

TOWN
OF
ELDORADO

CODE OF
ORDINANCES

TOWN OF ELDORADO CODE OF ORDINANCES

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Chapter 1
TOWN OF ELDORADO
FEE & LICENSE SCHEDULE

General

The Applicant shall pay to the Town of Eldorado the costs associated with all fees and licenses required under the Town of Eldorado Code of Ordinances. If fees are not paid in a timely manner, the Town shall not be required to take any further action with respect to the proposed activity and the applicant shall not be entitled to record same. The applicant is also required to compensate the Town for any additional costs associated with administration of the application as well as any necessary planning, legal, or ~~and~~ engineering reviews as specified in Section H of this Fee Schedule.

SECTION A: Alcohol and Tobacco Related Permits

The Town of Eldorado hereby establishes and adopts the following fees related to Liquor License Applications, Operator’s (Bartender’s) License Applications, and Cigarette License Applications:

1. For all Class A and Class B Beer License Applications\$100.00
2. For all Class A and Class B Liquor License Applications\$200.00
3. For all Class C Wine Applications.....\$100.00
4. For all Temporary Class “B” / “Class B” Retailer’s License Applications
(aka Temporary Class “B” / “Class B” Picnic License\$50.00
5. New Operator’s (Bartender’s) License Applications.....\$20.00
6. Renewal Operator’s (Bartender’s) License (2-year renewal)\$40.00
7. For all Cigarette License Applications.....\$25.00
8. Charged to each Liquor License Applicant, to cover the cost of publishing required
Legal Notice.....\$30.00

SECTION B: Billboard / Sign Permits

1. Billboards – New and Annual Renewals\$150.00
2. Signs (one time for new permits)\$150 per Permit / per Sign

SECTION C: Building Permits

A building permit is required for any residential, commercial, business, or industrial construction as listed below. The applicant is also required to pay for the cost of a new fire sign if one is needed. The cost of the fire number will be determined by the invoice amount charged to the Town of Eldorado when fire number signs are ordered.

- 1. New residential, commercial, business, or industrial construction.....\$200.00
- 2. New two-family or multi-family residential\$200.00
- 3. Residential, commercial, business, or industrial remodeling (including re-roofing, re-siding, or enlarging windows) or additions to any structure with a projected cost of \$20,000 or more.....\$125.00
- 4. Residential remodeling (including re-roofing, re-siding, or enlarging windows) or additions with a projected cost of up to \$19,999 \$75.00
- 5. Commercial remodeling (including re-roofing, re-siding, or enlarging windows) or additions with a projected cost of up to \$19,999.....\$75.00
- 6. All new garages or outbuildings.....\$100.00
- 7. Remodeling or additions to any garages or outbuildings.....\$100.00
- 8. Re-roofing, re-siding, or enlarging windows in any structure with a projected cost up to \$5,000.....\$50.00
- 9. Any minor renovations not specified above\$50.00
- 10. New Culvert / driveway permit\$35.00
- 11. Replace Existing Culvert permit\$25.00
- 11. Demolition permit\$25.00

The Town of Eldorado Board of Supervisors also hereby established that 50% of the income from the issuance of these permits, not including the fees collected for fire number signs, will be paid to the Permit Officer, for services rendered.

SECTION D: Business Permit

- 1. New Business Permit\$10.00

SECTION E: Chapter 17: Zoning Regulations

The Applicant shall pay all fees at the time of submittal of a completed application packet.

- 1. Request for Rezone hearing.....\$350.00
- 2. Conditional Use Permit hearing.....\$350.00
- 3. Site Plan Review\$100.00
- 4. Appeal of Variance (Board of Appeals)\$350.00
- 5. Penalties for Violation.....Not less than \$200 and not more than \$500
(plus cost of prosecution; each day of violation considered separate offense)

6. Solar Energy System:

- a. For a system of under 1 megawatt (“MW”), the applicant shall pay the applicable building permit fee.
- b. For a system of 1MW to 9.99 MW, the applicant shall pay an application fee of \$1,000 for each MW.
- c. For a system of 10 MW or greater, the applicant shall pay an application fee as set forth in the Town’s zoning ordinance.

SECTION F: Chapter 18: Land Division & Subdivision Regulations

The Applicant shall pay all fees at the time of submittal of a completed application packet.

- 1. Concept Plan / Preliminary Certified Survey Map (CSM)..... None
- 2. Minor Land Division (MLD) Application w/CSM.....\$300.00 for first lot
(\$25.00 each additional lot)
- 3. Concept Plat.....\$100.00
- 4. Preliminary Plat \$300.00 (plus \$10.00 per lot)
- 5. Final Plat \$150.00 (plus \$5.00 per lot)
- 6. Variance (Plan Commission)\$300.00

SECTION G: Hearing Fees

The Applicant shall pay fees necessary to cover the cost of any required Public Hearing of Special Meeting resulting from a proposed rezone (see Section E.1.), conditional use permit (see Section E.2.), variance/appeal (see Section E.4.), or other action as required or requested under Chapter 17 and Chapter 18 of the Town of Eldorado Code of Ordinances or as related to a requested revision to the Town of Eldorado Comprehensive Plan. Such fees shall be paid in full no later than 10 days prior to the date of the Hearing or Special Meeting.

- 1. Public Hearing on requested Amendment to Comprehensive Plan.....\$350.00
- 2. Special Meeting(s) outside of regular scheduled meeting.....\$350.00

SECTION H: Review Fees

The applicant shall be required to compensate the Town for the costs associated with review of a proposed CSM, Plat, Rezone, Conditional Use Permit, ~~or~~ Site Plan, or other approval as specified in Chapter 17: Zoning Regulations, Chapter 18: Land Division and Subdivision Regulations, or other Chapters of the Town of Eldorado Code of Ordinance.

- 1. Administrative and Legal.

The ~~subdivider~~ applicant shall pay a fee equal to the cost of any legal or administrative work that may be undertaken by the Town in connection with the submitted application

- 2. Planning and Engineering.

The applicant shall pay a fee equal to the actual cost to the Town for all engineering and planning review work incurred by the Town in connection with the submitted application as the Town deems necessary to assure that the proposed action is consistent and compliant with the Town of Eldorado Code of Ordinance, Town of Eldorado Comprehensive Plan, and the ordinances, laws, regulations, and rules of any other relevant government authority.

The Applicant shall pay the fee within thirty days of receipt of billing by the Town Clerk.

Amended this 24th day of January 2022.

Published January 25th 2022.

TOWN OF ELDORADO

By: Gary L Miller
Gary Miller, Town Chairman

Attest:

Cheryl Pionke
Cheryl Pionke, Clerk

CHAPTER 2
TOWN OF ELDORADO
FOND DU LAC COUNTY, WISCONSIN

**AN ORDINANCE ADOPTING A PART OF A NEW CODE OF
ORDINANCES FOR THE TOWN OF ELDORADO, WISCONSIN**

The Town Board of the Town of Eldorado, Wisconsin does ordain as follows:

Section 1. A part of a new Code of Ordinances, containing the Town of Eldorado Zoning Ordinance, is hereby adopted and enacted by the Town Board and shall be treated and considered as a new and original comprehensive Zoning Ordinance superseding the existing Zoning Ordinance. All provisions of the new Zoning Ordinance shall be in full force and effect from the date of this publication. No ordinance or resolution of the Town, not specifically mentioned is hereby repealed.

Section 2. The repeal of the old Zoning Ordinance and the enactment of the new Zoning Ordinance shall not affect the following:

- (a) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance;
- (b) Any right or franchise granted by the Town Board to any person, firm or corporation;
- (c) Any ordinance or resolution dedicating, naming, establishing, locating, relocating, opening, closing, paving, widening, or vacating any street or public way in the Town;
- (d) Any ordinance or resolution providing for local improvements or assessing taxes or special assessments therefore;
- (e) Any ordinance or resolution dedicating or accepting any plat or subdivision in the Town;
- (f) One and two family dwelling building code and any other building codes except to the extent amended by this new zoning ordinance.

Section 3. A copy of the new Zoning Ordinance shall be kept on file in the office of the Town Clerk. This copy shall be available for all persons desiring to examine it.

Section 4. All ordinances or parts in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 5. This ordinance shall become effective upon the publication in the Town's official newspaper.

Adopted by the Town Board this 9th day of November, 1999.

TOWN OF ELDORADO

By: Gay Miller
Town Chairperson

Attest:

Cheyl Langanfeld
Town Clerk

Published November 18, 1999

**CHAPTER 3
TOWN OF ELDORADO
Fond du Lac County, Wisconsin**

**ORDINANCE NO. 2009 - 1124
ORDINANCE TO ADOPT COMPREHENSIVE PLAN**

STATE OF WISCONSIN)
) ss.
COUNTY OF FOND DU LAC)

SECTION I - TITLE AND PURPOSE.

The title of this ordinance is the Town of Eldorado Comprehensive Plan Ordinance. The purpose of this ordinance is for the Town of Eldorado, Fond du Lac County, Wisconsin, to lawfully adopt a comprehensive plan as required under sec. 66.1001(4)(c), Wis. Stats.

SECTION II – AUTHORITY.

The Town Board of the Town of Eldorado, Fond du Lac County, Wisconsin, has authority under its village powers under sec. 60.22, Wis. Stats., its power to appoint a town plan commission under sec. 60.62(4) and sec. 62.23(1), Wis. Stats., and under sec. 66.1001(4), Wis. Stats., to adopt this ordinance. The comprehensive plan of the Town of Eldorado must be in compliance with sec. 66.1001(4)(c), Wis. Stats., in order for the town board to adopt this ordinance.

SECTION III - ADOPTION OF ORDINANCE.

The Town Board of the Town of Eldorado, Fond du Lac 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 of Eldorado to adopt its Comprehensive Plan under sec. 66.1001(4), Wis. Stats., and provides the authority for the Town Board to order its publication.

SECTION IV - PUBLIC PARTICIPATION.

The Town Board of the Town of Eldorado has adopted written procedures designed to foster public participation in every stage of the preparation of a comprehensive plan as required by sec. 66.1001(4)(a), Wis. Stats.

SECTION V - TOWN PLAN COMMISSION RECOMMENDATION.

The Plan Committee of the Town of Eldorado, by a majority vote of the entire commission, recorded in its official minutes, has adopted a resolution recommending to the Town Board the adoption of the Town of Eldorado Comprehensive Plan, which contains all of the elements specified in sec. 66.1001(2), Wis. Stats.

SECTION VI - PUBLIC HEARING.

The Town of Eldorado has held at least one public hearing on this ordinance, with notice in compliance with the requirements of sec. 66.1001(4)(d), Wis. Stats.

SECTION VII - ADOPTION OF TOWN COMPREHENSIVE PLAN.

The Town Board of the Town of Eldorado by the enactment of this ordinance, formally adopts the document entitled Town of Eldorado Comprehensive Plan Ordinance under sec. 66.1001(4)(c), Wis. Stats.

SECTION VIII – 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 of application, and to this end, the provisions of this ordinance are severable.

SECTION IX - EFFECTIVE DATE.

This ordinance is effective on publication or posting.

The Town clerk shall properly post or publish this ordinance as required under sec. 60.80, Wis. Stats.

Adopted this 24th day of November, 2009.

Board Members	Aye	Nay	Exc.
Gary Miller	✓		
Dennis Mueller	✓		
Bill Averbek	✓		

Gary L. Miller
Chairman

Dennis Mueller
Supervisor

William Averbek
Supervisor

Certification:

I, Lori Linger, Clerk of the Town of Eldorado, hereby certify that the above is a true and correct copy of an ordinance that was adopted on the 24th day of November, 2009, by the Town Board of Supervisors.

Lori Linger
Lori Linger, Clerk, Town of Eldorado

THE REPORTER

www.fdlreporter.com

AFFIDAVIT OF PUBLICATION

Legal No. 1593
Ad No. 5870194
Case No. _____
PO No. _____
194528 - TOWN OF ELDORADO

ATTN:

TOWN OF
ELDORADO
Fond du Lac
County, Wisconsin
ORDINANCE
NO. 2009 - 1124
ORDINANCE TO
ADOPT
COMPREHENSIVE
PLAN

STATE OF WISCONSIN, }
Fond du Lac County, }

SS.

Notary Public, State of Wisconsin
My commission expires
on August 25, 2013

Julie Todd, being duly sworn, says that she is the fore-
man of the publisher of The Reporter, a daily newspaper published in the city of
Fond du Lac, in said county, and that a notice, of which annexed is a printed
copy taken from said paper, has been published in said newspaper as follows:

NOVEMBER 29

Julie Todd

Subscribed and sworn to before me this 30 day of

NOVEMBER

, A.D. 2009.

Maissa J. Koestel

Notary Public, Fond du Lac, Wisconsin

Printer's Fees: \$85.67

The Town Board of the Town of Eldorado has adopted written procedures designed to foster public participation in every stage of the preparation of a comprehensive plan as required by sec. 66.1001(4)(a), Wis. Stats.

SECTION V - TOWN PLAN COMMISSION RECOMMENDATION.

The Plan Committee of the Town of Eldorado, by a majority vote of the entire commission, recorded in its official minutes, has adopted a resolution recommending to the Town Board the adoption of the Town of Eldorado Comprehensive Plan, which contains all of the elements specified in sec. 66.1001(2), Wis. Stats.

SECTION VI PUBLIC HEARING. The Town of Eldorado has held at least one public hearing on this ordinance, with notice in compliance with the requirements of sec. 66.1001(4)(d), Wis. Stats.

SECTION VII - ADOPTION OF TOWN COMPREHENSIVE PLAN.

The Town Board of the Town of Eldorado by the enactment of this ordinance, formally adopts the document entitled Town of Eldorado Comprehensive Plan Ordinance under sec. 66.1001(4)(c), Wis. Stats.

SECTION VIII 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 of application, and to this end, the provisions of this ordinance are severable.

SECTION IX - EFFECTIVE DATE. This ordinance is effective on publication or posting. The Town clerk shall properly post or publish this ordinance as required under sec. 60.80, Wis. Stats. Adopted this 24th day of November, 2009.
Board Members:
Chairman Gary Miller=Aye
Supervisor Dennis Mueller=Aye
Supervisor Bill Averbeck=Aye
Gary Miller, Chairman, Dennis Mueller, Supervisor, Bill Averbeck, Supervisor
Certification: I, Lori Linger, Clerk of the Town of Eldorado, hereby certify that the above is a true and correct copy of an ordinance that was adopted on the 24th day of November, 2009, by the Town Board of Supervisors.

Lori Linger, Clerk,
Town of Eldorado
Published November
29, 2009 (1593)
WNAXLP

ATTORNEYS

Wisconsin Fond du Lac County

Court

of Publication Notice

STATE OF WISCONSIN) COUNTY OF

FOND DU LAC) SECTION I - TITLE AND PURPOSE.

The title of this ordinance is the Town of Eldorado Comprehensive Plan Ordinance. The purpose of this ordinance is for the Town of Eldorado, Fond du Lac County, Wisconsin, to lawfully adopt a comprehensive plan as required under sec. 66.1001(4)(c), Wis. Stats.

SECTION II AUTHORITY. The Town Board of the Town of Eldorado, Fond du Lac County, Wisconsin, has authority under its village powers under sec. 60.22, Wis. Stats., its power to appoint a town plan commission under sec. 60.62(4) and sec. 62.23(1), Wis. Stats., and under sec. 66.1001(4), Wis. Stats., to adopt this ordinance. The comprehensive plan of the Town of Eldorado must be in compliance with sec. 66.1001(4)(c), Wis. Stats., in order for the town board to adopt this ordinance.

SECTION III ADOPTION OF ORDINANCE. The Town Board of the Town of Eldorado, Fond du Lac 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 of Eldorado to adopt its Comprehensive Plan under sec. 66.1001(4), Wis. Stats., and provides the authority for the Town Board to order its publication.

SECTION IV PUBLIC PARTICIPATION.

Chapter 4
Town of Eldorado
AMENDED
Plan Commission Ordinance

Contents

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Town Comprehensive Plan or Amendment

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Notes

Town Plan Commission Ordinance & Notes

The Town Board of the Town of Eldorado, Fond du Lac County, Wisconsin, does ordain as follows:

Section 1. Title

This ordinance is entitled the "Town of Eldorado Plan Commission Ordinance."

Section 2. Purpose

The purpose of this ordinance is to establish a Town of Eldorado Plan Commission and set forth its organization, powers and duties, to further the health, safety, welfare and wise use of resources for the benefit of current and future residents of the Town and affected neighboring jurisdictions, through the adoption and implementation of comprehensive planning with significant citizen involvement.

Section 3. Authority; Establishment

The Town Board of the Town of Eldorado has been authorized by the Town meeting under sec. 60.11(2)(c), Wis. Stats., to exercise village powers and the Town has a population of less than 2,500, according to the most recent regular or special federal census, sec. 990.01 (29), Wis. Stats. The Town Board hereby exercises village powers under sec. 60.22(3), Wis. Stats., and establishes a five (5) member Plan Commission under secs. 60.62(4), 61.35 and 62.23, Wis. Stats. The Plan Commission shall be considered the "Town Planning Agency" under secs. 236.02(13) and 236.45, Wis. Stats., which authorize, but do not require, Town adoption of a subdivision or other land division ordinance.

Section 4. Membership

The Plan Commission consists of one (1) member of the Town Board, who may be the Town Board Chairperson, and four (4) citizen members, who are not otherwise Town officials, and who shall be persons of recognized experience and qualifications.

Section 5. Appointments

The Town Board Chairperson shall appoint the members of the Plan Commission, subject to confirmation by the Town Board, during the month of April, to fill any expiring term. The Town Board Chairperson shall also select the Chairperson of the Plan Commission. The Town Board Chairperson may appoint himself or herself or another Town Board member to the Plan Commission and may designate himself or herself, the other Town Board member, or a citizen member as Chairperson of the Plan Commission. In a year in which any Town Board member is elected at the spring election, any appointment or designation by the Town Board Chairperson shall be made after the election and qualification of the Town Board members elected. Any citizen appointed to the Plan Commission shall take and file the oath of office within five (5) days of notice of appointment, as provided under secs. 19.01 and 60.31, Wis. Stats.

Section 6. Terms of Office (With Citizen Member Terms Staggered)

The term of office for the Plan Commission Chairperson and each Commission member shall be for a period of 3 years, ending on April 30, or until a successor is appointed and qualified, except:

- (1) Initial Terms. (5-member) The citizen members initially appointed to the Plan Commission shall be appointed for staggered terms.
- (2) Town Board Member or Chairperson. The Plan Commission member who is a Town Board member or Town Board Chairperson, including a person designated the Plan Commission Chairperson, shall serve for a period of two (2) years, as allowed under sec. 66.0501(2), Wis. Stats., concurrent with his or her term on the Town Board, except an initial appointment made after April 30 shall be for a term that expires two (2) years from the previous April 30.

Section 7. Vacancies

A person who is appointed to fill a vacancy on the Plan Commission shall serve for the remainder of the term. A member of the Plan Commission may be removed only by a majority vote of the Town Board.

Section 8. Compensation; Expenses

The Town Board of the Town of Eldorado hereby sets a per diem allowance of \$35.00 per meeting for citizen and Town Board members of the Plan Commission, and \$75.00 per meeting for the Secretary and the Chairperson of the Plan Commission, as allowed under sec. 66.0501(2), Wis. Stats. In addition, the Town Board may reimburse reasonable costs and expenses, as allowed under sec. 60.321, Wis. Stats.

Section 9. Experts & Staff

The Plan Commission may, under sec. 62.23(1), Wis. Stats., recommend to the Town Board the employment of experts and staff, and may review and recommend to the approval authority proposed payments under any contract with an expert.

Section 10. Rules; Records

The Plan Commission, under sec. 62.23(2), Wis. Stats., may adopt rules for the transaction of its business, subject to Town ordinances, and shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record under secs. 19.21-19.39, Wis. Stats.

Section 11. Chairperson & Officers

(1) Chairperson. The Plan Commission Chairperson shall be appointed and serve a term as provided in sections 5 and 6 of this ordinance. The Chairperson shall, subject to Town ordinances and Commission rules:

- (a) provide leadership to the Commission;
- (b) set Commission meeting and hearing dates;
- (c) provide notice of Commission meetings and hearings and set their agendas, personally or by his or her designee;
- (d) preside at Commission meetings and hearings; and
- (e) ensure that the laws are followed.

(2) Vice Chairperson. The Plan Commission may elect, by open vote or secret ballot under sec. 19.88(1), Wis. Stats., a Vice Chairperson to act in the place of the Chairperson when the Chairperson is absent or incapacitated for any cause.

(3) Secretary. The Plan Commission shall elect, by open vote or secret ballot under sec. 19.88(1), Wis. Stats., one of its members to serve as Secretary, or, with the approval of the Town Board, designate the Town Clerk or other Town officer or employee as Secretary.

Section 12. Commission Members as Local Public Officials

All members of the Plan Commission shall faithfully discharge their official duties to the best of their abilities, as provided in the oath of office, sec. 19.01, Wis. Stats., in accordance with, but not limited to, the provisions of the Wisconsin Statutes on: Public Records, secs. 19.21-19.39; Code of Ethics for Local Government Officials, secs. 19.42, 19.58 & 19.59; Open Meetings, secs. 19.81-19.89; Misconduct in Office, sec. 946.12; and Private Interests in Public Contracts, sec. 946.13. Commission members shall further perform their duties in a fair and rational manner and avoid arbitrary actions.

Section 13. General & Miscellaneous Powers

The Plan Commission, under sec. 62.23(4), Wis. Stats., shall have the power:

(1) Necessary to enable it to perform its functions and promote Town planning.

(2) To make reports and recommendations relating to the plan and development of the Town to the Town Board, other public bodies, citizens, public utilities and organizations.

(3) To recommend to the Town Board programs for public improvements and the financing of such improvements.

(4) To receive from public officials, within a reasonable time, requested available information required for the Commission to do its work.

(5) For itself, its members and employees, in the performance of their duties, to enter upon land, make examinations and surveys, and place and maintain necessary monuments and marks thereon. However, entry shall not be made upon private land, except to the extent that the private land is held open to the general public, without the permission of the landowner or tenant. If such permission has been refused, entry shall be made under the authority of an inspection warrant issued for cause under sec. 66.0119, Wis. Stats., or other court-issued warrant.

(6) To review applications for Conditional Use Permits, consistent with Section 15.2 of the Town of Eldorado Zoning Ordinance and Sec. 62.23(7)(e)1 Wis. Stats., and make recommendations to the Town Board to approve, conditionally approve, or deny such permits.

(7) To review requests for rezones, determine their consistency with the adopted Town of Eldorado Comprehensive Plan, and make recommendations to the Town Board to approve, conditionally approve, or deny such requests.

(8) To review applications for certified survey maps, concept plats, preliminary plats, and final plats, consistent with Chapter 18: Land Division & Subdivision Regulations of the Town of Eldorado, and make recommendations to the Town Board to approve, conditionally approve, or deny such applications.

(9) To review initial site plans, consistent with Section 16 of the Town of Eldorado Zoning Ordinance and make recommendations to the Town Board to approve, conditionally approve, or deny such plans.

(10) To review applications for permits under, and determine initial compliance with, the Town of Eldorado Wireless Telecommunications Tower Ordinance and make recommendations to the Town Board to approve, conditionally approve, or deny such permits.

(11) To hold public hearings on matters related to the Comprehensive Plan and Town land use ordinances.

(12) To authorize staff to review applications for minor land divisions through certified survey maps, concept plats, preliminary plats, and final plats and prepare written reports to the Plan Commission that include recommendations to approve, conditionally approve, or deny such applications.

(13) To authorize staff to review initial site plans, consistent with Section 16 of the Town of Eldorado Zoning Ordinance, and prepare written reports to the Plan Commission that include recommendations to approve, conditionally approve, or deny such plans.

(14) To authorize staff to prepare written staff reports regarding various planning and zoning issues that arise from time to time.

Section 14. Town Comprehensive Planning: General Authority & Requirements

(1) The Plan Commission shall make and adopt a comprehensive plan under secs. 62.23 and 66.1001, Wis. Stats., which contains the elements specified in sec. 66.1001(2), Wis. Stats, and follows the procedures in sec. 66.1001(4), Wis. Stats.

(2) The Plan Commission shall make and adopt the comprehensive plan within the time period directed by the Town Board, but not later than a time sufficient to allow the Town Board to review the plan and pass an ordinance adopting it to take effect on or before January 1, 2010, so that the Town comprehensive plan is in effect by the date on which specified town actions must be consistent with the Town comprehensive plan under sec. 66.1001(3), Wis. Stats.

(3) In this section the requirement to “make” the plan means that the Plan Commission shall ensure that the plan is prepared, and oversee and coordinate the preparation of the plan, whether the work is performed for the Town by the Plan Commission, Town staff, another unit of government, the regional planning commission, a consultant, citizens, an advisory committee, or any other person, group or organization.

Section 15. Procedure for Plan Commission Adoption & Recommendation of a Town Comprehensive Plan or Amendment

The Plan Commission, in order to ensure that the requirements of sec. 66.1001(4), Wis. Stats, are met, shall proceed as follows.

(1) Public participation verification. Prior to beginning work on a comprehensive plan, the Plan Commission shall verify that the Town Board has adopted written procedures designed to foster public participation in every stage of preparation of the comprehensive plan. These written procedures shall include open discussion,

communication programs, information services and noticed public meetings. These written procedures shall further provide for wide distribution of proposed, alternative or amended elements of a comprehensive plan and shall provide an opportunity for written comments to be submitted by members of the public to the Town Board and for the Town Board to respond to such written comments.

(2) Resolution. The Plan Commission, under sec. 66.1001(4)(b), Wis. Stats., shall recommend its proposed comprehensive plan or amendment to the Town Board by adopting a resolution by a majority vote of the entire Plan Commission. The vote shall be recorded in the minutes of the Plan Commission. The resolution shall refer to maps and other descriptive materials that relate to one or more elements of the comprehensive plan. The resolution adopting a comprehensive plan shall further recite that the requirements of the comprehensive planning law have been met, under sec. 66.1001, Wis. Stats., namely that:

- (a) the Town Board adopted written procedures to foster public participation and that such procedures allowed public participation at each stage of preparing the comprehensive plan;
- (b) the plan contains the nine (9) specified elements and meets the requirements of those elements;
- (c) the (specified) maps and (specified) other descriptive materials relate to the plan;
- (d) the plan has been adopted by a majority vote of the entire Plan Commission, which the clerk or secretary is directed to record in the minutes; and
- (e) the Plan Commission clerk or secretary is directed to send a copy of the comprehensive plan adopted by the Commission to the governmental units specified in sec. 66.1001(4), Wis. Stats., and sub. (3) of this section.

(3) Transmittal. One copy of the comprehensive plan or amendment adopted by the Plan Commission for recommendation to the Town Board shall be sent to:

- (a) Every governmental body that is located in whole or in part within the boundaries of the Town, including any school district, Town sanitary district, public inland lake protection and rehabilitation district or other special district.
- (b) The clerk of every city, village, town, county and regional planning commission that is adjacent to the Town.
- (c) The Wisconsin Land Council.
- (d) After September 1, 2005, the Department of Administration.
- (e) The regional planning commission in which the Town is located.
- (f) The public library that serves the area in which the Town is located.

Section 16. Plan Implementation & Administration

(1) Ordinance development. If directed by resolution or motion of the Town Board, the Plan Commission shall prepare the following:

- (a) Zoning. A proposed Town zoning ordinance under village powers, secs. 60.22(3), 61.35 and 62.23(7), Wis. Stats., a Town construction site erosion control and stormwater management zoning ordinance under sec.

60.627(6), Wis Stats., a Town exclusive agricultural zoning ordinance under subch. V of ch. 91, Wis. Stats., and any other zoning ordinance within the Town's authority.

(b) Official map. A proposed official map ordinance under sec. 62.23 (6), Wis. Stats.

(c) Subdivisions. A proposed Town subdivision or other land division ordinance under sec. 236.45, Wis. Stats.

(d) Other. Any other ordinance specified by the Town Board (Note: e.g., historic preservation, design review, site plan review).

(2) Ordinance amendment. The Plan Commission, on its own motion, or at the direction of the Town Board by its resolution or motion, may prepare proposed amendments to the Town's ordinances relating to comprehensive planning and land use.

(3) Non-regulatory programs. The Plan Commission, on its own motion, or at the direction of the Town Board by resolution or motion, may propose non-regulatory programs to implement the comprehensive plan, including programs relating to topics such as education, economic development and tourism promotion, preservation of natural resources through the acquisition of land or conservation easements, and capital improvement planning.

(4) Program administration. The Plan Commission shall, pursuant to Town ordinances, have the following powers.

(a) Subdivision review. Proposed plats under ch. 236, Wis. Stats, [and proposed subdivisions or other land divisions under the Town subdivision ordinance under sec. 236.45, Wis. Stats. and sections of the Town ordinances] shall be referred to the Plan Commission for review and recommendation to the Town Board.

(5) Consistency. When the Plan Commission considers any action that is subject to the consistency requirement in sec. 66.1001(3), Wis. Stats., the action of the Plan Commission shall, as of January 1, 2010, be consistent with the Comprehensive Plan. If any such Plan Commission action would not be consistent with the comprehensive plan, the Plan Commission shall use this as information to consider in updating the comprehensive plan.

Section 17. Referrals to the Plan Commission

(1) Required referrals under sec. 62.23(5), Wis. Stats. The following shall be referred to the Plan Commission for report:

- (a) The location and architectural design of any public building.
- (b) The location of any statue or other memorial.
- (c) The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any
 - (i) street, alley or other public way;
 - (ii) park or playground;
 - (iii) airport;
 - (iv) area for parking vehicles; or
 - (v) other memorial or public grounds.
- (d) The location, extension, abandonment or authorization for any publicly

or privately owned public utility.

(e) All plats under the Town's jurisdiction under ch. 236, Wis. Stats., including divisions under a Town subdivision or other land division ordinance adopted under sec. 236.45, Wis. Stats.

(f) The location, character and extent or acquisition, leasing or sale of lands for

- (i) public or semi-public housing;
- (ii) slum clearance;
- (iii) relief of congestion; or
- (iv) vacation camps for children.

(g) The amendment or repeal of any ordinance adopted under sec. 62.23, Wis. Stats., including ordinances relating to: the Town Plan Commission; the Town master plan or the Town comprehensive plan under sec. 66.1001, Wis. Stats.; a Town official map; and Town zoning under village powers.

(2) Required referrals under sections of the Wisconsin Statutes other than sec. 62.23(5), Wis. Stats. The following shall be referred to the Plan Commission for report:

(a) An application for initial licensure of a child welfare agency or group home under sec. 48.68(3), Wis. Stats.

(b) An application for initial licensure of a community-based residential facility under sec. 50.03(4), Wis. Stats.

(c) Proposed designation of a street, road or public way, or any part thereof, wholly within the jurisdiction of the Town, as a pedestrian mall under sec. 66.0905, Wis. Stats.

(d) Matters relating to the establishment or termination of an architectural conservancy district under sec 66.1007, Wis. Stats.

(e) Matters relating to the establishment of a reinvestment neighborhood required to be referred under sec. 66.1107, Wis. Stats.

(f) Matters relating to the establishment or termination of a business improvement district required to be referred under sec, 66.1109, Wis. Stats.

(g) A proposed housing project under sec. 66.1211(3), Wis. Stats.

(h) Matters relating to urban redevelopment and renewal in the Town required to be referred under subch. XIII of ch. 66, Wis. Stats.

(i) The adoption or amendment of a Town subdivision or other land division ordinance under sec. 236.45(4), Wis. Stats.

(j) Any other matter required by the Wisconsin Statutes to be referred to the Plan Commission.

(3) Required referrals under this ordinance. In addition to referrals required by the Wisconsin Statutes, the following matters shall be referred to the Plan Commission for report:

(a) Any proposal, under sec. 59.69, Wis. Stats., for the town to approve general county zoning so that it takes effect in the town, or to remain under general county zoning.

(b) Proposed regulations or amendments relating to historic preservation

under sec. 60.64, Wis. Stats.

(c) A proposed driveway access ordinance or amendment.

(d) A proposed Town official map ordinance under sec. 62.23(6), Wis. Stats., or any other proposed Town ordinance under sec. 62.23, Wis. Stats., not specifically required by the Wisconsin Statutes to be referred to the commission.

(e) A proposed Town zoning ordinance or amendment adopted under authority separate from or supplemental to sec. 62.23, Wis. Stats., including a Town construction site erosion control and stormwater management zoning ordinance under sec. 60.627(6), Wis. Stats., and a Town exclusive agricultural zoning ordinance under subch. V of ch. 91, Wis. Stats.

(f) A proposed site plan [Note: Assuming that the Town Board has final authority, and that such review is not already covered by Town zoning or subdivision ordinances].

(g) A proposed extraterritorial zoning ordinance or a proposed amendment to an existing ordinance under sec. 62.23(7a), Wis. Stats.

(h) A proposed boundary change pursuant to an approved cooperative plan agreement under sec. 66.0307, Wis. Stats., or a proposed boundary agreement under sec. 66.0225, Wis. Stats., or other authority.

(i) A proposed zoning ordinance or amendment pursuant to an agreement in an approved cooperative plan under sec. 66.0307(7m), Wis. Stats.

(j) Any proposed plan, element of a plan or amendment to such plan or element developed by the regional planning commission and sent to the Town for review or adoption.

(k) Any proposed contract, for the provision of information, or the preparation of a comprehensive plan, an element of a plan or an implementation measure, between the Town and the regional planning commission, under sec. 66.0309, Wis. Stats., another unit of government, a consultant or any other person or organization.

(l) A proposed ordinance, regulation or plan, or amendment to the foregoing, relating to a mobile home park under sec. 66.0435, Wis. Stats.

(m) A proposed agreement, or proposed modification to such agreement, to establish an airport affected area, under sec. 66.1009, Wis. Stats.

(o) A proposed town airport zoning ordinance under sec. 114.136(2), Wis. Stats.

(p) A proposal to create environmental remediation tax incremental financing in the town under sec. 66.1106, Wis. Stats.

(q) A proposed county agricultural preservation plan or amendment, under subch. IV of ch. 91, Wis. Stats., referred by the county to the Town, or proposed Town agricultural preservation plan or amendment.

(s) Any other matter required by any Town ordinance or Town Board resolution or motion to be referred to the Plan Commission.

(4) Discretionary referrals. The Town Board, or other town officer or body with final approval authority or referral authorization under the Town ordinances, may refer

any of the following to the Plan Commission for report:

- (a) A proposed county development plan or comprehensive plan, proposed element of such a plan, or proposed amendment to such plan.
- (b) A proposed county zoning ordinance or amendment.
- (c) A proposed county subdivision or other land division ordinance under sec. 236.45, Wis. Stats., or amendment.
- (d) An appeal or permit application under the county zoning ordinance to the county zoning board of adjustment, county planning body or other county body.
- (e) A proposed intergovernmental cooperation agreement, under sec. 66.0301, Wis Stats., or other statute, affecting land use, or a municipal revenue sharing agreement under sec. 66.0305, Wis. Stats.
- (f) A proposed plat or other land division under the county subdivision or other land division ordinance under sec. 236.45, Wis. Stats.
- (g) A proposed county plan, under sec. 236.46, Wis. Stats., or the proposed amendment or repeal of the ordinance adopting such plan, for a system of town arterial thoroughfares and minor streets, and the platting of lots surrounded by them.
- (h) Any other matter deemed advisable for referral to the Plan Commission for report.

(5) Referral period. No final action may be taken by the Town Board or any other officer or body with final authority on a matter referred to the Plan Commission until the Commission has made its report, or thirty (30) days, or such longer period as stipulated by the Town Board, has passed since referral. The thirty (30) day period for referrals required by the Wisconsin Statutes may be shortened only if so authorized by statute. The thirty (30) day referral period, for matters subject to required or discretionary referral under the Town's ordinances, but not required to be referred under the Wisconsin Statutes, may be made subject by the Town Board to a referral period shorter or longer than the thirty (30) day referral period if deemed advisable.

Section 18. Effective Date

Following passage by the Town Board, this ordinance shall take effect the day after the date of publication or posting as provided by sec. 60.80, Wis. Stats.


ADOPTED this 17th day of November, 2009.

Published this 27th day of January, 2010.

AMENDED this 26th day of June, 2012.

Published this 1st day of July, 2012.

Attest: 
Lori Linger, Town Clerk


Gary Milley, Town Chairman

**TOWN OF ELDORADO
FOND DU LAC COUNTY, WISCONSIN**


**AMENDMENT TO
PLAN COMMISSION ORDINANCE
SECTION 8 – COMPENSATION; EXPENSES**

The Town Board of the Town of Eldorado, Fond du Lac County, Wisconsin, does hereby amend Section 8 of the Plan Commission Ordinance to read as follows:

Section 8. Compensation; Expenses

The Town Board of the Town of Eldorado hereby sets a per diem allowance of \$35.00 per meeting for citizen and Town Board members of the Plan Commission, and \$40.00 per meeting for the Secretary of the Plan Commission, as allowed under sec. 66.0501(2), Wis. Stats. In addition, the Town Board may reimburse reasonable costs and expenses, as allowed under sec. 60.321, Wis. Stats.

Adopted this 26th day of January, 2010.
Published Feb. 28th, 2010



Gary Miller, Town Chairman

Attest: 

Lori Linger, Town Clerk

**TOWN OF ELDORADO
FOND DU LAC COUNTY, WISCONSIN**

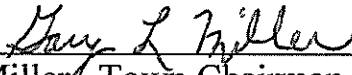
**AMENDMENT TO
PLAN COMMISSION ORDINANCE
SECTION 8 – COMPENSATION; EXPENSES**

The Town Board of the Town of Eldorado, Fond du Lac County, Wisconsin, does hereby amend Section 8 of the Plan Commission Ordinance to read as follows:

Section 8. Compensation; Expenses

The Town Board of the Town of Eldorado hereby sets a per diem allowance of \$35.00 per meeting for citizen and Town Board members of the Plan Commission, and \$75.00 per meeting for the Secretary and the Chairperson of the Plan Commission, as allowed under sec. 66.0501(2), Wis. Stats. In addition, the Town Board may reimburse reasonable costs and expenses, as allowed under sec. 60.321, Wis. Stats.

Adopted this 21st day of December, 2010
Published Dec. 29th, 2010



Gary Miller, Town Chairman

Attest: 

Lori Linger, Town Clerk

CHAPTER 5
ORDINANCE FOR ADOPTION OF WISCONSIN
UNIFORM DWELLING CODE

CONTENTS

- 1.1 Authority
- 1.2 Purpose
- 1.3 Scope
- 1.4 Adoption of Wisconsin Uniform Dwelling Code
- 1.5 Building Inspector
- 1.6 Building Permit Required
- 1.7 Building Permit Fees
- 1.8 Penalties
- 1.9 Effective Date

1.1 **AUTHORITY.** These regulations are adopted under the authority granted by Sec. 101.65 of the Wisconsin Statutes

1.2 **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.

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

1.4 **WISCONSIN UNIFORM DWELLING CODE ADOPTED.** The Wisconsin Uniform Dwelling Code, Chs. Comm 20-25 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.

1.5 **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 and 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.

1.6 **BUILDING PERMIT REQUIRED.** No person shall alter, in the excess of \$~~25,000.00~~^{25,000} Value in any twelve month period, build, add onto or alter any building within the scope of this ordinance without first obtaining a building permit for such work from the building inspector. Any structural changes or major changes to mechanical systems that involve extensions shall require permits. Restoration or repair of an installation to its previous code-compliant conditions as determined by the building

inspector is exempted from permit requirements. Residing, re-roofing, finishing of interior surfaces and installation of cabinetry shall be excluded from permit requirements.

1.7 BUILDING PERMIT FEES. The building permit fees shall be determined by resolution.

1.8 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 \$ 50.00 nor more than \$ 500.00 for each day of noncompliance.

Adopted this 13th, day of JUNE, 2000

Gary Miller
Gary Miller, Town Chairman

Attest: Cheryl Langenfeld
Cheryl Langenfeld, Clerk

Published: JUNE 27th, 2000

CHAPTER 6

TOWN OF ELDORADO

ADOPTION OF COMMERCIAL BUILDING CODE

CONTENTS

- 1.1 Authority
- 1.2 Purpose
- 1.3 Scope
- 1.4 Adoption of Wisconsin Commercial Building Code
- 1.5 Building Inspector
- 1.6 Building Permit Required
- 1.7 Building Permit Fees
- 1.8 Penalties
- 1.9 Triple Fee
- 2.0 Effective Date

1.1 **AUTHORITY.** These regulations are adopted under the authority granted by Sections 101.86, 101.865, and 62.17, Wisconsin Statutes.

1.2 **PURPOSE.** The purpose of this ordinance is to promote the general health, safety and welfare and to maintain local uniformity with the administrative and technical requirements of the Wisconsin Commercial Building Codes.

1.3 **SCOPE.** the scope of this ordinance includes the construction and inspection of all commercial buildings and structures.

1.4 **WISCONSIN COMMERCIAL BUILDING CODE ADOPTED.** The following Chapters of the Wisconsin Administrative Code are adopted and incorporated by reference herein and shall apply to all buildings within the scope of this ordinance:

Comm 61 thru 63 inclusive	Buildings and Structures
Comm 64 & 65	Heating, Ventilating, & Air Conditioning
Comm 16 & National Electrical Code	Electrical Codes
Comm 81 thru 87	Plumbing Codes

1.5 **BUILDING INSPECTOR.** The Building Inspector of the Town of Eldorado 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 all required certification categories. The Building Inspector shall perform all building inspections and plan reviews on projects not exceeding 50,000 cubic feet.

1.6 BUILDING PERMIT REQUIRED. No person shall construct or alter any commercial building or add onto such building within the scope of this ordinance without first obtaining a building permit for such work from the Building Inspector. Any structural changes or major changes to mechanical systems that involve extensions shall require permits. Restoration or repair of an installation to its previous code complaint condition as determined by the Building Inspector is exempted from permit requirements. Residing, re-roofing, window replacement with like in kind, finishing of interior surfaces and installation of cabinetry shall be exempted from permit requirements.

1.7 BUILDING PERMIT FEE. The building permit fee shall be determined by resolution from time to time.

1.8 PENALTIES. The enforcement of this section and all other laws and ordinances relating to building shall be by means of withholding of building permits, imposition of forfeitures and injunctive action. Forfeitures shall be not less than \$10.00 nor more than \$100.00 for each day of noncompliance.

1.9 TRIPLE FEE. Notwithstanding the above penalty provisions, when any work is begun on site without first obtaining the required permit, the Building Inspector shall have the power to stop work until a permit has been obtained. The required permit fees shall be tripled. The payment of such triple fees shall not relieve any person from fully complying with all the regulations of this ordinance, nor from any of the penalties prescribed herein.

2.0 EFFECTIVE DATE. This ordinance shall be effective upon passage and publication as provided by law.

Adopted this 24th day of May, 2005.

Gary Miller
Gary Miller, Chairperson

ATTEST:

Cheryl Langenfeld
Cheryl Langenfeld, Clerk

Published: June 14, 2005

**TOWN OF ELDORADO
FOND DU LAC COUNTY, WISCONSIN**

**AMENDMENTS TO ORDINANCE REGULATING LENGTH OF LAWNS AND
GRASSES**

The Town Board of the Town of Eldorado does hereby ordain the following amendments to the Town's Ordinance Regulating Length of Lawns and Grasses:

Section 1. Regulation of Length of Lawn and Grasses is repealed and recreated as follows:

SECTION 1. NOXIOUS WEEDS AND MAINTENANCE OF VEGETATION.

1) **PURPOSE.** It is the purpose of this Ordinance to prohibit the uncontrolled growth of vegetation and to control noxious weeds, while permitting the planting and maintenance of planned natural landscaping that adds diversity and richness to the quality of life. There are reasonable expectations regarding the proper maintenance of vegetation on any lot or parcel of land. It is in the public's interest to provide standards regarding the maintenance of vegetation because vegetation that is not managed can decrease the value of nearby properties and threaten the public health and safety. It is also in the public's interest to encourage diverse landscaping treatments, particularly those that encourage the preservation, restoration, and management of native plant communities which can be economical, low maintenance and effective in soil and water conservation. The Town enacts this Section to balance these competing interests.

2) DEFINITIONS.

- (a) "Destroy" means the complete killing of weeds or the killing of weed plants above the surface of the ground by the use of chemicals, cutting, tillage, cropping system, or any or all of these in effective combination, at a time and in a manner as will effectually prevent the weed plants from maturing to bloom or flower stage.
- (b) "Garden" means a cultivated area dedicated to growing vegetables, fruits, annual and perennial plants, ornamental grasses and ground cover in a well-defined location.
- (c) "Native Plants" means those grasses (including prairie grasses), sedges (solid, triangular stemmed plants resembling grasses), forbs (flowering broadleaf plants) that are native to or naturalized to the state of Wisconsin. Native plants do not include weeds.
- (d) "Noxious Weeds" means any plant listed under §§ 23.235(1)(a) or

66.0407(1)(b), Wis. Stats., and shall also include arctium spp. (burdock), cirsium and carduus spp. (thistle), ambrosia spp. (ragweed), alliaria petiolata (garlic mustard), plantage lanceolate (buckhorn), and poison ivy.

- (e) "Ornamental Grasses and Groundcovers" means grasses and groundcovers not indigenous to Wisconsin. Ornamental grasses do not include turf grasses and weeds.
- (f) "Planned Natural Landscaping" means a planned, intentional and maintained planting of native plants, ornamental grasses and groundcovers, rain gardens, shrubs and trees. Planned natural landscaping does not include any species of turf grasses and is not intended to allow a property owner to ignore lawn care duties. Planned natural landscaping does not include gardens.
- (g) "Rain Garden" means a native plant garden that is designed not only to aesthetically improve properties, but also to reduce the amount of storm water and accompanying pollutants from entering streams, rivers and lakes.
- (h) "Turf Grasses" means grasses commonly used in regularly cut lawns or play areas including bluegrass, fescue or rye grass blends or any other similar grasses.
- (i) "Unmanaged Plant Growth" means any grass, hay, weeds, brush or other offensive vegetation which has grown to a height of over 8" but does not include:

1. Gardens,
2. Plants located on agricultural land, as classified under the Zoning Code,
3. Plants located on shoreland within 35 feet of the ordinary high-water mark,
4. Plants located within environmentally sensitive areas such as steep slopes, drainage ways, wetlands, and protective buffer areas, or
5. Planned natural landscaping that is wholly contained within the parcel on which it is planted and maintained.

3) CONTROL OF NOXIOUS WEEDS AND UNMANAGED PLANT GROWTH

- (a) A person owning, occupying, or controlling land shall destroy all noxious weeds on the land and shall cut and remove any unmanaged plant growth on the land. The person having immediate charge of any public lands shall destroy all noxious weeds on the lands and shall cut and remove any unmanaged plant

growth on the land.

(b) **Public Nuisance Declared.** The Town Board finds that noxious weeds, or unmanaged plant growth on parcels of land which exceeds the required height is (2) (i) above, affect the public health and safety and constitute a safety hazard in that debris can be hidden in the grass, interfere with the public convenience and adversely affect property values of other land within the Town. For those reasons, any noxious weeds or unmanaged plant growth is hereby declared to be a public nuisance, except for the exceptions in (2) (i) above.

(c) **Nuisances Prohibited.** No person, firm or corporation shall permit any public nuisance as defined in Subsection (3)(b) above to remain on any premises owned or controlled by that person within the Town.

(d) **Inspection.** The Weed Commissioner or the Town Board's designee shall inspect or cause to be inspected all premises and places within the Town to determine whether any public nuisance as defined in Subsection (3)(b) above exists.

(e) **Abatement of Nuisance.** If the Weed Commissioner or the Town Board determines that any public nuisance as defined in Subsection (3)(b) above exists, he/it shall immediately cause written notice to be served that the Town proposes to have the unmanaged growth cut so as to conform with this Section.

(f) **Due Process Hearing.** If the owner believes that his or her unmanaged growth or noxious weeds are not a nuisance, he or she may request a hearing before the Town Board. The request for said hearing must be made in writing to the Town Clerk's office within five (5) days as set forth in the notice. Upon application for the hearing, the property owner must deposit a \$100.00 bond. If a decision is rendered in the property owner's favor, the \$100.00 will be returned to the property owner. If the property owner fails to appear for the hearing or if the decision is rendered against the property owner, the deposit shall be forfeited and applied to the cost of Town personnel abating the nuisance, if necessary. Any remaining funds will be refunded to the owner. When a hearing is requested by the owner of the property, a hearing by the Town Board shall be held within seven (7) days from the date of the owner's request. The property in question will not be mowed by the Town until such time as the hearing is held by the Town Board. At the hearing, the owner may appear in person or by his/her attorney, may present witnesses in his own behalf and may cross-examine witnesses presented by the Town as well as subpoena witnesses for his/her own case. At the close of the hearing, the Town Board shall make its determination in writing specifying its findings, facts, and conclusions. If the Town Board determines that a public nuisance did exist, the Town Board shall order the Weed Commissioner or the Board's designee to destroy or have destroyed the noxious weeds and/or to remove or cause to be cut down and remove the unmanaged plant growth within forty-eight (48) hours of the Town Board's decision. If the owner does not abate

the nuisance within the described forty-eight (48) hours, the Town shall cause the nuisance to be abated and cost in excess of the forfeited fee assessed accordingly.

(g) Option To Abate Nuisance. In any case where the owner, occupant or person in charge of the property shall fail to destroy or have destroyed the noxious weeds and/or to remove or cause to be cut down and remove the unmanaged plant growth as set forth above, then, and in that event, the Town may elect to destroy or have destroyed the noxious weeds and/or to remove or cause to be cut down and remove the unmanaged plant growth cut said noxious weeds and unmanaged plant growth as follows:

- (1) The written notice required in Subsection (3) (e) shall inform said person that in the event of his/her failure to abate the nuisance within the prescribed time, the Town shall abate the same and the cost thereof shall be assessed to the property owner as a special charge.
- (2) The Town shall destroy or have destroyed the noxious weeds and/or to remove or cause to be cut down and remove the unmanaged plant growth from the subject's property and shall charge the expenses of so doing at a rate as established by resolution by the Town Board. The charges shall be set forth in a statement to the Town Clerk who, in turn, shall mail the same to the owner, occupant or person in charge of the subject premises. If said statement is not paid in full within thirty (30) days thereafter, the Town Clerk shall enter the charges in the tax roll as a special charge against said parcel of land, and the same shall be collected as provided under Sec. 66.0627, Wis. Stats.

(5) PLANNED NATURAL LANDSCAPING

(a) Any person wishing to maintain a planned natural landscaping area on their property shall submit a written plan to the Town Board relating to the management and maintenance of a landscape which meets the following requirements:

- (1) Street address or legal description of the property where the proposed planned natural landscape is being requested.
- (2) A statement of intent and purpose for the planned natural landscape.
- (3) A detailed description of the types of plants and plant succession involved.
- (4) Specific management and maintenance techniques to be employed.

(b) Plan and Permit Required; Restrictions.

- (1) The growth of planned natural landscapes in excess of eight inches in height shall be prohibited within the Town, unless a natural

landscape management plan is approved and a permit is issued by the Town as set forth in this article.

(2) Proposed planned natural landscaping is to be confined to property owned by the applicant according to current Town Assessor's records.

(3) Planned natural landscaping on any Town-owned property within any street right-of-way is strictly prohibited. This shall include the property between the sidewalk and street and not less than 10 feet adjacent to the street where there is no sidewalk.

(4) Planned natural landscapes shall not be permitted within three feet of the abutting property unless waived in writing by the abutting property owner on the side or sides affected. Such waiver shall be affixed to the landscape management plan.

(5) The property owner shall submit to the Town Board a drawing, plot plan and/or survey which will show the location of the planned natural landscape area on the applicant's property.

(6) All property owners who currently have planned natural landscapes must file for a permit and submit a plan to be covered by this Section.

(7) Planned natural landscaping is to be cut to a maximum height of 8" once annually by July 15th.

(8) Planned natural landscapes may constitute a fire or safety hazard, due to weather conditions or other conditions. The Town Board or the Weed Commissioner may order natural landscapes cut due to such conditions. As a condition of receiving approval of the natural landscape permit, the property owner shall be required to cut the natural landscape within three days upon receiving a written letter from the Town Board or the Weed Commissioner.

(c) Application for natural landscape permit. Property owners interested in applying for a natural landscape permit shall submit a natural landscape management plan to the Town Board. All plans received will be reviewed by the Town Board for permit approval. The property owner will be notified in writing by the Town of approval or denial. If no notification is received within 45 days of the property owner's initial submittal, the plans shall be deemed approved. The plan, permit and letter of notification will remain on file at the Town Clerk's office for future reference.

(d) **Compliance Enforcement.** Enforcement will be upon written complaint by at least one adjoining owner and filed with the Town Board. Upon receipt of a written complaint, the permitted property will be inspected by the Town Board's designee or Weed Commissioner. If the permitted property is determined to be in violation of this section, the property owner shall be notified by the Town Board or the Weed Commissioner by written notice to correct specific violations within 15 days upon receipt of letter. If the property owner does not correct the violations described in the written notice, the Town shall order the property mowed, and the property owner will be billed at the current rate for every hour worked, and the permit shall be revoked.

The Town Clerk and Town Attorney are hereby authorized and directed to make all changes within the text of the Town of Eldorado's Ordinance Regulating Length of Lawns and Grasses necessary to reflect the amendments described above.

Dated this 24 day of June, 2019.

TOWN OF ELDORADO

By: Gary L. Miller
Gary Miller, Chairperson

Attest: Karen Fontaine
Karen Fontaine, Clerk

CHAPTER 8

TOWN OF ELDORADO FOND DU LAC COUNTY, WISCONSIN

ROAD ACCESS CONTROL ORDINANCE

The Town Board of the Town of Eldorado, Fond du Lac County, Wisconsin, does ordain as follows:

SECTION 1. STATUTORY AUTHORITY. This Ordinance is adopted pursuant to sec. 60.20, Stats., sec 60.23, Stats., sec 86.07, Stats., and Chapter 236, Stats., as amended.

SECTION 2. PURPOSE. The purpose of this Ordinance is to regulate and control access onto Town roads in order to promote the public safety, convenience, general welfare, and economic viability, to protect the public investment of existing and proposed roads and to provide for safe and efficient use of the Town's road system. The design standards prescribed in this Ordinance are intended to promote the orderly and safe movement in and out of private properties so as to constitute a minimum degree of interference to through road traffic and to control the use of drainage structures and other objects within the road right-of-way.

SECTION 3. DEFINITIONS. The following definitions shall apply to this Ordinance:

ACCESS: The connection point for a private driveway to a public right of way.

DRIVEWAY: Any access for motorized vehicles from a public right of way onto one or two parcels.

FIELD ENTRANCE: An access point, the only use of which is as an entrance or exit to an agricultural parcel of land for field work purposes.

PARCEL: The area of land outside the public right-of-way, within the property lines of a given piece of property.

ROAD: Any highway, road, street, alley, avenue, lane, drive, boulevard, circle, or other pathway intended for the public use of motorized vehicles.

VISION CORNER: A clear triangle or right-of-way to control sight restrictions at access points.

SECTION 4. REGULATIONS.

- 4.1 Existing Access. Any use of access to a public right of way via driveway prior to the effective date of this ordinance will be permitted to the extent it was lawful at the time of its establishment, provided that any future improvements or alterations shall meet the terms of this ordinance.
- 4.2 Vacated Access. If the Town Board determines that the use of an access has been discontinued for a period of at least two years, the Town shall notify the owner by certified mail that the access is to be considered vacated. The Town Board will allow the owner 30 days to reply. If after 30 days the Town decides the access has been abandoned, the access shall be considered vacated and its use will not be permitted. Any further use of this access after it is declared vacated, will require a permit.
- 4.3 Access Prohibitions. No person shall construct an access within the meaning of this ordinance unless a valid permit has been obtained from the Town. Entrance to or exit from a Town road shall be prohibited except at designated access points. No person shall alter, in any manner, existing features within the Town road right-of-way, including but not limited to, ditches, drainage ways, culverts, bridges or pavement surfaces until or unless a permit has been obtained from the Town.
- 4.4 Subdivision of Land. Before any parcel of land is allowed to be subdivided it must be shown, to the Town's satisfaction, that access can be provided to each proposed parcel in such a way that it will not violate this Ordinance.
- 4.5 Village of Eldorado. The provisions of this Ordinance do not apply to the developed area within the Town's Traditional Neighborhood Design Overlay, as set forth in the Town of Eldorado Zoning Map.

