

ALL-TERRAIN/UTILITY TERRAIN VEHICLES AND ROUTES

TOWN OF METOMEN

Fond du Lac County, Wisconsin

Section 1 - INTENT:

The Town of Metomen, Fond du Lac County adopts the following all-terrain vehicle (ATV) and Utility Terrain Vehicle (UTV) Route Ordinance upon the roadways listed herein. Following due consideration of the recreational value to connect trail opportunities and weighed against possible dangers, public health, liability aspects, terrain involved, traffic density and automobile traffic volume, this route has been created.

Section 2 – STATUTORY AUTHORITY:

This route is created pursuant to Town authority as authorized by 23.33 (8) (b), Wis. Stats. The applicable provisions of 23.33 regulating ATV/UTV operations pursuant to routes are adopted.

Section 3 – DEFINITIONS:

OFF ROAD VEHICLES shall include, without limitation,

“**OPERATOR**” is defined as a person who operates an all-terrain vehicle or utility terrain vehicle, who is responsible for the operation of an all-terrain vehicle or utility terrain vehicle or who is supervising the operation of an all-terrain vehicle or utility terrain vehicle.

“**ALL-TERRAIN VEHICLE**” (ATV) is defined to mean:

A commercially designed and manufactured motor driven device to which all of the following applies:

- a. It has a weight, without fluids, of less than 900 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.

“**UTILITY TERRAIN VEHICLE**” (UTV) is defined to mean any of the following:

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.
- c. A steering wheel.
- d. A tail light.
- e. Two headlights.
- f. A brake light.
- g. A width of not more than 65 inches.
- 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.

Section 4 – OPERATION OF ATV/UTV:

1. Operation of all-terrain vehicles and utility terrain vehicles is authorized only upon those Town of Metomen roads designated for such use by this ordinance and in accordance with the conditions set forth in Section 5, below.

Section 5 – DESIGNATION OF ROUTES:

1. The Town of Metomen reserves the right to close or modify routes at any time.
2. The Town of Metomen, or its designee, shall maintain all route signs within the township.
3. All ATV/UTV routes shall be signed in accordance with NR 64.12, and NR 64.12(7). If a route is not signed, it is not open for use.
4. ROUTES DESIGNATED – The following roads are designated ATV/UTV Routes in the Town of Metomen:
 - a. All Town roads within the Town of Metomen.
 - b. Authorized private lands subject to public easement or leases are designated trails.
5. ROUTES AUTHORIZED. The following roads are authorized for the operation of ATV's under Wis. Stat §23.33(11)(am)(4):
 - a. All state highways and county highways with a speed limit of 35MPH or less.

Section 6 – CONDITIONS:

1. All ATV/UTV units shall be registered for public use in accordance with Wisconsin Department of Natural Resources (“DNR”) regulations, and proof of registration shall be displayed as required by statute during all times of operation.
2. All ATV/UTV operators on routes shall observe posted roadway speed limits: not to exceed 35 MPH.
3. All ATV/UTV operators shall ride single file.
4. Operators of and ATV/UTV shall observe all laws of this state pertaining to the use of and ATV/UTV.
5. ATV/UTV designated routes are closed for operation of ATV/UTV between the hours of 10:00 PM to 6:00 AM daily.
6. A person operating an ATV/UTV with in the Township of Metomen must be at least 16 years of age and have been issued a valid state driver’s license. During time of operation the operator/owner shall have both of the following in their possession: (a) a valid motor vehicle operator’s license and (b) written proof of liability insurance coverage which meets the requirements specified in §344.61 Wisconsin Statutes.
7. An operator of an ATV/UTV shall at all times of operation, upon any designated Town road, have the ATV/UTV head lights and tail lights activated.
8. When making directional turns, all operators must use signal lights or hand signals.
9. Operation of an ATV/UTV is limited to the paved portion of the Town road. Operation of an ATV/UTV upon Town road shoulders, ditches, or other road right-of-ways is prohibited.
10. No person under the age of 18 shall operate an ATV/UTV on any Town road unless wearing protective head gear.
11. ATV/UTV operators and passengers under the age of 18 must wear protective headgear as required under section 347.485(1)(a) of Wisconsin Statutes, with a chin strap securely fastened at all times of operation.
12. No ATV/UTV operator or passenger shall be in possession of an open intoxicant while the ATV/UTV is in operation. No person shall operate an ATV/UTV while under the influence of an intoxicant, a restricted controlled substance, a controlled substance analog, or any combination of these elements, to a degree which renders the person incapable of operating the ATV/UTV.

Section 7- ENFORCEMENT

This ordinance may be enforced by any Law Enforcement Officer authorized to enforce the laws of the State of Wisconsin, by the Town Board, or the Town Constable.

Section 8 – PENALTIES:

Wisconsin State ATV/UTVC penalties as found in s.23.33(13)(a) Wis. Stats., are adopted by a reference.

Section 9 – SEVERABILITY:

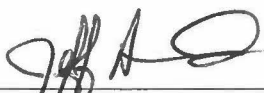
The provision of this ordinance shall be deemed severable and it is expressly declared that the Township of Metomen would have passed the other provisions of this ordinance irrespective of whether or not one or more provision may be declared invalid. If any provision of this ordinance or the application to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provisions to the other person's circumstances shall not be deemed affected.

Section 10 – EFFECTIVE DATE:

This ordinance becomes effective upon passage and publication as required under §60.80, Wis. Stats.

Passed this 11th day of JAN, 2021.

TOWN OF METOMEN, FOND DU LAC COUNTY, WISCONSIN



Jeff Amend, Chairman

Attest:



Cindy Sheskey, Town Clerk

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TOWN OF METOMEN
Fond du Lac County, Wisconsin

ZONING ORDINANCE

An Ordinance under the provisions of Wis. Stats. § 62.23 (7), to promote the health, safety, 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 said purposes to divide the Town of Metomen, Fond du Lac County, Wisconsin, into districts of such number, shape and area as are deemed best suited to carry out said purposes; to provide a method for its administration and enforcement and to provide penalties for its violation.

The Town Board of the Town of Metomen, Fond du Lac County, Wisconsin, having been granted village powers pursuant to Wis. Stat. § 60.10(2)(c) does ordain as follows:

ARTICLE I

Section 1.0 Interpretation and Purposes.

- 1.1 The provisions of this ordinance shall be held to be minimum requirements adopted to promote the health, safety, comfort, prosperity and general welfare of the Town of Metomen, Fond du Lac County, Wisconsin.
- 1.2 It is not intended by 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 law; 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.

ARTICLE II

Section 2.0 Districts.

- 2.1 For the purposes of this ordinance, the Town of Metomen, Fond du Lac County, Wisconsin, is hereby divided into 5 districts as follows:
Residential District, Farmland Preservation District, General Agricultural District, Business District, Industrial District
- 2.2 The boundaries of the aforesaid districts are hereby established as shown on the map entitled "Town of Metomen, Fond du Lac County, Wisconsin Farmland Preservation 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 District Map are as much a part of this ordinance as though specifically described herein.

- 2.3** The district boundaries, unless otherwise indicated, are street or highway center lines, railroad right-of-way lines extended, lines parallel or 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 line.
- 2.4** The district boundaries, where not otherwise designated, shall be determined by the use of the scale shown on the district map.

ARTICLE III

Section 3.0 Glossary of Terms.

- 3.1** General Terms. For the purposes of this ordinance, certain words and terms are defined as follows:

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.

- 3.2** Definitions.

- 3.21** Airport, Public. Any airport which complies with the definition contained in Wis. Stats. § 114.013(3) or any airport which serves or offers to serve common carriers engaged in air transport.
- 3.22** Alley. A street thoroughfare less than 21 feet wide and affording only secondary access to abutting property.
- 3.23** Automobile Wrecking Yard. Any premises on which one or more automotive vehicles, not in operating condition, are stored in the open.
- 3.24** Base Farm Tract. All land, whether one parcel or two or more contiguous parcels that is in the Farmland Preservation District and is part of a single farm on January 1, 2014, regardless of any subsequent changes in the size of the farm.
- 3.25** Boarding House. A building other than a hotel where meals, or lodging

and meals, are furnished for compensation for 5 or more persons not members of a family.

- 3.26** Boathouse. Any structure designed for the purpose of protecting or storing boats for noncommercial purposes. Boathouses shall not be used for human habitation.
- 3.27** Building. Any structure used, designed or intended for the protection, shelter, enclosure, or support of persons, animals or property. When a building is divided into separate parts by pierced walls extending from the ground up, each part shall be deemed a separate building.
- 3.28** Building, Accessory. A building or portion of a building subordinate to the main building and used for a purpose customarily incidental to the permitted use of the main building or the use of the premises.
- 3.29** Building. Height of. The vertical distance from the average curb level in front of the lot or the finished grade at the building line, whichever is higher, to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height of the highest gable of a gambrel, hip or pitch roof.
- 3.30** Business. The word business includes any individual, firm, association, joint stock association, organization, partnership, limited trust, body politic governmental agency, company, corporation, LLC and includes any trustee, receiver, assignee or the other representative thereof.
- 3.31** Building, Main. A building constituting the principal use of a lot.
- 3.32** Center Line. A line connecting points on highways from which setback lines shall be measured, at any point on the highway.
- 3.33** 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 channel.
- 3.34** Dwelling. One Family. A detached building designed or used exclusively as a residence or sleeping place by one family, but does not include tents, cabins, or mobile homes except mobile homes on permanent foundations.
- 3.35** Dwelling. Two Family. A detached building designed or used exclusively

as a residence or sleeping place by two families, but does not include boarding or lodging houses, motels, tents, cabins, or mobile homes except mobile homes on permanent foundations.

- 3.36** 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.
- 3.37** Employee - Full-time. Is a person employed for a minimum of 2,080 hours per year.
- 3.38** Family. Two or more persons related by blood, marriage, or adoption; maintaining common household in a dwelling unit or lodging unit.
- 3.39** Farm. All land under common ownership that is primarily devoted to agricultural use.
- 3.40** Farm Acreage. The size of a farm in acres.
- 3.41** Farm Residence. Any of the following structures that is located on a farm:
- 3.411** A single-family or duplex residence that is the only residential structure on the farm or 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 percent of his or her gross income from the farm.
- 3.412** A migrant labor camp that is certified under Wis. Stat. § 103.92.
- 3.42** Frontage. All the property abutting on one side of a road or street between 2 intersecting roads or streets or all of the property abutting on one side of a road or street between an intersecting road or street and the dead end of a road or street.
- 3.43** Garage, Private. An accessory building or space for the storage of not more than 4 motor-driven vehicles, provided that a private garage on a farm may be used for the storage and repair of more than 4 motor-driven vehicles.
- 3.44** 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.

- 3.45** 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.
- 3.46** Hotel. A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than 5 sleeping rooms with no cooking facilities in any individual room or apartment.
- 3.47** Junk Yard. A lot, land, building, or structure, or part thereof use 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 or parts there from.
- 3.48** Livestock. Bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish.
- 3.49** Lodging House. A building other than a hotel where lodging only is provided for compensation for 3 or more persons not members of the family.
- 3.50** Lot, Zoning Lot. 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 1 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.
- 3.51** Lot Corner. A lot located:
- 3.511** At the junction of and abutting 2 or more intersecting streets; or
- 3.512** 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; or

- 3.513** At the junction of and abutting 2 or more storm or flood water runoff channels or basins; or
- 3.514** 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.
- 3.52** Lot Depth. The average distance from the front to the rear lot lines measured in the general direction of the side lot lines.
- 3.53** Lot, Interior. A lot other than a corner lot.
- 3.54** Lot Width. The distance between sidelines of the lot at the building line. In the case of a shore land lot, the lot width is the width of the lot 75 feet from the waterline.
- 3.55** Manufactured Dwelling. A dwelling structure or component thereof as is defined in the Wisconsin Administrative Code One and Two-Family Uniform Dwelling Code Section 20.07(52), which bears the Wisconsin Department of Industry, Labor and Human Relations insignia certifying that it has been inspected and found to be in compliance with Subchapter V of said Uniform Dwelling Code.
- 3.56** Manufactured Home. A dwelling structure or component thereof fabricated in an offsite manufacturing facility for installation or assemble at the building site which is certified and labeled as a manufactured home under 42 USC Secs. 5401-5426 which when placed on the site:
 - 3.561** Is set on an enclosed continuous foundation in accordance with Wis. Stats. § 70.43(1) and ILHR 21, Subchapters III, IV, and V, Wis. Adm. Code, or is set on a comparable enclosed continuous foundation system approved by the Building Inspector, who may require a plan for such
 - 3.562** Is installed in accordance with the manufacturer's instruction;
 - 3.563** Is properly connected to utilities; and
 - 3.564** Meets other applicable standards of this Ordinance.
- 3.57** 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.

- 3.58** 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.
- 3.59** Motel. A building or group of buildings containing rooms which are offered for compensation for the temporary accommodation of transients.
- 3.60** Nonconforming Use. A building or premises lawfully used or occupied at the time of the passage of this ordinance or amendments thereto, which use or occupancy does not conform to the regulations of this ordinance or amendments thereto.
- 3.61** Nonfarm Residence. A single-family or multi-family residence other than a farm residence.
- 3.62** Nonfarm Residential Acreage. The total number of acres of all parcels on which nonfarm residences are located.
- 3.63** Prime Farmland. Any of the following:
- 3.631** An area with a Class I or Class II land capability classification as identified by the natural resources conservation service of the federal department of agriculture.
 - 3.632** Land, other than land described in 3.631, that is identified as prime farmland in a certified farmland preservation plan.
- 3.64** Protected Farmland. Land that is located in the Farmland Preservation District, is covered by a farmland preservation agreement, or is otherwise legally protected from nonagricultural development.
- 3.65** Professional Office. The office of a doctor, practitioner, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician, beauty parlor or barbershop or other recognized profession. When established in the Residential, Farmland Preservation, or General Agricultural District, a professional office shall be incidental

to the residential occupation, not more than 25% of the floor area of only 1 story of a dwelling unit shall be occupied by such office, except that a beauty parlor shall be limited to 3 licensed operators working at any one time, and a barbershop to 2 licensed barbers operating in not to exceed 2 barber chairs at any one time; and provided further that a beauty parlor or barbershop shall not occupy over 500 square feet of floor area, including lavatories and waiting room; and only 1 unlighted name plate, not exceeding 4 square feet in area, containing the name and profession of the occupant of the premises shall be exhibited. In the Farmland

Preservation District, a professional occupation must also meet the standards in Wis. Stat. § 91.01(1)(d).

- 3.66** Roadside Stand. A structure not permanently fixed to the ground that is readily removable in its entirety covered or uncovered and not wholly enclosed, and used solely for the sale of farm products produced on the premises. No such roadside stand shall be more than 50 square feet in ground area and there shall not be more than 1 roadside stand on any one premises.
- 3.67** Sanitary Sewer. A constructed conduit for the collection and carrying of liquid and solid sewage wastes from 2 or more premises, other than storm water, to a sewage treatment plant, and which is approved by the Wisconsin Division of Environmental Protection, Department of Natural Resources.
- 3.68** Setback. Lines established along highways at specified distances from the center line, 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."
- 3.69** Sign. Any structure or 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, or similar organization, or any sign indicating address. Each display surface of a sign shall be considered a sign.
- 3.70** Sign Directional. A sign erected for the purpose of directing persons to a place of business, recreation or public building, school, or church.
- 3.71** Special Use. A use which is necessary or desirable for the public welfare, but which is potentially incompatible with the uses normally permitted in the Zoning District. Special Use as applied is synonymous

with the term special exception.

- 3.72** Stable. "Stable" shall have the same meaning as "garage," one draft animal being considered the equivalent of one self-propelled vehicle.
- 3.73** 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.
- 3.74** Street Line. A dividing line between a lot, tract or parcel of land and a contiguous street.
- 3.75** 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, factories, sheds, cabins, wells, septic tanks, and disposal fields.
- 3.76** 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 use life, or is built for a purpose that would commonly be expected to be relatively short-term and not to be habitable.
- 3.77** Structural Alteration. Any change in the bearing walls, columns, beams, girders, or supporting members of a structure; any 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 1 location or position to another.
- 3.78** Traffic Lane. A strip of roadway intended to accommodate a single line of moving vehicles.
- 3.79** Trucking Business.(Agricultural related, and non-Agricultural related) Any entity that owns or operates more than one but not more than seven commercially licensed vehicles that are used for intra and interstate commerce with a gross vehicle weight of 10,000 lbs. or more.
- 3.80** 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.

- 3.81** Yard. Front. A yard extending the 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.
- 3.82** 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.
- 3.83** 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.

ARTICLE IV

Section 4.0 General Provisions. Except as otherwise provided:

- 4.1** 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.
- 4.2** No lot area shall be so reduced that the yards and open spaces shall be smaller than is required by this ordinance 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.
- 4.3** No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this ordinance shall be included as part of a yard or other open space required for another building.
- 4.4** Every building hereafter erected, converted, enlarged or structurally altered shall be located on a lot and in no case shall there be more than 1 main building on 1 lot.
- 4.5** Nonconforming Uses.
- 4.51** 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 to the regulations for the district in which it is located as adopted or amended, but such nonconforming use shall not be

extended. Nonconforming mobile homes shall not be moved, relocated, or replaced unless in conformity with this ordinance.

- 4.52** 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 restricted classification. Whenever a nonconforming use has been changed to a more restricted nonconforming use or a conforming use, such use shall not thereafter be changed to a less restricted use.
- 4.53** 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.
- 4.54** A building or structure lawfully existing at the time of adoption or amendment of this ordinance may be continued although such building or structure does not conform to the restrictions in this ordinance with respect to frontage, width, height, setbacks, yards, area, parking, loading, or distance requirements. If such structure is destroyed by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation, the structure may be restored to the size, location, and use that it had immediately before the damage or destruction occurred or to a larger size if necessary for the structure to comply with applicable state or federal requirements.
- 4.55** The nonconforming use of any temporary structure shall be discontinued after 5 years from the effective date of this ordinance.
- 4.6** Nothing herein contained shall require any change in the plans, construction, and 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.
- 4.7** In the Business or Industrial Districts, wherever a lot abuts upon a public or private alley, sufficient space for the loading or unloading of vehicles shall be provided on the lot in connection with any commercial or industrial use so that the alley shall at all times be free and unobstructed to the passage of traffic.
- 4.8** 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 1 car for every 5 seats provided.
- 4.9** Any side yard, rear yard or court 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.

- 4.10** Where a housing project consisting of a group of 2 or more buildings containing 4 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 Board of Appeals may approve a development plan provided it complies with the regulations of this ordinance as applied to the whole plat.
- 4.11** 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, and/or up to 48 inches for solar heating systems.
- 4.12** All dwellings shall conform to minimum floor size and be securely anchored to a permanent footed foundation or slip.
- 4.13** Exceptions. 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:
- 4.131** Churches, schools, hospitals, sanatoriums and other public and quasi-public buildings may be erected to a height not exceeding 65 feet nor 5 stories, provided the front, side and rear yards required in the district in which such building is to be located are each increased at least 1 foot for each foot of additional building height above the height limit otherwise established for the district in which such building is to be located.
- 4.132** 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 exempted from the height regulations of this ordinance and may be erected in accordance with the other regulations or ordinances of the Town of Metomen.
- 4.133** Residences in the Residential, Farmland Preservation, and General Agricultural Districts may be increased in height by not more than 10 feet when all yards and other required open spaces are increased by 1 foot for each foot by which such building exceeds the height limit of the district in which it is located.

- 4.134** Where a lot abuts on 2 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.
- 4.135** 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, they comply with the setback requirements on both streets.
- 4.136** 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 the passage of this ordinance, such lot may be occupied by 1 family.
- 4.137** Accessory buildings which are not a part of the main building shall not occupy more than 30% of the area of the required rear yard, shall not be more than 12 feet high and shall not be nearer than 5 feet to any lot line. 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.
- 4.138** Open or enclosed fire escapes and fire towers may project into a required yard not more than 5 feet provided they be so located as not to obstruct light and ventilation.
- 4.14** Mobile Home Regulations. No person shall locate, park, use, own or occupy a mobile home outside an approved mobile home park in the town except as herein expressly provided.
- 4.141** Mobile homes shall be permitted in the Farmland Preservation, and General Agricultural Districts only if they are located on an operating farm for use and occupancy by a person who, or a family at least one member of which, earns a majority of his or her income from farm operations on the parcel, or is a parent, child, or full-time employee of the operator of the farm In the Farmland Preservation District, a mobile home must also meet the definition of “farm residence.” Only one mobile home is permitted per operating farm.
- 4.142** A person who presently owns or occupies a mobile home in the town located outside of a mobile home park, and who does not meet the criteria of this ordinance, may continue to use and occupy the mobile home for residential purposes, however its use is a Nonconforming Use until:

- (1) The mobile home is not occupied nor used for residential purposes.
- (2) The mobile home is not primarily or permanently occupied and used by the present occupant and his or her immediate family.
- (3) The mobile home is not maintained in a sanitary condition.
- (4) The mobile home does not comply with the town's building codes, the State of Wisconsin building codes and the rules and regulations of the State Department of Health and Social Services, including the state plumbing code.
- (5) The mobile home constitutes a public nuisance.
- (6) The present occupant transfers, leases, or conveys in any way the title to the mobile home to another person outside the immediate family.
- (7) The mobile home is moved to a different premises in or outside the town beyond the specific location where the mobile home is currently parked.

ARTICLE V

Section 5.0 Residential District. The Residential District is intended to provide the covered by this ordinance with a low density residential district.

5.1 Within the Residential District the following uses are permitted:

5.11 One-family dwellings.

5.12 Two-family dwellings.

5.13 Public parks, playgrounds.

5.14 Conversion of any existing building to a permitted use.

5.15 Swimming pools, provided that all such pools shall be located and constructed in accordance with the following provisions:

5.151 Permanent pools shall maintain a minimum side and rear yard clearance of 20 feet from the adjoining property; pools shall be completely isolated from adjoining property by a 48 inch high

fence which must be constructed and maintained in a good state or repair and appearance. Where necessary to keep ground and fill from going on adjoining property, a permanent wall constructed of masonry or concrete shall be installed. All entrances to the pool shall be protected by an adequate gate which shall be kept closed and located when the pool is not in use. No permit for the construction of a pool shall be issued unless the same shall be accompanied by plans for the pool and the fence and showing the exact location and adequate provisions for drainage.

5.2 Regulations and Standards: The following regulations and standards shall apply to all dwellings:

5.21 Occupancy. Residential occupancy per dwelling unit shall be limited to 1 family and not more than 2 roomers or boarders.

5.22 Minimum Lot Size: 1 acre.

5.23 Height. Height shall not to exceed 2-1/2 stories.

5.24 Minimum Side Yard. 10 feet.

5.25 Minimum Rear Yard. 10 feet.

5.26 Schedule of Special Uses in a Residential District. Special uses, which may be authorized by the board, using procedures described in Sections 12 and 13 must be accompanied by a written Finding of Fact, Conclusion of Law, and Order of Determination are as follows:

5.261 Multiple Family Dwelling in the Residential District. Multiple Family Dwelling in the Residential District shall be subject to the standards and regulations as set out in Article V, Residential District, Section 5.2, together with the following additional standards and regulations:

(1) Ground Floor Area. Minimum ground floor area per dwelling unit shall be for each 1-bedroom unit, 700 square feet; for each 2-bedroom unit, 800 square feet; for each 3-bedroom unit, 1,000 square feet-exclusive of common use hallways.

- (2) Off-Street Parking Space. 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, located not less than 10 feet from any front lot line and not less than 5 feet from any side or rear lot line: 2 spaces for each 1-bedroom unit; 2 spaces for each 2-bedroom unit and 2 spaces for each 3-bedroom unit and no such space shall be rented or leased to a non-resident of the premises.
- (3) Parking areas shall be screened with decorative fence or shrubbery from the street and adjacent property and shall provide sufficient area so that vehicles may reenter the public highway in a forward direction.
- (4) Dimension of Building Sites.

 - (a) Minimum area and width for a 3-family unit shall be a minimum 3 acres with a minimum lot width of 200 feet.
 - (b) For more than a 3-family unit, 3 acres plus one additional acre per family unit in excess of 3 with a minimum lot width of 200 feet.
 - (c) Side Yard. Sum of the required side yards shall be 15 feet per unit with a maximum of 40 feet; no single side yard shall be less than 40% of the required total.
- (5) Site Improvements.

 - (a) Refuse disposal shall be in metal containers in the rear yard and appropriately screened and accessible for removal from a driveway or a yard serviced driveway.
 - (b) Such additional screening shrubbery and the like as shall be necessary and reasonable in order to retain the esthetic values 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.

5.262 Mobile Home Parks in the Residence District. Mobile home parks in the Residence District shall be subject to the following provisions:

- (1)** Application. No mobile home park may be developed or expanded without a building permit issued by the Building Inspector in accordance with this ordinance. The Building Inspector shall not issue a permit for a mobile home park or expansion of a mobile home park until:
 - (a)** An application for a special use permit to develop a mobile home park has been submitted with a fee of \$500 to the Town Clerk. The petitioners shall submit 4 complete copies of all plans and specifications containing information as required herein. The Building Inspector shall send 1 copy to the Town Chairman, who shall convene the Town Board as a Town Plan Committee for recommendations and review to the Building Inspector within 30 days; 1 copy to the Town Clerk who shall call the hearing and shall notify the following: the applicant, the Town Board, the Building Inspector, and the County Planning Department. The Building Inspector shall also forward 1 copy of the plans and specifications to the County Planning Department for review and comment.
 - (b)** A public hearing has been held in accordance with this section and the Town Plan Committee has submitted a report recommending approval of the mobile home park, and the Board of Appeals has approved the plans.
 - (c)** The application and plans for a mobile home park equal or exceed the requirements noted herein. The plans submitted and approved by the Board of Appeals and Plan Committee shall be made a condition for granting the special permit.

- (2) Plans specifications: Complete final site plans for mobile home parks shall be submitted at a scale of no less than 50 feet to the inch and shall show the area and dimensions of the proposed mobile home park, the street and lot layout, the location of water, natural gas and sewer lines, a drainage plan for the mobile home park prepared by a registered engineer, location and dimensions of buffers, office- structures, utility buildings, recreation areas, etc., and electric and telephone distribution lines.
- (3) Development Requirements and Standards. The park shall be designed and constructed in accordance with the following requirements:

 - (a) Site Preparation. The mobile home shall be fitted to the terrain, with a minimum disturbance of the land. Existing trees, rock formations and other natural site features shall be preserved to the extent practical. The developer shall provide the mobile home park with public sewer system or approved private sewerage collection and treatment system (septic tanks and soil absorption systems shall be permitted only on express approval of the Town Board), and an approved public or private water utility system.
 - (b) Size and density. The minimum area allowable for a park shall be 10 acres and the maximum density of mobile homes within the park shall be 5 mobile homes per gross acre. (Gross acreage includes all area within the approved mobile home park boundaries.)
 - (c) Mobile Home Space. Each mobile home space shall be clearly defined and shall abut on a driveway of not less than 50 feet in width, of which not less than 22 feet shall be paved, with unobstructed access to a public street, and each mobile home space shall contain no more than 1 mobile home and accessory structures; the mobile home and accessory structures shall not occupy more than 30% of the site area. Each mobile home space shall contain a minimum of 5000 square feet, and shall be at least 40 feet wide at the building line. Minimum yards required between mobile homes or any enclosed

appurtenances, and lot lines shall be: Front yard, 10 feet; Side yard, 20 feet between units or appurtenances; Rear yard, 15 feet.

- (d)** Mobile Home Skirting. All mobile homes shall have around their entire perimeters a continuous skirting material of wood, metal or masonry of not more than 25% open face extending from the bottom of the mobile home to the finished grade of the mobile home stand. Said skirting shall be broken only to provide for such necessary appurtenances as porches or trailer hitches where skirting would prevent the provision of same.
- (e)** Street and Driveway Improvements. All streets and driveways shall be paved according to the standards and specifications used for bituminous road construction by the state.
- (f)** Street Lighting. All streets or driveways within the park shall be lighted at night with electric lights providing a minimum average illumination of 0.2 foot candles.
- (g)** Required Recreation Area. A minimum of 8% of the gross site area shall be devoted to recreational facilities.
- (h)** Required Buffers. Mobile home parks shall be surrounded by buffer strips at least 15 feet in depth on the sides and rear and 65 feet in depth along the front; provided, however, that no side or rear buffers are required between adjacent mobile home developments. Buffers shall be attractively

landscaped and maintained, and shall otherwise be unoccupied except for permitted utility facilities, approved signs or entrance ornamentations. The inside 35 feet of a 65 foot front buffer may be used for street or driveway right-of-way, or recreational facilities.

- (i) **Parking.** There shall be a minimum of 2 paved parking spaces provided for each mobile home lot plus an additional car space for each 4 lots, to provide for guest parking. All parking spaces shall be paved. No parking shall be allowed on any mobile home access driveway.
 - (j) **Utility Lines.** All utility lines shall be underground, except where soil conditions do not permit.
- (4) Criteria for Approval.** In the exercise of approval of mobile home parks, site plan shall be based on the development requirements set forth in this ordinance, and the Board of Appeals shall be guided by the following standards and shall consider the following factors, and shall show on its record that each factor was considered. Before final site plan approval is granted, the plan committee shall also find in the case of these factors and other significant factors that the purposes and requirements of this ordinance have been met by the applicant in respect to:
 - (a)** Ingress and egress to the property and proposed structures thereon, with particular reference to automotive and pedestrian safety, traffic flow and control, and access in case of fire or a catastrophe.
 - (b)** Off-street loading and parking areas, with particular attention to the items in (4) (a) above and the economic noise, glare or effects of the location of such areas on adjoining properties and properties generally in the district.
 - (c)** Refuse and service areas, with particular reference to the items (4) (a) and (4) (b) above.
 - (d)** Manner of drainage of the property, with particular reference to the effect of provisions for drainage on adjacent properties and the consequences of such

drainage on overall town drainage capacities.

- (e) Screening and buffering, with reference to the type, dimensions and character, to preserve and improve compatibility and harmony between the proposed use and the uses and structures of adjacent and nearby properties and properties generally in the district.
 - (f) Signs and proposed exterior lighting, with reference to glare, traffic safety, economic effects of the same on properties in the district, and compatibility and harmony with nearby properties.
 - (g) General amenities and conveniences, with reference to insuring that exterior appearance of the proposed mobile home park will be as compatible and harmonious with properties in the general areas as may be and will not be so at variance with other uses in the general area as to cause a substantial depreciation of property values.
- (5) Additional Requirements. In addition to the foregoing requirements and standards, the approving authorities may:
- (a) Require reprovod designs and standards for accessory buildings, the placement thereof on the site or in the general area.
 - (b) Require park and play areas and equipping thereof, recreation areas and service structures, and general parking area and the location thereof within the park in approved areas.
 - (c) Permit the erection of a permanent residence for the resident manager, including a park office in connection therewith.

5.263 Storage garage or parking lot in connection with a housing development project.

5.264 Public hospitals, when such hospital building shall be located not less than 100 feet from any lot in a Residence District not used for the same purpose.

