of any new parcel or lot including but not limited to a subdivision, re-plat, county plat, or certified survey map.

P. Lot - A buildable parcel of land represented and identified in a land division as defined herein and in accordance with the Town of New Denmark Zoning Ordinance.

Q. Lot, Corner - A lot abutting two (2) or more streets at their intersection provided that the corner of such intersection shall have an angle of one hundred thirty-five degrees (135°) or less, measured on the lot side.

R. Lot, Flag - A lot, which consists of a long narrow access area leading to a larger parcel of land. The access resembles a flagpole and its width is less than the minimum lot width for that specific zoning district and the larger buildable area resembles the flag.

S. Lot, Through - A lot which has a pair of opposite lot lines along two (2) substantially parallel streets and which is not a corner lot. On a "through lot" both street lines shall be deemed front lot lines.

T. Minor Street - a street used or intended to be used primarily for access to abutting properties.

U. Outlot - A parcel of land not intended for development and so designated on the plat, re-plat or certified survey map.

V. Parent Parcel - The existing parcels of record, as identified by individual tax parcel numbers. Effective on date of this Ordinance.

W. Preliminary Plat - A map showing the salient features of a proposed subdivision submitted to the Town Planning and Zoning Commission for purposes of preliminary consideration so described in Section 34.15 of this Chapter.

X. Primary Conservation Areas – Environmentally sensitive areas of a site that are restricted from development by reason of a federal, State, County law or regulation, or by the New Denmark Zoning Ordinance.

Y. Public Way - Any public road, street, highway, walkway, drainage way or part thereof.

Z. Replat - The process of changing the map or plat, which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, lot or outlot within a recorded subdivision plat without changing exterior boundaries of said block, lot or outlot is not a re-plat.

AA. State Plat – A map of a subdivision as defined within Section 236.02(12) of the Wisconsin Statutes and prepared in accordance with Chapter 236, Wisconsin Statutes.

BB. Subdivider - Any person, corporation, Limited Liability Corporation, partnership, Limited Liability Partnership, association, individual, firm, trust or agent acting on the seller's behalf thereof dividing or proposing to divide land resulting in a land division.

CC. Subdivision - The division of a lot, parcel or tract of land by a subdivider where the division creates more than four new parcels from the parent parcel.

DD. Surety Bond - A bond guaranteeing performance of a contract or obligation of a Developer. Possible forfeiture of bond can occur if such contract or obligation is unfulfilled by the subdivider.

EE. Town - Reference to Town shall mean the Town of New Denmark including the Town Board, Town Chairman, Town Clerk or any other designated Town committee.

FF. Town Chairman - The individual hired by the Town Board to act as the Town's Chief Administrative Officer.

34.10 DEDICATION AND RESERVATION OF LAND.

A. Whenever a tract to be subdivided includes a proposed street, highway, or parkway or a proposed site for a park, playground, school or other public use or facility as indicated on any officially adopted map or Area Development Plan, such space shall be suitably incorporated by the developer into his subdivision plat after the proper determination of its necessity by the Town Planning and Zoning Commission and/or the appropriate body or public agency involved in the acquisition and/or use of each site.

B. If potential public accesses are included within a plat, the Town Planning and Zoning Commission shall refer the plat to the public body concerned with the acquisition for its consideration and report. The Town Planning and Zoning Commission may propose alternate areas for such acquisition and shall allow the public body concerned 30 days for reply. The reply of the public body, if affirmative, shall include a map showing the boundaries and areas of the parcel to be acquired and an estimate of the time required to complete the acquisition.

C. Upon receipt of an affirmative report, the Town Planning and Zoning Commission shall notify the property owner and shall designate on the preliminary and final plat that area proposed to be acquired by the public body.

D. On preliminary and final plats in which land is designated for acquisition by a governmental unit or subdivision thereof, the land owner shall give written notice of its intent to develop such property to the governmental unit. Such notice to the governmental unit of intent shall be accomplished by a sketch plan of the proposed development and a tentative schedule of construction. The governmental unit shall have up to one year from the date of notice to obtain an accepted offer to purchase agreement from the property owner, or to initiate eminent domain acquisition. Otherwise, the designation of the property as "to be acquired for public purposes" shall be removed from the plat and the official map and the owner shall then be free to develop said property. Nothing herein shall prevent property on a plat as being designated as dedicated if accepted by the Town.

E. Whenever a preliminary plat includes a proposed dedication of land to public use and the Town Planning and Zoning Commission finds that such land is not required or not suitable for public use, the Town Planning and Zoning Commission or the Town Board may refuse to approve such dedication.

F. When a final plat of a subdivision has been approved by the Town Board and other required public bodies and the plat is recorded, that approval shall constitute acceptance for

the purpose designated on the plat of all lands shown on the plat as dedicated to the public including street rights-of-way and common open space.

34.11 LAND SUITABILITY.

A. No land shall be divided for a use, which is determined to be unsuitable based upon Town, County, State and/or Federal Law. Staff for the Town of New Denmark shall make initial determinations of land suitability and shall require documentation relative to the suitability of land for development from the developer based on Town, County, State and/or Federal Law.

B. If determined to be unsuitable, the staff shall, in writing, state the facts upon which its conclusion is reach. Appeals of land suitability determinations shall be brought before the Town Board, which may affirm, modify, or withdraw the determination of unsuitability.

C. All lots proposed for development must have a minimum developable area as defined by the Planning and Zoning Commission and/or the Town Board.

D. Geotechnical Engineering Reports may be required at staff discretion for all structures to be built on, or within twenty (20) feet of, slopes twenty-five percent (25%) or greater. Such reports will include soil information and classification, conclusions regarding slope stability with structural surcharge, detailed slope stabilization practices if applicable and project erosion control practices. Engineering reports are required to be certified by a Professional Engineer licensed in the State of Wisconsin.

34.12 EROSION PREVENTION REQUIREMENTS. In addition to storm water drainage requirements contained elsewhere in this ordinance, when a proposed subdivision or certified survey map is located in an area having the potential to cause soil erosion and sedimentation problems, the Town may require that the subdivider prepare 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 Town Planning and Zoning Commission who shall transmit them, where appropriate, to the Brown County Planning Department for review and comment. Guidelines, standards and specifications which should provide a framework for the development, review and implementation of erosion control, are contained in the 'Wisconsin Construction Site Best Management and Practice Handbook'. The Town may require that some or all of the erosion and sediment control measures, including those recommended by Brown County, become a restrictive covenant on the final plat or certified survey map. In addition, a side and/or rear building setback limit may be added when a severe slope or unstable soil types exist on the proposed land-divisions.

CONSERVATION BY DESIGN SUBDIVISIONS

34.13 CONSERVATION SUBDIVISIONS.

Conservation by Design Subdivisions are optional.

A. Purpose. To conserve open space by grouping of lots with reduced individual lot sizes, provided that overall density within the subdivision is maintained. The remaining undeveloped area within the subdivision provides open space and helps preserve the scenic and natural qualities of the land being divided, especially any applicable environmentally sensitive area. Grouping of residences will facilitate common water and sewage disposal systems and encourage the improved use of the land respecting the preservation of natural resources.

B. Applicability. Any subdivision or CSM where the total area of the land to be developed is at least 5 acres may follow Conservation Subdivision design. Other land divisions with less than 5 acres may be considered for Conservation Subdivision design with special approval of the Town.

C. Site Analysis Plan

1. As a part of the concept plan phase described under Section 34.14 of this ordinance, a study of existing site features shall be prepared and provided to the Town prior to the on-site inspection. This site analysis must include the following:

a. A topographic map, based on a U.S.G.S Quadrangle map or aerial topography at not less than two (2) foot contours;

b. Soil boundaries as shown on the Brown County Soil Survey maps published by the Soil Conservation Service; and

c. The location of significant features such as woodlands, tree-lines, open fields or meadows, scenic views into or out from the property, watershed divides and drainage ways, fences or stone walls, rock outcrops, and existing structures, easements, roads, tracks and trails; and

2. The Site Analysis Plan shall identify both Primary Conservation Areas (floodways, wetlands, and steep slopes, as defined in the process for computing "Adjusted Tract Acreage") and potential Secondary Conservation Areas. The Site Analysis Plan shall form the basis for the conceptual Preliminary Plan, which shall show the tentative location of houses, streets, lot lines, and greenway lands.

D. General Requirements. Proposed Conservation Subdivisions shall be platted in accordance with the requirements and procedures of this Ordinance.

E. Density. The maximum permitted number of lots in such developments shall be determined by dividing the total adjusted tract acreage by the minimum lot size(s) required in the New Denmark Zoning Ordinance. As an alternate method, the total number of lots within a Conservation Subdivision may be based upon a yield plan showing how many lots could be attained if the land were platted using the standard lot size and lot width. Such yield plan shall be subject to Town approval and every lot shall be viable for development to be counted. Greater density may be permitted based upon subsection G. described below.

F. Water and Sewer. Water supply and sewage disposal shall meet the minimum standards of all State, County, or Town regulations.

G. Design. The Design Standards, as contained within this Ordinance, may, at the discretion of the Town Board, be relaxed as an incentive in developing Conservation Subdivisions. Standards that can be relaxed in order to permit more creative land division design include, but are not limited to, lot shape and depth, length of cul-de-sac roads, and road right-of-way width. However, the lots shall be of sufficient size to provide buildable room for reasonable development based on the intended use.

H. Trail Connections. If pedestrian trails are included within any Conservation Subdivision, such trails may, at the developers' discretion, be connected to any regional pedestrian trails established by the Town of New Denmark, Brown County, any adjacent community, or the State of Wisconsin, subject to approval by the owner of the trail.

I. Open Space Requirements.

1. Open space required for Conservation Subdivisions shall be based upon the contour, character, and aesthetics of the land being developed and may include both Primary and Secondary Conservation Areas.

2. Minimum Open Space. In order to receive relaxation of the design standards, as described in subsection G. above, permanent open space shall be designated on the plat and shall be at least twenty-five percent (25%) of the gross site area of the tract being divided. In addition, as an incentive for establishing greater open space, the number of lots within the subdivision may be increased above the number prescribed in subsection E., as follows:

a. The total amount of open space shall be at least thirty percent (30%) of the gross site area.

b. All of the primary conservation areas shall be included within the permanent open space to the extent practical.

c. Of the area gained as a result of reduced right-of-way widths or lots less than the normal minimum area, at least two-thirds (2/3) shall be included as additional open space. The remaining one-third (1/3) may be used for additional platted lots above the density prescribed in subsection E. above.

3. The minimum required open space may include storm water management facilities, active recreation facilities, and man-made ponds. However, not more than fifty percent (50%) of the required open space shall consist of active recreation facilities and permanent ponds.

4. The required open space may be used, without restriction, for underground drainage fields for individual or community septic systems, subject to the requirements of the Brown County Private Sewage System Ordinance.

5. The required open space shall be designated as undivided open space and shall be protected by a permanent conservation easement, prohibiting further development and setting other standards safeguarding the site's special resources. Such conservation easement

shall be in a form acceptable to the Town of New Denmark and duly recorded with the Brown County Register of Deeds. A narrative describing the ownership, use, and maintenance responsibilities of the open space may be required by the Town.

6. Open space shall about the largest practical number of lots within the Conservation Subdivision. The Town may require safe and convenient pedestrian access to the open space from all lots not adjoining the open space.

7. The design of open space should be sufficient to allow for the intended use, such as agriculture, natural resource protection, recreation, storm water management, etc.

J. Evaluation Criteria: The Town Planning and Zoning Commission and Town Board shall evaluate proposed Conservation Subdivisions to determine whether the proposed conceptual preliminary plan effectively meets the following criteria:

1. The Conservation Subdivision design should identify and, to the extent possible, preserve all environmentally sensitive areas.

2. The design should create sufficient buffer areas to minimize conflicts between residential and other uses.

3. The development should be visually buffered from existing public roads, such as by placing lots at the far edges of fields or by a planting screen consisting of a variety of trees, shrubs, and wildflowers.

4. The Conservation Subdivision design should recognize and preserve where possible existing hedgerows and tree lines between fields or meadows, and should minimize impacts on large woodlands (greater than five acres), especially those containing many mature trees or a significant wildlife habitat. When any woodland is developed, great care shall be taken to situate all disturbed areas (for buildings, roads, yards, septic disposal fields, etc.) in locations where there are no large trees or obvious wildlife areas, to the fullest extent practicable.

5. The Conservation Subdivision design should leave scenic views and vistas unblocked or uninterrupted, particularly as seen from public thoroughfares. In wooded areas where the sense of enclosure is a feature that should be maintained, a deep "no-build, no-cut" buffer should be provided, to preserve existing vegetation.

6. The Conservation Subdivision design should respect and preserve sites of historic, archaeological, or cultural significance, and their environs, insofar as needed to safeguard the character of the feature, including stone walls, barn foundations, cellar holes, earthworks, and burial grounds.

7. The Conservation Subdivision should protect rural roadside character and promote public safety and roadway carrying capacity by avoiding development fronting directly on or taking access onto collector or arterial roads.

8. If the Conservation Subdivision design includes a pedestrian circulation system, it should be designed to assure pedestrian safety, and consideration should be given to providing a connection to adjoining properties or pedestrian trail systems.

9. The Conservation Subdivision design should provide open space that is in a reasonably contiguous configuration. Fragmentation of open space should be minimized and not divided into numerous small parcels located in various parts of the development. To the greatest extent practical, open space should be designed as a single block with logical, smooth-flowing boundaries. Long thin strips of conservation land shall be avoided, unless the area needing conservation is linear or unless such configuration is necessary as a trail connection or similar corridor.

10. Wherever possible, the open space should generally abut or connect with existing or potential open space land on adjacent parcels (such as in other subdivisions, public parks, or properties owned by or leased to private land organizations). Such open space may be designed as part of a larger contiguous and integrated parkway or system of trails.

K. Ownership of Open Space:

1. Ownership Options. Different ownership and management options may apply to the permanently protected open space created by the development. The open space shall remain titled as undivided interest in ownership and may be owned and managed by any of the following options:

- a. Private individual or entity such as the original landowner.
- b. Duly established homeowners association or condominium association for the development, approved by the Town.
- c. Recognized land trust or organization approved and acceptable to the Town.
- d. The Town of New Denmark, Brown County, or other public entity or agency, subject to acceptance by the applicable unit of government.

L. Dedications and Easements. If open space is proposed to be dedicated to the public it shall first be offered to the Town of New Denmark, and if the Town does not accept, then to Brown County. The Town may, but shall not be required to, accept a dedication of open space. Such dedication shall take the form of a fee simple ownership and there shall be no cost of acquisition other than any costs incidental to the transfer of ownership such as title insurance. Land proposed for dedication shall be accessible to the residents of the Town.

The Town may, but shall not be required to, accept easements for public use of any portion or portions of undivided open space land. The Town may require a public land dedication, easement, or combination thereof, through designated open space to facilitate trail connections.

M. Transfer of Ownership or Easement to a Private Organization. An owner may transfer open space lands or conservation easements to a private, nonprofit organization, among whose purposes it is to conserve open space and/or natural resources, provided that:

1. The organization is acceptable to the Town, and is a bona fide private organization with perpetual existence;
2. The conveyance contains appropriate provisions for proper reverter or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its functions; and
3. The developer and the organization enter into a maintenance agreement acceptable to the Town.