SECTION 5. ACCESS SPACING AND FREQUENCY. Access spacing and frequency are subject to the following rules and regulations:

- 5.1 Only one access per parcel will be allowed for parcels zoned as Residential or Agricultural, unless otherwise expressly provided in this Ordinance.
- 5.2 Parcels zoned as Commercial or Industrial may be allowed two (2) points of access, provided each access meets the criteria of this Ordinance and provided that the development requires more than 50 parking spaces. This requirement may be modified by the Town Board if it determines that two (2) access points would provide for safer movement of traffic for a development that requires 50 or fewer parking spaces.
- 5.3 When a property owner owns multiple adjacent parcels with the same zoning classification, all of the frontage on the road shall be treated as a single parcel under this Ordinance.

- 5.4 Access permits shall not be issued where the horizontal distance between access points would be less than 200 feet, unless the applicant demonstrates to the Town Board's satisfaction that there is no other alternative to provide access to the existing parcel.
- 5.5 A driveway access shall not be permitted at a distance of less than 300 feet from the centerline of an intersecting town, county or state road to the proposed driveway.
- 5.6 If the applicant proposes a use not covered by this Ordinance, the Town Board reserves the right to grant an access permit provided the access does not conflict with safe driving standards or the preservation and maintenance of the road right-of-way.

SECTION 6. DESIGN STANDARDS. The following design standards shall apply to all driveways with access onto Town roads:

- 6.1 Culverts shall be at least 24 feet long and shall be placed under at least 1 foot of cover, be a minimum of 15 inches in diameter, be at least 10 feet from the nearest culvert and be constructed of corrugated metal or concrete with endwalls. Plastic pipe is prohibited. Culvert size will be determined by the Town Board, so as to allow for proper drainage.
- 6.2 Slopes to the side of the access shall not be steeper than 4 to 1 (25 percent) or that of the embankment of the Town road, whichever is less.
- 6.3 Retaining walls are prohibited.
- 6.4 Pavement of driveway access shall consist of blacktop or compacted gravel. Concrete is prohibited. For purposes of this subsection, "driveway access" refers to the portion of the driveway within 10 feet of the road's edge. Further, regardless of location, no driveway culvert may be covered by concrete.
- 6.5 Driveways shall be constructed so that drainage within road rights of way is not impeded.
- 6.6 The angle of driveway access shall be as close to 90 degrees with the centerline of the Town road as possible, but in no event less than 75 degrees.
- 6.7 Interior turnarounds shall be provided by the owner so that vehicles do not need to back onto the Town road.
- 6.8 Existing roads, including road surfaces, curbs, shoulders, slopes, ditches and vegetation shall be restored to their original condition by the applicant upon construction of a driveway.
- 6.9 Vision corners shall be free of all obstructions at each access point in accordance with the vision corner diagram included at the end of this Ordinance.

- 6.10 Access points on opposite sides of a road shall be located directly opposite each other whenever possible.
- 6.11 Shared or joint accesses, with Board approval, may be allowed whenever possible to minimize the number of access points and the interruption of traffic flow. Multiple access points shall not be permitted when shared access or interior roadways are available as an alternative.
- 6.12 Private driveways with access to one or two agricultural or residential parcels must have a driveway width of at least 20 feet and a return radius of 20 feet, all in accordance with the Type "A" access diagram included at the end of this Ordinance, except that for driveways in excess of 200 feet in length, the minimum driveway width shall be set by the Town Board based on factors including, but not limited to, lot characteristics, accessibility to emergency vehicles, and parking.
- 6.13 Type "B" access standards must be used for residential driveways with 3-20 dwelling units and for commercial or industrial parcels, all in accordance with the Type "B" access diagram included at the end of this Ordinance.

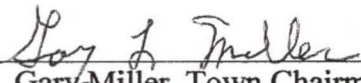
SECTION 7. ADMINISTRATION AND ENFORCEMENT.

- 7.1 Administration. The Town Board or its designee is hereby authorized to administer this Ordinance. Applications for permits and variances shall be made to the Town Board prior to beginning construction. Applications commencing work prior to issuance of an approved permit are subject to denial of permit, removal of access, as well as forfeitures, together with reasonable attorneys' fees.
- 7.2 Permits. No structure, object or item shall be constructed, reconstructed, altered, placed, installed, or planted within the jurisdiction of this Ordinance until a permit has been issued by the Town Board. An access permit shall expire one year from the date of issuance. The Town Board may require scale drawings or other information deemed necessary prior to granting a permit. The applicant shall be liable for all materials, labor and other costs connected with the construction of the access. The Town will not be liable for any damage or injury resulting from the construction of the access. The Town will not be responsible for any maintenance including, without limitation, snow and ice control. The applicant shall pay to the Town Clerk a fee for each permit application in accordance with the Town's current fee schedule.
- 7.3 Maintenance of Road During Construction. During construction of the access, the applicant shall be required to keep the road free of debris. Furthermore, the road will be swept clean at the direction of the Town Board.
- 7.4 Violations / Penalties. Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, forfeit not less than \$50.00 nor more than \$500.00 for each offense, together with costs of prosecution and reasonable attorneys' fees. Each day that a violation continues shall be considered a separate offense.

Adopted this 25th day of July, 2017.
Published this 7th day of August, 2017.

TOWN OF ELDORADO


Attest: Lori Linger, Town Clerk


By: Gary Miller, Town Chairman

CHAPTER 9

TOWN OF ELDORADO FOND DU LAC COUNTY, WISCONSIN

ADULT-ORIENTED ESTABLISHMENT ORDINANCE

WHEREAS, adult-oriented establishments require special supervision in order to protect and preserve the health, safety, and welfare of the patrons of such establishments as well as the citizens of the Town; and

WHEREAS, the Town Board finds that adult-oriented establishments may be used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature; and

WHEREAS, it has been found in Milwaukee and Kenosha Counties, Wisconsin; Chattanooga, Tennessee; Newport News, Virginia; and Marion County, Indiana, to name a few locales, that the viewing booths in adult-oriented establishments have been and are being used by patrons for engaging in sexual acts, particularly between males, including but not limited to, intercourse, sodomy, oral copulation and masturbation, resulting in unsafe and unsanitary conditions in said booths; and

WHEREAS, Acquired Immune Deficiency Syndrome (AIDS) is a sexually-transmitted disease that destroys the body's immune system, and has no known cure; and

WHEREAS, statistics from the State of Wisconsin have indicated an increase in the number of AIDS cases in the state; and

WHEREAS, the concern over sexually-transmitted diseases is a legitimate health concern of the Town that demands reasonable regulation of adult-oriented establishments in order to protect the health and well-being of the Town; and

WHEREAS, licensing is a legitimate means of accountability to ensure that operators of adult-oriented establishments comply with reasonable regulations and to insure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation; and

WHEREAS, adult-oriented establishments, because of their very nature, have a deleterious effect on both the existing establishments around them and the surrounding residential areas adjacent to them; and

WHEREAS, adult-oriented establishments, due to their very nature, have serious objectionable operational characteristics, particularly when they are located in proximity to each other, thereby contributing to blight and downgrading the quality of life in the adjacent area; and

WHEREAS, the Town Board wants to prevent these adverse effects and thereby protect the health, safety, and welfare of Town residents; protect residents from increased crime; preserve the quality of life; preserve the property values and character of the surrounding neighborhoods; and deter the spread of blight; and

WHEREAS, it is not the intent of this ordinance to suppress any speech activities protected by the First Amendment, but to enact a content neutral ordinance that addresses the secondary effects of adult-oriented establishments as well as the health problems associated with such establishments; and

WHEREAS, it is not the intent of the Town Board to condone or legitimize the distribution of obscene materials, and the Town Board recognizes that state and federal laws prohibit the distribution of obscene materials and expects and encourages state enforcement officials to enforce state and federal obscenity statutes against any such illegal activities in the Town of Eldorado, Fond du Lac County, Wisconsin.

NOW, THEREFORE, the Town Board of the Town of Eldorado, Fond du Lac County, Wisconsin, does ordain as follows:

ARTICLE I AUTHORITY

The Town Board has the specific authority, powers, and duties pursuant to adoption of its Village powers under sec. 60.10 of the Wisconsin Statutes, to regulate and control certain uses, activities, establishments and operations in the Town of Eldorado.

ARTICLE II DEFINITIONS

2.1 Adult Bookstore. An establishment that has a facility or facilities, including but not limited to, booths, cubicles, rooms or stalls for the presentation of "adult entertainment," including adult-oriented films, movies, or live performances for observation by patrons therein; or an establishment having a substantial or significant portion of its stock-in-trade for sale, rent, trade, lease, inspection, or viewing of books, films, video cassettes, magazines, or other periodicals, which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to specified anatomical areas or specified sexual activities as defined below.

2.2 Adult Entertainment. Any exhibition of any motion picture, live performance, display, or dance of any type, which has as its dominant theme or is distinguished or characterized by an emphasis on any actual or simulated specified sexual activities or specified anatomical areas as defined below.

2.3 Adult Motion Picture Theater. An enclosed building used for presenting material having as its dominant theme or distinguished or characterized by an emphasis on matters depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined below for observation by patrons of the building.

2.4 Adult-Oriented Establishment. Any premises including, without limitation, "adult bookstores," or "adult motion picture theaters." It further means any premises to which public patrons or members are invited or admitted and which are so physically arranged so as to provide booths, cubicles, rooms, compartments, or stalls separate from the common area of the premises for the purposes of viewing adult-oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron, or a member, whether or such adult entertainment is held, conducted, operated, or maintained for a profit, direct or indirect. "Adult-Oriented Establishment" further includes, without limitation, any premises physically arranged and used as such whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio, or any other term of like import.

2.5 Booths/Cubicles/Rooms/Compartments/Stalls. Enclosures that are specifically offered to the public or members of an adult-oriented establishment for hire or for a fee as part of a business operated on the premises which offers as part of its business the entertainment to be viewed within the enclosure. This shall include, without limitation, such enclosures wherein the entertainment is dispensed for a fee, but a fee is not charged for mere access to the enclosure. However, "booth," "cubicle," "room," "compartment," or "stall" does not mean such enclosures that are private offices used by the owners, managers, or persons employed on the premises for attending to the tasks of their employment, which enclosures are not held out to the public or members of the establishment for hire or for a fee or for the purpose of viewing entertainment for a fee, are not open to any person other than employees, nor shall this definition apply to hotels, motels, or other similar establishments licensed by the State of Wisconsin pursuant to Wisconsin law.

2.6 Operators. Any person, partnership, or corporation operating, conducting, maintaining or owning any adult-oriented establishment.

2.7 Specified Anatomical Areas. Less than completely and opaquely-covered human genitals, pubic region, buttocks, female breasts below the point immediately above the top of the areola; or, human male genitals in a discernible turgid state, even if opaquely covered.

2.8 Specified Sexual Activities. Simulated or actual:

- (a) showing of human genitals in a state of sexual stimulation or arousal;
- (b) acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sado masochistic abuse, fellatio, or cunnilingus; or
- (c) fondling or erotic touching of human genitals, pubic region, buttocks, or female breasts.

ARTICLE III LICENSE

3.1 License. Except as provided below, from and after the effective date of this ordinance, no adult-oriented establishment shall be operated or maintained in the Town without first obtaining a license to operate issued by the Town Board. A license may be issued only for one adult-oriented establishment located at a fixed and certain location. Any person who desires to operate more than one adult-oriented establishment must have a license for each. No license or interest in a license may be transferred to any person. All adult-oriented establishments existing at the time of the passage of this ordinance must submit an application for a license within 90 days of the passage of this ordinance. A license fee of \$500.00 shall be submitted with the application for a license. If the application is denied, 1/2 of the fee shall be returned. A license renewal fee of \$250.00 shall be submitted with the application for renewal. A license must be renewed every year.

3.2 Application for License. Any person desiring to secure a license shall make application to the Town Clerk. The applicant for a license shall furnish the following information under oath:

- (a) the name and address of the intended operator;
- (b) the name and address of the owner of the premises if different from the operator;

- (c) the name and address of the adult-oriented establishment to be operated by the applicant;
- (d) written proof that the individual is at least 18 years of age;
- (e) the address of the adult-oriented establishment to be operated by the applicant;
- (f) if the applicant is a corporation, the application shall specify the name of the corporation, the date and state of incorporation, the name and address of the registered agents, and the name and address of all shareholders owning more than 5% of the stock in such corporation and all officers and directors of the corporation;
- (g) if the establishment is in operation, the date on which the owner acquired the establishment for which the license is sought. The date on which the establishment began operations as an adult-oriented business at the location for which the license is sought;
- (h) if the establishment is a corporation, a certified copy of the Articles of Incorporation and a certified copy of a certificate of good standing disclosing that the corporation is authorized to transact business in the State of Wisconsin;
- (i) proof of the current fee ownership of the tract of land on which the establishment is to be situated in the form of a copy of a recorded deed; and
- (j) if the operator is not the fee owner of the tract of land, then the lease, purchase contract, purchase option contract, lease option contract, or other documents evidencing the legally-enforceable right of the owners or proposed owners of the establishment to have or obtain the use and possession of the tract of land for the establishment.

3.3 Issuance of License. The Town shall approve the issuance of a license to the applicant within 45 days after receipt of the application unless the Town finds one or more of the following to be true:

- (a) the applicant is under 18 years of age;
- (b) the applicant or the applicant's spouse is overdue in the payment of Town taxes, fines, or penalties assessed against the applicant or imposed upon the applicant in relation to an adult-oriented establishment;

- (c) the applicant has failed to provide information reasonably necessary for issuance of the license or has falsely answered a question or request for information on the application;
- (d) the applicant is residing with a person who has been denied a license by the Town to operate an adult-oriented establishment within the preceding 12 months, or residing with a person whose license to operate an adult-oriented establishment has been revoked within the preceding 12 months;
- (e) the premises to be used have not been approved by the Building Inspector, Fire Department, or any other local, state, or federal official as being in compliance with applicable laws, regulations and ordinances;
- (f) the fee required by this ordinance has not been paid;
or
- (g) any intoxicating liquor or cereal malt beverage is served or consumed on the premises of the adult-oriented establishment.

3.4 Hearing. The Town Board, before revoking or suspending any license, shall give the operator at least ten (10) days' written notice of the charges against him and the opportunity for a public hearing before the Town Board or its designated committee.

3.5 Transfer. The transfer of a license or any interest therein, shall automatically and immediately revoke the license.

3.6 Inspection. Any applicant or licensee shall permit representatives of the County Sheriff's Department, County Health Department, Town Fire Department, Building Inspector, or other Town or state departments or agencies to inspect the premises of an adult-oriented establishment for the purpose of ensuring compliance with this ordinance and all relevant state and federal laws.

ARTICLE IV PHYSICAL LAYOUT AND OPERATION

4.1 Exterior. It shall be unlawful for an owner or operator of an adult-oriented establishment:

- (a) to allow the merchandise or activities of the establishment to be visible from a point outside the establishment;

- (b) to allow the exterior portion of the adult-oriented establishment to have flashing lights, or any words, lettering, photographs, silhouettes, drawings, or pictorial representations of any manner except to the extent permitted by this ordinance;
- (c) to allow exterior portions of the establishment to be painted in a color other than a single color.

4.2 Signage. The operator shall comply with the Town's Sign Ordinance. In addition, the display surfaces of the sign shall not contain any flashing lights or photographs, silhouettes, drawings, or pictorial representations of any manner, except for the name of the enterprise.

4.3 Booth/Room/Cubicle. Any adult-oriented establishment having available for customers, patrons, or members, in a booth, room or cubicle for the private viewing of any adult entertainment must comply with the following requirements:

- (a) Each booth, room, or cubicle shall be totally accessible to and from isles and public areas of the adult-oriented establishment and shall be unobstructed by any door, lock, or other control-type devices;
- (b) Every booth, room, or cubicle shall meet the following construction requirements:
 - (i) each booth, room or cubicle shall be separated from adjacent booths, rooms, or cubicles and any non-public areas by a wall;
 - (ii) have at least one side totally open to a public lighted isle so that there is an unobstructed view at all times of anyone occupying the same;
 - (iii) all walls shall be solid and without any openings, extended from floor to a height of not less than 6 feet and be light-colored, non-absorbent, smooth textured and easily cleanable;
 - (iv) the floor must be light-colored, non-absorbent, smooth textured and easily cleanable;
 - (v) the lighting level of each booth, room, or cubicle, when not in use shall be a minimum of 10 foot candles at all times, as measured from the floor.

- (c) only one individual shall occupy a booth, room, or cubicle at any time. No occupants shall engage in any type of sexual activity, cause any bodily discharge, or litter while in the booth. No individual shall damage or deface any portion of the booth.

4.4 Responsibilities of the Operator. Every act or omission by an employee constituting a violation of the provisions of this ordinance shall be deemed the act or omission of the operator if such act or omission occurs either with the authorization, knowledge, or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, and the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission.

4.5 Minors. It shall be unlawful to allow a person who is younger than 18 years of age to enter or be on the premises of an adult-oriented establishment at any time that the establishment is open for business. The operator must ensure that an attendant is stationed at each public entrance at all times during regular business hours. The attendant shall prohibit any person under the age of 18 from entering the establishment. It shall be presumed that an attendant knew a person was under the age of 18 unless such attendant asked for and was furnished either a valid operator's drivers license or a valid personal identification certificate issued by a State reflecting that the person is 18 years of age or older.

4.6 Hours. An adult-oriented establishment may remain open for business no longer than the hours from between 10:00 a.m. to 12 midnight, seven days a week.

ARTICLE V LOCATIONAL RESTRICTIONS

Adult-oriented establishments are permitted in any Business District provided that the establishment may not be operated within 1,000 feet of:

- (a) a Church, Synagogue, or regular place of religious worship;
- (b) a public or private elementary or secondary school;
- (c) a boundary of any residential district;
- (d) a public park;
- (e) a licensed day-care center; or
- (f) another adult-oriented establishment.

**ARTICLE VI
MEASUREMENT**

For the purpose of this ordinance, measurement shall be made in a straight line, without regard to intervening structures or objects from the nearest portion of the building or structure used as part of the premises where an adult-oriented establishment is conducted, to the nearest property line of the premises of a Church, Synagogue, regular place of worship, or public or private elementary or secondary school, or to the nearest boundary of an affected public park, Residential District, or residential lot, or licensed day-care center. The distance between any two adult-oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which such business is located.

**ARTICLE VII
NON-CONFORMING USES**

Any business lawfully operating on the effective date of this ordinance that is in violation of the locational or structural configuration requirements of this ordinance shall be deemed a non-conforming use. The non-conforming use will be permitted to continue for a period of not to exceed 2 years, unless sooner terminated for any reason or voluntarily discontinued for a period of 30 days or more. Such non-conforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. The non-conforming use is required to submit an application for a permit and otherwise comply with the requirements of this ordinance.

**ARTICLE VIII
MISCELLANEOUS**

8.1 Penalties. Any person who fails to comply with any provisions of this ordinance shall be subject to a forfeiture of not less than \$100.00 or more than \$1,000.00 and the costs of prosecution, including reasonable attorneys' fees, for each violation. Each day that a violation exists or continues shall constitute a separate offense.

8.2 Other Remedies. In addition to other remedies the Town reserves the right to institute appropriate action or proceedings to prevent, restrain, correct, or abate a violation of this ordinance or to prevent any illegal act, conduct, business, or use in or about the subject premises.

8.3 Interpretation. The provisions of this ordinance are considered minimum requirements. Where the provisions of this ordinance impose greater restrictions than any statute or other regulation, the provisions of this ordinance shall apply. Where the provisions of any statute or other regulation impose greater restrictions, the provisions of the statute or regulation shall prevail.

8.4 Severability. If any provision of this ordinance is declared invalid by a Court of competent jurisdiction, such decision shall not affect the validity of this ordinance in its entirety, or any part thereof, other than that so declared to be invalid. The balance of the ordinance not found invalid shall be enforced.

8.5 Rules of Construction. In the construction of this ordinance references to the male gender include the female and references to the singular include the plural. References to "person" or "persons" extends to natural persons, firms, corporations, partnerships, limited liability companies or other entities.

Adopted this 14 day of February, 1996.

TOWN OF ELDORADO

By: Gerald M Langerfeld
Town Chairman

Attest:

Eric Singer
Town Clerk

Published this 20th day of FEBRUARY, 1996.

**TOWN OF ELDORADO
FOND DU LAC COUNTY, WISCONSIN**

**AMENDMENTS TO
ADULT-ORIENTED ESTABLISHMENT ORDINANCE**

The Town Board of the Town of Eldorado does hereby amend the Adult-Oriented Establishment Ordinance ("Ordinance"), as follows:

1. **Adult Cabaret.** Add the following definition to Article II of the Ordinance:

Adult Cabaret. Any commercial premises, including any cabaret premises, to which any member of the public is invited or admitted and where an entertainer provides live adult entertainment to any member of the public. For the purposes of this Ordinance "Cabaret" means any room, place or space whatsoever in the Town in which any music, singing, dancing, or other similar entertainment is permitted in connection with any hotel, restaurant, cafe, club, tavern, eating place, directly selling, serving, or providing the public, with or without charge, food or beverages (whether or not alcoholic beverages). "Employee" means any and all persons, including managers, entertainers, and independent contractors who work in or at or render any services directly related to the operation of any Adult Cabaret.

2. **Amendment to Criteria for Issuance of License.** Section 3.3 (e) is deleted and replaced with the following language:

- (e) The premises to be used have not been approved by the Town's Building Inspector, the Town's Fire Department, or other Town authorities who are required to inspect the premises. The inspection shall include a determination by the Town that the premises have adequate on-site parking for the proposed business activity. The adequacy of the on-site parking shall be determined by reference to State building codes contained in the Wisconsin Administrative Code.

3. **Standards of Conduct and Operation in Adult Cabarets.** Add the following as a new article to the Ordinance:

**ARTICLE VII
STANDARDS OF CONDUCT AND OPERATION
IN ADULT CABARETS**

7.1 Standards of Conduct. The following standards of conduct must be adhered to by employees of any Adult Cabaret while in any area in which members of the public are allowed to be present:

- (a) No employee or entertainer shall be unclothed or in such less-than-opaque and complete attire, costume or clothing so as to expose to view any portion of the female breast below the top of the areola or any portion of the pubic region, anus, buttocks, vulva, or genitals, except upon a stage at least 18 inches above the immediate floor level and removed at least 6 feet from the nearest member of the public.
- (b) No employee or entertainer mingling with members of the public shall be unclothed or in less-than-opaque and complete attire, costume or clothing as described in subsection 5.1 (a) above, nor shall any male employee or entertainer at any time appear with his genitals in a discernibly turgid state, even if completely and opaquely covered, or wear or use any device or covering which simulates the same.
- (c) No employee or entertainer shall caress, fondle, or erotically touch any member of the public. No employee or entertainer shall encourage or permit any member of the public to caress, fondle or erotically touch any employee or entertainer.
- (d) No employee or entertainer mingling with members of the public shall conduct any dance, performance or exhibition in or about the nonstage area of the Adult Cabaret unless that dance, performance, or exhibition is performed at a distance of no less than 6 feet from any member of the public.

- (e) No tip or gratuity offered to or accepted by an adult entertainer may be offered or accepted prior to any performance, dance or exhibition provided by the entertainer. No entertainer performing upon any stage area shall be permitted to accept any form of gratuity offered directly to the entertainer by any member of the public. Any gratuity offered to any entertainer performing upon any stage area must be placed into a receptacle provided for receipt of gratuities by the Adult Cabaret or provided through a manager on duty on the premises. Any gratuity or tip offered to any adult entertainer conducting any performance, dance or exhibition in or about the nonstage area of the Adult Cabaret shall be placed into the hand of the adult entertainer or into a receptacle provided by the adult entertainer, and not upon the person or into the clothing of the adult entertainer.
- (f) No member of the public shall be permitted at any time to enter into any of the nonpublic portions of the Adult Cabaret, which shall include but are not limited to the dressing rooms of the entertainers or other rooms provided for the benefit of employees, and the kitchen and storage areas; except that person, who in the ordinary course of business, deliver goods, materials, food or beverages, or perform maintenance or repairs to the premises or equipment on the premises may be permitted into nonpublic areas to the extent required to perform their job duties.

7.2 Premise-Specifications. The following specifications shall apply to all Adult Cabarets located in the Town of Eldorado:

- (a) The performance area of the Adult Cabaret where adult entertainment is provided shall be a stage or platform at least 18 inches in elevation above the level of the patron seating areas, and shall be separated by a distance of at least 6 feet from all areas of the premises to which members of the public have access. A continuous railing at least 3 feet in height and located at least 6 feet from all points of the performance area shall separate the performance area and the patron seating areas. The stage and the entire interior portion of cubicles, rooms or stalls wherein adult entertainment is provided must be visible from the common areas of the premises. Visibility shall not be blocked or obstructed by doors, curtains, drapes or any other obstruction whatsoever.

- (b) Sufficient lighting shall be provided and equally distributed throughout the public areas of the premises so that all objects are plainly visible at all times. A minimum lighting level of 30 lux horizontal, measured at 30 inches from the floor and on 10-foot centers is hereby established for all areas of the Adult Cabaret where members of the public are admitted.
- (c) A sign at least 2 feet by 2 feet, with letters at least 1 inch high shall be conspicuously displayed in the public area(s) of the premises stating the following:

THIS ADULT CABARET IS REGULATED BY THE TOWN OF ELDORADO. ENTERTAINERS ARE:

- A. NOT PERMITTED TO ENGAGE IN ANY TYPE OF SEXUAL CONDUCT.
- B. NOT PERMITTED TO APPEAR SEMI-NUDE OR NUDE, EXCEPT ON STAGE.
- C. NOT PERMITTED TO ACCEPT TIPS OR GRATUITIES IN ADVANCE OF THEIR PERFORMANCE.
- D. NOT PERMITTED TO ACCEPT TIPS DIRECTLY FROM PATRONS WHILE PERFORMING UPON ANY STAGE AREA.

7.3 Inspections. In order to insure compliance with this Ordinance all areas of Adult Cabarets that are open to members of the public shall be open to inspection by Town agents and employees or law enforcement officers during the hours when the premises are open for business. The purpose of such inspections shall be to determine if the premises are operated in accordance with the requirements of this Ordinance. It is hereby expressly declared that unannounced inspections are necessary to assure compliance with this Ordinance.

7.4 Performances Not Prohibited. This Ordinance shall not be construed to prohibit:

- (a) Plays, operas, musicals, or other dramatic works that are not obscene;
- (b) Classes, seminars and lectures that are held for serious scientific or educational purposes and which are not obscene; or

- (c) Exhibitions, performances, expressions or dances that are not obscene.

7.5 Determination of Obscenity. Whether or not activity is obscene shall be judged by consideration of the following factors:

- (a) Whether the average person, applying contemporary community standards would find that the activity taken as a whole appeals to the prurient interest in sex; and
- (b) Whether the activity depicts or describes in a patently offensive way, as measured against community standards, sexual conduct as described in this Ordinance; and
- (c) Whether the activity taken as a whole lacks serious literary, artistic, political, or scientific value.

4. Renumbering of Existing Ordinance. Article VII Non-Conforming Uses and Article VIII Miscellaneous are hereby renumbered to Article VIII and IX, respectively. The balance of the Ordinance shall remain in full force and effect.

5. Effective Date. This Ordinance shall take effect upon adoption and publication in the Town's official newspaper and shall apply to all existing or new Adult Cabarets located within the Town.

Adopted this 13th day of April, 1999.

TOWN OF ELDORADO

By: *Gary Miller*
Gary Miller,
Town Chairperson

Attest:

By: *Cheryl Langenfeld*
Cheryl Langenfeld, Town Clerk

TOWN OF ELDORADO
FOND DU LAC COUNTY, WISCONSIN

AMENDMENT TO
ADULT-ORIENTED ESTABLISHMENT ORDINANCE
HOURS OF OPERATION

The Town Board of the Town of Eldorado, Fond du Lac County, Wisconsin, does hereby amend the Adult-Oriented Establishment Ordinance ("Ordinance"), as follows:

1. Hours of Operation. Section 4.6 of said Ordinance is hereby repealed and recreated to read as follows:

4.6 Hours. An adult-oriented establishment may remain open for business no longer than the hours from between 8:00 A.M. to 12 midnight, seven days a week.

2. Ratification. Except as amended by this Ordinance, the Adult-Oriented Establishment Ordinance as previously amended on April 13, 1999 is hereby ratified and shall remain in full force and effect.

3. Effective Date. This Ordinance shall take effect upon adoption and publication in the Fond du Lac Reporter and shall apply to all existing or new adult cabarets located within the Town.

Adopted this 24th day of June, 2008.

Published June 29th, 2008.

Town of Eldorado

By: *Gary Miller*
Gary Miller, Town Chairman

ATTEST:

Lori Linger
Lori Linger, Town Clerk

CHAPTER 10

ANIMAL CONTROL ORDINANCE

The Town Board of the Town of Eldorado, in the interest of the health and safety of Town residents and pursuant to its police powers, does hereby ordain and establish an Animal Control Ordinance.

I. DEFINITIONS

- A. Animal: Every living, warmblooded creature except a human being.
- B. Animal Shelter: Any facility operated by a humane society or a municipal agency or its authorized agents for the purposes of impounding or caring for animals held under the authority of this or any other ordinance applicable in the Town or under state law.
- C. Farm Animal: Any warmblooded animal normally raised on farms in Wisconsin and used or intended for use as food or fiber or for the provision thereof.
- D. Impoundment: The taking up of an animal by a law enforcement officer, humane or animal shelter official, or other person in accordance with authorization under this Ordinance and the sheltering, boarding, confinement and care of such animals as may be impounded as a result of violations of this Ordinance. Impoundment shall be at such facilities available to Town residents or Fond du Lac County residents as are or may be established by the Town or the County for the purposes of boarding, confinement and care of strays and abandoned animals and impoundment of animals under County or other Towns' Ordinances providing for the same.
- E. Kennel: Any establishment where dogs or other animals are kept for the purposes of breeding, sale, boarding, training or sporting purposes, all or in part as a service for hire to persons other than or in addition to the kennel owner.
- F. Pet: Any animal kept for pleasure rather than utility.

II. LICENSING

A. Every owner of any dog five months of age or older must obtain a license therefor as provided in sec. 174.05, Wis. Stats. In accordance with said statute, the minimum license fee for each neutered male or spayed female dog shall be \$ 3.00. The minimum license fee for each unneutered male or unspayed female dog shall be \$ 8.00. The Town Board, in its discretion as authorized by sec. 174.05, Wis. Stats., may increase the license fee to an amount not to exceed the total cost to the Town of all licensing, regulating and impounding activities for the previous year. Dog license fees shall be paid to the Town Treasurer. In addition to the license fee established herein, a late fee of \$ 5.00 shall be assessed and collected from every owner of a dog over the age of five months who fails to obtain a license prior to April 1 of each year, or within 30 days of acquiring ownership of a licensable dog or if the owner fails to obtain a license on or before the dog reaches licensable age. All late fees collected shall be paid to the Town Treasurer.

B. Application for licenses shall be made to the Town Treasurer and shall include the name and address of the applicant, description of the animal, the appropriate fee, certification by a licensed veterinarian that the animal is neutered or spayed (if applicable), and certification by a licensed veterinarian that the animal has received current immunization for rabies.

C. Licenses shall be provided for dogs specially trained to lead blind or deaf persons or to provide support for mobility-impaired persons at no charge or fee.

D. Upon acceptance of the application and payment of the required fee, the Town Treasurer shall issue a license tag to all dogs in accordance with the provision of sec. 174.07, Wis. Stats. The owner shall securely attach the tag to the dog's collar in accordance with the requirements of said section.

III. KENNEL PERMITS

A. In addition to the licensing option provided under sec. 174.053, Wis. Stats., every person who owns or operates a kennel shall apply for a kennel permit.

B. The Town Board hereby imposes a kennel permit fee as follows:

\$ 35.00 for a kennel of 12 or fewer dogs;

\$ 3.00 for each additional dog over 12.

C. Each permit holder shall, in addition to the other requirements of this Ordinance and the requirements of state statutes, comply with the minimum standards of this section. Failure to comply with these standards shall be grounds for denial or revocation of a kennel permit.

D. Minimum kennel standards are established as follows:

1. Enclosures shall be provided for adequate protection against weather extremes. Floors, runs and walls shall be of an impervious material to permit proper cleaning and disinfecting.

2. Building temperatures shall be maintained at a comfortable level for the animals kept therein. Adequate ventilation shall be provided to promote health and maintain odor control.

3. Each animal shall have sufficient space to stand up, lie down, and turn around without touching the top or sides of the enclosure. Cages shall be of a material that permits cleaning and sanitizing. Concrete floors, unless radiantly heated, shall have bedding or a resting board that allows the animal a resting place that is off the concrete.

4. Runs shall provide an adequate exercise area and protection from the weather.

5. All animals shall be quartered and all quarters and runs shall be kept clean, dry and sanitary. Food shall be free from contamination and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal. All animals shall have potable water available at all times. Water vessels shall be mounted or secured in a manner that prevents tipping and shall be removable for cleaning.

6. Every dog that is five months or older that is kept shall be vaccinated against rabies. No dog shall be kept or accepted for boarding or training unless it has been vaccinated for distemper. Any animal that appears to be ill shall be promptly examined by the veterinarian of the animal owner's choice, if known, or by the kennel's veterinarian.

IV. NUMBER OF ANIMALS LIMITED

Animal shelters and licensed kennels excepted, no household shall keep in its possession more than a total of 4 licensable dogs over the age of three months unless a person within the household holds a valid Multiple Pet Owners Permit as provided for in this Ordinance.

V. MULTIPLE PET OWNER'S PERMIT

A pet owner may obtain a permit allowing him to own and keep, on his premises, not more than 12 licensable pets over the age of three months. Breeders of purebred animals who declare a need for additional time to evaluate the quality of the offspring from a litter shall have the right to keep the offspring an additional two months without need of a permit. The permit fee shall be \$3500. Any complaints of excessive noise, odor, or other Ordinance violation may result in revocation of the permit. All animals shall be housed and cared for in accordance with the standards set forth in this Ordinance. A Multiple Pet Owner's Permit shall be available only for persons owning and keeping pets for their personal pleasure and shall not be a substitute for the kennel permit required for persons housing animals for hire.

VI. CARE AND TREATMENT OF ANIMALS

A. All animals shall be provided with food free from contamination and in sufficient quantity and nutritive value to meet the animal's normal daily requirements for the condition and size of the animal. All animals shall have potable water available at all times.

B. All animals shall be provided with proper shelter and protection from the weather, veterinary care when needed for routine vaccination and when needed to prevent suffering and with humane care and treatment.

C. No person shall confine and allow their animals to remain outside during adverse weather conditions constituting a health hazard. Such treatment shall be deemed cruelty to animals and such animals may be impounded in any animal shelter available to Town residents.

D. No person shall beat, cruelly ill treat, torment, overload, overwork or otherwise abuse any animal. Any animals subjected to such treatment may be impounded.

E. Every person in charge of or control of any animal which is kept outdoors shall provide such animal with shelter meeting the minimum standards set forth in this section. The foregoing notwithstanding, in the case of farm animals, nothing in this section shall be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices in the Town.

1. All animals shall be provided with a moisture-proof shelter made of a durable material and suitable in size to accommodate the animal and allow for retention of body heat. The shelter shall have a floor raised at least 2 inches off the ground. During the months of September through April, inclusive, the shelter shall have an entrance covered by a self-closing swinging covering or an "L" shaped entrance to prevent the wind from blowing directly into the shelter. During said months, the shelter shall be provided with a sufficient quantity of suitable bedding material to provide insulation and protection against cold and dampness and promote the retention of body heat.

2. During the months of May through September, inclusive, and at any other such times when sunlight is likely to cause heat exhaustion, all animals shall be provided with shade by natural or artificial means from the direct rays of the sun.

F. No person shall abandon any animal.

VII. CONTROL OF ANIMALS

1. Every animal owner, and every person charged with the care or custody of an animal, shall exercise proper care and control of such animals to prevent them from becoming a public nuisance. Molesting a passersby, chasing vehicles, attacking other animals without provocation, trespassing upon public or private property in such a manner as to cause damage, and excessive or continuous barking, whining or howling, shall be deemed a nuisance.

2. No animal shall be allowed to run at large within the Town. For the purposes of this section, "running at large" shall embrace all places within the Town other than the premises of the animal's owner or other person charged with care and custody of the animal if known, or premises rented or otherwise under the direct control and possession of the owner or custodian of the animal. Any animal found running at large, regardless of known ownership or the lack thereof, may be subject to impoundment. This section shall apply both to animals with known owners or custodians and to stray animals.

VIII. DANGEROUS DOGS

1. No person shall allow a dangerous dog to go unconfined.

2. No person shall allow a dangerous dog to go beyond the person's premises unless such dog is muzzled by a device sufficient to prevent such dog from biting persons or other animals and restrained with a chain having a minimum tensile strength of 300 pounds and not exceeding four feet in length.

3. For the purposes of this section, "dangerous dog" means any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury to or otherwise endanger the safety of humans or other animals, or any dog which attacks a human being or other animal without provocation.

4. A dangerous dog is unconfined if such dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of such dog. Such pen or structure must have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides must be imbedded into the ground no less than one foot.

5. No person shall own or harbor any dog for the purpose of dog fighting, or to train, torment, badger, bait or use any dog for the purposes of causing or encouraging said dog to unprovoked attacks upon human beings or other animals.

6. The provisions of this section shall apply to adult dogs only, which shall mean any dog over the age of six months.

7. Any person convicted of violating the provisions of this section shall forfeit an amount not less than \$100.00 nor more than \$1,000.00 or in lieu thereof be imprisoned in the Fond du Lac County Jail for a term not to exceed 90 days. Each day of violation shall constitute a separate offense.

8. Any dangerous dog which attacks a human being or another animal may be ordered destroyed when, in the Court's judgment, such dangerous dog poses a continuing threat of serious harm to human beings or other animals.

9. Any person found guilty of violating this section shall be responsible for expenses of prosecution, and all expenses incurred for shelter, food, veterinary care, identification and boarding necessitated by the seizure of any dog for the protection of the public, and any such expenses as may be incurred for the destruction of any such dog.

IX. VICIOUS ANIMALS

1. No person shall own or keep any vicious animal in the Town.

2. For the purposes of this section, "vicious" shall mean any animal which constitutes a physical threat to human beings or other animals. An animal which, unprovoked, bites 2 persons within a 12-month period shall be presumed to be vicious.

3. The species of dog commonly known as the "pit bull" is considered by its nature and actions to be a danger to the public and is hereby declared to be a vicious animal. No person shall own or keep a "pit bull" in the Town. Any person owning or keeping a "pit bull" shall be subject to the provisions and penalties set forth in Section VIII, above.

X. GENERAL DUTY

Nothing in this Ordinance is intended to create a cause of action or claim against the Town or its officials or employees running to specific individuals. Any duty created herein is intended to be a general duty running in favor of the public citizenry.

XI. PENALTY

Except as otherwise specifically provided herein, any person convicted of a violation of any provision of this Ordinance shall forfeit an amount not less than \$ 50.00 nor more than \$ 500.00. Each day of a violation shall constitute a separate offense. In addition to all other remedies and penalties, any person convicted a violation of any portion of this Ordinance pertaining to the care and treatment of animals shall have the license to own, keep, harbor or have custody of animals revoked and no new license shall be issued fore a period of one year.

XII. SEVERABILITY

If any part of this Ordinance shall be held invalid, any such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.

Adopted this 12th day of October, 1999 by the Town Board of the Town of Eldorado.

Gay Miller
Town Chairman

Attest:

Cheryl Langefeld
Town Clerk

CHAPTER 11

TOWN OF ELDORADO FOND DU LAC COUNTY, WISCONSIN

ORDINANCE REGULATING FIREWORKS

WHEREAS, the Town of Eldorado deems it in the public interest to protect Town residents against property damage and personal injury caused by fireworks as the same are defined herein; and

WHEREAS, the Town of Eldorado deems it necessary and proper to supplement existing State statutory provisions regulating fireworks;

NOW, THEREFORE, the Town Board of Supervisors of the Town of Eldorado, Fond du Lac County, does ordain as follows:

Section 1. Statutory Authority.

This Ordinance is adopted pursuant to the powers granted to Towns under sections 60.22, 66.052, and 167.10(5) of the Wisconsin Statutes. The provisions of this Ordinance are intended to supplement, not replace, the existing statutory requirements set forth in Chapter 167 of the Wisconsin Statutes.

Section 2. Definitions.

This Ordinance incorporates by reference the definition of "fireworks" as set forth in sec. 167.10 of the Wisconsin Statutes, as amended from time to time. At the time of the adoption of this ordinance, "fireworks" means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use, but does not include any of the following:

- (a) Fuel or a lubricant.
- (b) A firearm cartridge or shotgun shell.
- (c) A flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft or motor vehicle.
- (d) A match, cigarette lighter, stove, furnace, candle, lantern or space heater.
- (e) A cap containing not more than one-quarter grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion.

- (f) A toy snake which contains no mercury.
- (g) A model rocket engine.
- (h) Tobacco and a tobacco product.
- (i) A sparkler on a wire or wood stick not exceeding 36 inches in length or 0.25 inch in outside diameter which does not contain magnesium, chlorate or perchlorate.
- (j) A device designed to spray out paper confetti or streamers and which contains less than one-quarter grain of explosive mixture.
- (k) A device designed to produce an audible sound but not explode, spark, move or emit an external flame after ignition and which does not exceed 3 grams in total weight.
- (l) A device that emits smoke with no external flame and does not leave the ground.
- (m) A cylindrical fountain not exceeding 100 grams in total weight with an inside tube diameter not exceeding 0.75 inch, designed to sit on the ground and emit only sparks and smoke.
- (n) A cone fountain not exceeding 75 grams in total weight, designed to sit on the ground and emit only sparks and smoke.

Section 3. Regulation of Fireworks.

The Town of Eldorado prohibits the following:

- (a) the sale, possession, or use of fireworks at all times, except as authorized by sec. 167.10 of the Wisconsin Statutes;
- (b) any person from allowing or permitting fireworks to be used or exploded on his or her premises under his or her control except as authorized by sec. 167.10 of the Wisconsin Statutes; or
- (c) the mishandling and misuse of fireworks. The following actions are mishandling and misuse of fireworks:
 - (i) the throwing by any person of ignited or non-ignited fireworks;

- (ii) the intentional igniting or discharging in any way of fireworks within 1,000 feet of a nursing home, library, hospital, jail, medical clinic, day care center, school, service station, or other premises where gasoline or other volatile materials are sold or stored; or
- (iii) the intentional igniting or discharging of fireworks from a motor vehicle or boat regardless if the motor vehicle or boat is moving.

Section 4. Indemnity Bond/Insurance.

Any person or entity applying for a users permit from the Town of Eldorado shall file an indemnity bond with good and sufficient sureties or a policy of liability insurance for the payment of all claims that may arise by reason of injuries to person or property from the handling, use or discharge of fireworks under the permit. The bond or policy shall be taken in the name of the Town of Eldorado and any person injured thereby may bring an action on the bond or policy in the person's own name to recover the damage the person has sustained, but the aggregate liability of the surety or insurer to all persons shall not exceed the amount of the bond or policy. The bond or policy shall be in an amount of not less than \$100,000 for property damage, \$500,000 for injury to or death of one person and \$1,000,000 for all injuries or deaths arising out of or resulting from any occurrence. The Town shall be provided with a certificate of insurance issued by the applicant's insurance company showing such insurance to be in effect and naming the Town as an additional insured. The bond or policy shall require notice of cancellation to be sent to the Town at least 30 days prior to any cancellation or modification.

Section 5. Exemptions.

The following entities and organizations are exempt from this ordinance: a public authority, a fair association, a park board, a civic organization, or an agricultural producer who uses fireworks for the protection of crops from predatory birds or animals. A person using fireworks for crop protection shall erect appropriate warning signs disclosing the use of fireworks for crop protection.

Section 6. Enforcement.

Fireworks stored, handled, sold, possessed, or used by a person in violation of this ordinance may be seized by the Fond du Lac County Sheriff's Department. The fireworks shall be destroyed after conviction for a violation.

Any person who violates any provision of this ordinance shall forfeit not less than \$100 nor more than \$1,000, together with costs of prosecution, including reasonable attorneys' fees, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the Fond du Lac County Jail until said forfeiture and costs are paid, but not exceeding 6 months. Each day that a violation continues shall be considered a separate offense. If any section, subsection, sentence, or clause of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the balance of the ordinance. The word "person" extends and applies to natural persons, firms, corporations, associations, partnerships and all entities of any kind capable of being sued unless plainly inapplicable.

Section 7. Effective Date.

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


Section 8. Continuing Applicability of State Statutes.

Nothing in this local Ordinance is intended to modify or supersede the requirements of Chapter 167 of the Wisconsin Statutes unless expressly set forth herein.

Adopted at a regular meeting of the Town Board on the 10
day of April, 1996.


Town Chairman

Attest:


Town Clerk

Published April 16, 1996

CHAPTER 12

ORDINANCE REGULATING THE PARKING OR STORING OF JUNKED MOTOR VEHICLES, MOTOR VEHICLE ACCESSORIES, FARM MACHINERY AND IMPLEMENTS IN THE TOWN OF ELDORADO

The Town Board of the Town of Eldorado, Fond du Lac County, Wisconsin, does ordain as follows:

SECTION I.

(1) Definitions.

For the purpose of this Ordinance, the following definitions shall be applicable.

(a) Motor Vehicle. Any self-propelled land vehicle which can be used for towing or transporting people or materials, including but not limited to automobiles, trucks, buses, motorized campers, motorcycles, motor scooters, tractors, snowmobiles, etc.

(b) Motor Vehicle Accessories. Any part or parts of any motor vehicle.

(c) Farm Machinery and Implements. Any self-propelled land vehicle, tool, instrument, appliance or utensil which can be used or adapted to facilitate farming, including but not limited to tractors, wagons, carts, drays, sleighs, plows, drags, binders, corn binders, mowers, springtooth harrows, disc harrows, seeders, hay loaders, corn planters, harnesses, etc.

(d) Open. Open shall mean any motor vehicles, motor vehicle accessories, farm machinery or farm implements not stored within an enclosed building.

(e) Owner. Owner shall include any individual, firm, partnership or corporation.

(f) Private Property. Any real property not owned by the Federal government, State, County, City School Board or other public subdivision.

(g) Removal. Removal shall mean that physical relocation of a motor vehicle, motor vehicle accessories, farm machinery or farm implements to an authorized location.

SECTION II. No disassembled, dismantled, partially dismantled, junked, wrecked or non-operable or unlicensed motor vehicle, motor vehicle accessories, farm machinery or farm implements shall be stored or allowed to remain in the open upon private property

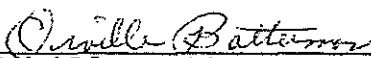
within the Town of Eldorado for a period of more than 48 hours unless it is in connection with an automotive or farm implement sales or repair business enterprise located within a properly zoned area.

SECTION III. Whenever the Town Constable shall find any such motor vehicle, motor vehicle accessories, farm machinery or farm implements placed or stored in the open upon private property in the Town of Eldorado, he shall notify in writing, personally or by certified mail return receipt, the owner of such property and/or owner of such motor vehicle, motor vehicle accessories, farm machinery or farm implements, upon which such motor vehicle, motor vehicle accessories, farm machinery or farm implements is placed or stored of the intention of the Town of Eldorado to remove such motor vehicle, motor vehicle accessories, farm machinery or farm implements. If any such motor vehicle, motor vehicle accessories, farm machinery or farm implements are not removed within ten (10) days after such notice, the Town Constable shall cause such motor vehicle, motor vehicle accessories, farm machinery or farm implements to be removed, the cost of such removal to be charged to the property from which it was removed, and such charges to be entered upon the tax roll as a special assessment. Upon removal the motor vehicle, motor vehicle accessories, farm machinery or farm implements shall be stored in a junk or salvage yard or other suitable place for thirty (30) days and notice shall be given to the owner, if readily ascertainable, and the Sheriff of Fond du Lac County in accordance with §342.40(3), Wis. Stats. At the end of such time such motor vehicle, motor vehicle accessories, farm machinery or farm implements shall be disposed of in accordance with §342.40(3), Wis. Stats., unless claimed by the owner. If such motor vehicle, motor vehicle accessories, farm machinery or farm implements are claimed by the owner, then all reasonable charges for handling the storage shall be paid by the owner.

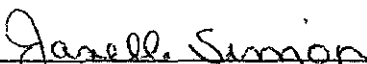
SECTION IV. Any person, firm, partnership or corporation violating any of the provisions hereof shall upon conviction be subject to a fine of not less than \$25.00 nor more than \$100.00 for each offense, together with the costs of such prosecution, and in default of payment of said fine shall be imprisoned in the County Jail for a period not exceeding thirty (30) days. Each day that such motor vehicle, motor vehicle accessories, farm machinery, or farm implements shall be stored contrary to the provisions hereof shall constitute a separate and distinct offense.

SECTION V. This Ordinance shall take effect and be in full force from and after its passage and posting.

Passed and approved: February 14, 1984.


Orville Batterman, Town Chairman

ATTEST:


Janelle Simon, Town Clerk

CHAPTER 13

TOWN OF ELDORADO FOND DU LAC COUNTY, WISCONSIN

ORDINANCE PROHIBITING PUBLIC NUISANCES

WHEREAS, the Town Board of the Town of Eldorado deems it in the public interest and welfare to establish regulations prohibiting public nuisances as defined herein; and

WHEREAS, the Town finds it necessary to exercise its police powers as authorized by sec. 60.22 of the Wisconsin Statutes;

NOW, THEREFORE, the Town Board of the Town of Eldorado, Fond du Lac County, Wisconsin, does ordain as follows:

SECTION 1. APPLICABILITY

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

SECTION 2. DEFINITIONS

2.1 Public Nuisance-General. A public nuisance is a thing, act, occupation, condition or use of property which shall continue 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 for passage any street, alley, highway, navigable body of water or other public way or the use of public property; (e) Any condition or use of premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located.

2.2 Public Nuisances Affecting Health. The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of 2.1 of this section:

- (a) All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
- (b) Carcasses of animals, birds or fowl not intended for human consumption or food which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
- (c) All animals running at large.

(d) The escape of soot, cinders, noxious acids, fumes, gases, fly ash, industrial dust or other atmospheric pollutants within the Town limits or within one mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property in the Town.

(e) 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.

(f) Any use of property, substances or things within the Town emitting or causing any foul, offensive, nauseous, unwholesome or disagreeable odors, gases, stenches, liquids or substances offensive to the physical senses to an ordinary person possessed of ordinary tastes and susceptibilities or which otherwise annoy, discomfort, injure or inconvenience the health of persons within the Town. This definition shall not apply to odors produced through the operation of farming practices.

(g) All abandoned wells not securely covered or secured from public use.

(h) Disassembled, dismantled, partially dismantled, inoperable, junked, wrecked, or unlicensed motor vehicles, truck bodies, tractors, trailers, boats, or campers in such state of physical or mechanical ruin as to be incapable of propulsion or of being operated upon the public streets, highways, or waters.

(i) Abandoned, discarded or unused objects or equipment such as furniture, stoves, refrigerators, freezers, cans, containers, lumber, trash, or debris.

2.3 Public Nuisances-Intoxicating Liquor. All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license or contrary to an existing permit or license, are deemed a public nuisance.

2.4 Public Nuisances Affecting Peace and Safety. The following acts, omissions, places, conditions and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the provisions of 2.1 of this section:

(a) All loud, discordant and unnecessary noises or vibrations of any kind.

(b) The keeping or harboring of any animal or fowl which by frequent or habitual howling, yelping, barking, crowing or making of other noises shall annoy or disturb neighbors or other residents of the Town. This definition shall not apply to noises made by farm animals.

(c) 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 or 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.

(d) All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk.

(e) Any junk, wood, bricks, cement, concrete blocks, abandoned vehicles, or machinery or parts thereof, refrigerators, furnaces, washing machines, stoves, and other appliances or any other unsightly accumulation of items or materials such as may tend to depreciate property values in the area, or create a blighted condition, or create a hazard (except when such items are properly housed and out of public view).

(f) Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.

(g) All items enumerated in section 2.2, above.

SECTION 3. ABATEMENT OF PUBLIC NUISANCES

3.1 Inspection of Premises. Whenever a complaint is made to a member of the Town Board that a public nuisance exists within the Town, the Town Board shall inspect or cause to be inspected the premises complained of.

3.2 Notice to Owner. If the Town Board determines that a public nuisance exists within the Town, it shall provide notice to the person causing, permitting or maintaining such nuisance or the owner or occupant of the premises where such nuisance exists. The notice shall direct the person causing, permitting or maintaining the nuisance or the owner or occupant of the premises to abate or remove such nuisance within three (3) days. The notice shall also state that unless such nuisance is so abated, the Town shall 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.

3.3 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 shall cause the abatement or removal of such public nuisance.

3.4 Abatement by Court Action. If the Town shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten immediate danger to the public health, safety, peace, morals or decency, the Town may cause an action to abate such nuisance to be commenced in the name of the Town in the Circuit Court of Fond du Lac County.

3.5 Other Methods Not Excluded. Nothing in this ordinance shall be construed as prohibiting the abatement of public nuisances by the Town or its officials in accordance with the laws of the State of Wisconsin.

SECTION 4. COST OF ABATEMENT

In addition to any other penalty imposed by this ordinance 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 cost shall be assessed against the real estate as a special charge.

SECTION 5. PENALTIES

Any person who violates any provision of this ordinance or any order, rule or regulation made hereunder shall, upon conviction, be fined not less than \$50.00, nor more than \$500.00 for each offense, together with the costs of prosecution, including reasonable attorneys' fees. Each day that a violation continues shall be considered a separate offense. Furthermore, the Town shall be permitted to withhold the issuance of licenses, authorities, grants or permits until the nuisance has been abated and all penalties and costs satisfied.

SECTION 6. INTERPRETATION AND SEVERABILITY

6.1 Interpretation. The provisions of this ordinance are not intended to supersede or modify provisions of existing Zoning Ordinances or other rules, regulations and ordinances adopted by the Town. Where the provisions of this ordinance impose greater restrictions than any statute, ordinance or covenant, the provisions of this ordinance shall prevail. Where the provisions of any statute, other regulation, ordinance or covenant impose greater restrictions than the provisions of this ordinance, the provisions of such statute, other regulation, ordinance or covenant shall prevail.

6.2 Severability. It is hereby declared to be the legislative intent that should any provision of this ordinance be declared invalid by a Court of competent jurisdiction, such decision shall not affect the validity of this ordinance in its entirety or any part thereof, other than that so declared to be invalid.

Gerald M. Langensfeld
Town Chairman

Attest:

Lori Ringer
Town Clerk

Adopted this 12 day of July, 1995.
Published this 23rd day of July, 1995.

CHAPTER 14

TOWN OF ELDORADO
FOND DU LAC COUNTY, WISCONSIN

ORDINANCE PROHIBITING NUDITY IN A PUBLIC PLACE

WHEREAS, the Town Board of the Town of Eldorado deems it in the public interest and welfare to establish regulations prohibiting nudity in a public place as defined herein; and

WHEREAS, the Town Board finds it necessary to exercise its police powers as authorized by sec. 60.22 of the Wisconsin Statutes;

NOW, THEREFORE, the Town Board of the Town of Eldorado, Fond du Lac County, Wisconsin, does ordain as follows:

SECTION 1: DEFINITION

"Nudity" means the showing of the human male or female genitals, or pubic area with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple.