5.265 Home Occupations

- (1)** Intent. The intent of this section is to provide a means to accommodate a small family home-based business or professional home office as a conditional use without the necessity of a rezone into a business district. Approval of an expansion of a limited family business or home occupation at a future time beyond the limitations of this section is not to be anticipated. Rather, relocation of the business to an area that is appropriately zoned is preferred.
- (2)** Restrictions on Home Occupations.
 - (a)** The home occupation shall be conducted only within the enclosed dwelling unit, an attached or detached garage, or an existing building.
 - (b)** No use shall create smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference, or any other nuisance not normally associated with the average use in the district.
 - (c)** Only one sign may be used to indicate the type of occupation or business. Such sign shall not be illuminated and shall not exceed 6 square feet in size.
 - (d)** The use shall not involve the use of commercial vehicles for more than occasional delivery of materials to or from the premises.
 - (e)** Sale, transfer or assignment of the property shall cause the special use permit to be null and void.

ARTICLE VII

Section 6.0 FP Farmland Preservation District

6.1 Permitted Uses

- 6.11** Agricultural Uses: Any of the following activities conducted for the purpose of producing an income or livelihood:
- 6.111** Crop or forage production.
 - 6.112** Keeping livestock (note that certain operations may also be subject to the Town's Agricultural Livestock Enterprise Ordinance).
 - 6.113** Beekeeping.
 - 6.114** Nursery, sod, or Christmas tree production.
 - 6.115** Floriculture.
 - 6.116** Aquaculture.
 - 6.117** Fur farming.
 - 6.118** Forest management.
 - 6.119** Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
 - 6.120** Any other use that DATCP, by rule, identifies as an agricultural use.
- 6.12** Accessory Uses
- 6.121** A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use, including, but not limited to:
 - (1)** A facility used to store or process raw agricultural commodities, all of which are produced on the farm.
 - (2)** A facility used to keep livestock on the farm.
 - (3)** A facility used to store or process inputs primarily for agricultural uses on the farm.
 - (4)** A facility used to keep or service vehicles or equipment primarily employed in agricultural uses on the farm.
 - (5)** A manure digester, bio-fuel facility, or other facility that produces energy primarily from materials grown or

produced on the farm, primarily for use on the farm.

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

6.122 An activity or business operation that is an integral part of, or is incidental to, an agricultural use.

6.123 A farm residence.

6.124 A business, activity, or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of the farm, that requires no buildings, structures, or improvements other than those described in Section 7.121 and Section 7.123, that employs no more than four full-time employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland.

6.125 Any other use that DATCP, by rule, identifies as an accessory use.

6.13 Nonfarm residences constructed in a rural residential cluster in accordance with an approval of the cluster as a special exception under Section 7.23.

6.14 Undeveloped natural resource and open space areas.

6.15 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 special use permit for that use.

6.16 Other uses identified by DATCP rule.

6.2 Special Uses

6.21 Agricultural-related uses:

6.211 An agricultural equipment dealership, facility providing agricultural supplies, facility for storing or processing agricultural products, or facility for processing agricultural wastes.

6.212 Any other use that DATCP, by rule, identifies as an agricultural-related use.

- 6.22** Creation of a nonfarm residence or conversion of a farm residence to a nonfarm residence through a change in occupancy, subject to the following requirements:
- 6.221** 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 1:20 after the residence is constructed or converted to a nonfarm residence.
 - 6.222** There will not be more than four dwelling units in nonfarm residences, nor 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.
 - 6.223** The location and size of the proposed nonfarm residential parcel, and, for a new nonfarm residence, the location of the nonfarm residence on that nonfarm residential parcel, will not do any of the following:
 - (1)** Convert prime farmland from agricultural use or convert land previously used as crop land, 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 a nonfarm residence.
 - (2)** Significantly impair or limit the current or future agricultural use of other protected farmland.
- 6.23** Creation of a nonfarm residential cluster that covers more than one nonfarm residence if all of the following apply:
- 6.231** The parcels on which the nonfarm residences would be located are contiguous.
 - 6.232** Each nonfarm residence constructed in the nonfarm residential cluster must satisfy the requirements of Section 7.22.
- 6.24** Transportation, communication, pipeline, electric transmission, utility, or drainage uses, if all of the following apply:
- 6.241** The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.

- 6.242** The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
- 6.243** 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.
- 6.244** 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.
- 6.245** Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
- 6.25** Governmental, institutional, religious, or nonprofit community uses, if all of the following apply:

 - 6.251** The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
 - 6.252** The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
 - 6.253** The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
 - 6.254** 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.
 - 6.255** Construction damage to land remaining in agricultural use is minimized and repaired to the extent feasible.
- 6.26** Nonmetallic mineral extraction, if all of the following apply:

 - 6.261** The operation complies with Subchapter I of Chapter 295, Wisconsin Statutes, and rules promulgated under that subchapter, with applicable provisions of local ordinances under Wis. Stat. § 295.13 or Wis. Stat. § 295.14 (including all applicable provisions

of this ordinance), and with any applicable requirements of the Department of Transportation concerning the restoration of nonmetallic mining sites.

6.262 The operation and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.

6.263 The operation and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations outside the farmland preservation zoning district, or are specifically approved under state or federal law.

6.264 The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use.

6.265 The operation does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

6.266 The owner agrees to restore the land to agricultural use, consistent with any required reclamation plan, when extraction is completed.

6.27 Oil and gas exploration or production that is licensed by the Department of Natural Resources under Subchapter II of Chapter 295, Wisconsin Statutes.

6.3 Dimensional Requirements.

6.31 All Uses and Structures. Minimum lot area – 1 acre; minimum lot width – 200 feet; minimum road frontage – 200 feet; minimum rear yard depth – 10 feet; minimum side yard depth – 10 feet.

ARTICLE VIII

Section 7.0 General Agricultural District.

7.1 Purpose. The purpose of this District is 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 purposes, the intensity of development will remain significantly limited.

7.2 Permitted Uses.

7.21 All uses identified as permitted uses in the farmland preservation district, excluding livestock operations of 500 animal units or more.

7.22 Single-family residences.

7.23 Two-family residences.

7.3 Special Uses.

7.31 All uses identified in the farmland preservation district as special uses.

7.4 Dimensional Requirements.

7.41 Dimensional requirements for the General Agricultural District shall be the same as those set forth in the farmland preservation district.

ARTICLE IX

Section 8.0 Business District.

8.1 Permitted Uses. The Business District is intended to provide space for those retail, business, service business and office uses serving the area. Within the Business District the following uses are permitted:

8.12 Retail stores and shops.

8.13 Banks, post office, medical or dental clinics; business or professional offices.

8.14 Service-type business, such as barbershop, beauty parlor, Laundromat, music, dancing, art or photography studio, servicing or repair or home appliances or farm equipment and similar uses.

8.15 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.

8.16 Hotel, motel, boarding or lodging houses, and dwelling units, located on the same lot with such a permitted used.

- 8.17** Clubs, lodges, public meeting halls, theaters, bowling alley, similar places of assembly or recreation.
- 8.18** Blacksmith shops, machine shops, welding shops, sheet metal shops.
- 8.19** Farm implement sales.
- 8.20** Feed mills.
- 8.21** Recreation camps, private parks, cabins, picnic areas, swimming pools, and other recreational uses similar in character to or customarily established in connection with the foregoing; provided, however, that no permit shall be issue until plans for **sanitary** facilities shall have been approved as adequate by the Fond du Lac County Sanitary District.
- 8.22** Private Campgrounds designed and used for the purposes of temporary occupancy by tourists and campers for vacation camping by the use of recreational vehicles, tents or shelter cottages; subject to the following provisions:
- 8.221** No such permit shall be issued for use in any R-Residence area and no camping shall be permitted within 300 feet of the boundary of any R-Residence area.
- 8.222** The minimum size of a campground shall be 5 acres.
- 8.223** The maximum number of camping units shall be 15 per gross acre.
- 8.224** Minimum dimensions of a campsite shall be 25 feet wide by 40 feet long.
- 8.225** Each unit shall be separated from other units by a yard not less than 15 feet wide.
- 8.226** There shall be 1 % automobile parking spaces for each site.
- 8.227** In addition to the side yard and setback requirements of this ordinance, there shall be minimum setback of 40 feet from all other exterior lot lines.
- 8.228** It shall conform to the requirements of Chapter H-78, Wisconsin Administrative code for "Developed Campgrounds."

8.229 Unless adequately screened by existing vegetative cover, the campground may require screening to buffer the grounds, as determined upon by the site plan of such park.

8.230 The campground site does not possess any of the physical limitations enumerated for land subdivisions and for the Sanitary Ordinance of Fond du Lac County.

8.2 Definitions.

8.21 "Recreational Vehicle" means any of the following:

8.211 Travel trailer. A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses and permanently identified as a travel trailer by the manufacturer of the trailer.

8.212 Pick-up coach. A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation and vacation.

8.22 "Temporary Occupancy" means the occupying of a site by a recreation vehicle for a cumulative period not to exceed 105 days in any 12 months, or where the occupants of the site are non-resident tourists or vacationist and the recreation vehicle shall be accompanied by an automobile bearing license plates issued by any other state, for an accumulated period not to exceed 105 days in any 12 months. The site shall be considered occupied if the camp is open, service facilities are maintained and there is access to the recreation vehicle either by motor vehicle or in any other way or the same is in fact used at any time.

8.23 "Developed camp grounds and camping resorts" means any privately or municipally owned parcel or tract of land accessible by automobile or other engine driven vehicle designed, maintained, intended or used for the purpose of supplying accommodations for overnight use by recreational vehicle, open to the public and designated as a developed camp area and set aside for free or paying camping purposes.

8.3 Regulations and Standards.

8.31 All residence uses shall comply with regulations and standards provided for Residence District.

8.32 Height of Buildings. Height of Buildings shall not exceed 60 feet.

- 8.33** Side Yard. Side Yards shall be as established for Residence District.
- 8.34** Rear Yard. As established for Residence District.
- 8.35** Minimum Lot Size. As established for Residence District.
- 8.36** 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 Residence District and subject to the alternative provisions and the tests provisions therein contained. This same provision shall apply to multiple family residence, boarding houses and lodging houses.
- 8.37** Advertising and announcement signs which advertise the products, goods or services offered by a specific business conducted on the premises where the sign is located, not exceeding 200 square feet in area (on double faced signs, both sides shall be counted in determining square footage); such sign shall be set back from the highway right-of-way one foot for each additional 10 square feet in excess of 100 square feet and shall provide a minimum of 6 feet of visual clearance above the ground level; such signs if illuminated shall not blink or be mechanically activated in whole or in part; and provided that setback requirements, except as in this paragraph set out, shall not apply to such signs.
- 8.38** Directional signs indicating the location of a business offering goods or services conducted on premises located within the Town and on a location so set up that persons traveling on the highway may conveniently locate the business, even though located off the highway on which the sign is located. Such signs shall observe setback and side yard requirements, shall not be illuminated and shall not exceed 100 square feet in area.
- 8.39** Off-Street Parking Space. Off-street parking spaces shall be provided as follows:
- 8.391** 2 off-street parking space per dwelling unit or lodging unit on the same lot or tract of land of such dwelling unit or lodging unit served.
- 8.392** 1 off-street parking space per person, normally employed on the lot or tract of land.
- 8.393** 1 off-street parking space for each 100 square feet of retail sales floor area of the establishment being served.

ARTICLE X

Section 9.0 Industrial District.

9.1 Permitted Uses.

- 9.11 Any use permitted in the Business District, but not including religious, educational and institutional uses or residential uses other than the dwelling of a watchman or caretaker employed on the premises, the residence of a fanner engaged in general farming on the premises or dormitories and bunkhouses for the accommodation of seasonal workers employed in the harvesting, processing or manufacture of food and food products.
- 9.12 Cleaning, dyeing and pressing establishments and laundries, except bag cleaning.
- 9.13 Knitting mills and the manufacture of products from finished fabrics.
- 9.14 Laboratories.
- 9.15 Manufacture of goods from leather, but not tanning or hides, or manufacture of leather.
- 9.16 Manufacturing of products not otherwise prohibited.
- 9.17 Printing and publishing.
- 9.18 Processing, packing and manufacture of food, except meat and meat products, fish and fish products, sauerkraut and cabbage by-products or the veining of peas.
- 9.19 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; black-smiting, tin-smiting and welding shop.
- 9.20 Storage and warehousing of fuel and materials, except contractors' yards and the storage of wrecked and dismantled vehicles, junk, explosives, or inflammable gases or liquids.
- 9.21 Wholesale business.

- 9.22** Advertising and announcement signs as define in Section 9.37.
 - 9.23** Any other uses similar in character to or customarily established in connection with the foregoing.
 - 9.24** Trucking Business.
 - 9.241** Trucking business in the Industrial District is not subject to a maximum number of trucks that may be owned or operated.
- 9.2** Regulations and Standards.
- 9.21** Minimum Lot Size. 1 acre.
 - 9.22** Required Yards and Open Spaces.
 - 9.221** Side Yard. Width shall be 10 feet or greater, no accessory building shall project into the required side yard space.
 - 9.222** Rear Yard. Depth shall be 10 feet or greater. Within the required yards or in addition thereto, there shall be sufficient space for the loading and unloading of motor vehicles off the street.
 - 9.223** Where a lot abuts a lot in a Residential 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 Industrial District to the Residential District is a public street, the front yard in the Industrial District shall be suitably landscaped.
 - 9.224** Where an industrial-zoned property abuts residential-zoned property, any building constructed on the industrial-zoned property shall be constructed at least 500 feet from any adjacent residential lot line.
 - 9.24** 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.
 - 9.25** Off-Street Parking Space. Off-street parking shall be provided as follows:
 - 9.251** One off-street parking space per person normally employed on the lot or tract of land.

- 9.252** 1 off-street parking space for each truck or other vehicle incidental to the use of such lot or tract of land.
- 9.26** Signs. Signs are permitted as an accessory use to the principal use of the premises.
- 9.261** The gross area of signs per establishment shall not exceed 2 times the linear feet of frontage of the zoning lot on which such signs are located.
- 9.262** No signs affixed to a structure shall project more than 3 feet beyond the limits of such structure and shall not project across lot lines.
- 9.27** On lots not served by public sewer, sufficient lot area shall be provided to comply with the requirements of the Fond du Lac County Sanitary Code and all provisions of the Administrative Code relating to the use and occupancy of the building are complied with.
- 9.3** Schedule of Special Uses in an Industrial District. Special uses, which may be authorized by the board, using procedures described in Sections 12.0 and 13.0, must be accompanied by a written Finding of Fact, Conclusion of Law, and Order of Determination, are as follows:
- 9.31** Sanitary landfill
- 9.32** Public utility or public service corporation building or structures, provided that the Board of Appeals shall find that the proposed location of such buildings or structures is reasonably necessary for the public convenience, safety or welfare.
- 9.33** Non-metallic mining 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:
- 9.331** 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 the completion of the extraction and commencement and completion dates for the reclamation; a reclamation plan, and such

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

- 9.332** The reclamation plan, submitted as required by the Fond du Lac County nonmetallic mining reclamation ordinance adopted under Wis. Stats. § 66.038, or § 295.13, that fulfills reclamation standards established by the ordinance.
- 9.333** Application for a permit for non-metallic mining 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 a ready- mix concrete plant, shall not be granted except on approval of the Town Board given after the public hearing has been held.
- 9.334** The permit shall be for a period of time as stated in the application or as modified by the Board of Appeals (and where Town Board approval is required, approved by the Town Board). Modification of the application may be permitted or additional conditions may be required. The Board of Appeals and the Town Board, where such approval is required, shall consider the effect of the proposed operation and the proposed reclamation upon existing and future conditions, including streets, neighboring land development, land use drainage, water supply, water pollution, air pollution, soil erosion, natural beauty and land value of the locality. The application may be approved, approved conditionally, or rejected.
- 9.335** No permit shall be granted for a period of time exceeding 4 years, unless approved by the Town Board. A renewal may be granted upon application provided that the applicant has fully complied with the terms of this ordinance and the permit issued hereunder. The Board of Appeals may require a public hearing prior to such renewal.
- 9.336** A filing fee of \$500 shall be required for each initial application, and a filing fee of \$500 for each renewal application.
- 9.337** All existing non-metallic mining operations lawfully operated and existing shall be considered non-conforming uses and may be continued provided that they have been worked prior to the date of the adoption of this provision of this ordinance, and that they be registered with the Building

Inspector within 1 year of the date of this provision of the ordinances.

ARTICLE XI

Section 10.0 Highway Setback Lines.

10.1 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 Metomen, 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.

10.2 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.

10.3 Classes of Highways and Center Lines. Highways are classified and the position of the centerline shall be determined as follows:

10.31 Class 1 Highways.

10.311 Town roads not otherwise classified that have not been improved in accordance with engineering surveys and plans accepted by the County or Town Board. The centerline is the midway point between fences or other markers indicating the boundaries of the highway on opposite sides thereof.

10.312 Town roads not otherwise classified that have been improved in accordance with engineering surveys and plans accepted by the County or Town Board. The centerline is at the center of the surfacing or pavement, or, if there be none, the center of graded Roadbed.

10.313 Roads and streets in platted subdivisions not otherwise classified. The centerline is at the midpoint between the right-of-way lines or as shown on the recorded plat.

10.314 Private roads. The centerline is at the midpoint between the right-of-way lines.

10.32 Class 2 Highways.

10.321 County trunk highways that have not been improved in

accordance with engineering surveys or plans accepted by the County Board or their agent, the County Highway Committee. The centerline is at the midway point between fences or other markers indicating the boundary on opposite sides thereof.

10.322 County trunk highways that have been improved according to engineering surveys and plans accepted by the County Board or their agent, the County Highway Committee. The centerline is the center of the surfacing or pavement, or if there be none, the center of the graded roadbed.

10.33 Class 3 Highways. 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 United States highways. 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.

10.34 Structure Prohibited Within Setback Lines. No new building, mobile home, 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, mobile home, sign or structure or part thereof existing within such setback lines on the effective date of this ordinance shall 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. No maintenance, alterations, additions, or remodeling may decrease the original set back of the building at the time of its construction and the highway.

10.35 Structures Permitted Within Setback Lines. The following kinds of structures may be placed between the setback line and the highway:

10.351 Open fences.

10.352 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, provided the owner file, with the Town Board, 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.

10.353 Underground structures not capable of being used as foundations for future prohibited over-ground structures.

10.354 Access or service highways constructed according to plans as approved by the Board of Appeals. In giving such approval, the Board of Appeals shall give due consideration to highway safety and maximum sight distances.

10.355 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.

10.36 Setback Distances. Except as otherwise provided, the distances from the center line to the setback line applicable to the various classifications of highways as defined herein of this section, shall be as provided by the following paragraphs of this subsection, respectively.

10.37 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.

10.38 In cases where the provisions of this section may be interpreted to provide for different setback distances, the greater setback distance shall prevail.

10.39 Along Highways Generally. The setback distances from the center line, at any point for the respective classes of highways, shall be as follows:

10.391 Class 1 highways, 100 feet, except in platted subdivisions where the setback distance shall be 30 feet from the right-of-way lines as shown on the recorded plat; also excepting lots abutting on private roads where the setback distance shall be 50 feet from right-of-way line but not less than 75 feet from the center line of said road as shown on the instrument creating said road or road easement.

10.392 Class 2 and Class 3 highways, 100 feet; provided, however, that in no case shall the distance of setback line outside of and from the nearest point in the boundary line of the highway, be less than 60 feet for Class 2 and Class 3 highways.

10.393 Exceptions. Except that where buildings, structures or uses are to

be erected or established between buildings existing at the time of the adoption of this ordinance which buildings are located not more than 150 feet apart and have setback lines less than are established by this section, the setback line for each such proposed building, structure or use shall be the average of the setback lines of the nearest existing buildings on both sides of the proposed building, structure or use, provided that a setback line of more than 100 feet from the center line of the highway, or 65 feet from the right-of-way line, shall not be required in any case. The Board of Appeals may further vary this regulation in appropriate cases, provided that the Board of Appeals shall establish such conditions as will save the town harmless from additional improvement damages which might accrue when and if the highway is improved, and provided further that no such variation shall permit a setback less than the average setback of the adjacent buildings.

- 10.40** At Ordinary Highway Intersections. At grade intersections of highways with highways, except those roads and streets in platted subdivisions which do not intersect Class 2 Highways or Class 3 Highways, there shall be vision clearance triangles in each sector of such intersections. Each such vision clearance triangle shall be established by a supplementary setback line, which shall be a straight line connecting points on the setback lines along the intersecting highways and 50 feet back from the intersection of such setback lines.
- 10.41** 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.
- 10.42** 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 Subsection 11.3 of this section and the setback distance along the curve shall be measured from the center of the curved section determined accordingly.
- 10.43** 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.

ARTICLE XII

Section 11.0 Special Uses.

- 11.1** A "Special Use" is a use, which is necessary or desirable for the public welfare, but which is potentially incompatible with the uses normally permitted in the zoning districts established herein. It is hereby declared the policy and purpose of this ordinance to employ the Special 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 and welfare and individual property rights.
- 11.3** The review of a special use application must consider the following factors:
- 11.31** That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.
- 11.32** That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the special use and that the proposed use is compatible with the use of adjacent land.
- 11.33** That the establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- 11.34** That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
- 11.35** That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public roads.
- 11.36** That the special use shall, except for yard requirements, conform to all applicable regulations of the district in which it, is located.
- 11.37** That the proposed use does not violate floodplain regulations governing the site.
- 11.38** That adequate measures have been or will be taken to prevent and control

water pollution, including sedimentation, erosion and runoff.

- 11.39** Existing topographic and drainage features and vegetative cover on the site.
 - 11.40** The location of the site with respect to existing or future access roads.
 - 11.41** All applicable Fond du Lac County Ordinances, including, without limitation, shore land, access road, subdivision, etc.
- 11.4** Denial. Whenever a decision of denial of a special use application is made, the Town shall furnish the applicant, in writing when so requested, those standards that are not met and enumerate the reasons the Town has used in determining that each standard was not met.
- 11.5** Conditions Which May be Attached to Special Uses. Upon a consideration of information supplied at the public hearing and a review of the standards contained in this ordinance, the following conditions may be attached to the granting of a special use: increased setbacks and yards; specifications for water supply, liquid waste, and solid waste disposal facilities; landscaping and planting screens, sureties, operational controls, erosion prevention measures; location of the use; and similar requirements found necessary to fulfill the purpose and intent of this ordinance. A performance bond may be required to insure compliance with such requirements. Violation of these conditions shall constitute a violation of this ordinance.
- 11.6** Conditions. The following conditions shall apply to all special uses:
- 11.61** Prior to granting any special use, the Town may stipulate such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the special use as deemed necessary to promote the public health, safety and general welfare of the community, and to secure compliance with the standards and requirements of this ordinance.
If a special use permit is granted, the Town shall require such evidence and financial guarantees as it may deem necessary as proof of present and future compliance with the conditions stipulated in conjunction with the special use.
 - 11.62** The Town shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, generation and circulation, drainage, sewerage and water systems and the proposed operation of the special use. If the Town Board needs professional assistance from attorneys, planners, architects, engineers, or other professionals, the applicant shall

reimburse the Town for the reasonable fees charged by the professionals.

11.63 The Town shall retain continuing jurisdiction over all special uses for the purpose of resolving complaints against all previously approved special uses. Upon written complaint by any citizen or Town official, the Town shall initially determine whether the complaint indicates a reasonable probability that the special use is in violation with this ordinance. Upon reaching a positive initial determination, a hearing shall be held upon notice. Any person may appear at such hearing and testify. The Town may, in order to bring the special use into compliance with the standards set forth in this ordinance, modify existing conditions upon such use and impose additional reasonable conditions on the relevant special use. In the event that no reasonable modification of the special use can be made in order to assure compliance, the Town may revoke the special use and direct the Town's Building Inspector or Town Attorney to seek elimination of the special use.

11.64 That it conforms to the applicable regulations and standards of and preserves the essential character of the district in which it shall be located.

11.65 That in the case of an existing non-conforming use, will make such use more compatible with its surroundings.

ARTICLE XIII

Section 12.0 Zoning Board of Appeals.

12.1 Under the provisions of Wis. Stats. § 62.23 (7)(e), there is hereby established a Board of Appeals.

12.2 Organization of Board of Appeals. The Board of Appeals shall consist of 5 members appointed by the Town Chairman and subject to confirmation of the Town Board for terms of 3 years, except that of those first appointed, 1 shall serve for 1 year; 2 for 2 years and 2 for 3 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.

12.3 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 have a written Finding of Fact, Conclusion of Law, and Order of Determination and 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.

12.4 Power of the Board of Appeals. The Board of Appeals shall have the following powers:

12.41 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 ordinance.

12.411 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 Building Inspector. Such appeal shall be taken within 20 days by filing with the Building Inspector and with the Board of Appeals a notice of appeal specifying the grounds thereof. The Building Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the actions appealed from was taken.

12.412 The Board of Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it, and give public notice thereof by a Class 1 notice under Chapter 985, Wisconsin Statutes, in an official paper or a paper of general circulation in the and by posting notices in 3 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.

12.42 To permit the extension of a district where the boundary line of a district divides a lot in single ownership as shown of record.

12.43 To interpret the provisions of this ordinance where the street layout on the ground differs from the Official Zoning Map.

12.44 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:

12.441 A written application for a variance is submitted demonstrating:

- (1) 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.
- (2) 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.
- (3) That the special conditions and circumstances do not result from the actions of the applicant.
- (4) That the granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands or structures in the same district.
- (5) No non-conforming 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.

12.442 The application is in proper form and the applicable fee has been paid. The Board shall hold a public hearing on such matter. 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.

12.45 To grant a Special Use, provided:

12.451 An application for a special use shall be made by filing a written application or petition to the Board. Such application shall:

- (1) State the name, address of applicant and owner.
- (2) State the location of property for which the Special Use Permit is sought.
- (3) State the specific Special Use desired.

(4) State the facts sufficient to demonstrate that the conditions for granting a special use exist and support such statement with any plans and/or data as are required by the Board.

12.452 If the application for Special Use is in proper form and the applicable fee has been paid, the Board shall hold a public hearing on such matter and give notice as provided in Section 13.412. 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 Special Use.

12.453 Nothing herein contained shall be construed to give or grant to the Board of Appeals the power or authority to alter or change the zoning ordinance or the Zoning Map; such power and authority being reserved to the Town Board.

12.454 No Special Use Permit shall be issued unless the Board shall find that the specially permitted use is consistent with the spirit, purpose and intent of this ordinance, will not substantially and permanently injure the appropriate use of neighboring property and will serve the public convenience and welfare and that such building or use shall comply with all other regulations in the district in which it is proposed to be located.

12.5 Exercise of Power.

12.51 In exercising the above mentioned powers such Board may, in conformity with the provisions of such section, reverse or at firm, 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.

12.52 The concurring vote of 4 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.

ARTICLE XIV

Section 13.0 Enforcement.

- 13.1** It shall be the duty of the Building Inspector and or Code Enforcement Officer to enforce the provisions of this ordinance.
- 13.2** The Building Inspector or Code Enforcement Officer shall prepare a record of all buildings, structures and mobile homes situated within the setback lines as established by this ordinance, or any amendments thereto, which shall include the distances of such buildings, mobile homes or structures from the center line 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 on which the record is made. Such record shall be kept current 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.
- 13.3** No building, structure or mobile home shall hereafter be created, moved or structurally altered, except as hereinafter provided, until a permit therefore shall have been applied for and issued.
- 13.4** No permit shall be issued until the Building Inspector has satisfactory proof that the premises are in full compliance with the Fond du Lac County Subdivision Ordinance, the Fond du Lac County Shore land Zoning Ordinance, and the Fond du Lac County Flood Plain Zoning Ordinance, and that a Fond du Lac 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.
- 13.5** 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.

13.6 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.

13.7 Certificate of Compliance.

13.71 No vacant land shall be occupied or used, and no building or mobile home hereafter erected, altered or moved shall be occupied until the certificate of compliance shall have been issued by the Building Inspector. 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 ordinance. Such certificate shall be issued only when the building or premises and the proposed use thereof conform to all the requirements of this ordinance.

13.72 Under such rules and regulations as may be established by the Town Board, the Building Inspector may issue a temporary certificate of compliance for part of a dwelling.

13.73 Upon written request by the owner, the Building Inspector shall issue a certificate of compliance for any building or premises existing at the time of the adoption of this ordinance, 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 ordinance.

ARTICLE XV

Section 14.0 Fees.

14.1 Building Permit. A fee is an amount determined by the Town Board is required to be paid by the applicant for a building permit, or for a certificate of occupancy where no building permit was required. The fee shall be paid to the Town Treasurer.

14.2 A fee in an amount determined by the Town Board is required to be paid by the applicant for each application or appeal to the Board of Appeals, which fee shall be paid to the Town Treasurer and receipt therefore filed with the application. This fee shall not be required of any township officer acting in his official capacity.

14.3 A fee in an amount to be determined by the Town Board is required for any

petition for the amendment of this zoning ordinance, and shall be paid to the Town Treasurer 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 Town Zoning Committee.

ARTICLE XVI

Section 15.0 Violations and Penalties.

16.1 Any person, firm, corporation, or organization which violates, omits, neglects, or refuses to comply with or resists the provisions of this ordinance shall upon conviction, be punished by a fine of not less than \$100 or more than \$1,000, together with the costs of prosecution, including reasonable attorney's fees, and in default of payment thereof be imprisoned in the county jail of Fond du Lac County until said forfeiture and costs are paid, but not to exceed 30 days for each violation. In addition to the preceding, the town is authorized to seek and obtain injunctive relief in order to enforce this ordinance. Whenever a person shall have been notified by the Building Inspector 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 7 days after notice, and shall correct all violations within 30 days after notice. If corrections are not commenced within 7 days of notice or not completed 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 building permit, a special use permit or any other permit under this ordinance, if said person:

15.11 Fails to meet or comply with the building codes established by the town.

15.12 Fails to meet or comply with the provisions of this ordinance.

15.13 Fails to comply with the Fond du Lac County or State of Wisconsin zoning and building code requirements.

15.14 Fails to pay all relevant fees for building permits and any other charges imposed by the town; or

15.15 Fails to comply with any special orders or conditions imposed by the building inspector or the Town Board.

ARTICLE XVII

Section 16.0 Changes and Amendments.

- 16.1** 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 refer the matter to the Plan Commission for 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 provide a Class 2 notice of a public hearing on such amendment, specifying the time and place of such hearing.
- 16.2** The Town may rezone land out of the Farmland Preservation District if the Town finds all of the following, after a public hearing:
- 16.21** The land is better suited for a use not allowed in the Farmland Preservation District.
 - 16.22** The rezoning is consistent with any applicable comprehensive plan.
 - 16.23** The rezoning is substantially consistent with the Fond du Lac County Farmland Preservation Plan.
 - 16.24** 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.
- 16.3** By March 1 of each year, the Town will provide DATCP a report of the number of acres that the Town rezoned out of the Farmland Preservation District during the previous year along with a map that clearly shows the location of those acres. The Town will also submit a copy of that report and map to Fond du Lac County by March 1 of each year.