N. Failure to adequately maintain the undivided open space in reasonable order and condition constitutes a violation of this Ordinance. The Town is hereby authorized to give notice, by personal service or by United States mail, to the owner and/or easement holder, of any violation, directing the owner to remedy the same within thirty (30) days. In the event of repeated violations, the Town Board may determine it is necessary to take on maintenance responsibilities for any common open space established through this Ordinance and pursuant to Wisconsin Statutes levy a Special Assessment on the property for the costs associated with maintaining the open space.

PROCEDURES FOR DIVIDING LAND

34.14 PRELIMINARY CONSULTATION. Prior to filing an application for the approval of a land division, the subdivider shall consult with representatives of Town Planning staff, Brown County Planning and public utilities, including sewer and water, to assist the subdivider in planning the development. The consultation shall take place prior to all land division reviews and approval. A written confirmation that such consultation has occurred shall be provided to the Town at the time the Preliminary Plat is submitted. The procedure shall be:

A. The subdivider shall prepare a "concept" plan of the proposed land division. The plan should show the basic layout of the streets, lots, open space and any other proposed developments.

B. The subdivider shall then contact the Town Chairman to make an appointment to review the plan with Town staff and walk the site. The subdivider should send a copy of the concept plan to the Town Chairman as soon as possible after a meeting date has been established to give staff time to prepare for the meeting. Town Planning and Zoning Commission members will be invited to walk the site with the developer and the staff. During the on-site inspection the developer will provide a map showing existing natural features of the site.

C. Following the preliminary consultation meeting, the Town Chairman or his designee will prepare a written report outlining any comments, concerns and/or suggestions within ten (10) working days of the meeting. This report will be sent to the subdivider and surveyor with copies to the Town Planning and Zoning Commission, Town Board, Brown

County Planning Department and to any city or Town with extraterritorial plat review jurisdiction.

34.15 CERTIFIED SURVEY MAP PROCEDURES. A certified survey map (CSM) shall be submitted to the Town for review and approval only after the Preliminary Consultation has taken place as described herein. Copies of the proposed CSM shall be submitted to the Town Chairman.

A. Prior to action by the Town Board, the CSM shall be referred to the Town Planning and Zoning Commission for review and recommendation. The Town Planning and Zoning Commission shall submit a recommendation to the Town Board within forty (40) days of receipt of the proposed CSM.

B. Within sixty (60) days of filing the proposed CSM with the Town Chairman (unless such time limit is extended by mutual consent of the Town and applicant), the Town Board shall approve, conditionally approve, or reject the CSM. If conditionally approved or rejected, the applicant shall be notified in writing of the conditions of approval or reasons for rejection.

C. The review of the proposed CSM shall consider the requirements of this Chapter, the New Denmark zoning Ordinance, the New Denmark Comprehensive Plan, any comments on the concept plan received from the County or adjacent incorporated communities, and the County Trunk and State Highway Access Control regulations.

34.16 RECORDING OF CERTIFIED SURVEY MAP. After the Town Board has approved the certified survey map, the subdivider shall record the certified survey map with the County Register of Deeds in accordance with Section 236.34(2), Wisconsin Statutes.

34.17 PRELIMINARY PLAT PROCEDURES – STATE AND COUNTY PLAT. Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat in accordance with Section 34.18 of this Chapter. The subdivider shall file with the Town Chairman copies of the transmittal forms proving that the appropriate number of copies of the preliminary plat have been submitted to the appropriate state and local agencies, utilities and municipalities, along with a letter of application.

A. Approving agencies shall be the Town Board, Brown County Planning and Zoning Commission and any adjoining city or Town with extraterritorial plat approval jurisdiction.

B. Objecting agencies shall be the applicable County and State agencies.

34.18 PRELIMINARY PLAT APPROVAL – STATE AND COUNTY PLAT. The objecting agencies shall, within 20 days of the date of receiving their copies of the preliminary plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of a copy of a plat and shall return that copy to the Town Planning and Zoning Commission staff. If an objecting agency fails to act within twenty (20) days, it shall be deemed to have no objections to the plat.

A. The Town Planning and Zoning Commission and Town Board shall review the plat for conformance with this Chapter and all other ordinances, rules, regulations and adopted regional, County and local comprehensive plans or adopted plan components which affect the plat.

B. Prior to action by the Town Board, the preliminary plat shall be referred to the Town Planning and Zoning Commission for review and recommendation. The Town Planning and Zoning Commission shall submit a recommendation to the Town Board within sixty (60) days of the date of filing of the preliminary plat with the Town Chairman.

C. The Town Board shall, within ninety (90) days of the date of filing of the preliminary plat with the Town Chairman, approve conditionally or reject such plat unless the time is extended by agreement with the subdivider. One copy of the plat shall thereupon be returned to the subdivider with the date and action endorsed thereon and, if approved conditionally or rejected, a letter setting forth the conditions of approval or the reason for the rejection shall accompany the plat. One copy of the plat and letter shall be placed in the Town Planning and Zoning Commission's permanent file.

D. Failure of the Town Planning and Zoning Commission and Town Board to act within ninety (90) days of the filing date shall constitute an approval as provided in Section 236.11(1)(a), Wisconsin Statutes.

E. Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat, unless the final plat is submitted within six (6) months of the preliminary plat approval and conforms substantially to the preliminary plat layout as indicated in Section 236.11(1)(b), Wisconsin Statutes, the final plat shall be entitled to approval with respect to such layout.

34.19 FINAL PLAT PROCEDURES. The subdivider shall prepare a final plat in accordance with 34.32 of this Chapter and shall file copies of the transmittal forms indicating that the appropriate number of copies of the final plat have been submitted to the appropriate reviewing agencies as outlined in 34.17 of this Chapter, whichever is applicable, and a letter of application with the Town Chairman.

Partial Platting - The final plat may, if permitted by the Town Planning and Zoning Commission, constitute only that portion of the approved preliminary plat that the subdivider proposes to record at that time.

34.20 FINAL PLAT APPROVAL. The objecting agencies shall, within twenty (20) days of the date of receiving their copy of the final plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of a copy of the plat or by letter and shall return that copy to the Town Planning and Zoning Commission. If an objecting agency fails to act within the twenty (20) days, it shall be deemed to have no objection to the plat. (Under certain circumstances in accordance with Wis. Stats. Chapter 236, the Department of Commerce may have thirty (30) days to object.)

A. The Town Planning and Zoning Commission and Town Board shall examine the final plat as to its conformance with the approved preliminary plat, any conditions of approval of

the preliminary plat, this Chapter and all ordinances, rules, regulations, Town and County comprehensive plans or plan components which may affect the plat.

B. Prior to action by the Town Board, the final plat shall be referred to the Town Planning and Zoning Commission for review and recommendation. The Town Planning and Zoning Commission shall submit a recommendation to the Town Board within forty (40) days of the date of filing of the final plat with the Town Chairman.

C. The Town Board shall, within sixty (60) days of the date of filing of the final plat with the Town Chairman, approve, approve conditionally or reject the plat, unless the time is extended by agreement with the subdivider. If the plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the subdivider. If the plat is approved, the Town Board shall not inscribe its approval on the face of the original final plat until the Town Chairman certifies that copies were forwarded as required by Section 34.19 of this Chapter, the date thereof and that no objections have been filed within twenty (20) days or, if filed, have been satisfied.

D. Failure of the Town Planning and Zoning Commission and Town Board to act within sixty (60) days, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved as provided in Section 236.11(1)(a), Wisconsin Statutes.

34.21 RECORDING. After the Town Board and any other approving agencies have approved the final plat, the subdivider shall record the plat with the County Register of Deeds in accordance with Section 236.25, Wisconsin Statutes.

34.22 REPLAT. In accordance with Section 236.36, Wisconsin Statutes, a re-plat of all or any part of a recorded subdivision, which does not alter areas previously dedicated to the public, may be made by complying with Sections 34.11 - 34.19 of this Chapter. When a proposed re-plat involves alteration or vacation of areas previously dedicated to the public, the subdivider shall vacate or alter the recorded plat in accordance with Sections 236.40 through 236.44, Wisconsin Statutes.

34.23 ALL OTHER LAND DIVISIONS. All other Land Divisions as defined in Section 34.09(O) of this Ordinance which are not otherwise regulated by this Ordinance or Chapter 236 of the Wisconsin Statutes shall comply with the following procedures:

A. Land Divisions which create any new lot or parcel regardless of size shall be submitted to the Town Planning Commission for review with the fee as required in the fee schedule set under Section 34.47 of this Ordinance.

B. The Planning Commission with assistance from town staff shall prepare a report to the Town Board identifying any considerations and confirming the proposed division is consistent with applicable zoning under the Town of New Denmark Zoning Ordinance.

C. Any lot or parcel created or recorded via county or state plat, plat of survey or any other method of creation shall be in violation of this Ordinance and subject the creator to the penalties provided for in Section 34.49 of this Ordinance.

TECHNICAL REQUIREMENTS FOR PLATS AND CERTIFIED SURVEYS

34.24 CERTIFIED SURVEY MAP REQUIREMENTS. A certified survey map (CSM) shall be required for all newly created parcels of land where the act of division will create up to and including four (4) new lots, parcels or tracts from the parent parcel. A CSM shall also be required for all public dedications. No land included in any street, highway or railroad right-of-way shall be included in computing lot area.

34.25 SPECIFICATIONS. A CSM shall comply with the requirements of Section 236.34, Wisconsin Statutes, and shall include the following information:

A. Every CSM shall show prominently near the top of the first page the quarter-quarter Section, government lot or private claim; Section, township and range; name of Town and county or, if part of a recorded subdivision or certified survey map, the name of the recorded subdivision or CSM volume and number, Town and county. If required by the Town in which the CSM is located, a certificate of approval by the Town shall appear on the CSM.

B. A north arrow, scale, legend and symbols, bearing and distance of each line, lot numbers and area in square feet and acres, and existing and proposed easements.

C. All tax parcel numbers shall be shown on the CSM in their approximate relationship.

D. All existing structures.

E. The location, right-of-way width and name of all existing and proposed highways, streets, alleys of other public ways.

F. Location of Section quarter, sixteenth, government or private claim lines that are within fifty (50) feet of the exterior boundary of the CSM.

G. Location and names of any subdivision, CSM, existing property lines and owners of record of abutting unplatted lands contained in or within fifty (50) feet of the exterior boundary of the CSM.

H. Locations of any corporate limit lines within fifty (50) feet of the exterior boundary of the CSM.

I. All existing driveways and access points. If the CSM abuts a controlled access highway and no driveway exists, a statement to that effect shall appear on the CSM.

J. When a CSM or Plat abuts a controlled access State Highway it shall conform to the requirements of Chapter Trans. 233 of the Wisconsin Administrative Code.

K. All streams and other water bodies located within the CSM boundary shall be shown. A building setback line and distance shall also be shown.

L. All wetland areas within the CSM shall be shown. All areas that have been designated floodplain shall also be shown and labeled. The source of the floodplain determination shall be stated on the CSM.

34.26 PRELIMINARY PLAT REQUIREMENTS. 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 reproducible material at a scale of not more than two hundred (200) feet to the inch and shall show correctly on its face the following information:

- A. Title under which the proposed subdivision is to be recorded.
- B. Legal description and general location of proposed subdivision and relative location to a nearby municipality.
- C. Date, scale and north arrow.
- D. Names and addresses of the owners, subdivider and land surveyor preparing the plat.
- E. Entire area contiguous 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 and Zoning Commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Chapter and undue hardship would result from strict application thereof.
- F. Length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in the U.S. Public Land Survey and the total acreage encompassed thereby.
- G. Contours at vertical intervals of not more than two feet.
- H. Water elevations of adjoining lakes and streams at the date of the survey, approximate high and low water elevation, and FEMA's 100-year floodplain elevation, all referred to the same datum used for the contours.
- I. Location, right-of-way width and name of all existing and proposed streets, alleys or other public ways, easements, railroad and utility right-of-way and all Section and quarter Section lines within the exterior boundaries of the plat or immediately adjacent thereto.
- J. Locations and names of any subdivisions, parks, schools and cemeteries and owners of record of abutting unplatted lands
- K. Location and invert elevation of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catch basins, hydrants and any existing water mains within the exterior boundaries of the plat or immediately adjacent thereto.
- L. If no sewer or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water which might be extended to serve the tract shall be indicated by

their direction and distance from the tract, size, and invert elevations.

M. Locations of all existing property boundary lines, structures, easements, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks and other similar significant features within the tract being subdivided or immediately adjacent thereto.

N. Dimensions of all lots, together with proposed lot and block numbers.

O. Location and dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainage ways, or other public use.

P. Radii of all curves.

Q. Existing zoning and proposed use on and adjacent to the proposed subdivision.

R. Corporate limit lines.

S. Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.

T. Wetlands.

U. Sewer service area boundary, when applicable.

34.27 FINAL PLAT. General - A final plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply with and show correctly on its face, in addition to the information required by Section 236.20, Wisconsin Statutes, the following:

A. Exact street width along the line of any obliquely intersecting street.

B. Setbacks or building lines in accordance with the New Denmark & Brown County Zoning Ordinances.

C. All lands reserved for future public acquisition or reserved for the common use of property owners within the plat. If common property is located within the plat, then provisions for its use and maintenance must also be provided with the plat.

D. Special restrictions required by any approving or objecting agency relating to access control along public ways or to the provisions of planting strips.

E. The following certificates must be on all final plats:

1. Surveyor's Certificate,

2. Owner's Certificate, including all persons holding an interest in the fee of record or by being in possession,

3. The mortgagee of record if land is mortgaged,

4. Brown County Certificate,
5. Treasurer's Certificates of the Town and County
6. Town certificate to include Administrator and Clerk, and
7. Certificate of any municipality having extraterritorial jurisdiction.

34.28 DEED RESTRICTIONS AND/OR RESTRICTIVE COVENANTS. Any deed restrictions and/or restrictive covenants attached to the subdivision shall be filed with and/or placed on the final plat. Placing the Register of Deeds recording information on the face of the plat is acceptable.

34.29 SURVEYING AND MONUMENTING All final plats shall meet all of the surveying and monumenting requirements of Section 236.15, Wisconsin Statutes.

34.30 BROWN COUNTY COORDINATE SYSTEM All distances and bearings shall be referenced to the Brown County Coordinate System.

REQUIRED IMPROVEMENTS

34.31 GENERAL. The Town shall not commence to install any street or other improvements required by the Town until the Town Board has approved the certified survey map and plat or until the Town Board and Brown County Planning and Zoning Commission have approved the final plat. Before recording the final plat with the County Register of Deeds, the subdivider, shall enter into a contract with the Town agreeing to pay for the full cost to install all required improvements and shall file with such contract an irrevocable letter of credit meeting the approval of the Town Board and reviewed by the Town attorney as a guarantee that such improvements will be paid for by the subdivider within the time limit established by the Town Board. Such improvements shall include all or any of the following:

A. Grading and Surfacing - Grading and surfacing of all streets and trails proposed to be dedicated in accordance with the construction standards of the Town.

B. Storm Water Drainage Facilities:

1. Construction of storm water drainage facilities, which may include curb and gutters, catch basins and inlets, culverts, storm sewers, road ditches and open channels as may be required, to provide adequate surface drainage for the subdivision.