SECTION 2: PROHIBITION

No person shall knowingly or intentionally, in a public place, appear in a state of nudity.

SECTION 3: EFFECTIVE DATE

This Ordinance shall become effective upon passage and publication.

Passed and adopted this 9th day of JUNE, 1993.

TOWN OF ELDORADO

By: Gerald M. Langenfeld
Gerald Langenfeld, Town Chairman

Attest:

Lori Linger
Lori Linger, Town Clerk

Published: JUNE 13, 1993

CHAPTER 15
ORDINANCE NO. 062910

TOWN OF ELDORADO

SEXUAL OFFENDER RESIDENCY RESTRICTIONS

The Town Board of the Town of Eldorado, Fond du Lac County, Wisconsin does ordain as follows:

SECTION 1. FINDINGS AND INTENT.

A. Repeat sexual offenders, sexual offenders who use physical violence, and sexual offenders who prey on children are sexual predators who present an extreme threat to the public safety. Sexual offenders are extremely likely to use physical violence and to repeat their offenses, and most sexual offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sexual offender victimization to society at large, while incalculable, clearly exorbitant.

B. It is the intent of this ordinance to serve the Town's compelling interest to promote, protect and improve the health, safety, and welfare of the citizens of the Town by creating areas around locations where children regularly congregate in concentrated numbers wherein certain sexual offenders and sexual predators are prohibited from establishing temporary or permanent residence.

SECTION 2. DEFINITIONS.

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- A. CHILD means a person under the age of 16 for purposes of this ordinance.
- B. DESIGNATED OFFENDER means any person who is required to register under Wis. Stat. §301.45 for any sexual offense against a child.
- C. MINOR means a person under the age of 17.
- D. PERMANENT RESIDENCE means a place where the person abides, lodges, or resides for fourteen (14) or more consecutive days.
- E. TEMPORARY RESIDENCE means a place where the person abides, lodges, or resides for a period of fourteen (14) or more days in the aggregate during any calendar year and which is not the person's permanent address, or a place where the person routinely abides,

lodges, or resides for a period of four (4) or more consecutive or non-consecutive days in any month and which is not the person's permanent residence.

SECTION 3. SEXUAL OFFENDER AND SEXUAL PREDATOR RESIDENCE, PROHIBITION; PENALTIES; EXCEPTIONS.

A. PROHIBITED LOCATION OF RESIDENCE. It is unlawful for any designated offender to establish a permanent residence or temporary residence within 2,000 feet of any school, licensed day care center, park, trail, playground, place of worship, or any other place designated by the Town as a place where children are known to congregate.

B. PROHIBITED ACTIVITY. It is unlawful for any designated offender to participate in a holiday event involving children under 18 years of age, such as distributing candy or other items to children on Halloween, wearing a Santa Claus costume on or preceding Christmas or wearing an Easter Bunny costume on or preceding Easter. Holiday events in which the offender is the parent or guardian of the children involved, and no non-familial children are present, are exempt from this paragraph.

C. MEASUREMENT OF DISTANCE.

1. For purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence to nearest outer property line of a school, licensed day care center, park, trail, playground, place of worship, or any other place designated by the Town where children are known to congregate.

2. The Town Clerk shall maintain an official map showing prohibited locations as defined by this Ordinance. The Clerk shall update the map at least annually to reflect any changes in the location of prohibited zones. These shall be designated on the map as child safety zones.

D. PENALTIES. A person who violates this section shall be punished by a forfeiture not exceeding \$500.00. Each day a person maintains a residence in violation of this ordinance constitutes a separate violation. The Town may also seek equitable relief.

E. EXCEPTIONS. A designated offender residing within a prohibited area as described in Section 2. A. does not commit a violation of this section if any of the following apply:

1. The person established the permanent residence or temporary residence and reported and registered the residence pursuant to Wis. Stat. §301.45 before the effective date of this Ordinance.

2. The person is a minor and is not required to register under Wis. Stat. §§ 301.45 or 301.46.

3. The school, licensed day care center, park, trail, playground, place of worship, or any other place designated by the Town as a place where children are known to congregate within 2,000 feet of the persons permanent residence was opened after the person established the permanent residence or temporary residence and reported and registered the residence pursuant to Wis. Stat. §301.45.

4. The residence is also the primary residence of the person's parents, grandparents, siblings, spouse, or children provided that such parent, grandparent, sibling, spouse or child established the residence at least two (2) years before the designated offender established residence at the location.

SECTION 4. PROPERTY OWNERS PROHIBITED FROM RENTING REAL PROPERTY TO CERTAIN SEXUAL OFFENDERS AND SEXUAL PREDATORS; PENALTIES.

A. It is unlawful to let or rent any place, structure, or part thereof, trailer or other conveyance, with the knowledge that it will be used as a permanent residence or temporary residence by any person prohibited from establishing such permanent residence or temporary residence pursuant to this Ordinance, if such place, structure, or part thereof, trailer or other conveyance, is located within a prohibited location zone described in Section 3. A.

B. A property owner's failure to comply with provisions of this Section shall constitute a violation of this Section, and shall subject the property owner to the code enforcement provisions and procedures as provided in this Ordinance.

SECTION 5. PROPERTY OWNERS AND SALES AGENTS PROHIBITED FROM SELLING REAL PROPERTY TO CERTAIN SEXUAL OFFENDERS AND SEXUAL PREDATORS; PENALTIES

A. It is unlawful for any owner, real estate broker or real estate sales person to participate in the sale of any place, structure, or part thereof, trailer or other conveyance, with the knowledge that it will be used as a temporary or permanent residence by a person prohibited from establishing such permanent or temporary residence pursuant to this Ordinance, if such place, structure, part thereof, trailer or conveyance, is located within a prohibited location zone described in Section 3. A.

B. Failure to comply with provisions of this section shall constitute a violation of this section, and shall subject the person violating this section to the code enforcement provisions and procedures as provided in this Ordinance.

SECTION 6. REPEAL OF INCONSISTENT ORDINANCES.

All existing Town ordinances, parts of ordinances, and amendments thereto in conflict with any of the provisions of this Ordinance are hereby repealed.

SECTION 7. SEVERABILITY.

The provisions of this Ordinance shall be deemed severable and it is expressly declared that the Town Board would have passed the other provisions of this Ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provisions of this Ordinance or the application to any person or circumstances is held invalid, the remainder of the Ordinance or the application of such other provisions to other persons or circumstances shall not be affected.

SECTION 8. EFFECTIVE DATE.


This Ordinance shall take effect upon its passage and publication in the Fond du Lac Reporter.

Adopted this 29th day of June, 2010.



Gary Miller, Chairperson

ATTEST:



Lori Linger, Clerk

Chapter 16

ALL-TERRAIN AND UTILITY TERRAIN VEHICLE ROUTE ORDINANCE**Town of Eldorado
Fond du Lac County, Wisconsin****SECTION 1.0 PURPOSE**

The purpose of this ordinance is to establish all-terrain and utility terrain vehicle routes in the Town of Eldorado and to regulate the operation of all-terrain and utility terrain vehicles in the Town.

SECTION 2.0 AUTHORITY

The Town Board of the Town of Eldorado, Fond du Lac County, Wisconsin, has the specific authority to adopt this All-Terrain and Utility Terrain Vehicle Ordinance under s. 23.33(8)(b) and (11), Wis. Stats.

SECTION 3.0 ADOPTION OF ORDINANCE

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 vehicle and utility terrain vehicle routes in the Town and to regulate the use of those routes and all-terrain vehicles and utility terrain vehicles in the Town.

SECTION 4.0 DEFINITIONS

For the purposes of this Ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The words "shall", "will", and "must" are always mandatory. The words "may" and "should" are discretionary terms. The masculine shall include the feminine. Terms not defined in this Section, shall be interpreted based on common usage.

All-Terrain Vehicle (ATV): means a commercially designed and manufactured motor-driven device that has a weight, without fluids, of 900 pounds or less, has a width of 50 inches or less, is equipped with a seat designed to be straddled by the operator, and travels on 3 or more low-pressure tires or non-pneumatic tires.

Town: means the Town of Eldorado, the Town Board or any other Town of Eldorado official(s) authorized by the Town Board to act on behalf of the Town of Eldorado.

Utility Terrain Vehicle (UTV): means any of the following:

1. A commercially designed and manufactured motor driven device that does not meet federal motor vehicle safety standards in effect on July 1, 2012, that is not a golf cart, low-speed vehicle, dune buggy, mini-truck, or tracked vehicle, that is designed to be used primarily off of a highway, and that has, and was originally manufactured with, all of the following:

- a. A weight, without fluids, of 2,000 pounds or less.
 - b. Four or more low-pressure tires or non-pneumatic tires.
 - d. A steering wheel.
 - e. A tail light.
 - f. A brake light.
 - g. Two headlights.
 - h. A width of not more than 65 inches.
 - j. A system of seat belts, or a similar system, for restraining each occupant of the device in the event of an accident.
 - k. A system of structural members designed to reduce the likelihood that an occupant would be crushed as the result of a rollover of the device.
2. A commercially designed and manufactured motor driven device to which all of the following applies:
- a. It has a weight, without fluids, of more than 900 pounds but not more than 2000 pounds.
 - b. It has a width of 50 inches or less.
 - c. It is equipped with a seat designed to be straddled by the operator.
 - d. It travels on 3 or more low-pressure tires or non-pneumatic tires.

SECTION 5.0 OPERATION OF ALL-TERRAIN AND UTILITY TERRAIN VEHICLES

Pursuant to s. 23.33(4)(d)4, Wis. Stats., except as otherwise provided in s. 23.33(4), Wis. Stats., no person may operate an all-terrain or utility terrain vehicle on the roadway portion of any highway in the Town except on roadways that are designated as all-terrain and utility terrain vehicle routes by this ordinance.

SECTION 6.0 DESIGNATION OF ALL-TERRAIN AND UTILITY TERRAIN VEHICLE ROUTES

The Town of Eldorado hereby designates the following Town roads as all-terrain vehicle and utility terrain vehicle routes: Townline Road from CTH N north to W Lone Elm Rd.

SECTION 7.0 CONDITIONS APPLICABLE TO ALL-TERRAIN AND UTILITY TERRAIN VEHICLE ROUTES

Pursuant to s. 23.33(8)(d), Wis. Stats, the following restrictions are placed on the use of the Town all-terrain and utility terrain vehicle routes designated by this resolution:

- 7.1 Routes shall be marked with uniform all-terrain and utility 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 and utility terrain vehicle routes:
- (a) Intentionally remove, damage, deface, move, or obstruct any uniform all-terrain and utility terrain vehicle route or trail sign or standard or intentionally interfere with the effective operation of any uniform all-terrain and utility 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.

- (b) Possess any uniform all-terrain and utility 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 and utility terrain vehicle route or trail sign or standard in a lawful manner. Possession of a uniform all-terrain and utility terrain vehicle route or trail sign or standard creates a rebuttable presumption of illegal possession.
- 7.2 Operation shall be subject to all provisions of s. 23.33, Wis. Stats., which is adopted as a part of this ordinance by reference, pursuant to s. 23.33(11), Wis. Stats.
- 7.3 Operators must abide by all traffic laws unless further restricted by this Ordinance.
- 7.4 The speed limits for ATVs and UTVs shall be as follows:
- (a) On the following roads the speed limit shall be 10 mph: None designated as of January 22, 2018.
- (b) On the following roads the speed limit shall be 30 mph: Townline Road from CTH N north to W Lone Elm Rd.
- 7.5 ATVs/UTVs may be operated on paved surfaces only, unless yielding the right of way.
- 7.6 All all-terrain and utility terrain vehicle operators shall ride single file.
- 7.7 No ATV/UTV may be operated on any designated route without fully functional headlights, tail-lights and brake lights.
- 7.8 No ATV/UTV may be operated on any designated route between the hours of 11:59 p.m. and 5:00 a.m. daily, unless a different restriction on hours of operation has been specified by the Town and notice of the same is duly posted on the segment.
- 7.9 All ATV/UTV operators shall ride on the right hand side of the paved portion of the highway, unless making a left turn. Operation on the gravel shoulders, grassy in-slope, ditches, or other highway right-of-way is prohibited, unless yielding right of way.
- 7.10 No ATV/UTV may be operated on any designated ATV route if the ATV/UTV does not meet all applicable Federal noise and air pollution standards.
- 7.11 No person under the age of sixteen (16) may operate an ATV/UTV on any segment of Town Road which is a designated ATV route.
- 7.12 No person under the age of eighteen (18) may operate an ATV/UTV on any designated route unless wearing approved protective head gear.
- 7.13 Every person who operates an ATV/UTV on a segment of Town road which is designated as an ATV route shall have in his or her immediate possession a valid motor vehicle operator's license, and shall display the license document upon demand from any law enforcement officer or official described in Wis. Stat., Section 23.33(12).

SECTION 8.0 ENFORCEMENT

This ordinance may be enforced by the Town Board or law enforcement officer authorized to enforce the laws of the state of Wisconsin. A copy of this ordinance shall be sent by the Town Clerk to the Department of Natural Resources, the Fond du Lac County Sheriff's Department and any other law enforcement agency serving the Town of Eldorado's jurisdiction.

SECTION 9.0 PENALTIES

9.1 The penalties under s. 23.33(13), Wis. Stats., are adopted by reference.

SECTION 10.0 MAINTENANCE

Designation of segments of the Town road system as ATV/UTV routes does not impose upon the Town a greater duty of care or responsibility for maintenance of those segments than for any other segment of Town road. Operators of ATV/UTV's on Town roads assume all the usual and normal risks of ATV/UTV operation.

SECTION 11.0 SEVERABILITY

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

SECTION 12 EFFECTIVE DATE

This ordinance is effective on publication or posting. The Town clerk shall properly publish this ordinance as required under s. 60.80, Wis. Stats.

Dated this 22 day of January, 2018.

TOWN OF ELDORADO

By: Gary J. Miller
Gary Miller, Town Chairperson

Attest:

Cathy Winters
Cathy Winters, Town Clerk

TOWN OF ELDORADO
FOND DU LAC COUNTY, WISCONSIN

**Ordinance Amending Town of Eldorado All-Terrain and
Utility Terrain Vehicle Route Ordinance**

The Town Board of the Town of Eldorado, at a public meeting with quorum present, hereby adopts the following amendment to the Town of Eldorado All-Terrain and Utility Terrain Vehicle Route Ordinance:

Section 4.0 is amended to read:

All-Terrain Vehicle (ATV): means a commercially designed and manufactured motor-driven device that has a weight, without fluids, of 900 pounds or less, has a width of not more than 50 inches as measured laterally between the outermost wheel rim on each side of the vehicle, exclusive of tires, mirrors, and accessories that are not essential to the vehicle's basic operation, is equipped with a seat designed to be straddled by the operator, and travels on 3 or more tires.

Utility Terrain Vehicle (UTV): means any of the following:

1. A commercially designed and manufactured motor driven device that does not meet federal motor vehicle safety standards in effect on July 1, 2012, that is not a golf cart, low-speed vehicle, dune buggy, mini-truck, or tracked vehicle, that is designed to be used primarily off of a highway, and that has, and was originally manufactured with, all of the following:
 - a. A weight, without fluids, of 2,000 pounds or less.
 - b. Four or more tires.
 - c. A steering wheel.
 - d. A tail light.
 - e. A brake light.
 - f. Two headlights.

- g. A width of not more than 65 inches as measured laterally between the outermost wheel rim on each side of the vehicle, exclusive of tires, mirrors, and accessories that are not essential to the vehicle's basic operation.
 - h. A system of seat belts, or a similar system, for restraining each occupant of the device in the event of an accident.
 - i. A system of structural members designed to reduce the likelihood that an occupant would be crushed as the result of a rollover of the device.
2. A commercially designed and manufactured motor driven device to which all of the following applies:
- a. It does not meet federal motor vehicle safety standards in effect on July 1, 2012; is not a golf cart, low-speed vehicle, dune buggy, mini-truck, or tracked vehicle; is designed to be used primarily off of a highway; and has, and was originally manufactured with, a weight, without fluids, of not more than 2000 pounds.
 - b. It has a width of 65 inches or less as measured laterally between the outermost wheel rim on each side of the vehicle, exclusive of tires, mirrors, and accessories that are not essential to the vehicle's basic operation.
 - c. It is equipped with a seat designed to be straddled by the operator.
 - d. It travels on 3 or more tires.
 - e. It is not an all-terrain vehicle, as defined in (a) above.

Section 6 is amended to read:

- (a) The Town of Eldorado hereby designates the following Town roads as all-terrain vehicle and utility terrain vehicle routes: all highways within the Town as all-terrain vehicle routes, except where otherwise indicated.
- (b) The Town of Eldorado reserves the right to revoke any or all routes at any time, for any reason by Board action.

Section 12 is amended to read:

This ordinance is effective on publication or posting and only upon placement of signage in accordance with NR 64.12. The Town Clerk shall properly publish this ordinance as required under Wis. Stat. § 60.80.

All other provisions of the Ordinance remain in full force and effect.

The Town Clerk and Town Attorney are hereby authorized and directed to take all action necessary to implement this Ordinance.

Dated this 22 day of March, 2021.

TOWN OF ELDORADO

By: Gary L. Miller
Gary Miller, Town Chairperson

Attest:

Cheryl Pionke
Cheryl Pionke, Town Clerk

**CHAPTER 17
ZONING REGULATIONS
TOWN OF ELDORADO**

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17.01 Authority. An Ordinance under the provisions of s. 62.23 (7), Wis. Stats. to promote the health, safety, morals and general welfare; to regulate and restrict the height, number of stories and size of buildings and other structures, the size of yards, courts and other open spaces, the density of population, the location and use of buildings, structures and land for trade, industry, residence and other purposes; and for the said purpose to divide the Town of Eldorado, Fond du Lac County, Wisconsin, into districts of such number, shape, and areas as are deemed best suited to carry out the said purposes; to provide a method for its administration and enforcement and to provide penalties for its violation.

- (1) The Town Board of the Town of Eldorado, Fond du Lac County Wisconsin, having been granted village powers pursuant to s. 60.10(2)(c), Wis. Stats. does ordain as follows:

17.02 Purpose. The purpose of this Chapter is to promote the comfort, health, safety, morals, prosperity, aesthetics, and general welfare of the Town. The provisions of this ordinance shall be held to be minimum requirements.

17.03 Intent. It is the general intent of this Chapter to regulate and restrict the use of all structures, lands, and waters; and to:

- (1) Preserve and protect prime agricultural lands in the Town.
- (2) Preserve and protect the beauty of the Town.
- (3) Regulate lot coverage and the size and location of all structures so as to prevent overcrowding and to provide adequate sunlight, air, sanitation, and drainage.
- (4) Regulate population density and distribution so as to avoid sprawl or undue concentration and to facilitate the provision of adequate public service and utilities.
- (5) Regulate parking, loading and access so as to lessen congestion in and promote the safety and efficiency of streets and highways.
- (6) Secure safety from fire, pollution, contamination and other dangers.
- (7) Stabilize and protect existing and potential property values.
- (8) Prevent and control erosion, sedimentation, and other pollution of the surface and subsurface waters.
- (9) Further the maintenance of safe and healthful water conditions.
- (10) Provide for and protect various suitable commercial and industrial sites.
- (11) Protect the traffic-carrying capacity of existing and proposed arterial streets and highways.
- (12) Implement those Town, County, watershed, and regional comprehensive plans or

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components of such plans adopted by the Town.

- (13) Provide for the administration and enforcement of this Chapter; and to provide penalties for the violation of this Chapter.
- 17.04 Abrogation and Greater Restrictions. It is not the intend of this ordinance to repeal, abrogate, annul, impair or interfere with any existing easement, covenants, or agreements between parties, or with any rules, regulations, or permits previously adopted or issued pursuant to laws; provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises, or upon the height of a building or requires larger open spaces than are required by other rules, regulations or permits or by easements, covenants or agreements, the provisions of this ordinance shall govern.
- 17.05 Interpretation. In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be construed to be a limitation or repeal of any other power now possessed by the Town.
- 17.06 Title. This Chapter shall be known and cited as the "Zoning Regulations, Town of Eldorado, Fond du Lac County, Wisconsin."
- 17.07 Districts. For the purposes of this Chapter, the Town of Eldorado, Fond du Lac County, Wisconsin is hereby divided into the following districts:
- (1) R Residential District
 - (2) TRD Transitional Residential District
 - (3) RD Rural District
 - (4) A-1 Farmland Preservation District
 - (5) A-2 General Agricultural District
 - (6) C Commercial District
 - (7) I Industrial District
 - (8) CAO Critical Areas Overlay District
 - (9) TNDO Traditional Neighborhood Design Overlay District
- 17.08 Boundaries. The boundaries of the aforesaid districts are hereby established as shown on the map entitled "Town of Eldorado Zoning Map," which map is made a part of this ordinance and is on file in the office of the Clerk of said township. All notations and references shown on the Zoning Map are as much a part of this ordinance as though specifically described herein. The district boundaries, unless otherwise indicated, are street or highway centerlines, railroad right-of-way lines extended, lines parallel or

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perpendicular to such street, highway or railroad lines, the shore line of lakes or streams, lot or alley lines, section lines, quarter section lines, or quarter-quarter section lines, and when the designation on the district map indicates that the various districts are approximately bounded by any of the above lines, such lines shall be construed to be the district boundary lines. The district boundaries, where not otherwise designated, shall be determined by the use of the scale shown on the district map.

17.09 Definitions. Words used in the present tense include the future; the singular number includes the plural number and the plural number includes the singular number; the word "building" includes the word "structure"; the word "shall" is mandatory and not directory. Any words not herein defined shall be construed as defined in the state building code.

- (1) Accessory Use or Accessory Structure – 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 principal use or the principal structure.
- (2) Adjacent – Located on land parcels that touch each other, or on land parcels that are separated only by a river, stream, or transportation or utility right-of-way.
- (3) Agricultural Accessory Uses – The following 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.
- (4) Agricultural Use - 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.

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- (j) Other activities that the Department of Agriculture, Trade, and Consumer Protection (DATCP) may identify by rule.
- (5) Agriculture-related Use - 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 services directly to farms, including farms in the A-1 Farmland Preservation District.
 - (b) Storing, processing or handling raw agricultural commodities obtained directly from farms, including farms in the A-1 Farmland Preservation District.
 - (c) Slaughtering livestock, including livestock from farms in the A-1 Farmland Preservation District.
 - (d) Marketing livestock to or from farms, including farms in the A-1 Farmland Preservation District.
 - (e) Processing agricultural by-products or wastes received directly from farms, including farms in the A-1 Farmland Preservation District.
- (6) Agri-tourism – An agriculture based tourism business that allows patrons to visit a working farm or any agricultural, horticultural or agri-business operation for the purpose of enjoyment, education, or active involvement in the activities of the farm or operation.
- (7) Airport, Public - Any airport which complies with the definition contained in s. 114.002 (7), Wis. Stats., and as updated in relevant statutes, or any airport which serves or offers to serve common carriers engaged in air transport.
- (8) Animal Units – Has the meaning that was given initially in s. NR 243.03(3), Wis. Adm. Code as of April 27, 2004 and as subsequently updated in relevant regulations.
- (9) Appraised Value – The value of a principal structure, not including the land upon which it is located, as determined by the most recent Fond du Lac County tax roles.
- (10) Aquaculture – See Fish Hatchery, sec. 17.09(50) of this Chapter.
- (11) Automobile Wrecking Yard - Any premises on which three or more automotive vehicles, not in operating condition, are stored in the open.
- (12) Base Farm Tract – All land, whether one parcel or two or more contiguous parcels, that is in the A-1 Farmland Preservation District and that is part of a single farm as of April 23, 2013, the date of Town Board adoption, regardless of any subsequent changes in the size of the farm.

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- (13) **Basement** - A story partly underground which, if occupied as living quarters, shall be counted as a story for purposes of height measurements.
- (14) **Bed and Breakfast** - Any place of lodging that provides 8 or fewer rooms for rent to no more than a total of 20 tourists or other transients for more than 10 nights in a 12-month period, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast, as defined in relevant Wis. Stats.
- (15) **Boarding House** - A building other than a hotel where meals, or lodging and meals, are furnished for compensation for five or more persons not members of a family.
- (16) **Building** - Any structure used, designed or intended for the protection, shelter, enclosure, or support of persons, animals or property.
- (17) **Building, Accessory** - A subordinate structure or structures detached from, but located on the same lot as the principal structure, the use of which is incidental and related to that of the principal structure.
- (18) **Building, Height of** - The vertical distance from the average elevation of the finished grade at the building face to the highest point of the structure.
- (19) **Building, Main or Principal** - A building constituting the principal use of a lot.
- (20) **Building Inspector** - Certified by the State of Wisconsin and responsible for determining compliance with the Wisconsin Universal Building Code (UBC). Issues UBC permit and Occupancy permit for new homes and commercial buildings and remodel work greater than 50% of the appraised value of the structure. May issue UBC permit for remodel work 50% or less of the appraised value of the structure when requested by the Building Permit Officer.
- (21) **Building Permit** - Permit issued by the Building Permit Officer for residential or commercial remodel work that entails 50% or less of the appraised value of the structure.
- (22) **Building Permit Officer** - Responsible for compliance with the Town Code (zoning ordinance, subdivision ordinance, etc.). Issues Land Use permit, Building permit for residential and commercial remodel work that is 50% or less of the appraised value of the structure, and all other permits related to the Town Code excepting those issued by the Building Inspector or Plan Commission.
- (23) **Centerline** - A line connecting points on highways from which setback lines shall be measured, at any point on the highway.
- (24) **Channel** - A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow thus is that water which is flowing within the limits of the defined

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channel.

- (25) Common ownership – Ownership by the same person or persons, or by persons that are all wholly owned by the same person or persons. Common ownership includes joint tenancy and tenancy in common. 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.
- (26) Community Based Residential Facility (CBRF) – A place where three or more unrelated adults reside in which care, treatment, or services above the level of room and board, but not including nursing care, are provided in the facility. A CBRF is subject to State-level licensing and operational limitations as set forth in relevant state statutes.
- (27) Conditional Uses – Uses of a special nature that make it impractical to predetermine as a permitted use in a district.
- (28) Contiguous – Adjacent to or sharing a common boundary. Contiguous land includes land that is separated only by a 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.
- (29) Development - Any man-made change to improved or unimproved real estate, including but not limited to construction of or addition or substantial improvements to buildings, other structures, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations, or disposition of materials.
- (30) Developers Agreement - An agreement by which the Town and the developer agree in reasonable detail as to all of those matters to which the provisions of this Chapter apply and which does not come into effect unless and until an irrevocable letter of credit or other appropriate surety has been issued to the Town unless this requirement is waived by the Town.
- (31) Driveway - A private route of ingress and egress from any public right-of-way, which provides access to one residential dwelling unit, commercial building, or property.
- (32) Dwelling – A building or portion thereof that provides living facilities for one or more families, but not including hotels, motels or boarding houses.
- (33) Dwelling Unit – One or more rooms physically arranged so as to create an independent housekeeping establishment of occupancy by one family or not more than four (4) roomers, which shall include complete toilet and kitchen facilities permanently installed.
- (34) Dwelling, One Family - A single residential building designed for or occupied exclusively by one family.

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- (35) Dwelling, Two Family (Duplexes) - A single residential building containing two dwelling units, separated from each other by common or party walls without openings, entirely surrounded by open space on the same lot.
- (36) Dwelling, Multiple - A building or portion thereof designed for and occupied by more than two families including tenement houses, row houses, apartment houses and apartment hotels.
- (37) Election Campaign Period - In the case of an election for office, the period beginning on the first day for circulation of nomination papers by candidates, or the first day on which candidates would circulate nomination papers were papers to be required, and ending on the day of the election. In the case of a referendum, the period beginning on the day which the question to be voted upon is submitted to the electorate and ending on the day on which the referendum is held.
- (38) Encroachment - Any fill, structure, building, use or development in the floodway.
- (39) Erosion - The detachment and movement of soil, sediment, or rock fragments by water, wind, ice, or gravity.
- (40) Essential Services - Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings.
- (41) Family – For the purposes of this Chapter, all of the following shall be deemed as a family:
 - (a) An individual.
 - (b) Two or more persons related by blood, marriage, or adoption.
 - (c) A maximum of five persons not so related, maintaining a common household in a dwelling unit or lodging unit.
- (42) Farm – 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.
- (43) Farm acreage – The combined total acreage of all of the following in the base

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farm tract:

- (a) Farms.
 - (b) Open space parcels of more than 10 acres.
- (44) Farm Operator - Any person who owns land and raises crops or livestock on that land or a person who rents land to another for agricultural purposes and who lives on the land having day-to-day contact with the farm operation or a person who lives on land that he has historically farmed. For the purpose of this Chapter, any person who has farmed land for five consecutive years is deemed to have farmed it historically.
- (45) Farm residence – Any of the following structures located on a farm:
- (a) A one-family or two-family (duplex) dwelling that is the only residential structure on the farm.
 - (b) A one-family or two-family (duplex) dwelling that is occupied by any of the following:
 - 1. An owner or operator of the farm.
 - 2. A parent or child of an owner or operator of the farm.
 - 3. An individual who earns more than 50% of his or her gross income from the farm.
 - (c) A migrant labor camp that is certified under s. 103.92, Wis. Stats. or subsequent relevant Wis. Stats.
- (46) Farmers' Market - The temporary sale of farm products at a site other than where they were grown. The sale of farm produce grown on the premises or the sale of not more than five bushels per day of farm produce grown off the premises is not considered a farmers market.
- (47) Fence, Open - A structure of rails, planks, stakes, strung wire, or similar material erected as an enclosure, barrier, or boundary. Open fences are those with more than 50% of their surface area open for free passage of light and air. Examples of such fences include barbed wire, chain link, picket, rail fences, and others as identified in sec. 17.20 Fences of this Chapter.
- (48) Fence, Ornamental - A fence intended to decorate, accent, or frame a feature of the landscape. Ornamental fences are often used to identify a lot corner or lot line; or frame a driveway, walkway, or planting bed. Ornamental fences are those with more than 80% of their surface area open for free passage of light and air. Ornamental fences are often of the rail, or wrought iron type and other as identified in sec. 17.20 Fences of this Chapter.
- (49) Fence, Security - A fence intended to guard property against unauthorized entry, and to protect stored goods and products from theft and other unauthorized

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handling. Security fences usually exceed six feet in height, are often made of wrought iron or woven wire, and may incorporate additional security features such as barbed wire or as identified in sec. 17.20 Fences of this Chapter.

- (50) Fence, Solid - A structure of boards, rails, planks, stakes, slats, or similar material erected as an enclosure, barrier, or boundary. Solid fences are those with 50% or less of their surface area open for free passage of light and air. Examples of such fences are stockade, board-on-board, board and batten, basket weave, and louvered fences or as identified in sec. 17.20 Fences of this Chapter.
- (51) Fish Hatchery - The establishment, operation, and maintenance of a facility for the purpose of breeding and propagating fish for sale, transfer, or fee fishing pursuant to relevant Wis. Stats.
- (52) Frontage - All the property abutting on a road or street.
- (53) Game Farm - The establishment, operation, and maintenance of a game bird or animal farm for the purpose of breeding, propagating, killing, and selling of game birds and animals pursuant to relevant Wis. Stats.
- (54) Garage, Private - An accessory building or space for the storage of not more than three motor-driven vehicles.
- (55) Garage, Public - Any building or premises, other than a private, or a storage garage, where motor-driven vehicles are equipped, repaired, serviced, hired, sold or stored.
- (56) Garage, Storage - Any building or premises used for the storage only of motor-driven vehicles or motor-driven machinery, pursuant to previous arrangements and not to transients, and where no equipment, parts, fuel, grease or oil is sold.
- (57) Gross Farm Revenue – 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 landowner.
- (58) High-water Mark or Elevation - The average annual high water level of a pond, lake, river, stream, or flowage usually distinguished by a line where the presence of water is so continuous as to leave a distinct mark by erosion, change in, or destruction of vegetation, or other easily recognized topographic, geologic, or vegetative characteristics.
- (59) Hobby Farm – A small agricultural holding that is maintained without expectation of being the primary source of income.
- (60) Home-based Business – Defined in each relevant zoning district as follows:

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- (a) R District - A gainful occupation operating from a primary place of residence that occupies no more than 25% of the home; employs no more than one person who is not a member of the household; does not require any specialized equipment or utility services; and has customers and truck delivery services only occasionally coming to the business.
- (b) TRD District – As defined above for R District.
- (c) RD District – A gainful occupation operating from a primary place of residence, including such light industrial uses as rental storage in an existing outbuilding, contractors shop or warehouse, or machine shop; service offices; bed and breakfast operations; veterinarian office or pet care facility; and similar if they generally met the requirements for accessory uses except that the business:
 - 1. Employs no more than four (4) people who are not residents of the home.
 - 2. Has customers and truck delivery services visiting the business frequently, but not daily.
 - 3. Is located in a specialized building on the property.
- (d) A-1 District - A gainful occupation operating from a primary place of residence, including rental storage in an existing barn or other outbuilding, bed and breakfast operations, music teaching, day care facilities, service offices, or other home-based businesses provided the business does not produce excessive noise, waste or pollution and provided that the business is consistent with ch. 91, Wis. Stats.
- (e) A-2 District – As defined above for A-1 District.
- (61) Home Occupation - A gainful occupation conducted by members of the family only, within their place of residence; provided that no article is sold or offered for sale on the premises except such as is produced by such occupation, that no mechanical equipment is used other than such as is ordinarily used for domestic purposes and that no person other than a member of the immediate family living on the premises is employed. In the A-1 Farmland Preservation District, all home occupations must be consistent with sec. 91.01(1)(d).
- (62) Hotel - A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five sleeping rooms with no cooking facilities in any individual room or apartment.
- (63) Interconnected building – Two buildings on the same parcel or on adjoining parcels connected by a shared wall.
- (64) Junk Yard - A lot, land, building, or structure, or part thereof used primarily for the collecting, storage, and/or sale of waste paper, rags, scrap metal, or discarded material or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition and for sale of parts therefrom.

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- (65) Kennel - A use of land in which more than four dogs over three months of age are kept on the premises.
- (66) Landmark - Any structure or improvement which has a special character or special historic interest or value as part of the development, heritage or cultural characteristics of the community, State, or nation and which has been designated as a landmark pursuant to the provisions of this Chapter.
- (67) Landmark Site - Any parcel of land of historical significance due to substantial value in tracing the history of aboriginal man, or upon which a historic event has occurred, and, which has been designated as a landmark site pursuant to the provisions of this Chapter; or a parcel of land, or part thereof, on which is located a landmark and any abutting parcel, or part thereof, used as and constituting part of the premises on which the landmark is situated.
- (68) Land Owner or Landowners- Any person holding title to or having an interest in land.
- (69) Land User - Any person operating, leasing, renting, or having made other arrangements with the landowner by which the landowner authorizes use of his land.
- (70) Livestock - Means bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, rataties and farm-raised fish.
- (71) Lodging House - A building other than a hotel where lodging only is provided for compensation for three or more persons not members of the family.
- (72) Lot, Zoning - A single property, parcel, unit, tract, plot or otherwise designated to be used, as a unit under single ownership or control, and which may be occupied by one or more structures and the accessory structures, or uses customarily incidental to it, including such open spaces as are arranged and designed to be used in connection with such structure. A zoning lot may or may not coincide with a lot of record.
- (73) Lot, Corner – For the purposes of this Chapter, a corner lot shall be defined as any of the following:
 - (a) A lot located at the junction of and abutting two or more intersecting streets.
 - (b) A lot located at the junction of and abutting a street and the nearest shoreline or high-water line of a storm or floodwater runoff channel or basin.
 - (c) A lot located at the junction of and abutting two or more storm or flood water runoff channels or basins.
 - (d) A lot located or at and abutting the point of abrupt change of a single street where the interior angle is less than 135 degrees and the radius of the street is less than 100 feet.

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- (74) Lot Depth - The average distance from the front to the rear lot lines measured in the general direction of the side lot lines.
- (75) Lot, Interior - A lot other than a corner lot.
- (76) Lot Width - The distance between sides of the lot at the building line. In the case of a shoreland lot, the lot width is the width of the lot at both the building line and the waterline.
- (77) Manufactured Home – A factory-built, single-family structure that is manufactured in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974 or subsequent relevant federal statutes (as evidenced by the presence of a manufacturer's certification label on the unit).
- (78) Mobile Home - That which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway, and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; including any additions, attachments, annexes, foundations and appurtenances. In the purpose of this ordinance, a mobile home shall remain classified as a mobile home regardless of whether its wheels or other rolling devices have been removed or not, and even though assessable value of additions, attachments, annexes, foundations and appurtenances or other added investments to the mobile home equal or exceed 50% of the assessable value of the mobile home.
- (79) Mobile Home Park - Any plot or tract of ground upon which two or more mobile homes, occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodations.
- (80) Motel - A building or group of buildings containing rooms which are offered for compensation for the temporary accommodations of transients.
- (81) Nonconforming Lot – A lot or parcel existing at the time of the passage of this ordinance or amendments which does not conform to the regulations of this ordinance or amendments thereto.
- (82) Nonconforming Use - A building or premises lawfully used or occupied at the time of the passage of this ordinance or amendments, which use, or occupancy does not conform to the regulations of this ordinance or amendments thereto.
- (83) Nonfarm Residence – Any residence other than a farm residence.
- (84) Nonfarm Residential Acreage – The total number of acres of all parcels on which nonfarm residences are located
- (85) Nonmetallic Mining - Operations or activities for the extraction from the earth for sale or use by the operator of mineral aggregates such as stone, sand, gravel and nonmetallic minerals such as asbestos, beryl, clay, feldspar, peat, talc; and

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topsoil-related operations or activities such as excavation, grading or dredging if the purpose of those operations or activities is the extraction of mineral aggregates and nonmetallic minerals; and related processes such as crushing, screening, scalping, dewatering and blending. Nonmetallic mining or nonmetallic mining operation does not include or allow the following activities or uses by way of illustration which include, but are not limited to: manufacture of concrete building blocks or other similar products, asphalt or hot blacktop mixing and production of ready mix concrete.

- (86) Occupancy – Gaining of having physical possession of real property subject to, or in the absence of, legal right or title.
- (87) Overlay District - Overlay districts provide for the possibility of superimposing certain additional requirements upon a basic zoning district without disturbing the requirements of the basic district. In the instance of conflicting requirements, the more stringent of the conflicting requirements shall apply.
- (88) Person – An individual, corporation, partnership, limited liability company, trust, estate or other legal entity.
- (89) Planned Unit Development - The Planned Unit Development (PUD) is intended to permit developments that will, over a period of time, be enhanced by coordinated area site planning, diversified location of structures, diversified building types, and/or mixing of compatible uses. Such developments are intended to provide a safe and efficient system for pedestrian and vehicle traffic; to provide attractive recreation and open spaces as integral parts of the developments; to enable economic design in the location of public and private utilities and community facilities; and to ensure adequate standards of construction and planning. The PUD will allow for flexibility and overall development design with benefits from such design flexibility intended to be derived by both the developer and the community, while at the same time maintaining insofar as possible the land use density and other standards or use requirements set forth in the underlying basic zoning district. All provisions for PUD shall be complied with as stated in the Zoning Code.
- (90) Prime Farmland – Any 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.
- (91) Principal Use or Principal Structure - The main use of land or structures as distinguished from a secondary or accessory use or accessory structure.
- (92) Professional Office - The office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician,

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beauty parlor or barbershop or other recognized profession.

- (93) Protected Farmland – Land that is any of the following:
- (a) Located in a farmland preservation zoning district certified under ch. 91, Wis. Stats. or subsequent statutes.
 - (b) Covered by a farmland preservation agreement under ch. 91, Wis. Stats. or subsequent statutes.
 - (c) Covered by Purchase of Agricultural Conservation Easements (PACE) under s. 93.73, Wis. Stats. or subsequent statutes.
 - (d) Otherwise legally protected from nonagricultural development.
- (94) 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.
- (95) Sanitary Sewer - A constructed conduit for the collection and carrying of liquid and solid sewage wastes from two or more premises, other than storm water, to a sewage treatment plant, and which is approved by the Wisconsin Department of Natural Resources (WDNR).
- (96) Self-Service Storage Facility - A building or group of buildings that contain varying sizes of individual, compartmentalized, and controlled access stalls or lockers designed primarily for the storage of household items and inventory of small commercial business where storage stalls or lockers are individually leased or rented.
- (97) Setback - Lines established along highways at specified distances from the centerline, which permitted buildings or structures shall be set back of, or outside of, and within which they may not be placed except as hereinafter provided. "Within the setback lines" means between the setback line and the highway.
- (98) Shorelands - Those lands lying within 1,000 feet from a lake or pond of flowage, and 300 feet from a river or stream or to the landward side of the floodplain, from the ordinary high water mark of navigable waters, whichever distance is greater. Shorelands shall not include those lands adjacent to farm drainage ditches where such lands are not adjacent to a navigable stream or river, those parts of such drainage ditches adjacent to such lands were non-navigable streams before ditching or had no previous stream history, and such lands are maintained in nonstructural agricultural use.
- (99) Sign – A device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or governmental agency, or any civic, charitable, religious, patriotic, fraternal or similar organization, or any sign indicating address. Each display surface of a sign shall be considered a sign.

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- (100) Sign, Directional - A sign erected for the purpose of directing persons to a place of business, recreation or public building, school or church.
- (101) Stable - Stable shall have the same meaning as garage, one draft animal being considered the equivalent of one self-propelled vehicle.
- (102) Street - All property dedicated or intended for public or private street purposes or subject to public easements therefore and 21 feet or more in width.
- (103) Street Line - A dividing line between a lot, tract or parcel of land and a contiguous street.
- (104) Structure - Anything constructed or erected, the use of which requires a more or less permanent location on or in the ground. Includes but is not limited to objects such as buildings and dwellings.
- (105) Temporary Structure - A structure which is built of such materials and in such a way that it would commonly be expected to have a relatively short useful life, or is built for a purpose that would commonly be expected to be relatively short-term and not to be habitable.
- (106) Structural Alteration - Any change in the bearing walls, columns, beams, girders, or supporting members of a structure; and change or rearrangement in the floor area of a building, any enlargement of a structure whether by extending horizontally or by increasing in height, and/or any movement of a structure from one location or position to another.
- (107) Traffic Lane - A strip of roadway intended to accommodate a single line of moving vehicles.
- (108) Universal Building Code (UBC) Permit – Permit issued by the Building Inspector, consistent with the State of Wisconsin Uniform Dwelling Code, for new homes and commercial buildings and remodel work greater than 50% of the appraised value of the structure. May be issued for remodel work 50% or less of the appraised value of the structure when requested by the Building Permit Officer.
- (109) Utilities - Public and private facilities such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops, and storage yards.
- (110) Variance - An authorization granted by the Zoning Board of Appeals to construct, alter, or use a building or structure, modify otherwise required lot dimensions, or in other ways allow for uses in a manner that deviates from the dimensional standards of this Chapter.

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- (111) Yard - An open space, other than a court, on the same lot with a structure, lying between the structure and the nearest lot line, and is unoccupied and unobstructed from the surface of the ground upward except as may be specifically provided by the regulations and standards herein.
- (112) Yard, Front - A yard extending the full width of a lot and situated between the front lot line and the nearest line of a structure located on said lot. Where a lot is located such that its rear and front lot lines each abut a street right-of-way line both such yards shall be classified as front yards. Every yard of a corner lot facing a street right-of-way line shall be classified as a front yard.
- (113) Yard, Rear - A yard extending the full width of a lot and situated between the rear lot line and the nearest line of a structure located on said lot.
- (114) Yard, Side - A yard situated between the side lot line and the nearest line of a structure located on said lot and extending from the rear line of the front yard to the front line of the rear yard.

17.10 General Use Provisions.

- (1) The use and height of buildings hereafter erected, converted, enlarged or structurally altered and the use of any land shall be in compliance with the regulations established herein for the district in which such land or building is located.
- (2) The existing lawful use of a building or premises at the time of the enactment or amendment of this ordinance may be continued although such use does not conform with the regulations for the district in which it is located, but such nonconforming use shall not be extended.
- (3) If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or a more restrictive classification. Whenever a nonconforming use has been changed to a more restrictive nonconforming use or a conforming use, such use shall not thereafter be changed to a less restrictive use.
- (4) If a nonconforming use of a building or premises is discontinued for a period of 12 months, any future use of the building or premises shall conform to the regulations for the district in which it is located.

17.11 General Yard and Space Provisions.

- (1) No lot area shall be so reduced that the yards and open spaces shall be smaller than is required by this Chapter, nor shall the density of population be increased in any manner except in conformity with the area regulations hereby established for the district in which a building or premises is located.
- (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 a

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part of a yard or other open space required for another building.

- (3) Every building hereafter erected, converted, enlarged or structurally altered shall be located on a lot and in no case, shall there be more than one main building on one lot.
- (4) Every part of a required yard shall be open to the sky unobstructed, except the accessory buildings in a rear yard, and the ordinary projections of sills, belt courses, cornices and ornamental features projecting not more than 24 inches.
- (5) Any side yard or rear yard abutting a district boundary line shall have a minimum width and depth in the less restricted district equal to the average of the required minimum widths and depths for such yards and courts in the two districts which abut the district boundary line.
- (6) No alterations to any building, except uncovered steps, shall project into the front yard established at the time of the original construction of such building beyond a line connecting the nearest points on the setback lines of the next existing buildings on each side of such building.
- (7) Where a housing project consisting of a group of two or more buildings containing four or more dwelling units is to be constructed on a site not subdivided into customary lots and streets, or where an existing lot and street layout make it impractical to apply the requirements of this ordinance to the individual building units, the Plan Commission may approve a development plan provided it complies with the regulations of this ordinance as applied to the whole plat.
- (8) The entirety of all residential structures must be placed within 350 feet of the adjacent road right-of-way line except for agriculture-related structures.
- (9) A driveway turn-around is required for each residential lot to eliminate backing up of vehicles onto public roads.

17.12 Effective Date.

- (1) The effective date of this Chapter shall be the date of publication of the ordinance adopting this Chapter.
- (2) Nothing herein contained shall require any change in the plans, construction, size or designated use of any building or part thereof, the construction of which shall have been started prior to the effective date of this ordinance.

17.13 Parking.

- (1) All theaters, arenas, auditoriums, churches or other places of public gathering hereafter erected shall provide an accessible parking space of sufficient size to accommodate at least one car for every five seats provided.

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17.14 Exceptions.

- (1) The regulations contained herein relating to the heights of buildings and the size of yards and other open spaces shall be subject to the following exceptions:
 - (a) Churches, schools, hospitals, sanatoriums, and other public and quasi-public buildings may be erected to a height not exceeding 65 feet, provided the front, side and rear yards required in the district in which such buildings are to be located are each increased at least one 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.
 - (b) Chimneys, cooling towers, elevator bulkheads, fire towers, silos, monuments, penthouses, stacks, scenery lofts, tanks, water towers, ornamental towers, spires, wireless, television or broadcasting towers, masts or aerials, telephone, telegraph and power poles and lines, micro-wave radio relay structures, and necessary mechanical appurtenances are hereby excepted from the height regulations of this ordinance and may be erected in accordance with the other regulations or ordinances of the Town of Eldorado.
 - (c) Where a lot abuts on two or more streets or alleys having different average established grades, the higher of such grades shall control only for a depth of 120 feet from the line of the higher average established grade.
 - (d) 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.
 - (e) Where a lot has an area 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 passage of this ordinance, such lot may be occupied by one family.
 - (f) Where an accessory building is a part of the main building or is substantially attached thereto, the side yard and rear yard regulations applicable to the main building shall be applied to the accessory building.
 - (g) Open or enclosed fire escapes and fire towers may project into a required yard not more than five feet provided they are so located as not to obstruct light and ventilation.

17.15 Code Compliance and Permits.

- (1) No Universal Building Code (UBC) permit, Building permit or certificate of occupancy shall be issued by the Building Inspector or Building Permit Officer for any lot which does not comply with all the regulations and standards of this Chapter unless a variance to such regulations and standards has been approved by the Zoning Board of Appeals.

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- 17.16 Multi-Family Housing. Multi-family housing is a conditional use in the R Residential District and TRD Transitional Residential District subject to the following standards and regulations:
- (1) Ground Floor Area. Minimum ground floor area per dwelling unit shall be 700 square feet for each one-bedroom unit; 800 square feet for each two-bedroom unit; 1,000 square feet for each three-bedroom unit, -- exclusive of common use hallways.
 - (2) Off-street parking space.
 - (a) Off-street parking spaces of not less than 300 square feet for each space required shall be provided on the same lot or tract of land as the dwelling served, 450 square feet for each one-bedroom unit; 450 square feet for each two-bedroom unit; and 600 square feet for each three-bedroom unit and no such space shall be rented or leased to a non-resident of the premises.
 - (b) Such off-street parking spaces shall be located no less than 10 feet from any front lot line and shall be located no less than five feet from any side or rear lot line.
 - (c) Each lot or tract of land as the dwelling served shall provide sufficient area so that vehicles may re-enter the public road in a forward direction.
 - (d) Parking area shall be screened with decorative fence or shrubbery from the street and adjacent property as set out in sec. 17.20 Fences of this Chapter.
 - (3) Dimension of Building Sites.
 - (a) For a three-family unit, the minimum lot size shall be 1.5 acres (65,340 square feet), and the minimum frontage shall be 200 feet.
 - (b) For more than a three-family unit, the minimum lot size shall be 1.5 acres (65,340 square feet) plus 7,500 square feet per family unit in excess of three, and the minimum frontage shall be 250 feet.
 - (4) Site Improvements.
 - (a) Refuse disposal shall be in such containers as approved by the Town of Eldorado and shall be located in the rear yard and appropriately screened and accessible for removal from a driveway or a yard service driveway.
 - (b) Such additional screening shrubbery and the like as shall be necessary and reasonable in order to retain the aesthetic value of the area and to protect adjacent property.
 - (c) Such fencing as may be necessary for the safety of the occupants and the public generally as per sec. 17.20 Fences of this Chapter.

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17.17 **Manufactured Homes.** Where allowed as a permitted or conditional use, manufactured homes shall be subject to the following standards and regulations:

- (1) The minimum ground floor area shall be 800 square feet.
- (2) Each manufactured home must be built on or after October 1, 1974, in compliance with all applicable state and federal regulations.
- (3) A base of concrete or crushed rock at least six inches thick, concrete blocks or other properly engineered design which meets the standards of Housing and Urban Development for the proper support of a manufactured home shall be installed to serve as the foundation.
- (4) Any manufactured home, which has been previously occupied as a dwelling, must have a current fair market value of not less than 60% of its original list price as decided by the Town Assessor.

17.18 **Town Road Design Standards.** A land developer for homes, condominiums and apartment buildings shall build a road or roads that conform to the requirements of the Town of Eldorado Road Ordinance and Chapter 18: Land Division and Subdivision Regulations of the Eldorado Town Code.

17.19 **Nonconforming Uses.**

- (1) **Applicability and Intent.** Any use of land or structures, or any lot or structure which existed legally at the effective date of adoption or amendment of this Chapter which would not be permitted or permissible by the provisions of this Chapter as adopted or amended, shall be deemed nonconforming. It is the intent of this Chapter to permit such legally-existing nonconformities to continue, subject to restrictions.
- (2) **Nonconforming Uses of Land and Structures.** No such nonconforming use of any land or structure shall be extended or enlarged. If such nonconforming use is discontinued for a period of 12 consecutive months or for 18 accumulative months during any three-year period, any future use of such land or structure shall conform to the Chapter.
- (3) **Nonconforming Structures.** No such structure shall be altered in any manner, which would increase the degree of nonconformity.
- (4) **Non-conforming Lots of Record.** In any residential district, a single-family dwelling and customary accessory structure may be erected on a single lot of record at the effective date of adoption or amendment of this Chapter. This provision shall apply even though such lot fails to meet the requirements of lot size, lot width or both for the district in which it is located, provided such lot shall be in separate ownership and not of continuous frontage with other lots in the same ownership. Variance of yard requirements shall be obtained only through action of the Zoning Board of Appeals. If two or more lots or combinations of lots

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and portions of lots with continuous frontage in single ownership are of record at the effective date of adoption or amendment of this ordinance, the lands involved shall be considered to be an individual parcel for the purpose of this ordinance and no portion of such parcel shall be used, divided or sold which does not meet the lot size and lot width requirements for the district in which it is located.

- (5) **Repairs and Maintenance.** Nothing in this ordinance shall be deemed to prevent normal maintenance or repair of any structure or to prevent restoring to a safe condition any structure declared to be unsafe unless as otherwise required in sec. 17.10 General Use Provisions of this Chapter.
- (6) **Existing Conditional Uses.** Any use or structure existing at the effective date of adoption or amendment of this ordinance which is classified as a conditional use in the district in which it is located shall be deemed to have been granted approval by the Plan Commission, subject to maintaining the character and intent of such use or structure existing on that date. Any extension, enlargement or change in such use or structure shall require approval of the Plan Commission as provided in this Chapter.

17.20 **Fences.** Fences and walls are subject to the provisions of this section:

- (1) **Height.** The height of fences and walls shall be measured at grade.
 - (a) **Residential zoning districts (R, TRD, RD).**
 - 1. The maximum height of a fence or wall within required side and rear setbacks in a residential zoning district shall not exceed six feet.
 - 2. Fences around pools shall not exceed eight feet.
 - 3. The maximum height of a solid fence or wall within a required front yard or corner side yard setback shall not exceed three feet.
 - 4. Such front yard or corner side yard fences may be increased to a maximum height of four feet if open, decorative, ornamental fencing materials that are less than 50% opaque are used or to a maximum height of five feet if open, decorative, ornamental fencing materials that are less than 20% opaque are used.
 - 5. When the fence extends beyond at least half the distance of the primary building's side facade, the fence height may increase to six feet provided the fence is constructed not closer than half the applicable corner side yard setback.
 - (b) **Nonresidential zoning districts.** The maximum height of a fence or wall shall not exceed eight feet except in required front or corner side yard setbacks where the maximum height of a solid fence or wall shall not exceed three feet.
 - (c) **Schools.** There is no maximum height for fences around schools.

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(d) Boundary fence. A boundary fence or wall shall not be more than six feet in height in residential districts and not more than 12 feet in commercial and industrial districts, except that hedges may be permitted to grow to their natural height. No boundary fence or wall, including a hedge or row planting, shall be permitted in excess of three feet in height between the front yard setback line and the abutting lot lines.

1. In the case of grade separation, such as the division of properties by a retaining wall, fence height shall be determined based on measurement from the average point between highest and lowest grade.

(e) Sound barrier/privacy fence or wall on a roadway. A sound barrier/privacy fence or wall constructed in a board-to-board or stone, masonry or brick and mortar style may be erected that prevents sound penetration and decreases the noise levels along the back or side lot line of a residential property abutting an arterial or collector street that has access restrictions and that is posted at no more than 45 miles per hour, shall not exceed eight feet in height.

(2) Setback from Property line.

(a) Residential Districts. Fences in residential districts shall be set back no less than one foot from the property line.

(b) Non-Residential Districts. Fences in non-residential districts shall be set back no less than two feet from the property line.

(3) Materials and Construction.

(a) Barbed wire fences, electrical fences, and single, double and triple strand fences are prohibited except in A-1, A-2, and I Districts.

1. Barbed wire fences, electrical fences, and single, double, and triple strand fences may not be used in residential districts, except between residential and agricultural properties.

2. Electric fences may only be used between agricultural and residential properties when agreeable to both parties at the time the fence is installed. Subsequent residential owners may not require removal of the electric fence. Fences adjoining residential parcels must be screened by a non-electric fence with no less than two feet of space separating the fences.

(b) For all zoning districts other than A-1 and A-2 districts, fence material must be either naturally resistant or treated wood board, vinyl, galvanized and/or

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vinyl coated chain link material, wrought iron, brick, natural stone, masonry, or other material as approved by the Plan Commission. Chain link fence slats are subject to provisions of this ordinance.