ARTICLE XVIII

Section 17.0 Validity and Conflicts.

- 17.1** Should any section, clause or provisions of this ordinance be declared by courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.
- 17.2** All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

ARTICLE XIX

Section 18.0 Effective Date and Renewal of Interim Ordinance.

18.1 This ordinance shall be in force and after its passage, approval, publication and recording according to law.

18.2 Interim zoning and land use control ordinances heretofore adopted are hereby repealed on the date on which this ordinance

Passed and Adopted: April 16, 1980.

Revised: November 2, 1981

Amended: August 26, 1991
July 11, 1994
June 9, 1997
March 14, 2003
August 27, 2014

TOWN OF METOMEN

By: _____
Jeff Amend, Town Chairperson

Attest: _____
Cindy Sheskey, Town Clerk

TOWN OF METOMEN
FOND DU LAC COUNTY, WISCONSIN

Amendment to Zoning Ordinance Regarding Solar Energy Systems

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

Article XIII is created to read:

12.01 Solar Energy Systems.

(1) Purpose. The purpose of this Section is to provide regulatory scheme for the construction and operation of Solar Energy Systems other than ground or wall mounted solar powered light fixture and solar powered electric fences in the Town of Metomen, 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 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 and solar powered electric fences.
- (b) Solar energy system, free-standing: An accessory use that is the installation of equipment mounted on the ground that uses sunlight to produce electricity or provide heat or hot water to a building. (In contrast see Solar energy system).
- (c) Solar energy system, building-mounted: An accessory use that is the installation of equipment mounted on a building or incorporated into the exterior building materials that uses sunlight to produce electricity or provide heat or water to a building.

maintained in the Town of Metomen without a Solar Energy System Permit granted pursuant to this ordinance, except that no permit is required for a free-standing solar energy system or a building-mounted solar energy system if it meets the following criteria:

- a. Building-Mounted Solar Energy Systems are allowed without obtaining a permit as an accessory use on the following conditions:
 - i. No portion of a panel used to collect solar energy may extend beyond the roof surface or the wall surface to which it is attached.
 - ii. The solar energy system shall comply with the maximum height requirements of the zoning district in which the building is located.
 - iii. The panels of the solar energy system that are mounted on a pitched roof may be either fixed or movable and may be placed at an angle to optimize efficiency of the system.
 - iv. The solar energy system may be mounted on the façade of a commercial building provided the installation does not project more than four feet from the face of the wall.
 - v. All solar panels shall be certified by one of the following: Underwriters Laboratories, Inc.; National Renewable Energy Laboratory; Solar Rating and Certification Corporation; or other recognized body as approved by the Town Board.
 - vi. If the Town determines that more than fifty percent of the panels (measured by total area) have not been operational for a continuous period of twelve months, the solar panels shall be removed.
- b. Free-Standing Solar Energy Systems are allowed without obtaining a permit as an accessory use on the following conditions:

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- i. The surface area of the solar energy system shall not exceed 150 square feet when located in any residential district. There is no maximum surface area

in all other districts. The surface area of the solar energy system shall not be included when determining the total accessory structure area allowed on the lot.

ii. There shall be no more than one Free-Standing Solar Energy system when located in any residential district. There is no maximum number in all other districts.

iii. The solar energy system shall meet the maximum height restriction for an accessory structure for the zoning district in which it is located.

iv. The solar energy system shall meet all setback requirements for an accessory structure for the district in which it is located.

v. All solar panels shall be certified by one of the following: Underwriters Laboratories, Inc.; National Renewable Energy Laboratory; Solar Rating and Certification Corporation; or other recognized body as approved by the Town Board.

vi. If the Town determines that more than fifty percent of the panels (measured by total area) have not been operational for a continuous period of twelve months, the solar panels shall be removed.

(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.

(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.

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(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 that will be

affected by 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) Such additional information as may be reasonably requested.
- (h) Any of the information required by this section may be waived by the Town at its discretion.
- (i) An applicant for a solar energy system exceeding 5 MW shall deposit an application fee of \$10,000 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 services necessary to review an application that are provided by outside engineers, attorneys, planners, environmental specialists, and other consultants or experts shall be billed against the deposit. The applicant shall maintain a minimum of \$5,000 in the account until the review process and construction (if approved) is completed. If the balance in the account drops below \$5,000, the applicant shall deposit additional money to bring the account balance to \$7,500 within five (5) business days. The Town will refund any remaining balance in the account within 60 days after the final inspection of the constructed solar energy system or after denial of the application, as applicable. The Town reserves the right to refuse review of an application in the event an applicant fails to comply with this subsection.
- (j) An applicant for a solar energy system up to 5 MW shall deposit an application fee of \$5,000 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 services necessary to review an application that are provided by outside engineers, attorneys, planners, environmental specialists, and other consultants or experts shall be billed against the deposit. The applicant shall maintain a minimum of \$2,000 in the account until the review process and construction (if approved) is completed. If the balance in the account drops below \$2,000, the

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applicant shall deposit additional money to bring the account balance to \$3,500 within five (5) business days. The Town will refund any remaining balance in the account within 60 days after the final inspection of the constructed solar energy system or after denial of the application, as applicable. The Town reserves the right to refuse 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. 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.

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- (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) Decommissioning and reclamation.
- (h) 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 Metomen 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 and incorporate its terms into the Town of Metomen Zoning Ordinance.

Dated this 6TH day of July, 2021.

TOWN OF METOMEN

By: Jeff Amend
Jeff Amend, Chairperson

Attest:

Cindy Sheskey
Cindy Sheskey, Town Clerk

ORDINANCE NUMBER 2013-3
TOWN OF METOMEN, WISCONSIN

AN ORDINANCE APPROVING AN AMENDMENT TO THE
TOWN OF METOMEN COMPREHENSIVE PLAN 2008-2028

WHEREAS pursuant to the provisions of Section 66.23(2) and (3) of the Wisconsin Statutes, the Town of Metomen is authorized to prepare and adopt a Comprehensive Plan for the Town's vision of the future growth and development of the community as defined in Section 66.1001(1)(a) and 66.1001(2) of the Wisconsin Statutes; and

WHEREAS, the Town of Metomen has requested the assistance of Martenson & Eisele, Inc. to amend chapters 1 (Issues & Opportunities Element), 2 (Land Use Element) and 7 (Agricultural, Natural and Cultural Resources Element) of the Comprehensive Plan for the Town of Metomen, and;

WHEREAS the Town Board of the Town of Metomen, Wisconsin, adopted written procedures designed to foster public participation in the amendment of chapters 1, 2 and 7 of the Comprehensive Plan as required by Section 66.1001(4)(a) of the Wisconsin Statutes; and

WHEREAS the Town of Metomen, through its Plan Commission and through community participation, with the assistance of Martenson and Eisele, Inc., prepared, developed and drafted amendments to the Comprehensive Plan for the Town of Metomen; and

WHEREAS the Town of Metomen Plan Commission has, by majority vote of the entire Plan Commission, as recorded in its official minutes, adopted a resolution recommending to the Town Board the adoption of the amended document entitled "Town of Metomen Comprehensive Plan 2008-2028", a copy of which is on file in the office of the Town of Metomen Clerk and has been published on the Town of Metomen website for public inspection, containing the amended elements required under the provisions of Section 66.1001(2) of the Wisconsin Statutes; and

WHEREAS the Town Board has previously held a public hearing to solicit further input on the amended chapters of the Comprehensive Plan as required under the provisions of Section 66.1001(4)(d) of the Wisconsin Statutes;

NOW, THEREFORE, THE TOWN BOARD OF THE TOWN OF METOMEN, WISCONSIN, DOES ORDAIN AS FOLLOWS:

SECTION 1: That Chapters 1, 2 and 7 as amended to the "Town of Metomen Comprehensive Plan 2008-2028" be, and the same hereby is, authorized, adopted and approved as part of the Comprehensive Plan of the Town of Metomen, Wisconsin,

pursuant to the provisions of Section 66.1001(4)(c) of the Wisconsin Statutes and shall serve as components of the Comprehensive Plan of the Town of Metomen, Wisconsin, from the effective date of this Ordinance.

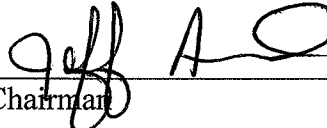
SECTION 2: That a true, correct and complete copy of the Comprehensive Plan shall be maintained in the office of the Clerk of the Town of Metomen and shall be available for public inspection during all regular business hours of that office.

SECTION 3: That the appropriate officers and officials of the Town of Metomen be, and the same hereby are, authorized to take all such other and further action as they shall deem necessary or appropriate under and pursuant to the provisions of Section 66.1001 of the Wisconsin Statutes to implement and carry out the terms and provisions of the Comprehensive Plan for the effective growth and development of the Town of Metomen as envisioned under and pursuant to the Comprehensive Plan.

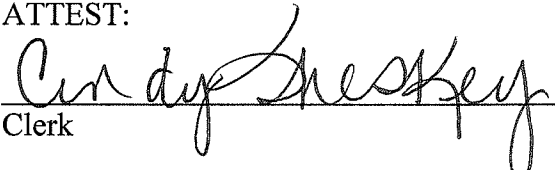
SECTION 4: That all ordinances or parts of ordinances in conflict herewith be, and the same hereby are, repealed.

SECTION 5: That this ordinance shall take effect immediately upon the passage and publication of the same as made and provided by law.

TOWN OF METOMEN

By: 
Chairman

ATTEST:


Clerk

Passed and approved by the Town Board at its regular meeting on the 12 day of August, 2013.

Published this 14 day of August, 2013.

TOWN OF METOMEN
ACCESS CONTROL ORDINANCE

1. TITLE, PURPOSE, AND JURISDICTION

A. TITLE

This ordinance shall be known as, cited and referred to as The Town of Metomen Access Control Ordinance.

B. STATUTORY AUTHORIZATION

The Town Board of the Town of Metomen has the specific authority, powers and duties pursuant to sec. 60.61, 60.02 and 62.23 WI Statutes and, has been granted village powers pursuant to sec. 60.10, WI Statutes.

C. PURPOSE

The purpose of this ordinance is to regulate and control access on to Town roads in order to promote the public safety, convenience, general welfare, economic viability and to protect the public investment of existing and proposed roads and to provide for safe and efficient use of the Town of Metomen road system.

The design standards herein prescribed are to promote the orderly and safe movement in and out of private properties as to constitute a minimum of interference to through road traffic, and to control the use of drainage structures and appurtenances as may be necessary to preserve the physical structure of the road.

2. GENERAL

- A. The present tense includes the future tense and the singular tense includes the plural.
- B. The word "shall" is mandatory; the word "may" is permissive.
- C. The words "used" or "occupied" also mean intended, designed or arranged to be used or occupied.
- D. The word "person" includes any individual, firm, association, joint stock association, organization, partnership, limited trust, body politic, governmental agency, company, corporation and includes any trustee, receiver, assignee, or other representative thereof.
- E. All distances unless otherwise stated shall be measured in the horizontal direction.

3. DEFINITIONS

Access: Connection point for a private driveway or other public road to a town road.

Access Permit: A permit from the Town Board granting permission to connect for accesses purposes to a road.

DRIVEWAY: Any public access for motorized vehicles to 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 road, street, alley, expressway, highway, avenue, parkway, lane, drive, boulevard, circle, bypass or other pathway intended for the public use of motorized vehicles to obtain access to more than two parcels.

RURAL ROAD: Any road with a 55-MPH speed limit in a largely rural or undeveloped area.

SEMI-URBAN ROAD: Any road outside the municipal boundaries of a city or village with a speed limit below 55-MPH.

URBAN Road: Any road within the municipal limits of a city or village.

VISION CORNER: A clear triangle of right-of-way to control sight restrictions at access points. (See diagrams)

4. REGULATIONS

A. EXISTING ACCESS

Any use of access to a town road (via driveway or road) prior to the effective date of this ordinance will be permitted, provided that any further improvements or alterations shall meet the terms of this ordinance.

B. ACCESS PROHIBITIONS

No person shall construct an access point within the meaning of this ordinance unless a valid permit has been obtained from the Town Board. Entrance to or exit from a town road shall be prohibited except at designated access points. No person shall alter in any way, existing appurtenances or features within the road right-of-way, including, but not limited to, ditches, drainage ways, culverts, bridges or pavement surfaces (including existing access points) until or unless a permit has been obtained from the Town Board.

C. SUBDIVISION OF LAND

Before any parcel of land is allowed to be subdivided, it must be proven that access can be provided to each proposed parcel in such a way that it will not violate any of the regulations of this ordinance.

5. ACCESS SPACING AND FREQUENCY

A. Only one access per parcel will be allowed for parcels zoned residential or agricultural unless provided for elsewhere in this ordinance.

B. Commercial and industrial zoned parcels may be allowed two (2) points of access, provided each access meets the criteria of this ordinance, the development requires more than 50 parking spaces, and or if two (2) access points would provide for safer movement of traffic.

C. When a property owner owns more than one parcel adjacent to another with the same zoning, all with frontage on the town road, the parcels shall be treated as a single parcel under this ordinance.

D. Access permits shall not be issued where the horizontal distance between access points would become less than 200 feet for an URBAN roads, 300 feet for SEMI-URBAN roads and 600 feet for RURAL roads (except for AGRICULTURALLY RELATED RESIDENCES), unless there is no other alternate to providing access to the existing parcel.

flashing lights and barricades will be used. All work zone safety equipment will be at the expense of the applicant.

F. MAINTENANCE OF ROAD DURING CONSTRUCTION

During construction of the access, the permittee shall be required to keep the road free of large accumulations of mud and debris. The road will be swept clean at the direction of the Inspector.

G. APPEALS

Any person aggrieved by a decision made in the administration of this ordinance may appeal to the Town Board. Appeals shall be filled within thirty (30) calendar days following the administrative decision and notification by the Inspector. The appeal shall specify the legal description of the parcel and access location in question, and the reason given for the appeal. The Town Board shall make a decision on the appeal within thirty (30) calendar days from the day the appeal was filed. The decision of the Town Board shall be made by the majority present. A written decision shall state the specific reasons and facts from which the final decision was made.

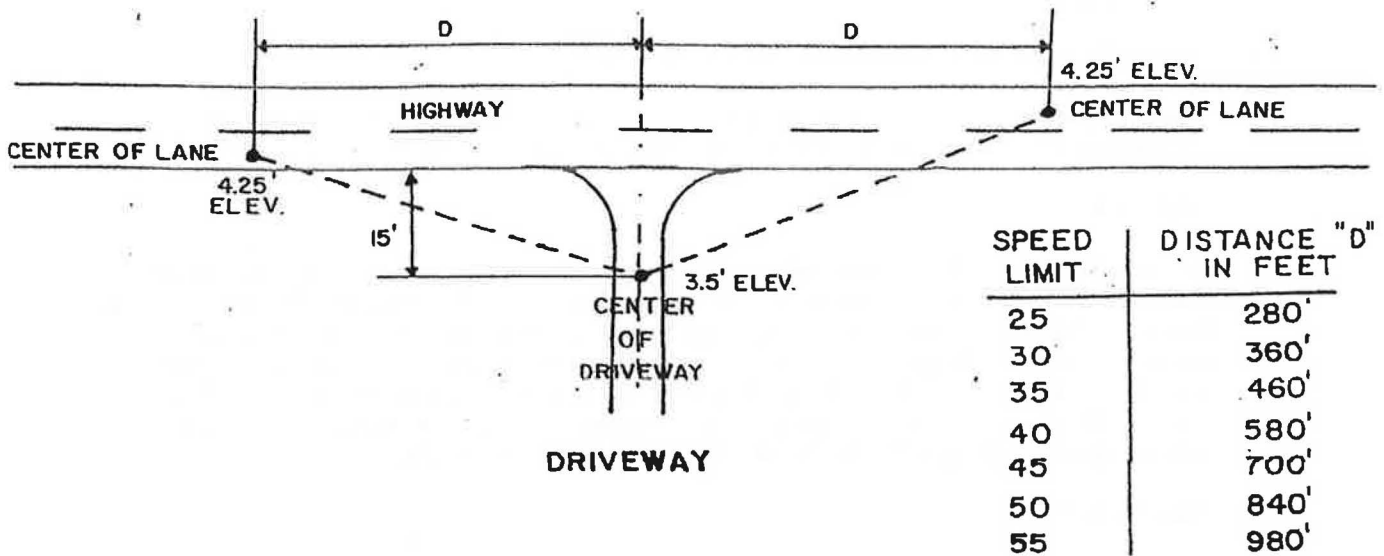
H. VIOLATIONS

In the case of any violation of this ordinance, the Town of Metomen may institute appropriate legal action. Each day in which a violation continues to exist shall constitute a separate offense. No person as defined by Section 2 (D) of this ordinance shall resist, obstruct or interfere in any way with the Town Board or his/her designee in the enforcement of this ordinance, or fail to obey the Town Chairman or designee's order.

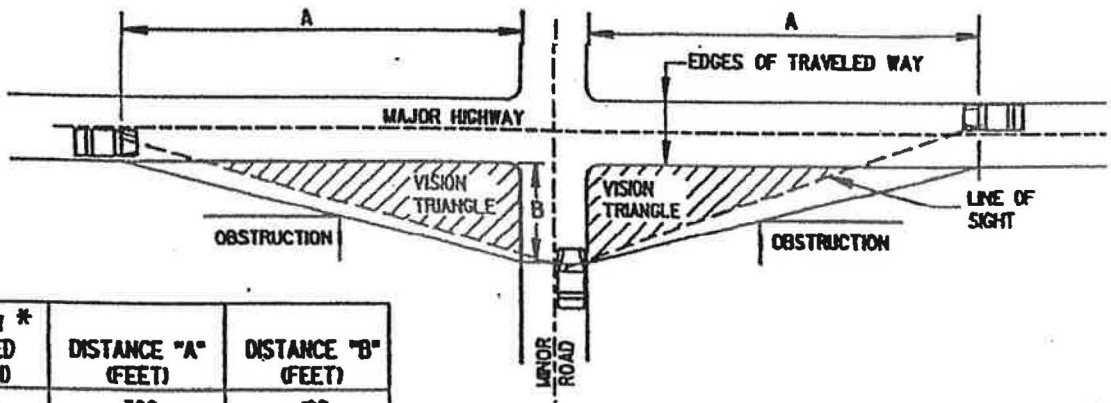
I. PENALTIES

Any individual, firm, corporation, association, organization or agency found guilty of violating any part(s) of this ordinance or who refuses to comply with any provision of this ordinance shall upon such finding by the court, forfeit not less than \$25.00 nor more than \$200.00 for each day for each offense, together with the cost of prosecution.

VISION CORNERS



GUIDE DIMENSIONS FOR VISION TRIANGLES STOP CONTROL ON MINOR ROAD



DESIGN * SPEED (MPH)	DISTANCE "A" (FEET)	DISTANCE "B" (FEET)
40	300	20
50	400	30
55	500	35
60	600	45

* USE THE DESIGN SPEED OF THE MINOR ROAD TO DETERMINE DISTANCE "B".

EXAMPLE: GIVEN: DESIGN SPEED IS 60 MPH ON THE MAJOR HIGHWAY AND 50 MPH ON THE MINOR HIGHWAY.

SOLUTION:

READING FROM THE DIMENSION TABLE, THE LEGS OF THE VISION TRIANGLE ARE "A" = 600 FEET AND "B" = 35 FEET.

DRIVEWAY PERMIT APPLICATION

TOWN OF METOMEN

Phone No. 920-748-9380

Permit Information

To be filled out by applicant

Name of Applicant: _____ Phone No: _____ Date _____

Present Mailing Address _____ City _____ State _____ Zip _____

Town Road Involved: _____ Number of driveways requested: _____

Type of driveway requested:

Residential _____ Commercial _____ Agricultural _____ Proposed Road _____ Other _____

Approximate location of driveway Distance and direction from the nearest road intersection and the name of the road
Intersection? _____

On what side of Road? _____

Has property been surveyed or subdivided? Yes _____ No _____ Certified Survey Map No. _____ Vol _____ Page _____

Driveway(s) to serve lots(s) No: _____ (If known)

Unusual features of driveway request: (i.e. Wider driveway for school bus, restrictive terrain,
Etc) _____

Does applicant own adjacent or abutting land? If yes, give approximate total acreage owned.

Does the adjacent or abutting land have frontage along a Town Road?

Frontage: _____

HAS THE APPLICANT PLACED STAKES IN DITCHLINE WHERE DRIVEWAY IS PROPOSED, SO THAT TOWN PERSONNEL CAN INSPECT LOCATION? _____

I, the undersigned applicant do hereby certify that I have requested this driveway permit and that I have read, understand, and agree to abide by all the applicable provisions and restrictions which are shown on the reverse side of this permit.

Please read owner's covenant on reverse side.

Owners Signature

\$50.00 fee required with application (\$100.00 for commercial)

(To be filled out by Town Personnel)

Does property have any access restriction on it? Yes _____ No _____

If yes what is the nature of the restriction? _____

Is adequate clear vision available looking both ways from proposed driveway? Yes _____ No _____

Is further subdivision of adjoining lands possible by owner? Yes _____ No _____

Is driveway entrance within 100 feet of an intersection? Yes _____ No _____

OWNERS COVENANT

I have read, understand, and hereby agree to abide by the following special regulations and provisions of this permit:

- A. Any grading, special ditching, alteration of slopes, or any other disturbance of any portion of the road right-of-way, shall be restored by and at the expense of the applicant, to the condition existing prior to such disturbance and to the satisfaction of the Town of Metomen Board. If the restoration work or any damage caused to road right-of-way by the applicant cannot or will not be accomplished voluntarily, the Town authority may complete the required work at the applicant's expense.
- B. The entire cost of the driveway construction or installation shall be the obligation of the applicant.
- C. The applicant shall keep the driveway culvert free of debris and other obstructions in order to provide proper drainage along the road.
- D. At a distance of _____ feet from the edge of the road pavement, the finished grade of the driveway shall be at least _____ inches below the grade of the edge of the adjacent pavement. (Blank spaces to be filled in by Town Inspector)
- E. Maintenance and upkeep of driveways and culverts in Town Road right-of-way shall be the responsibility of the applicant.
- F. The driveway(s) authorized by this permit shall be installed within a period of one year from the date of issuance of said permit. The Town of Metomen reserves the right to require the applicant to reapply for said permit after the ninety-day period.
- G. The permittee, his successors, or assigns, agree to hold harmless the Town of Metomen and its duly appointed agents and employees against any actions for personal injury or property damage sustained by reasons of the issuance or exercise of this permit.
- H. No concrete driveways will be allowed within 10' of the road surface. Gravel or paved asphalt only!

To be completed by Town Personnel

Size and length of culvert pipe required under each driveway: _____

Permit approved by: _____ Date _____

TOWN OF METOMEN

Ordinance NO. 2-2001

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

1. Pursuant to Town of Metomen Board action of June 11, 2001, **Town of Metomen Access Control Ordinance** is hereby adopted and shall become effective July 13, 2001.
 - A. At the time an application for culvert permit is files, the applicant shall pay the fees as set forth in this ordinance.
2. The notice of the ordinance shall be published and the full ordinance will be posted as required by law.

Dated this 13th day of June, 2001.

Town of Metomen

By Tom Soda
Tom Soda, Town Chairman

ATTESTED:

Lynn Rands
Lynn Rands, Town Clerk

RESOLUTION NO 2009-2

RESOLUTION ADOPTING COUNTY ORDINANCE 46, ARTICLE III

WHEREAS, The town of Metomen has adopted a subdivision ordinance.

WHEREAS, Section 5-1, Streets and Roads (1)(3), suggest the adopting of county ordinance 46, article III, which gives the county the authority to number the town residences.

NOW, THEREFORE, BE IT RESOLVED that the Town of Metomen adopt county ordinance 46, article III (see attachment)

Date February 9, 2009

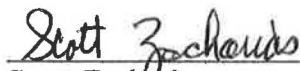
Approved By



Tom Soda Chairman



Jeff Amend



Scott Zacharias

ARTICLE III. RURAL ADDRESS NUMBERING SYSTEM*

***Editor's note:** Res. No. 24-04, adopted May 18, 2004, amended Art. III in its entirety to read as herein set out. Former Art. III, §§ 46-66--46-160, pertained to similar subject matter, and derived from an Ord. of Nov. 11, 1986.

DIVISION 1. GENERALLY

Sec. 46-66. Statutory authorization.

This article is adopted pursuant to Wis. Stats. § 59.54(4), (4m).

(Res. No. 24-04, 5-18-04)

Sec. 46-67. Title.

This article shall be known as the Countywide Rural Address Numbering System for Fond du Lac County, Wisconsin.

(Res. No. 24-04, 5-18-04)

Sec. 46-68. Finding of fact.

The lack of a logical countywide rural address numbering system for buildings and structures in the unincorporated areas of the county adversely affects the public health, safety, convenience and general welfare of county residents. The state legislature has delegated authority to the counties to work in cooperation with town governments to establish a rural number mapping system in towns and appropriate and expend money therefor, and this responsibility is hereby recognized by the county.

(Res. No. 24-04, 5-18-04)

Sec. 46-69. Purpose.

For the purpose of promoting the public health, safety, convenience and welfare, this article has been established to provide an orderly and uniform system for numbering structures and properties in the unincorporated areas of the county to aid in:

- (1) The timely and efficient provision of all emergency services to all rural residents, including police, fire, ambulance and civil defense.
- (2) The reduction of inconvenience to visitors in locating a particular address.
- (3) Reducing the loss of mail and goods due to poor or insufficient addresses.
- (4) Reducing the potential for traffic accidents created by individuals looking for a residence or business address.

(Res. No. 24-04, 5-18-04)

Sec. 46-70. Scope.

Under the terms of this article, the county shall provide the basis of a countywide rural address numbering system, which shall include the text and maps as provided in this article. It shall be the responsibility of town governments to purchase and install rural address number signs throughout the unincorporated areas of their respective towns.

(Res. No. 24-04, 5-18-04)

Sec. 46-71. General provisions.

(a) *Components of article.* This article consists of written text as herein recognized, a county road map superimposed with the rural grid system, and individual town maps with superimposed grid and individual structure numbers. All maps shall be entitled "Fond du Lac County Rural Address Numbering System." Official maps and text shall be filed and maintained in the office of the county planning department.

(b) *Compliance.* Town governments wishing to enact an address numbering system or replace an existing system shall do so in conformance with this article.

(Res. No. 24-04, 5-18-04)

Secs. 46-72--46-90. Reserved.

DIVISION 2. ADMINISTRATION AND ENFORCEMENT

Sec. 46-91. Administration.

The county planner or duly appointed agent shall be responsible for administration of this article. In the performance of this responsibility, the planner shall be guided by the provisions of section 46-116 and this division.

(Res. No. 24-04, 5-18-04)

Sec. 46-92. Maintain and update records.

The official map and written record of all address numbers assigned under this article shall be maintained in the county planner's office. It shall be the responsibility of the county planner or duly appointed agent to update the official rural address maps annually or as otherwise deemed necessary. Official copies of each rural address map shall be made available in reasonable quantities to all necessary town and emergency services officials in the county at a reasonable cost.

(Res. No. 24-04, 5-18-04)

Sec. 46-93. Resolve public road name conflicts.

In those instances where a duplication of road names inhibits the effectiveness of the rural

address number system in locating structures, it shall be the responsibility of the county planner to mitigate such conflicts. In performing this duty, the county planner shall be guided by the following criteria:

- (1) Does one road have a historical basis for its name?
- (2) The road with the fewest rural address numbers should be changed.
- (3) The road having the duplicated name for the least amount of time should be changed.
- (4) The shorter road should be changed.
- (5) The road in a town having first adopted the countywide rural address numbering system shall retain its name.

If during the negotiation process a road name cannot be agreed upon that does not duplicate or in any way conflict with existing road names, it shall be within the county planner's authority to assign a nonconflicting road name. Authority is given to the county planner to have the conflicting road name signs removed and replaced with nonconflicting road name signs.

(Res. No. 24-04, 5-18-04)

Sec. 46-94. Enforcement, damage to signs, penalties.

- (a) *Enforcement.* The county planner or duly appointed agent shall refer violations of this article to the corporation counsel, who shall expeditiously prosecute violations.
- (b) *Willful damage.* It shall be unlawful and a violation of this article to willfully disturb, remove or deface any sign erected or maintained under the provisions of this article. Any person violating this article shall be subject to the provisions of section 1-8.
- (c) *Accidental damage.* Any person who accidentally disturbs, defaces or damages any sign erected or maintained under the provisions of this article shall immediately report such damage to the county planning department. Failure to report such damage shall be a violation of this article and shall be subject to the provisions of section 1-8.
- (d) *Other violations.* Any violation of this article, other than damage to signs, shall be subject to the provisions of section 1-8.

(Res. No. 24-04, 5-18-04)

Secs. 46-95--46-115. Reserved.

DIVISION 3. SIGN AND ADDRESS NUMBERING REGULATIONS

Sec. 46-116. Posting signs by towns.

Towns adopting the countywide rural address numbering system shall erect new rural address signs prior to occupancy or operation of homes and businesses that have been issued rural address numbers by the county planning department.

(Res. No. 24-04, 5-18-04)

Sec. 46-117. New parcels.

All new parcels created after adoption of the ordinance from which this article is derived shall be identified by reference to the rural address numbering system adopted in this article.

(Res. No. 24-04, 5-18-04)

Sec. 46-118. New construction.

All new construction authorized by land use permit, sanitary permit, or town building permit shall be identified by reference to the rural address numbering system adopted in this article.

(Res. No. 24-04, 5-18-04)

Sec. 46-119. Other primary structures.

Any other existing residence, business or primary structure not associated with a parcel previously addressed in this article shall be identified by reference to the countywide rural address numbering system.

(Res. No. 24-04, 5-18-04)

Sec. 46-120. Property owner responsibility.

Any owner or occupant of any building or dwelling unit having received a land use, sanitary or building permit in a town that has adopted the countywide rural address numbering system shall have ten days from receipt of such permit to post a temporary rural address number sign. A permanent rural address sign in conformance with subsections 46-122(1) and (2) shall be posted when such sign is available.

(Res. No. 24-04, 5-18-04)

Sec. 46-121. Determination.

All rural address numbers shall be determined according to the following guidelines:

- (1) Address numbers shall be assigned at a rate of 400 numbers to the section, a number every 13.2 feet more or less.
- (2) All properties on the east side of north-south roads and all properties on the north side of east-west roads shall be assigned odd numbers. All properties on the west side of north-south roads and all properties on the south side of east-west roads shall be assigned even numbers.
- (3) Determination of a rural address number shall be made by measurement of the distance from driveway/road intersection to the nearest existing rural address number or nearest intersection with the appropriate rural address number grid line. If a driveway does not exist, determination shall be made by using a perpendicular line from the front doorway to its intersection with the roadway.

(Res. No. 24-04, 5-18-04)

Sec. 46-122. Sign specifications and posting of address numbers.