2. Storm drainage facilities, where needed, shall be designed to permit the unimpeded flow of natural watercourses, insure the drainage of all points along the line of streets and provide positive drainage away from on-site sewage disposal facilities. In designing storm drainage facilities, special consideration shall be given to protection against shoreland erosion and siltation of surface waters and preventing excess water runoff in adjacent property. The Town Planning and Zoning Commission or Town Board may require that easements or drainageways of width sufficient to accommodate anticipated storm water runoff be provided.

All storm water facilities shall be constructed in accordance with plans and standard specifications approved by the Town Board.

C. Street Signs - Installation of street signs and traffic control signs meeting the approval of the Town Board at all intersections shall be installed by the Town at the subdivider's expense.

D. Street Lighting – Decorative or non-standard street lighting may only be installed if approved by the Town Board and the subdivider enters into an agreement with the Town to pay the costs of maintenance and power in perpetuity.

34.32 SURFACE WATER DRAINAGE RESTRICTIONS. No drainageway contained within a drainage easement shall be disturbed, except as provided in sub. C., in accordance with the following:

A. No artificial obstruction may be constructed, planted or maintained within any man-made or natural drainageway so that such obstruction impedes the natural flow of water and/or diminishes the natural aesthetic quality of the drainage way.

B. Lot boundaries shall be made to coincide with new and/or pre-existing man-made and natural drainageways to avoid the creation of lots that can be built upon by altering such drainage ways.

C. Surface water shall not be regarded as unduly retained or diverted if:

1. The retention or diversion results from a technique, practice or device deliberately installed as part of an approved sedimentation or storm water runoff control plan.

2. The retention or diversion is not substantially different in location or degree than that experienced by the development site in its pre-development stage, unless such retention presents a danger to health or safety.

3. The retention or diversion results from the actions of natural obstructions, whereby maintenance shall be performed by the Town.

4. The retention or diversion has been allowed or required by the County Planning Department and noted on the approved drainage plan.

34.33 STORM WATER DETENTION. The intent of this Section is to protect property and structures from damage caused by increased surface water runoff due to commercial, industrial and residential development.

A. Standards - Surface water runoff after development shall not exceed the peak rate of flow at pre-development conditions. The 25-year frequency storm shall be the basis to determine both pre-construction and post-construction surface water runoff. The following table of runoff numbers shall be used when calculating the runoff for the pre-development condition:

Hydrologic Soil Group Runoff Curve Number

1.	A	60
2.	B	60
3.	C	71
4.	D	78

B. Plan - A storm water detention plan shall be submitted as a condition of final plat and CSM approval. The plan shall be designed, stamped and signed by a registered professional engineer. The plan shall include, but not be limited to, the following:

1. Soil types, infiltration characteristics of the soil, amount of available detention area, type of vegetative cover, amount of impervious cover and time response to runoff.

2. The plan shall be compatible with natural drainageways and existing man-made drainageways and easements.

3. The plan shall identify bridges, regional drainage patterns, water boundaries, pipes, culverts, catch basins, waterways, ditches, detention and retention basins, and indicate respective size, dimensions and grades of each.

4. All drainage ways and associated structures shall lie within maintenance easements and such easements shall be shown on the final plat or certified survey map.

5. Arrows shall show the direction of surface water flow.

6. The plan shall be designed in accordance with the United States Department of Agriculture Technical Release No. 55, Urban Hydrology for Small Watersheds.

7. The plan shall be accompanied by calculations showing pre-construction and post-construction surface water runoff.

8. A statement shall be included indicating how runoff resulting from construction will affect downstream areas and adjacent property owners.

9. The statement shall indicate methods that will be used to protect downstream areas and adjacent property owners from damage caused by increased surface water runoff. This may include the use of recorded easements, as determined by the Town Chairman.

10. A covenant shall be recorded with or placed on the final plat or certified survey map. The covenant shall state:

a. Maintenance of all drainageways and associated structures on private property within the land division or serving the land division is the sole responsibility of the property owners of the land division, unless noted on the plan.

b. Upon failure of the property owners to perform maintenance of the

drainageways and associated structures, the Town retains the right to perform maintenance and/or repairs. The payment of the maintenance and repairs shall be assessed among the property owners of the land division in an equal amount with a drainage covenant or where the cause can be specifically identified then the payment shall be assessed to specific property owner(s).

c. The design of storm water facilities shall implement the Wisconsin Construction Best Management Practices and shall address water quality as well as water quantity.

34.34 PUBLIC SANITARY SEWERAGE AND PRIVATE DISPOSAL SYSTEMS.

In areas that have a sanitary sewer system on or near the proposed land division, the subdivider shall make reasonable efforts to connect the proposed development with the sanitary sewer system. In areas where a sanitary sewer system is not available, on-site sewage disposal systems utilizing soil absorption fields will be permitted only when soil tests conducted in accordance with Chapters Comm. 83 and Comm. 85, Wisconsin Administrative Code, indicate the systems will function adequately. Such systems must be in compliance with all Town, County and State regulations.

34.35 DEDICATION AND RESERVATION OF PARKLAND.

Whenever a tract of land to be subdivided embraces all or any part of a street or other public way which has been designated in adopted regional, County or Town of New Denmark comprehensive plans or adopted plan components, such public way shall be a part of the plat and either dedicated or reserved by the subdivider in the locations and dimensions indicated on such plan as agreed to by the Town and Sub-divider at platting.

Whenever a proposed park, playground, public access, open space site or other public land other than streets which has been designated in adopted regional, County or Town of New Denmark comprehensive plans or adopted plan components is embraced, all or in part, in a tract of land to be subdivided, such proposed public lands shall be made a part of the plat and shall either be dedicated to the public or be reserved for acquisition at fair market value land costs for a period not to exceed 1 year from the date of recordation, unless extended by mutual agreement between the subdivider and the public agency having jurisdiction. If the reserved land is not acquired by such public agency within the above time limit, the land shall be released to the owner.

In order that adequate land be dedicated, reserved and preserved for the development of public parks, recreation and open space and to provide for the proper location such sites as the Town develops, the following provisions shall be established:

A. The number, size and location of all dedications shall be subject to approval by the Town Planning and Zoning Commission, who shall ascertain that the proposed sites are suitable for the proposed uses. Such Commission shall retain the right to refuse any dedication of land found to be unsuitable.

1. Where the dedication is incompatible or for other reasons is infeasible as determined by the Town Planning and Zoning Commission, the subdivider shall, in lieu thereof,

pay to the Town according to the zoning classification intended for each dwelling unit in the land division as specified by the Town Board.

B. The payment in lieu of dedication for multiple family and planned unit development shall be assessed at 10 units per acre at the time of final plat approval unless an approved site plan has a lesser or greater density. The exact amount shall be determined following completion of construction. Payment of the initial fee, as well as the balance, shall be made in accordance with subparagraph (C).

C. All in lieu payments received by the Town as a result of this Section shall be deposited in a segregated, non-lapsing fund to be used exclusively for new park and recreation area development, including site acquisition and related capital improvements. Disbursements from such fund shall be made only upon specific approval of the Town Board.

D. No payment shall be required for a lot created by the division of land under this Section on which a residential structure already exists or which is a residual parcel in excess of 10 acres and not intended for immediate sale and/or development.

E. After the final plat has been recorded, no lot or parcel shall be further divided by replat, certified survey map, or conveyance as defined in Section 706.01(3), Wisconsin Statutes, unless such further division shall have been approved by the Town Planning and Zoning Commission and payment of the appropriate per lot fee shall have been made for each additional lot or parcel created by such division.

F. The development of park and recreation facilities shall be located in the vicinity of the area from which such funds originated. Park and recreation facilities, which are created as a result of this Section, shall be owned, operated and maintained by the Town.

DESIGN STANDARDS

34.36 STREET ARRANGEMENTS. The subdivider shall dedicate land for and improve streets as provided herein. Streets shall conform to any applicable official map ordinance in effect. In areas for which an official map has not been completed, the street layout shall recognize the functional classification of various street types and shall be developed and located in proper relation to existing and proposed streets, utilities, land uses and public convenience and safety. The land division shall be designed so as to provide each lot with satisfactory access to a public street as provided herein. The following conditions shall apply for street arrangement in all proposed land divisions:

A. Arterial Streets - Arterial streets shall be arranged so as to provide ready access to centers of employment, high-density residential areas, centers of government activity, community shopping area, community recreation and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of major streets and highways and shall be, insofar as is practicable, continuous and in alignment with existing or planned streets with which they are to connect.

B. Collector Streets - Collector streets shall be arranged so as to provide collection of traffic from residential areas and conveyance of this traffic to the major street and highway

system and shall be properly related to special traffic generators, such as schools, churches and shopping centers and other concentrations of population and to the major streets into which they feed.

C. Minor Streets - Minor streets shall be arranged to conform to the topography, discourage use by through traffic, permit the design of efficient storm and sanitary sewerage systems and require the minimum street area necessary to provide safe and convenient access to abutting property.

D. Proposed Streets - Proposed streets shall extend to the boundary lines of the tract being divided, unless prevented by topography or other physical conditions or unless, in the opinion of the Town Board, such extension is not necessary or desirable for the coordination of the layout of the land division or for the advantageous development of adjacent land tracts. Such streets shall terminate with a temporary turn-around of sixty-five (65) feet right-of-way radius and a roadway pavement of not less than forty-five (45) feet in radius.

E. Arterial Street and Highway Protection - Whenever the proposed land division contains or is adjacent to a major street or highway, adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided by reversed frontage, with screen planting contained in a non-access reservation along the rear property line or by the use of frontage streets.

F. Reserve Strips - Reserve strips controlling access to streets or alleys shall be prohibited, except where their control is under the jurisdiction of Brown County Highway Department.

G. Alleys - Alleys may be required in commercial and industrial districts to provide for off-street loading and service access, but shall not be approved in residential districts unless required by unusual topography or other exceptional conditions.

H. Street Names - Street names shall not duplicate or be similar to existing street names; existing street names shall be projected or continued wherever possible. Brown County Planning Department shall determine the acceptability of proposed street names.

34.37 LIMITED ACCESS HIGHWAY AND RAILROAD RIGHT-OF-WAY TREATMENT.

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

A. When residential lots within the proposed land division back upon the right-of-way of an existing or proposed limited access highway or railroad, the following restriction shall be placed on the face of the plat or certified survey map: "Direct vehicular access to (name of road) from lots abutting such road is prohibited."

B. Commercial and industrial districts should provide on each side of the limited access highway or railroad a street approximately parallel to and at suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or

railroad, but not less than one hundred fifty (150) feet.

C. Streets parallel to a limited access highway or railroad right-of-way, when intersecting a major street and highway or collector street which crosses such railroad or highway, shall be located at a minimum distance of two hundred fifty (250) feet from such highway or railroad right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.

34.38 STREET DESIGN STANDARDS.

A. Minimum Right-Of-Way. The minimum right-of-way of all proposed streets shall be as specified on any applicable street plan officially adopted by the Town or, if no width is specified, the minimum right-of-way width shall be as follow:

<u>Type of Street</u>	<u>Minimum Right-Of-Way</u>
Arterial Streets	100 feet
Collector Streets	80 feet
Minor Streets	70 feet
Frontage Streets	50 feet in addition to the street it adjoins.

B. Minimum Roadway and Surface Widths. Minimum roadway width and surface width of all new roads shall comply with the Town road standards contained in Section 86.26, Wisconsin Statutes, unless adopted Town road standards require a greater width.

C. Cul-de-sacs. Cul-de-sacs designed to have one end permanently closed shall not normally exceed one thousand (1,000) feet in length. Such streets shall terminate in a circular turn-around having a minimum right-of-way radius of sixty-five (65) feet and a minimum roadway radius of forty-five (45) feet.

D. Street Grades:

1. Unless necessitated by exceptional topography subject to the approval of the Town Board, the minimum centerline grade of any street or public way shall not exceed the following:

- a. Arterial Street - 6%
- b. Collector Street - 8%
- c. Minor Street, and Frontage Street - 10%
- d. Pedestrian Ways - 12%, unless steps of acceptable design are provided.

e. Maximum Grade - The grade of any street shall in no case exceed 12% or be less than 0.5%.

2. Street grades shall be established, whenever practicable, so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth and general leveling of the topography.

E. Radii of Curvature. When a continuous street centerline deflects at any one point by more than ten (10) degrees, a circular curve shall be introduced having a radius of curvature on such centerline of not less than the following:

1. Arterial Streets and Highways - 300 feet.
2. Frontage and Collector Streets - 200 feet.
3. Minor Streets - 100 feet.

F. Tangents - A tangent at least one hundred (100) feet in length shall be provided between reverse curves on arterial and collector streets.

G. Half-Streets - Half streets shall be prohibited, except where the other half has already been dedicated or its alignment is shown on an officially adopted street plan.

34.39 STREET INTERSECTIONS. Streets shall intersect each other as nearly as possible at right angles and not more than two (2) streets shall intersect at one point, unless approved by the Town Board.

Number of intersections along major streets and highways shall be held to a minimum.

Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall not be approved.

34.40 BLOCKS. The widths, lengths, and shapes of blocks shall be suited to the planned use of the land, zoning requirements, need for convenient access, control and safety of street traffic and the limitations and opportunities of topography.

A. Length - Blocks in residential areas should not, as a general rule, be less than seven hundred fifty (750) feet nor more than one thousand five hundred (1,500) feet in length, unless otherwise dictated.

B. Pedestrian Ways - Pedestrian ways of not less than ten (10) feet in width may be required near the center and entirely across any block over nine hundred (900) feet in length where deemed essential by the Town Board to provide adequate pedestrian circulation or access to schools, shopping centers, churches, or transportation facilities.

C. Width - Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depth, except where otherwise required to separate residential development from through traffic or where lots abut a lake or stream. Width of lots or parcels reserved or laid out

for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning provisions for such use.

D. Utility Easements - All utility lines for electric power, cable television, and telephone service shall be placed underground, except where lots abut a lake or stream or where such a location is deemed unfeasible for reasons of groundwater or soils by the utility companies involved.

34.41 LOTS. The size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots should be designed to provide an architectural setting for the building contemplated.

A. Lot Lines - Side lot lines should be at right angles to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them.

B. Double and Reversed Frontage Lots - Double frontage and reversed frontage lots shall be prohibited, except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.

C. Access - Every lot shall front or abut a public street and have direct vehicular access to that public street for a distance set by the minimum requirements of the Town's Zoning Code of Ordinances. Direct access does not include the use of easements.

D. Lot Area And Dimensions - Area and dimensions of lots shall conform to the Town of New Denmark Zoning Ordinance and in areas not served by public sewer shall, in addition, conform to the requirements of the State Division of Health. Whenever a tract is divided into parcels with area in excess of the zoning requirements, such parcels should be arranged and dimensioned so as to allow re-dividing of any such parcels into normal lots in accordance with the provisions of this Chapter. Lots within the shoreland jurisdiction shall conform to the area and dimension requirements of the Town Zoning, Shoreland and Floodplain Zoning ordinances.

E. Depth - Lots shall be designed with a suitable proportion between width and depth. Neither long, narrow nor wide, shallow lots are normally desirable. The use of "Flag Lots" shall be prohibited, except to overcome specific topographic or environmental restrictions.