- (c) Fences and walls located in the front yard must be made of materials such as wood, brick, vinyl or stone.
 - (d) The finished side of the fence shall be erected to face the adjoining property. The side with protruding studs or posts shall face the building of the lot responsible for the erection of the fence.
- (4) Exceptions. Protective security and boundary fences on industrial sites, publicly owned lands or semi-private lands such as places of worship, educational institutions, utility substations, etc. are excluded from the provisions of this section, except that where such fences incorporate the use of barbed wire, such barbed wire shall not be less than seven feet above the ground level, and except such fences shall be a minimum of two-thirds open to vision equally distributed throughout the fence length, and maintain allowable height when located within the defined vision corner.
- (5) Setback. No fence in the R, TRD, or RD Districts shall extend closer than five feet from a road right-of-way nor extend closer than 12 inches from a side or back yard property line.
- (6) Maintenance. Both the fence and the property surrounding both sides of the fence shall be properly maintained in good repair to structure and appearance at all times.
- (7) Swimming Pools, Spas, Hot Tubs, Saunas, Steam Rooms.
- (a) In-ground Pools, Spas, Hot Tubs. In-ground pools, spas, and hot tubs must be enclosed by a fence that is at least four feet high. A pool fence must also have a gate with a lock. If the yard within which the in-ground pool is located is fenced, no additional fencing is required; however, the yard fencing must have a gate(s) with a lock.
 - (b) Above-Ground Pools, Spas, Hot Tubs. Above-ground pools, spas, and hot tubs with sides that are at least four (4) feet high do not need to be enclosed by a fence. However, access to an above ground pool must be controlled by a removable ladder or lockable gate for any fixed stairway or ladder. Above-ground pools, spas, and hot tubs with sides less than four (4) feet high must comply with the requirements for in-ground pools, spas, and hot tubs.

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- (c) Outdoor Saunas and Steam Rooms. Fencing is not required for outdoor saunas and steam rooms; although, access to the sauna or steam room must be controlled by a lock.
- (d) Portable Pools. Portable pools that can be erected without permanent support do not require fencing.
- (8) Permit Required. Building permits must be obtained from the Town permit issuer for all fences in residential districts except for temporary seasonal fences (e.g. snow fences).

17.21 Business Permit Required.

- (1) Purpose. The purpose of the Business Permit is to provide an additional protection to the citizens and visitors of the Town from fraud and misrepresentation; to ensure that sales tax revenues are reported equitably; and to provide a database of the commercial activities within the community.
- (2) Requirements. The Town of Eldorado requires that every person, firm, corporation, partnership or other business organization occupying real property within the Town for business purposes shall obtain a Business permit. In addition, similar businesses, which are engaged in business activities within the Town but have no fixed place of business in the Town shall also be required to obtain a Business permit. Any business, existing or new, that is sold or ownership transferred, is required to purchase another license from the Town of Eldorado. Home-based businesses as defined in this Chapter, require a Business permit to operate within the Town of Eldorado.
- (3) Violations.
 - (a) It is unlawful for any person, whether as principal or agent, either for himself or for another person, or for any corporation, or as a member of any firm or co-partnership, to commence, practice, transact or carry on any trade, calling, profession, occupation or business within the Town limits without first having procured a Business permit from the Town.
 - (b) The practicing or carrying on of any trade, calling, profession, occupation or business by any person, corporation or partnership without first having procured a permit from the Town to do so, or without complying with any and all regulations of such trade, calling, profession, occupation or business, as required by other law or by this article shall constitute a separate violation of this article for each and every day that such trade, calling, profession, occupation or business is practiced, carried on or conducted within the Town.

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- (4) Exceptions. The only exceptions to the licensing requirements of this section shall be:
- (a) Non-profit educational institutions, fraternal and service clubs, bona fide religious organizations, and agencies of any federal, state or local governments.
 - (b) Non-profit private clubs where a basic membership fee covers the cost of the use of facilities.
 - (c) Fund raising projects of non-profit and bona fide religious organizations, not conducted on a regular basis.
- (5) Application and Issuance. Application for Business permits shall be made to the Town on forms furnished by the Clerk.
- (a) It shall be the duty of the Clerk upon receipt of a properly completed application for a Business permit and verification of the data contained thereon, to prepare and issue a permit under this article for every person, corporation or partnership required to pay a permit fee hereunder and to state in each permit the amount charged for the same, the period of time covered thereby, the name of the person, corporation or partnership for whom issued and the trade, calling, profession, occupation or business permitted and the location or place of business where the trade, calling, profession, occupation or business is to be carried on, transacted or practiced.
 - (b) In no case, shall any mistake made by the Clerk in issuing any permit or collecting the amount of fee for any permit or the amount actually due from any person required to pay for a permit as provided herein, prevent, prejudice or stop the Town from collecting the correct amount of fee or charge for any permit or the amount actually due from any person required to pay for a permit as provided herein, or revoking any permit erroneously issued and refunding the fee collected.
 - (c) No greater or lesser amount of money shall be charged or received by the Clerk for any permit than is provided for in this article, and no permit shall be issued for any period of time other than as provided herein.
 - (d) All charges for a permit required by this article shall be paid in advance and in lawful money of the United States of America at the office of the Clerk.
- (6) Review. The Town of Eldorado shall:
- (a) Review the proposed use in order to confirm proper zoning.

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- (b) Review with the applicant all requirements regarding Universal Building Code (UBC) permits, Building permits, Occupancy permits, and compliance with all other relevant local and state requirements.
 - (c) Review traffic and parking considerations.
 - (d) Review all other relevant terms and provisions of the Town of Eldorado Ordinances.
- (7) Term of Permits.
 - (a) The renewal charge for annual permits provided herein shall become due and payable between January 1 and January 31 of each calendar year and each year thereafter, except that any new permit charge shall become due and payable and be paid on or before the day of commencing to carry on, transact or practice the trade, calling, profession, occupation or business for which a permit is required by this article.
 - (b) The charge for daily permits required by this article shall become due and payable and be paid before each day for which required.
- (8) Number of Permits.
 - (a) A separate charge for a permit shall be paid for each branch establishment or separate place of business in which any person, corporation or partnership shall carry on, transact or practice a trade, calling, profession, occupation or business.
 - (b) When more than one trade, calling, profession, occupation or business is carried on, transacted or practiced by the same person, corporation or partnership at one fixed place of business, only one permit shall be required and the charge for such permit shall be the highest charge applicable to any of the activities, and all activities shall be listed on the permit issued.
 - (c) When more than one trade, calling, profession, occupation or business shall be carried on, transacted or practiced by the same person, corporation or partnership without any fixed place of business, a separate permit shall be required and a separate appropriate charge be paid for each activity for which a permit is required this article.
- (9) Permit to be Exhibited.

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- (a) Each person, corporation or partnership having a permit and having a fixed place of business shall keep said permit, while in force, at some conspicuous place or location within the place of business.
 - (b) Each person, corporation or partnership having a permit and having no fixed place of business shall carry such permit with them at all times, while engaged in any activity for which the permit was issued, except that a person acting for any such corporation, firm or company and not being the only person acting for such corporation, firm or company may carry with them a copy of the permit which has been issued by the Clerk and plainly marked or stamped "Duplicate".
 - (c) Each person, corporation or partnership having a permit shall produce and exhibit the same whenever requested to do so by any designated officer of the Town or by the Clerk.
- (10) Inspector of Permits.
- (a) The Clerk shall be inspector of permits and may appoint, with approval of the manager, such assistant inspectors as may be required to enforce these regulations.
 - (b) Each assistant inspector of permits, immediately upon the facts coming to his knowledge, shall report to the Clerk the name of any person, corporation or partnership carrying on, transacting or practicing any trade, calling, profession or business within the Town without first having obtained a permit as required by this article.
- (11) Duties and Powers of Inspectors.
- (a) The inspector of permits and the assistant inspectors, each in the discharge and performance of his duties, shall have and exercise the following powers:
 - 1. To file a complaint for any violation of the provisions of this Chapter with the Town magistrate.
 - 2. To enter, free of charge and during regular business hours, any place of business for which a permit is required by this article and to demand exhibition of the permit for the current period of time from any person, corporation or partnership engaged in carrying on, transacting or practicing any trade, calling, profession, occupation or business at such place of business and, if such person, corporation or partnership shall fail then and there to exhibit such permit, such person, corporation or partnership shall be liable to the penalties provided for violation of this article.

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3. When the charge for any permit required hereunder shall remain unpaid for ten days from and after the due date, such charge shall be delinquent and the Clerk, on the day upon which said charge becomes delinquent, shall add thereto an amount equal to 25% of said charge as a penalty and no receipt or permit shall be issued thereafter by the Clerk until the charge and penalty shall be paid in full.

- (12) Transfer of Permit. No permit issued under the provisions of this article shall be assigned or transferred to any other person, corporation or partnership without first obtaining permission from the Town.

- (13) Prorating Prohibited. No permit fee herein provided shall be prorated, except that annual permits issued after the first of December shall be valid for all of the subsequent year and shall reflect an appropriate expiration date.

- (14) Business Permit Fees. The Business permit fees shall be set and adjusted from time to time by the Town Board and shall be listed in the Town of Eldorado Fee Schedule.

- (15) Restrictions, Suspension, Revocation. Permits issued under the provisions of this Chapter may be restricted, suspended or revoked by the Town Clerk, after notice and an opportunity for a hearing, for any of the following causes:
 - (a) Fraud, misrepresentation or false statement contained in the application for permit.
 - (b) Fraud, misrepresentation or false statement made in the course of carrying on the business.
 - (c) Any violation of this Chapter.
 - (d) Conviction of any crime or misdemeanor involving moral turpitude.
 - (e) Conducting business in violation of any Town ordinance, county ordinance or state law relating to the public health, safety and welfare.

- (16) Appeals.
 - (a) Notice of the hearing for restrictions, suspension or revocation of a permit shall be given in writing, by the Town Clerk, setting forth specifically the grounds for the restrictions, suspension or revocation and the time and place of the hearing. Such notice shall be mailed to the permittee at the address listed on the Business permit application at least ten days prior to the date set

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for the hearing. The mailing of such notice shall constitute proper notice to the permittee.

- (b) Any person aggrieved by the denial of an application for permit or by the restrictions placed upon the permit or by the suspension or revocation of such permit shall have the right of appeal to the Zoning Board of Appeals. Such appeal shall be taken by filing with the Town Clerk, within fourteen days after such denial, restriction, suspension or revocation, a written statement setting forth fully the grounds for the appeal. The Zoning Board of Appeals shall set a time and a place for hearing of such appeal, and notice of such hearing shall be given to the appellant in the same manner as provided for notice of a hearing on suspension or revocation. The decision and order of the Zoning Board of Appeals on such appeal shall be final.

17.22-17.29 Reserved.

17.30 R Residential District.

- (1) Purpose. The R Residential District is intended to provide the area covered by this ordinance with low-density residential development. The R Residential District is intended primarily for the area south of the unincorporated village of Eldorado.
- (2) Permitted Uses. The following uses are permitted in the R Residential District:
- (a) One-family dwellings.
 - (b) Two-family dwellings.
 - (c) Manufactured homes, subject to the requirements of sec. 17.17 Manufactured Homes of this Chapter.
 - (d) Conversion of any existing building to a permitted use.
 - (e) Home occupations.
 - (f) Public parks, playgrounds.
 - (g) Public and semi-public non-profit institutional uses including churches, schools, libraries and uses of a similar nature.
- (3) Permitted Accessory Uses. The following accessory uses are permitted in the R Residential District:
- (a) Swimming pools. Pools must be fenced in accordance with sec. 17.20 Fences of this Chapter. Side yard and rear yard setbacks for swimming pools are

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consistent with the side yard and rear yard setbacks for permitted accessory structures in the same district.

(b) Fences, consistent with sec. 17.20 Fences of this Chapter.

(c) Personal energy systems, consistent with any current or future or Town of Eldorado Personal Energy Systems Ordinance, including but not necessarily limited to:

1. One small wind turbine intended to supply energy for personal use or to sell back to the grid, consistent with ch. PSC 128, Wis. Adm. Code.
2. Conventional photovoltaic solar arrays, flexible solar arrays, and similar energy systems.
3. Solar thermal energy systems.
4. Geothermal pumps and energy systems.
5. Outdoor wood-fired boilers.
6. Other personal energy systems as defined in any current or future Town of Eldorado Personal Energy Systems Ordinance.

(4) Permitted Accessory Structures. No more than five accessory structures are permitted within the R Residential District. The following accessory structures are permitted in the R Residential District:

(a) Detached garages.

(b) Garden sheds.

(c) Gazebos.

(d) Structures deemed by the Plan Commission to be similar in nature to the structures identified above.

(5) Conditional Uses. The following uses may be conditionally approved in the R Residential District in accordance with sec. 17.51 Conditional Uses of this Chapter.

(a) Bed and breakfast establishments.

(b) Rest homes, nursing homes, clinics, and commercial childcare facilities.

(c) Multi-family dwellings in the R Residential District shall be subject to the standards and regulations as set out in sec. 17.16 Multi-Family Housing of this Chapter.

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- (d) Home-based businesses.
- (6) Conditional Accessory Uses. The following accessory uses may be conditionally approved in the R Residential District:
 - (a) Roadside stands, not to exceed 100 square feet in area and to be removed at the end of the growing season.
- (7) Conditional Accessory Structures. The following accessory structures may be conditionally approved in the R Residential District:
 - (a) Additional accessory structures beyond the maximum number of accessory structures permitted in sec. 17.30(4) of this Chapter.
- (8) Regulations and Standards. The following regulations and standards shall apply to all dwellings in the R Residential District and properties zoned Residential throughout the Town:
 - (a) Occupancy. Residential occupancy per dwelling unit shall be limited to one family and not more than four roomers or boarders.
 - (b) Location. Dwellings shall be located so as to abut a public road.
 - (c) Ground Floor Area. The minimum ground floor area per dwelling unit shall be 800 square feet.
 - (d) Off-Street Parking Space.
 - 1. Each dwelling unit shall be provided with a minimum of 600 square feet of off-street parking located on the same lot or tract of land as the dwelling served.
 - 2. Such off-street parking spaces shall be located no less than 10 feet from any front lot line and shall be located no less than 5 feet from any side or rear lot line.
 - 3. Each lot or tract of land as the dwelling served shall provide sufficient area so that vehicles may re-enter the public road in a forward direction.
- (9) Dimensions of Building Sites for Unsewered One and Two Family Dwellings. The following dimensions shall apply in the R Residential District:
 - (a) The minimum lot size shall be 0.75 acre (32,670 square feet).

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- (b) The minimum frontage shall be 150 feet.
 - (c) The minimum lot width shall be 150 feet at the minimum road setback (or “build line”).
- (10) Setbacks. The following setbacks shall apply in the R Residential District:
- (a) The minimum road setback (or “front yard”) is as provided generally in sec. 17.50 Highway and Riparian Setback Requirements of this Chapter and more specifically, as the greater of 100 feet from the centerline or 65 feet from the right-of-way with one exception. Any dwelling or structure constructed between two existing dwellings or structures that exist 150 feet or less apart may be constructed with a minimum road setback equal to the average of the road setbacks for the two existing dwellings or structures. Within platted subdivisions, the minimum road setback is 30 feet from the right-of-way line as shown on the recorded subdivision plat. All setbacks from County, State, and Federal Highways shall comply with the appropriate County and State setback requirements.
 - (b) The maximum setback shall be 350 feet from the right-of-way for all structures and dwellings.
 - (c) The minimum side yard setback shall be 15 feet for all dwellings and attached garages.
 - (d) The minimum side yard setback for all detached garages and accessory structures shall be 15 feet for the first 1,100 square feet plus 10 feet for each additional 1 to 600 square feet.
 - (e) The minimum rear yard setback shall be 25 feet for all dwellings and attached garages.
 - (f) The minimum rear yard setback for all detached garages and accessory structures shall be 25 feet for the first 1,100 square feet plus 10 feet for each additional 1 to 600 square feet.
 - (g) The minimum setback for riparian lots shall be 100 feet; riparian lot setbacks shall comply with applicable county ordinance and state law.
- (11) Standards for Garages and Accessory Structures. The following standards shall apply in the R Residential District:
- (a) The maximum floor area for a garage attached to a dwelling shall not exceed 1,100 square feet.

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- (b) The cumulative maximum floor area for all detached garages and accessory structures shall not exceed 1,100 square feet for the first one acre or portion thereof, plus 600 square feet for each additional full one acre and a portion of 600 square feet per one acre ratio for each additional partial acre with a cumulative maximum floor area of 3,500 square feet.
- (12) **Maximum Height.** The maximum height for all structures and dwellings, excepting personal wind turbines, shall not exceed 35 feet measured from the average elevation of the finished grade at the building face abutting a road. Personal wind turbines shall conform in all respects with ch. PSC 128, Wis. Adm. Code.
- (13) **Sanitary Sewers and Private Onsite Wastewater Treatment Systems.** The following shall apply in the R Residential District:
 - (a) Where soil conditions are such as to require larger lot sizes for subdivisions of land under the provisions of ch. SPS 383, Wis. Adm. Code and/or ch. SPS 385, Wis. Adm. Code or subsequent state regulations, or the Sanitary and Private Sewage System Ordinance of Fond du Lac County, then such larger lot sizes shall be considered as required by this Chapter.
 - (b) The Building Permit Officer shall require a sanitary permit issued by the County Sanitarian under the County Sanitary Ordinance prior to issuing a Town Building permit.
- (14) **Mobile Homes.** The following shall apply to mobile homes in the R Residential District. Whenever a mobile home, existing at the time of the adoption of this Chapter, is removed from any premises, another mobile home permit shall not be issued to another mobile home on that premises or to any person owning, occupying or having under his control such mobile home on its premises.

17.31 TRD Transitional Residential District.

- (1) **Purpose.** The TRD Transitional Residential District is intended to serve as a buffer between the more densely developed unincorporated village of Eldorado area and the less densely developed Eldorado State Wildlife Area and surrounding rural land uses. Residential development within the TRD Transitional Residential District will occur exclusively through conservation design for subdivision plats and individual parcels created through a certified survey map (CSM).
- (2) **Permitted Uses.** The following uses are permitted in the TRD Transitional Residential District:

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- (a) Any use identified as permitted in the R Residential District, sec. 17.30(2) Permitted Uses of this Chapter.
- (3) Permitted Accessory Uses. The following accessory uses are permitted in the TRD Transitional Residential District:
 - (a) Any accessory use identified as permitted in the R Residential District, sec. 17.30(3) Permitted Accessory Uses of this Chapter.
- (4) Permitted Accessory Structures. No more than three accessory structures are permitted within the TRD Transitional Residential District. The following accessory structures are permitted in the TRD Transitional Residential District:
 - (a) Any accessory structures permitted in the R Residential District, sec. 17.30(4) Permitted Accessory Structures of this Chapter.
- (5) Conditional Uses. The following uses may be conditionally approved in the TRD Transitional Residential District in accordance with sec. 17.51 Conditional Uses of this Chapter:
 - (a) Any use identified as conditional in the R Residential District, sec. 17.30(5) Conditional Uses of this Chapter.
- (6) Conditional Accessory Uses. The following accessory uses may be conditionally approved in the TRD Transitional Residential District in accordance with sec. 17.51 Conditional Uses of this Chapter:
 - (a) Any accessory uses identified as conditional in the R Residential District, sec. 17.30(6) Conditional Accessory Uses of this Chapter.
- (7) Regulations and Standards. The following regulations and standards shall apply to all dwellings in the TRD Transitional Residential District:
 - (a) Occupancy. Residential occupancy per dwelling unit shall be limited to one family and not more than four roomers.
 - (b) Location. Dwellings shall be located so as to abut a public road.
 - (c) Ground Floor Area. The minimum ground floor area per dwelling unit shall be 800 square feet.
 - (d) Off-Street Parking Space.

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1. Each dwelling unit shall be provided with a minimum of 600 square feet of off-street parking located on the same lot or tract of land as the dwelling served.
 2. Such off-street parking spaces shall be located no less than 10 feet from any front lot line and shall be located no less than 5 feet from any side or rear lot line.
- (e) Preserved Open Space. A minimum of 40% of each new parcel created through a Certified Survey Map (CSM) and a minimum of 40% of the gross tract area of any subdivision created through a plat shall be permanently preserved as open space as defined in Chapter 18: Land Division and Subdivision Regulations of the Eldorado Town Code.
- (8) Dimensions of Building Sites for Unsewered One and Two-Family Dwellings. The following dimensions shall apply in the TRD Transitional Residential District:
- (a) The minimum lot size shall be one half acre (21,780 square feet).
 - (b) The minimum frontage shall be 50 feet in a conservation subdivision and 150 feet in a conservation CSM.
 - (c) There shall be no minimum lot width at the minimum road setback (or "build line") in a conservation subdivision and the build line shall be 150 feet in a conservation CSM.
- (9) Setbacks. The following setbacks shall apply in the TRD Transitional Residential District:
- (a) The minimum road setback (or "front yard") is as provided generally in sec. 17.50 Highway and Riparian Setback Requirements of this Chapter and more specifically, as the greater of 100 feet from the centerline or 65 feet from the right-of-way in a conservation CSM. Within platted subdivisions, the minimum road setback is 30 feet from the right-of-way line as shown on the recorded subdivision plat. All setbacks from County, State, and Federal Highways shall comply with the appropriate County and State setback requirements.
 - (b) The maximum setback shall be 350 feet from the right-of-way for all structures and dwellings.
 - (c) The minimum side yard setback shall be 15 feet for all dwellings and attached garages.

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- (d) The minimum side yard setback for all detached garages and accessory structures shall be 15 feet for the first 1,100 square feet plus 10 feet for each additional 1 to 600 square feet.
 - (e) The minimum rear yard setback shall be 25 feet for all dwellings and attached garages.
 - (f) The minimum rear yard setback for all detached garages and accessory structures shall be 25 feet for the first 1,100 square feet plus 10 feet for each additional 1 to 600 square feet.
 - (g) The minimum setback for riparian lots shall be 100 feet; riparian lot setbacks shall comply with applicable county ordinance and state law.
- (10) Standards for Garages and Accessory Structures. The following standards shall apply in the TRD Transitional Residential District:
- (a) The maximum floor area for a garage attached to a dwelling shall not exceed 1,100 square feet.
 - (b) The cumulative maximum floor area for all detached garages and accessory structures shall not exceed 1,100 square feet for the first one acre or portion thereof, plus 600 square feet for each additional full one acre and a portion of 600 square feet per one acre ratio for each additional partial acre with a cumulative maximum floor area of 3,500 square feet.
- (11) Maximum Height. The maximum height for all structures and dwellings, excepting personal wind turbines, shall not exceed 35 feet measured from the average elevation of the finished grade at the building face, abutting a road. Personal wind turbines shall conform in all respects with ch. PSC 128, Wis. Adm. Code.
- (12) Sanitary Sewers and Private Onsite Wastewater Treatment Systems. The following shall apply in the TRD Transitional Residential District:
- (a) Where soil conditions are such as to require larger lot sizes for subdivisions of land under the provisions of ch. SPS 383, Wis. Adm. Code and/or ch. SPS 385, Wis. Adm. Code or subsequent state regulations, or the Sanitary and Private Sewage System Ordinance of Fond du Lac County, then such larger lot sizes shall be considered as required by this Chapter.
 - (b) The Building Permit Officer shall require a sanitary permit issued by the County Sanitarian under the County Sanitary Ordinance prior to issuing a Town Building permit.

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17.32 RD Rural District.

- (1) Purpose. The purpose of the RD Rural District is to provide areas for mixed agricultural and residential uses and hobby farm operations. This district is generally composed of lands which are currently developed or used for non-agricultural purposes or which because of location, soils, existing development, ownership patterns or other physical characteristics are not highly suited to productive long-term crop uses.
- (2) Permitted Uses. The following uses are permitted within the RD Rural District:
 - (a) Permitted principal agricultural uses in the A-2 General Agricultural District, sec. 17.34(2)(a) of this Chapter.
 - (b) One-family dwellings.
 - (c) Two-family dwellings.
 - (d) Manufactured homes, subject to the requirements of sec. 17.17 Manufactured Homes of this Chapter.
 - (e) Hobby farms and farm homes remaining from any farm consolidation.
 - (f) Public parks and playgrounds.
 - (g) Public and semi-public non-profit institutional uses including churches, schools, libraries and uses of a similar nature.
 - (h) Conversion of an existing structure or dwelling to a permitted use.
 - (i) Home occupations.
- (3) Permitted Accessory Uses. The following accessory uses are considered permitted within the RD Rural District:
 - (a) Accessory uses identified as permitted in the A-2 General Agricultural District, sec. 17.34(3) of this Chapter.
 - (b) Accessory uses identified as permitted in the R Residential District, sec. 17.30(3) of this Chapter.
- (4) Permitted Accessory Structures. The following accessory structures are permitted in the RD Rural District:
 - (a) Any accessory structure identified as permitted in the A-2 General Agricultural District, sec. 17.34(4) of this Chapter.

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- (5) Conditional Uses. The following uses may be conditionally approved in the RD Rural District in accordance with sec. 17.51 Conditional Uses of this Chapter:
- (a) Maximum of one animal unit per acre.
 - (b) Home-based businesses.
 - (c) Bed and breakfast establishments.
- (6) Regulations and Standards. The following regulations and standards shall apply to all dwellings in the RD Rural District:
- (a) Occupancy. Residential occupancy per dwelling unit shall be limited to one family and not more than four roomers.
 - (b) Location. Dwellings shall be located so as to about a public road.
 - (c) Ground Floor Area. The minimum ground floor area per dwelling unit shall be 800 square feet.
 - (d) Off-Street Parking Space.
 - 1. Each dwelling unit shall be provided with a minimum of 600 square feet of off-street parking located on the same lot or tract of land as the dwelling served.
 - 2. Such off-street parking spaces shall be located no less than 10 feet from any front lot line and shall be located no less than five feet from any side or rear lot line.
 - 3. Each lot or tract of land as the dwelling served shall provide sufficient area so that vehicles may re-enter the public road in a forward direction.
- (7) Dimensions of Building Sites for Unsewered One and Two-Family Dwellings. The following dimensions shall apply in the RD Rural District:
- (a) The minimum lot size shall be 1.5 acres (65,340 square feet).
 - 1. For lots where livestock will be kept the minimum lot size is five acres.
 - (b) The minimum frontage shall be 200 feet.
 - (c) The minimum lot width shall be 200 feet at the minimum road setback (or "build line").

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- (8) Setbacks. The following setbacks shall apply in the RD Rural District:
- (a) The minimum road setback (or “front yard”) is as provided generally in sec. 17.50 Highway and Riparian Setback Requirements of this Chapter and more specifically as the greater of 100 feet from the centerline of the road or 65 feet from the right of way line. All setbacks from County, State, and Federal Highways shall comply with the appropriate County and State setback requirements.
 - (b) The maximum setback shall be 350 feet from the right-of-way for all structures and dwellings.
 - (c) The minimum side yard setback shall be 25 feet for all dwellings and attached garages.
 - (d) The minimum side yard setback for all detached garages and accessory structures shall be 25 feet for the first 1,100 square feet plus 10 feet for each additional 1 to 600 square feet.
 - (e) The minimum rear yard setback shall be 25 feet for lots less than five acres and 40 feet for lots greater than or equal to five acres for all dwellings and attached garages.
 - (f) The minimum rear yard setback for all detached garages and accessory structures shall be 25 feet for the first 1,100 square feet plus 10 feet for each additional 1 to 600 square feet for lots less than five acres.
 - (g) The minimum rear yard setback for all detached garages and accessory structures shall be 40 feet for lots greater than or equal to five acres.
 - (h) The minimum setback for riparian lots shall be 100 feet; riparian lot setbacks shall comply with applicable county ordinance and state law.
- (9) Standards for Garages and Accessory Structures. The following standards shall apply in the RD Rural District:
- (a) The maximum floor area for a garage attached to a dwelling shall not exceed 1,500 square feet.
 - (b) The cumulative maximum floor area for all detached garages and accessory structures shall not exceed 1,100 square feet for the first one acre or portion thereof, plus 600 square feet for each additional full one acre and a portion of 600 square feet per one acre ratio for each additional partial acre with a cumulative maximum floor area of 3,500 square feet.

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- (10) **Maximum Height.** The maximum height for all structures and dwellings, excepting personal wind turbines, shall not exceed 35 feet measured from the average elevation of the finished grade at the building face abutting a road. Personal wind turbines shall conform in all respects with ch. PSC 128, Wis. Adm. Code.
- (11) **Sanitary Sewers and Private Onsite Wastewater Treatment Systems.** The following shall apply in the RD Rural District:
- (a) Where soil conditions are such as to require larger lot sizes for subdivisions of land under the provisions of ch. SPS 383, Wis. Adm. Code and/or ch. SPS 385, Wis. Adm. Code or subsequent state regulations, or the Sanitary and Private Sewage System Ordinance of Fond du Lac County, then such larger lot sizes shall be considered as required by this Chapter.
 - (b) The Building Permit Officer shall require a sanitary permit issued by the County Sanitarian under the County Sanitary Ordinance prior to issuing a Town Building permit.
- (12) **Mobile Homes.** The following shall apply to mobile homes in the RD Rural District. Whenever a mobile home, existing at the time of the adoption of this Chapter, is removed from any premises, another mobile home permit shall not be issued to another mobile home on that premises or to any person owning, occupying or having under his control such mobile home on its premises.

17.33 A-1 Farmland Preservation District.

- (1) **Purpose.** The purpose of the A-1 Farmland Preservation District is to:
- (a) Preserve productive agricultural land for food and fiber production.
 - (b) Preserve productive farms by preventing land use conflicts between incompatible uses and controlling public service costs.
 - (c) To maintain a viable agricultural base to support agricultural processing and service industries.
 - (d) To prevent conflicts between incompatible uses.
 - (e) To reduce costs of providing services to scattered non-farm uses.
 - (f) To pace and shape growth.

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- (g) To implement the provisions of the county agricultural plan as adopted and revised.
 - (h) To comply with the provisions of the Working Lands Program to permit eligible landowners to receive tax credits under the appropriate sections of the law.
 - (i) To implement the Town of Eldorado Comprehensive Plan.
- (2) Permitted Uses. The following uses are permitted within the A-1 Farmland Preservation District:
- (a) Agricultural uses.
 - (b) Agricultural Accessory Uses, except for those agricultural accessory uses requiring a conditional use permit under sec. 17.33(4). This includes the following uses:
 - 1. Roadside stand.
 - a. Not to exceed 200 square feet in size.
 - b. Products must be produced on site.
 - 2. Horse Boarding, in accordance with sec. 91.01(1), Wis. Stats.
 - (c) Agriculture-related uses.
 - (d) Home occupations, consistent with ch. 91, Wis. Stats.
 - (e) Conservancy, including open space uses, hiking trails, undeveloped natural resource areas, and other similar uses. Also including small accessory structures to service such uses.
 - (f) A transportation, utility, communication, or other use that is required under state or federal law to be located in a specific place or that is 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.
 - (g) Other uses that may be identified by the Department of Agriculture, Trade, and Consumer Protection (DATCP) by rule.
 - (h) Farm residence, as defined in sec. 17.09(45) of this Chapter, with a minimum ground floor area of 800 square feet.
 - (i) Manufactured homes, if such home is the farm residence.
- (3) Conditional Uses. The following uses may be conditionally approved in the A-1 Farmland Preservation District in accordance with sec. 17.51 Conditional Uses of this Chapter:

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- (a) Home-based businesses, consistent with sec. 91.01(1)(d), Wis. Stats.
 - (b) Nonfarm residences consistent with sec. 17.33(5) of this Chapter.
 - (c) Nonfarm residential clusters consistent with sec. 17.33(6) of this Chapter.
 - (d) Transportation, communications, pipeline, electric transmission, utility, or drainage uses consistent with sec. 17.33(7) of this Chapter.
 - (e) Governmental, institutional, religious, or nonprofit community uses, including cemeteries and public parks, consistent with sec. 17.33(8) of this Chapter.
 - (f) Nonmetallic mineral extraction consistent with sec. 17.33(9) of this Chapter.
 - (g) Oil and gas exploration or production that is licensed by the Wisconsin Department of Natural Resources (WDNR) under SubChapter II of ch. 295, Wis. Stats. or subsequent statutes.
 - (h) Other uses that may be allowed as Conditional Uses by the Department of Agriculture, Trade and Consumer Protection (DATCP) by rule.
 - (i) Nonfarm residences in existence as of insert date of DATCP certification.
- (4) Conditional Accessory Uses. The following accessory uses may be conditionally approved in the A-1 Farmland Preservation District in accordance with sec. 17.51 Conditional Uses of this Chapter:
- (a) The following agricultural accessory use: Agri-tourism.
- (5) Nonfarm Residences. A proposed new nonfarm residence or a proposal to convert a farm residence to a nonfarm residence through a change in occupancy qualifies for the purposes of sec. 17.33(4)(b) of this Chapter if the Plan Commission determines that all of the following apply:
- (a) The ratio of nonfarm residential acreage to farm acreage on the base farm tract on which the residence is or will be located will not be greater than 1 to 20 (1:20) after the residence is constructed or converted to a nonfarm residence.
 - (b) There will not be more than four dwelling units in nonfarm residences, nor, for a new nonfarm residence, more than five dwelling units in residences of any kind, on the base farm tract after the residence is constructed or converted to a nonfarm residence.
 - (c) The location and size of the proposed nonfarm residential lot, and, for a new nonfarm residence, the location of the nonfarm residence on that nonfarm residential parcel, will not do any of the following:

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1. Convert prime farmland from agricultural use or convert land previously used as cropland, other than a woodlot, from agricultural use if on the farm there is a reasonable alternative location or size for a nonfarm residential parcel or nonfarm residence.
2. Significantly impair or limit the current or future agricultural use of other protected farmland.

- (d) Nonfarm residential dwellings shall comply in all respects with the residential requirements for one-family and two-family homes in the A-1 District.
- (e) A nonfarm residential lot created from a base farm tract shall be no smaller than 1.5 acres (65,340 square feet).

Note - A minimum base farm tract size of 31.5 acres is required in order to build one nonfarm residence; 63 acres to build two; 94.5 acres to build three; and, 126 acres to build four.

- (f) The minimum frontage shall be 150 feet for nonfarm residential parcels.
- (g) The minimum lot width shall be 150 feet at the minimum road setback (or "build line") for nonfarm residential parcels.
- (h) The minimum road setback (or "front yard") is as provided generally in sec. 17.50 Highway and Riparian Setback Requirements of this Chapter and more specifically, as the greater of 100 feet from the centerline or 65 feet from the right-of-way with one exception. Any dwelling or structure constructed between two existing dwellings or structures that exist 150 feet or less apart may be constructed with a minimum road setback equal to the average of the road setbacks for the two existing dwellings or structures. All setbacks from County, State, and Federal Highways shall comply with the appropriate County and State setback requirements.
- (i) The maximum setback shall be 350 feet from the right-of-way for all structures and dwellings on nonfarm residential parcels.
- (j) The minimum side yard setback shall be 15 feet for all dwellings and attached garages on nonfarm residential parcels.
- (k) The minimum side yard setback for detached garages and accessory structures shall be 15 feet for the first 1,100 square feet plus 10 feet for each additional 1 to 600 square feet on nonfarm residential parcels.
- (l) The minimum rear yard setback shall be 25 feet for all dwellings and attached garages on nonfarm residential parcels.
- (m) The minimum rear yard setback for detached garages and accessory structures shall be 25 feet for the first 1,100 square feet plus 10 feet for each additional 1 to 600 square feet on nonfarm residential parcels.

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- (n) The maximum height for all structures and dwellings shall not exceed 35 feet measured from the average elevation of the finished grade at the building face abutting a road on nonfarm residential parcels.

- (6) Nonfarm Residential Cluster. The Plan Commission may issue one Conditional Use permit that covers more than one nonfarm residence in a qualifying nonfarm residential cluster. A nonfarm residential cluster qualifies for the purposes of sec. 17.33(3)(c) of this Chapter if all of the following apply:
 - (a) The lots on which the nonfarm residences would be located are contiguous.
 - (b) Each nonfarm residences satisfies the requirements under sec. 17.33(5) Nonfarm Residences of this Chapter.

- (7) Transportation, Communications, Pipeline, Electric Transmission, Utility, or Drainage Use. A transportation, communications, pipeline, electric transmission, utility, or drainage use qualifies for the purposes of sec. 17.33(3)(d) of this Chapter if the Plan Commission determines that all of the following apply:
 - (a) The use and its location in the A-1 Farmland Preservation District are consistent with the purposes of the A-1 Farmland Preservation District.
 - (b) The use and its location in the A-1 Farmland Preservation 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 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 surrounding parcels of land that are zoned for or legally restricted to agricultural use.
 - (e) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

- (8) Governmental, Institutional, Religious, or Nonprofit Community Use. A governmental, institutional, religious, or nonprofit community use qualifies for the purposes of sec. 17.33(3)(e) of this Chapter if the Plan Commission determines that all of the following apply:
 - (a) The use and its location in the A-1 Farmland Preservation District are consistent with the purposes of the A-1 Farmland Preservation District.
 - (b) The use and its location in the A-1 Farmland Preservation 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

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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 surrounding parcels of land that are zoned for or legally restricted to agricultural use.
 - (e) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
- (9) Nonmetallic Mineral Extraction. Nonmetallic mineral extraction qualifies for the purposes of sec. 17.33(3)(f) of this Chapter if the Plan Commission determines that all of the following apply:
- (a) The operation complies with subchapter I of ch. 295, Wis. Stats., and rules promulgated under that subchapter, with applicable provisions of the local ordinance under ss. 295.13 or 295.14, Wis. Stats., or subsequent Wis. Stats., with any applicable requirements of the Wisconsin Department of Transportation, Fond du Lac County, and/or East Central Wisconsin Regional Planning Commission concerning the restoration and reclamation of nonmetallic mining sites, and with sec. 17.36(3)(e) of this Chapter.
 - (b) The operation and its location in the A-1 Farmland Preservation District are consistent with the purposes of the A-1 Farmland Preservation District.
 - (c) The operation and its location in the A-1 Farmland Preservation District are reasonable and appropriate, considering alternative locations outside the A-1 Farmland Preservation District, or are specifically approved under state or federal law.
 - (d) The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use.
 - (e) The operation does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
 - (f) The owner must restore the land to agricultural use, consistent with any required locally approved reclamation plan, when extraction is completed.
- (10) Standards for Rezoning. By March 1st of each year the Town of Eldorado shall provide to the Department of Agriculture, Trade and Consumer Protection (DATCP) and Fond du Lac County a report of the number of acres zoned out of the A-1 Farmland Preservation District during the previous year and a map that clearly shows the location of those acres. Decisions on petitions for rezoning areas zoned for farmland preservation use shall be based on findings, after holding a Public Hearing, which consider the following:
- (a) The land is better suited for a use not allowed in the A-1 Farmland Preservation District.

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- (b) The rezoning is consistent with any applicable comprehensive plan.
 - (c) The rezoning is substantially consistent with the county certified farmland preservation plan.
 - (d) The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
- (11) Dimensions of Building Sites for Unsewered One and Two-Family Dwellings. The following dimensions shall apply in the A-1 Farmland Preservation District:
- (a) There shall be no minimum lot size for parcels in the A-1 District, except as specifically provided elsewhere in this Section.
 - (b) The minimum frontage shall be 200 feet.
 - (c) The minimum lot width shall be 200 feet at the minimum road setback (or "build line").
- (12) Setbacks. The following setbacks shall apply in the A-1 Farmland Preservation District:
- (a) The minimum road setback (or "front yard") is as provided generally in sec. 17.50 Highway and Riparian Setback Requirements of this Chapter and more specifically, as the greater of 100 feet from the centerline or 65 feet from the right-of-way. All setbacks from County, State, and Federal Highways shall comply with the appropriate County and State setback requirements.
 - (b) The maximum setback shall be 350 feet from the right-of-way for all dwellings and non-agricultural structures. There is no maximum setback for agricultural structures.
 - (c) The minimum side yard setback shall be 25 feet for all dwellings and attached garages.
 - (d) The minimum side yard setback for all detached garages and accessory structures shall be 50 feet.
 - (e) The minimum rear yard setback shall be 40 feet for all dwellings, attached garages, detached garages and accessory structures.
 - (f) The minimum setback for riparian lots shall be 100 feet; riparian lot setbacks shall comply with applicable county ordinance and state law.
- (13) Garages and Accessory Structures. The following shall apply in the A-1 Farmland Preservation District:

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- (a) The maximum floor area for a garage attached to a dwelling shall not exceed 1,500 square feet.
 - (b) There shall be no maximum floor area for detached garages and accessory structures.
- (14) **Maximum Height.** The maximum height for all dwellings and attached garages shall not exceed 35 feet measured from the average elevation of the finished grade at the building face abutting a road. There shall be no maximum height for detached garages or accessory structures.
- (15) **Sanitary Sewers and Private Onsite Wastewater Treatment Systems.** The following shall apply in the A-1 Farmland Preservation District:
- (a) Where soil conditions are such as to require larger lot sizes for subdivisions of land under the provisions of ch. SPS 383, Wis. Adm. Code and/or ch. SPS 385, Wis. Adm. Code or subsequent regulations, or the Sanitary and Private Sewage System Ordinance of Fond du Lac County, then such larger lot sizes shall be considered as required by this Chapter.
 - (b) The Building Permit Officer shall require a sanitary permit issued by the County Sanitarian under the County Sanitary Ordinance prior to issuing a Town Building permit.

17.34 A-2 General Agricultural District.

- (1) **Purpose.** The A-2 General Agricultural District is intended to maintain open land areas predominantly devoted to farming and agricultural related uses. It is anticipated that while certain areas within this district will eventually be used for non-agricultural uses; the intensity of development will remain significantly limited due to a lack of urban facilities and services. It is also intended that this district provide for small-scale, family-oriented businesses on a case-by-case basis.
- (2) **Permitted Uses.** The following uses are permitted within the A-2 General Agricultural District:
 - (a) **Agricultural Uses** except the following:
 1. Non-farm residences.
 2. Transportation, communication, pipeline, electric transmission, utility, or drainage uses consistent with sec. 17.33(8) of this Chapter.
 3. Non-metallic mining operations.
 4. Other uses as identified by the Department of Agriculture, Trade and Consumer Protection (DATCP).
 - (b) Public and semi-public non-profit institutional uses of a similar nature.
 - (c) Parks, preserves and golf courses.

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- (d) One animal unit per acre.
 - (e) One-family dwellings, with a minimum ground floor area of 800 square feet.
 - (f) Two-family dwellings, with a minimum ground floor area of 800 square feet.
 - (g) Manufactured homes subject to the requirements of sec. 17.17 Manufactured Homes of this Chapter.
 - (h) Home occupations.
- (3) Permitted Accessory Uses. The following accessory uses are permitted in A-2 General Agricultural District:
- (a) Forest and game management.
 - (b) Swimming pools. Pools must be fenced in accordance with sec. 17.20 Fences of this Chapter. Side yard and rear yard setbacks for swimming pools are consistent with the side yard and rear yard setbacks for permitted accessory structures in the same district.
 - (c) Fences, consistent with sec. 17.20 Fences of this Chapter.
 - (d) Personal energy systems, including but not necessarily limited to:
 - 1. One small wind turbine intended to supply energy for personal use or to sell back to the grid, consistent with ch. PSC 128, Wis. Adm. Code.
 - 2. Conventional photovoltaic solar arrays, flexible solar arrays, and similar energy systems.
 - 3. Solar thermal energy systems.
 - 4. Geothermal pumps and energy systems.
 - 5. Outdoor wood-fired boilers.
 - (e) Other personal energy systems as defined in any current or future Town of Eldorado Personal Energy Systems Ordinance.
 - (f) Roadside stand.
 - 1. Not to exceed 200 square feet in size.
 - 2. Products must be produced on site.
- (4) Permitted Accessory Structures. The following accessory structures are permitted in the A-2 General Agricultural District:
- (a) Detached garages.
 - (b) Garden sheds.

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- (c) Gazebos.
 - (d) General farm buildings, including: barns, silos, sheds, and storage bins.
 - (e) Structures deemed by the Plan Commission to be similar in nature to the structures identified above.
- (5) Conditional Uses. The following uses may be conditionally approved in the A-2 General Agricultural District in accordance with sec. 17.51 Conditional Uses of this Chapter:
- (a) Home-based businesses.
 - (b) Multi-family housing conforming to the requirements of sec. 17.16 of this Chapter.
 - (c) Cemeteries.
 - (d) Veterinary offices.
 - (e) Outdoor commercial recreational uses including recreational camps, campgrounds, golf, archery and rifle ranges, sledding and skiing facilities and uses of a similar nature.
 - (f) Commercial exhibits of historical or natural significance.
 - (g) The following uses provided the owner or proprietor resides on the premises:
 - 1. Automobiles, farm equipment and small engine repair shops.
 - 2. Offices and/or shops in connection with skilled tradesman including plumbers, electricians, carpenters, welders and the like.
 - 3. Production and/or sales of crafts produced on the premises provided mechanical or chemical processes are incidental or non-existent.
 - (h) Taverns existing before the effective date of adoption of this ordinance.
 - (i) Sales of lawn and garden equipment in connection with a plant nursery.
 - (j) Airports, public or private.
 - (k) Dog kennels.
 - (l) Bed and breakfast establishments.
 - (m) Horse-boarding.
 - (n) More than one animal unit per acre.

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- (o) Fish hatcheries and aquaculture.
- (p) Artificial lakes or ponds.
- (q) Automobile wrecking yard, junkyard.
- (r) Sanitary landfill.
- (s) Canneries, cheese factories, condenseries, pea viners, and such other establishments for the processing, packing or manufacture of the agricultural products of Fond du Lac County as may have a nuisance factor not separable therefrom, such as the emission or affluence of noxious or odorous wastes or by products.
- (t) Charitable institutions.
- (u) Telecommunications towers and structures, microwave radio relay structures and mechanical appurtenances consistent with Chapter 21: Wireless Communications Tower Ordinance of the Eldorado Town Code.
- (v) Penal and correctional institutions.
- (w) Public hospitals, when such hospital building shall be located not less than 100 feet from any lot in the R Residential District or TRD Transitional Residential District not used for the same purpose.
- (x) Public utility or public service corporation building or structures, provided that the Plan Commission shall find that the proposed location of such buildings or structures is reasonably necessary for the public convenience, safety or welfare.
- (y) Storage garage or parking lot in connection with a housing development project.
- (z) For profit music festivals, concerts and related outdoor entertainment events of 100 persons or more.
- (aa) Agricultural-related, religious, utility uses that are not permitted uses, institutional or governmental uses which are consistent with agricultural uses and are found necessary in light of alternative locations for such uses.
- (bb) Shooting ranges and archery ranges including related parking and buildings.
- (cc) Nonmetallic mining operations.

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- (6) **Conditional Accessory Uses.** The following accessory uses may be conditionally approved in the A-2 General Agricultural District in accordance with sec. 17.51 Conditional Uses of this Chapter.
- (a) Agri-tourism.
- (7) **Dimensions of Building Sites.** The following shall apply in the A-2 General Agricultural District:
- (a) The minimum lot size shall be three acres (130,680 square feet).
- (b) The minimum – frontage shall be 200 feet.
- (c) The minimum lot width shall be 200 feet at the minimum road setback (or "build line").
- (8) **Setbacks.** The following setbacks shall apply in the A-2 General Agricultural District:
- (a) The minimum road setback (or "front yard") is as provided generally in sec. 17.50 Highway and Riparian Setback Requirements of this Chapter and more specifically, as the greater of 100 feet from the centerline or 65 feet from the right-of-way. All setbacks from County, State, and Federal Highways shall comply with the appropriate County and State setback requirements.
- (b) The maximum setback shall be 350 feet from the right-of-way for all dwellings, attached garages and non-agricultural structures. There is no maximum setback for agricultural structures
- (c) The minimum side yard setback shall be 25 feet for all dwellings and attached garages.
- (d) The minimum side yard setback for all detached garages and accessory structures shall be 50 feet.
- (e) The minimum rear yard setback shall be 40 feet for all dwellings, attached garages, detached garages and accessory structures.
- (f) The minimum setback for riparian lots shall be 100 feet; riparian lot setbacks shall comply with applicable county ordinance and state law.
- (9) **Standards for Garages and Accessory Structures.** The following standards shall apply in the A-2 General Agricultural District:
- (a) The maximum floor area for a garage attached to a dwelling shall not exceed 1,500 square feet.
- (b) There shall be no maximum floor area for detached garages and accessory structures.

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- (10) **Maximum Height.** The maximum height for all dwellings and attached garages shall not exceed 35 feet measured from the average elevation of the finished grade at the building face abutting a road. There shall be no maximum height for detached garages or accessory structures.
- (11) **Sanitary Sewers and Private Onsite Wastewater Treatment Systems.** The following shall apply in the A-2 General Agricultural District:
 - (a) Where soil conditions are such as to require larger lot sizes for subdivisions of land under the provisions of ch. SPS 383, Wis. Adm. Code and/or ch. SPS 385, Wis. Adm. Code or subsequent regulations, or the Sanitary and Private Sewage System Ordinance of Fond du Lac County, then such larger lot sizes shall be considered as required by this Chapter.
 - (b) The Building Permit Officer shall require a sanitary permit issued by the County Sanitarian under the County Sanitary Ordinance prior to issuing a Town Building permit.

17.35 C Commercial District.

- (1) **Purpose.** The C Commercial District is intended to provide space for those retail, business, service business and office uses serving the area.
- (2) **Permitted Uses.** The following uses are permitted within the C Commercial District:
 - (a) Retail outlets including the sale of food, liquor, wearing apparel, art or photographic supplies, printing, books or stationary, sundries or notions, jewelry, luggage, florist or gifts, drugs, pets, home furnishings and appliances, sporting goods or hobbies, automotive parts, hardware and building supply establishments and uses of a similar nature smaller than or equal to 25,000 square feet in floor area, excluding adult oriented sales or services establishments.
 - (b) Banks, post office, medical or dental clinics, business or professional offices.
 - (c) Service-type business, such as barbershop, beauty parlor, laundromat, music, dancing, art or photography studio, servicing or repair of home appliances or farm equipment and similar uses.
 - (d) Automobile service stations and public garages; new or used car sales areas; new or used farm equipment sales areas; but not including the storage of wrecked vehicles or wrecked farm equipment.
 - (e) Hotel, motel, boarding or lodging houses.
 - (f) Taverns and restaurants.

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- (g) Clubs, lodges, public meeting halls, theaters, bowling alley, and similar places of assembly or recreation.
 - (h) Convalescent homes and nursing homes and day care (family or group).
 - (i) Office equipment and supplies.
 - (j) Machine shops, welding shops, sheet metal shops.
 - (k) Garden center, plant nursery or landscape contractor.
 - (l) Existing feed mills.
 - (m) Veterinary offices.
 - (n) Mortuaries.
 - (o) Equipment rental.
 - (p) Existing dwellings.
 - (q) Signs, in accordance with the Town of Eldorado Sign and Billboard Ordinance or subsequent ordinances.
- (3) Conditional Uses. The following uses may be conditionally approved in the C Commercial District in accordance with sec. 17.51 Conditional Uses of this Chapter:
- (a) Residential uses.
 - (b) Automobile filling stations and car washes.
 - (c) Automobile, boat, motorcycle, construction equipment and farm implement sales, service and repair.
 - (d) Wholesale and warehouse establishments.
 - (e) Printing and publishing establishments.
 - (f) Outdoor recreational establishments, including archery ranges, miniature golf and amusements.
 - (g) Light manufacturing uses and structures such as packaging, bottling, storage facilities, and laboratories, provided all activities are conducted within completely enclosed buildings, not involving odor, noise, smoke or other noxious effects detectable to normal senses from off the premises.
 - (h) Radio stations.

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- (i) Dog kennels.
 - (j) Building trades contractor with storage yard for material and equipment on premises, provided all materials and equipment are effectively screened from view from any residential lot or public highway.
 - (k) Agricultural-related uses and structures, such as feed mills and co-ops.
 - (l) Woodworking and cabinetry.
 - (m) Retail, service and office uses and structures where the building or structure exceeds 25,000 square feet of floor area.
 - (n) Utilities, government and cultural uses, fire, police stations.
 - (o) Self-Service Storage Facility.
 - (p) Any other use which the Plan Commission finds will be similar in nature, operation, and function to the uses permitted within the C Commercial District.
- (4) Site Plan Permit. Prior to the commencement of any new construction on a parcel within the C Commercial District a Site Plan permit is required per sec. 17.52 Site Plan Permits of this Chapter.
- (5) Business Permits. All new business uses as defined in sec. 17.35 C Commercial District and sec. 17.36 I Industrial District of this Chapter shall be required to obtain a Business permit in accordance with sec. 17.21 Business Permit Required of this Chapter prior to commencing operations.
- (6) Regulations and Standards. The following regulations and standards shall apply in the C Commercial District:
- (a) Off-street Parking.
 - 1. One off-street parking space per dwelling unit or lodging unit on the same lot or tract of land.
 - 2. One off-street parking space per person normally employed on the lot or tract of land.
 - 3. One off-street parking space for each 100 square feet of retail sales floor area of the establishment being served.
- (7) Dimensions of Building Sites. The following dimensions shall apply in the C Commercial District:
- (a) Where the lot is to be used solely for the conduct of a business and for no residential purposes, the minimum lot size shall be 0.25 acre (10,890 square feet); provided however, that where the installation of toilets, is required then the lot size shall be sufficient to comply with the soil absorption and

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percolation tests as required by relevant Wis. Stats. and the application for Universal Building Code (UBC) permit, Building permit, or certificate of occupancy shall be accompanied by such certification.

- (b) The minimum frontage shall be 75 feet.
- (c) The minimum lot width shall be 100 feet.
- (d) When an apartment or residence is a part of the business structure, then there shall be additional square footage sufficient to qualify the same under the requirements for residences in the R Residential District and subject to the alternative provisions, and the test provision shall apply to multiple family residences boarding houses and lodging houses.

17.36 I Industrial District

- (1) Purpose. The I Industrial District is intended to provide space for light and heavy industrial and long-term mineral extraction uses serving the area. All new industrial uses as defined by this section, shall obtain a Business permit as required under sec. 17.21 Business Permit Required of this Chapter.
- (2) Permitted Uses. The following uses are permitted in the I Industrial District:
 - (a) Building contractor with storage yard.
 - (b) Cleaning, dyeing and pressing establishments and laundries, except bag cleaning.
 - (c) Knitting mills and the manufacture of products from finished fabrics.
 - (d) Laboratories.
 - (e) Light manufacturing uses including bottling, packaging, laboratories and uses of a similar nature.
 - (f) Manufacture of goods from leather, but not tanning or hides, or manufacture of leather.
 - (g) Manufacturing uses, including production, processing, cleaning, testing and the distribution of materials and goods, except wrecking yards and canneries. All manufacturing uses are subject to the provisions of sec. 17.36(9) Industrial Development of this Chapter.
 - (h) Mining and quarrying provided that the requirements for location, operation and reclamation set out in the Fond du Lac County Non-Metallic Mining Ordinance are complied with.
 - (i) Printing and publishing.