All rural address signs shall be in conformance with the following guidelines:

- (1) All signs shall be a flag type with lettering on both sides and located perpendicular to the public road centerline. All preexisting single sided signs shall be converted to double side signs by January 2010.
- (2) Signs shall have reflective white letters and numerals no less than three inches in height on a solid background. If the town name is placed on the sign, it should be located above the address number and should not exceed 1.5 inches in height.
- (3) Signs shall be posted on a steel channel post located on the R.O.W. line of the road and within ten feet from the driveway serving the numbered parcel or building. Signs shall be attached to posts at a height of four feet, measured from ground surface to vertical center of the sign.
- (4) When two or more separate residences or businesses are located on a private, unnamed road, rural address number signs shall be placed at the intersection of the private road and the private drive to each residence. In addition, the range of rural address numbers found on the private road shall be posted on rural address number signs and located as detailed in subsection (3) of this section.
- (5) If a principal building is occupied by two businesses or dwelling units, each business or dwelling of the principal building shall bear a separate rural address number to be posted as detailed in subsection (3) of this section.
- (6) If a principal building is occupied by more than two businesses or dwelling units, each principal building shall bear a separate rural address number. Dwelling units or businesses within each principal building shall be identified by some unique method other than the rural addressing numbering system.
- (7) Individual towns shall furnish rural address number signs, posts and installation thereof. The towns may establish a fee to charge the property owner for this service. The owner of the land or structure on which an address number sign is located shall be responsible to contact the town for the replacement of removed, lost or damaged signs. All property owners shall be responsible for maintaining an unobstructed view of their rural address number signs from a public road.

(Res. No. 24-04, 5-18-04)

Sec. 46-123. Issuance of uniform address numbers.

All individuals requesting a rural address number must complete the E911-Address Number Application form and submit it to the county planning department. The county planner or his duly appointed agent shall have two business days to review the submitted application and verify all information to be correct. If the submitted information is complete an address number will be issued according to section 46-121.

(Res. No. 24-04, 5-18-04)

Sec. 46-124. Subdivision plats.

Address numbers shall be assigned to each lot within a proposed subdivision plat submitted to the county for review and approval under Wis. Stats. ch. 236. Address numbers shall be assigned as follows:

- (1) Assignment of address numbers shall be based on the center point of each parcel boundary where it abuts the roadway to be used for ingress and egress to said parcel.

- (2) Adjustment of the assigned address number may be made at the time of issuance of a building/sanitary permit so as to maintain uniform and consistent sequencing.
- (3) Corner lots displayed on the plat shall be assigned two address numbers, each to reflect the two different roads the property abuts. A finalized address will be awarded at the time of issuance of the building permit.
- (4) Issuance and mounting of address number is not required until the building/sanitary permit is issued.

(Res. No. 24-04, 5-18-04)

Secs. 46-125—46-160. Reserved.

TOWN OF METOMEN AGRICULTURAL LIVESTOCK ENTERPRISE ORDINANCE

1. TITLE, PURPOSE, AND JURISDICTION

A. TITLE

This ordinance shall be known as, cited and referred to as The Town of Metomen Agricultural Enterprise Ordinance.

B. STATUTORY AUTHORIZATION

This Ordinance is adopted pursuant to sec. 60.10, 60.20; sec. 60.22, sec 60.23, sec 60.24, sec. 60.54 and sec. 81.01 of the Wisconsin Statutes, together with the Town's village powers and police powers, all for the purpose of regulating, controlling, preventing and enforcing certain uses, activities, businesses and operations that may affect the public health, welfare and safety.

C. PURPOSE

These regulations and controls are to preserve and maintain Town roads; to promote the public safety; to minimize public nuisances, such as odor, and noise; to protect the water quality; to mitigate the potential effects on property values adjacent to an Agricultural Livestock Enterprise; to preserve productive agricultural land; and, to eliminate financial liability to the Town.

This ordinance shall provide a framework to establish a contract (hereby known as a Framework Agreement) between a person (hereby known as an Agricultural Livestock Enterprise), who would like to establish a farm operation greater than 500 A.U. or more in the Town of Metomen.

It is also the intent of this ordinance to assure a person that the Town of Metomen is an attractive Township to establish an Agricultural Livestock Enterprise.

2. GENERAL

A. The present tense includes the future tense and the singular tense includes the plural.

B. The word "shall" is mandatory; the word "may" is permissive.

C. The words "used" or "occupied" also mean intended, designed or arranged to be used or occupied.

- D. The word "person" includes any individual, firm, association, joint stock association, organization, partnership, limited trust, body politic, governmental agency, company, corporation and includes any trustee, receiver, assignee, or other representative thereof.
- E. All distances unless otherwise stated shall be measured in the horizontal direction.

3. DEFINITIONS

Animal Feedlot (feedlot). Animal feedlot means a lot or building or combination of lots and buildings intended for the confined feeding, breeding, raising, or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetative cover cannot be maintained within the enclosure. For purposes of these parts, open lots used for the feeding and rearing of poultry shall be considered to be animal feedlots. Pastures, animal mortality composting facility and rendering pick-up structures shall not be considered animal feedlots under these parts.

Animal Manure Poultry, livestock or other animal excreta or mixture with feed, bedding, water or other materials.

Animal Unit(A.U.) A unit of measure used to compare differences in the production of animal manure that employs as a standard the amount of manure produced on a regular basis by a slaughter steer or heifer

One mature dairy cow over 1,000 pounds	1.4 animal units
One dairy cow under 1,000 pounds	1.0 animal units
One heifer	0.7 animal units
One calf under 500 pounds	0.2 animal units
One slaughter steer or stock cow	1.0 animal units
One feeder cattle	0.7 animal units
One cow calf pair	1.2 animal units
One swine over 55 pounds	0.4 animal units
One nursery pig under 55 pounds	0.05 animal units
One horse	1.0 animal units
One sheep or lamb	0.1 animal units
One laying hen or broiler(using liquid manure system)	0.033 animal units
One chicken over 5 pounds (using dry manure)	0.005 animal units
One chicken under 5 pounds(using dry manure)	0.003 animal units
One turkey over 5 pounds	0.018 animal units
One turkey under 5 pounds	0.005 animal units
One duck	0.01 animal units

Building, Agricultural. All Buildings, other than dwellings, which are incidental to a farming operation.

Buffer. Areas or strips of land maintained in permanent vegetation designed for screening and/or to intercept pollutants from both surface and ground water, which includes trees, shrubs, and/or grasses.

D.N.R. Department of Natural Resources

Environmental Impact Statement (EIS). A thorough study of a project with potential for significant environmental impacts, including evaluation of alternatives and mitigation. The nature and extent of the EIS will be determined by the Town Board on a case by case basis. The EIS required by this Ordinance is not intended to be the equivalent of an “environmental impact statement” defined in sec. 1.11 of the Wisconsin Statutes.

E.P.A. Environmental Protection Agency

Farm. A tract of land thirty-five (35) acres or more in size, which is principally used for agricultural activities .

Manure, Liquid. Manure that contains less than fifteen (15) percent solid content.

Manure, Solid. Manure which has at least fifteen (15) percent solid content and contains added fibrous material excluding mineral solids.

Residence. Any permanently located building or part thereof designed and primarily used for human habitation. Unless actually being lived in, an unoccupied structure would have to be a structure that could reasonably be presumed to be a place capable of being lived in, in present condition. Consideration will be given to the presence of an operational septic system, water, electricity or other accessory utilities in the determination of a residence.

Road. A public right-of-way affording primary access by pedestrians and vehicles to abutting properties, whether designed as a street, highway, parkway, road, avenue, boulevard, lane, service road, place or however otherwise designed. Acceptance of a road for maintenance purposes by a unit of government is not necessary for designation as a road.

Road, Private. An unplatted access to more than one lot or parcel, including leased or rental properties where public access is limited.

Setback. The minimum horizontal distance between a structure or a manure storage system and the nearest specified lot line, or residence.

U.S.D.A. United States Department of Agriculture

4. FRAMEWORK AGREEMENT

Every agricultural operation where 500 A.U. or more are present, shall enter into a Framework Agreement with the Town of Metomen as a condition precedent to the establishment or operation of an Agricultural Livestock Enterprise

A. FEDERAL COMPLIANCE

The person establishing the Agricultural Livestock Enterprise shall meet all Federal laws and regulations, and provide proof of compliance and copies of all annual reports that must be filed.

B. STATE OF WISCONSIN COMPLIANCE

The person establishing the Agricultural Livestock Enterprise shall meet all State of Wisconsin laws and regulations, including ATCP 51 and provide proof of compliance and copies of all annual reports that must be filed.

C. FOND DU LAC COUNTY COMPLIANCE

The person establishing the Agricultural Livestock Enterprise shall meet all Fond du Lac County Ordinances and regulations and provide proof of compliance and copies of all annual reports that must be filed.

D. TOWN OF METOMEN COMPLIANCE

1. The minimum lot size for an Agricultural Livestock Enterprise shall be Thirty Five (35) acres.

2. Soils rated at 70 or less on the Town of Metomen soil map may be considered for the agricultural building site of the Agricultural Livestock Enterprise.
3. The minimum setback from the agricultural buildings of an Agricultural Livestock Enterprise, to the nearest residence shall be one thousand three hundred twenty (1320) feet.
4. The minimum setback from the agricultural buildings of the Agricultural Livestock Enterprise to the two Municipalities borders within the township shall be two thousand six hundred and forty (2640) feet.
5. A buffer, and/or berm designed by the Fond du Lac County Conservation Department may be required to assist in reducing noise and odor concerns.
6. The Framework Agreement may include language that will ensure that the Town of Metomen roads involved in the Agricultural Livestock Enterprise; will be maintained in part (percent of extra traffic from the Agricultural Livestock Enterprise) by the Agricultural Livestock Enterprise. A Bond may be necessary.
7. The private road to the Agricultural Livestock Enterprise shall be constructed of a material that will reduce dust and/or mud problems.
8. An Environmental Impact Statement and an architectural plan shall be part of the Framework Agreement.
9. The movement of manure shall be addressed in the agreement (time of day, day of week, route of travel, etc”).
10. Dead animals shall be rendered within 24 hours of death. Carcasses shall be located in an area out of sight of the public and local residences. Burial will not be allowed.
11. Silage Stacks shall be considered the same as an agricultural building and as such subject to the same setback requirements. Leachate from silage stacks shall not run into road ditches, streams, or waterways.

12. The Framework Agreement shall include language that will ensure that in the event the Agricultural Livestock Enterprise is discontinued and/or closed; sufficient funds will remain to close the manure facilities. A bond, letter of credit or comparable security acceptable to the Town shall be a requirement in the Framework Agreement. Owners shall have joint and severable liability for clean up, closure or emptying of the abandoned Agricultural Livestock Enterprise.

13. An annual review of the Framework Agreement, and other documents required for proof of compliance between the Agricultural Livestock Enterprise and the Town of Metomen Board shall be required.

5. DRAFTING THE FRAMEWORK AGREEMENT

- A. The person establishing the Agricultural Livestock Enterprise or their representative shall be present.
- B. The Town of Metomen shall be represented by the Town Chairmen or his/her designate, the Town of Metomen Zoning Board President, or his/her designate, the Town Clerk, or his /her designate and the Town of Metomen Attorney.
- C. All cost involved in drafting the Framework Agreement shall be paid by the person establishing the Agricultural Livestock Enterprise. A minimum start up fee may be assessed.

6. PUBLIC HEARING OF THE FRAMEWORK AGREEMENT

- A. Providing that all of the guidelines in Section 4 (A-D 1-13) have been met, as determined by the Town of Metomen representatives, no Public Hearing is required. The Town Board Chairman is authorized to sign the Framework Agreement on behalf of the Town Board for the Town of Metomen.
- B. In the event that not all of the guidelines in Section 4 (A-D 1-13) can be met as determined by the Town of Metomen representatives, a public meeting must be held in accordance with Wis Stats. The Town Board of the Town of Metomen may consider all public input before accepting or rejecting the Framework Agreement.
- C. All cost involved in holding the Public Meeting shall be paid by the person establishing the Agricultural Livestock Enterprise.

7. ADMINISTRATION AND ENFORCEMENT

A. ADMINISTRATION

This Ordinance shall be administered by the Town Board or its designee, which may include the Town Board Chairperson, a Town Board Supervisor or the Building /Code Enforcement Inspector.

B. COMPLAINT OR EMERGENCY INSPECTION

The Town of Metomen shall have the right to undertake inspections upon notice, at a reasonable time based upon a signed written complaint, or the reasonable belief of the existence of a material violation of this Ordinance.

C. INTERFERENCE PROHIBITED

No person shall hinder or otherwise interfere with the Town of Metomen official in the performance of duties and responsibilities required pursuant to the Ordinance.

D. FEES

A maintenance fee of not less than five hundred (\$500.00) dollars per year shall be paid by the Agriculture Livestock Enterprise to the Town of Metomen. This fee will offset the cost of inspections and the annual review.

E. CONTRACT VIOLATIONS

Any person violating the contract agreement may be given notice by the Town of Metomen Board in writing, to suspend operation in the Agricultural Livestock Enterprise. A hearing shall be held before the Town of Metomen Board before a suspension will go into effect. Within sixty (60) days prior to the suspension date, the Agricultural Enterprise shall submit a plan to mitigate any problems identified by the Town of Metomen, or the Agricultural Livestock Enterprise may negotiate a new Framework Agreement. Failing to comply will result in the suspension of operations.

F. APPEALS

Any person aggrieved by a decision made in the administration of this ordinance may appeal to the Town Board. Appeals shall be filed within thirty (30) calendar days following the administrative decision and notification by the Inspector. The appeal shall specify the legal description of the parcel and access location in question, and the reason given for the appeal. The Town Board shall make a decision on the appeal within thirty (30) calendar days from the day the appeal was filed. The decision of the Town Board shall be made by the majority present. A written decision shall state the specific reasons and facts from which the final decision was made.

G. VIOLATIONS

In the case of any violation of this ordinance, the Town of Metomen may institute appropriate legal action. Each day in which a violation continues to exist shall constitute a separate offense.

H. PENALTIES

Any individual, firm, corporation, association, organization or agency found guilty of violating any part(s) of this ordinance or who refuses to comply with any provision of this ordinance shall upon such finding by the court, forfeit not less than \$250.00 or more than \$2000.00 for each day for each offense, together with the cost of prosecution.

I. INDEMNIFICATION

The person who enters into the Framework Agreement shall indemnify, defend and hold harmless the Town and its elected officials, employees and agents, from and against any claims, liabilities, losses or expenses, including reasonable attorneys' fees, that may arise as a result of the existence of operation of the Agricultural Livestock Enterprise. A Framework Agreement does not constitute a waiver of the Town's right to enforce existing ordinances. All rights are reserved.

J. NON-ASSIGNABILITY

The Framework Agreement is not assignable or transferable to any other person whether by operation of law or otherwise, without the express prior written consent of the Town

K. WAIVER

No waiver or inaction by the Town or its officials shall be deemed to be made unless the same shall be in writing and be signed by a duly authorized Town official. Each waiver, if any shall be a waiver only with respect to the specific instance involved and shall in no way impair the rights of the Town in any other respect at any other time.

8. SEPARABILITY OF PROVISION

Should any section or provisions of this ordinance be declared invalid, such decisions shall not affect the validity of the remaining portions of this ordinance.

9. EFFECTIVE DATE

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

Adopted this 29 day of December, 2003 by the Town of Metomen Board Supervisors, Fond du Lac County

Filed this 29 date of December, 2003

Tom Soda
Tom Soda
Chairman Town of Metomen

Lynn Rands
Lynn Rands
Clerk Town of Metomen

Jeff Amundson
Town Supervisor


Scott Zacharias
Town Supervisor

Legal Publication

Date

Amended to comply with, and include ATCP 51

Date 10-9-06



Tom Soda
Chairman Town of Metomen



Town Supervisor



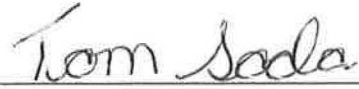
Town Supervisor

Legal Publication

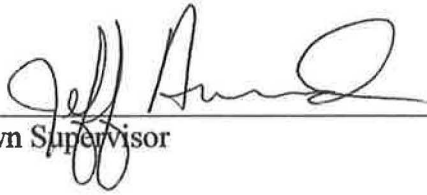
Date

Amended to comply with, and include ATCP 51

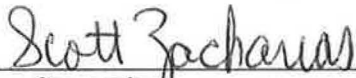
Date 10-9-06



Tom Soda
Chairman Town of Metomen



Town Supervisor



Town Supervisor

Legal Publication

Date

Passed and Adopted: April 16, 1980.

Revised: November 2, 1981

Amended: August 26, 1991
July 11, 1994
June 9, 1997
March 14, 2003

Redrafted and Recertified by the Land and Water Conservation Board
August 2, 2005 Effective until December 31, 2014

Adopted as part of the Town of Metomen Code of Ordinance: and Effective:
August 29, 2005



Town Chairman



Town Clerk

TOWN OF METOMEN
AMENDMENT TO ZONING ORDINANCE

Amendment 1.

5.2 Regulations and Standards: The following regulations and standards shall apply to all dwellings:

5.23 Habitable Floor Area. The minimum habitable floor area per dwelling unit shall be 1100 square feet, with a minimum width of 26 feet.

(change the square feet from 1000 to 1100 and add, with a minimum width of 26 feet)

Amendment 2.

3.53 Manufactured Dwelling. A dwelling structure or component thereof as is defined in the Wisconsin Administrative Code One and Two-Family Uniform Dwelling Code Section 20.07(52), which bears the Wisconsin Department of Industry, Labor and Human Relations insignia certifying that it has been inspected and found to be in compliance with Subchapter V of said Uniform Dwelling Code. (see 3.54 (5))

3.54 Manufactured Home. A dwelling structure or component thereof fabricated in an offsite manufacturing facility for installation or assemble at the building site which is certified and labeled as a manufactured home under 42 USC Secs. 5401-5426 which when placed on the site:

- (1) Is set on an enclosed continuous foundation in accordance with Sec. 70.43(1), Wis. Stat., and ILHR 21, Subchapters III, IV, and V, Wis. Adm. Code, or is set on a comparable enclosed continuous foundation system approved by the Building Inspector, who may require a plan for such foundation to be certified by a registered architect or engineer to ensure proper support for such structure;
- (2) Is installed in accordance with the manufacturer's instruction;

- (3) Is properly connected to utilities; and
- (4) Meets other applicable standards of this Chapter.
- (5) If Manufactured Home or Dwelling does not meet the requirements in Section 5.23, the Manufactured Home or Dwelling will comply with Section 4.15.

(add (5) to 3.54)

The Town Clerk shall properly publish this Amendment to the Zoning Ordinance as required under Section 60.80 Wis Stats, or it may be enacted and published with a Code of Ordinances under Section 66.0103 Wis Stats..

Adopted this 11 day of December 2006

Tom Sade
Chairman

Jeff Am
Supervisor

Scott Zacharias
Supervisor

Lynn Rands
Attest Town Clerk

TOWN OF METOMEN CEMETERY AND BURIAL SITE ORDINANCE

SECTION I	TITLE/PURPOSE
SECTION II	AUTHORITY
SECTION III	ADOPTION OF ORDINANCE
SECTION IV	POLICY STATEMENT
SECTION V	PLATTING OF NEW CEMETERY LOTS/NEW OR EXPANDED CEMETERY OPERATION
SECTION VI	PURCHASE OF LOTS AT TOWN OF METOMEN MUNICIPAL CEMETERY
SECTION VII	OWNERSHIP RIGHTS OF INTERMENT AT TOWN OF METOMEN MUNICIPAL CEMETERY
SECTION VIII	CARE OF LOTS AT THE TOWN OF METOMEN MUNICIPAL CEMETERY
SECTION IX	PRIVILEGES AND RESTRICTIONS
SECTION X	TOWN OF METOMEN MUNICIPAL CEMETERY RULES FOR VISITORS
SECTION XI	TOWN OF METOMEN MUNICIPAL CEMETERY INTERMENTS
SECTION XII	TOWN OF METOMEN MUNICIPAL CEMETERY MONUMENTS AND MARKERS
SECTION XIII	TOWN OF METOMEN MUNICIPAL CEMETERY VAULTS AND MAUSOLEUMS
SECTION XIV	TREES, SHRUBS, AND FLOWERS
SECTION XV	MISCELLANEOUS
SECTION XVI	PENALTIES
SECTION XVII	EFFECTIVE DATE

SECTION I **TITLE/PURPOSE**

The title of this Ordinance is the "Town of Metomen Cemetery Ordinance". The purpose of this Ordinance is to regulate the construction, management, operation, and platting of cemeteries and the burial of human remains and other cemetery uses and activities in the Town of Metomen

SECTION II **AUTHORITY**

The Town Board of the Town of Metomen has Village Power and the specific authority under Section 157.50(2) Wis Stats to adopt this Ordinance.

SECTION III **ADOPTION OF ORDINANCE**

The Town Board of the Town of Metomen, by this Ordinance, duly adopted with a quorum and roll call vote by a majority of the Town Board present and voting, provides the authority for the Town of Metomen and the Town Board of the Town of Metomen to regulate the construction, management, operation, and platting of cemeteries and the burial of human remains and other cemetery uses and activities in the Town of Metomen. References to statutes are to the Wisconsin Statutes in effect on adoption of the Ordinances and any successor statutes enacted thereafter.

SECTION IV **POLICY STATEMENT**

Any Town of Metomen Municipal Cemetery is owned and maintained by the Town of Metomen for the benefit of all citizens. Persons of all denominations and of all religions, of all creeds and races, shall be allowed to be buried in the Town of Metomen Municipal Cemetery. This shall specifically include Veteran burials. This Ordinance for construction, management, platting, and operation of any Town of Metomen Municipal Cemetery is adopted pursuant to Section 157.50(2) Wis Stats. Also certain provisions are set forth in this Ordinance to govern construction, management, administration, platting, and operation of any new cemetery or expanded cemetery of any other dedicated and owned by others persons in the Town of Metomen, and of any burial site in the Town of Metomen. The Town Board may adopt in writing additional Regulations and By-laws under Section 157.11(2) Wis Stats for operation, management and administration of any Town of Metomen Municipal Cemetery. The Town of Metomen reserves the right to amend any of this Ordinance to conform to newly developed cemetery practices. However, before this Ordinance is amended, a public hearing shall be held thereon before the Town of Metomen and a notice thereof shall be published in a local newspaper a least ten (10) days prior to such hearing. The Town Board, by Resolution, may designate, retain, or employ a person as Sexton or any other designee or Committee to act administratively and to manage, operate, and care for the Town of Metomen Municipal Cemetery pursuant to this Ordinance. The Town Board may adopt By-laws and Regulations Without a public hearing.

SECTION V **PLATTING OF NEW CEMETERY LOTS/NEW OR EXPANDED CEMETERY OPERATIONS**

- A. **PLATTING/ZONING** Before any new block of any existing Town of Metomen Municipal Cemetery or new or expanded Cemetery in the Town of Metomen is opened for the sale of cemetery lots or for burial of human remains, the Town Board, the Sexton, or the designee of the Town Board of the Town of Metomen, for a Town of Metomen Municipal Cemetery or any person or agent for any other cemetery, shall cause the blocks and lots to be platted and recorded in the Office of the Register of Deeds for Fond du Lac County. For all other new or expanded cemeteries to be platted, dedicated or constructed for cemetery use after the effective date of this Ordinance in the Town of Metomen, the person, corporation, order, society, or association note in Section 157.065 Wis Stats to construct, manage or operate such cemetery shall plat and record such plat as noted herein and under Section 157.07 Wis Stats. No new burial site for burial of human remains in the Town of Metomen, after the effective

date of the Ordinance, shall occur outside a dedicated, platted and constructed cemetery in full compliance with this Ordinance and Chapter 157 Wis Stats. Any new or expanded cemetery or any burial site shall comply with any land division or zoning ordinance applicable in the Town of Metomen.

- B. **SINGLE GRAVE SECTION.** The Town Board, the Sexton, or other designee of the Town Board of the Town of Metomen shall designate, for any Town of Metomen Municipal Cemetery, certain lots as a single grave section, and such lots therein shall be platted and sold as single grave lots. Unused portions of such lots repossessed under Chapter 157 Wis Stats for nonpayment of assessments for care may likewise be designated and sold as single graves or otherwise.
- C. **PURCHASE OF NEW LANDS.** The Town Board, the Sexton, or other designee of the Town Board of the Town of Metomen shall not purchase, acquire or condemn any land for cemetery purposes without Town or Special Meeting approval of the Town electors under Chapter 157 Wis Stats.
- D. **PUBLIC EASEMENT IN CEMETERY.** No person in violation of Section 157.60 Wis Stats shall open or make any highway, Town road, private way or other public easement in or upon any cemetery burial site or location for burial of the dead in the Town of Metomen, unless written consent has been obtained by the proper State, County or Town authority (herein the Town Board).
- E. **NEW OR EXPANDED CEMETERIES.** No person or authorized agents of any cemetery shall construct, manage, plat, or operate any new or expanded cemetery of any type in the Town of Metomen, after the date of adoption of this Ordinance, without written approval of the Town Board. A cemetery for purposes of this Ordinance shall be any location for burial, as defined in Section 157.061(1) Wis Stats of human remains, as defined on Section 157.061(8) Wis Stats, in the Town of Metomen that has been dedicated as a cemetery as dedicated in defined in Section 157.061(4) Wis Stats, or as defined under common law. Proof of acceptance by the Town Board of the Town of Metomen, or any other cemetery authority of such burial sites for a cemetery, shall be necessary for a determination of a cemetery by the Town Board under this Ordinance. Any new or expanded cemetery to be approved by the Town Board shall be, at minimum, properly platted, as determined by the Town Board of the Town of Metomen, and then recorded with the Town Clerk and the Fond du Lac County Register of Deeds.
- F. **FIVE ACRE MINIMUM.** No cemetery shall be established or dedicated in the Town of Metomen, unless the Minimum acreage shall be at least five (5) contiguous acres. No mausoleum shall be established or used with less than the minimum acreage required under Section 157.12(2)(c) Wis Stats.
- G. **BURIAL SITES.** No person in the Town of Metomen shall disturb any burial site, as defined in Section 157.70(1)(b) Wis Stats, outside any dedicated cemetery, is dedicated or defined in Section 157.061(4) Wis Stats, or as defined by common law in violation of Section 157.70(2r) Wis Stats, nor shall the Town Board of the Town of Metomen transfer any such burial site to any person on land owned by the Town of Metomen, unless in compliance with Section 157.70(6m) Wis Stats.
- H. **SETBACK.** No plots may be plotted within the minimum setback as specified in the Town Of Metomen Zoning Ordinance

SECTION VI

PURCHASE OF LOTS

- A. **PRICE OF LOTS.** The Town Board of the Town of Metomen shall from time to time fix a price on all lots to be sold in any Town of Metomen Municipal Cemetery.
- B. **SALE OF LOTS.** Persons or their authorized agents desiring to purchase a lot in any Town of Metomen Cemetery is referred to the Town Board, the Town Clerk, the Sexton, or other designee of the Town Board of the Town of Metomen. The Town Board, the Town Clerk, the Sexton, or other designee of the Town Board of the Town of Metomen will have available suitable plats showing size and price of lots, and such other information as may be required, and will render assistance to those desiring to make lot purchases. Upon having made a lot selection the Town Board, the Town Clerk, the Sexton, or other designee of the Town Board of the Town of Metomen will issue a lot order to the prospective purchaser, or his agent, who will present the order at the Office of the Town Clerk. Upon receipt of proper payment payable to the Town Treasurer of the Town of Metomen, the Town Chair and the Town Clerk shall issue a deed to the lot in the form prescribed by the Town Attorney. The Deed from the Town of Metomen and the records of the cemetery are to be kept by the Town Clerk or other designee of the Town of Metomen, this is the only evidence of Title to any lot. The deed shall be signed by the Town Clerk and Town Chair or other persons designated by the Town Board and sealed and acknowledged so as to entitle it to be recorded. The purchaser may record this deed with the Fond du Lac County Register of Deeds.
- C. **COMPLIANCE WITH SECTION 157.08. WIS STATS.** Persons conveying cemetery lots in the Town of Metomen at any Town of Metomen Municipal cemetery or other cemetery shall comply with Section 157.08 Wis Stats
- D. **NOTICE OF BURIAL SITES IN THE TOWN.** Any person who has located a burial site, as defined in Section 157.70(1)(b) Wis Stats, or suspected such burial site, or receives oral or written notice of such burial site or suspected burial site in the Town of Metomen, outside a dedicated cemetery in the Town of Metomen, shall immediately contact the Town Clerk. The Town Clerk shall, in writing, notice the Town Board of such burial site or suspected burial site.

SECTION VII

OWNERSHIP RIGHTS OF BURIAL OR INTERMENT

- A. **OWNERSHIP CONDITIONS**
 - 1. The lot owner or his or her authorized agent shall have the right to use a lot or portion of a lot for burial purposes only in accordance with the terms of this Town of Metomen Ordinance or any Town of Metomen Municipal Cemetery By-laws and Regulations. For purposes of this Ordinance "burial" shall mean entombment, inurnment, or interment.
 - 2. Upon full payment by any person of the purchase price of a lot, the Town Clerk and Town Chair for any Town of Metomen Municipal Cemetery lot will issue a cemetery deed, under seal, and the deed will be recorded in the records of the Town of Metomen as evidence of ownership of the lot. Lots, or fractions of lots, for which lot deeds have been issued by the Town of Metomen, will not thereafter be divided except by consent in writing of the Town Board of the Town of Metomen. All lots are exempt from taxation and cannot be seized for debt (except those owned to the cemetery) nor can they be mortgaged.

3. All repossessed vacant grave spaces in any Town of Metomen Municipal Cemetery shall be subject to the same fees and charges.
4. Any lot owner at any Town of Metomen Municipal Cemetery shall have acquired at any Town of Metomen Municipal Cemetery the lot for burial or interment of himself and members of this family. However, the lot owner may grant written permission (which must be notarized and placed on file with the Town clerk) for the burial or interment of other persons. No remains shall be interred on a lot except the remains of one having an interest therein, or a relative, or the husband or wife of such person, or his or her relative, except by the written consent of all persons having an interest in the lot.

B. INTERMENT/BURIAL

Unless otherwise directed in writing and filed with the Town Clerk, the lot owner, his devisees, or his heirs, the Town of Metomen, the Sexton, or other designee of the Town Board of the Town of Metomen will permit the interment or burial of members of his family at any Town of Metomen Municipal Cemetery at the request of any interested person upon proof of eligibility for burial or interment as follows:

- a. The surviving spouse of the lot owner shall have the first right to interment or burial or to direct the right of interment or burial.
- b. When there is no surviving spouse, the devisees, or heirs of the owners may, by agreement in writing, determine who among them shall have the right of interment or burial or direction for interment or burial, which agreement shall be filed with the Town Clerk of the Town of Metomen.
- c. In the event the owner, his surviving spouse, his other devisees, or heirs have not made arrangements for future burials or interments, then the devisees or heirs, as the case may be, of such owner, shall have the right to interment in order of as follows: 1) Other spouse, 2) Eldest daughter, 3) Eldest son, 4) Youngest brother, 5) Youngest sister.
- d. If no such arrangement is applicable, then the Town Board, the Sexton, or other designee of the Town Board of the Town of Metomen may determine use.