F. Width of Lots - Width of lots shall conform to the requirements of the Town of New Denmark Zoning Ordinance.

G. Corner Lots - Corner lots shall be designed with extra width to permit adequate building setback from both streets.

34.42 BUILDING SETBACK LINES. Building setback lines shall conform to the requirements established in the Town of New Denmark Zoning, Shoreland and Floodplain Zoning Ordinances. Setbacks stated on a recorded plat take precedence over any New Denmark Zoning Ordinance change put in place after the recorded date of the plat, except if there is a change of use in the property.

34.43 EASEMENTS. Where a land division is traversed by a watercourse, drainageway or stream, an adequate drainageway or easement may be required to handle storm water runoff. The Town Planning and Zoning Commission shall approve the location, width, alignment and improvement of the drainageway or easement.

INSPECTIONS AND PERMITS

34.44 COMMENCEMENT. No construction or installation of improvements shall commence in a proposed land division until the final plat or certified survey map has been approved by the Town and Brown County.

34.45 BUILDING PERMITS. No land use permit or building permit shall be issued for erection of a structure on any lot not of record until all the requirements of this Chapter have been met.

34.46 FEES. The subdivider shall pay the Town all required fees at the specified time. The schedule of fees shall be as adopted from time to time by resolution of the Town Board and is hereby adopted by reference as if fully set forth herein.

34.47 INSPECTION. The subdivider, prior to commencement of any work within the land division, shall make arrangements with the Town Board to provide for adequate inspection. The Town Board shall inspect and approve all completed work prior to release of the sureties.

VIOLATIONS, PENALTIES, APPEALS AND VARIANCES

34.48 VIOLATIONS. No person shall build upon, divide, convey, record or monument any land in violation of this Chapter or the Wisconsin Statutes and no person shall be issued a building permit authorizing the building on or improvements of any land division within the jurisdiction of this Chapter and not on record as of the effective date of this Chapter until the provisions and requirements of this Chapter have been fully met. The Town may institute action or proceedings to enjoin violations of this Chapter or the applicable Wisconsin Statutes.

34.49 PENALTIES. Any person that fails to comply with the provisions of this Chapter shall, upon conviction thereof, be subject to a penalty of up to \$500 per day that the violation continues.

Recordation improperly made shall be subject to the penalties provided in Section 236.30, Wisconsin Statutes.

Conveyance of lots in unrecorded plats shall be subject to the penalties as provided for in Section 236.31, Wisconsin Statutes.

Monuments disturbed or not placed shall be subject to the penalties as provided for in Section 236.32, Wisconsin Statutes.

The County may order assessor's plat when a subdivision is created by successive divisions as provided for in Section 236.31(2), Wisconsin Statutes.

34.50 APPEALS. Any person aggrieved by an objection to a plat or failure to approve a plat may appeal there from as provided for in Sections 236.13(5), Wisconsin Statutes.

34.51 VARIANCES. In any particular case where the subdivider can show that, by reason of exceptional topography or other physical condition, strict compliance with any requirement of this Chapter would cause practical difficulty or exceptional and undue hardship, the Board of Appeals may relax such difficulty or hardship, provided such relief may be granted without detriment to the public good and without impairing the intent and purpose of this Chapter or the desirable general development of the County.

1/20/2010, as amended 10/26/2020

Chapter 36

All-terrain vehicle (ATV) and Utility Terrain Vehicle (UTV) Routes and Regulation

Any ordinances heretofore adopted by the town board on this subject are hereby repealed.

STATE OF WISCONSIN
Town of New Denmark
Brown County

36.01 PURPOSE AND INTENT. The Town of New Denmark, Brown County adopts the following all-terrain and utility terrain vehicle routes and regulations to facilitate the operation of all-terrain and utility terrain vehicles upon the town roadways designated as ATV and UTV routes as listed herein. The Ordinance is adopted following the due consideration of the will and desire of the town residents as evidenced by the resolution of the electors adopted at the 2020 annual meeting of the electors to enact such an ordinance, the recreational value to connect trail opportunities in neighboring municipalities and weighted against possible dangers, public health, liability aspects, terrain involved, traffic density and history of automobile traffic.

36.02 AUTHORITY. The Town Board has the specific authority to adopt this Ordinance designating ATV and UTV routes and regulation of the use of ATVs and UTVs in the town under s.23.33(8)(b) & s.23.33(11) Wis. stats.

36.03 ADOPTION OF ORDINANCE. The Town Board of the Town of New Denmark, Brown County, Wisconsin, by this ordinance, adopted on proper notice with a quorum and roll call vote by a majority of the town board present and voting, provides the authority for the town to designate all-terrain and utility terrain vehicle routes in the town and to regulate the use of those routes and all-terrain and utility terrain vehicles in the town.

36.04 DEFINITIONS. The definitions set forth in s.23.33(1)(a) – (np)Wis. Stats. are hereby adopted and incorporated by reference as the official definitions for those terms as they appear within this Ordinance including “all-terrain vehicle” as defined in ss. 23.33(1)(b) & 340.01(2g) Wis. Stats. and “utility terrain vehicle” as defined in s. 23.33(ng) Wis. Stats.

36.05 STATE LAWS ADOPTED.

A. State Laws Regulating Use of ATVs/UTVs.

The provisions describing and defining regulations with respect to all-terrain vehicles (ATVs) and utility terrain vehicles (UTVs) in the following-enumerated Subsections of s. 23.33, Wis. Stats., and any future amendments or revisions, are hereby adopted by reference and made part of this Ordinance as if fully set forth herein. The statutory sections adopted by reference herein shall be designated as part of this Code of Ordinances by adding the prefix "36.05-" to

each statute section number. Any acts required to be performed by the following Statutory Subsections or which are prohibited by such Statutory Subsections are required to be performed by this Section or are prohibited by this Section:

- 23.33(2) Registration
- 23.33(3) Rules of operation [including Subsections (a) through (i)]
- 23.33(4) Operation on or near highway [including Subsections (a) through (e)]
- 23.33(5)(a)(c) Age Restrictions
- 23.33(6) Equipment requirements [including Subsections (a) through (e)]
- 23.33(7) Accidents [including Subsections (a) and (b)]
- 23.33(1) Definitions [including Subsections (a) through (n)]

B. State Laws Regarding Rules of the Road

To the extent applicable to the use and operation of all-terrain vehicles (ATVs) and utility terrain vehicles (UTVs) on designated routes all operators shall additionally comply with the Rules of the Road as required by the following-enumerated Subsections of Ch. 346, Wis. Stats., and any future amendments or revisions, are hereby adopted by reference and made part of this Ordinance as if fully set forth herein. The statutory sections adopted by reference herein shall be designated as part of this Code of Ordinances by adding the prefix "36.05-" to each statute section number. Any acts required to be performed by the following Statutory Subsections or which are prohibited by such Statutory Subsections are required to be performed by this Section or are prohibited by this Section:

ss. 346.04, 346.06, 346.11, 346.14(1), 346.18, 346.19, 346.20, 346.21, 346.26, 346.27, 346.33, 346.35, 346.37, 346.39, 346.40, 346.44, 346.46, 346.47, 346.48, 346.50(1)(b), 346.51, 346.52, 346.53, 346.54, 346.55, 346.71, 346.87, 346.88, 346.89, 346.90, 346.91, 346.92(1), and 346.94(1) and (9), Wis. stats.

36.06 REGULATIONS. The following regulations shall apply to all operators and passengers of ATV/UTV vehicles upon designated ATV/UTV routes with the Town of New Denmark:

- A. Operators shall observe all posted speed limits.
- B. Operation of ATV/UTVs shall conform to all state laws and administrative regulations regarding registration, noise, and equipment requirements.
- C. Operators and passengers shall comply with any and all age restrictions and helmet requirements.
- D. Operation of ATV/UTVs shall be operated to furthest right of the designated routes surfaces and operation upon the shoulder or within the right-of-way ditches is prohibited.
- E. All ATV/UTVs operated upon designated routes must have operational headlights, taillights, and brake lights at all times.

36.07 ROUTES.

A. Routes.

All town road under the authority and jurisdiction of the Town of New Denmark as denoted by the Official Brown County map shall be designated as ATV/UTV routes within the Town of New Denmark; expressly excluding the following pursuant to state statute:

1. Any portion of I-43 or any other part of the Interstate Highway System;
2. All State Trunk Highways; and
3. All County Highways under the jurisdiction of the Brown County Highway Department.

B. Signage.

Routes shall be marked with uniform all-terrain vehicle route signs in accordance with s. NR 64.12 (7), Wisconsin Administrative Code. No person may do any of the following in regard to signs marking town all-terrain vehicle routes:

1. Intentionally remove, damage, deface, move, or obstruct any uniform all-terrain vehicle route or trail sign or standard or intentionally interfere with the effective operation of any uniform all-terrain vehicle route or trail sign or standards if the sign or standard is legally placed by the state, any municipality or any authorized individual.
2. Possess any uniform all-terrain vehicle route or trail sign or standard of the type established by the department for the warning, instruction or information of the public, unless he or she obtained the uniform all-terrain vehicle route or trail sign or standard in a lawful manner. Possession of a uniform all-terrain vehicle route or trail sign or standard creates a rebuttable presumption of illegal possession.

36.08 ENFORCEMENT. This Ordinance shall be enforced by the Town of New Denmark Constable, the Brown County Sheriff's Department, and any law enforcement officer authorized to enforce the laws of the state of Wisconsin.

36.09 PENALTIES. Wisconsin state All-Terrain and Utility Terrain Vehicle penalties as found in s. 23.33 (13) (a) Wis. Stats., are adopted by reference.

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

36.11 EFFECTIVE DATE. This Ordinance becomes effective upon passage and publication.

Adopted this _____ day of _____, 2021.

TOWN OF NEW DENMARK:

William Krueger, Chairman

Attest:

Michelle Wallerius, Town Clerk

TOWN OF NEW DENMARK ZONING ORDINANCE

Property of the Town of New Denmark

PREPARED JOINTLY BY THE BROWN COUNTY
PLANNING COMMISSION, THE NEW DENMARK
TOWN BOARD AND THE TOWN OF NEW DENMARK
CITIZENS PLANNING AND ZONING ADVISORY
COMMITTEE.

ADOPTED August 12, 1974 AMENDED September 9, 1985
AMENDED April 14, 2014 AMENDED _____, 2015

(DATCP draft submittal date 9/1/2015)

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ARTICLE I - TITLE AND AUTHORITY

TITLE

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

AUTHORITY

The Town of New Denmark pursuant to Sections 60.61 – 60.66, 60.82, 61.351, 62.23, 66.0435, 91.73, 93.90 101.12 and 101.65 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 Official Town Comprehensive Plan or any of the component parts thereof.

B. Purpose

The Zoning Ordinance of the Town of New Denmark, Brown County, Wisconsin, is adopted for the following purposes: to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote and to protect the public health, safety, comfort, convenience and general welfare; to provide adequate standards of light, air and open space; to maintain the aesthetic appearances, agricultural makeup, rural nature, and scenic values of the town; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; and to foster a more rational pattern of relationship between 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 this 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 phrase "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, 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 use 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 areas, 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 (1/2) 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 walks, cemeteries, railroad right-of-tray, shorelines of waterways or municipal boundary lines.
8. BOARDING HOUSE/BED & BREAKFAST - a building or premises other than a hotel where lodging and meals are furnished for compensation for four (4) or more persons not members of a family.
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, TEMPORARY - any building not permanently affixed to the land for a period of time not to exceed six (6) months, or as otherwise allowed by specific ordinance. Any building with indoor plumbing, electrical or utility service or manufactured homes used as residence and affixed to a foundation shall not be classified as temporary buildings.
11. 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 deckline of a mansard roof and to the average height between the eaves and the ridge of a gable, hip or gambrel roof.
12. BREWERY – establishment for the commercial production or bottling of beer or other malt beverages.
13. 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 in-patient care.
14. 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.
15. COMMERCIAL FEEDLOTS - an agriculture enterprise where livestock are purchased and raised and then sold to a buyer, feedlot or slaughter house.

16. 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.
17. CONDITIONAL USE – uses of a special nature as to make impractical their predetermination as a principal use in a respective zone district.
18. DISTILLERY – an establishment for the commercial production or bottling of alcohol or spirits.
19. DRIVE IN RESTAURANT- an establishment which provides no permanent interior seating, but allows window service and carry out counter service for food products to automobile customers.
20. DWELLING - a building, or portion thereof, excluding a mobile home, designed or used exclusively for residential occupancy, including single family dwellings, two-family dwellings and multiple family dwellings, but not including hotels and motels.
21. DWELLING UNIT - one (1) or more rooms which are arranged, permanently installed, shall always be included for each "dwelling unit".
22. DWELLING, SINGLE-FAMILY - a building designed for and occupied exclusively by one (1) family.
23. DWELLING, TWO-FAMILY - a building designed for and occupied exclusively by two (2) families.
24. DWELLING, MULTIPLE-FAMILY - a building used and deigned as a residence for three (3) or more families including tenement housing, row houses, apartment houses and apartment hotels.
25. 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.
26. FAMILY - any member or individual related by blood, adoption, marriage, or domestic partnership not to exceed two (2) persons not so related living together on the premises as a single housekeeping unit, including any domestic servant.
27. FARM - any parcel of land, in a zoning district other than Agricultural-Farmland Preservation District (AG-FP), which is used for gain in the raising of agricultural products, livestock, poultry and dairy products.
28. FARMING – the operation of a farm as defined in Section 102.04(3) of the Wisconsin Statutes producing income for the property owner in the amount of six thousand dollars (\$6,000.00) in one calendar year or eighteen thousand (\$18,000.00) over a period of three (3) years.

29. FRONTAGE- the length of all contiguous 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.
30. FRONTAGE, ZONING LOT - the length of all the contiguous property of such zoning lot fronting on a street, measured between side lot lines.
31. FUR FARM - agricultural operation where the major income is derived from the selling or sale of fur bearing animals and/or pelts.
32. GRADE - the average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.
33. 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 on.
34. 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.
35. HARD SURFACED - a driveway or parking lot surfaced with concrete, bituminous paving or crushed stone.
36. HOME OCCUPATION – An accessory use of a residential dwelling unit by the resident thereof; provided that the accessory use is limited in extent and incidental and secondary to the use of the dwelling unit for residential purposes and does not change the character thereof.
37. 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.
38. INDUSTRIAL PARK - a special or exclusive type of planned industrial area designed and equipped to accommodate a community of industries, providing then 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.
39. RECYCLING (SALVAGE) YARD - an open 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, and automobiles.

40. LODGING HOUSE - a residential building, or portion thereof - other than a motel, apartment hotel, or hotel – containing lodging rooms which accommodate persons who are not members of the keeper's family.
41. 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, but not including the public street or right-of-way.
42. 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, and certified survey maps approved and recorded in the Register of Deeds Office of Brown County.
43. 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 lot" may or may not coincide with a lot of record.
44. LOT, CORNER - a lot located at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.
45. LOT, DEPTH OF - the mean horizontal distance between the front lot line and the real lot line of a lot, measured within the lot boundaries.
46. LOT, INTERIOR - a lot other than a corner lot.
47. LOT, LINES - the peripheral boundaries of a parcel of land including the public street or right-of-way lines as a boundary line but not including the area within the public street or right-of-way.
48. LOT, AREA – the area lying within the peripheral boundary lines of a parcel of land not including that land lying within the public street or right-of-way.
49. LOT, THROUGH - interior lot having frontage on two (2) nonintersecting streets.
50. 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.
51. MOBILE HOME - any vehicle or structure which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped, used or intended to be used primarily for human habitation, including any addition, attachments, annexes, foundations and appurtenances thereto.