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- (j) Processing, packing and manufacture of food, except meat and meat products, fish and fish products.
 - (k) Repair, service and assembly of motor-propelled or non-motor-propelled vehicles, including the repair and storage of automotive accessories, except the wrecking of motor-propelled vehicles, metalworking, and welding shops.
 - (l) Service establishments catering to commercial and industrial uses including business machine services, linen supply, freight movers, communication services, canteen services and uses of a similar nature.
 - (m) Storage and warehousing of fuel and materials, and the storage of wrecked and dismantled vehicles, junk, explosives, or inflammable gases or liquids.
 - (n) Wholesale business.
 - (o) Self-Service Storage Facility.
 - (p) Any other use which the Plan Commission finds will be similar in nature, operation, and function to the uses permitted within the I Industrial District.
- (3) Conditional Uses. The following uses may be conditionally approved in the I Industrial District in accordance with sec. 17.51 Conditional Uses of this Chapter:
- (a) Automobile wrecking yard, junkyard.
 - (b) Salvage yard.
 - (c) Canneries, cheese factories, condenseries, creameries, pea viners, and such other establishments for the processing, packing or manufacture of the agricultural products of Fond du Lac County as may have a nuisance factor not separable therefrom, such as the emission or affluence of noxious or odorous wastes or by products.
 - (d) Charitable institutions.
 - (e) Mineral extraction operations, including washing, crushing, quarrying, borrow pits or other processing or removal of mineral resources, the erection of buildings and the installation of necessary machinery used in the said extraction and processing and the preparation of hot black top mix or ready-mix concrete, and the operation of lime kilns; provided that:
 - 1. An application for a permit shall be submitted by the owner and shall include an adequate description of the operation, a plan of the site showing proposed and existing roads and drives, the sources, quantity, and disposition of water to be used, if any; estimated dates for completion of the extraction and commencement and completion dates for the reclamation; a reclamation plan, and such other

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information as may be necessary to determine the nature of the operation and the effect on the surrounding area.

2. The reclamation plan shall contain adequate provision that all final slopes around the area be flatter than 3 to 1 (3:1) horizontal slope in a sand and gravel or borrow pit operation, or in a safe angle of repose in a quarrying operation; excavation below the grade of the nearest abutting public street or highway shall be set back from said street or highway a distance not less than that required for buildings and structures under this ordinance; excavations made to a water producing depth shall not be less than three feet measured from the low water mark; all final slopes shall be covered with topsoil from the original site and seeded to prevent future erosion; the plan shall require that after completion of the anticipated operation, the area shall be cleared of all debris and be left in a workmanlike condition, subject to the approval of the Plan Commission. The reclamation plan shall indicate the proposed future use or uses of the site; however, the proposed re-use of the site for a dumping ground shall have concurrence of the Plan Commission.
 3. Application for a permit for mineral extraction operations proposed to be located within 600 feet of a residence district, a residential subdivision or a city or village limits line, or within 300 feet of any building occupied for residence purposes or for a hot blacktop mix or ready-mix concrete plant, shall not be granted except on approval of the Plan Commission given after the public hearing has been held.
 4. The permit shall be for a period of time as stated in the application or as modified by the Plan Commission (and where Town Board approval is required, approved by the Town Board). Modification of the application or reclamation plan may be permitted or additional conditions may be required by the Plan Commission, where such approval is required, shall consider the effect of the proposed operation and the proposed reclamation upon existing and future conditions, including street, neighboring land development, land use drainage, water supply, water pollution, soil erosion, natural beauty, and land value of the locality. The application and/or reclamation plan may be approved, approved conditionally, or rejected.
- (f) Penal and correctional institutions.
- (g) Public hospitals, when such hospital building shall be located not less than 100 feet from any lot in the R Residential District or TRD Transitional Residential District not used for the same purpose.
- (h) Public utility or public service corporation building or structures, provided that the Plan Commission shall find that the proposed location of such buildings or structures is reasonably necessary for the public convenience, safety or welfare.

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- (i) Storage garage or parking lot in connection with a housing development project.
 - (j) Agricultural-related, religious, utility uses that are not permitted uses, institutional or governmental uses which are consistent with agricultural uses and are found necessary in light of alternative locations for such uses.
 - (k) Shooting ranges and archery ranges including related parking and buildings.
- (4) Site Plan Permit. Prior to the commencement of any new construction on a parcel within the I Industrial District a Site Plan permit is required per sec. 17.52 Site Plan Permits of this Chapter.
- (5) Regulations and Standards. The following regulations and standards shall apply in the I Industrial District:
- (a) Location requirements will be determined during the Site Plan Review Process under sec. 17.52 Site Plan Permits of this Chapter
 - (b) Off-Street Parking Space. Off-street parking at properties zoned I Industrial throughout the Town shall be provided as follows:
 - 1. One off-street parking space per person normally employed on the lot or tract of land.
 - 2. One off-street parking space for each truck or other vehicle incidental to the use of such lot or tract of land.
- (6) Dimensions of Building Sites. The following dimensions shall apply in the I Industrial District:
- (a) The minimum lot size shall be 0.5 acre (21,780 square feet).
 - (b) The minimum frontage shall be 100 feet.
 - (c) The minimum lot width shall be 100 feet at the minimum road setback (or "build line").
- (7) Setbacks. The following setbacks shall apply in the I Industrial District:
- (a) The front yard depth where a lot abuts a highway or street shall be 65 feet from the centerline of such right-of-way, but more than 25 feet from the right-of-way line. If the building is to be constructed in an established block where there are existing buildings, the yard depth shall be the average of the yard depths of buildings existing on the block face where the building is to be located, but not less than 15 feet from the right-of-way.
 - (b) The width of each side yard shall be 10 feet or greater, no accessory building shall project into the required side yard space.

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- (c) Depth shall not be less than 25 feet. Within the required yards or in addition thereto, there shall be sufficient space for the loading and unloading of motor vehicles off the street.
- (8) Lot Requirements. The following lot requirements shall apply in the I Industrial District:
 - (a) The amount of the total lot area that may be covered by all principal and accessory buildings shall not exceed 50%.
 - (b) For corner lots, a front yard on each lot line abutting a street, a side and a rear yard, except in the case where three sides of a lot abut a street, there shall be required in addition to three front yards, a side yard.
 - (c) Where an Industrial zoned lot abuts a lot in the R Residential District, TRD Transitional Residential District, or RD Rural District, there shall be provided along such lot line a suitable buffer or plant materials, fencing or a combination of both, to shield the residential area from the industrial area. Where the transition from the I Industrial District to the R Residential District is a public street, the front yard in the I Industrial District shall be suitably landscaped.
 - (d) Any permitted use shall be so constructed and operated as to create no nuisance with respect to noise, vibration, emission of smoke or particulate matter, toxic, noxious or odorous matter, glare and heat or as to create fire or explosive hazards.
- (9) Industrial Development.
 - (a) Intent. It is the intent of this section to use performance standards for the regulation of industrial uses to facilitate a more objective and equitable basis for control, and to ensure that the community is adequately protected from potential hazardous and nuisance-like effects.
 - (b) Standards of operations.
 - 1. Vibration. No operation or activity shall transmit any physical vibration that is above the vibration perception threshold of an individual at or beyond the Industrial District boundaries. Vibration perception threshold means the minimum ground- or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or visual observation of moving objects. Vibrations not directly under the control of the property uses and vibrations from temporary construction or maintenance activities shall be exempt from the above standard.
 - 2. External lighting. No operation or activity shall produce any intense glare or lighting with the source directly visible beyond the Industrial

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District boundaries. External lighting shall comply in all respects with any current or future Town of Eldorado Exterior Lighting Ordinance.

3. Odor. No operation or activity shall emit any substance or combination of substances in such quantities that create an objectionable odor, as defined in ch. NR 429, Wis. Adm. Code or subsequent regulations.
4. Particulate emissions. No operation or activity shall emit any particulate matter into the ambient air which exceeds the limitations as established in ch. NR 415, Wis. Adm. Code or subsequent regulations.
5. Visible emissions. No operation or activity shall emit into the ambient air from any direct or portable source any matter that will affect visibility in excess of the limitations established in ch. NR 431, Wis. Adm. Code or subsequent regulations.
6. Hazardous pollutants. No operation or activity shall emit any hazardous substances in such a quantity, concentration or duration as to be injurious to human health or property, and all emissions of hazardous substances shall not exceed the limitations established in ch. NR 445, Wis. Adm. Code or subsequent regulations.

(c) Administration. Determinations necessary for the administration and enforcement of these standards range from those which can be made by a reasonable person using normal senses and no mechanical equipment to those requiring substantial technical competence and complex equipment. It is the intent of this section that the methods to be used in determining compliance shall be the responsibility of the Building Inspector or Building Permit Officer and Plan Commission, subject to the following procedures:

1. Approval of Building permits. Prior to approving a Building permit for any industrial use or any change thereof, the Building Permit Officer and shall have received from the applicant evidence or assurance that the proposed use or changing use will satisfy the air quality, vibration and exterior lighting standards of this Chapter.

(d) Violation of standards. Whenever the Building Permit Officer or Plan Commission have reason to believe the air quality, vibration and exterior lighting standards of this Chapter have been violated, written notice shall be made by certified mail to the person or persons responsible for the alleged violation. Such notice shall describe the alleged violation and shall require an answer or correction of the alleged violation within 30 days. Failure to reply or correct the alleged violation within 30 days may cause lawful action to be taken to cause correction as provided in this Chapter or referral of the alleged violation to the Wisconsin Department of Natural Resources (WDNR).

17.37 CAO Critical Areas Overlay District.

- (1) Purpose. The CAO Critical Areas Overlay District is intended to protect the public health and safety by minimizing development in areas prone to unwanted soil erosion and groundwater contamination, and on sites difficult to develop in a safe

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manner, and promote the general welfare by preserving unique and valuable geologic and other natural resource features of the Town of Eldorado. The regulations of the CAO Critical Areas Overlay District are premised, in part, on a shared community vision, discovered and detailed through the comprehensive planning process that calls for protection of natural resources and unique geologic features found within the Town.

- (2) **General Protection Policies.** It is the policy of the Town of Eldorado that the beneficial functions, structures, and values of critical areas be protected, and, further, that potential dangers or public costs associated with inappropriate use of such areas be eliminated or reduced by reasonable regulation. The standards of the CAO Critical Areas Overlay District represent a reasonable balance between individual and collective interests. In striking that balance, the Town recognizes that, because of the wide variety of types of developments, and the relationships between them and their natural environments, it is neither possible nor advisable to establish inflexible critical areas protection standards. The standards set forth in this section are presumptive requirements. The reviewing body may permit deviations from these presumptive standards whenever it is determined that such deviations will satisfy the purposes set forth in sec. 17.37 CAO Critical Areas Overlay District of this Chapter. In considering the appropriate course of action to follow when allowing deviations from the standards, the preferences set forth below are established to guide development actions; they are in no particular order, and may be mixed to achieve maximum critical areas protection while facilitating reasonable use of property:
- (a) Avoid the impact altogether by not allowing a particular action unless no reasonable, noncritical area alternatives are available.
 - (b) Avoid the impact by directing the particular action to noncritical areas on the same site, which may require deviation from the physical or dimensional requirements of this Chapter (such as setbacks or lot dimensions).
 - (c) Minimize the impact by limiting the degree or magnitude of the action.
 - (d) Rectify the impact by repairing, rehabilitating or restoring the affected critical area.
- (3) **Triggering Applications.** The regulations of sec. 17.37 CAO Critical Areas Overlay District of this Chapter apply in all zoning districts, and are triggered whenever an application for any of the following actions is filed (hereinafter referred to as "triggering applications") and it is found that such action is taking place on a parcel of real property containing a designated critical area or its buffer:
- (a) Any permit or action set forth in this Chapter.
 - (b) Any permit required by Chapter 18: Land Division and Subdivision Regulations of the Eldorado Town Code.

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- (c) Clearing and grading permits or permits for any other "development" activity.
- (4) Exemptions. The following activities are specifically exempt from the provisions of sec. 17.37 CAO Critical Areas Overlay District of this Chapter, whether or not such activity requires the submission of a triggering application:
 - (a) Existing and ongoing agricultural activities, including all lands zoned A-1 Farmland Preservation District.
 - (b) Normal and routine maintenance and operation of existing irrigation and drainage ditches, swales, canals, detention facilities, wastewater treatment facilities, landscape amenities, farm ponds, fish ponds, manure lagoons and livestock water ponds; provided that such activities do not involve conversion of any critical areas not being used for such activities to another use.
 - (c) Construction, maintenance, operation and repair or replacement of existing utility facilities and associated rights-of-way, including reasonable access roads.
 - (d) Site investigative work in conjunction with the preparation of a land use application submittal, such as surveys, soil logs, percolation tests and other related activities.
 - (e) Maintenance, operation, reconstruction of or addition to existing roads, streets, and driveways.
 - (f) Any projects for which application(s) have been submitted prior to the adoption of this Chapter.
- (5) Application of Standards. No application involving a designated critical area shall be approved unless it is determined to be in compliance with sec. 17.37 CAO Critical Areas Overlay District of this Chapter. The standards of sec. 17.37 CAO Critical Areas Overlay District of this Chapter shall be applied in addition to other applicable requirements of this Chapter. Whenever other requirements of this Ordinance conflict with the requirements of sec. 17.37 CAO Critical Areas Overlay District of this Chapter, the most stringent requirements shall govern. In instances where a proposal involves a parcel of real property with more than one critical area the standards that pertain to each identified critical area shall apply. Compliance with sec. 17.37 CAO Critical Areas Overlay District of this Chapter shall not remove any obligations with respect to applicable provisions of any other federal, state, county or Town regulation.
- (6) Identification of Critical Areas. Upon submittal of triggering application, the Permit Issuer shall determine the probable existence of critical areas on the parcel involved in the application. The Permit Issuer shall review and consider the most appropriate, publicly available information in determining the probable existence of critical areas, including, but not limited to, the following:
 - (a) Large scale (1" = 200') Fond du Lac County topographic maps.

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- (b) USGS 7.5-minute topographic quadrangle maps.
 - (c) 1" = 400' aerial photographs, or other scale if not available.
 - (d) "Wisconsin Wetland Inventory" maps prepared by the Wisconsin Department of Natural Resources (WDNR).
 - (e) Town of Eldorado Comprehensive Plan - Adopted December 2009, and as subsequently amended or replaced.
- (7) Requirement of Access and Additional Studies. The Permit Issuer may also conduct field investigations with permission of the landowner, and may require private studies be conducted by the applicant, including, but not limited to, the following:
- (a) Topographic surveys prepared by and certified by a Wisconsin registered land surveyor at a contour interval of not less than two feet.
 - (b) Field surveys of trees and/or plant material compiled by a landscape architect, forester, arborist, biologist or botanist with a professional degree in one of those fields of endeavor.
- (8) Application Process.
- (a) Conditional Use Permit Required. Any action taking place on a parcel of real property containing a designated critical area requires that the applicant apply for, and be granted a Conditional Use permit under sec. 17.51 Conditional Uses of this Chapter. If the triggering application is an application for a Conditional Use permit, such application shall be sufficient to satisfy this requirement.
 - (b) Submission Requirements. Applicants shall submit the following information along with the application for a Conditional Use permit:
 - 1. Ten full size copies of a "Critical Areas Protection Plan" prepared on tracing cloth, reproducible drafting film, or paper of good quality at a map scale as appropriate that correctly shows the following information:
 - a. A drawing legend at appropriate scale with the date of preparation, north arrow, and designation of existing and proposed contours at a minimum two foot contour interval.
 - b. The location of the proposed development activity.
 - c. The names, addresses and telephone numbers of the owners, Subdividers, lessee and/or developer(s) of the property and of the designer of the plan.
 - d. The boundary line of the site with dimensions, indicated by a solid line, and the total land area encompassed by the site.

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- e. The location of any existing or proposed lot lines, right-of-way lines and easements.
 - f. The location and dimensions of all permanent easements on the subject property and boundary lines adjacent to the site.
 - g. The location and extent of any existing critical areas features defined and described in sec. 17.37(10-12) CAO Critical Areas Overlay District of this Chapter. Each individual resource area on the site shall be graphically and numerically shown on the Critical Areas Protection Plan.
 - h. Graphic and numeric illustrations shown on the Critical Areas Protection Plan of those existing critical areas features (in square feet or acres) that will be disturbed and those that will be preserved. Numeric data may be shown in tabular form with labeled reference to specific areas designated on the Critical Areas Protection Plan.
 - i. Graphic illustration and notes relating to how the protection/mitigation measures will be achieved.
- (c) Application Processing. If the procedures governing the triggering application require Plan Commission or Board of Appeals review, the Critical Areas Protection Plan shall be reviewed, and protection standards applied, by the applicable decision-making body concurrent with the triggering application. In all other cases, the Critical Areas Protection Plan shall be reviewed, and protection standards applied, by following the procedures for site plan review set forth in sec. 17.52 Site Plan Permits of this Chapter.
- (9) Required Findings. In addition to addressing the decision criteria of the underlying triggering application, the decision-making body shall also determine how the Critical Areas Protection Plan meets the protection standards set forth in sec. 17.37 CAO Critical Areas Overlay District of this Chapter or, when deviation from the standards is permitted, how the plan achieves maximum critical areas protection while facilitating reasonable use of property.
- (10) Protected Critical Area: Eldorado State Wildlife Area (Eldorado Marsh). The purposes of regulating the Eldorado Marsh area is to promote safe conditions by: preventing development that requires the placement of roads or structures on soils insufficient for such development; to protect the integrity of surface water resources subject to nonpoint source pollution; to protect the integrity of ground water resources subject to contamination and overuse; to preserve the area as a unique, visually prominent natural feature that contributes to the diversity of landscape of the Town of Eldorado, and to preserve the functions of the Eldorado Marsh as a critical wildlife corridor and habitat.
- (a) Regulated Area. A buffer area extending a minimum of 100 feet from the periphery of the Eldorado Marsh.
 - (b) Prohibited or Regulated Activities.
 - 1. All quarrying, sand and gravel pits, and other nonmetallic mining

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activities are prohibited in the Regulated Area.

2. No telecommunication tower locating in the Regulated Area shall be located within 5,000 feet of an existing telecommunication tower; said distance to be measured by a straight line from the base of the nearest existing tower to the base of the proposed tower site.
 3. No portion of any building or structure shall be constructed within the regulated area without a Conditional Use permit.
 4. Grading that occurs within the regulated area shall create a naturally sloped effect that conforms to the topography of the site. Disturbed areas shall be replanted with native vegetation.
- (c) Exception for Existing Lots of Record. Nothing in sec. 17.37 CAO Critical Areas Overlay District of this Chapter shall prevent one one-family detached home from being built on any legal lot existing on the effective date of this Chapter, provided it complies with the other development standards of this Chapter, any grading ordinances presently in effect, and the development standards of the underlying zone. Where provisions may conflict, the most restrictive shall apply.
- (11) Protected Critical Area: Riparian Corridors. The purposes of regulating riparian corridors are to promote safe conditions by preventing land uses inconsistent with preserving and protecting surface waters from the negative affects of nonpoint water pollution; protect important aquatic species and habitat; and maintain lower water temperatures in area streams.
- (a) Regulated Area. A protective buffer extending 100 feet from the high water mark of any perennial stream.
 - (b) Prohibited or Regulated Activities.
 1. Any activity that permanently alters the landscape within the regulated area including, but not limited to: plowing, gardening, planting of turf grass, and non-native landscaping.
 2. Removal of existing mature vegetation and existing native species shall be minimized to the greatest extent possible.
 - (c) Exception for Existing Lots of Record. Nothing in sec. 17.37 CAO Critical Areas Overlay District of this Chapter shall prevent one one-family detached home from being built on any legal lot existing on the effective date of this Ordinance, provided it complies with the other development standards of this Ordinance, any grading ordinances presently in effect, and the development standards of the underlying zone. Where provisions may conflict, the most restrictive shall apply.
- (12) Protected Critical Area: Woodlands. The woodlands of the Town of Eldorado significantly contribute to the scenic attractiveness of the Town and provide habitat for numerous species of plant and animal life. The purpose of these regulations is to perpetuate the existence of woodlands.

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- (a) Regulated Area. Mature woodlands wherein 20% or more of the trees have a diameter-at-breast-height (DBH) of 18 inches or more.
 - 1. No trees grown for commercial purposes shall be considered a woodland.
- (b) Prohibited or Regulated Activities.
 - 1. Clearing of trees shall be permitted for building footprints, driveways and sites for onsite sewage disposal systems.
 - a. Building footprints may be cleared a distance of 25 feet from the exterior walls of principal structures and 15 feet from accessory structures.
 - b. Selective pruning of remaining trees shall be permitted, provided that 70% of the original canopy is left intact.
 - 2. Clear cutting on contiguous land under single ownership shall be permitted, provided that the clear-cut area not exceed the lesser of 10 acres or 30% of woodlands in any 10-year period.
 - a. An area clear-cut for commercial purposes shall not be converted or developed for another use within seven years from the date clear cutting was completed.
 - 3. Other sound forestry practice techniques (as defined in ch. NR 46, Wis. Adm. Code) recommended by a qualified forester are permitted if designed to protect or enhance the woodlands.
- (c) Exception. Exceptions to these restrictions may be granted upon a showing of special needs or circumstances of the landowner.

17.38 TNDO Traditional Neighborhood Design Overlay District.

- (1) Purpose. The purpose of the TNDO Traditional Neighborhood Design Overlay District is to allow the optional development and redevelopment of land in the Town Center area of the Town of Eldorado, as identified in the Comprehensive Plan, consistent with the design principles of traditional neighborhoods.
- (2) Applicability. The TNDO Traditional Neighborhood Design Overlay District is intended to provide an area of mixed residential and essential business uses within the same structure, or same site or on adjacent sites in the more densely developed unincorporated village of Eldorado. Essential business means a small business that is necessary to sustain or enhance the community. Any uses allowed under the TNDO Traditional Neighborhood Design Overlay District for lands zoned A-1 Farmland Preservation District require a rezone out of the A-1 Farmland Preservation District prior to their approval.
- (3) Definition. A traditional neighborhood:
 - (a) Is compact.
 - (b) Is designed for the human scale.

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- (c) Provides a mix of uses, including residential, commercial, civic, and open space uses in close proximity to one another within the neighborhood.
 - (d) Provides a mix of housing styles, types, and sizes to accommodate households of all ages, sizes, and incomes.
 - (e) Allows for a mixture of compatible uses within the same structure, on the same parcel, or on adjoining parcels.
 - (f) Allows for interconnected buildings.
 - (g) Incorporates a system of relatively narrow, interconnected streets with sidewalks, bikeways, and transit that offer multiple routes for motorists, pedestrians, and bicyclists and provides for the connections of those streets to existing and future developments.
 - (h) Retains existing buildings with historical features or architectural features that enhance the visual character of the community.
 - (i) Incorporates significant environmental features into the design.
 - (j) Is consistent with the Town's adopted Comprehensive Plan.
- (4) Permitted Uses. The following uses are permitted in the TNDO Traditional Neighborhood Design Overlay District:
- (a) Any use identified as a permitted use in the R Residential District.
 - (b) Any use identified as a permitted use in the C Commercial District.
 - (c) Any use identified as permitted in the A-1 Farmland Preservation District existing at the effective date of this Chapter.
 - (d) Any use identified as permitted in the A-2 General Agricultural District existing at the effective date of this Chapter.
- (5) Conditional Uses. The following uses may be conditionally approved in the TNDO Traditional Neighborhood Design Overlay District in accordance with sec. 17.51 Conditional Uses of this Chapter:
- (a) Any use identified as a conditional use in the R Residential District.
 - (b) Any use identified as a conditional use in the C Commercial District.
 - (c) Any use identified as permitted in the RD Rural District.
 - (d) Any variation from the regulations and standards; dimensions; setbacks; garage and accessory structures; or sanitary sewer and personal onsite

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wastewater treatment systems otherwise required in the R Residential District or C Commercial District.

- (6) Regulations and Standards. The regulations and standards within the TNDO Traditional Neighborhood Design Overlay District shall be determined on a case-by-case basis during the review of the general implementation plan, per sec. 17.38(11)(b) of this Chapter, or during the Site Plan Review process for mixed residential and commercial uses, per sec. 17.52 Site Plan Permits of this Chapter, and may be based, in whole or in part, upon the existing regulations and standards within the underlying zoning district.
- (7) Dimensions of Building Sites for Unsewered One and Two-Family Dwellings. The following dimensions shall apply to the TNDO Traditional Neighborhood Design Overlay District:
 - (a) The minimum lot size shall be 0.75 acre (32,670 square feet), if served by a conventional onsite wastewater treatment system; or 0.25 acre (10,890 square feet) if served by a clustered treatment system approved by the Plan Commission.
 - (b) The minimum frontage shall be 50 feet.
 - (c) The minimum lot width shall be 100 feet at the minimum road setback (or "build line") unless otherwise approved by the Plan Commission.
- (8) Setbacks. The following setbacks shall apply within the TNDO Traditional Neighborhood design Overlay District:
 - (a) The minimum road setback shall be determined during the initial meeting with the Plan Commission but shall be no closer to the centerline as the average distance from the centerline of the structures immediately adjacent to the proposed structure.
 1. Within platted subdivisions, the minimum road setback is 30 feet from the right-of-way line as shown on the recorded subdivision plat.
 - (b) The maximum setback shall be determined during the initial conference with the Plan Commission.
 - (c) The minimum side yard setback shall be determined during the initial conference with the Plan Commission.
 - (d) The minimum side yard setback for all detached garages and accessory buildings shall be determined during the initial meeting with the Plan Commission.
 - (e) The minimum rear yard setback shall be determined during the initial meeting with the Plan Commission.

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- (f) The minimum rear yard setback for all detached garages and accessory buildings shall be determined during the initial meeting with the Plan Commission.
 - (g) The minimum setback for riparian lots shall be 100 feet; riparian lot setbacks shall comply with applicable county ordinance and state law.
- (9) Sanitary Sewers and Private Onsite Wastewater Treatment Systems. The following shall apply in the TNDO Traditional Neighborhood Design Overlay District:
- (a) Where soil conditions are such as to require larger lot sizes for subdivisions of land under the provisions of ch. SPS 383, Wis. Adm. Code and/or ch. SPS 385, Wis. Adm. Code or subsequent regulations, or the Sanitary and Private Sewage System Ordinance of Fond du Lac County, then such larger lot sizes shall be considered as required by this Chapter.
 - (b) The Building Permit Officer shall require a sanitary permit issued by the County Sanitarian under the County Sanitary Ordinance prior to issuing a Town Building permit.
- (10) Mobile Homes. The following shall apply to mobile homes in the TNDO Traditional Neighborhood Design Overlay District. Whenever a mobile home, existing at the time of the adoption of the Zoning Ordinance, is removed from any premises, another mobile home permit shall not be issued to another mobile home on that premises or to any person owning, occupying or having under his control such mobile home on its premises.
- (11) Application Requirements.
- (a) An initial conference with the Plan Commission to discuss the proposal and appropriate procedures.
 - (b) Submittal and approval of a general implementation plan. The plan should contain:
 - 1. A general location map.
 - 2. A site inventory and analysis.
 - 3. A conceptual site plan.
 - 4. A conceptual stormwater management plan.
 - 5. Identification of architectural and site design styles of proposed and existing, adjoining structures.
 - (c) Submittal and approval of a final implementation plan containing:
 - 1. A final site and stormwater plan.
 - 2. Detailed elevations of all proposed commercial buildings and typical elevations of proposed residential buildings.
 - 3. A utilities plan.

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4. Phasing plans, where and when applicable as determined by the Plan Commission.

17.39-17.49 Reserved.

17.50 Highway and Riparian Setback Requirements.

- (1) Purpose. In order to promote and enhance the public safety, general welfare and convenience, it is necessary that highway setback lines be, and they are hereby established in the Town of Eldorado, Fond du Lac County, Wisconsin, outside the limits of incorporated cities and villages; along all public highways; at the intersections of highways with highways and highways with railways as hereafter provided.

- (a) Where a highway is located on a village boundary, this section is not intended to be effective on the side within the village nor on the side within another town where the highway is located on a town boundary.

- (2) Classes of Highways and Centerlines. Highways are classified and the position of the centerline shall be determined as follows:

- (a) Class A Highways:

1. Town roads not otherwise classified that have been improved in accordance with engineering surveys and plans accepted by the county or Town Board.
 - a. The centerline is the midway point between fences or other markers indicating the boundaries of the highway on opposite sides thereof.
 2. Town roads not otherwise classified that have been improved in accordance with engineering surveys and plans accepted by the County or Town Board.
 - a. The centerline is at the center of the surfacing or pavement, or, if there is none, the center of graded roadbed.
 3. Roads and streets in platted subdivisions not otherwise classified.
 - a. The centerline is the midpoint between the right-of-way lines or as shown on the recorded plat.
 4. Private roads.
 - a. The centerline is at the middle point between the right-of-way lines.

- (b) Class B Highways.

1. All roads classified by Fond du Lac County as county trunk highways.
 - a. The centerline is at the midway point between fences or other markers indicating the boundary on opposite sides thereof.

- (c) Class C Highways.

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1. State Trunk Highways, except as hereinafter provided, that have been approved according to surveys and plans of the State Highway Commission or plans accepted by the County Board, and the United States Highways.
 - a. The centerline is the center of the roadbed, or the center of the surfacing or pavement of the adjacent lane, if the highway is to be paved as a double-divided road.
- (d) Class D Highways.
1. Federal highways, as part of the U.S. Interstate highway system.
- (3) Structures Prohibited Within Setback Line. No new building, new sign, or other structure or part thereof shall be placed between the setback lines established by this ordinance and the highway, except as provided by this ordinance, and no building, sign or structure or part thereof existing within such setback lines on the effective date of this ordinance shall be altered, enlarged or added to in any way that increases or prolongs the permanency thereof, or be reconstructed in its original existing location after having been destroyed by fire, storm or other catastrophe to the extent of 50% or more of its current value as determined by the local assessor.
- (4) Structures Permitted Within Setback Lines. The following kinds of structures may be placed between the setback line and the highway or the water line:
- (a) Open fences as laid out in sec. 17.20 Fences of this Chapter.
 - (b) Telephone, telegraph and power transmission poles and lines, and micro-wave radio relay structures may be constructed within the setback lines, and additions to and replacements of existing structures may be made, providing the owner file with the Plan Commission of the Town of Eldorado an agreement in writing to the effect that the owner will remove all new construction, additions and replacements erected after the adoption of this ordinance at his expense, when necessary for the improvement of the highway.
 - (c) Underground structures not capable of being used as foundations for future prohibited over ground structures.
 - (d) Access or service highways constructed according to plans as approved by the Plan Commission. In giving such approval, the Plan Commission shall give due consideration to highway safety and maximum sight distances.
 - (e) This section shall not be interpreted so as to prohibit the planting and harvesting of field crops, shrubbery or trees; provided, however, that no building or structure, trees or shrubbery, shall be so located, maintained or permitted to grow so that the view across the sectors at the intersections shall be obstructed.

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- (5) **Setback Distances.** Except as otherwise provided, the distances from the centerline to the setback line applicable to the various classifications of highways as defined by sec. 17.50 (2) of this Chapter, shall be as provided by the following paragraphs of this subsection, respectively:
- (a) Whenever a highway is improved to a classification requiring a greater setback distance than that required by this ordinance prior to such improvement, the setback distance shall be that applicable to the latter classification.
 - (b) In cases where the provisions of this section may be interpreted to provide for different setback distances, the greater setback distance shall prevail.
- (6) **Along Highways Generally.** The setback distance from the centerline, at any point, for the respective classes of highways shall be as follows:
- (a) Whenever a highway is improved to a classification requiring a greater setback distance than that required by this ordinance prior to such improvement, the setback distance shall be that applicable to the latter classification.
 - (b) In cases where the provisions of this section may be interpreted to provide for different setback distances, the greater setback distance shall prevail.
- (7) **At Highway Intersections with Transitional Widening.** At intersections provided with transitional widening of pavement or surfacing, such transitional widening shall be considered as additional width, and the setback line on the side which is widened, shall be increased by an amount equal to the width of the additional pavement.
- (8) **At Highway Intersections with Curve Connections.** At intersections where the intersecting highways are connected with pavement or surfacing constructed on a curve, the pavement or surfacing on the curve shall be classified as provided by sec. 17.50(2) of this Chapter and the setback distance along the curve shall be measured from the center of the curved section determined accordingly.
- (9) **At Railroad Grade Crossings.** At railroad grade crossings, there shall be vision clearance triangles in each sector of such intersection. Each such vision clearance triangle shall be established by a supplementary setback line which shall be a straight line connecting points on the railway right-of-way line and the highway setback line and 75 feet back from the intersection of such highway setback lines and such railway right-of-way line.

17.51 **Conditional Uses.**

- (1) **Definition.** A conditional use is a use which is necessary or desirable for public welfare, but which is potentially incompatible with the uses normally permitted in the Zoning District established herein. It is hereby declared the policy and

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purpose of this ordinance to employ the conditional use as a flexible means of permitting certain exceptions to the districts established and the rules and regulations adopted herein, in cases where the public benefit of such uses outweighs the potential harm, and under such conditions imposed as are necessary to protect the public health, safety, welfare, and individual property rights.

- (2) Application. Applications for Conditional Use permits shall be made to the Town on forms furnished by the Clerk and shall include the following:
- (a) Fifteen copies of a map (preferably a topographic map), drawn to a scale of not less than 100 feet to 1 inch showing the land in question; its legal description and location; location and use of existing buildings; sanitary systems and private water supplies on such land; the high water elevation of any navigable water within 100 feet of the land in question; and the proposed location and use of any buildings, sanitary systems and wells on such land and within 100 feet of such land in question and any and all information listed in sec. 17.52 Site Plan Permits of this Chapter, if required.
 - (b) The names and complete mailing addresses, including zip codes, of the owners of all properties within 300 feet (0.5 mile from the property line for quarry operations) of any part of the land included in the proposed use.
 - (c) Additional information as may be required by the Building Permit Officer, Town Planner, Town Plan Commission or Town Board.
 - (d) A fee, as may be established and periodically modified, shall accompany each application. Such fee shall be paid by cash, check, or money order to the Town Clerk. Costs incurred by the Town in obtaining legal, planning, engineering and other technical and professional advice in connection with the review of the conditional use and preparation of conditions to be imposed shall be charged to the applicant.
 - (e) Where necessary to comply with the certain Wisconsin Statutes, an application will be submitted to the Wisconsin Department of Natural Resources (WDNR).
 - (f) The site plan and plan of operation form furnished by the Town shall be submitted to the Town Clerk prior to scheduling a Plan Commission meeting.
- (3) Public Hearing. Upon receipt of the application, foregoing data and fees, the Town Clerk shall establish a date for a joint public hearing and shall publish notice of the hearing once each week for two consecutive weeks in the official newspaper for a Class 2 notice per ch. 985, Wis. Stats. Notice of the public hearing shall be given to the owners of all lands within 300 feet of any part of the land included in such conditional use by mail at least 10 days before such public hearing. A copy of the notice of public hearing along with pertinent information relative to the specific nature of the matter (copy of application and map) shall be transmitted to the Town Planner, Plan Commission, and Town Board. Testimony

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of all interested parties will be heard at the public hearing. The Plan Commission will approve, conditionally approve or deny the application based upon the testimony provided, the staff report submitted by the Town Planner, and a determination as to whether the proposed action is consistent with the Town of Eldorado Comprehensive Plan and any other relevant Town plans, ordinances, or rules.

- (4) Authorizing Conditional Use Permits. Conditional Use permits may be authorized by the Plan Commission when it appears:
- (a) That it is reasonably necessary for the public convenience at that location; or,
 - (b) That it is so designed, located and proposed as to be operated so that it will not be injurious to the district in which it shall be located or otherwise detrimental to the public welfare; and,
 - (c) That it conforms to the applicable regulations and standards and reserves the essential character of the district in which it shall be located; or,
 - (d) That in the case of an existing nonconforming use will make such use more compatible with its surroundings.
- (5) Final Review and Approval. The Plan Commission shall review the proposal as submitted. Any conditions deemed necessary by the Plan Commission or other governmental agencies may be made an integral part of the permit. These conditions shall be complied with by the applicant and any deviation or alteration of those conditions set forth in the permit shall constitute a violation of the terms of the Conditional Use permit. Such violation shall constitute a violation of this Chapter and will be subject to prosecution and penalties under the terms of this Chapter.
- (6) Determination. The Plan Commission, after due consideration, may deny the petition, approve the petition as submitted, or approve the petition subject to additional conditions and restrictions. The approval of a Conditional Use permit shall be based upon and include as conditions thereto the building, site and operational plans for the development as approved by the Plan Commission. The conditions of approval or reasons for disapproval shall be stated in writing by the determining body and a copy made a permanent part of the minutes of such body.
- (7) Application for Changes and Additions. Any subsequent change or addition to the Conditional Use permit, plans or uses shall first be submitted for approval to the Plan Commission through the procedure of application for conditional use permits detailed herein and if, in the opinion of the Plan Commission, such change or addition constitutes a substantial alteration of the original plan, a public hearing before the Plan Commission shall be required and notice thereof be given pursuant to the provisions of sec. 17.51(3) of this Chapter. At the discretion of the Plan Commission minor changes which are consistent with the approved Site Plan may be permitted without a public hearing. A minor change

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is one in which the proposed change does not significantly affect the overall character of the site or intensity of the use and is consistent or compatible with the Site Plan and Plan of Operations. All proposed changes, additions or alterations shall be submitted to the Plan Commission for approval.

- (8) Term of Approval. Unless otherwise specified a Conditional Use permit shall be continued as long as the operation is uninterrupted, and none of the approved conditions are violated or changed. Conditional Use permits for structures shall be reviewed by staff annually. Annual review of the conditions for a Conditional Use permit, for other than structures, shall be required by the Plan Commission on the anniversary date of the approval, or as determined by the Plan Commission.
- (9) Revocation of Conditional Use. Conditional Use permit will be revoked when, after public hearing, the Plan Commission determines any of the following:
 - (a) A permit applicant, his heirs or assigns, fails to comply with or to continue in conformity with the conditions of the permit issued by the Plan Commission.
 - (b) A change in the character of the surrounding area or in the conditional use itself causes such use to be no longer compatible with surrounding uses.
 - (c) The conditional use has been discontinued or not utilized for a period of 12 consecutive or 18 cumulative months in a three-year period. A business of a seasonal nature shall not be deemed discontinued during periods in which it is normally inactive (i.e., summer camps, snowmobile courses, ski area, quarries, etc.) Upon such determination, the owner of the premises shall be required to bring all such lands and buildings into conformity with the district regulations of the district in which such former conditional use is located, and all other provisions of this Chapter within 90 days from such determination.
- (10) Notice to DATCP. A notification of each Conditional Use permit granted in the A-1 Farmland Preservation District shall be transmitted to the Department of Agriculture, Trade, and Consumer Protection (DATCP).

17.52 Site Plan Permits.

- (1) Purpose. The Town Board recognizes that zoning, by itself, does not guarantee that new development will integrate into the community. Often, a legally-allowable use may, nonetheless, be incompatible with its proposed environment due to various design factors. Site plan review provides the Town with an opportunity to regulate development to ensure that structures and sites fit harmoniously into the surrounding environment.
- (2) Applicability. A Site Plan review permit is applicable to permitted and conditional uses in the C Commercial and I Industrial Districts and may be required for mixed residential and commercial uses within the TNDO Traditional Neighborhood Design Overlay District. Except for buildings and accessory structures consistent with agricultural uses, a Site Plan permit shall be required for any of the following

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activities:

- (a) New construction of a building or other structure, except as provided below.
 - (b) Expansion of an existing use that involves a floor space increase of 20% or more within any 10-year period.
 - (c) Change of business or other activity that requires an increase of 10% or more in the number of off-street parking spaces.
 - (d) Alteration or expansion of an existing parking lot that affects greater than 10% of the total number of parking spaces.
 - (e) Remodel or exterior alteration of any building or other structure, the cost of which exceeds 5% of the structure's total fair market value as determined by the Permit Issuer.
- (3) **Initiation of Process; Payment of Fee.** The site plan review process shall be initiated prior to the commencement of any site disturbing activities such as grading, filling, vegetation removal, etc. associated with the proposed activity. Payment of the appropriate fee, as set forth by the Town Board in the Town of Eldorado Fee Schedule, shall be made at the time of the pre-application conference.
- (4) **Pre-application Conference.** To assist the Town and the applicant in the site plan review process, an applicant for site plan review may arrange for a pre-application conference with the Plan Commission by submitting forms and sketch plans as prescribed by the Permit Issuer prior to submission of a formal application. A pre-application conference need not include extensive field inspection or correspondence. The purposes of the pre-application conference are to bring about an informal discussion regarding a proposed project, and to assist the applicant by identifying the following:
- (a) Requirements for submittal, including any other types of permits necessary to complete the proposal.
 - (b) Applicable community plans, goals, policies, codes or guidelines and possible revisions to the proposed project that will enhance the proposal with respect to these requirements.
 - (c) Required plans, studies, reports, and/or other materials specific to the proposal that will provide necessary information for staff to review the project.
 - (d) The discussion at the pre-application conference shall not bind or prohibit the community's future enforcement or application of its codes and ordinances.
- (5) **Formal Application.** Application for site plan review shall include the documents described under "Submission Requirements" below as may be required by the Plan Commission in its discretion. A copy of the site plan shall be given by the

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applicant to the Town Clerk to be kept on file for public inquiry. After the application is determined to be complete for purposes of further processing, the Commission may transmit copies of the site plan documents to the Permit Issuer, Zoning Administrator or other consultant(s), official(s) as deemed necessary, in order to solicit comments. The reviewing officials shall then submit written comments to the Plan Commission within 21 days concerning the potential impacts of the proposed development on the objectives listed under "Standards of Review" below, and any recommended conditions or remedial measures to accommodate or mitigate these expected impacts. Failure of any of the aforementioned parties to respond within the allotted time shall be interpreted as approval of the site plan as proposed.

- (6) **Submission Requirements.** A site plan shall be prepared on standard 24" x 36" sheets, with continuation on 8-1/2" x 11" sheets as necessary for written narrative. The Permit Issuer or other decision-making body may require any of the following items as part of the formal site plan submission:
- (a) Name of the project, boundaries, and location maps showing the site's location in the community, date, north arrow and scale of the plan.
 - (b) Name and address of the owner of record, developer, and seal of the engineer, architect or landscape architect.
 - (c) Names and addresses of all owners of record of abutting parcels and those within 300 feet of the property line.
 - (d) All existing lot lines, easements, and rights-of-way. Include area in acres or square feet, abutting land uses and the location and use of structures within 300 feet of the site.
 - (e) The location and use of all existing and proposed buildings and structures within the development. Include all dimensions of height and floor area, and show all exterior entrances, and all anticipated future additions and alterations.
 - (f) The location of all present and proposed public and private ways, parking areas, driveways, sidewalks, ramps, curbs, fences, paths, landscaping walls and fences.
 - (g) Location, type, and screening details for all waste disposal containers shall also be shown.
 - (h) The location, height, intensity and coverage area of all external lighting fixtures.
 - (i) The direction of illumination and methods to eliminate glare onto adjoining properties must also be shown.
 - (j) The location, height, size, materials, and design of all proposed signage.

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- (k) The location of all present and proposed utility systems including sewage system; water supply system; telephone, cable and electrical systems; storm drainage system including existing and proposed drain lines, culverts, catch basins, headwalls, endwalls, hydrants, manholes and drainage swales.
- (l) Soil logs, percolation tests and storm runoff calculations for large or environmentally sensitive developments.
- (m) Plans to prevent the pollution of surface or groundwater, erosion of soil both during and after construction, excessive runoff, excessive raising or lowering of the water table, and flooding of other properties as applicable.
- (n) Existing and proposed topography at two-foot contour intervals. If any portion of the parcel is within the 100-year floodplain, the area shall be shown and base flood elevations given. Indicate areas within the proposed site and within 50 feet of the proposed site, where ground removal or filling is required, and give its approximate volume in cubic yards.
- (o) A landscape plan showing all existing natural land features, trees, forest cover and water sources, and all proposed changes to these features including size and type of plant material. Water sources will include ponds, lakes, brooks, streams, wetlands, floodplains and drainage retention areas.
- (p) Zoning district boundaries within 500 feet of the site's perimeter shall be drawn and identified on the plan.
- (q) Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on the site and within 100 feet of the site.
- (r) For new construction or alterations to any existing building, a table containing the following information:
 - 1. Area of building to be used for a particular use such as retail operation, office, storage, etc.
 - 2. Maximum number of employees.
 - 3. Maximum seating capacity, where applicable.
 - 4. Number of parking spaces existing and required for the intended use.
 - 5. Elevation plans at a scale of $1/8" = 1'$ for all exterior facades of the proposed structure(s) and/or existing facades, plus addition(s) showing design features and indicating the type and color of signs to be used.
- (7) Procedure. For proposals not requiring a Conditional Use permit, the Plan Commission shall issue a recommendation to the Town Board regarding its decision on the application within 30 days after the determination that the application is complete. For proposals also requiring a Conditional Use permit, the Plan Commission shall issue its decision on the site plan application no later

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than seven days after the public hearing on the proposed Conditional Use permit if such Conditional Use permit is granted.

- (8) Recommendation of the Plan Commission. The Plan Commission's recommendation to the Town Board shall consist of either:
- (a) Approval of the site plan.
 - (b) Approval of the site plan subject to any conditions, modifications or restrictions as recommended by the Plan Commission.
 - (c) Disapproval of the site plan.
- (9) Criteria for Review. During the site plan review process, the Plan Commission shall review the site plan and supporting documents to assess the reasonable fulfillment of the following listed objectives:
- (a) Legal. Conformance with the provisions of the ordinances and rules of the State of Wisconsin, Fond du Lac County and the Town of Eldorado.
 - (b) Traffic. Convenience and safety of both vehicular and pedestrian movement within the site and in relationship to adjoining ways and properties.
 - (c) Parking. Provisions for the off-street loading and unloading of vehicles incidental to the normal operation of the establishment, adequate parking, adequate lighting, and internal traffic control.
 - (d) Services. Reasonable demands placed on community services and infrastructure.
 - (e) Pollution Control. Adequacy of methods for sewage and refuse disposal, and the protection from pollution of both surface waters and groundwater. This includes minimizing soil erosion both during and after construction.
 - (f) Nuisances. Protection of adjacent and neighboring properties and community amenities from any undue disturbance caused by excessive or unreasonable noise, fumes, smoke, dust, odors, glare, stormwater runoff, etc.
 - (g) Existing Vegetation. Minimizing the area over which existing vegetation is to be removed. Where tree removal is required, special attention shall be given to planting of replacement trees.
 - (h) Amenities. The applicant's efforts to integrate the proposed development into the existing landscape through design features such as consistent and complimentary architectural design, vegetative buffers and/or the retention of open space.
 - (i) Character. The building setbacks, area and location of parking, architectural compatibility, signage and landscaping of the development, and how these

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features harmonize with the surrounding built environment and natural landscape.

- (10) Decision. The Town Board shall issue a final decision on all site plan permits. The Town Board's decision shall consist of either:
- (a) Approval of the site plan.
 - (b) Approval of the site plan subject to any conditions, modifications or restrictions as imposed by the Town Board.
 - (c) Disapproval of the site plan.

17.53 Zoning Board of Appeals. Under the provisions of s. 62.23 (7) (e) Wis. Stats. or subsequent statutes, there is hereby established a Board of Appeals.

- (1) Organization of Board of Appeals. The Board of Appeals shall consist of seven members- five regulars and two alternates- appointed by the Town Chairman and subject to confirmation of the Town Board, for terms of three years, except that of those first appointed, one shall serve for one year, two for two years and two for three years. The members of the Board shall serve at such compensation to be fixed by ordinance. The Town Chairman shall designate one of the members chairman. Vacancies shall be filled for the unexpired terms of members whose terms become vacant.
- (2) Meetings of the Board of Appeals. The Board shall adopt rules in accordance with the provisions of this section. Meetings of the Board shall be held at the call of the chairman and at such other times as the board may determine. Such chairman, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. 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 keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.
- (3) Power of the Board of Appeals. The Board of Appeals shall have the following powers:
 - (a) To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination by an administrative official in the enforcement of this Chapter.
 - (b) Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer of the Town affected by any decision of the Town. Such appeal shall be taken within 20 days by filing with the Town and with the Board of Appeals a notice of appeal specifying the grounds thereof. The Town shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the actions appealed from were taken.

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- (c) The Board of Appeals shall fix a reasonable time for the hearing of the appeal or other matters referred to it and give public notice thereof by a Class 1 notice under ch. 985, Wis. Stats. or subsequent statutes, in an official paper or a paper of general circulation in the Town of Eldorado and by posting notices in three public places as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.
- (d) To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record.
- (e) To interpret the provisions of this ordinance where the street layout on the ground differs from the Official Zoning Map.
- (f) To authorize upon appeal in specific cases, a variance from the standards of the ordinance as will not be contrary to the public interest. Variations for uses shall not be granted by the board. A variance for the purpose of this ordinance shall not be granted unless:
 - 1. A written application for a variance is submitted demonstrating:
 - a. That special conditions exist which are peculiar to the land or structure involved which are not applicable to other lands or structures in the same district.
 - b. That literal enforcement of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other lands or structures in the same district under the terms of this ordinance.
 - c. That the special conditions and circumstances do not result from the actions of the applicant.
 - d. That the granting of the variance request will not confer on the applicant any special privilege that is denied by this ordinance to other lands or structures in the same district.
 - e. No nonconforming use of neighboring lands or structures in the same district, and no permitted use of land or structures in other districts shall be considered grounds for the issuance of a variance.
 - 2. The application is in proper form and a fee as specified in sec. 17.56 Fees of this Chapter has been paid. The board shall hold a public hearing on such matter in accordance with the provisions of sec. 17.53(3)(g) of this Chapter. Reasonable special conditions and safeguards for the protection of the public health, safety, and welfare may be imposed by the board if it grants the application for variance.
- (g) Public Hearing. Upon receipt of the application, foregoing data and fees, the Clerk shall establish a date for a public hearing and shall publish notice of the hearing once each week for two consecutive weeks in the official newspaper for a Class 2 notice per ch. 985, Wis. Stats. or subsequent statutes. Notice of

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the public hearing shall be given to the owners of all lands within 300 feet of any part of the land included in such conditional use by mail at least 10 days before such public hearing. A copy of the notice of public hearing along with pertinent information relative to the specific nature of the matter (copy of application and map) shall be transmitted to the Zoning Board of Appeals, Plan Commission, and Town Board. Testimony of all interested parties will be heard at the public hearing and the Zoning Board of Appeals will issue a final ruling.

- (4) Exercise of Power.
- (a) In exercising the above mentioned powers, such board may, in conformity with the provisions of such section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issue of a permit.
 - (b) The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in such ordinance. The grounds of every such determination shall be stated.

17.54 Enforcement.

- (1) It shall be the duty of the Building Inspector or Building Permit Officer to enforce the provisions of this Chapter.
 - (a) Role of the Building Inspector. The Building Inspector shall be responsible for issuing the Universal Building Code (UBC) permit for all new homes and commercial buildings; for remodel work that entails a cost greater than 50% of the appraised value of the structure; for remodel work that entails a cost 50% or less than the appraised value of the structure when requested by the Building Permit Officer; and, the Occupancy permit.
 - (b) Role of the Building Permit Officer. The Building Permit Officer shall be responsible for compliance with the Eldorado Town Code. The Building Permit Officer shall issue Land Use permits, Driveway/Culvert permits, Demolition permits when the dwelling or structure has taxable value, Building permits for residential and commercial remodel work that is 50% or less of the appraised value of a structure, and all other permits related to this Chapter excepting Conditional Use permits, Site Plan permits, CAO permits, and those issued by the Building Inspector. At the discretion of the Building Permit Officer, a Universal Building Code (UBC) permit may be required for residential and commercial remodel work that is 50% or less of the appraised value of the structure when the Building Permit Officer determines that the extent of the remodel work warrants such a review and approval.

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- (2) The Building Permit Officer shall prepare a record of all buildings structures and mobile homes situated within the setback lines as established by this Chapter, or any amendments thereto, which shall include the distances of such buildings, mobile homes or structures from the centerline of the adjacent highway, their size, type of construction and use, the quarter section in which they are situated, the names and addresses of the owner and occupant of the premises and the date upon which the record is made. Such record shall be kept current with the Town Clerk and shall show any such buildings, structures or mobile homes that may be removed or damaged to the extent that their reconstruction will be contrary to this ordinance.
- (3) No building or structure shall hereafter be created, moved or structurally altered, except as herein after provided, until a permit therefore shall be applied for and issued. No permit shall be issued until the Building Permit Officer has satisfactory proof that the premises are in full compliance with Chapter 18: Land Division and Subdivision Regulations of the Eldorado Town Code and the Fond du Lac County Shoreland Zoning Ordinance, and that a Fond du Lac County Sanitary Permit for the installation of a private sewage system to serve the premises has been issued, except that lots served by public sewer shall not require a sewer permit.
- (4) No Land Use permit shall be required for farm buildings and structures having a ground area of less than 300 square feet, not permanently fixed to the ground and readily removable in their entirety, but this exemption shall not apply to roadside stands used for the sale of farm products or other goods or services.
- (5) All applications for a Land Use permit shall be accompanied by plans in duplicate, drawn to scale, showing the location, actual shape and dimensions of the lot to be built upon, the exact size and location on the lot of the proposed or existing building and accessory building, the lines within which the building shall be erected, altered or moved, the existing and/or intended use of each building or part of a building, the number of families the building is intended to accommodate, and such other information with regard to the lot and neighboring lots or buildings as may be necessary to determine and provide for the enforcement of this ordinance. The above requirements as to plans shall not apply to roadside stands, or to farm buildings having a ground area of less than 300 square feet and not intended for human habitation. It shall be sufficient for the owner or his agent, in applying for a Land Use permit for such buildings, to furnish the Building Permit Officer with such information as is necessary to show compliance with the health, sanitary and safety provisions of the state codes and with the requirements of this ordinance.
- (6) All dimensions shown relating to the location and size of the lot shall be based upon an actual survey. The lot and the location of the building thereon shall be staked out on the ground before construction is started.
- (7) Certificate of Compliance. No vacant land shall be occupied or used and no building or mobile home hereafter erected, altered or moved shall be occupied

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until the certificate of compliance shall have been issued by the Building Permit Officer. Such certificate shall show that the building or premises or part thereof and the proposed use thereof are in conformity with the provisions of this Chapter. Such certificate shall be issued only when the building or premises and the proposed use thereof conform with all the requirements of this Chapter.

- (a) Under such rules and regulations as may be established by the Town Board, the Building Permit Officer may issue a temporary certificate of compliance for part of a building.
- (b) Upon written request from the owner, the Building Permit Officer shall issue a certificate of compliance for any building or premises existing at the time of the adoption of this Chapter, certifying after inspection, the extent and kind of use made of the building or premises and whether or not such use conforms to the provisions of the Chapter.

17.55 Time Limit on Permits.

- (1) The time limit for permits issues pursuant to this Chapter are as follows:
 - (a) Building permits – 12 months from the date of issuance.
 - (b) Land Use permits – 12 months from the date of issuance.
 - (c) Driveway/Culvert permits – 90 days from the date of issuance.
 - 1. Recipients of Driveway/Culvert permits must comply in all respects with the requirements of the Town of Eldorado Driveway Ordinance.
 - (d) Demolition permits – 12 months from the date of issuance.
 - 1. Recipients of Demolition permits must comply in all respects with the requirements of the Town of Eldorado Driveway Ordinance if heavy equipment is to be used.
- (2) The permittee shall initiate substantial work or improvements prior to the termination of the time limits as presented above. If substantial work or improvements have not begun prior to the date of issuance, the permit issued pursuant to this section shall lapse and the permittee shall be required to reapply as set forth above in this section. Consideration of "substantial work or improvements" shall include but is not limited to the following factors; amount of labor; expenditures; economic value of materials and labor; hardship to the owner; reasons for delay in construction; and such other factors as the Building Inspector or Building Permit Officer deem relevant. The decision of the Building Inspector or Building Permit Officer on this matter may be appealed to the Board of Appeals.
- (3) All existing mineral extraction operations lawfully operated and existing shall be considered nonconforming uses and may be continued provided that they have

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worked prior to the date of the adoption of this provision of this ordinance, and that they be registered with the Building Permit Officer within one year of the date of this provision of the Chapter.