C. OWNERSHIP RIGHTS

All interments or burial rights in the cemetery lots located at any Town of Metomen Municipal Cemetery and purchased from the Town of Metomen shall occupy the same position as real estate at the death of the owner. Only such persons whose names appear on the cemetery records of the Town of Metomen will be recognized as owners or part owners of lots. Lot owners shall not allow burials or interments to be made in their lots for any remuneration or financial consideration. In case of death of a lot owner, when the cemetery lot is disposed of by a will, and when ownership is to be determined, a certified copy of the will must be delivered to the Town Clerk of the Town of Metomen before the Town of Metomen will recognize the change of ownership. If the deceased lot owner left no will, satisfactory proof of descent must be provided. It is recommended by the Town of Metomen Municipal Cemetery lots and devise same to one person.

D. RESALE

Lot owners may not resell or transfer their lots in any Town of Metomen Municipal Cemetery except as outlined below:

1. The Town Clerk shall enter in the record kept for the purpose all deeds of transfer and reconveyance of cemetery lots. No such reconveyance shall be received and recorded by the Town Clerk until a fee of Twenty dollars (\$20) has been paid therefore.
2. Said fee shall go into the general Town of Metomen Municipal Fund.
3. Reconveyance of lots or parts of lots may be made only by written application to the Town Clerk, the same to be approved by the Town Board of the Town of Metomen. Such application shall be executed by the owner(s) of the lots, or if the owner(s) is deceased, by the legal heirs. The application shall state the lot and block number.

E. DISINTERMENT

Any interment or disinterment of any person buried in the Town of Metomen Municipal Cemetery shall comply with Section 69.18(4) Wis Stats. A disinterment order shall be required prior to any disinterment. A reburial shall comply with Section 157.112 Wis. Stats.

F. USE OF REPOSSESSED LOTS

Whenever possible, repossessed lots, under Chapter 157 Wis Stats, will be used for burials or interment before new areas of the cemetery are used or platted.

SECTION VII

CARE OF LOTS AT THE TOWN OF METOMEN MUNICIPAL CEMETERY

A. INCOME

The Town Board shall annually fix, as required under Section 157.10(5) Wis Stats, a sum necessary for the proper and decent care of cemetery lots and improvements of any Town of Metomen Municipal Cemetery, including obtaining from different sources, including funds from the County of Fond du Lac for Veteran's graves under Chapter 45 Wis Stats, sufficient income for such care, improvements, and operations. This sum shall not include special assessments, perpetual care funds, special charges, and any security or other income received to insure proper and timely placement of markers and monuments.

B. ASSESSMENTS/CHARGES

The Town Board may annually establish, upon proper notice, an assessment and collect such assessment under Section 157.11(7) Wis Stats with any such cemetery assessment lot amounts not to exceed amounts reasonably required for actual and necessary cost for cleaning and proper and decent care of cemetery lots and care and improvement of any Town of Metomen Municipal Cemetery. No burial or interment may occur until all proper charges and assessments, including marker or monument security payments, are paid in full, unless waived in writing by the Town board, the Town Clerk, the Sexton, or other designee of the Town Board of the Town of Metomen.

C. GENERAL IMPROVEMENTS

The Town Board of the Town of Metomen will direct and administer all improvements and maintenance within any Town of Metomen cemetery before and after any interments or burials. All graves will be sodded and mowed, when determined necessary by the Town Board, the Sexton, or other designee of the Town Board of the Town of Metomen. The grade of lots shall be determined by the Town Board, the Sexton, or other designee of the Town Board. The corners of all lots will, when purchased, if possible, be permanently marked by the Town Board, the Sexton, or other designee of the Town Board. Re-sodding of old interments or disinterment will be done when determined necessary by the Town Board, the Sexton, or other designee of the Town Board of the Town of Metomen.

D. CARE FOR VETERAN'S GRAVES

All cemeteries and other burial sites in the Town of Metomen shall provide proper and decent care for the graves and tombstones of Veterans under Section 45.185 Wis Stats, and the Town Board shall at all times see that such care is provided and that such funding is timely obtained from the County of Fond du Lac annually to aid in such care.

SECTION IX PRIVILEGES AND RESTRICTIONS

A. BY-LAWS AND REGULATIONS

The Town Board may adopt By-laws and Regulations for proper management and care of any Town of Metomen Municipal Cemetery and enforce such regulations under Section 157.11(2) Wis Stats. Persons shall comply with Section 157.11(2) Wis Stats in the platting if trees and shrubs, erecting of fences or other structures, and maintaining such in any to of Metomen Municipal cemetery.

B. NO MOUNDS

No mound in any Town of Metomen Municipal Cemetery shall be raised upon any grave above the General level of the lot.

C. LIMITATION ON STRUCTURES AND URNS

No hedges, fences, railings, embankments, depressions, or other enclosures of any kind will be permitted on or around lots in any Town of Metomen Municipal Cemetery. Wooden boxes, wire containers, glass jars, bottles, toys, cans, memorials, memorabilia and other such objects may not be placed on lots without approval of the Town Board, the Sexton, or any designee of the Town Board and if so placed, will be removed by the Town Board, the Sexton, or other designee of the Town Board of the Town of Metomen without notice. Urns and vases are not permitted at any Town of Metomen Municipal Cemetery on lots sold after the passage of this Ordinance unless placed on top of the concrete pad that is part of the headstone. Urns and vases shall be removed by the Town of Metomen, the Sexton, or other designee of the Town Board as they become unsightly or deteriorated and shall not be replaced. However, before such an urn or vase is destroyed or discarded, the last owner of record of the lot shall be notified by registered or certified mail with receipt requested by the Town Clerk that such urn has been removed from the grave and will be destroyed unless the owner thereof claims same within thirty(30) days after mailing of such letter.

D. LANDSCAPING CONTRACT

All landscaping, mowing, and general care of lots, and other work in the Town of Metomen Municipal Cemetery will be done by the Town of Metomen, its officers, its employees, independent contractors, or agents, including and Sexton or other designee of the Town Board.

E. ACCESS TO LOTS/OPENING AND CLOSISNG OF BURIAL PLACE

The Town of Metomen reserves the right for its officers, employees, contractors, and agents, including the Sexton and designee of the Town board necessary to the performance of normal Town of Metomen Municipal Cemetery operations to enter upon or cross over any lot in any Town of Metomen Municipal Cemetery in the performance of such duties. The Town Board has the sole right to the opening and closing of burial or interment places used or to be used for burial of human remains in the Municipal Cemetery, unless by Court Order they are so ordered by a Court of record to open or close such places

F. NO LIABILITY FOR DAMAGES

The Town of Metomen and its officers, employees, contractors, and agents, including the Sexton, or other designee of the Town Board assume no liability for damages to property or of person, of for physical or mental suffering arising our of the performance of its normal operations related to the construction, management, operation, and patting of the Town of Metomen Municipal Cemetery, including proper and decent care of the cemetery, the lot, and the graves, or for loss by vandalism or other acts beyond its reasonable control at such cemetery. Any person who has witnessed mishandling of any corpse, improper burial or disturbance of any cemetery lot or other burial site in the Town of Metomen, including the Municipal Cemetery, shall timely report such mishandling of the corpse, improper burial or disturbance of such lot or burial site to the Town Clerk or Sexton, or other designee of the Town Board.

G. ALTERING PHYSICAL CONDITIONS

The Town of Metomen reserves the right to alter, change or close alleys, roadways, water mains, and other physical public properties at any Town of Metomen Municipal Cemetery

H. ENFORCEMENT OF REGULATIONS AND ORDINANCE

The Town Board may appoint, with citation issuance and service powers, an employee or agent of the Town of Metomen, including the Sexton, to administer and enforce its By-laws and Regulations and this Ordinance under Section157.11(2) Wis Stats.

SECTION X

TOWN OF METOMEN MUNICIPAL CEMETERY RULES FOR VISITORS

A. REFRESHMENT LIMITS

Persons or picnic parties with alcoholic beverages are not permitted within any Town of Metomen Municipal Cemetery

B. PET LIMITS

Pets will only be allowed in any Town of Metomen Municipal Cemetery when confined in a vehicle. Dogs may be utilized by those persons with sight-impairment while in the Cemetery. All other pets are prohibited without written consent of the Town Board, the Sexton or other designee of the Town Board.

C. FIREARM LIMITS

Firearms will not be allowed in any Town of Metomen Municipal cemetery except in conjunction with military funerals. At all other times firearms, bows and arrows, slingshots, and other like articles will not be allowed.

D. VISITOR CONTROLS

Visitors are required to use at all times the walks and drives whenever possible, and shall not pick or cut any flowers(either wild or cultivated); injure any shrub, tree, plant; or mar or deface any monument, stone, or structure in the cemetery. No person in any Town of Metomen Municipal Cemetery shall desecrate, remove or damage any grave, lot, or property, except the owner of the cemetery lot or a person with the cemetery lot owner's consent or the written consent of the Town Board, the Sexton or other designee of the Town Board who are engaged in official cemetery duties for the Town of Metomen; nor shall any person without proper authority desecrate, remove, deface, mark, or damage in any manner any cemetery markers, headstones, monuments, fences, or structures; nor shall any person without proper authority desecrate, remove damage, or destroy any vases, flower pots, urns, or other objects which have been placed on any cemetery lot; nor shall any person move or remove any cemetery equipment without the written consent of the Town Board, the Sexton, or other designee of the Town Board.

E. VEHICLE CONTROLS

No riding of bicycles, motor bikes, all-terrain vehicles, snowmobiles, motorcycles, or other such vehicles will be allowed in any Town of Metomen Municipal Cemetery unless such vehicles are present in conjunction with the Municipal Cemetery business or authorized by the Town Board, the Sexton or other designee of the Town Board. Visitors are required to use designated drives at all times.

F. PROTECTION OF CEMETERY PROPERTY

No person shall trap in any cemetery or hunt, kill, injure, or disturb or attempt to injure or disturb any animals, birds, or waterfowl, wild or domestic, within any such Town of Metomen Municipal Cemetery in any manner except as provided by the Town Board, the Sexton or other designee of the Town Board; nor shall any person without written consent of the Town Board, the Sexton or other designee of the Town Board, climb any tree, break, cut down, trample upon, remove or in any manner injure, desecrate, remove, deface, write upon or in any manner damage or destroy any tree, shrub, flower, flower bed, turf, grassy area, soil, building, structure, equipment, official notice, sign or other property within any Town of Metomen Municipal Cemetery.

G. WORKING IN CEMETERY

All contractors or other persons, other Town officers, employees, or agents, including the Sexton or the Town of Metomen, having work in the Municipal Cemetery shall notice the Town Clerk, the Town Sexton, or other designee of the Town Board prior to commencement of such work. All contractors or others doing work in the Cemetery are held responsible for the cost for any damages or losses, and shall promptly pay the same to the Town Clerk upon determination of the amount by the Town Board.

SECTION XI TOWN OF METOMEN MUNICIPAL CEMETERY INTERMENTS

A. DAYLIGHT INTERMENTS

Burials, interments, or disinterment at any Town of Metomen Municipal Cemetery will be made only during daylight hours.

B. OUTER CONTAINERS

All burials, interments, and disinterment at any Town of Metomen Municipal Cemetery shall be made in a permanent outer container excluding the use of wood.

C. GRAVE DIGGING

All graves at a Town of Metomen Municipal Cemetery or any other Cemetery or burial site in the Town of Metomen to be used for burials or interments shall be opened and dug at no cost or expense to the Town of Metomen but shall be under the direction to the Town Board, The Sexton, or other designee of the Town Board. Depth of graves shall conform with the Wisconsin State Board of Health specifications. The Town Board, the Sexton, or other designee of the Town Board may charge the full cost at any Municipal cemetery for any grave digging and opening service provided by the Town of Metomen, including the Sexton fees for staking the plot, if the Town Board has authorized such grave staking, grave openings, or digging service. The Town Board may also establish charges for snowplowing and seasonal access cost the lot owner as incurred by the Town of Metomen for interment, disinterment, or other burial services. Arrangements for any interment, disinterment or other burial services, including payments due to the Town of Metomen, shall be made at least forty-eight (48) hours in advance of the funeral service by contact to the Town Clerk, the Sexton, or other person designated by the Town Board. The hour for any funeral service must be so arranged so that the grave may be properly filled and all surplus earth removed before 4:30 p.m. on each day.

D. RESPONSIBILITY FOR MAINTENANCE OF FLOWERS, WREATH, ETC

There will be no responsibility on the part of the Town of Metomen, its officers, employees, contractors, or agents, including the Sexton, for the protection and maintenance of flowers, wreaths, emblems, urns, family or personal items, memorials, etc. Used or placed at any Town of Metomen Municipal Cemetery in conjunction with funerals, burials, interments, disinterment, or memorials.

E. NUMBER OF GRAVES PER LOT

The interment or burial of one body per grave shall be the requirement at any Town of Metomen Municipal Cemetery except in the following circumstances:

1. Two (2) remains from cremation shall be allowed in one (1) grave with one (1) head stone or Two(2) flat markers to be place only in line with other stones.
2. One (1) full-body and one (1) cremation shall be allowed in one (1) grave, with one(1) headstone or two(2) flat markers to be place only in with other stones.
3. All cremations shall be place in permanent outer container excluding the use of wood.

SECTION XII

TOWN OF METOMEN MUNICIPAL CEMETERY MONUMENTS AND MARKERS

A. LIMITATIONS

The Town of Metomen reserves the right for the Town Board, the Sexton, or other designee of the Town Board to refuse permission to erect any monument, marker, or foundation work not in keeping with the good appearance of the grounds at a Municipal cemetery. The size of the monument and /or stonework must be approved before said work will be permitted on a lot. Only one (1) monument or two flat markers will be allowed per lot. No foundation marker or monument shall be larger than the width of the lot or group of lots purchased. All monuments must be set in line with other monuments so far as possible as directed by the Town Board, the Sexton, or other designee of the Town Board. Government services monuments or markers will be surface grounded or attached to the monument or marker. All markers and monuments must have a cement foundation. No monument or marker will be more then five(5) feet in height. All markers shall be flush with the ground and parallel with existing markers. Temporary markers must be removed or replace with a permanent marker at any Municipal Cemetery within one (1) year of burial or interment. A pre-need marker may be placed on a lot or group of lots before interment or burial. Only permanent materials such as granite, marble, or standard bronze shall be used for outside and above ground portion of any marker or monument. Within one (1) year of burial, a marker or monument identifying the burial or interment must be place at the gravesite.

B. PAYMMENT

Any lot at a Town of Metomen Municipal Cemetery must be paid in full to the Town Clerk before markers, monuments, and foundation are set and before any Cemetery Deed conveyance. All outstanding Charges due the Town of Metomen must be paid prior to interment or burial. The Town Board shall establish the cost per lot, which shall include perpetual care and any annual assessment. The cost per lot purchase on the effective date of this Ordinance is \$250.00 dollars per lot , subject to increases or decreases by written Resolution of the Town Board at anytime. Also, a security payment may be required to insure that a proper marker or monument be place at the gravesite within the required timeline.

SECTION XIII

TOWN OF METOMEN MUNICIPAL CEMETERY VAULTS AND MAUSOLEUMS

A. CONSTRUCTION OF VAULTS AND MAUSOLEUMS

Construction of vaults and mausoleums in any Town of Metomen Municipal Cemetery is prohibited unless approved in writing by the Town Board.

SECTION XIV

TREES, SHRUBS, AND FLOWERS AT TOWN OF METOMEN MUNICIPAL CEMETERY

A. TREE/SHRUB PLANTING

The planting at any Town of Metomen Municipal Cemetery of trees and shrubs on newly purchased lots will not be permitted except by written consent of the Town Board, the Sexton, or other designee of the Town Board.

B. FLOWERS/FLAGS

All flower baskets, potted plants, ect., shall be removed by November 15 of each year. Fresh flowers may be used in any Town of Metomen Municipal Cemetery anytime. Container for flowers must be placed on top of the cement foundation or are to be a type that is level with the ground surface and not holding water when not in use; or of the type to be disposed of when flowers are removed. All flags placed on lots for Memorial Day shall be removed the following Flag day of each year.

C. VINE/WREATH/MEMORIALS REMOVAL

Vines that interfere with the proper care of lots or graves and injure the grass will be removed from any Town of Metomen Municipal Cemetery by the Town Board, the Sexton, or there designee of the Town Board when found objectionable. No real or artificial wreaths, temporary or permanent, nor memorial or personal memorabilia items will be allowed on lots or graves without written consent of the Town Board, the Sexton, or other designee of the Town Board.

SECTION XV MISCELLANEOUS

A. NEGLECTED MONUMENTS OR MARKERS

. The Town Board, the Sexton, or other designee of the Town Board may notice or attempt to notice in writing a lot owner that the monuments or markers are being neglected and that failure to comply with Regulations regarding proper care and management or to correct such neglect may be cause for forfeiture under Section 157.11(2) Wis Stats.

B. FEE PAYMENT LOCATION

All fees and charges as outlined for any Town of Metomen municipal Cemetery in the current schedule of fees and charges are payable to the Town Treasurer of the Town of Metomen at the Office of the Town Clerk, where receipts will be issued for the amounts paid.

C. SCHEDULE OF PAYMENTS

A schedule of the fees and charges for any Town of Metomen Municipal Cemetery, as established by the Town Board, the Sexton, or other designee of the Town Board, shall be on file in the Office of the Town Clerk. Such schedule may change from time to time without advance notice to conform with current economic conditions.

D. SEXTON

The Town Board may hire or appoint a Town of Metomen employee or retain an independent contractor as a Sexton to administer, repair, maintain, manage, and operate, or any part of the operations or of the cemetery thereof. This Sexton may be a Town of Metomen employee or may, with proper insurance and indemnification protection for the Town of Metomen, its officers, employees, and agents, be an independent contractor or agent retained under written contract for a fixed time of years. The Town Board, consistent with this Ordinance, may designate powers and duties to the Sexton by written Resolution.

E. RECORDS

The Town Clerk of the Town of Metomen shall be responsible for and shall be the custodian of the records of the Town of Metomen Municipal Cemetery, including all records. The Town Clerk, Sexton and other Town Officials shall make available in a timely manner all such records in their custody requested by the Department of Regulation and Licensing in its audit function.

SECTION XVI PENALTIES

A. CITATION

The Town Board may establish a Citation Ordinance for enforcement of violations of this Ordinance and for any By-laws or Regulations.

B. PENALTIES

Any person who violates any provision of this Ordinance or any By-law or Regulations shall, upon conviction, be fined and shall forfeit for any By-law or Regulation violation under Section 157.11(2) Wis Stats not more than ten dollars, and for a violation of this Ordinance, nor less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1000.00) for each offense, together with the cost of prosecution. Each day that a violation continues shall be considered a separate offense. The Town Board may, where appropriate, seek Injunctive Relief action to prevent violation of the Ordinance and Chapter 157 Wis Stats. Furthermore, the Town Board or the Town of Metomen shall be permitted to withhold from any person the issuance of any Town of Metomen licenses, authorities, grants, or permits and any additional cemetery lot purchases and permit for burial or disinterment until the violation has been abated and all penalties and costs satisfied.

SECTION XVII

EFFECTIVE DATE

This Ordinance is effective upon publication.

The Town Clerk shall properly publish this Ordinance as required under Section 60.80 Wis Stats, or it may be enacted and published with a Code of Ordinances under Section 66.0103 Wis Stats..

Adopted this 13 day of February 2006

Tom Sord
Chairman

Scott Zacharias
Supervisor

Alan Lawson
Supervisor

Pearl Schickel
Treasurer

Lynn Rande
Attest/Town Clerk

TOWN OF METOMEN

Cemetery Resolution

“ Be it hereby Resolved”, by the Town of Metomen Board, that the cemeteries own by the Town of Metomen , namely the Round Oak Cemetery, and the Union Prairie Cemetery, shall sell plots for the sum of \$150.00 dollars per plot, and a fee of \$40.00 dollars be charged for the placement of headstones. “Be it also resolved “ that in the new addition to the Union Prairie Cemetery, Row 13 to 22, all headstones shall be at ground level.

Tom Soda
Lynn Bonds

TOWN OF METOMEN CHARGES FOR FIRE PROTECTION AND, OR RESCUE CALLS ORDINANCE

1. TITLE, PURPOSE, AND JURISDICTION

A. TITLE

This ordinance shall be known as, cited and referred to as The Town of Metomen Fire Protection and, or Rescue call Ordinance.

B. STATUTORY AUTHORIZATION

The Town Board of the Town of Metomen has the specific authority, powers and duties pursuant to sec. 60.61, 60.02 and 62.23 WI Statutes and, has been granted village powers pursuant to sec. 60.10, WI Statutes. Pursuant to Section 60.55, 60.555, and 60557 of Wis. Stats..

C. PURPOSE

In 1983 Wisconsin Act 532 authorizes Towns to charge property owners, and vehicle traveling within the Town a portion or all of the costs of fire protection and, or rescue calls. Due to State of Wisconsin Budget cuts it has become necessary for the Town of Metomen to charge for fire and, or rescue calls.

2. LIABILITY FOR FIRE PROTECTION COST

- A. The Property owners within the Town of Metomen and vehicle traveling on State, County, and Town roads within the Town of Metomen, for which fire protection, and or rescue is provided shall be responsible for the costs (not to exceed \$500.00) of the fire protection and, or rescue calls based upon the following schedule:

1. Fire calls by the Brandon Area Fire Department

Firemen	Hour per man	\$12.00 per hour or part of
Standby Firemen	Hour per man	\$8.50 per hour or part of
Department of Public Works Personal	Hour per man	\$50.00 per hour or part of
FICA, Federal and State Tax		At rate
Materials	Water	\$2.35 per 1000 gal.
	Foam	\$68.00 per 5 gal.
	Hydrant hookup	\$20.00 each
	Fuel	Village Price

- B. Property owners, and vehicles traveling in the Town of Metomen that intentionally start a fire that requires the Fire Department to extinguish the fire, shall be responsible for the total cost of the fire call.

3. LIABILITY FOR FIRE CALLS FROM UNAUTHORIZED FIRE DEPARTMENTS

It is the policy of the Town of Metomen to contract with the fire department listed in Section 2 above. Any property owner or vehicle owner requesting fire protection and or rescue calls directly from any fire department other than listed in Section 2 shall be responsible for the full costs billed to the Town for the fire and, or rescue call from any unauthorized fire department. This section shall not apply to the costs of any other departments responding to the request of the authorized fire department under mutual aid.

4. BILLING AND PAYMENT PROCEDURE

The Brandon Area Fire Department is authorized to bill the Town of Metomen for all fire and, or rescue calls. The Town of Metomen will bill and collect from residences, and travelers within the Township for fire and, or rescue calls as outlined above.

In the event the resident fails to pay the bill within 60 days of the date of billing, the Town Clerk will charge interest at a rate of one and one half 1½% percent per month.

Those bills remaining outstanding, including interest, for more than ninety (90) days as of November one (1) of any year shall become a lien against the real estate from which fire protection and, or rescue was provided and shall be placed on the tax roll as a delinquent special charge pursuant to Section 66.60 of Wisconsin Statutes.

In the event the owner of a vehicle fails to pay the bill within 60 days of the date of billing, the Town Clerk will charge interest at a rate of one and one half 1½% percent per month. If the bill is unpaid after 90 days the bill will be turned over to a collection agency. The vehicle owner will be responsible for the additional cost of the collection agency.

5. SEPARABILITY OF PROVISIONS

Should any section or provisions of this ordinance be declared invalid, such decisions shall not affect the validity of the remaining portions of this ordinance.

6. EFFECTIVE DATE

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

Adopted this 29 day of December, 2003 by the Town of Metomen Board Supervisors, Fond du Lac County

Filed this date 29 of December 2003

Tom Soda

Tom Soda
Chairman Town of Metomen

Lynn Rands

Lynn Rands
Clerk Town of Metomen

Scott Zacharias

Town Supervisor

J. J. [Signature]

Town Supervisor

Legal Publication

Date

7. Amended Date

This Ordinance was amended to reflect the change in fire protection to be solely with the Brandon Area Fire Department

Amended this 5 day of November, 2007 by the Town of Metomen Board

Filed this date 5 of November, 2007

Tom Soda

Tom Soda
Chairman Town of Metomen

Lynn Rands

Lynn Rands
Clerk Town of Metomen

Scott Zacharias

Town Supervisor

Jeff And

Town Supervisor

Amended 11/5/07

TOWN OF METOMEN CHARGES FOR FIRE PROTECTION ORDINANCE

1. TITLE, PURPOSE, AND JURISDICTION

A. TITLE

This ordinance shall be known as, cited and referred to as The Town of Metomen Fire Protection Ordinance.

B. STATUTORY AUTHORIZATION

The Town Board of the Town of Metomen has the specific authority, powers and duties pursuant to sec. 60.61, 60.02 and 62.23 WI Statutes and, has been granted village powers pursuant to sec. 60.10, WI Statutes. Pursuant to Section 60.55, 60.555, and 60557 of Wis. Stats..

C. PURPOSE

In 1983 Wisconsin Act 532 authorizes Towns to charge property owners a portion or all of the costs of fire protection. Due to State of Wisconsin Budget cuts it has become necessary for the Town of Metomen to charge for fire calls.

2. LIABILITY FOR FIRE PROTECTION COST

A. The Property owners of real estate within the Town of Metomen for which fire protection is provided shall be responsible for the costs (not to exceed \$500.00) of the fire protection based upon the following schedule:

1. Fire calls by the Ripon Area Fire Department

Fire Engine No. 1	First hour	\$75.00 per hour or part of
	Second & subsequent hr	\$55.00 per hour or part of
Pumper No. 2	First hour	\$60.00 per hour or part of
	Second & subsequent hr.	\$45.00 per hour or part of
Tanker	First hour	\$65.00 per hour or part of
	Second & Subsequent hr.	\$45.00 per hour or part of
Rescue unit	Every hour	\$75.00 per hour or part of
Grass unit	Every hour	\$45.00 per hour or part of
Firemen	Hour per man	\$15.50 per hour or part of

Amended

11/5/07

Materials	Water	Actual charge for amount
	Foam	\$25.00 per gallon
	Air Tanks	\$10.00 per tank

2. Fire calls by the Brandon Area Fire Department

Fire Engine No. 1	First hour	\$00.00 per hour or part of
	Second & subsequent hr.	\$00.00 per hour or part of
Pumper No.2	First hour	\$00.00 per hour or part of
	Second & subsequent hr.	\$00.00 per hour or part of
Firemen	Hour per man	\$12.00 per hour or part of
Materials	Water	Actual charge for amount
	Foam	\$25.00 per gallon
	Air packs	\$00.00 per tank
	Fuel	Village Price

3. LIBILITY FOR FIRE CALLS FROM UNATHORIZED FIRE DEPARTMENTS

It is the policy of the Town of Metomen to contract with the fire departments listed in Section 2 above. Any property owner requesting fire protection directly from any fire department other than listed in Section 2 shall be responsible for the full costs billed to the town for the fire call from any unauthorized fire department. This section shall not apply to the costs of any other departments responding at the request of an authorized fire department under mutual aid.

4. BILLING AND PAYMENT PROCEDURE

The Ripon Area Fire Department, and the Brandon Area Fire Department is authorized to bill, and collect from (on behalf of the Town Of Metomen) residences in the Township for fire calls as outlined above.

In the event the resident fails to pay the bill within 60 days of the date of billing, the respective fire department shall turn the bill over to the Town Clerk. The Town Clerk will charge interest at a rate of one and one half 1½% percent per month.

Amended 11/5/07

Those bills remaining outstanding, including interest, for more than ninety (90) days as of November one (1) of any year shall become a lien against the real estate from which fire protection was provided and shall be placed on the tax roll as a delinquent special charge pursuant to Section 66.60 of Wisconsin Statutes.

5. SEPARABILITY OF PROVISIONS

Should any section or provisions of this ordinance be declared invalid, such decisions shall not affect the validity of the remaining portions of this ordinance.

6. EFFECTIVE DATE

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

Adopted this 29 day of December, 2003 by the Town of Metomen Board Supervisors, Fond du Lac County

Filed this date 27 of December, 2003

Tom Soda
Tom Soda
Chairman Town of Metomen

Lynn Rands
Lynn Rands
Clerk Town of Metomen

Jeff Amend
Town Supervisor

Scott Zacharias
Town Supervisor

Legal Publication

Date

METOMEN ORDINANCE # 2019-01

AMENDMENT TO ORDINANCE #01-2011

Adoption of Wisconsin Administrative Codes

An ordinance amending Ordinance # 2014- regarding the adoption of additional Wisconsin Administrative Codes for the construction and inspection of one- and two-family dwellings, public buildings, places of employment, agricultural, campgrounds, manufactured home communities, public marinas, piers, docks and wharves, and recreational vehicle parks.

WISCONSIN ADMINISTRATIVE CODE ADOPTED. Portions of the State Code adopted.

- a. Licenses, Certifications, & Registrations, WI Admin Code, SPS 305
- b. Electrical Code, WI Admin. Code, Chapter SPS 316 in its entirety
- c. Uniform Dwelling Code, WI Admin. Code, Chapters SPS 320-325
- d. Camping Units, WI Admin. Code, Chapter SPS 327
- e. Commercial Building Code, WI Admin. Code, Chapters SPS 361-366
- f. Plumbing, WI Admin. Code, Chapters SPS 381-387

All applicable provisions of the Wisconsin Administrative Code, together with any future amendments, revisions or modifications, are adopted here by reference, including without limitation, Safety & Professional Services (SPS) 301-388, inclusive.

EFFECTIVE DATE. This ordinance shall be effective 12/9/19, upon passage and publication as provided by law.


Adopted this 9 day of December, 2019



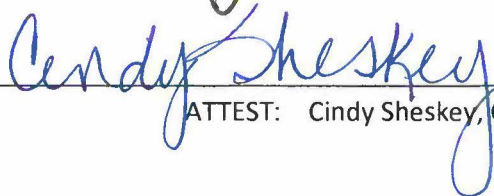
Jeff Amend, Chairman



Scott Zacharias, Supervisor 1



Shelly Hiemstra, Supervisor 2



ATTEST: Cindy Sheskey, Clerk

RESOLUTION NO 2009-1

**RESOLUTION ESTABLISHING THE FEES FOR THE
SUBDIVISION ORDINANCE 2009-1**

WHEREAS, The town of Metomen has adopted a subdivision ordinance.

WHEREAS, Section 1-9 of the subdivision ordinance allows the town to establish fees for, Preliminary plat review, final plat review, certified survey review, PUD review, variance applications, and appeals of decisions.

NOW, THEREFORE, BE IT RESOLVED that the Town of Metomen sets the following fees for subdivision ordinance 2009-1.