52. MOBILE HOME PARKS - any site, parcel or tract of land designed, maintained, intended or developed with facilities for locating two (2) or more mobile homes. It shall not include a sales lot in which automobiles or unoccupied mobile home units are parked for the purpose of inspection or sale.
53. 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.
54. MOTOR VEHICLE - any passenger vehicle, truck, truck trailer, trailer, or semi-trailer propelled or drawn by mechanical power.
55. 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 of the regulations of this ordinance or of any amendment hereto governing use for the zoning district in which such use is located.
56. PARKING SPACE - a graded and surfaced area of not less than one hundred (100) 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.
57. 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.
58. 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.
59. 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.
60. 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.

61. SETBACK - minimum horizontal distance between the front line of a building or structure and the front property line.
62. 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 of 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.
63. SIGN, ADVERTISING - a sign which directs attention to a business, commodity, service or entertainment not exclusively related to the premises where such sign is located or to which it is affixed.
64. 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.
65. STOCK FARM - an agricultural operation, usually non-dairying in nature where livestock are raised to the required age or weight for slaughterhouse purposes or for sale to commercial feedlots.
66. 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.
67. 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, thoroughway or however otherwise designated, but does not include driveways to buildings.
68. 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.
69. STRUCTURAL ALTERATION - Any 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.
70. 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 "nonconforming".

71. WINERY – an establishment for the commercial production and bottling of wine.
72. 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.
73. YARD, FRONT - a yard extending along the full length of the front lot line between the side lot lines.
74. YARD, SIDE - a yard extending along a side lot line from the front yard to the rear yard.
75. 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 New Denmark.

B. Existing Ordinance

Restriction or requirements with respect to buildings or land or both which appear in other ordinances of the Town of New Denmark 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 (1) 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 and approval by the Town Plan Commission.
4. Accessory and temporary 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. The above height and area regulation shall not apply to accessory and temporary buildings designated as farm structures. However, the farm structures shall be located on a minimum farm site of five (5) acres.
5. If a nonconforming 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 nonconforming use is damaged by fire, explosion, act of God, violent wind, vandalism, fire, flood, ice, snow, mold, or infestation; to the extent of more than sixty percent (60%) of its current local assessed value; such structure may only be restored to a nonconforming use in conformity with Sec. 60.61(5m) Wisconsin Statutes (2013-14).

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 this ordinance, such lot may be occupied by a family if it meets the requirements of the Brown County Sanitary and Subdivision Ordinances.
8. Where the Town Building Inspector 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 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 XIX.

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 has been created by the accumulation of two (2) or more separate parcels.
3. 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, wireless television or broadcasting towers, masts or aerials, telephone, telegraph and power transmission poles and lines, microwave radio relay structures and necessary mechanical appurtenances are hereby exempted from the height regulations of this Ordinance.

3. Churches, schools, hospitals, sanitariums and other public and quasi-public buildings may be elected 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. Residence 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 five (5) 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 five (5) 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 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 use 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 percent (50%) 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.

ARTICLE V - ESTABLISHMENT OF ZONES

A. Zone District

For the purpose of this ordinance, the Town of New Denmark, Brown County, Wisconsin is hereby divided into the following zoning districts:

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

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 New Denmark, Brown County, Wisconsin, adopted November 10, 2008" 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. All zoning plats established prior to the original Zoning Map dated August 12, 1974 are grandfathered in as zoned even if said plats fail to meet the requirements set forth 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 line 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. Conservancy districts shall follow soil unit delineations identified on the U.S.D.A. Soil Conservation Service Soil Maps for the Town of New Denmark as determined by the Town Zoning Administrator.
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 show 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, the Board of Adjustment, after due hearing 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, wires, cable conduits, vaults, laterals, pipes, mains, valves, or any other similar distributing equipment for telephone or other communications, and electric power, gas, water and sewer lines, provided that the installation shall conform to the Federal Communication Commission anal Federal Aviation Agency rules and regulations, and other authorities having jurisdiction.

ARTICLE VI - R-I RESIDENTIAL

The following regulations shall apply in R-I Districts:

A. Permitted Uses

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

B. Permitted Accessory Uses

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

C. Conditional Uses

1. Multi-family dwellings
2. Home occupations
3. Mobile home parks
4. Planned unit development
5. Religious institutions in the form of convents, seminaries and monasteries
6. Cemeteries

7. Fire stations, police stations, post offices and other municipal facilities necessary for town operation.

8. Artificial Lakes

D. Lot Requirements with Public Sewer Only

1. Area – 10,000 square feet minimum

2. Zoning Lot Frontage – 85 feet minimum

E. Height Regulations

1. All structures – 35 feet maximum, except as provided by Article IV, Subsection E, Height Regulations

F. Building Setbacks

	<u>Principal Structure</u>	<u>Temporary & Accessory Building</u>
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 right of way	25 feet minimum from right-of-way

G. Building Size

1. Minimum size of dwelling shall be one thousand one hundred (1,100) square feet.

H. Accessory Building

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 XIV Off-Street Parking Requirements.

J. Signs

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

ARTICLE VII – A-R AGRICULTURE-RESIDENTIAL

The following regulations shall apply in A-R Districts:

A. Permitted uses

1. Agriculture, dairying, floriculture, forestry, general farming, 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. Commercial feed lots and stock farms
4. Parks, recreational sites and golf courses
5. Single family dwellings
6. Farm ponds
7. Transmission lines, substations, telephone and telegraph lines, public utility installations, radio and television stations and railroad right-of-way and passenger depots, not including switching, storage freight yards, or siding.

B. Permitted Accessory Uses

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

C. Conditional Use

1. Fur farms as defined under Article III
2. Artificial lakes
3. Colleges, universities, schools (elementary, junior high and senior high), hospitals, sanitariums, churches and other religious institutions.
4. Airfields, airports and heliports
5. Cemeteries

- 6. Quarries, sand and gravel pits
- 7. Town sanitary landfills and town solid waste disposal sites
- 8. Wineries where the fruit used to produce the wine is grown on site.

D. Lot Requirements

Area - 1½ acres minimum
 Zoning Lot Frontage – 200 feet minimum

E. Height Regulations

Farm Structures – 60 feet maximum*
 Residential Dwellings – 35 feet maximum*

F. Building Setbacks

	Principal Structure	<u>Temporary & Accessory Buildings</u>
Front Yard	50 feet minimum from right-of-way	50 feet minimum from right-of-way
Side Yard	25 feet minimum	25 feet minimum
Rear Yard	25 feet minimum	25 feet minimum
Corner Side	50 feet minimum from right-of-way	50 feet minimum from right-of-way

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

G. Building Size

Minimum size of residential dwelling shall be one thousand one hundred (1,100) 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 XIV, Off-Street Parking Requirements.

J. Signs

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

K. Other Requirements

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

ARTICLE VIII(A) – AGRICULTURAL FARMLAND PRESERVATION DISTRICT (AG-FP)

Lawful uses which are pursuant to the preservation of prime agricultural land for continual farming and which are performed in a manner consistent with the requirements of this Ordinance, shall be permitted in all **AG-FP** Districts. The following shall apply in **AG-FP** Districts:

A. Definitions

In this farmland preservation ordinance:

1. “Accessory use” means any of the following 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 farm residence, including normal residential appurtenances.
 - d. A business, activity, or enterprise, whether or not associated with an agricultural use, which meets all of the following requirements:
 - i. It is conducted on a farm by an owner or operator of that farm.
 - ii. It requires no buildings, structures, or improvements other than those described in par (a) or (c).
 - iii. It employs no more than 4 full-time employees annually.
 - iv. 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 a facility, whether or not located on a farm, that has at least one of the following as a primary and not merely incidental purpose:
- a. Providing agricultural supplies, agricultural equipment, agricultural inputs or agricultural service directly to farms, including farms in the farmland preservation zoning district.
 - b. Storing, processing or handling raw agricultural commodities obtained directly from farms, including farms in the farmland preservation zoning district.
 - c. Slaughtering livestock, including livestock from farms in the farmland preservation zoning district.
 - d. Marketing livestock to or from farms, including farms in the farmland preservation zoning district.
 - e. Processing agricultural by-products or wastes received directly from farms, including farms in the farmland preservation zoning district.
4. “Common ownership” for purposes of the farmland preservation ordinance means ownership by the same person or persons. “Common ownership” includes land owned by the same individual, married couple, joint tenants, tenants in common, corporation, LLC, partnership, estate or trust. Solely for purposes of this definition, a parcel owned by one member of a married couple is deemed to be owned by the married couple.
5. “Contiguous” means adjacent to or sharing a common boundary. “Contiguous” land includes land that is separated only by river, stream, section line, public road, private road, railroad, pipeline, transmission line, or transportation or transmission right-of-way. Parcels are not “contiguous” if they meet only at a single point.

6. “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.
7. “Farm residence” means a single-family or duplex residence that is the only residential structure on the farm.
8. “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.
9. “Livestock” means bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game bird, camelids, ratites and farm-raised fish.
10. “Open space parcel” means a parcel on which no buildings, other than hunting blinds or small sheds, have been constructed or approved for construction.
11. “Person” means an individual, corporation, partnership, limited liability company (LLC), trust, estate or other legal entity.
12. “Prime agricultural farmland” means all of the following:
 - a. An area with a class I or class II 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.
13. “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 the ordinance.

14. "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 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.

B. Land Use in Farmland Preservation District; General.

Only the following land uses are allowed in a farmland preservation zoning district:

1. Uses allowed under Sections C and D without a conditional use permit.
2. Uses allowed under Section E with a conditional use permit.
3. Prior nonconforming uses, subject to 60.61(5) Wis. Stats.

C. Permitted Uses.

The following land uses are allowed without a conditional use permit in a farmland preservation zoning district:

1. Agricultural Uses, as defined herein.
2. Undeveloped natural resources and open space area.
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.

D. Permitted Accessory Uses.

The following accessory land uses are allowed without a conditional use permit in a farmland preservation zoning district:

1. A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use, including:
 - a. A facility to store or process raw agricultural commodities, all of which are produced on the farm.
 - b. A facility used to keep livestock on the farm.
 - c. A facility used to store or process inputs primarily for agricultural uses on the farm.
 - d. A facility used to keep or service vehicles or equipment primarily employed in agricultural uses on the farm.
2. An activity or business operation that is an integral part of or incidental to, an agricultural use.
3. A farm residence, including normal residential appurtenances such as a pool, deck, or patio.
4. 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 the farm.
 - b. It requires no buildings, structures, or improvements other than those described in par. (a) or (c).
 - c. It employs no more than 4 full-time employees annually. It does not impair or limit the current future agricultural use of the farm or other protected farmland.

E. Conditional Use.

1. General.

- (a) The Town of New Denmark Plan Commission 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 Town of New

Denmark Plan Commission shall follow the procedures described in Town of New Denmark Zoning Ordinance Article XIX. Administration and Enforcement.

- (b) Before issuing a conditional use permit under par. (a), the Town of New Denmark Plan Commission shall determine in writing that the proposed use meets applicable conditions under this section. The Town of New Denmark Plan Commission may issue the permit subject to any additional conditions which the Town of New Denmark Plan Commission deems necessary to carry out the purposes of this ordinance.

2. Certain Conditional Uses.

- a. The Town of New Denmark may issue a conditional use permit for the certain conditional uses under Section E (2) (b) if all of the following apply:
 - i. The use supports permitted uses in the farmland preservation zoning district in direct and significant ways, and is more suited to a farmland preservation zoning district than to an industrial or commercial zoning district.
 - ii. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
 - iii. 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.
 - iv. The use is reasonably designed to minimize conversion of land, at and around the use site, from agricultural use of open space use.
 - v. The use does not substantially impair or limit the current or future agricultural use of other protected land.
 - vi. Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.
- b. Conditional Uses include:
 - 1. Farmstead food processing facilities.

2. A grain warehouse, potato warehouse, or other warehouse that stores raw agricultural commodities received from farms.
3. A dairy plant that processes or handles milk from farms.
4. A meat slaughter establishment.
5. A food processing plant that processes raw agricultural commodities received from farms.
6. A feed mill or rendering plant that processes raw agricultural commodities or agricultural by-products received directly from farms, or supplies animal feed directly to farms.
7. An ethanol plant, bio-diesel plant, communal manure digester, pelletizing plant or other facility that processes raw agricultural commodities, agricultural by-products or agricultural wastes (received directly from farms) to produce bulk fuel or other bulk products.
8. A sawmill or other facility that processes wood or other forest products received directly from farms.
9. A facility that provides farm inputs such as fertilizer, pesticides, seed or feed directly to farms.
10. A facility that is primarily engaged in sale and servicing of farm vehicles or other farm equipment.
11. A facility that is primarily engaged in providing agronomic or veterinary services to a farm.
12. A wind turbine or solar energy facility that collects wind or solar energy on the farm, and uses or transforms it to provide energy primarily for use on the farm.
13. A manure digester, bio-fuel facility, or other facility that produces energy primarily from materials grown or produced on the farm primarily for use on the farm.

14. A waste storage or processing facility used to store or process animal waste produced solely from livestock kept on the farm.

3. Compatible Infrastructure.

a. The Town of New Denmark may issue a conditional use permit for a proposed use under Section E, Conditional Use, if all of the following apply:

- i. The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
- ii. 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.
- iii. 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.
- iv. The use does not substantially impair or limit the current or future agricultural use of other protected farmland.
- v. Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.

b. The Town of New Denmark may issue a conditional use permit for any of the following compatible infrastructure uses if that use meets applicable conditions under par. (a):

1. Transportation uses, including rail facilities, and agricultural aeronautic facilities.
2. Communication uses, including cell towers, antennae and broadcast towers.

F. Government and Nonprofit Community Uses.

1. The Town of New Denmark may issue conditional use permits for a government use, or for an institutional, religious or community use, if the Town of New Denmark determines that all of the following apply:

- a. The use and its location in the farmland preservation zoning district are consistent with the purpose of the farmland preservation zoning district.
- b. 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.
- c. The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
- d. The use does not substantially impair or limit the current or future agricultural use of other protected farmland.
- e. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

2. Government and Nonprofit Community Conditional Uses Include:

- a. Fire stations, police stations, post offices, and other government administration buildings.
- b. Schools, colleges, and universities.
- c. Religious institutions, including cemeteries and mausoleums.
- d. Public parks and recreation areas.

G. Dimensional Requirements

1. Lot Requirements within the AG-FP District:

Area – 35 Acres minimum

Zoning lot frontage – 500 feet minimum of contiguous frontage as defined herein.

2. Height Regulations:

Farm Structures – 60 feet maximum *

Residential Dwellings – 35 feet maximum

3. Building Setbacks:

	Principal Structure	Temporary & Accessory Buildings
Front Yard	50 feet minimum From right-of-way	50 feet minimum From right-of-way
Side Yard	25 feet minimum	25 feet minimum
Rear Yard	25 feet minimum	25 feet minimum

4. Building Size:

Minimum size of a residential dwelling shall be one thousand one hundred (1,100) square feet

5. Accessory Buildings:

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

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

H. Other Requirements

1. Parking:

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

2. Signs:

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

3. Other structures or buildings allowed within the **AG-FP** District shall meet the requirements of the District and remaining articles of the zoning ordinance as determined by the Town Zoning Administrator.