17.56 Fees.

- (1) Fees are established periodically by the Town Board in the Town of Eldorado Fee Schedule. Permit fees may be changed by a vote of the Town Board. Reference the current Fee Schedule for appropriate fees.
- (2) Fees in an amount determined by the Town Board are required to be paid by the applicant for a Universal Building Code (UBC) permit, Building permit, Land Use permit, Culvert permit or Demolition permit, or for a certificate of occupancy where no UBC permit or Building permit was required. The fee shall be paid to the issuer of the permit.
- (3) A fee in an amount determined by the Town Board is required to be paid by the applicant for each application or appeal, which fee shall be paid to the Town Clerk and receipt therefore filed with the application. This fee shall not be required of any Town officer acting in his official capacity.
- (4) A fee in an amount to be determined by the Town Board is required for any petition for the amendment of this zoning ordinance, which fee shall be paid to the Town Clerk and receipt therefore filed with the amendment petition. In addition thereto, a petitioner shall be charged with the cost of the official newspaper publication of the notice of hearing. This provision shall not apply to amendments initiated by the Plan Commission.
- (5) An application for a Universal Building Code (UBC) permit or Building permit shall be made in conformity with the requirements of the building code ordinance of the Town of Eldorado and shall include, for the purpose of proper enforcement of the regulations of this ordinance, the following data:
 - (a) An accurate plat or survey of the lot drawn to a reasonable scale and properly dimensioned showing:
 1. The boundaries of the lot.
 2. The location of any existing structures on the lot.
 3. The location of the proposed building or buildings on the lot.
 4. The location of the centerline and the existing and/or established grade of the abutting street or streets.
 5. The proposed floor elevation of the building or buildings to be erected.
 6. The high water line of any stream or lake on which said lot abuts.
 7. A plan of the proposed sewage disposal system, which is not connected to an approved municipal sewerage system, shall require the certification that the satisfactory sewerage disposal is possible for the proposed use of said lot.
 8. Satisfactory evidence that a safe and adequate supply of water is to

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be provided and the location of any well for that purpose on the property.

17.57 Violations and Penalties.

- (1) Any building, structure or mobile home hereafter erected, enlarged, altered, repaired or moved or any use hereafter established in violation of any of the provisions of this ordinance shall be deemed an unlawful building, structure or mobile home or use. The Building Permit Officer shall promptly report all such violations to the Town.

- (2) Any person, firm, corporation or organization that violates, neglects or refuses to comply with or resists the requirement of this ordinance, shall upon conviction be punished by a fine of not less than \$200.00 or more than \$500.00 together with the costs of prosecution, including reasonable attorney's fees, and in default of payment thereof by imprisonment in the County Jail of Fond du Lac County until such fine and costs are paid but not to exceed 30 days. Whenever a person shall have been notified by the Building Permit Officer or a member of the Town Board that he is in violation of the provisions of this ordinance, such person shall commence correction of all violations within seven days after notice, and shall correct all violations within 30 days of notice, each day that a violation continues shall be considered a separate offense for purposes of determining the amount of the minimum fine. No person shall be issued or re-issued a Universal Building Code (UBC) permit, Building permit, a Conditional Use permit or any other permit under this ordinance if said person:
 - (a) Fails to meet or comply with the building codes established by the Town.
 - (b) Fails to meet or comply with the provisions of the Town Zoning Ordinance.
 - (c) Fails to comply with Fond du Lac County or State of Wisconsin Zoning and Building Code requirements.
 - (d) Fails to pay all relevant fees for UBC permit, Building permits, and other charges imposed by the Town.
 - (e) Fails to comply with any special orders or conditions imposed by the Building Inspector, Building Permit Officer, Plan Commission, Town Board, or Zoning Board of Appeals.

- (3) In the event any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is or is proposed to be used in violation of this ordinance, the Town Board or any adjacent/neighbor property owner who would be damaged by such violation may, in addition to other remedies and fines provided herein, institute appropriate legal action or proceedings to prevent, restrain, correct or abate such violation to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about such premises.

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17.58 Changes and Amendments.

- (1) When any amendment of the district boundaries or of the regulations contained in this ordinance shall be petitioned for by any interested party or moved by the Town Board, the Town Board shall appoint the Plan Commission to formulate a tentative draft of such amendment and recommend the same to the Town Board. Before adoption of such amendment by the Town Board, the Town Board shall give notice as a Class II notice under ch. 985, Wis. Stats. The Town Board may direct the Plan Commission to report its recommendations at specified times of the year, but at least twice in any calendar year.
- (2) In case a protest is presented against such amendment, duly signed and acknowledged by the owners of 20% of more of the area of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20% or more of land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment shall not become effective except by unanimous vote of the Town Board.

17.59 Validity and Conflicts. Should any section, clause, or provisions of this Chapter be declared by courts to be invalid, the same shall not affect the validity of the Chapter as a whole, or any part thereof, other than the part so declared to be invalid.

17.60 Adoption. This Chapter is a creation of the Zoning Ordinance for the said Township passed and adopted and all amendments thereto and the zoning map adopted with the adoption of this initial ordinance; it is hereby adopted and made a part of this ordinance as is the map referred to in this ordinance. Map entitled District Map for the Town of Eldorado, Fond du Lac County, Wisconsin.

- (1) First passed and adopted by the Town Board of the Town of Eldorado, Fond du Lac County, Wisconsin this 7th day of November 1978.
- (2) Comprehensive revision passed and adopted by the Town Board of the Town of Eldorado, Fond du Lac County, Wisconsin this 14th day of September 1999.
- (3) Amendment passed and adopted by the Town Board of the Town of Eldorado, Fond du Lac County, Wisconsin this 24th day of October 2006.
- (4) Comprehensive revision passed and adopted by the Town Board of the Town of Eldorado, Fond du Lac County, Wisconsin this 23rd Day of April, 2013.
- (5) Certified by Wisconsin Department of Agriculture, Trade, and Consumer Protection this 20th day of November, 2013.
Final publication December 5th, 2013.

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Town Chairman Gay L. Miller

Supervisor Walter C. Cady

Supervisor Dennis Mueller

Supervisor _____

TOWN OF ELDORADO
FOND DU LAC COUNTY, WISCONSIN

Amendment to Chapter 17 Zoning Regulations Regarding Solar Energy Systems

The Town Board of the Town of Eldorado, Fond du Lac County, Wisconsin, with quorum present and voting, and having received a recommendation of the Town of Eldorado Plan Commission and conducting a public hearing, hereby ordains the following amendments to the Town of Eldorado Zoning Ordinance:

Section 17.22 is created to read:

17.22 Solar Energy Systems.

- (1) Purpose. The purpose of this Section is to provide a regulatory scheme for the construction and operation of Solar Energy Systems, other than those excluded in 17.22(2) below, in the Town of Eldorado, Fond du Lac County, Wisconsin. All regulations contained herein are adopted to preserve and protect the public health and safety.
- (2) Definitions.
 - (a) Solar Energy System. Equipment which directly collects, converts and then transfers or stores solar energy into usable forms of thermal or electrical energy. "Solar Energy System" excludes solar powered light fixtures that are ground or wall mounted, solar powered electric fences and other solar energy systems that are identified as permitted accessory uses within the applicable zoning district.
- (3) Permit Required. No Solar Energy System may be installed or maintained in the Town of Eldorado without a Solar Energy System Permit granted pursuant to this ordinance.
- (4) Application. Every application for a Solar Energy System Permit shall be made in writing and shall include the following information:

- (a) Name and address of the applicant and the name and contact information for a designated representative of the applicant.
- (b) Evidence that the applicant is the owner of the property involved or has the written permission of the owner to make such an application.
- (c) Scaled drawing of the Solar Energy System and its dimensions, its location, its height above ground level, orientation, and slope from the horizontal.
- (d) Site plan showing lot lines and dimensions of the Solar Energy System user's lot and neighboring lots within 300 feet of the Solar Energy System.
- (e) Documentation showing that no reasonable alternative location exists for the Solar Energy System that would result in less impact on neighboring lots.
- (f) Documentation showing that removing or trimming vegetation on the applicant's lot will not permit an alternative location for the Solar Energy System that would result in less impact on neighboring lots.
- (g) A landscape plan that includes proposed topography, grubbing and clearing along with plantings and final vegetation.
- (h) Such additional information as may be reasonably requested by the Town.
- (i) Any of the information required by this section may be waived by the Town at its discretion.

An applicant for a solar energy system exceeding ten (10) megawatts (MW) shall deposit an application fee of twenty-five thousand dollars (\$25,000) with the Town at the time the application is filed. All costs incurred by the Town relating to the review and processing of the application, including the cost of notices, the cost of meeting per diems, the cost of services necessary to review an application that are provided by town officials, outside engineers, attorneys, planners,

environmental specialists, and other consultants or experts shall be billed against the deposit regardless of the final outcome of the application. The applicant shall maintain a minimum of ten thousand dollars (\$10,000) in the account until the review process and construction (if approved) is completed. If the balance in the account drops below ten thousand dollars (\$10,000), the applicant shall deposit additional money to bring the account balance to twenty-five thousand dollars (\$25,000) within five (5) business days of receipt of written notice from the Town. The Town will refund any remaining balance in the account within sixty (60) days after the final inspection and Town approval of the constructed solar energy system or within sixty (60) days after denial of the application. The Town reserves the right to refuse continued review of an application in the event an applicant fails to comply with this subsection.

(5) Review of Solar Energy System Permit Application. The Town will consider each Solar Energy System on a case-by-case basis following the procedures in Section 17.51 except as modified in this Section. In addition to the notice requirements set forth in Section 17.51, the applicant shall provide written notice of its application to the owners and occupants of all properties located within 1,000 feet of any parcel upon which any portion of the proposed solar energy system will be located. The Town may deny a permit for a Solar Energy System or may impose restrictions on a Solar Energy System if the Town finds that the denial or restrictions satisfy one of the following conditions:

- (a) The denial or restriction serves to preserve or protect the public health or safety.
- (b) The denial or restriction does not significantly increase the cost of the system or significantly decrease its efficiency.
- (c) The denial or restriction allows for an alternative system of comparable cost efficiency.

(6) Solar Energy System Restrictions. The Town may impose restrictions on a Solar Energy System relating to any of the following:

- (a) Location of the Solar Energy System.

- (b) Setbacks from inhabited structures, property lines, public roads, communication and electrical lines, and other sensitive structures and locations.
 - (c) Wiring and electrical controls of the Solar Energy System.
 - (d) Reimbursement for emergency services required as a result of the Solar Energy System.
 - (e) Solar Energy System ground clearance.
 - (f) Solar Energy System height.
 - (g) Shared revenue, payments in lieu of taxes and other financial matters.
 - (h) Financial security, such as bonds, cash deposits, or letters of credit.
 - (i) Decommissioning.
 - (j) Compensation to affected property owners.
 - (k) Any other matters that the Town finds appropriate.
- (7) Revocation. Any permit granted for the installation or maintenance of a Solar Energy System may be revoked by the Town if the permit holder, its heirs, or assigns, violates the provisions of this ordinance or the provisions of a permit granted pursuant to this ordinance.

All other provisions of the Town of Eldorado Zoning Ordinance remain in full force and effect.

The Town Clerk and Town Attorney are hereby authorized and directed to take all action necessary to implement this Ordinance.

Dated this 3rd day of May, 2021.

TOWN OF ELDORADO

By: Gary L. Miller
Gary Miller, Chairperson

Attest:

Cheryl Pionke
Cheryl Pionke, Town Clerk

TOWN OF ELDORADO
FOND DU LAC COUNTY, WISCONSIN

**Amendment to Chapter 17 Zoning Regulations
Regarding Changes and Amendments**

The Town Board of the Town of Eldorado, Fond du Lac County, Wisconsin, with quorum present and voting, and having received a recommendation of the Town of Eldorado Plan Commission and conducting a public hearing, hereby ordains the following amendment to the Town of Eldorado Zoning Ordinance:

Section 17.58(1) is amended to read:

When any amendment of the district boundaries or the regulations contained in this ordinance shall be petitioned for by any interested party or moved by the Town Board, the Plan Commission shall formulate a tentative draft of such amendment and make a recommendation on the same to the Town Board. The Plan Commission's recommendation shall be preceded by a public hearing with notice given as a Class 2 notice under Chapter 985 of the Wisconsin Statutes. The Town Board may direct the Plan Commission to report its recommendations at specified times of the year, but at least twice in any calendar year.

All other provisions of the Town of Eldorado Zoning Ordinance remain in full force and effect.

The Town Clerk and Town Attorney are hereby authorized and directed to take all action necessary to implement this Ordinance.

Dated this 3rd day of May, 2021.

TOWN OF ELDORADO

By: Gary S. Miller
Gary Miller, Chairperson

Attest:

Cheryl Pionke
Cheryl Pionke, Town Clerk

**CHAPTER 18
LAND DIVISION AND SUBDIVISION REGULATIONS
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**ARTICLE I
INTRODUCTION**

18.01 Authority. This Ordinance was adopted under the statutory authority granted pursuant to the Village Powers of the Town of Eldorado, to Chapters 60.10 (2) (c), 60.22 (3), 61.34 (1), 236.03, and 236.45, Wis. Stats. This Ordinance was adopted by the Town Board after its receipt of a formal recommendation of this Ordinance on MONTH, DAY, YEAR from the Plan Commission under Chapters 61.35, 62.23 and 236.45 (2), Wis. Stats, which for the Town of Eldorado is the Town of Eldorado Plan Commission.

- (1) This ordinance shall be interpreted and enforced by the Town Board, Town of Eldorado.

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

18.03 Title. This ordinance shall be known and cited as the "Land Division and Subdivision Regulations, Town of Eldorado, Fond du Lac County, Wisconsin."

18.04 Purpose and Intent. The purpose of this ordinance is to promote the public health, safety and general welfare of the Town of Eldorado, and to:

- (1) Preserve the rural character, scenic vistas, and natural beauty of the Town.
- (2) Supplement County, State, and Federal land division controls.
- (3) Encourage the most appropriate use of the land throughout the Town.
- (4) Minimize the impact to the public resulting from the division of large tracts into smaller parcels of land in the Town.
- (5) Provide the best possible environment for living in the Town.
- (6) Enforce the goals and policies set forth in any Town of Eldorado Comprehensive Plan.
- (7) Avoid congestion and provide adequate ingress and egress on the streets and highways to ensure that the design of the street system will not have a negative long-term effect on neighborhood quality, traffic flow, and safety in the Town.

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- (8) Realize goals, objectives, policies, and development standards set forth in plans, codes, and ordinances adopted by the Town.
- (9) Further the orderly layout and use of land.
- (10) Secure safety from fire, panic and other dangers.
- (11) Provide adequate light and air; to prevent the over-crowding of land.
- (12) Require Conservation Subdivision design as the exclusive means for residential subdivision development within the Transitional Residential District as defined and depicted in the Town of Eldorado Comprehensive Plan.
- (13) Require Conservation Design for all Certified Survey Maps (CSMs) within the Transitional Residential District as defined and depicted in the Town of Eldorado Comprehensive Plan.
- (14) Encourage Conservation Design for all CSMs and Subdivisions outside of the Transitional Residential District as defined and depicted in the Town of Eldorado Comprehensive Plan.
- (15) Conserve the value of prime agricultural soils.
- (16) Protect and preserve natural resources, wildlife habitat, and open space to the greatest degree possible.
- (17) Facilitate the division of larger parcels into smaller parcels of land.
- (18) Provide for administration and enforcement of this Ordinance by the Plan Commission and Town Board.
- (19) Insure that residential development in the Town occurs in an orderly manner and is consistent with the Town of Eldorado Comprehensive Plan.

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

18.06 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.

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18.07 Interpretation. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Town and shall not be deemed a limitation or repeal of any other power granted by the Wis. Stats.

18.08 Variance of Regulations.

- (1) When the Plan Commission finds that injustice or hardship will result from strict compliance with this Chapter, it may allow divergence from the terms hereof to the extent deemed necessary and proper to grant relief, provided that the variance meets all the following standards:
 - (a) The variance is due to the unique physical features of the site.
 - (b) The variance is the minimum deviation from the terms of this chapter necessary to mitigate the injustice or hardship.
 - (c) The variance is not detrimental to the public interest and is in keeping with the general spirit and intent of this chapter.
- (2) Application for any variance shall be made in writing by the Subdivider at the time the application is filed for consideration, stating specifically the circumstances upon which the Subdivider is relying, the variance requested, and how the request meets the standards set forth above. The request shall be supplemented with maps, plans and other additional data that may aid the Plan Commission in the analysis of the request.
- (3) The Plan Commission at its discretion, if it determines it necessary for the public good, may conduct a public hearing to permit parties of interest to comment on the variance request.
- (4) If a hearing is determined necessary, the applicant shall be responsible for payment of a hearing fee as established by the Town of Eldorado Fee Schedule. The Plan Commission shall then fix a reasonable time and place for the hearing. Notice of the time and place of such hearing shall be given by publication in the Class 1 notice, under Chapter 985, Wis. Stats. A copy of such notice shall be mailed by first class mail with an Affidavit of Mailing at least 10 days prior to the date of such hearing to all property owners within three hundred (300) feet if located within a sanitary district or five hundred (500) feet if located outside of the sanitary district.
- (5) A majority vote of the entire membership of the Plan Commission shall be required to grant any variance to these regulations and any variance thus granted shall be entered in the minutes of the Plan Commission setting forth the

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reasons which, in the opinion of the Plan Commission, justified the variance.

18.09 Repeal. All other ordinances or parts of ordinances of the Town of Eldorado inconsistent or in conflict with this ordinance, to the extent of inconsistency or conflict only, are hereby repealed.

18.10 Effective Date. Adopted this 26th day of June 2012. Published day, month, year.

18.11 Continuity. Any and all references to Town ordinances, Wisconsin Statutes, the Wisconsin Administrative Code, Federal Statutes, and the like, shall apply to any amendments or additions to, and any revisions or recreations thereof.

18.12 Additional Reviews. Wherever a review or action is required by Town, County, State, Federal, or other authorities, this Ordinance shall not be construed to limit the review or action needed by other or additional authorities that the law may require at the time such review or action is needed or contemplated.

18.13-14 Reserved.

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**ARTICLE II
GENERAL PROVISIONS**

18.15 Coverage and Compliance.

- (1) This Ordinance applies to all lands in the Town of Eldorado. The Town Board shall be responsible to administer this Ordinance unless it designates by Resolution such other authority.
- (2) No person, unless exempt under this Ordinance, shall divide or create a division of any land in the Town of Eldorado subject to the requirements of this Ordinance and no land division shall be entitled to be recorded in the Office of the Register of Deeds for Fond du Lac County unless the final land division, plat, or map as approved by the Town Board or its designee is in full compliance and consistent with all of the following:
 - (a) All requirements of this Ordinance.
 - (b) Chapter 236, Wis. Stats;
 - (c) The Town of Eldorado Comprehensive Plan adopted under Chapter 66.1001, Wis. Stats. or other Town Land Use Plan or any component thereof.
 - (d) The applicable Town of Eldorado and Fond du Lac County zoning regulations, building code, sanitary code, erosion control regulations, and other land division regulations.
 - (e) Wisconsin Department of Natural Resources (WDNR) and Wisconsin Department of Safety and Professional Services (WDSPS) administrative rules on wetlands, shorelands, sewers, septic systems, potable water supply, and pollution abatement.
 - (f) All applicable State and local sanitary codes.
 - (g) All applicable Town of Eldorado Ordinances.
 - (h) All Wisconsin Department of Transportation (WisDOT) and Fond du Lac County Highway Department Administrative rules relating to safety of access and the preservation of the public interest and investment in the highway system, if the land owned and controlled by the land divider abuts on a state or county trunk highway or connecting road or street.
 - (i) All applicable extraterritorial, comprehensive, and master plans, extraterritorial zoning or plat review ordinances, or official maps adopted

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pursuant to Chapter 62.23, stats., and any other applicable Town, County, or extraterritorial authority ordinances and regulations.

- (3) No land shall be divided or any land division occur if any parcel created by the land division is smaller than 32,670 square feet (three quarters of one acre) in a conventional (yield) subdivision or 21,780 square feet (one half acre) in a conservation design subdivision unless previously approved by the Town of Eldorado Plan Commission.
- (4) Any parcel in the Town of Eldorado, which shall be divided by a land division regardless of the parcel size or number of parcels created, which is located wholly or partially within a Shoreland Zoning District or a Floodplain District, shall require, at minimum, a Certified Survey Map to be recorded in the Fond du Lac County Register of Deeds Office with approval by the Town Board or its designee under this Ordinance prior to recording.
- (5) All visible structures, encroachments, fences, navigable waters, and public streets and public roads shall be shown to scale on any Certified Survey Map (CSM) from any land division to be recorded.
- (6) Any single-family residential parcel created through a Conservation CSM located within the Transitional Residential District shall retain at least forty percent (40%) of the parcel in preserved open space unless otherwise approved by the Town of Eldorado Plan Commission.
- (7) Any outlots created on a CSM shall be accompanied with a statement of purpose, ownership and use of the outlot.
- (8) No person shall construct upon, convey, record, or place survey monuments, conduct surveys, layout parcels, or outlots, or create plats or maps on any land in the Town of Eldorado in violation of this Ordinance or the Wis. Stats.
- (9) No person shall request, nor be issued by the Town Board, a driveway or culvert permit, building permit, or any other permit or license authorizing any construction, installation, or improvement on any land within the Town of Eldorado, except land subject to a land division that was of record as of the effective date of this Ordinance, until the provisions and requirements of this Ordinance have been fully met by the land divider. The Town Board may institute the appropriate action or proceedings to enjoin violations of this Ordinance. There may be additional State and County requirements that apply.
- (10) All land division approvals required by the Wisconsin Department of Administration (WDOA), or its successor Department, for specific land divisions, including any Statutory Subdivisions, Minor Land Divisions, or Certified

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Surveys shall be obtained as a condition of approval by the Town Board or its designees.

- (11) All land division, plats, or CSMs, upon receipt of final approval by the Town Board or its designees, shall be recorded in the Office of the Register of Deeds by the land divider at the cost of the land divider within six months. Final Plat approval shall comply for recording with Chapters 236.21 and 236.25 Wis. Stats.
- (12) No persons shall make, record, or replat any land division, except as provided under Chapter 70.27(1) Wis. Stats if it alters acres dedicated to the public without proper Court action to vacate or discontinue such plat, map, or part thereof.
- (13) No land shall be issued a land division approval if the Eldorado Town Board determines that any proposed land division plat or CSM will materially interfere with neighboring agricultural uses or will conflict with other goals, objective, and policies as set forth in the Town Comprehensive Plan.
- (14) No land shall be issued a land division approval for a purpose that poses a significant threat to the quality or quantity of groundwater in the Town of Eldorado.
- (15) No land shall be issued a land division approval if it is held unsuitable by the Town Board for its proposed use for reason of flooding, inadequate drainage, dangerous or hazardous land conditions, adverse soil or rock formation, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal or maintenance capabilities, impairment of wildlife habitat and scenic vistas, improper utilization of prime farm soils, undue costs and inefficiencies in the provision of Town of Eldorado governmental services, or any other feature likely to be harmful to the health, safety, or welfare of current or future residents of the Town of Eldorado, or likely to cause a public nuisance in the Town of Eldorado. The Plan Commission may require any proposed land divider to furnish maps, data, and other information as may be necessary to determine land suitability.
- (16) No person shall be issued any land division approval by the Town Board until the appropriate application fees have been paid to the Town Clerk.
- (17) No person shall be issued any land division approval by the Town of Eldorado who has failed to properly and fully complete and submit to the Town Board the application form developed and provided by the Town of Eldorado.
- (18) No person shall be issued a final land division approval by the Town Board until the land divider makes or installs all public improvements deemed necessary by

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the Town Board or until the land divider executes an irrevocable surety bond, cash amount, escrow sum, or other security acceptable to the Town Board to insure that the land divider will make these public improvements within a time established by the Town Board.

- (19) No person shall be issued a final land division approval by the Town Board until the Subdivider submits and obtains approval of the proposed land division plat or proposed certified survey map to the following approving authorities (as applicable):
- (a) Town of Eldorado Plan Commission
 - (b) Fond du Lac County Planning and Zoning Department
 - (c) WDNR
 - (d) WDSPS
 - (e) U.S. Army Corps of Engineers
 - (f) U.S. Fish & Wildlife Service
 - (g) East Central Wisconsin Regional Planning Commission (ECWRPC) (advisory only for concept plan and/or Preliminary Plat stages of subdivisions).
- (20) No person shall be issued a final land division plat approval by the Town Board until the land divider agrees in writing that the land divider will be responsible for the cost of any necessary alteration of any existing utilities by virtue of a land division within the public right-of-way.
- (21) No person shall be issued a final land division plat approval by the Town Board unless all public improvements to be constructed or installed as required by the Town Board within the land division plat area or CSM area meet the requirements established in writing by the Town Board.
- (22) The Town of Eldorado shall not be responsible, with respect to any final land division for any public improvements, and shall not be responsible to accept any dedicated streets, roads, or other public areas and other public improvements until the Town Board, by resolution, accepts or approves such dedicated public improvements with or without conditions.
- (23) No person shall be issued a final land division approval by the Town Board unless any roads proposed to be dedicated to the Town of Eldorado have been specifically approved for dedication by the Town Board. The applicant shall finish

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all shoulders and road ditches, if any, install all necessary culverts at intersections and, if required by the Town Board, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and standard specifications approved by the Town of Eldorado Plan Commission.

- (24) No person shall be issued a final land division approval by the Town Board unless any natural gas, electrical power, cable and telephone facilities are installed in such manner as to make adequate service available to each parcel or outlot in the proposed land division.
- (25) No person shall be issued a final land division approval by the Town Board unless formal dedication of parks, open space, or sites for other public use have been made if required by the Town Board at no cost to the Town of Eldorado.

18.16 Combining Parcels. Parcels shall be combined into one parcel when a use, structure, or structural addition occupies more than one parcel under the same ownership as deemed necessary by the Plan Commission.

18.17 Combining Description. Land described in Section 18.16 shall be combined into one parcel by CSM procedures and recorded in the County Register of Deeds Office.

18.18 Land Suitability. No land shall be developed which is held to be unsuitable for any proposed use if identified as being environmentally sensitive. Areas identified as being environmentally sensitive include, but are not limited to:

- (1) All areas mapped as Floodway by the Federal Emergency Management Agency (FEMA), WDNR, WDSPS or other public or private entity and incorporated into the County Floodplain Ordinance.
- (2) All areas mapped Wetland by the WDNR and depicted on the Wisconsin Wetlands Inventory Maps.
- (3) All areas within seventy-five (75) feet of the ordinary high-water mark of navigable streams, as identified on, but not necessarily limited to, the United States Geological Survey (USGS) 7.5 minute quadrangle maps.
- (4) All areas having slopes steeper than twelve (12%) percent.
- (5) Areas determined to be environmentally sensitive may be included in a land division if identified as an outlot or other designation that would indicate that the land is not available for development.
- (6) No land division shall be allowed where such division shall increase the non-conformity of a structure, use, or parcel, or where a non-conforming structure,

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use, or parcel would be created as a result of the division without a properly reviewed and approved variance.

- (7) All land divisions entailing twelve (12) or more lots and located in areas not served by municipal wastewater treatment systems will be served by clustered wastewater treatment systems approved by the Town, County, WDSPS, and WDNR.
- (8) All land divisions entailing twelve (12) or more lots and located in areas not served by municipal water systems will be served by a community well approved by the Town, County, WDSPS, and WDNR. All land divisions entailing forty (40) or more lots will be served by at least two community wells.
- (9) No parcel two (2) acres or less in area with ½-acre (21,780 sq. ft.) or more of the parcel within a floodplain shall include an on-site sanitary sewage disposal system (e.g., septic tank, mound, etc.).
- (10) All parcels two (2) acres or larger in areas served by on-site sanitary sewage disposal shall contain not less than twenty-two thousand (22,000) square feet of land which is at least two (2) feet above the elevation of the 100-year flood plain, or if such information is not available, five (5) feet above the maximum flood of record.
- (11) Lands made, altered, or filled with non-earth materials within the preceding twenty (20) years shall not be divided into building sites served by on-site soil absorption sanitary sewage disposal systems.
- (12) Each parcel shall have a continuous area of at least three thousand (3,000) square feet which has ground slopes not exceeding twelve (12) percent.
- (13) The Plan Commission, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is unsuitable for residential use and afford the Subdivider an opportunity to present evidence in rebuttal to such findings of unsuitability if he/she so desires. Thereafter, the Plan Commission may affirm, modify or withdraw its determination of unsuitability.

18.19 Environmentally Sensitive Areas.

- (1) Environmentally sensitive areas shall consist of the following water-related features:
 - (a) Wetlands.

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- (b) Land within fifty (50) feet of wetlands that are larger than two (2) acres in size.
 - (c) Floodways plus fifty (50) feet (but not beyond the floodplain boundary) or seventy-five (75) feet beyond the ordinary high-water mark, whichever is greater.
 - (d) Land within one-hundred (100) feet of navigable waters if there is no WDNR approved flood study.
 - (e) Land within twenty-five (25) feet of non-navigable waterways shown on the USGS topographic quadrangle maps (7.5-minute series).
 - (f) Steep slopes of twelve percent (12%) or greater that are immediately adjacent to or extend into any of the features listed above.
- (2) Environmentally sensitive areas shall be shown on all Preliminary and Final Plat maps and CSMs unless waived by the Plan Commission. Except for amendments approved by the Plan Commission or WDNR, restrictions shall be placed on all plats and certified survey maps regarding development and land-disturbing activities within environmentally sensitive areas. Notes or disclaimers may be included on plats and CSMs indicating that the extent of the environmentally sensitive area is subject to change due to the granting of amendments, revisions to the definition of the environmentally sensitive area, or provision of more detailed information, such as flood studies.
- (3) When a proposed subdivision or CSM is located wholly or in part in an area where flooding or potential flooding may be a hazard, floodplain lines and, where calculated, floodway lines shall be shown on final plans and maps unless waived by the Plan Commission. Floodplain boundaries as determined by the subdivider shall be reviewed and approved by the WDNR.

18.20 Erosion Prevention Requirements. When a proposed subdivision or CSM is located in an area having the potential to cause soil erosion and sedimentation problems or when the construction or extension of roads or other public facilities is involved, the Plan Commission may require that the subdivider prepare a detailed erosion and sediment control plan. The plan shall detail all proposed grading activities, stockpile locations, vegetative cover, berms, sediment basins, and other storm drainage and erosion control measures to reduce erosion and sedimentation caused by surface water runoff. The plan shall also include a schedule and maintenance considerations.

18.21 Violations. No person shall build upon, divide, convey, record or monument any land in violation of this chapter or the Wis. Stats. No permit shall be issued authorizing the building on or improvement of any subdivision, replat or CSM within the jurisdiction of

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this chapter and not of record as of June 26, 2012 until the provisions and requirements of this chapter have been fully met. The Town may institute appropriate action or proceedings to enjoin violations of this chapter or the applicable Wis. Stats.

18.22 Penalties. Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, forfeit an amount as listed in the Town of Eldorado Fee Schedule, plus any additional applicable costs incurred by the Town for each offense. Each day a violation exists or continues shall constitute a separate offense. Violations and concomitant penalties are not limited to, but may include the following:

- (1) Recordation improperly made shall be subject to the provisions of Sec. 236.30, Wis. Stats.
- (2) Conveyance of parcels in unrecorded plats shall be subject to the provisions of Sec. 236.31, Wis. Stats.
- (3) Monuments disturbed or not placed shall be subject to the provisions of Sec. 236.32, Wis. Stats.
- (4) An assessor's plat may be ordered by the Town when a subdivision is created by successive divisions as provided in Sec. 236.31(2), Wis. Stats.

18.23 Fees. The subdivider shall pay the Town all required fees at the specified time. Fees shall be established in the Town of Eldorado Fees and Licenses schedule from time to time by resolution of the Town Board.

18.24 Appeals. Any person aggrieved by an objection to a plat or failure to approve a plat may appeal as provided in Sections 236.13(5) and 62.23(7), Wis. Stats.

18.25 Replat. When it is proposed to replat a recorded land division, or part thereof, so as to change the exterior boundaries of a recorded land division, or part thereof, the Subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in Wis. Stats. Chapter 236. The Subdivider, or person wishing to replat, shall then proceed as specified in this ordinance. The Clerk shall schedule a public hearing before the Town of Eldorado Plan Commission when a proposed Preliminary Plat of a replat of lands within the Town limits is filed, and shall cause notices of the proposed replat and public hearing to be mailed to the owners of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties within three hundred (300) feet if located in a sanitary district or five hundred (500) feet if outside the sanitary district.

18.26 Development Agreement. When deemed necessary by the Plan Commission and Town Board, the Subdivider shall enter into a Development Agreement with the Town of

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Eldorado. A Development Agreement will be required with any possible public improvements or dedications to the Town as a result of the land division. The agreement, as approved by the Town Attorney, sets forth the mutual obligations of the Town and the Subdivider with respect to the actions requested to be taken in connection with the CSM.

18.27-29 Reserved.

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**ARTICLE III
PRELIMINARY APPLICATION AND CONCEPT PLAN SUBMITTAL**

18.30 Application. Any Subdivider who divides or proposes to divide land located in the Town of Eldorado that will create a land division, including a Conventional (yield) Subdivision, Conservation Design Subdivision, Certified Survey Map (CSM), Conservation CSM, Replat, or revision of an existing land division shall, prior to any submittal of any CSM, Preliminary Plat, or map information, submit to the Town Clerk a Preliminary Application and Concept Plan. The application shall include the payment of any necessary fees as listed in the Town of Eldorado Fee Schedule. The application may be obtained from the Town Clerk, with all of the following required attachments, including:

- (1) The name and address of the owner of the property.
- (2) The location and size of the property and the type of land division that is to be requested.
- (3) The names and addresses of all adjacent landowners.
- (4) A statement of intended use.
- (5) The name and address of the surveyor who will be doing the survey work.
- (6) The present use of the land.
- (7) The estimated timetable for final development and requested timeline by the Subdivider for final approvals from the Town of Eldorado. This provision does not apply to a correction instrument, except if the affidavit in the correction instrument would change the areas dedicated to the public or restricted for the public benefit, then the Town Board must approve such change.

18.31 Concept Map.

- (1) With any initial Land Division Application the Subdivider shall submit to the Town Clerk fifteen (15) copies of a concept map no larger than 11 x 17 inches. Each submission shall include all contiguously owned land. The concept map shall show all of the following:
 - (a) A north arrow, date, and a reference to a section corner.
 - (b) General location of hydrographic characteristics, including surface waters, estimated floodways/floodplains, perceived wetlands, and drainageways.
 - (c) The location and type of existing and proposed buildings and structures and

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uses including estimated square footage of proposed buildings and estimated distances from all property lines.

- (d) The location of water wells, sewerage systems, and other features pertinent to the land division.
 - (e) The location of existing roads, highways, developments, trails, and driveways and distances to the nearest adjoining highways, roads, or driveways on all sides of the proposed site.
 - (f) The location of general land cover types, such as woodlands, perceived wetlands, agricultural, etc.
 - (g) The location of any slopes of 12% or greater.
 - (h) The uses of the land immediately adjacent to the property including existing roads; location of an known easements and restrictions of record; public access to navigable water; dedicated areas and utilities on or adjacent to the land.
 - (i) The location of any and all secondary conservation areas as identified in Section 18.57 of this ordinance.
- (2) The Town Clerk shall review the initial application and concept map for completeness, including payment of applicable application fees as listed in the Town of Eldorado Fee Schedule, within ten (10) working days of receipt. The Town Clerk shall thereafter notify the Subdivider if the application is determined by the Town Clerk to be complete or incomplete. The Town Clerk shall provide written reasons for any alleged incompleteness of the application with the notification. The Town Clerk shall, within five (5) working days after filing, transmit the copies of any complete or incomplete Land Division Application and concept map to the Plan Commission.
 - (3) The Town Clerk shall send to the Subdivider an agenda of the scheduled date of the Plan Commission meeting to review and consider the land division no later than ten (10) days prior to the date of the meeting.
 - (4) The Subdivider or the Subdivider's designee shall attend the meeting and present the proposed Land Division and concept map to the Plan Commission for its consideration.

18.32-34 Reserved.

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**ARTICLE IV
MINOR LAND DIVISIONS BY CONVENTIONAL CERTIFIED SURVEY MAP**

18.35 When Required. When it is proposed to divide land into at least one (1) but not more than four (4) parcels or building sites or when it is proposed to create by land division not more than four (4) parcels or building sites within a recorded Subdivision Plat without changing the exterior boundaries of the block, parcel or outlot, the Subdivider shall subdivide by use of a Certified Survey Map (CSM).

18.36 Submittal of a CSM. Prior to the filing of an application for the approval of a CSM, the Subdivider shall consult with the Town Clerk, in order to obtain their review, advice and assistance in the preparation of the CSM. Creation of a minor land division shall be by CSM and shall be submitted to the Town of Eldorado Plan Commission and Town Board. The CSM shall be prepared according to Wis. Stats, Chapter 236.34 and shall show clearly on its face those items listed in this section. In addition, the names of all landowners within three hundred (300) feet if located in a sanitary district or five hundred (500) feet if outside a sanitary district of any property line of proposed area shall be listed on a separate sheet submitted with the CSM.

18.37 Required Information. The Applicant shall submit fifteen (15) copies of the CSM application packet. The CSM shall show clearly on its face the following:

- (1) All existing buildings, existing setbacks for all buildings, setbacks to structures on adjacent property, water courses, drainage ditches, navigable water bodies, and other features deemed pertinent to the division of property.
- (2) Location of access to public road.
- (3) Date of the map with a graphic scale.
- (4) Name and address of the person for whom the survey was made.
- (5) An owner's and Treasurer's certificate and approval signature of the Town of Eldorado Chairperson and Clerk after approval by the Town Board in accordance with Chapter 236.21(3) Wis. Stats., shall be the only approvals required for recording unless additional approvals are necessary for dedication purposes.
- (6) The most recent deed, document number(s), tax parcel number(s), and owner(s) of record shall be shown.
- (7) Compliance with applicable design standards outlined in Chapter 18: Land Division and Subdivision Regulations.
- (8) All maps produced through the CSM process must be consistent with Fond du

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Lac County Coordinate System.

18.38 Testing. The Town of Eldorado may require that borings and/or soundings be made in designated areas to ascertain subsurface soil, rock and water conditions including the depth to bedrock and the depth to groundwater table. All developments shall comply with the provisions of the Wisconsin Administrative Code, Chapter SPS 383 relative to clustered and personal onsite wastewater treatment systems. All appropriate data shall be submitted with the CSM.

18.39 Review and Approval. The Town shall, within ninety (90) days of the date of submission of the CSM application, unless mutually extended by both parties, review the application and map against the applicable standards of this ordinance, and approve, approve conditionally, or reject the application and map based upon a determination of conformity or non-conformity with the standards.

18.40-44 Reserved.

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**ARTICLE V
MINOR LAND DIVISIONS BY CONSERVATION CERTIFIED SURVEY MAP**

18.45 Conservation Certified Survey Map (CSM). All requirements established in Section 18.35 through Section 18.39 shall apply to Conservation CSMs. Additional requirements shall include:

- (1) Identification of the area within the newly created parcel to be permanently preserved as open space. This area must represent a minimum of 40% of the newly created parcel unless otherwise approved by the Plan Commission.
- (2) A preservation or restoration plan for the preserved open space area of any newly created parcel.

18.46 Open Space Requirements. All CSMs for land divisions within the Transitional Residential District and within agricultural areas (as identified on the Town of Eldorado Future Land Use Map shall reserve as preserved open space, at a minimum, forty percent (40%) of each parcel created as a result of the CSM.

18.47 Restoration and Management of Preserved Open Space within Conservation CSM. The preserved open space within the Conservation CSM shall be restored as agricultural use, woodland, wetland, or native grassland as approved by the Plan Commission and managed as such in perpetuity through the use of a conservation easement, deed restriction, or similar vehicle.

18.48-49 Reserved.

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**ARTICLE VI
CONVENTIONAL (YIELD) SUBDIVISION**

18.50 General. All procedures regarding the design, development, submittal, review, and approval of conventional (or yield) subdivisions in the Town of Eldorado shall be consistent with Article VII of this ordinance with the following exceptions:

- (1) The minimum lot size for conventional (or yield) subdivisions in the Residential District (R) shall be 32,670 square feet (3/4-acre).
- (2) There is no minimum open space requirement for conventional (or yield) subdivisions.
- (3) Secondary conservation areas need not be protected or preserved in conventional (or yield) subdivisions.
- (4) Trails may be required if necessary to connect to an existing or proposed trail or trail system or protected corridor.
- (5) All parcels in conventional (or yield) subdivisions shall be served by individual onsite wastewater treatment systems or clustered wastewater treatment systems approved by the Town of Eldorado, Fond du Lac County, Wisconsin Department of Public Safety and Professional Services (WDSPS) and Wisconsin Department of Natural Resources (WDNR).

18.51 Application and CSM. All other requirements included in Article VI of this ordinance excepting those listed in Section 18.50 of this ordinance shall be consistent with Article III of this ordinance.

18.52 Preliminary Conventional Subdivision Plat. All other requirements included in Article VI of this ordinance excepting those listed in Section 18.50 of this ordinance shall be consistent with Sections 18.61-64 of this ordinance.

18.53 Final Plat Requirements. All other requirements included in Article VI of this ordinance excepting those listed in Section 18.50 of this ordinance shall be consistent with Sections 18.65, 18.66, and 18.67 of this ordinance.

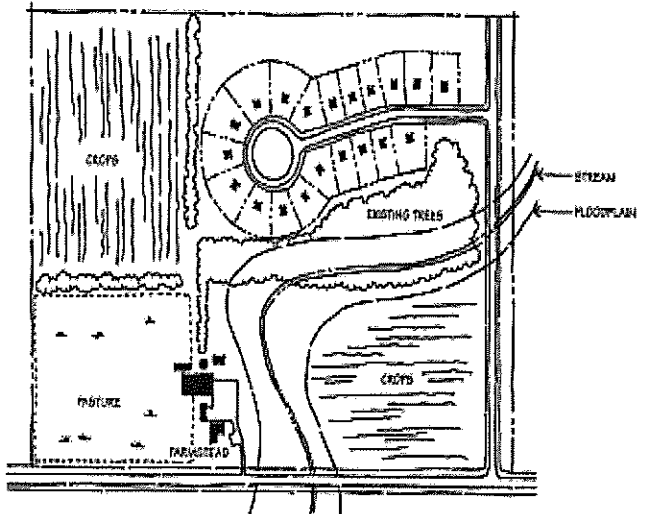
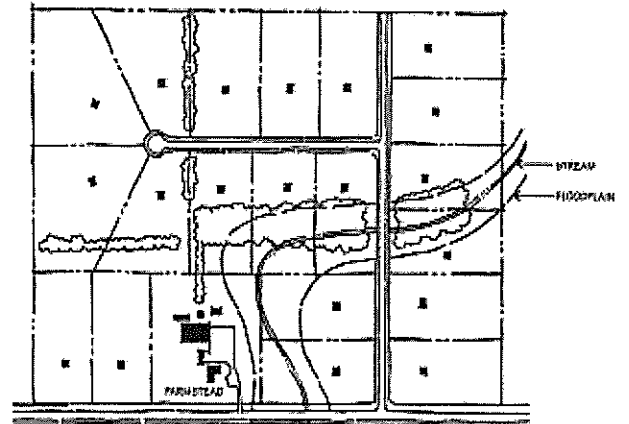
18.54-55 Reserved.

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ARTICLE VII
CONSERVATION DESIGN SUBDIVISION

18.56 General. This article is designed to preserve rural character, natural resource areas, farmland, and other large areas of open land, while permitting residential development. The Conservation Design Subdivision standards, in addition to the land division standards outlined in Article II, apply to all divisions of a parent parcel when requested by a Subdivider where the division creates more than four (4) new parcels. Further, this article is intended:

- (1) To guide the future growth and development of the Town in conjunction with the Town of Eldorado Comprehensive Plan.
- (2) To guide the detailed analysis of parcels so as to locate and coordinate appropriate areas for development and conservation.
- (3) To preserve the rural character through the permanent preservation of meaningful open space and sensitive natural resources.
- (4) To preserve scenic views by minimizing views of new development from existing roads.
- (5) To preserve prime agricultural land by concentrating housing on lands with low agricultural potential.
- (6) To provide commonly owned open space areas for passive and/or active recreational use by residents of the development and, where specified, the larger community.
- (7) To provide for a diversity of parcel sizes, housing choices and to accommodate a variety of age and income groups.



TOP IMAGE: Conventional Design
BOTTOM IMAGE: Conservation Design

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- (8) To provide for buffering between residential development and non-residential uses.
- (9) To protect and restore environmentally sensitive areas and biological diversity, minimize disturbance to existing vegetation, and maintain environmental corridors.
- (10) To preserve significant archeological sites, historic buildings, and their settings.
- (11) To meet the demand within the Town for housing in rural settings.
- (12) To preserve agricultural areas.

18.57 Secondary Conservation Areas. Secondary conservation areas are defined as those natural, agricultural, cultural, and or historical resources within the Town that are not otherwise protected by federal, state, or county laws, regulations, or ordinances. Secondary conservation areas are resources that should be preserved when possible and/or economically feasible. The final determination of secondary conservation areas within a given development will be made by the Plan Commission and Town Board. Secondary conservation areas in the Town of Eldorado may include, but are not limited to:

- (1) Stream corridors within one hundred (100) feet of the ordinary high-water mark.
- (2) Environmental corridors.
- (3) Critical wildlife habitat.
- (4) Mature woodlands, wherein twenty (20) percent or more of the trees have a diameter-at-breast-height (DBH) of eighteen (18) inches or more.
- (5) Unique natural features, which may include hills, knolls, depressions, rock outcroppings, kettles, moraines, eskers, and others.
- (6) Prime agricultural lands.
- (7) Historic structures.
- (8) Other unique features as may be identified by the Plan Commission.

18.58 Open Space Standards. A Conservation Design Subdivision shall meet the following open space standards:

- (1) Minimum open space. Minimum open space shall be not less than forty (40) percent of the gross tract area (GTA) and include all primary and secondary conservation areas.

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- (2) Location. The required open space should be situated, when practicable, to take advantage of the site's natural, historic, and cultural features, to create buffer areas between residential and agricultural uses, to preserve scenic views, and to be contiguous with existing or proposed open spaces outside of the proposed subdivision. Environmentally sensitive areas must be included within the preserved open space. The size and shape of the areas established as open space shall be sufficient and suitable for agricultural, natural resource protection, recreation, or other intended use and should remain as large and contiguous as the property will allow.
- (3) Not more than 30% of the required open space may consist of active recreation area unless prior approval has been received from the Plan Commission.
- (4) The Town of Eldorado Plan Commission encourages that each conservation subdivision include an internal trail system providing access to homeowners with a section of the trail system identified for potential future public use as part of an integrated trail network. The section identified for potential public use may vary by development and circumstance.
- (5) The Plan Commission may require easements or walkways to access open space that does not abut public right-of-way.
- (6) Ownership and Maintenance of Common Open Space. To ensure adequate planning for ownership, operation, and maintenance of common open space, recreation facilities, storm water management facilities, wastewater treatment facilities, shared or community wells, common parking areas and driveways, private streets, and other common community facilities, the following methods may be used, either alone or in combination, in ownership of common open space. Common facilities shall not be transferred to another entity except for transfer to another method of ownership permitted under this subsection, and then only when there is no change in the common open space. Unless otherwise specified by the Plan Commission and Town Board, a Homeowners Association will be deemed the preferred method of ownership of common facilities.
 - (a) Homeowners Association. Common facilities shall be held in common ownership as undivided proportionate interests by the members of a homeowners association, subject to the provisions set forth herein. The applicant shall provide to the Town a description of the association, including its bylaws, and all documents governing maintenance requirements and use restrictions for common facilities. The association shall be established by the owner or applicant and shall be operating, with financial subsidy by the applicant, if necessary, prior to the sale of any dwelling units in the development. Membership in the association shall be mandatory for all purchasers of dwelling units therein and their successors and assigns. The

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association shall be responsible for maintenance and insurance of common facilities. The members of the organization shall share equitably the costs of maintaining, insuring, and operating common facilities. The organization shall have adequate means of maintaining common open space. The applicant for any conservation design subdivision proposed to contain common open space shall arrange with the Town Assessor a method of assessment of the common facilities that will allocate to each tax parcel in the development a share of the total assessment for such common facilities. Written notice of any proposed transfer of common facilities by the homeowners association or the assumption of maintenance of common facilities which will allocate to each tax parcel in the development a share of the total assessment for such common facilities must be given to all members of the organization and to the Town at least 30 days prior to such event.

- (b) Condominium Developments and Agreements. Common open space shall be controlled through the use of a condominium agreement. Such agreements shall be approved by the Town and shall comply with the requirements of Chapter 703 of the Wis. Stats. All common open space and other common facilities shall be held as "common elements" by the unit owners in the form of undivided percentage interests in accordance with the condominium documents. A condominium association shall be formed to govern the affairs of the condominium and membership shall be mandatory.
- (c) Dedication of Conservation Easements to a Public Agency. The Town, or other public agency acceptable to the Town may, but shall not be required to, accept easements for public use of any portion of the common open space, title of which is to remain in private ownership, provided that:
 - 1. There is no cost of easement acquisition, other than costs incidental to the transfer of ownership, such as title insurance.
 - 2. A satisfactory maintenance agreement shall be reached between the owner and the Town.
 - 3. Lands under a Town easement may or may not be accessible to residents of the Town.
- (d) Dedication to a Nonprofit Conservation Organization. With the approval of the Town Board, an owner may dedicate any portion of the common facilities to a nonprofit conservation organization, provided that:
 - 1. The organization is acceptable to the Town.
 - 2. The conveyance contains appropriate provisions for proper reverting or retransfer in the event that the organization becomes unwilling or unable to continue carrying out its responsibilities.
 - 3. A maintenance agreement acceptable to the Town is established

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between the owner and the organization.

- (e) Ownership retained by the original landowner. Ownership of common open space and facilities may be retained by the original landowner provided that:
 - 1. The Town and residents of the development shall hold conservation easements on the land protecting it from further development.
 - 2. Resident access to the land is limited only by agreement of the residents of the development, as indicated by documents signed at the time of purchase of individual dwelling units.

- (f) Other methods acceptable to the Town Board for maintenance and operation of common facilities. A plan and narrative for the use, maintenance, and insurance of all common facilities, including provisions for funding, shall be provided to and approved by the Town Board prior to Preliminary Plat approval. Such plans shall:
 - 1. Define Ownership.
 - 2. Establish necessary regular and periodic operation and maintenance responsibilities.
 - 3. Estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an on-going basis.
 - 4. Include a Land Stewardship Plan specifically focusing on the long-term management of open space lands. A draft land stewardship plan shall be submitted with a Preliminary Plat, and a final plan shall be submitted with the Final Plat.

- (7) Leasing of Common Open Space Lands. Common open space lands may be leased to another person or other entity for use, operation, and maintenance, provided that:
 - (a) The residents of the development shall at all times have access to such leased lands, except in the case of lease for agricultural purposes, in which case the residents, with their agreement, may be restricted from accessing the lands.
 - (b) The common open space lands to be leased shall be maintained for the purposes set forth in this section.
 - (c) The operation of such leased open space lands may be for the benefit of the residents of the development only, or may be open to the public, if so determined by the residents.

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- (d) The lease, and any transfer or assignment thereof, shall be subject to the approval of the Town Board.
- (e) Lease agreements shall be recorded in the office of the County Register of Deeds within 30 days of their execution, and a copy of the recorded lease shall be filed with the Town.
- (8) Conservation. Common Open Space shall be restricted in perpetuity from further subdivision and/or land development by deed restriction, conservation easement, or other agreement in a form acceptable to the Town Board and duly recorded in the office of the County Register of Deeds. The legal instruments detailing the ownership of the open space shall be submitted with the Preliminary Plat and shall be recorded with the Register of Deeds upon Final Plat approval.
- (9) In the event that the association established to own and maintain common areas and facilities, or any successor organization thereto, fails to properly maintain all or any portion of the aforesaid common areas or facilities, the Town may serve written notice upon such association setting forth the manner in which the association has failed to maintain the aforesaid common areas and facilities. Such notice shall set forth the nature of corrections required and the time specified, the association, or any successor organization, shall be considered in violation of this ordinance, in which case the Town shall have the right to enter the premises and take the needed corrective actions. The costs of corrective actions by the Town shall be assessed against the properties that have the right of enjoyment of the common areas and facilities.
- (10) Sewerage Facilities. Sewerage facilities for Conservation Design Subdivision development may consist of any system meeting the requirements of the Town of Eldorado, Fond du Lac County, the Wisconsin Department of Commerce, and the Wisconsin Department of Natural Resources. Sewerage facilities for conservation subdivisions with twelve (12) or more parcels shall require clustered wastewater treatment systems.
- (11) Water Supply Facilities. Water facilities for Conservation Design Subdivisions may consist of any system meeting the requirements of the Town of Eldorado, Fond du Lac County, the Wisconsin Department of Commerce, and the Wisconsin Department of Natural Resources. Water supply facilities for conservation subdivisions with twelve (12) or more parcels shall require community wells and a community water system.

18.59 Development Yield Standards. Conservation Design Subdivisions shall complete the following worksheet in order to determine the maximum number of permitted dwelling units. This calculation information must be submitted with any application to the Town.

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- (1) Calculate the Gross Tract Area (GTA). This shall be the total acreage of the property.

GTA: _____ acres

- (2) Calculate Primary Conservation Areas (PCA). This acreage shall be determined using the following criteria. The data supplied within this calculation shall be substantiated with sufficient plans and data.

(a) All lands located within existing street Right-of-Ways.

_____ acres

(b) All lands located within existing Utility and Railway Right-of-Ways.

_____ acres

(c) All lands located within floodplain.

_____ acres

(d) All lands within environmentally sensitive areas.

_____ acres

(e) All lands located within wetlands.

_____ acres

(f) All of the land area having slopes 12% or greater.

_____ acres

PCA (sum of a through f)

_____ acres

- (3) Calculation of Adjusted Tract Area (ATA). The ATA shall equal the GTA minus the PCA.

ATA: _____ acres

- (4) Calculation of Secondary Conservation Areas (SCA). The SCA shall total not less forty percent (40%) of the GTA and shall include, but is not necessarily limited to:

(a) Stream corridors within one hundred (100) feet of the ordinary high-water mark.

_____ acres

(b) Environmental corridors.

_____ acres

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(c) Critical wildlife habitat.

_____acres

(d) Mature woodlands, wherein twenty (20) percent or more of the trees have a diameter-at-breast-height (DBH) of eighteen (18) inches or more.

_____acres

(e) Unique natural features, which may include hills, knolls, depressions, rock outcroppings, kettles, moraines, eskers, and others.

_____acres

(f) Prime agricultural lands.

_____acres

(g) Historic structures.

_____acres

(h) Other unique features as may be identified by the Plan Commission.

SCA: _____acres

(5) Calculation of Net Development Area (NDA). The NDA shall be a maximum of sixty percent (60%) of the GTA. If the NDA is less than sixty percent (60%) of the GTA, the Plan Commission and Town Board may allow the NDA to be increased to sixty percent (60%).

NDA: _____acres

(6) Calculation of Permitted Dwelling Units (PDU). The maximum number of permitted dwelling units in a conservation subdivision shall equal the ATA multiplied by 1.1 (a ten percent density bonus), provided that no lot is smaller than 21,780 square feet (one half acre) unless otherwise approved by the Plan Commission. If the calculation of PDU results in a figure ending in .5 or greater, it shall be rounded up to the next whole number. If the calculation of PDU results in a figure ending less than .5, it shall be rounded down to the next whole number.