Preliminary plat review.....	\$750.00
Final plat review.....	\$500.00
Certified Survey review.....	\$200.00
PUD review.....	\$500.00
Variance and Appeals.....	\$500.00 per meeting

Date February 9, 2009

Approved By

Tom Soda
Tom Soda Chairman

Jeff Amend

Scott Zacharias
Scott Zacharias

TOWN OF METOMEN
FOND DU LAC COUNTY
ESTABLISHING SPECIAL OR SEASONAL WEIGHT LIMITS
ORDINANCE 2009-2

1. TITLE, PURPOSE, AND JURISDICTION

A. TITLE

This ordinance shall be known as, cited and referred to as The Town of Metomen Establishing Special or Seasonal weight limits ordinance.

B. STATUTORY AUTHORIZATION

This Ordinance is adopted pursuant to sec. 60.10, 60.20; sec. 60.22, sec 60.23, sec 60.24, sec. 66.119 and sec. s 349.16, of the Wisconsin Statutes, together with the Town's village powers and police powers, all for the purpose of regulating, controlling, preventing and enforcing certain uses, activities, businesses and operations that may affect the public health, welfare and safety.

C. PURPOSE

The Town board of the Town of Metomen, by this ordinance, adopted on proper notice with a quorum and by a roll call vote by a majority of the town board present and voting, provides the authority for the town to establish special or seasonal weight limits as follows:

- A. The following seasonal or special weight limits shall be effective of the periods stated below on the following Town of Metomen town highways, which are declared to be class "B" highways under s. 349.15 (2), Wis. Stats.:
- a. Special yearly posting on Carter Rd, from County Highway E east to State highway 44-49, 10n ton
 - b. Special yearly posting on Sunny Knoll Rd. from Brandon Rd. east to Metovale Rd. ,10 ton
 - c. Special yearly posting on Sheldon Rd. from Brandon Rd. east to Metovale Rd., 10 ton
 - d. No trucks on Callen Rd. west of Osborn Rd.
- B. The town chairperson, or his or her designee shall erect signs as required under s 349.16 (2) Wis. Stats., on or before the effective date of this ordinance.

- C. No person may operate any vehicle on the above-noted highways, in violation of the above-noted weight limits, without a written permit issued by the Town Board of the Town of Metomen. Any violation shall be subject to penalties under s 348.21, Wis. Stats.
- D. . EFFECTIVE DATE

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

Adopted this 13 day of April, 2009 by the Town of Metomen Board Supervisors, Fond du Lac County

Filed this 13 day of April, 2009

Tom Soda

Tom Soda

Chairman Town of Metomen

Lynn Rands

Lynn Rands

Clerk Town of Metomen

Shelly Hiemstra

Town Supervisor

Scott Zacharias

Town Supervisor

Legal Publication

Date

Town of Metomen

Ordinance No. 2004-1

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

1. Pursuant to Town of Metomen Board action of June 21st, 2004, **Town of Metomen Issuance of Citations Ordinance** is hereby adopted and shall become effective July 21st, 2004.
2. The notice of the ordinance shall be published and the full ordinance is posted in three posting places and at Town Garage as required by law.

Dated this 21st day of June, 2004.

Town of Metomen

By _____
Tom Soda, Town Chairman

ATTESTED:



Lynn Rands, Town Clerk

Publish July 1 & 8, 2004 – Both papers

TOWN OF METOMEN ISSUANCE OF CITATIONS ORDINANCE

NO. 2004-1

1. TITLE, PURPOSE, AND JURISDICTION

A. TITLE

This ordinance shall be known as, cited and referred to as The Town of Metomen Issuance of Citation ordinance.

B. STATUTORY AUTHORIZATION

This Ordinance is adopted pursuant to sec. 60.10, 60.20; sec. 60.22, sec 60.23, sec 60.24, sec. 66.119 and sec. 81.01 of the Wisconsin Statutes, together with the Town's village powers and police powers, all for the purpose of regulating, controlling, preventing and enforcing certain uses, activities, businesses and operations that may affect the public health, welfare and safety.

C. PURPOSE

Is to allow the Town of Metomen the use of the citation method of enforcement to enforce the Town of Metomen Ordinances described herein, including those for which a statutory counterpart exists.

2. GENERAL

A. The present tense includes the future tense and the singular tense includes the plural.

B. The word "shall" is mandatory; the word "may" is permissive.

C. The words "used" or "occupied" also mean intended, designed or arranged to be used or occupied.

D. The word "person" includes any individual, firm, association, joint stock association, organization, partnership, limited trust, body politic, governmental agency, company, corporation and includes any trustee, receiver, assignee, or other representative thereof.

3. FORM OF CITATION

The citation shall contain the following:

- (a) The name and address of the alleged violator;
- (b) The factual allegations describing the alleged violation;
- (c) The time and place of the offense;
- (d) The section of the ordinance violated;
- (e) A designation of the offense in such a manner as can readily be understood by a person making a reasonable effort to do so;
- (f) The time at which the alleged violator may appear in court;
- (g) A statement which in essence informs the alleged violator;
 - 1. A cash deposit based on the schedule established by this or other town ordinances may be made which shall be delivered or mailed to the Clerk of Court prior to the time of the scheduled court appearance.
 - 2. That if a deposit is made, no appearance in court is necessary unless the defendant is subsequently summoned.
 - 3. That if a cash deposit is made and the alleged violator does not appear in court, he /she will be deemed to have entered a plea of no contest, and submitted to a forfeiture with applicable penalty assessment, or if the court does not accept the plea of no contest, a summons will be issued commanding him/her to appear in court to answer the complaint.
 - 4. That if no cash deposit is made and the alleged violator does not appear in court at the time specified, the court may issue a summons or warrant for the defendant's arrest or consider the non-appearance to be a plea of no contest and enter judgment, or an action may be commenced to collect the forfeiture.
- (h) A direction that if the alleged violator elects to make cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under "g" above has been read. Such statement shall be sent or brought with the cash deposit;

(i) Such other information as the town deems necessary;

4. SCHEDULE OF DEPOSITS

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

<u>ORDINANCE TITLE</u>	<u>OFFENSE</u>	<u>DEPOSITS & COST</u>
Town Zoning Ordinance	All Zoning ordinance Violations	\$750.00 plus court cost
	Second Violations	\$1500.00 plus court cost
Recycling Ordinance	Violation	\$500.00 plus court cost
	Second Violations	\$1000.00 plus court cost
Access Control Ordinance	Violation	\$350.00 plus court cost
	Second Violations	\$700.00 plus court cost
Building & Mechanical Code Ordinance No 2-2000	Violation	\$500.00 plus court cost
	Second Violations	\$1000.00 plus court cost
Public Nuisances Ordinance	Violation	\$500.00 plus court cost
	Second Violations	\$1000.00 plus court cost
Disposal of Industrial Waste-Waters and By-Products Ordinance	Violation	\$750.00 plus court cost
	Second Violations	1500.00 plus court cost
Agricultural Livestock Enterprise Ordinance	Violation	\$750.00 plus court cost
	Second Violations	\$1500.00 plus court cost

Deposits shall be made in cash, money order or certified check to the Clerk of Municipal Court who shall provide a receipt therefore.

5. ENFORCEMENT, ISSUANCE AND SERVING OF CITATION

The enforcement of all the Town of Metomen Ordinances shall be done by the following persons

<u>Ordinance Title</u>	<u>Enforcement Official</u>
Town Zoning Ordinance	Building Inspector/ Code Enforcement Officer, Town Chairman
Recycling Ordinance	Code Enforcement Officer, Town Chairman
Access Control Ordinance	Town Chairman
Building & Mechanical Code Ordinance	Building Inspector/ Code Enforcement Officer
Public Nuisances Ordinance	Code Enforcement Officer, Town Chairman, or Animal Control Person
Disposal of Industrial Wastewater And By-Products Ordinance	Code Enforcement Officer, Town Chairman
Agricultural Livestock Enterprise Ordinance	Code Enforcement Officer, Town Chairman

The issuance of a citation shall be the sole responsibility of the Town of Metomen Board.

The serving of a citation shall be done by an Officer of the Court, retained by the Town of Metomen Board.

6. PROCEDURE

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

7. NONEXCLUSIVITY

A. OTHER ORDINANCE

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

B. OTHER REMEDIES

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

8. SEPARABILITY OF PROVISION

Should any section or provisions of this ordinance be declared invalid, such decisions shall not affect the validity of the remaining portions of this ordinance.

9. EFFECTIVE DATE

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

Adopted this 21 day of June, 2004 by the Town of Metomen Board Supervisors, Fond du Lac County

Filed this 21 day of June, 2004

Tom Soda
Tom Soda
Chairman Town of Metomen

Lynn Rands
Lynn Rands
Clerk Town of Metomen

Scott Zacharias
Town Supervisor

Jeff Amundson
Town Supervisor

Legal Publication

Date

Ammended

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

**AN ORDINANCE REGULATING LAND DISPOSAL OF INDUSTRIAL
WASTEWATERS AND BY-PRODUCTS**

WHEREAS, it is in the public interest and welfare to establish an Ordinance regulating the land disposal of industrial wastewaters and by-products for the protection of the Town's wells and water supply; and

WHEREAS, the Town finds it necessary to exercise its police powers as the same are authorized by sec. 60.22 and 61.34 of the Wisconsin Statutes; and

WHEREAS, the Town wishes to exercise general powers relating to the preservation of water supply, groundwater protection and to otherwise encourage the protection of the resources of the Town for the health, welfare and safety of the Town's residents;

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

SECTION 1. APPLICABILITY.

The purpose of this Ordinance is to establish rules and regulations requiring the advance notice of the land application and disposal of industrial wastes and byproducts and to provide security to protect Town residents against injury caused by improper or negligent land application and disposal of liquid industrial wastewaters and by-products. This Ordinance is applicable to discharges to land disposal systems for liquid wastes, cleaning wastewaters and industrial sludges, dairy products processing (including process wastewater, whey and whey-related byproducts) and meat and poultry products processing. This Ordinance is not applicable to land disposal of sludge from publicly-owned wastewater treatment works; domestic wastewater by "private pumpers" as defined under NR 113; septic tank effluent; or the field spreading of liquid manure or other farm originated wastes applied to the land in accordance with agriculturally sound practices. This Ordinance is intended to supplement, but not replace, existing state regulations regarding the land application and disposal of industrial wastewaters and byproducts.

SECTION 2. DEFINITIONS.

The following definitions are applicable to terms used in this Ordinance:

1. "Detrimental Effect" means having a significant damaging impact on groundwater for any present or future consumptive or nonconsumptive uses..

2. "Groundwater" means the portion of subsurface water which is within the zone of saturation, and includes, but is not limited to, perched water tables, shallow regional groundwater tables, and aquifers or zones that are seasonally, periodically or permanently saturated.

3. "Land Disposal" means a system or facility for disposing of liquid wastes consisting of: (a) a spray irrigation system; (b) an overland flow system; (c) a subsurface field absorption system; (d) a land spreading system; or (e) any other land area receiving liquid waste discharges.

4. "Liquid Industrial Wastes and By-Products" mean processed wastewater from food processing, product manufacturing, or other industrial sources, or whey and whey by-product material.

5. "Subsurface Field Absorption System" means a system of buried tile or perforated pipe for distributing liquid wastes below the soil surface.

6. "Well" means a bored, drilled or driven shaft or a dug hole where the depth of the dug hole is greater than the largest surface dimension, and which is terminated above, within or below an aquifer. This does not include holes or openings in the land surface such as those made with normal agricultural equipment for tilling the soil or crop production.

SECTION 3. NOTICE REQUIREMENTS.

1. No land application of liquid waste shall occur within the Town of Metomen, Fond du Lac County, Wisconsin unless advance written notice of such land application and its intended scope is first given to the Town Board within ten (10) days preceding the month in which the land application is to occur. Said notice shall be provided to the Town Clerk and shall include (a) a copy of the WPDES application filed with the Wisconsin Department of Natural Resources and (b) a copy of the WPDES permit issued by the Wisconsin Department of Natural Resources. The notice required by this section shall be in addition to any other reports, applications or notices required under any other Town Ordinance. The applicant shall be responsible for supplementing or updating the submitted materials. The notice requirements of this Ordinance are intended to be of a nature and scope to reasonably inform the Town and its residents of the nature of the land application program and the land disposal systems to be utilized.

SECTION 4. APPLICATION FEE.

The Notice required under Section 3, above, shall be accompanied by an application fee in the amount of \$500.00. The purpose of the application fee is to defray the Town's expenses incurred in the investigation and review of the information submitted under Section 3 above. A separate application fee is payable to the Town whenever the relevant WPDES permit is renewed.

SECTION 5. GROUNDWATER/WELL SECURITY.

1. The protection of groundwater sources and wells is necessary for the maintenance of the health, welfare and economic well-being of the Town of Metomen and its residents. To protect Town property owners from the detrimental effect to groundwater or wells in the Town, and to provide for reasonable compensation for any losses which may be incurred by Town residents, the security requirements of this Section must be met.

2. Prior to applying liquid wastes to land located in the Town, the relevant party shall file with the Town Clerk a sworn certificate representing that the applicant has a net worth of not less than \$500,000.00. In addition, the relevant party shall state in writing that it agrees to indemnify the Town and its residents for damages which have been proven to have been caused by the land disposal system or practices.

3. In lieu of filing a statement of net worth set forth in Section 2 above, the **relevant** party shall file a bond or other form of security acceptable to the Town Board in an amount deemed necessary to protect the Town and its residents in light of the facts and circumstances of the proposed land disposal system.

SECTION 6. EMERGENCY WATER PROVISIONS.

The party or parties applying liquid wastes shall reimburse the Town or its residents for the costs of providing emergency water provisions in all cases where it is reasonably determined by the Town Board that the operation of the land disposal system was the cause of the loss of the existing water supply.

SECTION 7. NONEXCLUSIVITY.

The adoption of this Ordinance shall not preclude the Town of Metomen from adopting any other ordinance or regulation for the protection of the water supply and natural resources of the Town. The jurisdiction and duties defined in this Ordinance shall not preclude the Town Board or any other Town officer from the enforcement of any other Town ordinance or regulation. The requirements of this Ordinance are in addition to any other requirements of ordinances adopted by the Town of Metomen or Fond du Lac County.

SECTION 8. ENFORCEMENT AND PENALTIES.

The Town Board shall have the authority to institute the appropriate legal action or proceeding to prevent, restrain, correct or abate a violation of this Ordinance. Enforcement remedies created by this Ordinance are cumulative and shall be in addition

to all other remedies available under law. Any person who violates any provision of this Ordinance or any order, rule, or regulations promulgated by the Town Board under this Ordinance shall, upon conviction, be fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00), for each offense, together with the costs and attorney's fees incurred in the prosecution. The Town Board shall provide written notice of a violation of this Ordinance. The relevant party receiving notice shall have 14 days to correct the infraction. Each day that a violation continues after the 14 days subsequent to the notice shall be deemed a separate offense. The penalties authorized under this Ordinance are not intended to preempt or replace a private party's right to seek damages in a civil action filed against the person or entity applying liquid wastes to lands located within the Town of Metomen.

SECTION 9. INTERPRETATION.

The provisions of this Ordinance shall be considered minimum requirements. Where the provisions of this Ordinance impose greater restrictions than any statute, other regulation, 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.

SECTION 10. 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, such invalidity or unconstitutionality shall not affect the provision or applications of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.

SECTION 11. EFFECTIVE DATE.

This Ordinance shall take effect upon adoption and publication as a Class I notice in the Town's official newspaper.

The foregoing Ordinance was adopted at a duly called meeting of the Town Board of the Town of Metomen, Fond du Lac County, Wisconsin on the _____ day of _____, 1988.

Town Chairman

Attest:

Town Clerk

Town of Metomen

Ordinance No. 1-2001

An Ordinance Regulating Land Disposal of Industrial Wastewaters and By-Products - Revision

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

1. Section 4 – Application Fee: Revised as follows: The Notice required under Section 3, above, shall be accompanied by an application fee in the amount of \$500.00 per year. The purpose of the application fee is to defray the Town's expenses incurred in the investigation and review of the information submitted under Section 3 above. A separate application fee is payable to the Town whenever the relevant WPDES permit is renewed.
2. The ordinance shall become effective immediately upon passage and publication as required by law.

Dated this 12th day of March, 2001.

Town of Metomen

By 
Ron Sanders, Town Chairman

ATTESTED:


Lynn Rands, Town Clerk

Publish March 22, 2001

**TOWN OF METOMEN
FOND DU LAC COUNTY, WISCONSIN
LIVESTOCK LICENSING ORDINANCE**

THE TOWN BOARD OF THE TOWN OF METOMEN DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Authority

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

Section 2. Purpose

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

Section 3. Definitions

- (a) “Adjacent” means 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.
- (b) “Animal unit” has the meaning that was given in s. NR 243.03(3) as of April 27, 2004.
- (c) “Complete application for local approval” means an application that contains everything required under s. ATCP 51.30(1) to (4).
- (d) “Expanded livestock facility” means the entire livestock facility that is created by the expansion, after May 1, 2006, of an existing livestock facility. “Expanded livestock facility” includes all livestock structures in the expanded facility, regardless of whether those structures are new, existing or altered.

- (e) “Expansion” means an increase in the largest number of animal units kept at a livestock facility on at least 90 days in any 12-month period. The acquisition of an existing livestock facility, by the operator of an adjacent livestock facility, does not constitute an “expansion” unless that operator increases the largest number of animal units kept at the combined livestock facilities on at least 90 days in any 12-month period.
- (f) “Livestock” means domestic animals traditionally used in this state in the production of food, fiber or other animal products. “Livestock” includes cattle, swine, poultry, sheep and goats. “Livestock” does not include equine animals, bison, farm-raised deer, fish, captive game birds, ratites, camelids or mink.
- (g) “Manure” means excreta from livestock kept at a livestock facility. “Manure” includes livestock bedding, water, soil, hair, feathers, and other debris that becomes intermingled with livestock excreta in normal manure handling operations.
- (h) “New livestock facility” means a livestock facility that will be used as a livestock facility for the first time, or for the first time in at least 5 years. “New livestock facility” does not include an expanded livestock facility if any portion of that facility has been used as a livestock facility in the preceding 5 years.
- (i) “Operator” means a person who applies for or holds a local approval for a livestock facility.
- (j) “Person” means an individual, corporation, partnership, cooperative, limited liability company, trust or other legal entity.
- (k) “Populate” means to add animal units for which local approval is required.
- (l) “Property line” means a line that separates parcels of land owned by different persons.
- (m) “Related livestock facilities” means livestock facilities that are owned or managed by the same person, and related to each other in at least one of the following ways:
 - (1) They are located on the same tax parcel or adjacent tax parcels of land.
 - (2) They use one or more of the same livestock structures to collect or store manure.
 - (3) At least a portion of their manure is applied to the same landspreading acreage.

- (n) “Separate species facility” means a livestock facility that meets all of the following criteria:
- (1) It has only one of the following types of livestock, and that type of livestock is not kept on any other livestock facility to which the separate species facility is related under sub. (m):
 - (a) Cattle.
 - (b) Swine.
 - (c) Poultry.
 - (d) Sheep.
 - (e) Goats.
 - (2) It has no more than 1,000 animal units.
 - (3) Its livestock housing and manure storage structures, if any, are separate from the livestock housing and manure storage structures used by livestock facilities to which it is related under sub. (m).
 - (4) It meets one of the following criteria:
 - (a) Its livestock housing and manure storage structures, if any, are located at least 750 feet from the nearest livestock housing or manure storage structure used by a livestock facility to which it is related under sub. (m).
 - (b) It and the other livestock facilities to which it is related under sub. (m) have a combined total of fewer than 1,000 animal units.
- (o) “Waste storage facility” means one or more waste storage structures. “Waste storage facility” includes stationary equipment and piping used to load or unload a waste storage structure if the equipment is specifically designed for that purpose and is an integral part of the facility. “Waste storage facility” does not include equipment used to apply waste to land.
- (p) “Waste storage structure” means a waste storage impoundment made by constructing embankments, excavating a pit or dugout, or fabricating a structure. “Waste storage structure” does not include equipment used to apply waste to land. For purposes of ss. ATCP 51.12(2) and 51.14, “waste storage structure” does not include any of the following:
- (1) A structure used to collect and store waste under a livestock housing facility.
 - (2) A manure digester consisting of a sealed structure in which manure is subjected to managed biological decomposition.

- (q) “WPDES permit” means a Wisconsin pollutant discharge elimination system permit issued by DNR under ch. NR 243.

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

Section 4. License Required

(A) General

A license issued by the Town of Metomen is required for *new or expanded* livestock facilities that will have 1,000 or more animal units.

(B) Licenses for Existing Livestock Facilities

- (1) A license is required for the expansion of a pre-existing or previously approved livestock facility if the number of animal units kept at the expanded livestock facility will exceed all of the following:
 - (a) The applicable size threshold for a license.
 - (b) The maximum number previously approved or, if no maximum number was previously approved, a number that is 20% higher than the number kept on the effective date of this Ordinance.
- (2) A license is not required for a livestock facility that existed before the effective date of this Ordinance, except as provided in sub. (1).
- (3) A license is not required for livestock facility that was previously issued a conditional use permit, license or other local approval, except as provided in sub. (1). A prior approval for the construction of a livestock facility implies approval for the maximum number of animal units that the approved livestock facility was reasonably designed to house, except as otherwise clearly provided in the approval. Prior approval of a single livestock structure, such as a waste storage structure, does not constitute prior approval of an entire livestock facility.

Section 5. Licensing Administration

The Town Board shall administer this Ordinance.

Section 6. Licensing Standards

The standards for issuing a license are as follows:

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

(a) Property lines

Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from the property line if the livestock facility will have fewer than 1,000 animal units, and 100 feet from the property line if the livestock facility will have 1,000 or more animal units.

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

(b) Public road right-of-way

Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from public road right-of-way if the livestock facility will have fewer than 1,000 animal units, and 100 feet from a public road right-of-way if the livestock facility will have 1,000 or more animal units.

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

(c) Waste Storage Structure

A new waste storage structure may not be located within 100 feet of a property line, or within 100 feet of the nearest point of any public road right-of-way.

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

- (1) Located on the same tax parcel as a waste storage structure in existence before May 1, 2006.
- (2) No larger than the existing structure.

- (3) No further than 50 ft. from the existing structure.
- (4) No closer to the road or property line than the existing structure.

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

Section 7. License Application

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

The operator must file 4 duplicate copies of the application form, including worksheets, maps and documents (other than engineering design specifications) included in the application.

Section 8. License Application Fee

A non-refundable application fee of \$1,000 payable to the Town of Metomen shall accompany an application for the purpose of offsetting the Town costs to review and process the application.

Section 9. Application Procedure

1. Pursuant to ATCP 51.30 (5), within 45 days after the Town receives an application, it shall notify the applicant whether the application is complete. If the application is not complete, the notice shall describe the additional information needed. Within 14 days after the applicant provides all of the required information, the Town shall notify the applicant that the application is complete. This notice does not constitute an approval of the proposed livestock facility.
2. Pursuant to ATCP 51.30 (6), within 14 days after the Town notifies an applicant that the application is complete, the Town shall notify adjacent landowners of the application. The Town shall use the approved notice form in ATCP 51, and mail by first class mail a written notice to each adjacent landowner.
3. Upon determination of completeness the Town Clerk shall give notice of a public hearing to receive information from the applicant and receive public input on the application. Public notice shall be a class 2 notice the last of which is at least a week before the date of the public hearing. The public hearing may be continued, but final decision shall be made within the time limits described in the next paragraph.

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

- (a) The Town needs additional information to act on the application.
- (b) The applicant materially modifies the application or agrees to an extension.

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

Section 10. Criteria for Issuance of a License

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

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

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

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

Section 11. Record of Decision

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

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

The Town Clerk as required by ATCP 51.36 within 30 days of the Town decision on the application shall do all of the following:

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

Section 12. Transferability of License

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

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

Section 13. Expiration of License

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

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

Section 14. License Terms and Modifications

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

Section 15. Compliance Monitoring

The Town shall monitor compliance with the Ordinance as follows:

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

Section 16. Penalties

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

- (a) Upon conviction by a court of law, pay a forfeiture of not less than \$500 nor more than \$1,000, plus the applicable surcharges, assessments and costs for each violation.
- (b) Each day a violation exists or continues shall be considered a separate offense under this Ordinance.
- (c) In addition, the Town Board may seek injunctive relief from a court of record to enjoin further violations.
- (d) In addition, the Town Board may suspend or revoke the local approval of a license under this Ordinance after due notice to the livestock facility owner and a public hearing to determine whether the license should be suspended or revoked.

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

Section 17. Appeals

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

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

An “aggrieved person” may request review of any decision of the Livestock Facility Siting Administrator decision or action by the Town Board.

Any appeal brought under this section must be requested with 30 days of the Town approval or disapproval or within 30 days after the decision on appeal before the Town Board.

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

Section 18. Severability

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

Section 19. Effective Date

This Ordinance is effective the day after publication.

Adopted this _____ day of _____, 2016, by the Town Board of Supervisors

TOWN OF METOMEN

By: _____
Jeff Amend, Town Chairperson

Attest:

Cindy Sheskey, Town Clerk

Town of Metomen
Fond du Lac County, Wisconsin
Ordinance Amending Town of Metomen
Public Nuisances Ordinance

The Town Board of Supervisors of the Town Board of the Town of Metomen hereby ordains the following amendments to the Town of Metomen Public Nuisances Ordinance:

Section 3.G.1 is amended to read:

It shall be unlawful for any person to keep more than (5) domestic dogs over six (6) months of age at any property within the Town of Metomen unless the Town Board has issued a kennel license.

Section 3.G.2 is amended to read:

The Town Board may grant or deny a kennel license at its discretion based on the suitability of the subject property for use as a kennel, the compatibility of the proposed kennel use with land uses on adjacent and nearby properties, and whether the proposed operation will promote the public health, safety, and general welfare.

Adopted this 12 day of December, 2016
Published January 19, 2017

By: Jeff Amend, Chairman
Attest: Cindy Sheskey, Clerk

TOWN OF METOMEN

Ordinance NO. 3-2001

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

1. Pursuant to Town of Metomen Board action of November 5, 2001, **Town of Metomen Public Nuisances Ordinance** is hereby adopted and shall become effective December 5, 2001.
2. The notice of the ordinance shall be published and the full ordinance will be posted as required by law.

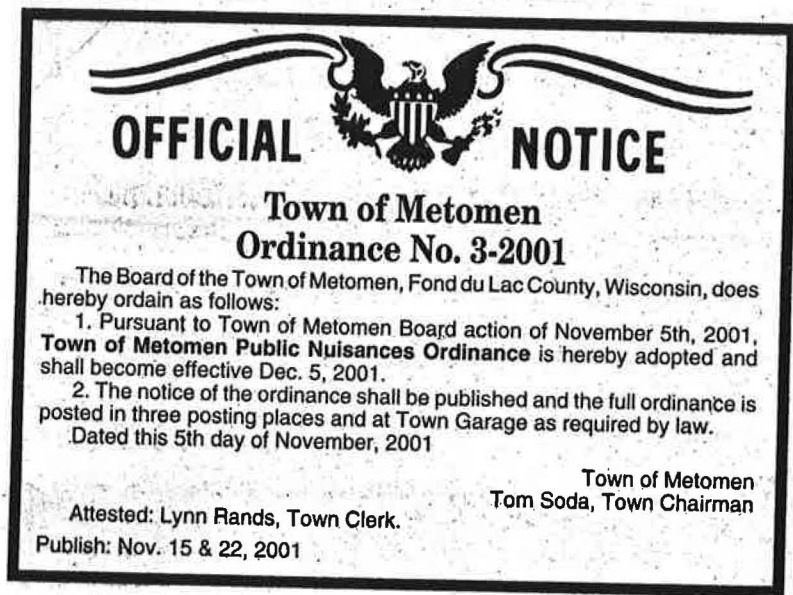
Dated this 5th day of November, 2001.

Town of Metomen

By Tom Soda
Tom Soda, Town Chairman

ATTESTED:

Lynn Rands
Lynn Rands, Town Clerk



TOWN OF METOMEN
PUBLIC NUISANCES ORDINANCE

1. TITLE, PURPOSE, AND JURISDICTION

A. TITLE

This ordinance shall be known, cited and referred to as The Town of Metomen Public Nuisances Ordinance.

B. STATUTORY AUTHORIZATION

The Town Board of the Town of Metomen has the specific authority, powers and duties enumerated in sec. 60.61, 60.02, 60.22(3) and 62.23 WI Statutes and, has been granted village powers pursuant to sec. 60.10, WI Statutes.

C. PURPOSE

The purpose of this ordinance is to regulate and control Public Nuisances in the Town of Metoman in order to promote the public safety, convenience, general welfare and economic viability of and to protect the public interest in the township. No person shall erect, contrive, cause, continue, maintain, or permit to exist, any Public Nuisance within the Town of Metomen.

2. GENERAL

A. The present tense includes the future tense and the singular tense includes the plural.

B. The word "shall" is mandatory; the word "may" is permissive.

C. The words "used" or "occupied" also mean intended, designed or arranged to be used or occupied.

D. The word "person" includes any individual, firm, association, joint stock association, organization, partnership, limited trust, body politic, governmental agency, company, corporation and includes any trustee, receiver, assignee, and other representative thereof.

SECTION 1: DEFINITIONS

A. PUBLIC NUISANCE. A public nuisance is an object, act, occupation, condition or use of property which shall continue for such length of time as to, (1) substantially annoy, injure or endanger the comfort, health, repose or safety of the public; (2) in any way render the public insecure in life or in the use of property; or (3) unlawfully or substantially interfere with, or obstruct, or tend to obstruct or render dangerous for passage any street, road, highway, navigable body of water or other public way or the use of public property.

B. PUBLIC NUISANCE AFFECTING HEALTH. The following acts, omissions, places, conditions and objects are hereby specifically declared to be public nuisances, but such enumeration shall not be construed to exclude other health nuisances or hazards coming within the definition of subsection (A.) of this section:

1. Carcasses of animals, which are not buried or otherwise disposed of in an appropriate sanitary manner within 24 hours after the death of such animal.

2. Accumulation of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.

3. All noxious weeds or other rank growth of vegetation.
4. All animals running at large.
5. All abandoned wells not securely covered or secured from public use.
6. All use of property, which cause any nauseous or unwholesome liquid or substance to flow into or upon any road, gutter, alley, sidewalk or public place within the township.

C. PUBLIC NUISANCES AFFECTING PEACE AND SAFETY. The following acts, omissions, places, conditions, and objects are hereby declared to be public nuisances affecting peace and safety; however such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the provisions of subsection (A.) of this section.

1. All signs and billboards, awnings and other structures over or near roads, sidewalks, public grounds, or places frequented by the public, so situated or constructed as to endanger the public safety.
2. All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as an official traffic control device, railroad sign or signal or which because of their color, location, brilliance or manner of operation interfere with the effectiveness of any such device, sign or signal.
3. The use or display of fireworks except as provided by the laws of the State of Wisconsin and ordinances of the Town.
4. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use or occupancy.
5. All wires over roads, alleys, highways or public grounds that are strung less than fifteen (15) feet above the surface thereof.
6. All loud, discordant, or unnecessary noise or vibrations of any kinds, which greatly annoy or disturb a neighborhood or any considerable number of persons within the Town.
7. The keeping or harboring of any animal or fowl which is frequently or habitually howling, yelping, barking, crowing, or making other noises which greatly annoy or disturb a neighborhood or any considerable number of persons within the Town.
8. All open and unguarded pits, wells, excavations, or unused basements freely accessible from any public road, alley, highway, or sidewalk.
9. All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.