4. Soils within the **AG-FP** district shall be actively farmed using accepted conservation practices so as to insure a continuation of farming, prevent erosion of the soils and prevent depletion of soil quality.

5. Farm dwellings and related structures, existing prior January 1, 2015, which remain after farm consolidation may be separated from the farm parcel on a lot containing a minimum of one and one-half (1.5) acres and two hundred (200) feet of contiguous lot frontage.

6. Existing nonconforming residences located in the **AG-FP** that were constructed before January 1, 2014 may be continued in residential use and may be exempted from any limitations imposed or authorized under Article XVIII, Nonconforming Uses, Items 1, 2, 3, and 4.

I. Rezoning Land Out Of A Farmland Preservation Zoning District.

1. Except as provided in sub. (2), Town of New Denmark Plan Commission may not rezone land out of a farmland preservation zoning district unless the Town of New Denmark Plan Commission 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 any comprehensive plan, adopted by the Town of New Denmark Plan Commission, 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 other 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. The Town will report by March 1 of each year, to the State of Wisconsin Department of Agriculture, Trade and Consumer Protection and Brown County, the number of acres of the land in the Town that has been rezoned out of AG-FP District under Subsection (1) during the prior year and a map clearly showing the location of those acres in compliance with sec. 91.48 (2) & (3) Wis. Stats.

ARTICLE VIII(B) – A-1 AGRICULTURAL DISTRICT

Lawful uses which are pursuant to the preservation of prime agricultural land for continual farming and which are performed in a manner consistent with the requirements of this Ordinance, shall be permitted in all A-1 Districts.

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. Commercial feed lots and stock farms
3. Farm ponds
4. Transmission lines, substations, telephone and telegraph lines, public utility installations, radio and television stations, and public highway rights-of-way and improvement projects

B. Permitted Accessory Uses

1. Single family dwellings for those resident owners and laborers actually engaged in the farming operation, as defined herein.
2. 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.
3. Additional structures necessary for the continuance of farming operation.

C. Conditional Uses

1. Fur farms as defined under Article III
2. Artificial lakes
3. Colleges, universities, schools (elementary, junior high, and senior high), hospitals, sanitariums, churches and other religious institutions, which do not conflict with agricultural use and/or are found necessary in light of alternative locations available for such uses.

4. Airfields, airports and heliports, if public facilities or incidental to the farm operation.
5. Cemeteries, which do not conflict with agricultural use and/or are found necessary in light of alternative locations available for such uses.
6. Quarries, sand and gravel pits if public facilities or incidental to the farm operation.
7. Town sanitary landfills and town solid waste disposal sites, which do not conflict with agricultural use and/or are found necessary in light of alternative locations available for such uses.
8. Commercial raising of animals including foxes, mink and rabbits.
9. Riding academies and stables, which do not conflict with agricultural use and/or are found necessary in light of alternative locations available for such uses.
10. Agricultural warehouses, which do not conflict with agricultural use and/or are found necessary in light of alternative locations available for such uses.
11. Parks, recreation sites, and golf courses, if they are public facilities.
12. Railroad right-of-way and passenger depots, not including switching, storage freight yards, or sidings, which do not conflict with agricultural uses and /or are found necessary in light of alternative locations available for such uses.
13. Wineries where a portion of the fruit used to produce the wine is grown on site.
14. Mobile Home Parks pursuant to Article XII

D. Lot Requirements

Area - 35 acres minimum

Zoning lot frontage – 500 feet minimum of contiguous frontage as defined in herein.

E. Height regulations

Farm Structures – 60 feet maximum*

Residential Dwellings – 35 feet maximum*

F. Building Setbacks

	Principle Structure	<u>Temporary & Accessory Buildings</u>
Front Yard	50 feet minimum From right-of-way	50 feet minimum from right-of-way
Side Yard	25 feet minimum	25 feet minimum
Rear Yard	25 feet minimum	25 feet minimum
Corner Yard	50 feet minimum from right-of-way	50 feet minimum from right-of-way

G. Building Size

Minimum size of a residential dwelling shall be one thousand one hundred (1,100) square feet.

H. Accessory Buildings

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

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

I. Parking

Parking shall conform to the requirements as set forth in Article XIV off-street parking requirements.

J. Signs

Signs shall be regulated as set forth in Article XIII sign regulations.

K. Other requirements

1. Other structures or building allowed within the A-1 District shall meet there requirements of the District and reaming articles of the zoning ordinance as determined by the Town Zoning Administrator.

2. Soils with in the A-1 District shall be actively farmed using accepted conservation practices so as to insure a continuation of farming, prevent erosion of the soils an prevent depletion of soil quality.
3. Lands applicable – Soils of United States Department of Agriculture Land Capability Class I, II, and III Classification shall be considered as prime agricultural lands for the purpose of this Article.
4. Farm dwellings and related structures which remain after farm consolidation may be separated from the farm parcel on a lot containing a minimum of one and one-half (1.5) acres and two hundred (200) feet of contiguous lot frontage.
5. Existing nonconforming residences located in the A-1 Agriculture Districts at the time of the passage of this ordinance may be continued in residential use and may be exempted from any limitations imposed or authorized under Article XVIII Nonconforming Uses, Items 1, 2, 3, and 4.

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. Book and stationary stores
9. Business and professional use
10. Candy and confectionary stores
11. Carpet, rug and drapery stores
12. Clinics - doctor and dentist offices
13. Clothing and dry goods stores
14. Recognized fraternal and nonprofit clubs and lodges
15. Drug stores and pharmacies
16. Electrical and household appliance stores, including radio and television sales
17. Florist shops
18. Food stores, grocery stores and meat markets (retail sales only).
19. Hardware and paint stores

20. Jewelry stores
21. Liquor and packages goods stores
22. Post offices
23. Music stores including instrument sales and repairs
24. Office supply stores
25. Office machine sales stores
26. Parking lots and off-street loading areas
27. Laundrettes
28. Pet shops
29. Printing offices
30. Restaurants including the serving of alcoholic beverages
31. Shoe stores
32. Sporting good stores
33. Studios – photography, dance, design and artist – illustrators
34. Taverns
35. Tailor shops, toy shops, etc.
36. Variety stores
37. Radio and television stations excluding towers
38. Dry cleaning establishments
39. Furniture stores

B. Permitted Accessory Uses

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

C. Conditional Uses

1. Agricultural implement dealers

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 constructions 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. Mobile home parks
16. Mobile home and trailer sales and rentals
17. Public utility and service uses
18. Shopping centers
19. Stadiums, auditoriums and arenas
20. Theaters
21. Undertaking establishments and funeral parlors
22. Car washes
23. Used motor vehicle sales and services
24. Wholesale establishments
25. Wineries, breweries and distilleries

D. Lot requirements

With Public Sewer: Area – 15,000 square feet minimum
Zoning lot frontage – 85 Feet minimum

Without Public Sewer: Area – 40,000 square feet minimum
Zoning lot frontage – 100 feet minimum

E. Height Requirements

All Structures – 35 feet maximum, except as provided by Article IV, Subsection E, Height Regulations.

F. Building Setbacks

	Principle Structure	<u>Temporary & Accessory Buildings</u>
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
Corner Yard	30 feet minimum from right-of-way	30 feet minimum from right-of-way

G. Building Size

1. Minimum of eight hundred (800) square 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 XIV Off-Street Parking Requirements.

J. Signs

Signs shall be regulated as set forth in Article XIII 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. Dairy processing plants for milk and cheese
9. Electronic and scientific precision equipment
10. Feed and seed sales
11. Food processing establishments
12. Freight yards, terminals, and transshipment depots (motor trucks)
13. Fuel and ice sales
14. Glass products production and sales
15. Light machinery production
16. Lodges and offices of labor organizations
17. Manufacturing and bottling of non-alcoholic beverages
18. Municipal facilities
19. Parking lots
20. Printing and publishing establishments

21. Public utility and service uses
22. Warehouses, storage, and distribution facilities

B. Permitted Accessory Uses

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

C. Conditional Uses

1. Air, motor, railroad, and water freight terminals
2. Auto wrecking yards
3. Paper products manufacturing
4. Parks and recreational sites
5. Petroleum products, storage, processing and sales
6. Planned industrial unit development
7. Plastic manufacturing
8. Sewage treatment plants
9. Stadiums, auditoriums and arenas open or enclosed
10. Woodworking and wood products
12. Wineries, breweries and distilleries
11. Other manufacturing, processing or storage uses as determined acceptable by the Town Zoning Administrator and the Town Planning Commission.

D. Lot requirements

With Public Sewer: Area – 40,000 square feet minimum;
 Zoning lot frontage – 100 Feet minimum

Without Public Sewer: Area – 40,000 square feet minimum
 Zoning lot frontage – 100 feet minimum

E. Height Requirements

Principal Structure– 60 feet maximum, except as provided by Article IV, Subsection E, Height Regulations.

F. Building Setbacks

	Principle Structure	<u>Temporary & Accessory Building</u>
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
Corner Yard	25 feet minimum from right-of-way	25 feet minimum from right-of-way

G. Accessory Building

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

H. Parking

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

I. Signs

Signs shall be regulated as set forth in Article XIII sign regulations.

J. Other Requirements

Additional structures and buildings allowed in the I-1 Limited Industrial District shall meet the regulations of this district and other articles of the zoning ordinances 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 the 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
5. Wild crop harvesting
6. Sustained yield forestry
7. Fish hatcheries
8. Fences
9. Grazing and general farming provided a minimum of ten (10) feet of open land in its natural state be maintained between the grazing or farmed area and the edge of the stream bank with crossing permitted for cattle.*
10. Other uses which would not impair the natural fauna, flora, or water regimen.

* The interpretation of this section is as follows:

A farmer will be able to grow cultivated crops to within ten (10) feet of the stream bank edge. He will be able to graze cattle along the stream without fencing if his 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 ten (10) feet of the stream bank or otherwise abate the pollution in such manner as may be determined by the Town Planning Commission. If a fence has to be erected, provision will be allowed for watering cattle in the stream.

B. Conditional uses

1. Bridle and hiking paths

2. Parks, playgrounds, and other open recreation areas, if public.
3. Outdoor archery, rifle, or trap or skeet-shooting ranges, if public.
4. Golf courses and golf driving ranges, if public facilities
5. Irrigation
6. Sod Farming
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.

C. Other Requirements

Any use allowed in the C-1 District shall meet the regulations of this district and the other articles of the zoning ordinance as determined by the Town Zoning Administrator.

D. Warning and Disclaimer of Liability

The degree of flood protection intended to be provided by this Ordinance is considered reasonable for normal water or flooding levels. This Ordinance does not imply that areas adjacent to district boundaries, or uses permitted within such a district will always be free from flooding or water damage. Nor shall this ordinance create a liability on the part of the Town or any officer or employee thereof for any flood or water damagers that may result from reliance or compliance with this Ordinance.

ARTICLE XII – MOBILE HOME PARKS

This article shall regulate the parking, location and maintaining of all mobile homes and mobile home parks within the Town of New Denmark.

Mobile home parks shall be allowed as Conditional Uses in the R-1 Residential District only.

Mobile home parks shall be prohibited in all other zoning districts within the Town of New Denmark.

No mobile home park space shall be rented or leased for a period of less than thirty (30) days.

A. Definitions

The following definitions are in addition to Article III to further clarify and explain word usage in conjunction with this article on mobile home parks.

Mobile homes, mobile home parks and accessory use of a building shall apply as defined in Article III, Definitions.

1. UNIT – one (1) mobile home with wheels removed.
2. DEPENDENT UNIT – a mobile home lacking a bath or shower and toilet facilities.
3. INDEPENDENT UNIT – a mobile home that contains a kitchen, toilet facilities, bath or shower and fully equipped for living purposes.
4. PERSON – shall be construed to include an individual, partnership, firm, company, corporation, whether tenant, owner, lessee, licensee or other agent, heir of assign.
5. SPACE – a plot of land, whether leased, sold, rented, or transferred, which is intended for location of one (1) mobile home only.

B. Location Outside of Mobile Home Park

1. No person shall park or occupy a mobile home outside of an approved mobile home park except as provided for in Sub-section C of this Article and except as provided by Article VIII, Section C.
2. Emergency or temporary stopping or parking is permitted on any street, alley or highway for not longer than one hour subject to any other and further prohibition imposed by the traffic and parking regulation or ordinance for that street, alley or highway.

C. Permit for Location Outside of Mobile Home Park

(Permits issued under this section are nontransferable and will expire under change of occupancy.)

1. Upon a showing of a hardship and/or immediate necessity for use, the Town Zoning Administrator may issue special written permits allowing the location of a mobile home outside of a mobile home park for a period not to exceed ninety (90) days for any one (1) premises in any twelve (12) month period. The permit shall be granted only upon the written consent of the owner, legal agent of the owner, or the lessee of the location for which the permit is issued. Not more than one (1) mobile home shall be granted a permit to locate on any one (1) premises outside a mobile home park. Any violation of this clause shall comply with the penalty as set forth in Article XIX Administration and Enforcement of this Ordinance.
2. Application for the permit shall be made to the Town Clerk and shall be accompanied by an inspection fee of two hundred (\$200.00), and shall state the name and permanent addresses of the occupants of the mobile home, the license number of the mobile home and towing vehicle, place of last stay, intended purpose of stay at requested location, whether any occupant is employed in state; the exact location of premises, and the owner's and/or occupants sanitary facilities, and the permission of the occupant of the dwelling house for their uses; and a statement that all wastes from mobile home occupancy will be disposed of in a sanitary manner. Application for location on a vacant lot or parcel of land shall be accompanied by a statement of the nature and location of sanitary facilities, which must include a safe water supply and toilet within two hundred (200) feet of the proposed location of the mobile home, and a statement of permission from the owner for their use.
3. All occupied mobile homes not located in a mobile home park shall be subject to the remaining regulations of this Ordinance.

D. Mobile Home Park License

1. No person shall establish, operate or maintain or permit to be established, operated or maintained upon any property owned, leased, rented or controlled by him a mobile home park within the Town of New Denmark without first securing a license from the Town Board. The license shall expire one (1) year after issuance and must be renewed annually.
2. An annual fee of two hundred (\$200.00) shall be charged for the mobile home license or the renewal thereof.
3. The application for a license or renewal thereof shall be made on forms furnished by the Town Clerk and shall include the name and address of the owner in fee of

the tract (if the fee is vested in some person other than the applicant, a duly verified statement by that person that the applicant is authorized by him to construct or maintain the mobile home park and make the application), and such legal description of the premises upon which the mobile home park is or will be located as will readily identify and definitely locate the premises.

4. The applicant shall further comply with mobile home regulations as set forth in the Wisconsin Statutes Chapter 66.0453, and all amendments thereto.