PDU: _____

18.60 Conservation Design Concept Plat. Prior to the filing of an application for the approval of a Preliminary Plat, the Subdivider shall consult with the Plan Commission in order to obtain their review, advice and assistance in the preparation of a Preliminary Plat. Such consultation shall be termed the 'concept plat' stage of the land division

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procedure and shall include the following steps and information:

- (1) The Subdivider shall prepare a concept plat at a scale of one-inch equals 100 feet of all the contiguous lands in which the subdivider has legal or equitable interest and present fifteen (15) copies to the Town Clerk.
- (2) Such concept plat shall include enough information to set forth the proposed development potential of the parcel to the satisfaction of the Plan Commission, and include at least the following:
 - (a) Soil characteristics or interpretations secured from detailed soil maps prepared by the U.S. Department of Agriculture (USDA), Natural Resource Conservation Service (NRCS) and/or monitoring borings data.
 - (b) The limits of woodland cover and wetlands on the entire parcel.
 - (c) Existing environmental corridors.
 - (d) Location of lakes, ponds, streams, standing water and designated floodplains on the parcel.
 - (e) Areas of steep or severe slope conditions, high water table conditions, potential drainage and erosion problems.
 - (f) Existing and proposed access from the parcel to adjacent streets, roads, or properties.
 - (g) Proposed street location and width.
 - (h) Proposed parcels including size to the nearest one-tenth acre.
 - (i) Existing land use of properties within ¼ mile of the property proposed to be divided.
 - (j) Any other pertinent information useful to the Subdivider and Plan Commission in their determination of developability of the parcel.
- (3) The Plan Commission shall either reject the concept plat giving reasons for such rejections or approve the concept plat and make recommendations. Such review and approval of the concept plat shall constitute approval of the concept plat only and shall not be deemed an approval of the layout and design of the proposed subdivision plat.
- (4) Through the concept plat procedure it is expected that the Subdivider and Plan

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Commission will reach mutual conclusions regarding the general design and objectives of the proposed development and its possible effects on the Town and County. The Subdivider will also gain a better understanding of the subsequent required procedures so that the process of Preliminary Plat submittal and approval may be expedited.

18.61 Preliminary Conservation Design Subdivision Plat Submittal. Before submitting a Final Plat for approval, the Subdivider shall prepare and submit a Preliminary Plat that conforms to the requirements of Chapter 236 Wisconsin State Statutes and all applicable sections of this ordinance. The Plat shall be prepared by a registered land surveyor. The Subdivider or their designated agent shall file the application and five (5) copies of the Preliminary Plat on paper no smaller than 22" x 30" and fifteen (15) copies of the Preliminary Plat on 11" x 17" paper with the Town Clerk. The subdivider shall also submit one digital PDF version and one digital CADD or GIS version to the Town Clerk.

18.62 Requirements for Preliminary Conservation Design Plat. In addition to the requirements of Chapter 236 Wis. Stats. and Sections 18.57-59 of this Chapter, the submitted Preliminary Plat shall include the following:

- (1) A map of sufficient scale showing the boundaries of the property being considered for division.
- (2) General parcel layout as proposed.
- (3) The proposed subdivision name. This name shall not duplicate the name of any Plat previously recorded in Fond du Lac County. A subtitle of "County Plat" shall be required for all County Plats.
- (4) Owners name, along with Volume and Page of the instrument that shows title to the Platted area. The Volume and Page of the affected property may be shown on the map, in the Surveyor's Certificate, on the Preliminary Plat, or in the Owner's Certificate.
- (5) Volume and Page or platted status (i.e. State or County Plat by name and parcel number, Certified Survey Map (CSM) by volume, page and parcel number) of adjoining lands.
- (6) Radius of all curves.
- (7) Proposed and existing road(s) showing road name and right angle width. Proposed and existing roads shall be dedicated as required in Article VIII.
- (8) Public areas to be dedicated, if any, and subsequently identified as "dedicated to the public."

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- (9) Floodplain, wetland and shoreland boundaries. Source of the data shall be identified.
- (10) Locations of existing buildings, watercourses, drainage ditches, fences and any other pertinent features.
- (11) Locations and names of adjoining parks, cemeteries, subdivisions, ponds, streams, lakes and flowages.
- (12) Any proposed lake or stream access or any proposed lake or stream improvement or relocation.
- (13) The name and address of the surveyor and Subdivider placed on the face of the Plat.
- (14) Report on Soil Borings and Percolation Tests. Locations of borings may be required to be shown on the face of the map.
- (15) A general description of all property owned and controlled by the Subdivider contiguous to the proposed land division.
- (16) An area development plan for future use may be required if proposed development in some way affects adjoining lands.
- (17) Road name application must be submitted to the Plan Commission for approval for any road names (i.e. new, extension, private, etc.) subject to County review and approval.
- (18) Dimensions of all parcels, together with proposed parcel and block numbers.

18.63 Preliminary Conservation Design Subdivision Plat Review & Approval.

- (1) Upon receipt of an application for a Conservation Design Subdivision Plat, the Town Clerk shall transmit one (1) copy of the map to each of the following. Contact names and addresses are to be provided to the Clerk by the subdivider.
 - (a) Fond du Lac County Planning & Zoning Departments
 - (b) Any affected public or private utility as identified by the subdivider
 - (c) Local school districts
 - (d) Wisconsin Department of Natural Resources (WDNR)

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- (e) Fond du Lac County Highway Department (where applicable)
 - (f) Wisconsin Department of Transportation (WisDOT) (where applicable)
 - (g) Each member of the Plan Commission and Town Board
 - (h) Extraterritorial jurisdictions (where applicable)
 - (i) East Central Wisconsin Regional Planning Commission (ECWRPC) (as applicable)
- (2) Recommendations from receiving parties, with the exception of the Plan Commission, must be received by the Town Clerk within thirty (30) days from the date the copy is transmitted. If a recommendation is not received within thirty (30) days it shall be deemed an approval.
 - (3) Recommendations from the Plan Commission must be received within ninety (90) days from the date of transmittal. If a recommendation is not received within ninety (90) days it shall be deemed a preliminary approval and submitted to the Town Board.
 - (4) Once the Plan Commission recommendation is received, the preliminary review for approval shall be scheduled for a regularly scheduled Town Board Meeting.
 - (5) The Board, within ninety (90) days of the date of filing of a Preliminary Conservation Plat with the Town Clerk shall approve, approve conditionally, or reject, unless the time is extended by mutual agreement with the Subdivider. One (1) copy of the Plat shall there upon be returned to the Subdivider with the date and the action recorded thereon; and if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the Plat. One (1) copy each of the plat and letter shall be kept on record by the Town.

18.64 Relationship between Preliminary and Final Plat. Approval of a Preliminary Conservation Plat shall be deemed an expression of approval or conditional approval of the layout submitted and a guide to the preparation of the Final Plat which will be subject to further consideration by the Plan Commission at the time of its submission.

- (1) If the Final Plat conforms substantially to the Preliminary Plat as approved, including any conditions of the approval, and to local plans and ordinances authorized by law, it is entitled to approval. If the Final Plat is not submitted within one (1) year of the last approval of the Preliminary Plat, any approving authority may refuse to approve the Final Plat. The Town reserves the right to

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add further restrictive covenants as provided in Chapter 236.293, Wis. Stats.

- (2) Any substantial change between the Preliminary and Final Plat, as determined by the Plan Commission, shall cause the conservation Plat to be re-submitted including all fees and review. In addition every re-submittal required to clarify matters regarding said maps shall constitute a new time frame for review purposes.

18.65 Final Plat Requirements. Upon approval of the Preliminary Plat the Subdivider shall submit fifteen (15) copies of a Final Plat based upon a survey by a Wisconsin Registered Land Surveyor for review. In addition to the requirements of the Preliminary Plat and Chapter 236 Wis. Stats. the Final Plat submitted shall include the following:

- (1) A clear and concise legal description that exactly matches the bearings and distances shown on the map. The error of closure for the legal may not exceed 1 in 3,000.
- (2) Area of each parcel shown in square feet (nearest square foot) and acres (nearest 100th acre).
- (3) All curve data.
- (4) Building setback lines shall be shown or noted on the face of the map.
- (5) Lands reserved for the common use of the property owners within the subdivision. The ownership of these common lands shall be shown and described. These lands shall be established as outlots.
- (6) Proposed deed and Plat restrictions.
- (7) It shall be required that on sheet one of the Plat a pre-designed recording block be available for the Register of Deeds to be placed on the Plat for recording information.
- (8) Show arc distances on the face of the map.
- (9) Certificates of approval in substantially the same form as required by Chapters 236.21(2)(a) and 236.21(3) Wis. Stats. and as per this ordinance as follows:
 - (a) Owner(s) Certificate with Notary Seal
 - (b) Mortgagee's Certificate
 - (c) Town Certificate

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- (d) County Certificate
- (e) Other certificates as required by Chapter 236.21 Wis. Stats.
- (f) Certification that the Plat is a true and correct representation of the features surveyed and mapped and that the Surveyor has fully complied with all local ordinances.
- (g) Special restrictions required by the reviewing authorities.

18.66 Final Plat Review & Approval. The Town Board, within sixty (60) days of the date of filing of a final conservation Plat with Town Clerk, shall approve, approve conditionally or reject such a Plat unless the time is extended by mutual agreement with the Subdivider. If approved, the certifications on the Plat shall be completed. If approved conditionally, the certificates shall not be completed until the conditions are met. If rejected, a letter setting for the reasons for rejection shall accompany the Plat. Failure of the Town to act within the time as extended by agreement with the Subdivider shall constitute an approval. The sixty (60) day period shall commence with the filing of the Final Plat with the Town Clerk, and not the preliminary approval. Final Plat must be submitted and approved within 36 months of Preliminary Plat approval.

18.67 Recording. Upon approval of all corrections addressed in the Preliminary and Final Plat reviews the Subdivider may submit a final Plat for recording with the Fond du Lac County Register of Deeds in accordance with Sec. 236.25, Wis. Stats.

18.68-69 Reserved.

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**ARTICLE VIII
GENERAL DESIGN STANDARDS**

18.70 Street Arrangement and Design. The applicant shall dedicate land for and improve streets in accordance with all Town of Eldorado requirements.

18.71 Ingress and Egress On Limited Access Highways. Where a tract or parcel of land abuts a County controlled limited access highway or State Highway access shall only be provided after obtaining required Fond du Lac County Highway Department and, as applicable, Wisconsin Department of Transportation (WisDOT) permits.

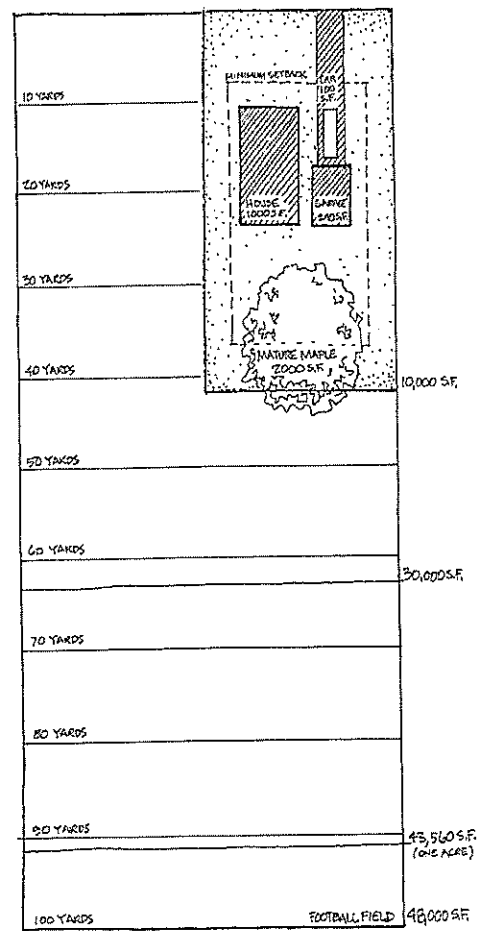
18.72 Blocks. The widths, lengths and shapes of blocks shall be suited to the planned use of the land, applicable zoning requirements, need for convenient access, control and safety of street traffic and the limitations and opportunities of the topography in accordance with existing Town of Eldorado requirements.

18.73 Driveway Standards. The location and size of all proposed driveways shall comply with all Town of Eldorado requirements.

18.74 Parcels. The size, shape and orientation of parcels shall be appropriate for the location of the land division or subdivision and for the type of development and use contemplated. The parcels should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the building contemplated in accordance with all Town of Eldorado and Fond du Lac County requirements. For the benefit of visual understanding of parcel sizes an illustration is provided at right.

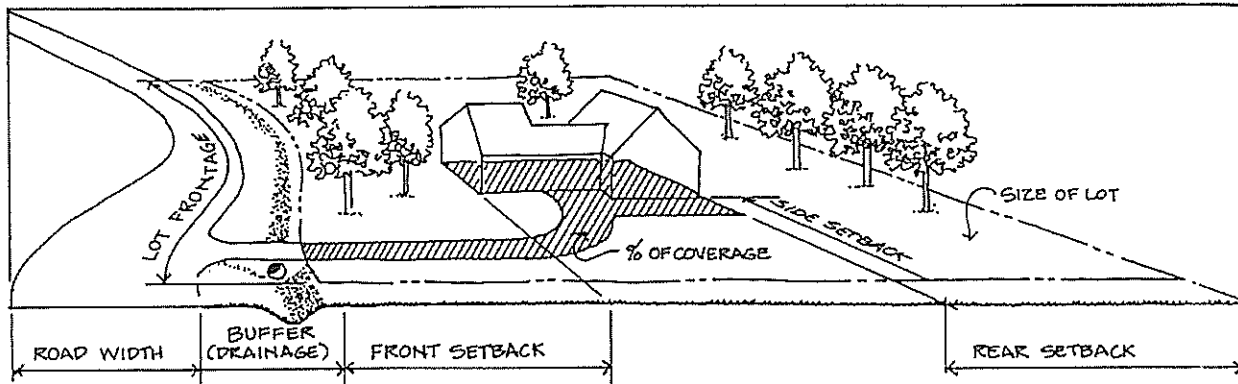
- (1) Flag Lots. Flag lots are not an approved lot design in the Town of Eldorado (See Section 18.100 (53) and (56) of this ordinance).

PARCEL SIZE DIAGRAM
FOR ILLUSTRATION PURPOSES ONLY



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18.75 Building Setback Lines & Siting Suggestions. Building setback lines, shall conform to standards found in the Town of Eldorado Zoning Code. Setbacks from wetland areas and wastewater treatment systems shall comply with Fond du Lac County Shoreland/Wetland Zoning Ordinance Requirements. Minimum setback from high water mark of any navigable water shall be 75 feet.



THE CIVIC REALM - RURAL AREAS

[These diagrams illustrate siting suggestions designed to retain the rural character of the Town of Eldorado. Subdividers are strongly encouraged to consider these techniques when seeking to create Certified Survey Maps (CSMs) or Subdivisions.]

SITING SUGGESTIONS

<p>RETAIN FIELDS - RESTRICT LANNING</p>	<p>SITE HOUSES AT EDGE OF FIELD AVOID CENTERS</p>
<p>INSENSITIVE SITING VIEW DIRECTLY BLOCKED</p>	<p>SENSITIVE SITING HOUSE TO SIDE OF VIEW</p>
<p>BUILD BELOW CREST LINE</p>	<p>A HOUSE ON EVERY KNOLL - QUESTIONABLE</p>
<p>HOUSES SITED BELOW CREST - PREFERRED</p>	

SITE NEW HOUSES AT EDGES OF FIELDS

DON'T GOUGE OUT PLOTS

RETAIN BUFFER

RELATE OPEN AREA TO MAJOR TREES, WALLS, OTHER FEATURES

HOUSES IN THE WOODS

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18.76 Impervious Surface Coverage Requirements. The maximum permitted impervious coverage (e.g. house, detached garage, accessory buildings, driveways, sidewalks, and patios) shall be in accordance with applicable Town of Eldorado requirements.

18.77 Stormwater. Any CSM or Subdivision Plat submitted to the Town is required to meet all applicable Town of Eldorado, Fond du Lac County, and State of Wisconsin Stormwater Management standards.

18.78 Phasing Requirements. An approved Preliminary Plat may be Final Platted in phases with each phase encompassing at least 25 percent of the area of the approved Preliminary Plat. If the Subdivider elects to Final Plat in phases as approved by the Plan Commission, the Town Board shall require a timetable of completion of development of the entire property included in the Preliminary Plat at/or prior to the time of submittal of the first phase of the Final Plat as part of the developer's agreement.

- (1) If a development includes more than 40 lots (e.g. new parcels), phases must be provided on the Preliminary and Final Plat such that no more than 50 percent of the total number of parcels are included in a single phase. The Town has the authority to require phased Final Plat approval in which each new phase may only be initiated once 80 percent of the parcels in the previous phase have been sold.

18.79 Surface Water Drainage Restrictions. To the extent practical, no drainageway contained within a drainage easement shall be disturbed, except in accordance with Fond du Lac County and applicable State requirements.

18.80 Community Water Supply. A community water supply shall be required for all residential subdivisions of twelve (12) lots or more.

18.81 Clustered Waste Water Treatment. Clustered wastewater treatment systems shall be required for all residential subdivisions of twelve (12) or more lots.

18.82 Street Address Numbering Required. Any residence or place of business intended for human occupancy shall be identified by a street address number assigned in accordance with Fond du Lac County requirements and standards.

18.83 Street Names. Any street which is the reasonable continuation of an existing street shall bear the same name as the existing street.

- (1) The Plan Commission may disapprove the name of any street shown on the Plat that has already been used elsewhere in Fond du Lac County and which, because of similarity, spelling, or pronunciations may cause confusion.

- (2) The following table shall be used in the naming of streets and roadways in all

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proposed land divisions:

Type	Cul-de-sacs	Curving	Straight
Short Streets (less than 999 feet in length)	Places or Courts	Way, Circle, or Lane	Terrace, Row, or Lane
Long Streets (1,000 feet or longer)	N/A	Drive, Road, or Trail	Street or Avenue

- (3) The term boulevard shall be reserved for such streets which, because of their breadth or monumental character, are to be especially designated.
- (4) Public streets and roads shall be located and designed to take into account:
 - (a) Existing and planned streets.
 - (b) Topographic conditions including bearing capacity and erosion potential of soil.
 - (c) Public convenience and safety including facilitating fire protection, snow plowing, and pedestrian traffic.
 - (d) The desire of the Town to reduce impervious surfaces in order to protect surface waters.
 - (e) The proposed uses of land to be served.
 - (f) Anticipated traffic volumes based upon State Average Daily Traffic (ADT) standards (see 18.85 (1) through (3)).
 - (g) Further land division possibilities.

18.84 Private Roads. Private roads developed to serve a CSM or Subdivision in the Town of Eldorado shall be constructed consistent with all Town standards and shall be required to adhere to all applicable requirements for public road construction, such that, the developed roadway will be indistinguishable from a public road. Any proposed development that includes a private road shall require a development agreement.

18.85 Minimum Design Standards for Town Roads. All new roads designed as part of new subdivisions in the Town of Eldorado shall be constructed consistent with applicable Town and/or State standards.

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- (1) Cul-de-sacs. Any portion of a street designed to have one end permanently closed shall not exceed eight hundred (800) feet in length and shall provide a turnaround with a minimum right-of-way diameter of one hundred twenty (120) feet. In the case of a temporary cul-de-sac identified on the plat as the location of a future ingress/egress point, as approved by the Plan Commission, said cul-de-sac shall not be less than one hundred twenty (120) feet in diameter.

- (2) Design Standards for Roads and Streets within Proposed Subdivisions. All roads designed as part of new subdivisions in the Town of Eldorado shall be constructed consistent with applicable State standards. In order to reduce the percentage of impervious surface within proposed subdivisions so as to reduce the negative impact of run-off to surface waters, minimum road width for new residential construction in the Town of Eldorado shall be based upon the ADT volume consistent with State standards. The State standard for trip generation is 9.57 per day from a single-family, detached home.

Design Standards for Roads and Streets within New Subdivisions in the Town of Eldorado.							
Average Traffic	Daily	Minimum Width	Roadway	Minimum Width	Surface	Minimum Width	Shoulder
Under 100		24'		18'		3'	
100-250		26'		20'		3'	
251-400		32'		22'		5'	
400-1,000		34'		22'		6'	
1,001-2,400		44'		24'		10'	

The subdivision developer shall maintain responsibility for the development of all roads in new subdivisions until seventy-five percent (75%) of the homes are completed. The roads shall be in good condition when the Town assumes responsibility for maintenance and upkeep. In addition, the developer shall complete a density test, consistent with WisDOT standards, for all roads within the subdivision and submit such test to the Plan Commission for review prior to the Town assuming authority over such roads.

18.86 Traffic Impact Analysis. A Traffic Impact Analysis, comparing current traffic conditions with anticipated future conditions, will be required for any residential development anticipated to generate an ADT greater than one hundred (100) or any residential development with ingress/egress to a County or State highway.

18.87-89 Reserved.

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**ARTICLE IX
DEDICATIONS AND IMPROVEMENTS**

18.90 Dedication And Reservations Of Land. Whenever a tract of land to be divided embraces all or any part of a street, such public way shall be made a part of the plat and either dedicated or reserved by the applicant in the locations and dimensions indicated on such plan.

- (1) Whenever a proposed park, playground, public access, open space site or other public land, other than streets or drainageways, designated in the adopted local, regional and County comprehensive plan components is embraced, all or in part, in a tract of land to be divided, such proposed public lands shall be made a part of the plat and shall either be dedicated to the public or reserved for acquisition at undeveloped land costs for a period not to exceed three years between the applicant 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, unless otherwise prohibited by and existing regional and/or county rule, regulation, or ordinance.

18.91 Improvements. No construction or installation of improvements shall commence in a proposed subdivision until the Preliminary Plat has been approved by the Town of Eldorado Plan Commission and Town Board.

- (1) Upon approval and recording of the Final Plat, the Subdivider shall install all street, utility and other improvements as required in this section. Such improvements may be completed prior to submission for approval of any Final Plat or final certified survey map, but must be made to the satisfaction of the Town Engineer or designee within twelve (12) months from the date of Final Plat approval or such approval will be considered null and void. If for some reason the required improvements cannot or should not be made within the prescribed 12-month period, the Town Board may extend the period and require a cash bond or irrevocable letter of credit in an amount equal to one hundred twenty percent (120%) of the cost of completing such improvements as estimated by the Town Engineer or designee as a guarantee that the required improvements will be made within a reasonable period prescribed by and satisfactory to the Town Board. Any such cash bond or irrevocable letter of credit shall remain in the custody of the Town, and the Town will not be obligated to pay interest thereon. In no event shall the provision of a cash bond or irrevocable letter of credit for completion of required improvements remove the burden of such completion from the Subdivider.
- (2) All private sewerage systems in the Town of Eldorado shall be constructed pursuant to applicable regulations of the Town of Eldorado, Fond du Lac County, and the State of Wisconsin, including Chapter SPS 363.

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- (3) When it is proposed to establish a private water supply and distribution system (or common sanitary system) to serve (2) or more parcels or dwelling units, the applicant shall construct the facilities in such a manner as to make adequate water service (and sewer) available to each parcel within the subdivision or Certified Survey Map (CSM). Private water supply systems shall conform to all applicable regulations of the State of Wisconsin.
- (4) No drainageway contained within a drainage easement shall be disturbed 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 an obstruction impedes the natural flow of water and/or diminishes the natural aesthetic quality of the drainageway.
 - (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 drainageways.
 - (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 stormwater 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 a 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 property owner.
 - 4. The retention or diversion has been allowed or required by the Town of Eldorado, Fond du Lac County Zoning Department, or Fond du Lac County Land Conservation Department and noted on the approved drainage plan.

18.92 Plans. The following plans and accompanying construction specifications may be required by the Plan Commission and Town Board before authorization of construction or installation of improvements:

- (1) Street plans and profiles showing existing and proposed grades, elevations and cross sections of required improvements.

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- (2) Installation of street signs meeting the approval of the Town of Eldorado and Fond du Lac County at all intersections.
- (3) Sanitary system plans and profiles showing the locations, grade, sizes, elevations and materials of required facilities in accordance with County and State Requirements. Each parcel shall indicate a location of a septic field and a viable alternative location for a replacement septic field on the site should the system fail.
- (4) Surface water drainage facilities, which may include curb and gutters, catch-basins and inlets, road ditches and open channels, as may be required to provide adequate surface drainage for the subdivision.
- (5) Erosion control plans in accordance with State, County, and, if applicable, Town Standards.

18.93 Inspection and Guarantee. The applicant, 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 or designee shall inspect and approve all completed work prior to approval of the Final Plat or release of the sureties. All public improvements shall be guaranteed against physical defect and repaired by the developer for a period of one year following initial acceptance of such improvements by the Town Board.

18.94-99 Reserved.

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**ARTICLE X
DEFINITIONS**

18.100 Definitions. For the purpose of this ordinance, certain words that may or may not be used therein are defined as follows:

- (1) Adjusted Tract Area - The area of the total parcel minus any primary conservation areas.
- (2) Alley – A public or private right-of-way which provides secondary access to abutting properties.
- (3) Agricultural Use - As per the Town of Eldorado Zoning Ordinance, 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.
 - (j) Other activities that DATCP may define by rule.
- (6) Applicant – The Subdivider or Subdivider’s Developer’s agent.
- (7) 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.
- (8) Block – A group of parcels existing within well-defined and fixed boundaries,

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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.

- (9) Bufferyard – An area of land within the boundaries of a parcel or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or using trees, shrubs, fences and/or berms, designed to limit continuously the view and/or sound from the parcel or site to adjacent parcels or sites. Bufferyards are typically defined by a delineated easement graphically indicated on the fact of the Certified Survey Map or Subdivision Plat.
- (10) Building – A structure having a roof supported by columns or wall. When separated by division walls from the ground up and without openings, each portion of each building shall be deemed a separate building.
- (11) Clerk – The Town of Eldorado employee with the official title of Clerk or his/her designee.
- (12) Certified Survey, Certified Survey Map, and/or CSM - A map of a minor land division prepared in accordance with sec. 236.34, Wis. Stats. and in full compliance with the applicable provisions of this Ordinance.
- (13) Collector Street – A street used, or intended to be used, to carry traffic from minor streets to the major system or arterial streets, including principal entrance streets to residential developments.
- (14) Common Element - The common facilities in a condominium, condominium development, or condominium subdivision.
- (15) Common Facilities - All the real property and improvements set aside for the common use and enjoyment of the residents of a cluster development, including, but not limited to, buildings, open space, private streets, parking areas, walkways, recreation area, drainage easements, and any utilities that service more than one unit, such as sewerage and well facilities.
- (16) Common Open Space - Undeveloped land within a conservation design subdivision that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the development. Common Open Space shall not be part of individual residential parcels, and shall be substantially free of structures, but may contain such recreational facilities for residents as are shown on the approved development plan.
- (17) Comprehensive Plan – The official guide for the physical, social, and economic

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growth of a municipality, properly enacted or adopted according to statute, which is now or may hereafter be in effect.

- (18) Conditional Approval – Approval of a land division, subject to the land division meeting certain requirements as determined by the Plan Commission.
- (19) Condominium - A form of ownership combining individual unit ownership with shared use and ownership of common property or facilities, established in accordance with the requirement of Chapter 703 of the Wis. Stats. Common areas and facilities are owned by all members of the condominium association on a proportional, undivided basis. A condominium is a legal form of ownership and not a specific building type or style.
- (20) Condominium Agreement - A legal agreement outlining the management of the common open space.
- (21) Condominium Association - An association, whose members consist of owners of units in a condominium, which administers and maintains the common property and common elements of a condominium.
- (22) Conservation Areas, primary – The primary conservation areas are those areas that are automatically set aside when determining open space for conservation development subdivisions. The following are areas of primary conservation: all lands located within existing street Right-of-Ways, all lands located within existing Utility and Railway Right-of-Ways, all lands located within floodplain, all lands located within wetlands, all slopes of twelve percent (12%) or greater.
- (23) Conservation Areas, secondary – Those areas identified in, but not limited to, Section 18.57 of this ordinance.
- (24) Conservation Easement - The grant of a property right or interest from the property owner to another person, agency, unit of government, or organization stipulating that the described land shall remain in its natural, scenic, open, or wooded state, precluding future or additional development.
- (25) Conservation Subdivision – A subdivision where open space is the central organizing element of the subdivision design and that identifies and permanently protects all primary conservation areas and all or some of the secondary conservation areas within the boundaries of the subdivision and retains a minimum of forty percent (40%) of the Gross Tract Area as protected open space.
- (26) County – Reference to County shall mean Fond du Lac County and shall include any agency, department or committee thereof.

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- (27) Cul-de-sac Street – A minor street with only one outlet and having a turn around for the safe and convenient reversal of traffic movement.
- (28) Dead end Street – A street having only one outlet for vehicular traffic and no vehicular turn around.
- (29) Deed restriction - A restriction on the use of a property set forth in a deed or other instrument of conveyance, including, but not limited to, a restrictive covenant, conservation easement, transfer of development rights, or any restriction placed on undeveloped land as a condition for the division or development of the undeveloped land.
- (30) Detention Basin – A man-made or natural depression below the surrounding grade level designed to collect surface and/or subsurface water so that it might impede its flow and to gradually release the same at a rate not greater than that prior to the development of the property, into natural or man-made outlets (i.e. storm sewer, culvert or stream).
- (31) Development – Any man-made changes to improved or unimproved real estate including, but not limited to, construction of or addition or substantial improvements to buildings, other structures, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations, or disposition of materials.
- (32) Developer's Agreement - An agreement by which the Town and the sub-divider agree in reasonable detail to all of those matters which the provisions of these regulations permit to be covered by the developers agreement and which shall not take effect unless and until an irrevocable Letter of Credit or other appropriate surety has been issued to the Town.
- (33) Drainageway – The land on either side of and within fifty (50) feet of the centerline of any intermittent or perennial stream graphically shown on : a topographic survey prepared by and certified by a Wisconsin registered land surveyor at a contour interval of not less than two (2) feet or the U.S. Geological Survey (USGS) 7.5-minute quadrangle topographic map of the area.
- (34) Easement – Authorization by a property owner for another to use the owner's property for a specified purpose.
- (35) Existing Parcel – A parcel, lot, or tract of land which the enclosing boundaries are separately described and recorded with the Office of register of Deeds, Fond du Lac County Planning and Zoning Department, Town of Eldorado Plan Commission, or defined by an existing tax parcel.

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- (36) Fees / Forfeitures - Sums as prescribed by the most recent Fee Schedule adopted by the Town Board.
- (37) Final Plat - A map prepared in accordance with requirements of Chapter 236 of the Wisconsin State Statutes and this Ordinance for the purpose of precisely dividing larger parcels into smaller parcels and used in conveying these new parcels.
- (38) Floodlands – Those lands, including the channels, floodways and floodplain fringe of any given reach, which are subject to inundation by the flood within a given recurrence frequency. The one hundred year (100-year) recurrence interval flood (or that flood having a one percent (1%) probability of occurring in any given year) is generally used for regulation.
- (39) Floodplain – The land adjacent to a body of water which has been or may be hereafter covered by floodwater including, but not limited to, the regional flood.
- (40) Frontage – the length of the front property line of the parcel, or tract of land abutting the right-of-way of a public street road or highway.
- (41) Grade or Gradient – the slope of land, a road, street or other public way, specified in percent.
- (42) Grading Plan – A drawing of a proposed area with plans and specifications for grading.
- (43) Gross Tract Area – The entirety of the parcel proposed for subdivision, including all primary and secondary conservation areas.
- (44) High Water Elevation and High Water Mark – The average annual high water level of a pond, stream, lake, flowage, or wetland referred to an establish datum plane or, where such elevation is not available, the elevation of the line up to which the presence of water is so frequent as to leave a distinct mark by erosion, change in, or destruction of, vegetation or other easily recognized topographic, geologic or vegetative characteristics.
- (45) Highway, Limited Access – a freeway or expressway providing a trafficway for through traffic, in respect to which owners or occupants of abutting property on lands and other persons have no legal right to access to or from the same, except at such points and in such manner as may be determined by the public authority having jurisdiction over the trafficway.
- (46) Homeowners' Association – A Wisconsin membership corporation which serves

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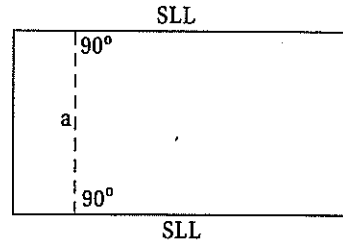
as an association of homeowners within a Subdivision or Certified Survey Map having shared common interests, responsibilities with respect to costs and upkeep of common private property of a Subdivision or Certified Survey Map. Such common property includes private recreation and open space areas within the Subdivision or Certified Survey Map.

- (47) Improvement, Public – Any sanitary sewer, storm sewer, drainage ditch, water main, roadway, park, parkway, public access, sidewalk, 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.
- (48) Land Divider - Any person, partnership, corporation, or other legal entity that has an ownership or other legal interest in the subject land that is being divided, or proposed to be divided, resulting in a land division.
- (49) Land Division - The division of an outlot, parcel, or tract of land by the owner of the land, or the owner's agent, for the purpose of sale or for development when the act of division creates two or more parcels or building sites by a division or by successive divisions of any part of the original property, including any land division by or for a Conservation Subdivision, a Cluster Development, a Statutory Subdivision, a Minor Land Division, Replat, and Certified Survey Map, and any other land division.
- (50) Landscaping – Living material, such as grass, groundcover, flowers, shrubs, vines, hedges and trees and nonliving durable material, such as rocks, pebbles, sand, mulch, wood chips or bark, walls and fences, but not including paving.
- (51) Lot - A parcel of land resulting in a division of a parcel pursuant to this ordinance.
- (52) Lot, Corner – A parcel abutting two 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 parcel line.
- (53) Lot, Double Frontage – A lot other than a corner lot which has frontage on two substantially parallel streets.
- (54) Lot, Flag – A parcel of land roughly shaped like a flag, with a narrow strip providing access to a public street and the bulk of the property containing no frontage.
- (55) Lot Lines (or Parcel Lines) – The peripheral boundaries of a parcel of land.
- (56) Lot, Through – A parcel which has a pair of opposite parcel lines among two parallel streets and which is not a corner lot. On a through lot both street lines

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shall be deemed front parcel lines.

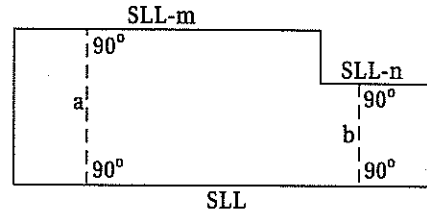
- (57) Lot Width (or Parcel Width) – The mean horizontal distance between the side lot lines of a parcel measured at right angles to the depth. On irregularly (non-perpendicular) shaped parcels, the width shall be the average width of the parcel (see below). Lot width shall be measured at the building line (e.g. location at which the principal structure is located). Width shall also be measured at the shoreyard setback line. At least fifty percent (50%) of the parcel shall be greater than or equal to the required lot width.



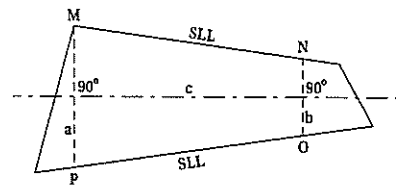
(a) The following illustrations and formulas are provided to explain the methods of average parcel width determination.

1. Parallel Lot Lines.

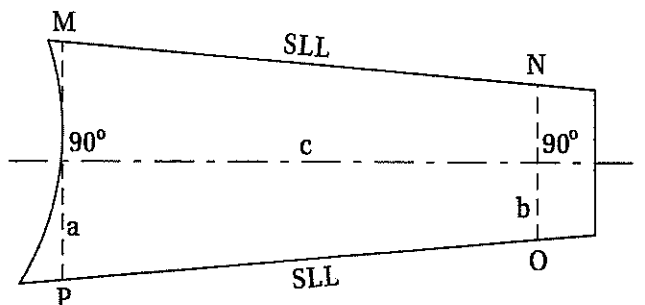
Average Lot Width is the perpendicular distance between Side Lot Lines (SLL) Use only that part of length n that, when added to area of m portion of lot, satisfies minimum area requirements.



2. Nonparallel Parcel Lines, Alternative 1. Average Parcel Width is area of MNOP equals Minimum Parcel Area, and line c bisects angle formed by lines MN and OP extended.

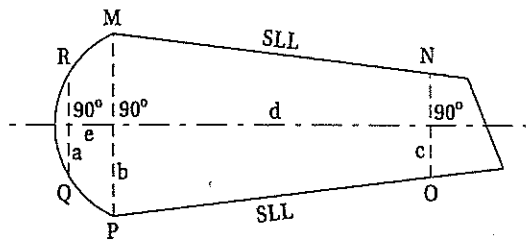


3. Nonparallel Parcel Lines, Alternate 2. Average Parcel Width is area of MNOP equals Minimum Parcel Area and line c bisects angle formed by lines MN and OP extended. c is the perpendicular distance between lines a and b.

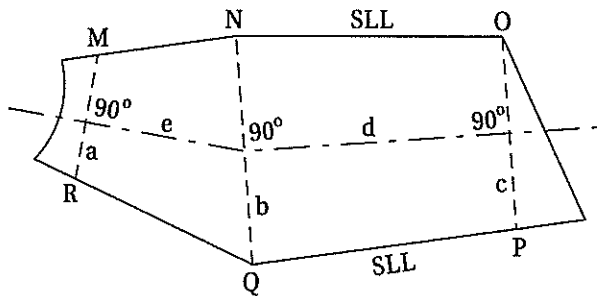


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4. Nonparallel Parcel Lines, Alternate 3. Average Parcel Width is area of MNOPQR equals Minimum Parcel Area and line d bisects angle formed by lines MN and OP extended. d is the perpendicular distance between lines b and c. e is the perpendicular distance between lines a and b.



5. Nonparallel Parcel Lines, Alternate 4. Average Parcel Width is area of MNOPQR equals Minimum Parcel Area, line e bisects angle formed by lines MN and QR extended, and line d bisects angle formed by lines NO and PQ extended. d is the perpendicular distance between lines b and c. e is the perpendicular distance between lines a and b.



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- (58) Major Street – Arterial and collector roads primarily intended for through traffic with a secondary function of direct access.
- (59) Minor Land Division - Any division of land other than a statutory subdivision and including all Certified Survey Maps.
- (60) Minor Street – A street used or intended to be used primarily for access to abutting properties.
- (61) Navigable Waters - Any body of water defined as navigable under the laws of the State.
- (62) Net Developable Area - The area of the tract in a conservation design subdivision that can be divided into parcels.
- (63) Nonprofit Conservation Organization - A nonprofit corporation, charitable trust, or other nonprofit organization described in Section 501 (c)(3) of the Internal Revenue Service Code, which includes the “acquisition of property or rights in property for conservation purposes” as part of its mission, as reflected in the bylaws, charter, or incorporation papers of the organization.
- (64) Open Space - The area of lands within a conservation design subdivision that cannot be developed. This area includes forty percent (40%) of the Gross Tract Area held in common ownership. This area is for passive/active recreational use by the residents of the development and, where specified, the larger community.
- (65) Outlot - A parcel of land other than a residential lot or block so designated on a land division plat or Certified Survey Map.
- (66) Owner - For purposes of this Ordinance the word "owner" if used herein shall be deemed to mean the person holding the fee title to the lands involved, except that where lands have been divided on a land contract the land contract vendee shall be deemed the owner.
- (67) Plan Commission - The Town of Eldorado Plan Commission is the Plan Commission for the purposes of this ordinance.
- (68) Plat - A map of a subdivision.
- (69) Preliminary Plat - A map showing the salient features of a proposed subdivision as described in Articles VI through VII, submitted to the Plan Commission for the purposes of preliminary consideration by the Plan Commission prior to any land division.

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- (70) Prime Agricultural Lands - - Land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and that is available for these uses.
- (71) Public Utility – Every corporation, company, associations, sanitary district, or municipality that may own or operate any plant or equipment for the conveyance of telephone or other electronic messages, or for the production, transmission, delivery, or furnishing of heat, electricity, gas, water, cable television, sewer, or and other service deemed to be in the public interest shall be deemed a public utility.
- (72) Public Way – any public road, street highway, walkway, drainageway or part thereof.
- (73) Recreation Land, Active – Areas that are altered from their natural state to accommodate organized athletic activities (e.g. soccer, football, baseball, golf). Active recreation lands may also require the installation of equipment (e.g. playground apparatus, riding stables, shooting ranges, golf ranges, etc.).
- (74) Recreation Land, Passive – Areas that are left in a natural state with minimal alteration for scenic enjoyment (e.g. walking/hiking trail) and outdoor activities with minimal impact on the landscape (e.g. birding, fishing, hunting).
- (75) Replat - The process of changing the map or plat which changes the boundaries of a recorded Statutory Subdivision Plat, Minor Land Division, Certified Survey Map, or other land division or part thereof; the division of a large block, parcel, or outlot within a recorded subdivision plat or certified survey which changes the exterior boundaries of said parcel, block, or outlot is a replat.
- (76) Restrictive Covenant - A deed restriction on the use of the land usually set forth in the deed that is binding upon subsequent owners of the property.
- (77) Retention Basin – A man-made or natural body of water of a depth of not less than three (3) feet, designed to contain water at all times, the levels of which will be increased as a result of the flow into it from surface and subsurface water collected therein and released gradually into natural and man-made outlets.
- (78) Review Period – The number of calendar days allotted to review a land division.
- (79) Right-of-Way – A strip of land occupied or intended to be occupied for a special use, dedicated to the public by the owner of the land division on which such right-of-way is established.
- (80) Setback – Those minimum street, front, rear, and/or side yards required between

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a building and a parcel line and as defined in the Town of Eldorado Zoning Ordinance.

- (81) Shoreland Jurisdiction – The area within one thousand (1,000) feet of the ordinary high water mark of a navigable lake, pond or flowage; or within three hundred (300) feet of the ordinary high water mark of a river or stream; or to the landward side of a floodplain, whichever distance is greater.
- (82) Slope – The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees.
- (83) State Plat – A map of a division of land prepared in accordance with Chapter 236 of the Wis. Stats. and the terms of this ordinance.
- (84) Stream – A course of running water, either perennial or intermittent, flowing in a channel (e.g. water body that forms a link between two bodies of water).
- (85) Street - A public way for vehicular and pedestrian traffic.
- (86) Structure – Anything constructed or erected on the ground including, but not limited to, all types of buildings and attachments to buildings.
- (87) Subdivider - Person or persons requesting review or action on a subdivision.
- (88) Subdivision - The division of a parcel or parcel of land by the owner thereof or his agent where the act of division creates one or more parcels of land.
- (89) Surface Ditch Invert – a structure, typically made of concrete, which allows for the conveyance of stormwater while minimizing erosion and stormwater runoff.
- (90) Surveyor – A person who surveys land and is duly registered in the State of Wisconsin.
- (91) Town – Reference to town shall mean the Town of Eldorado including the Town Board, Town Clerk, or any other designated Town Commission or staff.
- (92) Tract– A contiguous area of land that exists or has existed in single ownership.
- (93) Utility Easement - An easement to place, replace, maintain or move utility facilities.
- (94) Variance – A departure from the terms of this Ordinance as applied to a specific building, structure, or parcel of land, which the Plan Commission may permit, pursuant to this Ordinance.

Town of Eldorado
Chapter 18
Land Division / Subdivision Ordinance

Adoption

Pursuant to Chapter 236.45 (4), Wis. Stats., a public hearing was held on June 25th, 2012, before the adoption of this Ordinance.

Following passage by the Town Board, this ordinance shall take effect the day after the date of publication or posting as provided by sec. 60.80, Wis. Stats.

ADOPTED this 26th day of June, 2012.

Posted and published this 22nd day of August, 2012.



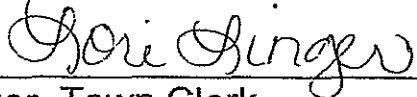
Gary Miller, Town Chairman



Dennis Mueller, Supervisor



Bill Averbeck, Supervisor

Attest: 

Lori Linger, Town Clerk

**CHAPTER 20
SIGN REGULATIONS
TOWN OF ELDORADO**

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**CHAPTER 20
SIGN REGULATIONS
TOWN OF ELDORADO**

**CHAPTER 20
SIGN REGULATIONS
TOWN OF ELDORADO**

The Town Board of the Town of Eldorado, Fond du Lac County, Wisconsin does ordain as follows:

- 20.01 Title.** This Chapter shall be known and referred to as "Sign Regulations, Town of Eldorado, Fond du Lac County, Wisconsin."
- 20.02 Purpose.** The purpose of this Chapter is to regulate, administer, and enforce outdoor sign advertising and displays visible from public rights-of-way within the Town of Eldorado, other than those signs visible from the main-traveled way of an interstate or federal-aid highway that are regulated by Wis. Stat. § 84.30(3)(e). This Chapter recognizes the need to protect the safety, welfare, and aesthetics of the public and the community, the need for well-maintained and reasonably attractive sign displays within the community, and the need for adequate business identification, advertising, and communication. The intent of this Chapter is to permit the erection and use of signs visible from public rights-of-ways, provided the signs are in conformity with this Chapter, designed, constructed, installed, and maintained in such a manner that they do not endanger public safety or traffic safety and are legible, readable and visible in the circumstances in which they are used, and respectful of the reasonable rights of other advertisers whose messages are displayed.
- 20.03 Applicability.** This Chapter applies to all outdoor sign advertising and displays visible from public rights-of-way within the Town of Eldorado, other than those that are visible from the main-traveled way of an interstate or federal highway and are governed by Wis. Stat. § 84.30(3)(e).
- 20.04 Definitions.** The following definitions shall apply to this Chapter:
- (1) Abandoned Sign - A sign whose use is discontinued for a period of 12 months or longer, is composed of obsolete advertising matter, is without advertising, or is in need of substantial repair.
 - (2) Atypical Sign - Signs such as banners, pennants, streamers, inflatables, and sandwich boards that are intended to be non-permanent and are easily movable.
 - (3) Awning Sign - Any lettering or imagery sewn or printed on the fabric portion of an awning.
 - (4) Business Directional Sign - An off-premises sign that gives directions to a specific business or establishment.
 - (5) Bulletin Board - A sign with the name of the institution it serves and information pertaining to its activities.
 - (6) Canopy Sign - A sign attached to or supported by a canopy.

- (7) Construction Trade/Service Trade Sign - A temporary sign identifying individuals or companies involved in servicing, design, construction, wrecking, financing, or development of a building or lot.
- (8) Electric Sign - A sign, other than a Flashing Sign, containing internal electrical wiring that is attached to, or intended to be attached to, an electrical energy source.
- (9) Flashing Sign - A sign whose illumination is not kept constant in intensity at all times when in use and/or that exhibits changes in light, color, direction, animation, or text. Illuminated signs that indicate only the date, time, and temperature are not considered Flashing Signs.
- (10) Freestanding Sign - A sign that is attached to or is part of a completely self-supported structure other than a building.
- (11) Garage Sale Sign - A sign advertising the location of a temporary residential garage sale.
- (12) Government Sign - A sign posted by a governmental entity.
- (13) Identification Sign - A sign indicating the name and/or address of the resident, tenant, or manager of the property located upon the residential premises where the sign is displayed.
- (14) Interior Sign - A sign located in the interior of a building or structure.
- (15) Mailbox Sign - A sign, other than an Identification Sign, affixed to a mailbox.
- (16) Memorial Sign - The name of a building and date of erection cut into any masonry surface or constructed in metal and affixed flat against a structure.
- (17) Mobile Sign - A sign mounted on a frame or chassis designed to be easily relocated, including trailers whose principal use is for signage.
- (18) Monument Sign - A permanent sign the entire bottom of which is affixed to the ground.
- (19) Obscene Sign - A sign that bears or contains statements of pictures of obscene, pornographic, lewd, or profane subjects.
- (20) Off-Premise Sign - A sign advertising an establishment not located on the property on which the sign is located.
- (21) Political or Campaign Sign - A sign supporting or opposing a political candidate or campaign placed during the "election campaign" period as defined in Wis.

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Stat. § 12.04 and removed within seven days after that period.

- (22) Projecting Sign - A sign that is attached to and projects from a building wall or other structure not specifically designed to support the sign.
- (23) Real Estate Sign - A temporary sign advertising the real estate upon which the sign is located as being for rent, lease, or sale.
- (24) Roof Sign - A sign erected on the roof of a building.
- (25) Subdivision Sign - A sign located at an entrance to a particular development that only includes the name of the development.
- (26) Temporary Sign - A sign not used for longer than sixty days.
- (27) Traffic Look-Alike Sign - A sign that uses any word, phrase, symbol, shape, form, or character in such manner and location as to interfere with moving traffic, including signs that incorporate typical street-type and/or traffic control-type signage, designs, or colors.
- (28) Wall Sign - A sign affixed to or painted directly on the exterior wall of a building with the face in a parallel plane to the plane of the building wall.
- (29) Window Sign - A sign attached to, placed upon, or painted on the interior of a window or door of a building that is intended for viewing from the exterior of the building.

20.05 Permit Required. Except as otherwise provided in Sections 20.06 and 20.07 of this Chapter, no person may erect, construct, enlarge, or structurally modify a sign in an area subject to this Chapter without first obtaining a Sign Permit for each sign from the Town Board. Sign Permits are not required for a change in copy on a sign, nor for the repainting, cleaning, or other normal maintenance and repair of the sign or sign structure.

20.06 Permit Requirement Exceptions. The following signs are allowed without a Sign Permit:

- (1) Atypical Signs.
- (2) Construction Trade/Service Trade Sign.
- (3) Garage Sale Signs not exceeding nine square feet in area, provided that such signs are present only on the day(s) the sale occurs.
- (4) Government Signs.

- (5) Identification Signs not exceeding nine square feet in area.
- (6) Interior Signs.
- (7) Political or Campaign Signs, provided that such signs may not exceed thirty-two square feet in area in non-residential zoning districts and nine square feet in residential zoning districts.
- (8) Real Estate Signs, provided that (a) such signs are located entirely within the property to which the sign applies, (b) such signs are on site only for the period required to sell or lease the property, and (c) provided that such signs may not exceed nine square feet in area.
- (9) Temporary Signs, provided that such signs may not exceed nine square feet in area.

20.07 Prohibited Signs. The following signs are prohibited in the areas of the Town of Eldorado subject to this Chapter:

- (1) Abandoned Signs.
- (2) Bulletin Boards.
- (3) Mailbox Signs.
- (4) Mobile Signs.
- (5) Obscene Signs.
- (6) Signs attached to natural objects other than "no trespassing" signs.
- (7) Signs within vision triangles. For purposes of this provision, "vision triangle" refers to the area determined by measuring 80 feet along the centerlines of the closest adjacent road surfaces from the point of intersection of the roads and connecting those points with a line, thus defining a triangular area including right-of-way and property adjacent thereto.
- (8) Traffic Look-Alike Signs.

20.08 Signs Permitted in R Residential District With a Sign Permit.

- (1) Signs Allowed by Sign Permit: Sign types identified in Section 20.06 of this Chapter not meeting the standards set forth in that Section, Subdivision Signs, Window Signs.
- (2) Area. No sign may exceed nine square feet in area.

**CHAPTER 20
SIGN REGULATIONS
TOWN OF ELDORADO**

- (3) Height. No sign may exceed eight feet in height.
- (4) Setback. A sign may be set up to and parallel with the right-of-way line, but in no case may any part of the sign project beyond the right-of-way line.

20.09 Signs Permitted in TRD Transitional Residential District With a Sign Permit.

- (1) Signs Allowed by Sign Permit. Sign types identified in Section 20.06 of this Chapter not meeting the standards set forth in that Section, Subdivision Signs, Window Signs.
- (2) Area. No sign may exceed nine square feet in area.
- (3) Height. No sign may exceed eight feet in height.
- (4) Setback. A sign may be set up to and parallel with the right-of-way line, but in no case may any part of the sign project beyond the right-of-way line.

20.10 Signs Permitted in TNDO Traditional Neighborhood Design Overlay District With a Sign Permit.

- (1) Signs Allowed by Sign Permit: Sign types identified in Section 20.06 of this Chapter not meeting the standards set forth in that Section, Awning Signs, Business Directional Signs, Canopy Signs, Electric Signs, Flashing Signs, Freestanding Signs, Memorial Signs, Monument Signs, Off-Premises Signs, Projecting Signs, Roof Signs, Wall Signs, Window Signs.
- (2) Area. No sign may exceed thirty-two square feet in area.
- (3) Height. No sign may exceed twenty feet in height.
- (4) Setback. A sign may be set up to and parallel with the right-of-way line, but in no case may any part of the sign project beyond the right-of-way line.

20.11 Signs Permitted in RD Rural District With a Sign Permit.

- (1) Signs Allowed by Sign Permit: Sign types identified in Section 20.06 of this Chapter not meeting the standards set forth in that Section, Awning Signs, Canopy Signs, Freestanding Signs, Memorial Signs, Monument Signs, Window Signs.
- (2) Area. No sign may exceed sixteen square feet in area.
- (3) Height. No sign may exceed twenty feet in height.
- (4) Setback. A sign may be set up to and parallel with the right-of-way line, but in no

case may any part of the sign project beyond the right-of-way line.

20.12 Signs Permitted in A-1 Farmland Preservation District With a Sign Permit.

- (1) Signs Allowed by Sign Permit: Sign types identified in Section 20.06 of this Chapter not meeting the standards set forth in that Section, Awning Signs, Business Directional Signs, Canopy Signs, Freestanding Signs, Memorial Signs, Monument Signs, Window Signs.
- (2) Area. No sign may exceed thirty-two square feet in area.
- (3) Height. No sign may exceed twenty feet in height.
- (4) Setback. A sign may be set up to and parallel with the right-of-way line, but in no case may any part of the sign project beyond the right-of-way line.

20.13 Signs Permitted in A-2 General Agricultural District With a Sign Permit.

- (1) Signs Allowed by Sign Permit: Sign types identified in Section 20.06 of this Chapter not meeting the standards set forth in that Section, Awning Signs, Business Directional Signs, Canopy Signs, Freestanding Signs, Memorial Signs, Monument Signs, Window Signs.
- (2) Area. No sign may exceed thirty-two square feet in area.
- (3) Height. No sign may exceed twenty feet in height.
- (4) Setback. A sign may be set up to and parallel with the right-of-way line, but in no case may any part of the sign project beyond the right-of-way line.

20.14 Signs Permitted in C Commercial District With a Sign Permit.

- (1) Signs Allowed by Sign Permit: Sign types identified in Section 20.06 of this Chapter not meeting the standards set forth in that Section, Awning Signs, Business Directional Signs, Canopy Signs, Electric Signs, Flashing Signs, Freestanding Signs, Memorial Signs, Monument Signs, Off-Premises Signs, Projecting Signs, Roof Signs, Wall Signs, Window Signs.
- (2) Area. Each lot is limited to 400 square feet of gross signage with no individual sign exceeding 300 square feet.
- (3) Height. No sign may exceed 30 feet in height.
- (4) Setback. A sign may be set up to and parallel with the right-of-way line, but in no case may any part of the sign project beyond the right-of-way line.

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SIGN REGULATIONS
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20.15 Signs Permitted in I Industrial District With a Sign Permit.

- (1) Signs Allowed by Sign Permit: Sign types identified in Section 20.06 of this Chapter not meeting the standards set forth in that Section, Awning Signs, Business Directional Signs, Canopy Signs, Electric Signs, Flashing Signs, Freestanding Signs, Memorial Signs, Monument Signs, Off-Premises Signs, Projecting Signs, Roof Signs, Wall Signs, Window Signs.
- (2) Area. Each lot is limited to 400 square feet of gross signage with no individual sign exceeding 300 square feet.
- (3) Height. No sign may exceed 30 feet in height.
- (4) Setback. A sign may be set up to and parallel with the right-of-way line, but in no case may any part of the sign project beyond the right-of-way line.

20.16 Application for Permit. An application for a Sign Permit shall be filed with the Town Clerk and shall contain the following information:

- (1) The name, address, and telephone number of the applicant.
- (2) Scale drawings with descriptions and dimensions of the proposed sign, the construction, size, dimensions, and kind of materials to be used to construct the sign and the sign structure, and the location and position of the sign in relation to nearby buildings and other structures.
- (3) A description of any buildings on the premises upon which the sign is to be erected.
- (4) Any other information that the Town may require.
- (5) The applicant's signature.
- (6) A check for all required fees.

20.17 Sign Permit Fee. The fee for a Sign Permit shall be in an amount established by the Town Board by resolution in the Town of Eldorado Fee Schedule.