D. PUBLIC NUISANCES—OTHER. The following acts, omissions, places, conditions and objects are hereby specifically declared to be public nuisances offending the comfort, health, repose or safety of the Town of Metomen; but such enumeration shall not be construed or exclude either nuisances within the definition of subsection (A.) of the section:

1. All owners of property located within a residential-district of the Town of Metomen who fail to keep their premises free of litter, debris, trash, or rubbish shall be in violation of the subsection.

2. All property owners within the Town of Metomen who allow their property to accumulate trash, litter or rubbish shall be considered to be in violation of the subsection.
3. "Litter" as used in the ordinance includes, but is not limited to, trash and wastepaper lying scattered about; and an untidy accumulation of objects of any kind.
4. "Trash" as used in this ordinance includes, but is not limited to, something or object(s) worth little or nothing or something or object(s) in a crumbled, broken or inoperable condition.
5. "Rubbish" as used in this ordinance includes, but is not limited to, waste materials and refuse of every character and kind, collected and/or accumulated.

SECTION 2: JUNKED AND ABANDONED VEHICLES. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words or phrases used in this section shall be interpreted as having the same meaning as they have in common law, the state statutes or Wis. Admin. Code, to give this section its most reasonable application.

Junk means scrap metal, metal alloy, wood, concrete, synthetic or organic material or waste, 20 or more tires, or any junked, ruined, dismantled, wrecked, unlicensed, unregistered, or inoperative motor vehicle or machinery, or any part thereof. This definition of junk includes used tires, parts or dismantled buildings, farm equipment not in use and parts of farm equipment as well as parts of buildings or other structures.

Junkyard means any place maintained, owned, operated or used for the storage, keeping, processing, buying or selling of junk, refuse or solid waste of any kind.

Solid waste means any garbage, refuse, sludge, ash, paper, wood, metal, glass, cloth, plastic, lumber, concrete, food wastes and other organics, boxes, barrels and other containers, tires and other like materials.

No person, group of persons, company, firm, corporation or any other entity shall within the Town of Metomen:

1. Operate an unlicensed junkyard.
2. Store abandoned, unlicensed or inoperative automobiles, trucks, vans, motorcycles, buses, trailers, mobile homes or other motor vehicles or motor vehicles parts of equipment, or inoperative or abandoned farm equipment, construction equipment and such like equipment for a period in excess of three days outside of a building.
3. Storing scrap metal, junk, 20 or more tires, or solid waste materials outside of a building for more than three days.
4. Store parts of or entire dismantled buildings, fixtures, appliances, fences, for more than three days outside of buildings.
5. Store or dispose of any solid waste or other junk except in accordance with all applicable state and local regulations.
6. Leave unattended any motor vehicle, trailer, semitrailer, mobile home, or any other motor vehicle on any public highway or private or public property for more than three days under such circumstances so as to cause the vehicle to reasonably appear to have been abandoned.

- a. If such vehicle is left unattended on the property without permission of the property owner for more than 48 hours, the Fond du Lac County Sheriff shall be notified and the vehicle may be declared abandoned by any deputy sheriff; and such shall constitute a public nuisance.
- b. The sheriff's department shall declare any vehicle so abandoned, and that abandoned vehicle may be junked or sold by the county or impounded and the owner or lienholder notified by certified mail, following the dictates of Wis. Stats. & 342.40(3).
- c. If the vehicle is not claimed, the county shall sell the same at auction to the highest bidder unless the county deems such bid inadequate, in which event all bids may be rejected. Such sale shall occur after ten days from the date of notice to the owner and lienholders.

This article is not intended to regulate or place limitations on any legally licensed junkyard, salvage dealer, sanitary landfill or other junk, waste disposal or storage activity for which a valid license from the state and/or other necessary municipal issuing authority is required and has been issued and all such licenses are in full force and effect.

SECTION 3: DOG AND CAT CONTROL:

1. Chapter 174, WI Statutes, is Adopted by reference and made a part of this section.
 2. No dog or cat shall run at large within the Town of Metomen. A dog or cat shall be deemed at large unless under the control of a person by means of a chain, rope, or cord of sufficient strength to control the dog or cat, unless the dog or cat is kept within a substantial enclosure.
 3. The Town Animal Control person shall apprehend any dog or cat running at large contrary to this chapter, and confine the same at a suitable place. Every dog or cat so confined may be reclaimed by the owner upon payment of all costs and charges incurred by the Town in apprehending and keeping said animal. Every dog or cat so apprehended shall be kept by the Town for seven (7) days, and if not reclaimed within that time, the animal shall be disposed of in a summary manner as provided in this section.
 4. No person shall cause dogs or cats to fight or aid or abet any dog or catfight within the Township of Metomen.
 5. The Town Chairman or other persons who may be appointed by the Board for that purpose, is authorized and empowered to kill or destroy in a summary manner all dogs not licensed as required by state law, or running at large in the Town in violation of the ordinances in force at that time.
 6. Any animal impounded or held by the Town of Metomen shall be subject to a \$6.00 per day charge. This charge is to be paid to the Town of Metomen at the time the animal is reclaimed by the owner or a representative of the owner.
 7. Anyone violating this ordinance shall forfeit not less than \$45.00 or more than \$500.00 for each offense, with increased penalties for repeat offenses.
- A. **ANIMAL BITES & RABIES CONTROL.** The Town of Metomen shall document all animal bite incidents reported in the interests of the victim of an animal bite, as well as, the owner(s) of the animal involved. This ordinance establishes guidelines in conformity with SS 95.21 for the purpose of implementing a Rabies Control Program.

Definitions:

1. **Bite:** Any abrasion, puncture, mark, or redness on a human body, which has been caused by the mouth of an animal.
2. **Isolation Facility:** A humane society shelter, veterinary hospital, municipal pound, or other place specified by the department, which is equipped with a pen or cage which isolates the animal from contact with other animals.
3. **Proof of Rabies Vaccination:** A certificate of vaccination completed by the veterinarian and furnished to the owner at the time a specific animal is immunized, or verification by the veterinarian who immunized the animal.

B. RABIES VACCINATION REQUIRED FOR DOGS. Requirement for vaccination. Except as provided in S. 174.054, the owner of a dog shall have the dog vaccinated against rabies by a veterinarian within 30 days after the dog reaches 4 months of age and revaccinated within one year after the initial vaccinations. If the owner obtains a dog or brings a dog into this state after the dog has reached 4 months of age, the owner shall have the dog vaccinated against rabies within 30 days after the dog is obtained or brought in the state unless the dog has been vaccinated as evidenced by a current certificate of rabies vaccinations from this state or another state. The owner of a dog shall have the dog vaccinated against rabies by a veterinarian before the date that the immunization expires as stated on the certificate of vaccination or, if no date is specified, within 2 years after the previous vaccination.

C. VETERINARIAN RESPONSIBILITIES.

1. Each veterinarian shall inoculate the pets described in section 3.09.02 with appropriate rabies vaccine, and shall, at the time of such inoculation, complete a certificate of rabies vaccination, which shall include the owner's name and address, description of pet, date of vaccination, and manufacturer's name and serial number of the vaccine administered and shall present such certificate to the owner of such pet, forward a copy of such certificate to the Town Board and retain a copy of such certificate.
2. Each veterinarian shall, at the time of such inoculation, present a tag of durable material to the owner of such pet. Such tags shall be numbered serially, contain the year of issuance, and shall be attached to the collar of such pet as evidence of rabies vaccination.

D. OWNER RESPONSIBILITIES.

1. The owners of such pets must present the veterinarian's rabies certificate required in Section 3 paragraph B to the Town Board before such official shall issue an annual dog license, as required.
2. No person shall own, keep, or harbor any pet described in this section which does not carry the rabies vaccination tag required by Section 3 paragraph B.

E. ANIMAL BITE – NOTIFICATION.

1. Any person having knowledge that a pet regulated in this section has bitten any person shall within twenty-four hours, notify the police department, giving, if possible, the name and address of the owner and circumstances under which the bite occurred.

F. IMPOUNDMENT – QUARANTINE

1. Any pet described in this section determined to be a fierce or vicious animal may be seized and impounded under the supervision of a licensed veterinarian for not less than fourteen days.

2. Any pet described in this chapter found not wearing a valid vaccination tag shall be impounded under the supervision of a licensed veterinarian for not less than three days, and may be reclaimed by the owner thereof upon compliance with the rabies vaccination requirement of this section.
3. Any pet described in this chapter suspected of being afflicted with rabies which has bitten any person, causing an abrasion of the skin of that person, shall be seized and impounded under the supervision of a licensed veterinarian for not less than fourteen days. If, upon examination by such veterinarian, the animal has no sign of rabies at the end of such impoundment, it may be released to the owner, or, in the case of a stray, it shall be disposed of according to law. If such animal has not been vaccinated as required in the section, it must be inoculated prior to the release to its owner,
4. Any pet described in this section not vaccinated as required in this section, and which is known to have been bitten by a rabid animal, shall be seized, and upon consent of the owner of such pet, immediately destroyed. If the owner does not consent to the disposal of the affected pet, such animal shall be impounded in strict isolation and quarantined in suitable impoundment facilities under the supervision of a licensed veterinarian for a minimum of six months. If such animal had been vaccinated as required in this section it shall be revaccinated immediately and impounded for a period of thirty days following such revaccination. If the owner of a pet, which is known to have been bitten by a rabid animal, refused to comply with the regulations in this section, such animal shall be immediately destroyed.
5. The owner of any impounded animal shall bear and be responsible for the payment of all impoundment fees and all expenses incurred during such impoundment.
6. Nothing contained in this section shall in any way be construed to be contrary to or affect the operation of Section 95.21, Wisconsin Statutes.

G. KENNEL OR PET SHOP – RECORDKEEPING REQUIRED

1. It shall be unlawful for any person to keep more than three (3) domestic dogs over six (6) months of age in any household within the Township unless the Town Board has issued a kennel permit.
2. The Town Board of the Town of Metomen shall grant kennel permits upon approval of the Zoning Board of Appeals, after a public hearing.
3. No person operating a kennel or pet shop, or other persons selling pets described in this section within the Town of Metomen shall place such animals without first preparing accurate and complete records of such sale. Such records shall include the buyer's name and address, the type of animal and breed, and the date of sale and transfer of ownership. Such records are deemed necessary in tracing the location and movement of animals suspected of rabies exposure.

H. PENALTIES

1. Failure to obtain rabies vaccination. An owner who fails to have a dog vaccinated against rabies as required under law may be required to forfeit not less than \$50.00 nor more than \$100.00 plus enforcement costs.
2. Refusal to comply with order or quarantine. An owner who refuses to comply with an order issued under this section to deliver an animal to an officer, isolation facility, or veterinarian or who does not comply with the conditions of an order that an animal be quarantined shall be fined not less than \$100.00 nor more than \$1000.00.

3. **Other violations.** A person who violates any provision of this section not specified under subsection 3.09.09 A. and B. may be required to forfeit up to \$50.00.

SECTION 4

A. ABATEMENT OF PUBLIC NUISANCES

1. **Inspection of premises.** Whenever a complaint is made to the Town Chairman or to the Town Enforcement Officer that a public nuisance exists within the Township, the enforcement officer shall promptly and forthwith inspect or cause to be inspected the premises complained of and shall make a written report of his findings to the Town Chairman. Whenever practicable, the Town Enforcement Officer shall cause photographs to be made of the premises and shall file the same in the office of the Town Clerk.
2. **Notice to Owner.** If the Enforcement Officer shall determine that a public nuisance exists within the Township and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Town Chairman may direct the enforcement officer to serve a notice upon the person causing, permitting, or maintaining such nuisance, whether they are the owner or occupant of the premises where such nuisance is caused, permitted, or maintained. If immediate personal service cannot be made, a copy of such notice shall be posted on the premises in a location likely to attract the attention of the owner or occupant thereof, as well as, direct mail notice to the last known owner of said property. Such notice shall direct the person causing, permitting, or maintaining such nuisance to abate such nuisance within 24 hours and shall state that unless such nuisance is so abated, the Town may cause the same to be abated and will charge the cost thereof to the owner, occupant, or person causing, permitting or maintaining the nuisance.
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 Enforcement Officer in the case of Health Nuisances and other cases shall cause the abatement or removal of such public nuisance.
4. **Abatement by Court Action.** If the Enforcement Officer shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall file a written report of his findings, with the Town Chairman who shall cause an action to abate such nuisance to be commenced in the name of the Town of Metomen in accordance with the provisions of Chapter 823 of the Wisconsin Statutes. In the alternative, the Chairman may direct the Enforcement Officer to issue one or more citations for each day of violation for a said time period, and to report back whether compliance has occurred.
5. **Other Methods not excluded.** Nothing in this ordinance shall be construed as prohibiting the abatement of public nuisances by the Town of Metomen, or its officials in accordance with the laws of the State of Wisconsin.
6. **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 abatement of any public nuisance by the Township shall be collected as a debt from the owner, occupant or person causing, permitting, or maintaining the nuisance. If notice to abate the nuisance has been given to the owner previously, such cost shall be assessed against the real property where such violation occurred as a special charge unless paid earlier.
7. **Enforcement Provision – First Offense/Penalty.** Any person who shall violate this section, shall, upon conviction thereof, forfeit not less than fifty dollars (\$50.00) and no more than one thousand dollars (\$1000.00) together with the cost of prosecution. Any person shall be declared in default of payment of such forfeiture and cost if not paid within 90 days.

8. **Second Offense/Penalty.** Any person guilty of violating this section or any part of the section who shall previously have been convicted of violation of the same ordinance or section shall upon conviction thereof forfeit not less than one hundred dollars (\$100.00) and no more than two thousand dollars (\$2000.00) for each such offense, together with the costs of prosecution. If default of payment of such forfeiture and costs, the guilty person shall be imprisoned, not to exceed six (6) months, in the County Jail until said forfeiture and costs of prosecution are paid.
9. Each day of violation of this ordinance shall constitute a separate offense.

RECYCLING COMPLIANCE ASSURANCE PLAN

Purpose: This policy will establish standard guidelines that will lead to compliance with the Town of Metomen's recycling ordinance.

The Sanitary Engineer is responsible for enforcement of the Town of Metomen's recycling ordinance. The Town of Metomen's staff and personnel shall follow the guidelines identified in this Compliance Assurance Plan in response to issues associated with recycling and solid waste. This plan is intended to meet the requirements of s. NR 544.04 (9g), Wis. Adm. Code as well as the Town of Metomen's recycling ordinance.

- A. The drop-off attendant shall reject all non recyclables.
- B. Educational material will be provided to all residents to promote recycling.

Tom Sale
Approved by

10-13-08
Date

Lynn Bonds
Attested

10/13/08
Date

TOWN OF METOMEN
RECYCLING ORDINANCE

SECTION 1. TITLE.

1.1 This Ordinance is entitled the "Town of Metomen Recycling Ordinance." The purpose of this Ordinance is to establish and implement a recycling ordinance pursuant to 1989 Wisconsin Act 335 as set forth in Chapter 159 of the Wisconsin Statutes and Chapter NR 544 of the Wisconsin Administrative Code.

SECTION 2. AUTHORITY.

2.1 This Ordinance is adopted pursuant to sec. 159.09(3)(b) and pursuant to the Town's Village powers under sec. 60.10 of the Wisconsin Statutes.

SECTION 3. DEFINITIONS.

- 3.1 "Bi-metal container" means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
- 3.2 "Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.
- 3.3 "HDPE" means high density polyethylene plastic containers marked by the SPI code No. 2.
- 3.4 "LDPE" means low density polyethylene plastic containers marked by the SPI code No. 4.
- 3.5 "Magazines" means magazines and other materials printed on similar paper.
- 3.6 "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator or stove.
- 3.7 "Mixed or other plastic resin types" means plastic containers marked by the SPI code No. 7.
- 3.8 "Multiple-family dwelling" means a property containing 5 or more residential units, including those which are occupied seasonally.
- 3.9 "Newspaper" means a newspaper and other materials printed on newsprint.

- 3.10 "Non-residential facilities and properties" means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.
- 3.11 "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.
- 3.12 "Person" includes any individual, corporation, partnership, association, local governmental unit, as defined in sec. 66.299(1)(a), Wis. Stats., state agency or authority or federal agency.
- 3.13 "PETE" means polyethylene terephthalate plastic containers marked by the SPI code No. 1.
- 3.14 "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in sec. 144.61(5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in s. 144.44(7)(a)1, Wis. Stats.
- 3.15 "PP" means polypropylene plastic containers marked by the SPI code No. 5.
- 3.16 "PS" means polystyrene plastic containers marked by the SPI code No. 6.
- 3.17 "PVC" means polyvinyl chloride plastic containers marked by the SPI code No. 3.
- 3.18 "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; newspapers; office paper; plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS, and mixed or other plastic resin types; steel containers; waste tires; and bi-metal containers.
- 3.19 "Solid waste" has the meaning specified in sec. 144.01(15), Wis. Stats.
- 3.20 "Solid waste facility" has the meaning specified in sec. 144.43(5), Wis. Stats.

- 3.21 "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.
- 3.22 "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- 3.23 "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.

SECTION 4. GENERAL REQUIREMENTS.

4.1 Occupants of single family and 2 to 4 unit residences, multi-family dwellings, and non-residential facilities and properties shall separate the following materials from postconsumer waste:

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

(n) Steel containers

(o) Waste tires

4.2 The separation requirements of 4.1 do not apply to the following:

(a) Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in section 4.1 from solid waste in as pure a form as is technically feasible.

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

(c) A recyclable material specified in section 4.1 for which a variance or exemption has been granted by the Department of Natural Resources under sec. 159.07(7)(d) or 159.11(2m), Wis. Stats., or s. NR 544.14, Wis. Administrative Code.

4.3 To the greatest extent practicable, the recyclable materials separated in accordance with this ordinance shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including without limitation, household hazardous waste, medical waste, and agricultural chemical containers.

4.4 Except as otherwise directed by the Town Board, occupants of single family and 2 to 4 unit residences shall do the following for the preparation of the separated materials specified in this Ordinance:

(a) newspapers shall be dry and cleaned and packaged separately.

(b) magazines shall be cleaned and bundled.

(c) cardboard shall be cleaned and bundled.

(d) aluminum shall be rinsed, stripped of labels and, if possible, flattened.

(e) tin cans shall be rinsed, stripped of labels and, if possible, flattened.

- (f) glass bottles shall be rinsed, stripped of tops and separated in containers by color (brown, green and clear).
- (g) plastic jugs and bottles shall be rinsed, tops removed and separated in containers by type of plastics, if known.

4.5 The Town prohibits the following materials being placed in recycling containers:

- (a) air conditioners.
- (b) appliances, including white goods (stoves, refrigerators and freezers).
- (c) auto parts.
- (d) bricks.
- (e) Christmas trees.
- (f) clothing
- (g) concrete blocks.
- (h) construction waste.
- (i) contaminated material.
- (j) dead animals.
- (k) dirt.
- (l) explosives.
- (m) feces.
- (n) glass window panes, windshields, light bulbs, ceramics, pyrex, crystal and drinking glasses.
- (o) hazardous or toxic wastes.
- (p) heavy metal materials.
- (q) household furniture.
- (r) lead-acid batteries.
- (s) lumber, trees, brush or crates.

- (t) machinery.
- (u) pipes.
- (v) remodeling waste or demolition waste.
- (w) rocks.
- (x) tires.
- (y) waste oil.
- (z) wire.

4.6 Owners or designated agents of multi-family dwellings shall do all of the following for recycling the materials specified by this Ordinance:

- (a) Provide adequate, separate containers for the recyclable materials.
- (b) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
- (c) Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling drop location specified by the Town Board.
- (d) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods, locations and hours of operation, and a contact person or company, including a name, address, and telephone number.

The requirements set forth above do not apply to the owners or designated agents of multi-family dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in this Ordinance in as pure a form as is technically feasible.

4.7 Owners or designated agents of non-residential facilities and properties shall do all of the following for recycling the materials specified in this Ordinance:

- (a) Provide adequate, separate containers for the recyclable materials.

- (b) Notify in writing, at least semi-annually, all users, tenants, and occupants of the properties about the established recycling program.
- (c) Provide for the collection of the materials separated from the solid waste by the users, tenants, and occupants and the delivery of the materials to a recycling drop location specified by the Town Board.
- (d) Notify users, tenants, and occupants of reasons to reduce and recycle, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods, locations and hours of operation, and a contact person or company, including a name, address, and telephone number.

The requirements set forth above do not apply to the owners or designated agents of non-residential facilities and properties if the postconsumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in this Ordinance from solid waste in as pure a form as is technically feasible.

4.8 No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in this Ordinance which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

SECTION 5. SERVICE CONTRACT.

5.1 The Town has made arrangements with the Village of Brandon to receive recyclable material from properties located in the Town of Metomen. All recyclable materials shall be placed into the designated recycling containers located in the Village of Brandon. The Town reserves the right to make other arrangements for the disposal of recyclable materials. All recyclable materials delivered to the containers located in the Village of Brandon shall be separated and prepared in accordance with the requirements of this Ordinance.

5.2 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.

5.3 No person, unless provided written permission by the Town, 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 6. ENFORCEMENT.

6.1 Any person violating any provision of this Ordinance shall, upon conviction thereof, forfeit not less than \$250.00 nor more than \$1,000.00 and the costs of prosecution, including reasonable attorneys' fees, and in default of payment of such forfeiture and costs shall be imprisoned in the County jail until payment of such forfeiture and costs of prosecution, but not exceeding thirty (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.

SECTION 7. SEPARABILITY.

7.1 Should any section or provision of this Ordinance be declared invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 8. EFFECTIVE DATE.

8.1 This Ordinance shall be in force from and after its passage, approval and publication according to law.

SECTION 9. RULES OF CONSTRUCTION.

9.1 In the construction of this Ordinance, the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the Ordinance:

- (a) the term "Wisconsin Statutes" whenever used in this Ordinance shall mean the Wisconsin Statutes for the years 1991-92 unless otherwise noted;
- (b) references to the male gender include the female and references to the single include the plural. References to "person" extends to natural persons, firms, corporations, partnerships or other entities;
- (c) it is not intended by this Ordinance to repeal, abrogate, annul, impair or interfere with any existing rules, regulations or ordinances or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall apply; and

(d) where a provision of this ordinance is required by Wisconsin Statutes, or by a standard in Chapter NR 544 of the Wisconsin Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and Chapter NR 544 standards in effect on the date of the adoption of this ordinance, or in effect on the date of the most recent amendment to this ordinance.

Adopted this _____ day of _____, 1994.

TOWN OF METOMEN
By:

Town Chairman

Attest:

Town Clerk

Published this _____ day of _____, 1994.

Town of Metomen

Resolution No. 2-2000

Be it Hereby Resolved, by the Town Board of Metomen, Fond du Lac County, Wisconsin, pursuant to Sec. 7.32 of Wis. Statutes does establish a Recycling Program as follows:

A Committee of three members appointed by the Town Chairperson, one of who shall be appointed chairperson of the Recycling Committee.

Recycling Committee shall respond to all recycling issues and should meet at least twice per calendar year. Recycling Committee members shall be paid equal to other committee members in Township.

Chairperson of the Recycling Committee shall be listed as contact person for DNR.

Town Board Chairperson shall be named Authorized Representative and sign yearly reports to DNR.

This resolution shall become effective immediately upon passage and publication as required by law.

Dated this 20th day of July, 2000.

Town of Metomen

By 
Ron Sanders, Town Chairman

ATTESTED:


Lynn Rands, Town Clerk

**SUBDIVISION ORDINANCE
2009-1**

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TOWN OF METOMEN
SUBDIVISION ORDINANCE
2009-1

ARTICLE 1. IN GENERAL

Sec. 1-1. Definitions.

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

Accessory use means a facility, structure, building or use which is accessory and necessary to the principal use of a property, structure or building.

Alley means a public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage and access is on a public street or road.

Block means a parcel of land or a group of lots bounded on at least one side by a street and on the other sides by natural or manmade barriers or unplanted land. Blocks may have an assigned consecutive number or letter through which they may be identified.

Building means any structure built for the support, shelter or enclosure of persons, animals, chattel or movable property of any kind.

Building setback lines means lines established along highways at specified distances from the centerline which prohibited buildings or structures shall be set back of, or outside of, and within which they may not be placed except as provided. Within the setback line means between the setback line and the highway right-of-way.

Certified survey map means a map of a land division, not a major subdivision, prepared in accordance with Wis. Stat. 236.34 and in compliance with the applicable provisions of this ordinance.

Common open space means a parcel of land or an area of water, or some combination of both, within a site designated for a planned unit development (PUD) or subdivision, and designed and intended for the use or enjoyment of residents of the PUD or subdivision. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of PUD residents.

County means Fond du Lac County, Wisconsin, including any agency, department or committee of the county board.

Developer means the owner of land proposed to be subdivided or his or her representative.

Development means any manmade change or improved or unimproved real estate. Including but not limited to construction of or additions or substantial improvements to buildings, other structures or accessory used or the placement of mobile homes.

Easement means authorization by a property owner for the use by another, for a specified purpose, of any designated part of his or her property.

Extraterritorial plat approval jurisdiction means the unincorporated area within three miles of the corporate limits of a first, second or third class city, or 1.5 miles of a fourth class city or a village, if such municipalities have enacted an extraterritorial subdivision control ordinance.

Final plat means the map or plat of record and any accompanying material as required in section 4-3

Land division means the division of a lot, parcel or tract of land for the purpose of transfer of ownership or building construction where the act of division creates two parcels, lots or building sites, any one of which is 35 acres or less in area.

Lot means a parcel of land of 35 acres or less having frontage on a public street or other approved access, occupied or intended to be occupied by a principal structure or use.

Major subdivision means a subdivision that creates five or more parcels, lots or building sites regardless of size or ownership, or created by successive divisions within a period of five years.

Minor subdivision means all subdivisions of land as defined in this ordinance which are not major subdivisions. In accordance with Wis. Stats. 236.45, the following exceptions to this definition apply:

- (1) Transfers of interest in land by will or pursuant to court order.
- (2) Sale or exchange of parcels of land between owners or adjoining property if additional lots are not created and the lots resulting are not reduced below the minimum sizes required by applicable laws or ordinances.
- (3) Leases for a term not to exceed ten years; mortgages or easements.
- (4) Cemetery plats created under Wis. Stats. 157.07 and assessor's plats made under Wis. Stats. 70.27.

Out lot means a parcel of land other than a lot or block, intended for transfer of ownership or private right-of-way. An out lot may not be used as a building site unless it is in compliance with restrictions imposed under this ordinance with respect to building sites.

Parcels means contiguous lands under the control of a sub divider, not separated by streets, highways or railroad right-of-way.

Planned unit development (PUD) means an area of land, controlled by a single owner or entity, to be developed as a single entity for a number buildings, the plan for which is unique in its mixture of land uses and open spaces and not specifically provided for by applying customary block, lot and density requirements of this ordinance and applicable town zoning ordinances.

Plat means a map of a subdivision

Preliminary plat means a map delineating the features of a proposed subdivision or when required, a land division as described in articles III and IV of this ordinance, submitted to the Town Zoning Board for consideration prior to the final plat.

Replat means the process of changing, or the map or plat which change, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, lot or out lot within a recorded subdivision plat without changing exterior boundaries of such block, lot or out lot is not a replat.

Setback means the minimum horizontal distance from the centerline of the right-of-way and the nearest point of a building, or proposed building, or any projection thereof, including steps.

Street means a public way for vehicular and pedestrian traffic, whether designated as a street, road, highway, thoroughfare, parkway, throughway, avenue, boulevard, lane or place, or however otherwise designated.

- (1) Arterial streets and highways. Those streets which provide for rapid movement or concentrated volumes of traffic over relatively long distances and have the most united access to assure rapid movement.
- (2) Collector streets. Streets which provide moderate speed movement of vehicular traffic from local streets to arterials. A collector street serves a neighborhood or major subdivision and should be designed so that no residential lots have access to it.
- (3) Local Streets. Streets which provide the greatest degree of access and are designed for low speed and low volume traffic connecting to collector streets.

- (4) Frontage road. Streets parallel and adjacent to arterial streets which provide access to abutting properties and separation from arterial through traffic.
- (5) Cul-de-sac. A local street closed at one end with a permanent turnaround at one end.

Subdivider means any person requesting review or action on a land division or subdivision.

Subdivision means the division of a lot or parcel of land for the purpose of transfer of ownership or of building construction. See Major subdivision and Minor subdivision.

Surety means any legal financial assurance or guarantee which guarantees performance of a subdivider's contract or obligation through forfeiture of the assurance or guarantee if such contract or obligation is unfulfilled by the subdivider.

Town means the Town of Metomen, the Town Board, the Planning Committee, and the Zoning Board.

Section 1- 2. Statutory Authorization

This Ordinance is adopted pursuant to sec. 60.10, 60.20; sec. 60.22, sec 60.23, sec 60.24, sec. 60.54 and sec. 81.01 of the Wisconsin Statutes, together with the Town's village powers and police powers, For the purpose of promoting the public health, safety and general welfare of the Town. This ordinance has been established to further the orderly layout and use of land as provided in the comprehensive plan; to lessen congestion of streets and highways; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent overcrowding and undue concentration of the populace; to facilitate the adequate provision of public services including transportation , water, sewerage, schools, parks, playgrounds and similar facilities and services; and to facilitate the further resubdivision of large tracts into small parcels of land.

Section 1-3. Jurisdiction of Ordinance

This ordinance shall apply to all divisions of land resulting in parcels of 35 acres or less and must comply with the comprehensive plan, within the Town.

Section 1-4. Compliance with ordinance and sewer system regulations.

No approval shall be granted on any division of land until such time as adequate evidence is presented to show that the proposed subdivision would be in compliance with this ordinance, the comprehensive plan, and the county ordinances.

Any lots created under this ordinance not served by a sanitary sewer shall be required to pass percolation tests and/or soil borings, conducted in accordance with COMM 83 and chapter 58, article III, except that such test may be waived by the county planning agency or county planner if;

- (1) Lots being created are already served by an acceptable onsite sewage disposal system, off-site common sewage disposal system or municipal sewage system; or
- (2) The lots being created are for a use not requiring sanitary disposal facilities.

Section 1-5. Interpretation; conflict with other ordinances.

Interpretation and application of provisions in this chapter shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare.

Provisions of this ordinance are not intended to conflict with, interfere, abrogate or annul any other ordinance, rule or regulation, statute or other provision of the law. In review of conflict regulations or other provisions of the law, whichever provisions are more restrictive or impose higher standards shall control.

Section 1-6. Amendments to ordinance

For the purpose of protecting the public health, safety and general welfare, the Town Board may from time to time amend provisions imposed by these subdivision regulations.

Amendments shall be made by the Town Board upon the recommendation of the Town Planning committee and after a public hearing as required by state statutes.

Section 1-7. Uniform numbering and road names

At the time that any subdivision plat for a new subdivision is approved, the county planner shall issue each lot a building number under the county's uniform numbering system.