E. Mobile Home Park Plan

1. Prior to the issuing of any license or permit for a mobile home park, the developer shall submit three (3) copies of the Mobile Home Park Plan to the Town Plan Commission of New Denmark. The plan shall be approved in writing by the Town Plan Commission prior to the start of construction or development of the park.
2. Each Mobile Home Park Plan submitted to the Town Plan Commission shall require the following information:
 - a. Exact area and extent of the proposed park, accompanied by a legal description or certified survey map. Plans shall be drawn at a scale of one (1) inch to two hundred (100) feet minimum.
 - b. All roadways, driveways, and ingress and egress points, and parking bays.
 - c. Complete layout of storm, sanitary and water systems for the park.
 - d. Plan for electrical distribution and lighting facilities.
 - e. Method and plan of garbage removal.
 - f. Plans for providing adequate fire protection for the park.
3. All mobile home parks shall further comply with the sanitation and health regulations as set forth by the State of Wisconsin and Brown County
4. Electrical service to mobile home spaces shall conform to the regulations as set forth in Chapter SPS 316 Wisconsin Administrative Code and all amendments thereto.
5. An adequate supply of pure water, furnished through a pipe distribution system with supply faucets shall be furnished for drinking and domestic purposes.
6. All mobile homes shall be independent units.

F. Driveways, Roadways, and Parking

1. All drives, parking areas, and walkways shall be hard surfaced.
2. Within the mobile home parks, a minimum roadway width of thirty (30) feet shall be established.
3. The mobile home park shall have direct access to a state highway, county highway or town road. There shall be sufficient points of ingress and egress to provide proper traffic movement as determined by the Plan Commission.
4. There shall be one (1) hard surfaced off-street automobile parking space for each mobile home unit. Minimum dimension of the parking space shall be ten (10) feet by twenty (20) feet in size.

G. Site and Yard Requirements

The following regulations shall apply to all mobile home spaces that are sold, rented, leased or transferred in an approved mobile home park.

1. Mobile homes and Mobile Home Parks shall be a Conditional Use in the Residential R-1 District.
2. The minimum size of a mobile home park shall be five (5) acres in sewered area.
3. Space Size:
 - a. Unsewered Locations: (Hardship Sites Only)
Each mobile home space –

Area - 1 ½ acre minimum
Width - 100 feet minimum
 - b. Sewered Locations:
Each mobile home space –

Area - 5,000 square feet minimum
Width - 50 feet minimum
4. A concrete or bituminous pad shall be constructed on each mobile home space. The minimum size of this pad shall be ten (10) feet side by fifteen (15) feet in length. The minimum thickness of the surfacing shall be four (4) inches. The pad shall enclose all utility connections for the mobile home.

5. Each mobile home space shall provide a front yard setback of ten (10) feet and a rear yard setback of twenty (20) feet. Side yards shall have a minimum setback of five (5) feet each.
6. The yard setbacks shall be seeded and landscaped and in no case shall they be used for off –street parking or be occupied by a mobile home and/or its accessory buildings except for the following conditions:
 - a. Structures for utility outlets and garages serving more than one (1) mobile home space may be located within the side or rear yard setback of a common lot line.
 - b. The hitch used for pulling the mobile home may protrude into the front yard setback.

H. Parking Fee and Assessment

The Town Board of New Denmark shall have the authority to impose a parking fee on mobile homes within an approved mobile home park or outside of an approved park as provided for in Section 66.0435 of the Wisconsin Statutes.

The parking fee shall be based on the following regulations:

1. There is hereby imposed on each owner or operator of a mobile home park licensed hereunder a parking permit fee on each occupied mobile home unit which shall have been parked in such mobile home park. The parking fee shall also apply to mobile home units located outside of an approved mobile home park. The amount of the parking fee shall be determined by the Town Board of New Denmark and the local Town Assessor in accordance with Wisconsin State Statute, Chapter 66.0435 and as amended. No mobile home space shall be rented for a period of less than thirty (30) days.
2. The local assessor shall determine the total fair market value of each occupied mobile home, minus the tax exempt household furnishings, and then equalized to the general level of assessment on other real and personal property in the Town of New Denmark.
3. The value of each occupied mobile home thus determined shall be multiplied by the general property gross tax rate, less any credit rate for the property tax relief credit, established on the preceding year's assessment of general property.
4. Total annual parking permit fee shall be divided by twelve (12) to determine monthly fee.

5. A new fee rate and a new valuation shall be established each January and shall continue for that calendar year.
6. Said parking fee shall be collected by the owner or operator of the mobile home park and paid to the local taxing authority on or before the 10th day of the month following the period for which such parking permit is due.
7. No fee shall be imposed on a mobile home from another state, unless said unit has been placed within the Town of New Denmark for a sixty (60) day period.
8. The Town of New Denmark may retain ten percent (10%) of the parking fee for administration costs.
9. The Town of New Denmark shall pay to the school district in which park is located, within twenty (20) days after the end of each period such proportion of the remainder of the fees collected in the preceding month as the ratio of the most recent property tax for school purposes bears to the total tax levy for all purposes in the municipality.

I. Management

1. In every mobile home park there shall be located the office of the attendant or person in charge of said park. A copy of the park license and of this ordinance shall be kept in said office.
2. It is hereby made the duty of the attendant or person in charge, together with the licensee to:
 - a. Keep a register of all occupants, to be open at all times to inspection by state, federal and local officials, which shall show for all occupants of the mobile home park the following:
 1. Names and addresses
 2. Number and ages of all children
 3. Number of public elementary school children
 4. Number of public secondary school children
 5. State of legal residence
 6. Dates of entrance and departure
 7. License numbers of all mobile homes and towing or other vehicles
 8. State issuing such license
 9. Purpose of stay in park
 10. Place of last location and length of stay
 11. Place of employment of each occupant

- b. Maintain the park in a clean, orderly and sanitary condition at all times.
- c. Insure that the provisions of this Ordinance are complied with and enforced and report promptly to the proper authorities any violations of this Ordinance or any other violations of law which may come to his attention.
- d. Report to the health officer all cases of persons or animals afflicted or suspected of being affected with any communicable diseases.
- e. Maintain in convenient places, approved by the New Denmark fire Inspector, hand fire extinguishers in the ratio of one (1) for each eight (8) mobile home spaces.
- f. Collect the monthly parking permit fee provided for in Section H of this Article. A book shall be kept showing the names of persons paying said service charges and the amount paid.
- g. Submit with the total monthly parking permit fee payment to the Town Treasurer, a monthly report showing the names of persons paying said fees, and the amount paid if less than for a full month. The report to also indicate departure time for current tenants, and arrival time for new tenants including departure time if occurring the same month.

J. Penalty

Violation of Article XII Section thereof, shall result in a penalty imposed upon the violator as regulated in Article XIX Administration and Enforcement; Section O, Penalties.

ARTICLE XIII – SIGN REGULATIONS

The following regulations shall apply to all signs hereinafter erected or established with the Town of New Denmark.

A. General

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

B. Signs Exempt

All signs are prohibited in the Agricultural, Residential, and Agriculture-Residential zones except for the following:

1. Agricultural signs pertaining to the products of the agricultural premises not to exceed thirty-two (32) square feet in area for any one (1) 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 of the premises, the producer, and 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 Residential Zone, no sign shall exceed eight (8) square feet in area; whereas such signs shall not exceed 12 square feet in the Agriculture-Residential Zone. Corner lots in Residential Zones shall be permitted two (2) signs.
3. Name, occupation, and warning signs not to exceed two (2) square feet located on the premises. Corner lots shall be permitted two (2) such signs.
4. Bulletin boards of similar devices for churches and religious institutions shall not exceed thirty-two (32) 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, A-R Agricultural-Residential Districts, and A-1 Agricultural 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) store or eight (8) feet above the finished ground level, whichever is lower.
3. Non-residential 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 Districts shall conform to the following regulations set forth.

1. All signs over thirty-two (32) square feet 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 hearing by the Town of New Denmark Plan Commission and approval by the Town Board
2. Illuminated and flashing signs including LED displays shall be permitted only in the Community Business District. LED displays shall be permitted only upon approval by the Town of New Denmark Plan Commission at a public hearing and approval by the Town Board.
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 (1) 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 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 20 feet above the average ground level; and shall not be less than ten (10) feet above any pedestrian way, not less than 15 feet above a driveway.
8. One (1) pedestal – type sign, a ground sign generally supported by one (1) or more metal posts and not exceeding a height of twenty-five (25) feet, shall be permitted per 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.

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 including LED displays shall be prohibited in the Limited 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 XIII Section D – Community Business Districts.
4. Wall, roof, window and ground signs shall also comply with the required regulations as set forth in Article XIII Section D – Community Business District.
5. Signs shall further comply with the regulations as set forth in the Community Business Zone District.

ARTICLE XIV – OFF-STREET PARKING REQUIREMENTS

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

A. General

1. All parking spaces required to serve buildings 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 subsequently altered or enlarged so as to require the provisions of the 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.

<u>Angle</u>	<u>Stall Depth*</u>	<u>Width of Aisles*</u>
30°	17	12
45°	19	15
60°	20	18
90°	18	28

*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 lots of areas shall be subject to the approval of the Town Plan Commission 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 (1½) spaces for each dwelling unit.

3. MULTI-FAMILY DWELLINGS – one and one-half (1½) spaces for each dwelling unit.
4. MOTELS – one (1) space for each guest room plus one (1) stall for each three (3) employees.
5. HOTELS – one (1) space for each two (2) guest rooms plus such additional space as shall be required for supplemental uses, such as bars, ballrooms, or nightclub facilities in the hotel.
6. LODGING, ROOMING 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, 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 & UNIVERSITIES – one (1) parking space for each employee, plus one (1) space for each six (6) students.
15. PUBLIC LIBRARIES, ART GALLERIES, MUSEUMS – one (1) space for each fifty (50) square feet of gross floor space.
16. FRATERNITIES, SORORITIES & 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 & SKATING RINKS – parking spaces equal in number to thirty percent (30%) of the design capacity shall be provided.
21. AMUSMENT ESTABLISHMENTS NOT LISTED AND AMUSEMENT PARKS – parking spaces shall be provided in adequate number as determined by the Town Zoning Committee, 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 tee.
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 in persons of such clubs.
26. RECREATIONAL BUILDINGS AND COMMUNITY CENTERS – NON-COMMERCIAL – parking spaces equal in number to thirty percent (30%) of the capacity in persons shall be provided.
27. CONVENTS, SEMINARIES, MONASTERIES, NUNNERIES, RECTORIES, 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 & COMMERCIAL STABLES – one (1) parking space shall be provided for each employee, plus spaces adequate in number, as determined by the Town Zoning Committee, 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 one (1) space for each five thousand (5,000) square feet of lot area.
32. ANIMAL HOSPITALS & KENNELS – three (3) parking spaces shall be provided for each employee.
33. AIRPORTS & 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 & 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 additional space shall be furnished for each inside service bay.
35. AUTOMOBILE WASHES – one (1) space for each two (2) employees, plus one (1) space for manager, and in addition reservoir parking spaces equal to 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 great number possible of automobiles undergoing some phase of washing 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 & 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 additional space for each five (5) employees.
39. FOOD STORES, GROCERY STORES, MEAT MARKETS, BAKERIES, DELICATESSENS, SUPERMARKETS & 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 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 Zoning Committee deemed necessary 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 hundred (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 & 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 (1) 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 XV – 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 of expressway or freeway status.

C. Limitation of Access

1. There shall be no access points within five hundred (500) feet of the most remote and 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 roads 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 (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 right-of-way except where more stringent requirements are applicable.

ARTICLE XVI – ARTIFICIAL LAKES

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

A. Location

1. Artificial lakes shall be allowed as Conditional uses in the Agriculture-Residential Zones.

B. Permit

1. The property owner, developer or his assigned agent shall make application for an Excavation permit to the Town Zoning Committee prior to construction.
2. The Town Zoning Commission shall review and approve the site plan before issuing the Excavation Permit.

C. Site Plans

1. A map drawn at a minimum scale of one (1) inch to one hundred (100) feet showing the proposed lake site 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. Any artificially constructed lake two (2) acres or larger in area 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 of ten (10) 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 Social Conservation Service, Agriculture Stabilization Conservation Service and the Department of Natural Resources.
4. The ground water table in the surrounding area and adjacent to the lake shall be protected.
5. State Permits shall be required if high capacity wells are drilled on the site.
6. The Division of Environmental Health Requirements shall be met to insure proper safety of swimmers.
7. The perimeter of the lake shall be landscaped and seeded within six (6) months after completion of the excavation.
8. A Performance Bond shall be filed with the Town Board prior to the construction. Amount of bond per acre shall be specified by the Town Board of New Denmark.

ARTICLE XVII – MOBILE TOWER SITING

A. Title

This ordinance is entitled the Town of New Denmark Mobile Tower Siting Permit Ordinance.

B. Purpose.

The purpose of this ordinance is to regulate by zoning permit (1) the siting and construction of any new mobile service support structure and facilities; (2) with regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities; and (3) with regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.

C. Authority.

The Town Board has the specific authority under Sections 60.61 and 66.0404, Wis. Stats., to adopt and enforce this ordinance.

D. Adoption.

This ordinance, adopted by a majority of the Town Board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation by zoning permit (1) the siting and construction of any new mobile service support structure and facilities; (2) with regard to a class 1 collocation, the substantial modification of an existing support structure and mobile service facilities; and (3) with regard to a class 2 collocation, collocation on an existing support structure which does not require the substantial modification of an existing support structure and mobile service facilities.

E. Definitions.

1. All definitions contained in s. 66.0404(1) are hereby incorporated by reference.

F. Subdivision and Numbering

This ordinance is divided into sections designated by uppercase letters. Sections may be divided into subsections designated by numbers. Subsections may be divided into

paragraphs designated by lowercase letters. Reference to a "section," "subsection," "paragraph," or "subdivision" includes all divisions of the referenced section, subsection, paragraph, or subdivision.

G. Siting and Construction of Any New Mobile Service Support Structure and Facilities

1. Application Process

a. A town zoning permit is required for the siting and construction of any new mobile service support structure and facilities. The siting and construction of any new mobile service support structure and facilities is a conditional use in the town obtainable with this permit.

b. A written permit application must be completed by any applicant and submitted to the town. The application must contain the following information:

i. The name and business address of, and the contact individual for, the applicant.

ii. The location of the proposed or affected support structure.

iii. The location of the proposed mobile service facility.

iv. 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.

v. 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.

vi. 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.

c. A permit application will be provided by the town upon request to any applicant.

d. If an applicant submits to the town an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the town shall consider the application complete. If the town does not believe that the application is complete, the town shall notify the applicant in writing, within ten (10) 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.

e. Within ninety (90) days of its receipt of a complete application, the town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the ninety (90) day period:

i. Review the application to determine whether it complies with all applicable aspects of the political subdivision's building code and, subject to the limitations in this section, zoning ordinances.

ii. Make a final decision whether to approve or disapprove the application.

iii. Notify the applicant, in writing, of its final decision.

iv. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

f. The town 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 paragraph b.vi.

g. If an applicant provides the town 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 set back or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the town provides the applicant with substantial evidence that the engineering certification is flawed.

h. The fee for the permit is three thousand dollars (\$3,000.00).