20.18 Permit Decision. The Town Board shall act on an application for a Sign Permit within 45 days of its submittal. The Town Board may approve, conditionally approve, or deny an application for a Sign Permit.

If a Sign Permit is denied, written notice of the denial shall be provided to the applicant. An applicant may appeal an adverse decision on the applicant's sign permit application

by filing an appeal with the Town's Zoning Board of Appeals within 20 days after receiving written notice of the adverse ruling. The Zoning Board of Appeals shall take action on the appeal within 60 days after receiving the appeal application.

Sign Permit applications for Flashing Signs, where allowed by this Chapter, may not be approved unless the Town Board finds that the following additional conditions are met:

- (1) The sign will not unreasonably interfere with adjacent or nearby properties and adjacent or nearby road rights-of-way.
- (2) The sign's illumination, including the type and intensity of illumination, does not exceed that necessary to reasonably display the sign's message.
- (3) The sign does not interfere with any traffic control devices.

The Town Board may, through the Sign Permit, make any terms of this Chapter more restrictive if necessary for the approval of a Sign Permit for a Flashing Sign. The Town Board may deny a Sign Permit for a Flashing Sign that otherwise complies with this Chapter if it finds that the conditions above are not met.

20.19 Indemnification. By accepting a Sign Permit, all persons engaged in the construction, installation, or maintenance of a sign, including the applicant, shall indemnify, defend, and hold harmless the Town, its officers, agents and employees from and against any and all third party claims arising out of the installation or maintenance of the sign, or otherwise related to the sign.

20.20 Non-conforming Signs. Any sign located in the Town of Eldorado as of the date of adoption or amendment of this Chapter that does not conform to the provisions of this Chapter as adopted or amended is a legal, non-conforming sign if the sign was legally constructed prior to the date of adoption or amendment of this Chapter. A sign loses its legal, non-conforming status if one of the following occurs:

- (1) The sign is structurally altered in any way (other than normal maintenance and repair) that makes the sign less compliant with the requirements of this Chapter than it was before the alteration.
- (2) The sign is relocated.
- (3) The sign is abandoned.
- (4) The sign fails to conform to the requirements of Section 20.21 of this Chapter.

A non-conforming sign can be reconstructed to its former state if it is destroyed by wind, vandalism, fire, ice, or flood.

**CHAPTER 20
SIGN REGULATIONS
TOWN OF ELDORADO**

20.21 Construction, Maintenance, and Repair of Signs.

- (1) All signs shall be constructed to withstand a 30 pound per square foot wind load.
- (2) No sign may be suspended by chains or other devices in a manner that allows the sign to swing due to wind action. Signs must be anchored to prevent lateral movement.
- (3) Every sign shall be maintained in a safe, presentable and structurally sound condition at all times. This includes restoring, repainting, or replacing a worn or damaged sign to its original condition. This also includes maintaining the premises on which the sign is erected in a clean and sanitary condition, free and clear of noxious substances.
- (4) In addition to complying with the provision of this Chapter, all signs in which electrical wiring or connections are used shall be subject to all applicable provisions of State code. No person may erect any sign with exposed electrical cords or wires.
- (5) The use of unshielded lighting, including exposed incandescent light bulbs hung or strung on poles, wires, or any other type of support intended to illuminate a sign is prohibited.
- (6) All sign lighting shall be designed, located, shielded, or hooded so as to prevent the casting of glare or direct light upon adjacent roadways, surrounding properties, or into the sky.

20.22 Variances. The Board of Appeals may grant such variances to the terms of this Chapter that will not be contrary to the public interest when, owing to special conditions, literal enforcement of the terms of this Chapter would result in practical difficulty or unnecessary hardship to the applicant. When deciding whether to grant a variance, the Board of Appeals shall consider the following issues:

- (1) Whether the circumstances necessitating the variance are of the applicant's making.
- (2) Whether the applicant's request mitigates unusual site conditions.
- (3) Whether the applicant's request would create a detriment to the neighborhood or reduce property value.
- (4) Whether the applicant's request is consistent with the spirit and intent of this Chapter.

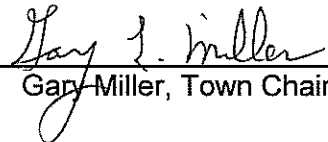
- (5) Whether the applicant would experience a hardship that prohibits the applicant from making reasonable use of its property in the absence of a variance.
- (6) Any other issues that the Board of Appeals determines are relevant.

20.23 Enforcement. Violations of this Chapter are also punishable by forfeitures of not less than \$100 and not more than \$500 per violation, plus costs and attorneys' fees. Each day a violation exists constitutes a separate offense. The Town may also seek equitable and injunctive relief in the event of a violation.

20.24 Effective Date. This Chapter shall take effect upon its adoption and publication or posting as required by law. All prior Chapters inconsistent with this Chapter are hereby repealed.

Dated this 26th day of November, 2013
Published this 1st day of December, 2013

TOWN OF ELDORADO

By: 
Gary Miller, Town Chairperson

Attest: 
Lori Linger, Town Clerk

**CHAPTER 21
BILLBOARD REGULATIONS
TOWN OF ELDORADO**

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**CHAPTER 21
BILLBOARD REGULATIONS
TOWN OF ELDORADO**

The Town Board of the Town of Eldorado, Fond du Lac County, Wisconsin does ordain as follows:

21.01 Title. This Chapter shall be known and referred to as "Billboard Regulations, Town of Eldorado, Fond du Lac County, Wisconsin."

21.02 Purpose. The purpose of this Chapter is to regulate outdoor sign advertising and displays that are visible from the main-traveled way of an interstate or federal-aid highway and are regulated by Wis. Stat. § 84.30(4). This Chapter recognizes the need to protect the safety, welfare, and aesthetics of the public and the community and the need for adequate business advertising and communication. The intent of this Chapter is to permit the erection and use of such signs provided they conform to the provisions of this Chapter.

21.03 Applicability. This Chapter applies to all billboards, as defined below. This Chapter is intended to apply together with any applicable provisions of state law or regulation; however, where this Chapter imposes stricter requirements than those imposed by applicable provisions of state law or regulation, the provisions of this Chapter shall govern.

21.04 Definitions. The following definitions shall apply to this Chapter:

- (1) **Adjacent Area** - The area adjacent to and within 200 feet of the nearest edge of the right-of-way of any interstate or primary highway, which 200 feet shall be measured horizontally along a line normal or perpendicular to the center line of the highway.
- (2) **Applicant** – The person applying for a Billboard Permit.
- (3) **Billboard** - Any outdoor advertising sign, display, device, notice, figure, painting, drawing, message, placard, poster, billboard, or other thing, which is designed, intended, or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place on the main-traveled way of any portion of an interstate highway or primary highway. Notwithstanding the foregoing, for purposes of this Chapter, the term "billboard" is limited to outdoor advertising that meets the definition in the preceding sentence and is governed by Wis. Stat. § 84.30(4). All other outdoor advertising is regulated by Chapter 20: Sign Regulations of the Eldorado Town Code.
- (4) **Billboard Permit** - The authorization for a billboard issued by the Town.
- (5) **Business Area** - Means the following portions of adjacent area:
 - (a) In adjacent areas along the interstate system, areas where the land use as of September 1, 1959 was clearly established by state law as industrial or commercial.

- (b) For all other adjacent areas, any part of the adjacent area that is zoned for business, industrial, or commercial activities by the Town.
- (6) Erect - To construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish. "Erect" does not include any of the foregoing activities when performed as an incident to the change of advertising message or customary maintenance of the billboard structure.
 - (7) Interstate Highway - Any highway at any time officially designated as part of the national system of interstate and defense highways by the Department of Transportation and approved by the appropriate authority of the federal government.
 - (8) Main-Traveled Way - The through traffic lanes exclusive of frontage roads, auxiliary lanes, and ramps.
 - (9) Person - Any individual or entity, including a firm, partnership, association, corporation, Limited Liability Company, trustee, and their legal successors.
 - (10) Primary Highway - Any highway, other than an interstate highway, at any time officially designated as a part of the federal-aid primary system by the Department of Transportation and approved by the appropriate authority of the federal government.
 - (11) Owner - The person owning the billboard.
 - (12) Sign Face - The area of one side of a billboard as calculated from the smallest rectangle that encompasses all the exposed face that could be filled with a message or graphics.
 - (13) Town - The Town of Eldorado including the Town Board, Town Plan Commission, Town Clerk, or any other duly designated representative.

21.05 Permit Required. No billboard may be erected without first obtaining a Billboard Permit for each billboard from the Town Board. Billboard Permits are not required for a change in advertising message or customary maintenance of a billboard structure.

21.06 Prohibited Billboards. The following billboards are prohibited:

- (1) Look-Alike Billboards - Billboards that imitate or resemble any official traffic sign, signal, or device.
- (2) Billboards on Natural Features - Billboards erected or maintained upon trees or painted or drawn upon rocks or other natural features.
- (3) Billboards in Disrepair - Billboards that are structurally unsafe or in substantial disrepair.

21.07 Billboard Location. Billboard Permits may only be granted for billboards to be erected in Business Areas.

21.08 Billboard Restrictions. The following restrictions apply to billboards:

- (1) **Billboard Size** - The maximum area for any one billboard shall be 700 square feet. Area shall be measured by the smallest square, rectangle, triangle, circle, or combination thereof which will encompass the entire billboard. This limitation shall apply to each side of a billboard, and billboards may be placed back-to-back, side-by-side, or in a V-type construction with not more than two displays to each facing, and such billboard structure shall be considered as one billboard.
- (2) **Billboard Height** - The maximum height for any one billboard shall be 45 feet, unless the Town Board grants the applicant a height exception pursuant to Section 21.12 of this Chapter allowing a greater height not to exceed 60 feet. Height is measured inclusive of any border and trim and inclusive of the base or apron, supports, and other structural members.
- (3) **Billboard Length** - The maximum length for any one billboard shall be 60 feet. Length is measured inclusive of any border and trim but excluding the base or apron, supports, and other structural members.
- (4) **Billboard Illumination** - Billboards are subject to the following illumination restrictions:
 - (a) Billboards may not be illuminated by flashing, intermittent, or moving light.
 - (b) Billboards that are illuminated must be effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled ways of the interstate or federal-aid primary highway in such an intensity or brilliance as to cause glare or impair the vision of the driver of any motor vehicle or otherwise interfere with any driver's operation of a motor vehicle.
 - (c) No billboard may be illuminated in a manner that interferes with the effectiveness of, or obscures an official traffic sign, device, or signal.
 - (d) Externally illuminated billboards constructed after the effective date of this Chapter shall utilize top mounted lighting. A minimum of 90% of the illumination of an externally illuminated billboard shall be restricted to the sign face.
 1. Bottom-mounted lighting for frameless billboards may be permitted by the Town Board if the Owner can demonstrate to the satisfaction of the Town Board that the lighting is shielded in such a way as to

ensure that no less than 90% of the illumination for such a billboard shall be restricted to the sign face.

- (5) **Billboard Spacing** - The following restrictions apply to the spacing of billboards:
- (a) On interstate and federal-aid primary highways, billboards may not be located in such a manner as to obscure or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device, or to obstruct, or physically interfere with the driver's view of approaching, merging, or intersecting traffic.
 - (b) On interstate highways and freeways on the federal-aid primary system, no two billboards may be spaced less than 500 feet apart. No billboards may be located adjacent to or within 500 feet of an interchange, intersection at grade, or safety rest area.
 - (c) On non-freeway federal-aid primary highways, no two billboards may be spaced less than 1,000 feet apart.
 - (d) The preceding spacing restrictions do not apply to billboards separated by buildings or other obstructions in such a manner that only one billboard located within the preceding spacing distances is visible from the highway at any one time.
 - 1. Official and on-premise signs and structures that are not lawfully maintained shall not be counted, nor shall measurements be made from them for purposes of determining compliance with spacing requirements.
 - (e) The minimum distances between billboards shall be measured along the nearest edge of the pavement between points directly opposite the billboards along each side of the highway and shall apply only to billboards located on the same side of the highway.

21.09 Application for Permit. An application for a Billboard Permit shall be filed with the Town Clerk and shall contain the following information:

- (1) The name, address, and telephone number of the applicant.
- (2) Scale drawings with descriptions and dimensions of the proposed billboard, the construction, size, dimensions, and kind of materials to be used to construct the billboard and billboard structure, and the location and position of the billboard in relation to nearby buildings and other structures, including nearby billboards.

- (3) A statement as to the distance from the proposed billboard to the nearest billboards in either direction along the highway upon which the proposed billboard will be erected.
- (4) Any other information the Town may require.
- (5) The applicant's signature.
- (6) A check for all required fees.

21.10 Billboard Permit Fee. The fee for a Billboard Permit shall be in an amount established by the Town Board by resolution in the Town of Eldorado Fee Schedule.

21.11 Permit Decision. The Town Board shall act on an application for a Billboard Permit within 60 days of its submittal. However, the time for action may be extended by the Town Board if it determines that an extension is necessary to ensure the applicant has applied for and/or received all necessary approvals from other governmental entities.

If a Billboard Permit is denied, written notice of the denial shall be provided to the applicant. An applicant may appeal an adverse decision on the applicant's Billboard Permit by filing an appeal with the Town's Zoning Board of Appeals within 20 days after receiving written notice of the adverse ruling. The Zoning Board of Appeals shall take action on the appeal within 60 days after receiving the appeal application.

21.12 Height Exception. The Town Board may grant a height exception allowing a billboard to exceed 45 feet in height, but not exceed 60 feet in height, if the Town Board determines that such height will not unreasonably interfere with adjacent or nearby properties or traffic on interstate or federal-aid highways and that the billboard is otherwise consistent with the purposes of this Chapter. A height exception may be approved with conditions. The Town Board may refer a proposed height exception to the Town Plan Commission for review and recommendation before taking action.

21.13 Indemnification. By accepting a Billboard Permit, all persons engaged in the erection and maintenance of the billboard, including the applicant, shall indemnify, defend, and hold harmless the Town, its officers, agents, and employees from and against any and all third-party claims arising out of the installation or maintenance of the billboard, or otherwise related to the billboard.

21.14 Permit Transferability. No Billboard Permit may be transferred to a new owner of a billboard without the prior approval of the Town Board.

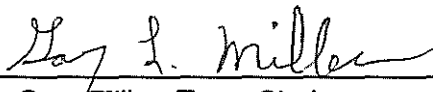
21.15 Enforcement. Violations of this Chapter are punishable by forfeitures of not less than \$100 and not more than \$500 per violation, plus costs and attorneys' fees. Each day a


violation exists constitutes a separate offense. The Town may also seek equitable and injunctive relief in the event of a violation.

21.16 Effective Date. This Chapter shall take effect upon its adoption and publication as required by law. All prior Chapters inconsistent with this Chapter are hereby repealed.

Dated this 26th day of November, 2013.
Published this 1st day of December, 2013

TOWN OF ELDORADO

By: 
Gary Miller, Town Chairperson

Attest: 
Lori Linger, Town Clerk

CHAPTER 26

TOWN OF ELDORADO MANDATORY RECYCLING ORDINANCE

The purpose of this ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in Wisconsin Stats. 159.11 and Chapter NR544, Wisconsin Administrative Code. The requirements of this ordinance apply to all persons within the Town of Eldorado. This Ordinance shall be adopted as authorized under s. 159.09(3)(b), Wis. Stats. and the Eldorado Town Board. The provisions of this ordinance shall be administered by the Eldorado Town Board or their designated appointee and shall take effect on January 1, 1995.

SECTION 1: INTERPRETATION. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this ordinance is required by Wisconsin Statutes, or by a standard in Chapter NR544, Wisconsin Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR544 standards in effect on the date of the adoption of this ordinance, or in effect on the date of the most recent text amendment to this ordinance.

SECTION 2: 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.

SECTION 3: SEVERABILITY.

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

SECTION 4: DEFINITIONS.

For the purpose of this ordinance:

- 1) "Bi-metal container" means a container for carbonated or malt beverages that is made primarily of a combina-

tion of steel and aluminum. Tin can primarily used for food.

- 2) "Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.
- 3) "Foam polystyrene packaging" means packaging made primarily from foam polystyrene that satisfies one of the following criteria:
 - a) is designated for serving food or beverages.
 - b) consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
 - c) consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
- 4) "HDPE" means high density polyethylene, labeled by the SPI code #2.
- 5) "LPDE" means low density polyethylene, labeled by the SPI code #4
- 6) "Magazines" means magazines and other materials printed on similar paper, such as glossy ads.
- 7) "Major appliances" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator, furnace, boiler, dehumidifier, water heater, stove or television.
- 8) "Multiple-family dwelling" means a property containing 5 or more residential units, including those which are occupied seasonally.
- 9) "Newspaper" means matter printed on newsprint, including daily or weekly publications and advertising circulars, whether delivered separately or accompanying newspapers, normally delivered or mailed to the household or business for dissemination of public information, but excluding glossy print, books, magazines, catalogs, or similar publications.
- 10) "Non-residential facilities and properties" means commercial, retail, industrial, institutional and government facilities and properties. This term does not include multiple-family dwellings.
- 11) "Office paper" means high grade printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process

waste.

- 12) "Other resins or multiple resins" means plastic resins labeled by the SPI code #7.
- 13) "Person" includes any individual, corporation, partnership, association, local government unit, as defined in s. 66.299(1)(a) Wis. Stats., state agency or authority or federal agency.
- 14) "PETE" means polyethylene terephthalate, labeled by the SPI code #1.
- 15) "Plastic container" means an individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.
- 16) "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in s. 144.61(5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, vehicles, or high-volume industrial waste, as defined in s. 144.44(7)(a)1., Wis. Stats.
- 17) "PP" means polypropylene, labeled by the SPI code #5.
- 18) "PS" means polystyrene, labeled by the SPI code #6.
- 19) "PVC" means polyvinyl chloride, labeled by the SPI code #3.
- 20) "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 and newspapers; office paper; rigid plastic containers including those made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins; steel containers; waste tires; bi-metal containers, and such material as specified from time to time by the Town Board, and as the market dictates.
- 21) "Non-recyclable materials" means any pyrex glass, window glass, light bulbs, mirrors, broken glass and china, melamine-type plastics, all plastic which is not imprinted with a 1 or 2, waxed paper, waxed cardboard, envelopes with gummed labels and plastic windows, and all other paper, garbage and rubbish.
- 22) "Solid waste" has the meaning specified in s. 144.01 (15), Wis. Stats.
- 23) "Solid waste facility" has the meaning specified in s. 144.43(5), Wis. Stats.
- 24) "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.
- 25) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
 - 26) "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.
 - 27) "Collector" means the person or persons specifically authorized by the Eldorado Town Board to collect garbage, rubbish and recyclable materials and dispose of same.

SECTION 5: SEPARATION OF RECYCLABLE MATERIALS.

5.01 Occupants of single-family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following materials from postconsumer waste:

- 1) Lead acid batteries
- 2) Major appliances
- 3) Waste oil
- 4) Yard waste
- 5) Aluminum containers
- 6) Bi-metal containers
- 7) Corrugated paper or other container board
- 8) Foam polystyrene packaging
- 9) Glass containers - clear or colored
- 10) Magazines
- 11) Newspaper
- 12) Office paper
- 13) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PS and other resins or multiple resins.
- 14) Steel containers
- 15) Waste tires

SECTION 6: SEPARATION REQUIREMENTS EXEMPTED.

6.01 The separation requirements of s. 5(5.01) do not apply to the following:

- 1) Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that

recovers the materials specified in s. 5(5.01) from solid waste in as pure a form as is technically feasible.

- 2) Solid waste which is burned as a supplement fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
- 3) A recyclable material specified in s. 4(5) through (15) for which a variance has been granted by the Department of Natural Resources under s. 159.11(2m), Wis. Stats., or s. NR 544.14, Wis. Administrative Code.

SECTION 7: CARE OF SEPARATED RECYCLABLE MATERIALS.

To the greatest extent practicable, the recyclable materials separated in accordance with s. 5(5.01) shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be in a manner which protects them from wind, rain, and other inclement weather conditions.

SECTION 8: MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL AND YARD WASTE .

8.01 Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil and yard waste as follows:

- 1) Lead acid batteries shall be taken to the appropriate solid waste facility or to an area retail business that sells vehicle batteries and will accept used batteries.
- 2) Major appliances shall be taken to the appropriate solid waste facility or to an area retail business that sells appliances and will accept used appliances.
- 3) Waste oil shall be taken to the appropriate solid waste facility or to an appropriate business or individual that accepts used oil.
- 4) Yard waste shall be kept out of trash, garbage or recyclables and taken to the appropriate solid waste facility or individuals may use composting measures.

SECTION 9: PREPARATION AND COLLECTION OF RECYCLABLE MATERIALS.

9.01 Except as otherwise directed by the Eldorado Town Board, occupants of single family and 2 to 4 unit residences shall do the following for the preparation and collection of the

separated materials specified in s. 5(5.01)(5) through (15) and shall be taken to the town drop-off site, or shall apply at such time that roadside pickup is ever provided by the Eldorado Town Board to residents of the town or a portion thereof. Prior to any roadside pickup provided by the Town, the following shall also apply to individuals who have private collectors who are required to obtain a permit to haul in the Town of Eldorado.

- (1) Aluminum containers shall be washed clean and free of labels, and flattened.
- (2) Bi-metal containers, tin, shall be cleaned, labels removed and flattened.
- (3) Corrugated paper or other container board shall be free of debris, flattened, stacked and tied.
- (4) Foam polystyrene packaging shall be included with solid waste until markets are developed for recycling.
- (5) Glass containers shall be thoroughly cleaned, caps removed, labels may be left on. Glass refers to colored and clear glass.
- (6) Magazines shall be tied in bundles, not to exceed 6 inches.
- (7) Newspapers shall be tied in bundles, not to exceed 6 inches.
- (8) Office paper, not including junk mail, shall be tied in bundles, not to exceed 6 inches.
- (9) Rigid plastic containers shall be prepared as follows:
 - (a) Plastic containers made of PETE with numbers 1 or 2, which includes soda bottles, milk bottles, liquor or fruit juice containers, both colored and clear plastic, should be rinsed clean and flattened. Labels need not be removed.
 - (b) Plastic containers made of HDPE, including milk bottles, should be rinsed clean and flattened.
 - (c) Plastic containers made of PVC, LDPE, PP, PS and containers made of other resins or multiple resins shall be considered when a future market develops.
- (10) Steel containers shall be free of residue and labels.
- (11) Waste tires shall be taken to the appropriate solid waste facility or to an appropriate business that accepts used tires.

**SECTION 10: RESPONSIBILITIES OF OWNERS OR
DESIGNATED AGENTS OF MULTIPLE-FAMILY
DWELLINGS.**

- 10.01 Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in s. 5(5.01)(1) through (15):
- (1) Provide adequate, separate containers for the recyclable materials.
 - (2) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter, about the established recycling program.
 - (3) Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
 - (4) 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.

10.02 The requirements specified in (1) do not apply to the owners or designated agents of multiple-family dwellings if the post-consumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in s. 5(5.01)(1) through (15) from solid waste in as pure a form as is technically feasible.

SECTION 11: RESPONSIBILITIES OF OWNERS OR DESIGNATED AGENTS OF NON-RESIDENTIAL FACILITIES AND PROPERTIES.

- 11.01 Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in s. 5(5.01)(1) through (15):
- (1) Provide adequate, separate containers for the recyclable materials.
 - (2) Notify, in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
 - (3) Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.

(4) Notify users, tenants and occupants 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.

11.02 The requirements specified in s.11.01 do not apply to the owners or designated agents of non-residential facilities and properties if the post-consumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in s. 5(5.01)(1) through (15) from solid waste in as pure a form as is technically feasible.

SECTION 12: PROHIBITION ON DISPOSAL OF RECYCLABLE MATERIALS SEPARATED FOR RECYCLING.

No person may dispose of in a waste disposal facility or burn in a solid waste treatment facility any of the materials specified in s. 5(5.01)(1) through (15) which have been separated for recycling, except for waste tires which may be burned with energy recovery in a solid waste treatment facility.

SECTION 13: UNLAWFUL REMOVAL OF RECYCLABLES.

13.01 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 by the Town Board.

13.02 No person, except a person or entity authorized by the Town Board, may collect or remove any recyclable material which has been deposited or placed for recycling at the location designated by the Town Board. This provision shall not apply to any person who has placed recyclable material for collection and then withdraws it from recyclable material collection prior to removal.

13.03 No person, unless provided written permission by the Town Board, may litter, dispose, discharge, or dump any recyclable material in any road, highway, road right-of-way, waters, street, alley, or other public land or location within the Town except at a location designated by the Town Board.

SECTION 14: EXEMPTIONS.

The Eldorado Town Board reserves the right to designate additional solid waste materials as recyclable

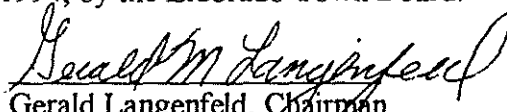
or currently collected materials as no longer recyclable in accordance with state law and to either add or delete them from any collection services provided by the Town or its contractors. The Town shall provide written notice to its service recipients of this declaration.

SECTION 15: ENFORCEMENT.


- 15.01 For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Town of Eldorado may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or representative of the Town of Eldorado who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.
- 15.02 Any person who violates a provision of this ordinance may be issued a citation by the Town of Eldorado to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.
- 15.03 Penalties for violating this ordinance may be assessed as follows:
- (1) Any person who violates s. 5(5.01) may be required to forfeit \$50 for a first violation, \$200 for a second violation, and not more than \$2000 for a third or subsequent violation.
 - (2) Any person who violates a provision of this ordinance, except s. 12, may be required to forfeit not less than \$10 nor more than \$1000 for each violation.
- 15.04 In addition to the penalties set forth above, any person violating any provision of this ordinance shall, upon

conviction thereof, reimburse the Town for costs of prosecution, including reasonable attorneys' fees, and in default of payment of the penalties, costs or fees, shall be imprisoned in the County jail until payment is made, but not exceeding 30 days for each violation. Each day of violation shall constitute a separate offense. Compliance with the provisions of this ordinance may also be enforced by injunction. The Town reserves all rights to select the appropriate legal remedy deemed necessary to enforce this ordinance.

Adopted this 12th day of October, 1994, by the Eldorado Town Board.


Gerald Langenfeld, Chairman

Attest:


Lori Linger, Town Clerk

Published November 9 & 10, 1994

CHAPTER 28

R E S O L U T I O N

RESOLVED BY THE TOWN BOARD OF ELDORADO, That:

WHEREAS, the 1957 Legislature of the State of Wisconsin did create and grant additional powers to the Town Board as are now exercised by the Village Boards; said powers were granted to meet the problems created in the towns by increased population and to facilitate the complex problem that presently arise in said towns; and

WHEREAS, pursuant to Wisconsin Statute 60.18 (12) does create the following provisions. The Town Boards shall exercise all powers relating to Villages and conferred on Village Boards by Chapter 61 except such powers which would conflict with statutes relating to Town and Town Boards;

AND, THEREFORE BE IT RESOLVED That the Town Board of Eldorado be ^{all} and is hereby granted/powers relating to villages and conferred on village boards by Chapter 61.

Giffen J. Koepke
Carl
Charles Rudolph
W. Jantz
W. Paul

SPECIAL TOWN MEETING.
September 29 th. 1958, at the Town Hall.
Town of Eldorado.

The meeting was called to order at 8.10 P.M. by A.C.DeCramer chairman of Supervisors for the town of Eldorado : the chairman stated the purpose of the meeting , then read the petition, and presented the order of business , under the following headlines:-

1. A resolution presented for the town board to be granted VILLAGE BOARD POWERS , pursuant to the Wisconsin Statutes of 1957 #60.18 (12) .
2. To establish village limits for the unincorporated village of Eldorado .
3. To establish a method of assessment , to partially pay the cost of street lighting , by the residents and business establishments within the unincorporated village of Eldorado .
4. To consider the purchase of new earthmoving equipment : tractor and bucket, or a new bucket and a tractor , later
5. To consider the erection of a Community Building as a project of the volunteer Fire Dept. and the Ladies Auxiliary of the Fire Dept.

The chairman then read the resolution to grant village Board Powers to the Town Board , as per the attached original resolution, bearing 5 signatures .

A motion was made by Giffen Koepke and seconded by Paris Rand that the Resolution be adopted as read: the chairman explained the various phases of this resolution , the immediate one being , the street lighting in the unincorporated village of Eldorado and the method paying for same : Giffen Koepke made a short talk on the subject and John Harshman representing the Wisconsin Power & Light Co. explained the situation from their standpoint.

Considerable informal discussion followed ; a motion was made and seconded to vote on the resolution by ballot: the chairman appointed Elmer Kurth and Eugene Bennett as tellers : there were 54 ballots cast of which number 51 voted YES and 3 voted NO , which granted the Town Board , village board POWERS , pursuant to Wisconsin Statute 60.18 (12)

A discussion then followed on establishing the Village Limits The village limits were then informally established , to be DEFINITELY ESTABLISHED as soon as possible

A motion was made ~~and~~ by Arthur Pfeiffer and seconded by C.A. Kemnitz

that the town continue to initially pay the entire street lighting bill, that the residents, and business establishments of the unincorporated village of Eldorado pay an amount, which would leave an ultimate cost to the town as a whole, of \$150.00; some informal discussion followed the chairman then put the motion to a "voice" vote and it was carried unanimously.

The chairman then discussed the possibility of purchasing new earth moving equipment or a new bucket soon, and tractor later: some informal discussion followed, but no action was taken.

The chairman then discussed the possibility of erecting a Community Building as a project of the volunteer fire Dept. together with the Ladies Auxiliary of the Fire Dept.; considerable informal discussion but no action was taken.

A motion was made and seconded to adjourn: Carried by voice vote.

Ray J. Leith
Town clerk.

A. C. DeGramer

J. M. Simon

Richard Johnson

Supervisors of the Town of Eldorado.

CHAPTER 29
TOWN OF ELDORADO
FOND DU LAC COUNTY, WISCONSIN

TREASURER BOND ORDINANCE

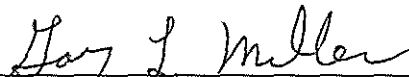
WHEREAS, the Town Board of the Town of Eldorado, Fond du Lac, Wisconsin, per Wisconsin Statute Section 70.67(2), does hereby ordain as follows:

1. The Town of Eldorado, Fond du Lac County, Wisconsin shall be obligated to pay all state and county taxes to the Fond du Lac County Treasurer, as provided for by Wisconsin Statute.
2. That if the Town of Eldorado Treasurer should default or fail to pay the taxes collected, then the Town of Eldorado shall pay from the funds that shall be available to the Town of Eldorado.
3. By adoption of this Ordinance, the Town of Eldorado is exempting itself from posting the bond sufficient to cover all state and county taxes collected from this point forward.

This ordinance shall become effective as of the date of passage by the Town Board of the Town of Eldorado and upon publication as required by Wisconsin State Statutes, and will be in effect until such time as this Ordinance is amended or revoked.

This ordinance has been approved and adopted this 25th day of September, 2012.
Published September 30th, 2012.

Town of Eldorado



Gary Miller, Town Chairman

Attest:



Lori Linger, Town Clerk

CHAPTER 30
TOWN OF ELDORADO
FOND DU LAC COUNTY, WISCONSIN
ORDINANCE
CONVERTING ELECTED ASSESSOR POSITION
TO APPOINTED ASSESSOR POSITION

The Town Board of the Town of Eldorado, Fond du Lac County, Wisconsin, does hereby ordain as follows:

That, pursuant to Wis. Stat. § 60.10(2)(j), the office of the assessor for the Town of Eldorado shall be filled by appointment of a majority of the members-elect of the town board.

The term of office for the appointed position shall be set by the town board, but may not exceed 3 years per § 60.30(1e)(c). The town board may re-appoint the officer for additional terms. However, removal by the town board during a given term of office may only be for "cause" as defined under § 17.001 and required by § 60.30(1e)(f).

This ordinance is subject to approval by the town electors at the Town of Eldorado Annual Meeting of the Electors, which is hereby called by the Town Board to be held on April 10, 2012 at 7:30 PM at the Eldorado Community Center, N7664 County C, Eldorado, Wisconsin. The Electors will be asked to vote on the following:

"Shall the person holding the office of Assessor in the Town of Eldorado,

Fond du Lac County be appointed by the town board, rather than elected by the residents?"

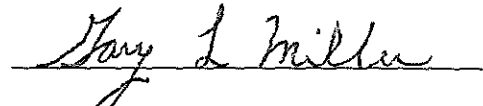
At the meeting of the electors, the Annual Meeting, held on April 10, 2012, the electors voted to change the office of Assessor to an appointed position by a vote of 17-0.

This ordinance shall be in full force and effect from and after the date of its approval by the town electors as required by § 60.30(1e)(b), and notice after passage per § 60.80.

Adopted this 10th day of April, 2012

Published May 4th, 2012

Town of Eldorado, Fond du Lac County, Wisconsin.



Gary Miller, Chairperson

Attest: 

Lori Linger, Town Clerk

Lori Linger, Town Clerk

CHAPTER 31

Town of Eldorado Ordinance Relating to Confidentiality of Income and Expenses Provided to Assessor for Assessment Purposes

The Town Board of the Town of Eldorado, Fond du lac County does ordain as follows:

1. ADOPTION.

This ordinance adopts by reference Wisconsin Statute Sec. 70.47 (7) (af). Income and expense information provided by property owner to an assessor for the purposes of establishing the valuation for assessment purposes by the income method of valuation shall be confidential and not a public record open to inspection or copying under Sec. 19.35 (1) of Wis. Statutes.

2. EXCEPTIONS.

An Officer may make disclosure of such information under the following circumstances:

- a. The assessor has access to such information in the performance of his or her duties;
- b. The Board of Review may review such information when needed, in its opinion, to decide upon a contested assessment;
- c. Another person or body has the right to review such information due to the intimate relationship to the duties of an office or as set by law;
- d. The officer is complying with a court order;
- e. The person providing the income and expense information has contested the assessment level at either the Board of Review or by filing a claim for excessive assessment under Sec. 74.37, in which case the base records are open and public.

3. SEVERABILITY.

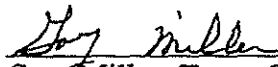
The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision,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

4. EFFECTIVE DATE.

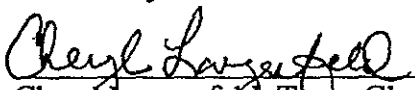
This ordinance shall take effect immediately upon passage and posting as provided by law.

Passed on the 9th day of May, 2000.

By the Town Board of the Town of Eldorado


Gary Miller, Town Chairman

Attested by:


Cheryl Langenfeld, Town Clerk

Posted on the 29th day of May, 2000

CHAPTER 32

Town of Eldorado, Fond du Lac County Ordinance to Appoint Alternate Members for Board of Review

Whereas, sec. 70.47(6m)(c) authorizes the appointment of alternate members to serve on the Board of Review when standing members are removed from individual cases;

Now therefore the Town Board of the Town of Eldorado, Fond du Lac County does hereby ordain as follows:

1. Adoption.

Pursuant to Section 70.47(6m)(c) and Sec. 70.46(1) of Wis. Statutes, the Town Board hereby provides for the appointment of alternates to serve on the Town Board of Review in the event a standing member of the Board of Review is removed or unable to serve for any reason.

2. Appointments.

The following electors of the Town of Eldorado are hereby named, in the order indicated, to serve as alternate Board of Review members:

Alternate 1: Mike Wagner

Alternate 2: Dave Jahns

3. Effective Date.

The appointments made in this ordinance are for the 2012 Board of Review proceedings and for each year following, indefinitely or until notice is given that one or more of the alternates is unable to fulfill their duties, or upon action of the Town Board in replacing one or more of said appointees. The appointments shall also be effective upon publishing of this ordinance, as provided by law.

Passed this 24th day of April, 2012 by the Town Board of the Town of Eldorado.

Published May 9th, 2012



Gary Miller, Town Chairman

Attest:



Lori Linger, Town Clerk

CHAPTER 34

AN ORDINANCE AUTHORIZING FIRE DEPARTMENT TO HOLD VOLUNTEER FUNDS

The Town Board of the Town of El Dorado, Fond du Lac County, Wisconsin, does hereby ordain as follows:

Section 1. Purpose and Authority. This ordinance is enacted pursuant to the authority of Wisconsin Statute Section 66.0608 for the purpose of authorizing "volunteer funds" to be held in the name of the fire department. This ordinance is to be interpreted in conformance with that section as it may be amended from time to time.

Section 2. Adoption of Ordinance. The Town Board of the Town of El Dorado does hereby authorize the Town Fire Chief to deposit volunteer funds of the department in an account in the name of the fire department in any public depository in which other town funds are being held by the Town Treasurer.

Section 3. Control of Funds. The fire department, through its Fire Chief, is granted exclusive control over the expenditure of funds of the department. This authority is granted without limitation as to amount or type of funds. It is subject to the limitations and requirements hereinafter set forth.

Section 4. Limitations and Requirements. The following limitations and requirements shall apply to the handling and disbursement of funds from the account:

- a. **Expenditures.** Expenditures withdrawn from the account may be made only upon majority vote of fire department members present at a duly noticed meeting of the department. Such withdrawals and expenditures may be made for any purpose that promotes the ability of the fire department to provide services for which it is organized.
- b. **Accountings.** The Fire Chief shall provide the town board with quarterly statements at the end of March, June, September and December of each calendar year. The statements shall be provided within thirty days of the end of the calendar quarter. The statements shall include a detailed itemization of all receipts, expenditures, and the balance on hand at the end of the quarter. The source of all funds and the identity of the payee for each disbursement shall be set forth.
- c. **Audit.** Fire department accounts shall be included in the annual audit of town funds. They shall be audited in the same manner as other town funds.

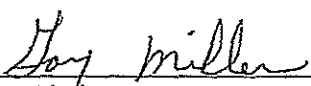
Section 7. Severability. If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstance is invalid or unconstitutional, the invalidity or unconstitutionality shall not affect the provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

Section 8. Repeal of inconsistent ordinances. All existing town ordinances, parts of ordinances, and amendments thereto in conflict with any of the provisions of this ordinance are hereby repealed.

Section 9. Effective date. This ordinance shall be effective the day after its posting in three public places with the town.


Introduced: 3/25/03

Adopted: 3/25/03



Town Chairperson

Attest:



Town Clerk

**TOWN OF ELDORADO
FOND DU LAC COUNTY, WISCONSIN**

**RESOLUTION #120228(2)
DESIGNATING PUBLIC DEPOSITORY
FOR ELDORADO FIRE DEPARTMENT**

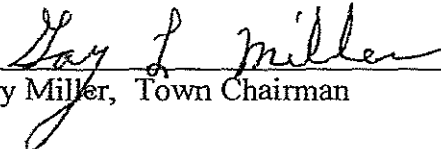
STATE OF WISCONSIN
Town of Eldorado
Fond du Lac County

The Town Board of the Town of Eldorado, Fond du Lac County, Wisconsin, by this resolution, adopted by the majority of the town board, resolves and orders as follows:

The following financial institutions are designated as public depositories for the Eldorado Fire Department, operating under the Town of Eldorado, FEIN #39-6005876:
Marine Credit Union - Fond du Lac

The Town of Eldorado shall also require two signatures on each check written or withdrawal by the Fire Department: one by the Fire Department's President and the other by the Fire Department's Secretary / Treasurer.

Adopted this 28th day of February, 2012.
Published March 2, 2012



Gary Miller, Town Chairman

Attest: 

Lori Linger, Town Clerk

CHAPTER 35

ORDINANCE NO. 92711

SALE OF FERMENTED MALT BEVERAGES BY TOWN

The Town Board of the Town of Eldorado, Fond du Lac County, Wisconsin does ordain as follows:

SECTION 1. Town Sale of Fermented Malt Beverages. Pursuant to Wisconsin Statute Section 125.06(6) the Town Board elects to exercise the authority to sell fermented malt beverages, including those wine coolers classified as fermented malt beverages, at the times, places and upon the conditions set forth herein.

SECTION 2. Public Park. Sales are authorized at the Eldorado Community Park and Eldorado Community Center. The Eldorado Community Center is part of the Eldorado Community Park, which is a public park operated by the Town and is determined to consist of all contiguous Town owned property, exclusive of road rights-of-way located at N7664 County Trunk C, more particularly described as follows:

S31 T16N R16E the S 16' of the E 198' of the N 434' & the S 137' of the E 110' of the N 571' and the S 216' of the W 40' of the E 110' of the N 787' of NE ¼ NE ¼ & 2.49A ADJ on W as Rec V999-526 excepting 887198 3.02A

SECTION 3. Time of Sale. Sales shall occur at such times as the Town Board may from time to time determine by resolution.

SECTION 4. Persons Authorized to Sell. The following Town officials and employees are authorized to sell fermented malt beverages:

- a. All elected Town officials.
- b. The Fire Chief and all active firemen.
- c. The Town Clerk and Treasurer.
- d. Such other officials or employees as the Town Board designates from time to time by resolution.

SECTION 5. Severability. Should any portion of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder shall not be affected.

SECTION 6. Repeal of Inconsistent Ordinances. All existing Town ordinances, parts of ordinances, and amendments thereto in conflict with any of the provisions of this ordinance are hereby repealed.

SECTION 7. Effective Date. This ordinance shall be effective upon posting in three (3) public places within the Town.

Adopted this 27th day of September, 2011.



Gary Miller, Town Chairperson

ATTEST:



Lori Linger, Town Clerk

11/25/2014

TOWN OF Eldorado
FOND DU LAC COUNTY, WISCONSIN

ORDINANCE AUTHORIZING EXECUTION OF
SHORELAND ZONING AGREEMENT

The Town Board of the Town of Eldorado, Fond du Lac County, Wisconsin, does hereby ordain as follows:

Section 1. Purpose. The purpose of this Ordinance is to authorize the Town of Eldorado to enter into a Shoreland Zoning Agreement with Fond du Lac County pursuant to Wis. Stat., § 59.692(4)(a).

Section 2. Authority. The Town has authority to adopt this Ordinance under Wis. Stat., § 59.692(4)(a) and under Wis. Stat., § 66.0301.

Section 3. Authorization of Agreement. The Town of Eldorado Town Board hereby authorizes the appropriate Town officers to execute the Shoreland Zoning Agreement attached hereto as Exhibit A.

Dated this 25th day of November, 2014.

TOWN OF Eldorado

By: Gay L. Miller
Chairman

Attest:

Geri Ringew Clerk

SHORELAND ZONING AGREEMENT

This Shoreland Zoning Agreement (“Agreement”) is entered into by and between the Town of Eldorado, Fond du Lac County, Wisconsin, (“Town”) and Fond du Lac County, Wisconsin (“County”) as of the latest date set forth below.

Recitals

- A. The Town is a Wisconsin town with village powers that has in effect a Zoning Ordinance duly adopted pursuant to Chapters 60 and 62 of the Wisconsin Statutes. The Town’s Zoning Ordinance includes one or more Farmland Preservation Zoning Districts certified under Chapter 91 of the Wisconsin Statutes.
- B. Town residents located in a Farmland Preservation Zoning District certified under Chapter 91 of the Wisconsin Statutes may be eligible for farmland preservation tax credits pursuant to Wis. Stat. § 71.613.
- C. The County is a Wisconsin County that has adopted a Shoreland Zoning Ordinance adopted pursuant to Wis. Stat. § 59.692. The County’s Shoreland Zoning Ordinance applies to property located within one thousand feet from a lake, pond, or flowage; or within three hundred feet of a river, stream, or the landward side of a floodplain, whichever is greater (“Shoreland Areas”).
- D. Prior to the Wisconsin Court of Appeals decision in *Town of Eagle v. Hegwood*, 2013 WI 118, the Town and County administered their respective Zoning Ordinance and Shoreland Zoning Ordinance in a manner that applied both ordinances in Shoreland Areas so that property located in Shoreland Areas had to meet the standards of the more restrictive of the two ordinances. In *Town of Eagle v. Hegwood*, 2013 WI 118, the Wisconsin Court of Appeals held that except in circumstances not applicable in Fond du Lac County, town zoning ordinances no longer apply and are of no effect in Shoreland Areas. As a result, property located in a Shoreland Area that had previously been in a certified Farmland Preservation Zoning District is no longer in a certified Farmland Preservation Zoning District and is no longer eligible for farmland preservation tax credits.
- E. The Town and County anticipate that future legislation will reverse the holding in *Town of Eagle v. Hegwood* and, in the meantime, wish to administer their respective ordinances in the same manner that they were administered prior to *Town of Eagle v. Hegood*. Administering their ordinances in this manner will re-establish farmland preservation tax credit eligibility for property located in Shoreland Areas until the anticipated legislation occurs.



- F. To that end, the Town and County intend to incorporate by reference the terms of the Town's Zoning Ordinance into the County's Shoreland Zoning Ordinance so that the terms of the Town's Zoning Ordinance become applicable again within Shoreland Areas located in the Town.
- G. The County intends to delegate administrative and enforcement authority for the incorporated terms of the Town's Zoning Ordinance back to the Town upon incorporation of the Town's Zoning Ordinance into the County's Shoreland Zoning Ordinance.

NOW, THEREFORE, in consideration of the above recitals, which are contractual, and for other good and valuable consideration, the receipt and sufficiency of which is mutually acknowledged, the parties agree as follows:

1. Authority. This Agreement is entered into pursuant to Wis. Stat. § 66.0301 for the receipt or furnishing of services or the joint exercise of any power or duty required or authorized by law. It is also entered into pursuant to Wis. Stat. § 59.692(4)(a), which allows intergovernmental cooperation in the administration of shoreland zoning.
2. Incorporation of Town Zoning Ordinance. By December 31, 2014, the County will amend its Shoreland Zoning Ordinance to incorporate by reference all terms of the Town's Zoning Ordinance, including all future amendments thereto, as well as all Town Zoning Ordinance administrative policies, procedures, and documents. The incorporated Zoning Ordinance, policies, procedures, and documents will apply in all Shoreland Areas located in the Town.
3. Delegation of Enforcement and Administrative Authority. Effective upon the incorporation of the Town's Zoning Ordinance as described in Section 2, the County hereby delegates to the Town all administrative and enforcement authority with respect to the incorporated terms and provisions of the Town's Zoning Ordinance. Pursuant to this delegation, the Town will administer the incorporated terms of its Zoning Ordinance in Shoreland Areas located in the Town in the same manner that it did prior to *Town of Eagle v. Hegwood*.
4. Other Shoreland Zoning Ordinance Standards. Except to the extent delegated in Section 3, the County shall retain all administrative and enforcement authority with respect to the Shoreland Zoning Ordinance. The County will administer its Shoreland Zoning Ordinance in Shoreland Areas in the same manner that it did prior to *Town of Eagle v. Hegwood*.

5. Town Indemnification. To the fullest extent authorized by law, the Town shall defend, indemnify, and hold harmless the County, its officers, agents, employees, and insurers from and against all claims, losses, and damages of any kind, including reasonable attorneys' fees, (together, "Claims") arising out of the Town's administration and enforcement of the incorporated terms of the Town's Zoning Ordinance. The preceding applies to all Claims except to the extent of the County's fault.
6. County's Indemnification. To the fullest extent authorized by law, the County shall defend, indemnify, and hold harmless the Town, its officers, agents, employees, and insurers from and against all claims, losses, and damages of any kind, including reasonable attorneys' fees, (together, "Claims") arising out of the County's administration and enforcement of the terms of its Shoreland Zoning Ordinance other than those administered and enforced by the Town pursuant to Section 3. The preceding applies to all Claims except to the extent of the Town's fault.
7. Authority to Amend Ordinances. Nothing in this Agreement prohibits the Town from amending its Zoning Ordinance at its sole discretion. Nor does anything in this Agreement prohibit the County from amending its Shoreland Zoning Ordinance at its sole discretion.
8. Term. This Agreement shall remain in effect from the date of its execution until December 31, 2015 unless earlier terminated by mutual agreement of the parties.
9. Ordinance. The Town and the County shall adopt ordinances authorizing this Agreement, as required by Wis. Stat. § 59.692(4)(a). The parties further agree to take such further actions that are reasonably required to accomplish the intended purposes of this Agreement.
10. Severability. If any provision of this Agreement is held invalid, illegal or enforceable, such provision may not affect or impair the validity, legality or enforceability of this Agreement or any of the other provisions hereof, and a valid and enforceable provision as similar as possible to the provision at issue must be substituted for the provision at issue.
11. Challenge to Agreement. The parties waive all rights to challenge the validity or enforceability of this Agreement or any of its provisions or to challenge any actions taken pursuant to or in accordance with this Agreement. In the event of a court action by a third party challenging the validity or enforceability of this Agreement or any of its provisions, the parties shall fully cooperate to vigorously defend the Agreement. If one party is named as a party to the action, the other party shall seek to intervene and the named party shall support such intervention. No settlement of such an action shall be permitted without the approval of both parties.

12. Remedies. In the event of a breach of this Agreement, except as limited by Section 11, either party may seek declaratory judgment or specific performance of this Agreement by court action. No party shall challenge the standing of the other in such an action. The breaching party shall pay the other party's reasonably attorneys' fees incurred in seeking remedies for the breach, provided that the breaching party has been given notice and a reasonable opportunity to cure the breach prior to the commencement of any proceedings for a remedy.

13. Binding Effect. This Agreement is binding upon the parties and their successors. This Agreement is for the exclusive benefit of the parties and their successors and shall not be deemed to give any legal or equitable right, remedy, or claim to any other parson or entity. The enforceability of this Agreement will not be affected by changes in the forms of Town or County government or changes in elected officials.

14. Authority. Each party represents that it has the authority to enter into this Agreement and that all necessary procedures have been followed to authorize this Agreement. Each person signing this Agreement represents and warrants that he or she has been duly authorized to do so.

15. Miscellaneous. References to the Town's Zoning Ordinance and County's Shoreland Zoning Ordinance in this Agreement include their respective maps. This Agreement constitutes the complete agreement between the parties as to the matters dealt with herein. This Agreement may be signed in counterparts and digital, facsimile, or electronic signatures shall be deemed originals. This Agreement shall be liberally construed to accomplish its intended purposes. The parties acknowledge that the language contained in this Agreement is the product of joint drafting. Therefore, ambiguities shall not be construed against the drafter of this document. The failure of either party to require strict performance of any provision of this Agreement will not constitute a waiver of the provision or of any other right under this Agreement. Rights and obligations under this Agreement may only be waived or modified in writing.

Dated this 25th day of November, 2014

TOWN OF Eldorado

Gary L. Miller
 Chairperson or Authorized Supervisor

Attest: Geri Singer
 Town Clerk or Clerk-Treasurer

Chapter 40

ORDINANCE AUTHORIZING JOINT ACTION BETWEEN Town Eldorado (municipality) AND FOND DU LAC COUNTY IN TIMES OF EMERGENCIES

Section 1. The Fond du Lac County Board of Supervisors, having passed a "Joint-Action" Ordinance on the 19th day of May 1981, providing for an Emergency Government plan to cover joint County-municipal action in times of emergency, and a copy of the aforesaid County ordinance having been attached hereto and made a part hereof by reference, is hereby ratified and accepted by the municipality of Town of Eldorado, County of Fond du Lac.

This ordinance ratifies and accepts the joint-action ordinance passed by the County Board and constitutes authorization to enter into a mutual agreement between the municipality of Town of Eldorado and the County of Fond du Lac as provided in the annexed ordinance.

Section 2. The County-Municipal Emergency Government Coordinator employed by the Fond du Lac County Board as provided in the annexed ordinance is hereby designated and appointed Emergency Government Coordinator (*to serve in conjunction with _____, whose title is _____) for the municipality of Town of Eldorado, subject to the conditions and provisions as set forth in the Wisconsin Statutes, and the annexed Fond du Lac County Joint Action Ordinance.

Section 3. All ordinances and/or resolutions in conflict with this Ordinance are hereby repealed.

Section 4. This Ordinance shall take effect and be in force from, and after, its passage and publication.

Section 5. This Ordinance was passed on the 1 day of September, 1981.

*Cross out this section if not applicable.

Approved:

Emergency Government Head

William J. Smith
Clerk of Town of Eldorado
(Municipality)

Quilla Batters
Chief Elected Official

Section 3. COUNTY EMERGENCY GOVERNMENT COORDINATOR

(1) Salary, Term, Appointment and Statutory Provision.

(a) Salary. The salary of the Coordinator and members of his staff shall be determined by the County Board.

(b) Term. The term of the Fond du Lac County Emergency Government Coordinator shall be determined by the County Board.

(c) Appointment. The Emergency Government Coordinator shall be appointed by the County Executive and approved by the County Board.

(d) Statutory Provision. The provisions of Section 166.03 (8) of Wisconsin Statutes, relating to personnel, shall apply to the selection of the Coordinator and his staff, and further define the powers and duties of the Coordinator as Emergency Government Head.

(2) Status. The County Emergency Government Coordinator is a County employee and Department Head, and is entitled to all of the rights, privileges and benefits of County employment.

Section 4. UTILIZATION OF EXISTING SERVICES AND FACILITIES

(1) Policy. In preparing and executing the Emergency Government Program, the services, equipment, supplies and facilities of the existing departments and agencies of the County shall be utilized to the maximum extent; and the Designee and personnel of all such departments and agencies is directed to cooperate with and extend such services and facilities as are required of them, to the Emergency Government Coordinator.

(2) Assignment of Responsibility. In order to insure that in the event of an emergency all the facilities of the existing county government are expanded to the fullest to meet such emergency, the following specific responsibilities are assigned to the following department heads named as Designees of the indicated Emergency Government Services. The Coordinator will assist in organizing and planning for the expansion of the various departments hereinafter indicated prior to and during an emergency and for recruiting necessary Emergency Government Volunteers to supplement regular department employees:

- County Sheriff-----Director of Police Services
- County Highway Commissioner-----Director of Engineering Services
- Purchasing Director-----Director of Supply Service
- Director of Social Services-----Director of Emergency Human Services
- County Coroner-----Director of Mortuary Services

Other department heads, not specifically named, will fulfill emergency and non-emergency duties as assigned under the State Emergency Operations Plan*. Nothing in this section shall be construed so as to limit the County Municipal Emergency Government Coordinator from immediately commencing organizational and planning programs, as required by the State Emergency Operations Plan adopted by the Fond du Lac County Board of Supervisors.

(3) Joint Action. Municipalities entering into joint action agreement with Fond du Lac County will provide for utilization of existing services and equipment of municipal government needed to exercise joint action in conformity with Section 66.30 (2), Wisconsin Statutes, by enactment of an ordinance parallel to this section of the County Ordinance.

*Copy on file with County Clerk and in Office of Emergency Government Coordinator.

(4) Emergency Liaison. In the event that the Governor of the State of Wisconsin proclaims a State of Emergency in the State, or any part thereof affecting Fond du Lac County, the County Coordinator shall establish communications between the Governor, the County, and all its local municipalities, in accordance with Section 166.03 (1).

(5) Penalties. It shall be unlawful for any person willfully to obstruct, hinder, or delay any member of the Emergency Government Organization in the enforcement of any order, rule, regulation or plan issued pursuant to this ordinance, or to do any act forbidden by any order, rule, regulation or plan issued pursuant to the authority contained in this ordinance. For a violation of any of the provisions of this ordinance he/she shall forfeit not more than \$200 and/or be imprisoned in the County Jail for a period not exceeding 90 days, in accordance with Section 166.03 (14).

Section 5. REPEAL OF EXISTING ORDINANCES

(1) Any previous resolution or ordinances adopted by the Fond du Lac County Board, pursuant to Emergency Government, including Ordinance No. 3-74, is hereby repealed and replaced by this document.

Walbt Holbach
Chairman

FOND DU LAC COUNTY BOARD OF SUPERVISORS

I, Joyce A. Buechel County Clerk of Fond du Lac County, Wisconsin, do hereby certify that the foregoing ordinance was adopted by the Fond du Lac County Board of Supervisors at its May 19, 1981 meeting.

Joyce A. Buechel
County Clerk

is instrument drafted by
Corporation Counsel and
Emergency Government Coordinator