H. Class I Collocation

1. Application Process

a. A town zoning permit is required for a class 1 collocation. A class 1 collocation is a conditional use in the town obtainable with this permit.

b. A written permit application must be completed by any applicant and submitted to the town. The application must contain the following information:

i. The name and business address of, and the contact individual for, the applicant.

ii. The location of the proposed or affected support structure.

iii. The location of the proposed mobile service facility.

iv. 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.

v. 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.

vi. 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.

d. A permit application will be provided by the town upon request to any applicant.

e. If an applicant submits to the town an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the town shall consider the application complete. If the town does not believe that the application is complete, the town shall notify the applicant in writing, within ten (10) 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.

f. Within ninety (90) days of its receipt of a complete application, the town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the ninety (90) day period:

i. Review the application to determine whether it complies with all applicable aspects of the political subdivision's building code and, subject to the limitations in this section, zoning ordinances.

ii. Make a final decision whether to approve or disapprove the application.

iii. Notify the applicant, in writing, of its final decision.

iv. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

g. The town 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 paragraph b.vi.

h. If an applicant provides the town 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 set back or fall zone area required in a zoning ordinance, that zoning ordinance does not apply to such a structure unless the town provides the applicant with substantial evidence that the engineering certification is flawed.

i. The fee for the permit is three thousand dollars (\$3,000.00).

I. Class 2 Collocation

1. Application Process

a. A town zoning permit is required for a class 2 collocation. A class 2 collocation is a permitted use in the town but still requires the issuance of the town permit.

b. A written permit application must be completed by any applicant and submitted to the town. The application must contain the following information:

i. The name and business address of, and the contact individual for, the applicant.

ii. The location of the proposed or affected support structure.

iii. The location of the proposed mobile service facility.

c. A permit application will be provided by the town upon request to any applicant.

d. A class 2 collocation is subject to the same requirements for the issuance of a building permit to which any other type of commercial development or land use development is subject to under Article IX of this Zoning Ordinance.

e. If an applicant submits to the town an application for a permit to engage in an activity described in this ordinance, which contains all of the information required under this ordinance, the town shall consider the application complete. If any of the required information is not in the application, the town shall notify the applicant in writing, within five (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.

f. Within forty-five (45) days of its receipt of a complete application, the town shall complete all of the following or the applicant may consider the application approved, except that the applicant and the town may agree in writing to an extension of the forty-five (45) day period:

i. Make a final decision whether to approve or disapprove the application.

ii. Notify the applicant, in writing, of its final decision.

iii. If the application is approved, issue the applicant the relevant permit.

iv. If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.

g. The fee for the permit is five hundred dollars (\$500.00).

J. Penalty Provision

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than two hundred fifty dollars (\$250.00) nor more than one thousand dollars (\$1,000.00), 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.

K. Severability

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

ARTICLE XVIII – 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 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. When a building containing a nonconforming use is damaged by fire, explosion, act of God, violent wind, vandalism, fire, flood, ice, snow, mold, or infestation; to the extent of more than sixty percent (60%) of its current local assessed value; such structure may only be restored to a nonconforming use in conformity with Sec. 60.61(5m) Wisconsin Statutes (2013-14).
2. 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.
3. 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.
4. 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.
5. 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 XIX – 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 incorporate the any applicable Chapters of the Town of New Denmark Code of Ordinance as if fully stated herein including but not limited to, Chapter 5 – Wind Energy Ordinance; Chapter 9 – Regulation of Sexually Oriented Adult Entertainment Establishments; Chapter 15 – Driveway and Culvert Ordinance; Chapter 19 – Board of Adjustments; Chapter 23 – House and Building Numbering; Chapter 31 – Nonmetallic Mineral Extraction Regulation and Control; and Chapter 34 – Subdivision.
2. This Ordinance shall provide for the position of Building Inspector, Zoning Administrator, Zoning Board of Appeals and Town Plan Commission.
3. This section shall provide the authority and necessary requirements for issuance of Building Permits and occupancy permits; variances, appeals, amendments, conditional uses, fees, and penalties.
4. All building inspections performed under this section are done pursuant to Sections 101.12 and 101.65 of the Wisconsin Statutes.
5. This Ordinance adopts and incorporates, as if fully stated herein, the Uniform Building Code as provided in Chapters SPS 320-325 of the Wisconsin Administrative Code and the Commercial Building Code as provided in Chapters SPS 361-366 of the Wisconsin Administrative Code.

B. Building Inspector

There is hereby created the position of Building Inspector, who shall administer and enforce this ordinance and shall be certified by the Division of Safety & Buildings, as specified by Wisconsin Statutes, Section 101.66 (2), in the category of Uniform Dwelling Code Construction Inspector. Additionally, this or other assistant inspectors shall possess the certification categories of UDC HVAC, UDC Electrical, and UDC Plumbing.

The Town of New Denmark Building Inspector shall have the following duties:

1. Issue all Building Permits and make and maintain records thereof.
2. Issue all certificates of occupancy and make and maintain records thereof.

3. Pursuant to Section 101.65 of the Wisconsin Statutes conduct inspection of buildings, structures, and use of land to determine compliance with the terms of this Ordinance.

C. Zoning Administration

The Town of New Denmark Zoning Administrator shall have the following duties.

1. Issue all rezoning certificates and make and maintain records thereof.
2. Provide and maintain a public information bureau relative to all matters arising out of this Ordinance.
3. Forward to the Town of new Denmark Plan Commission all applications for conditional uses and for amendments to this Ordinance that are initially filed with the Office of the Zoning Administrator.
4. 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.
5. Maintain permanent and current records of this Ordinance including, but not limited to: all maps, amendments, conditional uses, variances, appeals and applications thereof.
6. Initiate, direct and review, from time to time, a study of the provisions of this Ordinance, and to make reports of its recommendations to the Town Plan Commission.

D. 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 entrusted with the jurisdiction and authority 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 the application for variances 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. Meetings and Rules

- a. All members 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 New Denmark.
- d. The Chairman, or in his 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 New Denmark Town Chairman and subject to judicial review as by law may be provided.
- 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) 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 New Denmark.

E. Town Plan Commission

The Town Plan Commission shall be the authorizing 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 New Denmark Town Plan Commission shall carry out the following duties under this Ordinance.

- a. Receive from the Zoning Administrator his or her recommendations as related to the effectiveness of this Ordinance and report his or her conclusions and recommendations to the new Denmark Town Board.
- b. 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.
- 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 seven (7) members as provided by Section 60.62 of the Wisconsin State Statutes.
- b. Commission members shall consist of the Town Chairman, who shall be its presiding officer, one (1) Town Board member, five (5) citizens and two (2) alternate members
- c. The Town Plan Commission members shall be removable by the Town Board of New Denmark cause upon written charges.
- d. 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 New Denmark.

F. Inspection Standards

1. Authority.

These regulations are adopted under the authority granted by s. 101.65, Wisconsin Statutes

2. Purpose.

The purpose of this ordinance is to promote the general health, safety and welfare and to maintain required local uniformity with the administrative and technical requirements of the Wisconsin Uniform Dwelling Code.

3. Scope.

The scope of this ordinance includes the construction and inspection of one- and two-family dwellings built since June 1, 1980.

Notwithstanding s. SPS 320.05, the scope also includes the construction and inspection of alterations and additions to one- and two-family dwellings built before June 1, 1980. Because such projects are not under state jurisdiction, petitions for variance and final appeals under ss. SPS 320.19 and 320.21, respectively, shall be decided by the municipal board of appeals. Petitions for variance shall be decided per s. SPS 320.19 (intro.) so that equivalency is maintained to the intent of the rule being petitioned. As the board of appeals approves petitions for variance, the chief inspector is granted the power to apply the results to similar circumstances by precedent.

Notwithstanding s. SPS 320.05, the scope also includes the construction and inspection of detached garages serving one- and two-family dwellings. The building structure and any heating, electrical or plumbing systems shall comply with the Uniform Dwelling Code. Petitions for variance and appeals shall be handled as in the previous paragraph.

4. The Wisconsin Uniform Dwelling Code, Chapters SPS 320-325 of the Wisconsin Administrative Code, and all amendments thereto, is adopted and incorporated by reference and shall apply to all buildings within the scope of this ordinance.

5. Penalties.

The enforcement of this section and all other laws and ordinances relating to building shall be by means of the withholding of Building Permits, imposition of forfeitures and injunctive action. Forfeitures shall be not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1,000.00) for each day of noncompliance.

6. The Building Inspector(s) shall keep a log of all inspections completed.

G. Building Permits

1. A Building Permit shall be required for any new building in excess of one hundred (100) square feet. A Building Informational Permit shall be required for all buildings or temporary buildings regardless of size to ensure compliance with applicable zoning regulations.

2. A Building Permit shall also be required if a person alters a building in excess of one thousand dollars (\$1,000.00) of value in any twelve (12) month period, or adds onto a building in excess of fifty (50) square feet in any twelve (12) month period. Restoration or repair of an installation to its previous code-compliant condition as determined by the Building Inspector is exempted from permit requirements. Residing, re-roofing, finishing of interior surfaces and installation of cabinetry shall be exempted from permit requirements. Every Building Permit shall state that the use complies with the provisions of this Ordinance.
3. Prior to the issuance of a Building Permit by the Building Inspector a Building Informational Permit shall be made in writing to the Town Board including such relevant information as required by the Town Board. The Town Board may at its discretion refer the Building Informational Permit back to the property owner for additional information required to make their determination on approval.
4. Prior to approval of a Building Informational Permit a copy of each Building Informational Permit shall be provided to the Town Zoning Administrator for review to ensure compliance with any applicable provisions of this Ordinance
5. The Town Board shall grant or deny any Building Informational Permit submitted for review within a forty-five (45) day period from the date of the submission of the Building Informational Permit. Reasons for denial of a Building Informational Permit shall be provided in writing to the individual who submitted such Building Informational Permit.
6. Upon approval of a Building Informational Permit by the Town Board, the Building Inspector shall request the submission of a uniform Building Permit application with any applicable fee. Any Building Permit applied for shall be granted or denied within a ten (10) day period from the date of application. Reason for denial of a Building Permit will be forwarded in writing by the Town Building Inspector to the applicant and the Town Board.
7. Application for a Building Permit shall be deemed to be an application for an occupancy certificate as well.
8. Each Building Permit application for business and industrial uses shall be accompanied by a plat in accordance with requirements as specified in Article XIX Section G, Plats.
9. Informational Building Permit forms and Building Permit application forms shall be made available to the public by the Town Clerk.
10. The Building Permit fees shall be determined by resolution and shall be provided by the Building Inspector. The Building Permit fee shall include thirty-five dollars (\$35.00) to be forwarded to the Wisconsin Department of Safety and

Professional Services for a UDC permit seal that shall be assigned to any new dwelling.

H. Occupancy Certificate

1. 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 Building Inspector to be in conformity with the plans and specifications upon which the Building Permit was based.
2. The occupancy certificate shall be issued or written notice shall be given to the applicant stating the reason why a certificate cannot be issued, not later than seven (7) days after the Building Inspector is notified in writing that the premises or building are ready for occupancy.
3. All occupancy permits shall be issued by the New Denmark Building Inspector.

I. Plats

1. All applications for Building Permits for business and industrial uses 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, as certified by a “registered land surveyor” or a “registered professional engineer,” the piece or parcel, lots, block, or blocks, or portions thereof, 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 application for a Building Permit.

J. Variances

1. Application

An application for a variance shall be filed with the Town Plan Commission. The application shall contain such information as the Board of Appeals by rule may require.

2. Standards for Variances

Variances may be granted by the Board of Appeals only when:

- a. 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.
- b. 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 classification.
- c. Alleged difficulty or hardship is caused by this Ordinance and has not been created by any person presently having an interest in the property.
- d. Granting of the variance shall not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
- e. 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.

3. Authorized Variances

Variances shall be granted by the Board of Zoning Appeals in accordance with the standards established in Section H-2.

K. Appeals

1. Scope of Appeals

- a. 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.

- b. Such an appeal shall be made within 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.
- c. The Town Plan Commission shall forthwith transmit to the Board of Appeals all of the paper constituting a record upon which the action appealed from was taken.

2. Finding on Appeals

- a. An appeal shall terminate all further proceedings on action 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 restraining 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 time and 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 New Denmark.
- c. The Board of Appeals shall thereafter reach its decision within 60 days from the filing of the appeal.
- d. The Zoning Board of Appeals may affirm or may reverse wholly or in part, or modify the order, requirement, decision or determination, that, in its opinion, ought to be done – and to that end, shall have all powers of the officer to whom the appeal is taken. The Town Plan Commission shall maintain records of all action of the Board of Appeals relative to appeals.

L. Amendments

1. Authority

The New Denmark 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 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 detailed 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 said hearing shall be published as provided in the state law on planning and zoning and applicable to the Town of New Denmark.

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 or 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 classification.
 4. Trend of development, if any in the general area of the property in question, including changes of any, which have taken place in its present zoning classification.
 5. Adequate public facilities to accommodate development either exist or will be provided within a reasonable time.

6. Provision of public facilities to accommodate development will not place an unreasonable burden on the ability of the town to provide them.
7. The land proposed for rezoning is suitable for development and development will not resulting in undue water or air pollution, cause unreasonable soil erosion or have an unreasonably adverse effect on rare or irreplaceable natural areas.
8. The Official Town Comprehensive Plan and any of the component parts thereof.
9. The Plan Commission may recommend the adoption of an amendment changing the zoning classification of the property in question to any higher classification that that requested by the applicant.
10. The Plan Commission shall not recommend that 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 any amendment, provided however, that in the event of a written protest against any proposed amendment to this Ordinance, be duly signed and acknowledged by the owners of twenty percent (20%) or more either of the areas of the 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.

M. Conditional Uses

1. Purpose

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

2. Initiation

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 (1) or more of the conditional uses provided for in this ordinance in the zoning district in which the land is located.

3. Application

The application for a conditional use shall be filed with the New Denmark Town Planning Commission on a form so prescribed by the Town of New Denmark. The application shall be accompanied by such plans and/or data prescribed by the Town Plan Commission and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use will conform to the standards set forth in the respective districts. Such application shall be reviewed by the Town Plan Commission and a written recommendation submitted thereon to the Town Board.

4. Hearing on Application

Upon receipt in proper form of the written recommendation referred to in Section M-3, the Town Board shall hold at least one (1) public hearing on the proposed conditional use.

5. Authorization

For each application for a conditional use, the Town Plan Commission shall report to the Town Board its findings and recommendations, including the stipulation of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. If an application is received by the New Denmark Town Board, it shall be deemed to have been denied.

6. Standards

No conditional use shall be recommended by the Town Plan Commission unless said Commission shall find that the conditions comply with Article II, Intent, purpose and Severability.

7. Conditions and Guarantees

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

N. 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 one hundred seventy-five dollars (\$175.00). The fee for variances and appeals shall be two hundred seventy-five dollars (\$275.000. All fees shall be paid to the Town Zoning Administrator.

O. 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 Town Building Inspector shall report all such violations to the Town Board, 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.

Any person, firm or corporation, or agent, employee, or contractor of such, who violates, destroys, omits, neglects, or refuses to comply with, or who resists enforcement of any provision of this Ordinance; shall upon conviction thereof forfeit no less than two hundred dollars (\$200.00) nor more than one thousand dollars (\$1,000.00) together with court costs, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment of said forfeiture and costs of prosecution are made.

Confinement to the county jail shall not exceed thirty (30) days for each offense. Each violation and each day of violation shall constitute a separate offense.

This section shall not preclude the Town of New Denmark from maintaining any appropriate action to prevent or remove a violation of this section.

APPENDIX

The illustrations contained in this appendix are provided solely to clarify the intent of the textual provisions of this Zoning Ordinance.