If during the road naming process a road name can not be agreed upon which does not duplicate or in any way conflict with existing road names, it shall be within the town's authority to assign a nonconflicting road name.

Section 1-8. Replats.

A replat or change of a boundary or all boundaries within a recorded subdivision, if it alters areas dedicated for public use, may not be recorded except after proper court action as detailed in Wis. Stat. 236.36.

Section 1-9. Fees.

The town board may, by resolution, adopt fees for the following; Preliminary plat review, final plat review, certified survey review, PUD review, variance applications and appeals of decision of the town board.

Section 1-10 Penalties for violation of ordinance

Any person who violates the provisions of this chapter, upon conviction thereof, shall forfeit to the town not less than \$10.00 or more than \$200.00 for each violation, plus the cost of prosecution for each violation. Each day that such violation continues shall be deemed to be a separate offense.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

Section 2-1. Town chairman responsible for administration.

The town chairman shall be responsible for the administration of the chapter. He or she shall not engage, either directly or indirectly, in the business of surveying; and no map, plat or subdivision shall be received for record, or have any validity which has been prepared by or under the direction of the town chairman in violation of the provisions of this section, or any requirement of this ordinance.

Section 2-2. Enforcement.

No plat of any subdivision or land division shall be entitled to record in the office of the register of deeds or have any validity until it shall have been approved in a manner prescribed in this ordinance. Whenever it comes to the knowledge of the town chairman that any of the provisions of the ordinance have been violated, it shall be his or her duty to notify the town board of this, and the town board shall immediately take appropriate enforcement action.

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Section 2-3. Variance

Where the town board finds that extraordinary hardship or practical difficulties may result from rigid compliance with this ordinance and or the purposes of this ordinance may be served to a greater extent by an alternative proposal, it may recommend that the zoning board of appeals consider a variance to this ordinance, provided that such variance shall not have the effect of nullifying the intent and purpose of the ordinance; or violate the comprehensive plan, and further provided the zoning board of appeals shall, as a condition of approval, make findings based upon facts presented in each specific case that;

- (1) The granting of the variance will not be detrimental to the public health, safety and welfare or injurious to other property.
- (2) The conditions upon which the request for a variance is based are unique to the property in question and are not applicable to other property.
- (3) Because of the physical surroundings, shape or topographical conditions of the property involved, that are not self-imposed, a hardship to the owner would result if the strict interpretation of the ordinance are carried out.
- (4) The variance will not compromise the provisions of this ordinance, the comprehensive plan, or county ordinances.

In approving a variance, the zoning committee may require conditions that, in its judgment, meet the objectives of the standards and requirements of the ordinance.

In keeping with the intent of PUD provisions, in cases where a subdivision is part of a planned unit development, for which a PUD plat containing revised design standards is approved by the county planning agency, the waiver of a variance in the design standards required by this ordinance shall be considered to have been granted.

Section 2-4. Appeals

(a) The following decisions made by the town chairman, zoning board of appeals, town board, may be appealed;

- (1) Rejection of a certified survey map, preliminary plat or final plat.
- (2) A determination that land is unsuitable for subdivision.

(b) Whenever a subdivision is aggrieved by the decision of the town chairman, he or she may file an appeal to the planning committee from such decision within ten days of the date of such decision. Such appeal is to be filed with the town clerk and forwarded to the planning committee. The planning committee may affirm or reverse, in whole or in part, the decision made by the town chairman, which shall be confirmed by the town board.

(c) Any person aggrieved by an objection to a plat or failure to approve a plat under the provisions of the ordinance may appeal therefrom as provided in Wis. Stat. 236.13 and 62.23(7)(e)10, 14 and 15 within 30 days of notification of the town board rejection of the plat; provided, however, that such person has taken appeals to conformity with subsections (a) and (b) of this section.

Section 2-5. Procedure for variances and appeals

Upon receipt of an appeal or application for a variance, the town clerk shall schedule and hold a public hearing on the matter within a reasonable time. The concurrence of five members of the zoning board of appeals is necessary to uphold an appeal or grant a variance. Reasons for each appeal or variance shall be found in finding of facts, conclusion of law, and order and determination. A class 1 notice of the public hearing must be published as required by Wis. Stats ch 985.

ARTICLE III. PLAT AND CERTIFIED SURVEY MAP PROCEDURES

Section 3-1. Plat procedures.

In accordance with Wis. Stat. 236.11 and 236.12, a preliminary plat and final plat are required for all major subdivisions within the town. Major subdivisions consist of a division of land into five or more parcels or buildings sites regardless of size ownership, or a successive division of and into five or more parcels of building sites regardless of size or ownership over a five-year period. Major subdivisions procedures are outlined in section 3-2 through 3-5. Minor subdivisions shall be submitted in accordance with procedures outlined in section 3-6, and may at the discretion of the town chair be subject to requirements of section 3-4.

Section 3-2. Consultation with town chairman and county planner

Prior to submission of a certified survey map or preliminary subdivision plat, it is recommended that the subdivider first consult with the town chairman, and the county planner in order to obtain an understanding of all regulations and procedures to which the review process and assure compliance with state and local regulations before surveying of platting expenses are incurred.

Section 3-3. Letter of intent.

Prior to submission of a certified survey map or a preliminary plat, the subdivider or his/or her agent is required to submit to the town chair and county planner a letter of intent. The letter of intent must specify:

- (1) The name and address of the owner or subdivider of the property under consideration.
- (2) The name and address of the surveyor and/or contractor and/or broker, who may be working on the development;
- (3) The location, legal description and average of the property;
- (4) The present use of the land;
- (5) The estimated time table of development.

Section 3-4. Preliminary plat procedure.

- (a) Accompanying the letter of intent, and prior to submitting a plat for approval, the subdivider shall submit two copies of a preliminary plat, and 14 copies of the preliminary plat to the county planner. The plat shall be clearly marked 'preliminary plat' and shall be in sufficient detail to determine whether the final plat will meet layout requirements. The plat shall be prepared in accordance with all specifications required in the ordinance and Wis. Stats ch 236.
- (b) The county planner shall, within two days after a preliminary plat is submitted for approval, transmit legible copies with a list of authorities to which the plat must be submitted for approval of objection. The indicated number of copies shall be submitted to the following authorities.
 - (1) Four copies to the planning agency
 - (2) One copy to each town board affected by the plat.
 - (3) One copy to the county highway department, for all plats abutting or adjoining county trunk highways.
 - (4) Two copies to any municipality, when the subdivision lies within the extraterritorial plat approval jurisdiction of such municipality.
 - (5) The appropriate number of copies shall be forwarded to the department of commerce (COMM) for review of compliance with minimum layout requirements of Wis. Stats. Ch 236.
- (c) For the purpose of this ordinance, review agencies shall be identified as follows:
 - (1) Approving agencies;
 1. The county planning agency
 2. the town board
 3. the applicable city or village with extraterritorial jurisdiction.
 - (2) Objecting agencies
 1. State department of commerce
 2. State department of transportation
 - (3) Advisory agencies
 1. County land conservation department.
 2. County highway department/surveyor.
 3. State department of natural resources.

- (d) All objecting agencies, within 20 days of receiving a copy of the preliminary plat, shall notify the subdivider and all other approving and objecting agencies of any objection based upon failure of the plat to comply with all state statutes, the local comprehensive plans and ordinances. If there are no objections, each agency shall so certify on the face of a copy of the plat and return that copy to the county planner. A plat shall not be approved or deemed approved until any and all objections have been satisfied. If an objecting agency fails to act within the 20-day limit it shall be deemed to have no objection to the plat. The county planner shall certify on the face of the plat that copies were forwarded as required, and the date thereof, and that no objections to the plat have been filed within the 20-day limit or, if objections were filed, they have been properly addressed.
- (e) Following review of the preliminary plat, letter of intent and comments from approving and objecting agencies, the county planner shall make a recommendation concerning the plat to the county planning agency. The planning agency and all other approving agencies, within 60 days of filing of the preliminary plat, shall approve, approve conditionally or reject the preliminary plat. Failure of the planning agency or any other approving agency to take action on the preliminary plat within the 60-day limit shall constitute an approval.
- (f) Upon action of the planning agency, one copy of the preliminary plat shall be returned to the subdivider, with the date of action and action endorsed upon. If the preliminary plat is approved conditionally or rejected, the conditions or reasons shall be clearly stated within the minutes of the meeting of the planning agency and in a letter to the subdivider and to the Comm if the plat was submitted for state review. Approved preliminary plat shall bear a certificate of approval.
- (g) Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat, unless the plat conforms substantially to the preliminary plat as approved, including conditions of the approval, and to local comprehensive plans and ordinances adopted as authorized by Wis. Stats. 236.11(1)(b); provided that the final plat is submitted for approval within one year of the last required approval of the preliminary plat.

Section 3-5. Final plat procedure.

- (a) Not later than one year after approval of the preliminary plat, the subdivider shall choose one of the following three options for submittal of the final plat:
 - (1) In accordance and conformity with Wis. Stats 236.12(2), submit the original plat to the county planner for review of conformity with the approved or conditionally approved preliminary plat.
 - (a). The county planner shall send the appropriate number of copies to the department of commerce (COMM) for review by the applicable objecting agencies. If an objecting agency fails to act within 20 days, it shall be deemed to have no objections to the plat and the county planner shall so certify on the face of the original plat that copies were forwarded as

required, the date thereof and that no objections have been filed within the 20-day limit, or that objections, if filed have been met.

- (b). The county planner shall, within two days after filing, transmit true copies of the plat to the agencies as specified in subsections 3-4 (b)(1-5)
 - (2) In accordance and conformity with Wis. Stat.236.12(2),submit the original final plat to the town clerk for review of conformity with the approved or conditionally approved preliminary plat.
 - a. The town clerk shall submit the appropriate number of copies to the department of commerce (COMM) for review by the applicable objecting agencies. If an objecting agency fails to act within 20 days, it shall be deemed to have no objections to the plat and the town shall so certify on the face of the original plat that copies were forwarded as required, the date thereof and that no objections have been filed within the 20-day limit, or that objections, if filed, have been met.
 - b. The town clerk shall, within two days after filing, transmit true copies of the plat to the agencies as specified in subsection 3-4(b)(1-5).
- (c) Approving agencies noted in subsections 3-4 (b)(1-5), within 60 days of the date of receiving a true copy of the final plat, shall notify the subdivider and all other approving and objection agencies of any rejection. If the plat is approved, they shall so certify on the face of the original plat.
- (d)Within ten days of filing, the county planner shall review such plat and accompanying data for conformity with ;the provisions of this chapter, other applicable ordinances and the approved preliminary plat, and shall make a recommendation concerning the plat to the county planning agency. The county planning agency shall reject or approve, in writing, the plat within 60 days from the date of filing. If the county planning agency rejects any provisions of the final plat, the basis for such rejection shall be included in the report. Failure of the county planning agency to act on the final plat within 60 days, excepting where a time extension or unsatisfied objections exist, shall be deemed an approval.
- (e)Upon approval of the final plat by the county planning agency, the county planner shall make the following certification on the face of the original and two true copies of the plat.
- (f)The final plat shall substantially conform to the preliminary plat as approved, and it may constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at that time; provided, however, that such portion conforms to all requirements of this ordinance.
- (g)If only a portion of an approved preliminary plat is presented for final approval, the subdivider shall within one year after conditional approval of the preliminary plat, apply to the county planner for an extension of the conditional approval of the unrecorded portion of such preliminary plat without being required to pay additional fees.

- (h) The final plat shall show all information required by and be in conformity with state statutes.
- (i) Within six months of the first approval and within 30 days of the last approval of the plat, the subdivider shall file such plat with the county register of deeds, and if not so filed shall have no validity and shall not be recorded without recertification by the county planning agency in accordance with this section. The subdivider shall pay a recording fee as determined by the county register of deeds. All recorded plats shall be filed with the county surveyor's office and the county tax listing office.

Section 3-6 Certified survey procedure

- (a) No person shall divide any land located within the town which shall result in a minor subdivision as defined by this ordinance without first filing a certified survey map for approval by the town and county subsequently recording said map shall comply fully with Wis. Stats. 236.34 and with all applicable requirements of this chapter
- (b) The subdivider or his or her agent shall submit a final certified survey map and three copies and a letter of intent to the town and county planner, who shall review each certified survey map for compliance with Wis. Stats ch 236, this chapter and any other applicable town and county ordinances. Within ten days, the county planner shall transmit the indicated number of copies to the following authorities:
 - a. One copy to the town
 - b. One copy to the county highway department for all certified survey maps abutting county or state trunk highways.
 - c. One copy to any city or village which exercises extraterritorial review authority.
- (c) The town board shall approve, conditionally approve or reject the certified survey map and/or dedication of streets or other public areas within 30 days from receipt of the certified survey map from the county, unless the time is extended by written agreement with the subdivider. A certified survey map not in compliance with all applicable town ordinances, comprehensive plan, and county ordinances shall be deemed to constitute an automatic rejection by the town board, and county planner
- (d) Review of each certified survey map shall be completed by the county highway department for applicable regulations. Recommendations or objection to a certified survey map shall be submitted to the county planner within ten working days from the submission date to the certified survey map.
- (e) The county planner, within 40 days from the date of filing of the certified survey map, shall approve, conditionally approve or reject the certified survey map based on a determination of conformance with all applicable county and town ordinances, comprehensive plan, state statutes and codes and any other applicable regulation. The county planner shall not approve any certified survey map which does not conform to town and county ordinances, comprehensive plans, and applicable state statutes. If a certified survey map is rejected, reasons shall be stated in written form and submitted to the subdivider or his/of her agent.
- (f) Within 30 days of the last approval of the plat, the subdivider shall file such plat with the county register of deeds, and if not so filed, shall have no validity and shall not be recorded without recertification by the county planning agency in accordance with

this section. The subdivider shall pay a recording fee as determined by the county register of deeds. All recorded plats shall be filed with the county's surveyor's office, and one copy to the town, and the tax listing office.

- (g) Requirements for certified survey map survey and data requirements are set forth in section 4-1.1

ARTICLE IV. MAP SUBMISSION

Section 4-1 Certified survey map

All survey work and map preparation shall be completed by a surveyor registered in the state. Maps shall be prepared in accordance with Wis. Stats. 236.20(2)(a)—(c),(e),(g),(i)—(l) and 236.34. A preliminary plat may be required by the county planner or town for minor subdivisions, particularly those exceeding two lots. The certified survey map, along with three copies, shall be prepared on durable white paper or in the form of a silver haloid image on polyester film, 8 1/2 inches by 14 inches. It shall include on its face the information required in Wis. Stats. 236.34, as well as the following:

- (1) Name of the owner or subdivider.
- (2) Date of survey.
- (3) Graphic scale of not more than 500 feet to the inch.
- (4) Area of the parcels being created and keys of dedication in square feet and acres.
- (5) Proposed land use for each parcel created.
- (6) Location of each existing building within each parcel created.
- (7) Distances and bearings referenced to a line and corner of the U.S. Public Land Survey, or to and adjoining recorded plat. Where available, section corners with county coordinate values shall be referenced, and digital copies of the certified survey map must be submitted for available.
- (8) A surveyor's certificate of compliance with all provisions of this ordinance and other applicable laws.
- (9) Owner's and mortgagee's certification of dedication of streets and other public areas prepared in accordance with Wis. Stats. 236.21(2) and 236.34(1)(e).
- (10) Where the county planner finds that he or she requires additional information relative to a particular problem presented by a propose development to review the certified survey map, he of she shall have the authority to require additional information listed in section 4-2.

Section 4-2. Preliminary plat map.

Preliminary plats are required for all major subdivisions. The preliminary plat shall be based on a survey by a land surveyor registered in the state. The plat shall be submitted at a scale of not more than 100 feet to one inch. Shall conform to standards set forth in Wis. Stats.ch236 and shall additionally show the following information:

- (1) Name of the proposed subdivision.
- (2) Name and address of the owner, subdivider and land surveyor preparing the plat

- (3) Date, graphic and north arrow.
- (4) Location of the proposed subdivision by government lot, quarter section, township, range and county; and a location map showing the relationship between the plat and its surrounding area.
- (5) Entire contiguous area to the proposed plat which is owned or controlled by the subdivider. The county planner may waive this requirement where it is unnecessary to fulfill the purposes and intent of the ordinance and undue hardship would result from strict application of this requirement.
- (6) For areas within the 100-year floodplain or for other critical areas, the county planner may require two-foot contour interval maps, prepared by a surveyor or engineer registered in the state, in addition to all other requirements under this section as part of the preliminary plat review in floodplain areas.
- (7) The location and dimensions of the exterior boundaries of the proposed subdivision referenced to a corner established by the U.S. Public Land Survey, and the acreage encompassed within. Where available, section corners with county coordinate values shall be referenced and digital copies of the plat must be submitted if available.
- (8) The location and dimensions of the existing property lines, buildings, streams and watercourses, lakes, ponds, groups of trees, easements, alleys, railroads and zoned shore land, wetland or floodplain area, within or adjacent to the proposed subdivision.
- (9) The location and names of any adjacent subdivisions, parks and cemeteries and owner of record of abutting unplatted lands.
- (10) Location, right-of-way width and names of any existing or proposed streets or other public ways, existing railroads and existing and proposed utility right-of-way and easements.
- (11) Layout and scale dimensions of all lots and proposed lot and block numbers.
- (12) Locations of soil borings and percolation test holes and results of such investigations tied to the appropriate COMM form as required by COMM 85 of the Wis. Admin. Code.
- (13) Existing and proposed land uses and zoning included within or adjacent to the proposed subdivision.
- (14) Draft of any proposed covenants, if any, to be imposed.
- (15) Surface drainage pattern mapping showing direction, flow and location and site of proposed drainage structures for the proposed subdivision.
- (16) Conceptual plans done in accordance with guidelines and standards of the county soil conservation office, which identify soil conservation and erosion control measures such as gutters, ditches, catch basins, storm sewers, culverts, open channels, retention or detention basins, terraces and similar practices, keyed to locations on the preliminary plat.

Where the county planner or town board, finds that additional information is required relative to a particular problem presented by a proposed development in order to review the preliminary plat, he or she shall have the authority to request such information from the subdivider.

Section 4-3 Final plat map.

Final plats prepared by a land surveyor registered in the state are required for all major subdivisions. Final plats shall comply in all respects with this chapter and the standards and specifications in Wis. Stats. Ch 236. Where the county planner finds that additional information is required for the final plat review process, he or she shall have the authority as set forth in section 4-2 to require such information from the subdivider.

ARTICLE V. DESIGN STANDARDS

5-1 Streets and roads.

- (a) The subdivider shall dedicate land and improve public streets in any new subdivision or land division in order to provide public access to all lots created. The arrangement, design and location of all streets and road shall conform to all applicable plans, official maps or highway width maps adopted by the town and the county and give due regard to other existing and planned streets, other improvements, proposed land uses and natural features of the property in question as well a adjacent lands.
- (b) The arrangement of streets and roads in a new subdivision shall be designed to allow for continuation of existing streets into adjoining areas.
- (c) Where adjoining, developable lands are not subdivider of developed, the arrangement of streets or roads to the boundary of the proposed development.
 - (1) Reserve strips controlling access to streets shall be prohibited except where their control is place with the town under conditions approved by the county planning agency.
 - (2) Dead-end streets other than culs-de-sac shall only be permitted when authorized by the county planner. When such dead-end are permitted on a temporary basis, and exceed 200 feet or two lot widths, a temporary turnaround shall be provided, and appropriate arrangements made for those portions of temporary turnarounds outside the right-of-way to revert to the abutting property owner upon extension of the street.
- (d) All street right-of-way widths, radii or curvature and grads shall conform to Wis. Stats 86.26 and this chapter. Where a range of widths is provided, the actual width to be acquired shall be determined by the town board and the county planner.

Street Type	Minimum Right of Way (feet)	Minimum Radius Curvature (feet)	Minimum Maximum Paved Widths (feet)	Maximum Grade (percent)
Collector	80	200	20/44	7
Local	66	100	20/44	10
Frontage	50	100	20/44	10
Cul-de-Sac	66	100	20/44	10

- (e) Where an existing dedicated or platted half-street is adjacent to a tract being subdivided, the other half of the street shall be platted and dedicated by the subdivider. In all other instances, the creation of half streets in new subdivision plats is prohibited.
- (f) Street jogs with centerline offsets of less than 150 feet shall not be allowed on local streets. Offsets of less than 600 feet shall not be allowed on collector or arterial streets.
- (g) Streets shall be designed in accordance with basic principles of functional classification where each street is designed to encourage or discourage through traffic according to its classification as defined in section 4-1.
- (h) No more than two streets shall intersect at one point. Such intersections shall be laid out so that the angle of intersection is as nearly as possible at right angles, and in no instance shall streets intersect at less than a 75-degree angle.
- (i) Whenever a proposed subdivision contains or is adjacent to an arterial street or highway, adequate measures shall be taken by the subdivider to protect residential property and limit arterial and highway access by separating through and local traffic by the following means:
 - (1) Reverse frontage with screen planting or fencing contained in a nonaccess reservation long the back property line.
 - (2) A marginal access frontage road.
 - (3) "No access" provisions.
- (J) Alleys in residential areas are prohibited.
- (k) Cud-de-sac streets designed to have the terminus permanently closed shall not exceed 1,000 feet in length, measured from the centerline of the last through street to the center of the bulb. Where topographical, environmental or other natural constraints warrant, the length may be extended at the discretion of the county planner and town board. Culs-de-sac shall terminate in a circular turnaround centered on the roadway with a minimum right-of-way diameter of 120 feet and a minimum pavement diameter of 80 feet, and a minimum reverse curve radius of 50 feet.
 - (l) Street names and numbering.
 - (1) Street names for all proposed subdivisions shall comply with the provisions of the county section 46-93.
 - (2) Proposed streets which are a continuation of an existing street shall bear the name of the existing street. In all other instances, the proposed street name shall

not duplicate street names. The use of the "Street", "Road", "Avenue", "Boulevard", "Drive", "Court" or similar description shall not be a distinction sufficient to constitute compliance with this subsection or county 46, article III.

- (3) Dwelling and business addresses for all proposed in towns having adopted chapter 46, article III shall be assigned by the county planner.

Section 5-2 Blocks.

- (a) The layout and shape of all blocks shall be compatible with proposed land uses, zoning requirements, need for convenient access, control and safety of traffic flow and the opportunities and limitations of topography and other natural environmental factors. Block lengths in residential areas shall measure no less than 600 feet between centerlines unless dictated by topography or other limiting factors of good design.
- (b) Blocks shall have sufficient width to provide for two tiers of lots of a depth meeting requirements of the town ordinance, except where otherwise required to buffer residential development from through traffic.
- (c) Pedestrian ways or sidewalks may be required where deemed essential by the county planner, or the town, to provide adequate pedestrian circulation or access to school, parks or other recreation facilities, shopping centers, churches or other facilities.

Section 5-3 Lots

All lots proposed to be created under the terms of this chapter shall be served by a public sewage system or by a county and state approved private sewage system. Proposed unsewered subdivision and land divisions shall demonstrate the capability of passing county and state sanitary standards in accordance with COMM 83 level soil testing. General lot requirements are as follows.

- (1) Every lot shall have a minimum of 30 feet of frontage, unless the lot is located in the rural residential district as identified on the comprehensive plan map. And shall have vehicular access to such public street excepting lots created to transfer:
 - a. Homes existing prior to adoption of the first county subdivision control ordinance (August 20, 1968) and located on an existing private road.
 - b. Farmsteads existing prior to August 20, 1968, which are located 300 feet or more from a public street. An access easement must be provided for any lot created under this subsection.
- (2) The size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use proposed. Lot shape shall be of a compact nature in accordance with good subdivision design.
 - a. excessive depth to width ratios shall be avoided and a ratio of 2:1 shall be considered as a desirable maximum for lots, but may vary depending on topographic conditions.

- b. Side lot lines shall be at right angles to straight street lines or radial to curved street lines and cul-de-sac termini on which the lots face wherever possible.
 - c. Flag lots may be allowed where conditions necessitate, but in all instances, the long strip for a flag lot shall abut the lot or fence line and have a minimum width of 30 feet.
- (3) Lot dimensions and setback lines shall conform to the requirements of the town zoning codes. All lots shall have sufficient depth and width to permit adequate building setback from side streets, to conform with applicable zoning codes.
 - (4) Where applicable, lots lines shall follow municipal boundaries, fence lines, property lines, section or quarter-section lines or other manmade or natural dividing lines.
 - (5) Substandard lots and unusable remnants shall not be allowed unless dictated by floodways, unsuitable soils for building construction or excessive slopes, in which case they shall be labeled out lots.
 - (6) Double frontage and reverse image lots shall be prohibited except where necessary to provide separation of residential development from through traffic or and arterial street.
 - (7) Residential lots fronting or backing on arterial streets shall be platted with extra depth as required in section 5-8

Section 5-6 Easements.

The county planning agency shall require road or side lot line utility easements at locations and of widths deemed adequate by the agency, but in no case less than ten feet. The county planning agency shall require that easements of widths sufficient to accommodate maximum storm water or flood runoff be provided where a subdivision includes a segment of watercourses, drainage ways, channels or stream, but in no case shall widths be less than ten feet.

Section 5-7 Public dedication and reservation.

- (a) Subdivisions abutting on a navigable lake or stream shall provide public access as required by Wis. Stats. 236.16(3). The county planning agency reserves the right to require dedication for parks, open spaces, school or similar uses as a condition of approval of the plat.
- (b) The county planning agency may require that suitable sites be reserved for future public uses such as parks or open space. In location such sites, stands of trees, wetlands and shorelines shall be preserved wherever possible. Reservation of land for public acquisition shall be for a period not to exceed three years from the date of recording of the final plat.

Section 5-8 Treatment of limited access highways

Whenever a proposed subdivision contains or is adjacent to a limited access highway, the subdivider shall make provision for a buffer strip. A buffer strip at least 30 feet in

depth, in addition to normal lot requirements of the town zoning ordinance, shall be provided adjacent to the right-of-way. This 30-foot reserve buffer strip shall be a part of the platted lots, but following restrictions shall be written upon the plat:

“This strip reserved for the planting of trees and shrubs by the owner. The building of structures within this strip is prohibited, and this strip shall not be counted as any required yard. Maintenance of this strip is a responsibility of the lot owner”

Section 5-9 Planned unit developments

- (a) A planned unit development or PUD is a design incorporating the concepts of a density transfer and common open space. When a town permits the development of a PUD, the tract continues to maintain its standard zoning district classification. However, the addition of the PUD designation allows the sub divider to modify town and county standards regarding lot, block and setback requirements. The creative use of the PUD concept facilitates residential neighborhood design which is /can be more interesting and visually pleasing than the standard single-family lot arrangement.
- (b) A planned unit development is directed toward the following purposes:
 - (1) To encourage a more efficient use of land.
 - (2) To encourage design that results in smaller networks of streets and utilities.
 - (3) To preserve irreplaceable amenities of the natural environment.
 - (4) To lessen the burden of traffic on streets and highways.
 - (5) To provide common open space for utilization by neighborhood residents.
 - (6) To encourage the integration of compatible residential and nonresidential uses.
- (c) PUD development shall be designed, reviewed and constructed in accordance with all applicable town, and county ordinances and other regulations. Interpretation and application of this chapter shall take precedence when in conflict with any other sections of this ordinance.
- (d) Procedural and documentation requirements shall be the same as conventional subdivisions as provided in section 2.0,3.0,4.0,and5.0 of the ordinance. In addition, the following information shall be provided:
 - (1)All proposed land uses and proposed gross densities of each use on the preliminary plat.
 - (2) Proposed locations of all principal and accessory structures and associated parking areas.
 - (3)Proposed circulation systems and how they interrelate to neighboring streets and pedestrian ways.
 - (4) Any other plans and supporting information deemed necessary by the county planning agency.
- (e) In the design and construction or any PUD project, the sub divider shall give due consideration and accommodate the following needs:

- (1) Reservation of suitable sites and adequate for schools, parks and other public uses.
 - (2) Natural amenities, landscaping, pedestrian movement, common open spaces and parking areas.
 - (3) Screening from adjacent development and roads.
- (f) Maximum development potential shall be determined by dividing the total area of the PUD, excluding streets, by the minimum lot sizes required by the applicable town or municipal ordinance. For condominium units and similar development where lots are not created, substitute dwelling units for lots and total area.
- (g) In order to achieve the objectives of PUD development, provisions must be made for common spaces and mixed use. A density transfer or allowance for decreased lot size must be made to provide ample open space. This density transfer is achieved by relaxing town and county minimum lot standards, but in no instance shall easing of these exceed the maximum development potential as figured in subsection (f) of this section or exceed necessary lot dimensions for the provision of private sewage disposal systems.
- (h) No land uses are specifically excluded for a PUD subdivision, although each use must be consistent with the purposes of this section.
- (i) Land not used for lots and streets shall be dedicated in perpetuity to recreation, open space or buffer-area use by:
- (1) Conveyance in common to each lot owner via a homeowner's association or similar donee.
 - (2) Conveyance in fee simple of an equal, undivided interest in common to each lot owner, or
 - (3) By dedication to the town or county.
- (j) Maintenance of dedicated lands shall be assured either by establishment of an appropriate management association or by dedication of the open space areas and street right-of-way to the appropriate local government, but does not require any local government to improve land provided for public access to navigable lakes and streams.

ARTICLE VI. REQUIREMENTS FOR IMPROVEMENTS.

Section 6-1. Preservation of natural amenities.

Every effort shall be made to preserve existing features which add both aesthetic and economic value to residential development or to the county as a whole, such as trees, watercourses and wetlands, beaches, rock outcroppings and similar irreplaceable assets. No grubbing, clearing, grading or similar such activity on affected land shall commence until approval of the preliminary plat has been granted.

Section 6-2. Monuments.

Each subdivision shall be monumented in accordance with requirements set forth in Wis. Stats. 236.15. In instances where topography is such that extensive grading is required, the sub divider may, with the approval of the town, place monuments after grading is completed, provided the subdivision executes a surety bond, in an amount determined by the town and county planner, to ensure that monuments will be placed within the required time.

Section 6-3. Public sewage disposal facilities.

When in the opinion of the county planner, public sewer facilities are available to the land division or subdivision, the sub divider shall construct sewerage facilities in such a manner as to make adequate public sewerage service available to each lot within the subdivision.

Section 6-4. Water supply

- (a) The sub divider shall provide the subdivision with a complete water main supply system which shall be connected to a municipal water supply, or a community water supply approved by the state department of natural resources.
- (b) When no community water supply is available, the sub divider shall provide an individual water supply system to serve each lot in the subdivision in accordance with applicable regulations. The sub divider may, in lieu of providing such facilities, require as a condition of sale of each lot in the subdivision, that water supply systems be installed by the owner of the lots in conformity with applicable regulations.
- (c) When a town sanitary district has been created pursuant to Wis. Stats. 60.52 for the purpose of providing a water supply system, all plans and specifications shall be subject to approval by the town sanitary district commission.

Section 6-5. Stormwater.

- (a) Improvements to address the problem created which result from stormwater runoff shall be constructed as appropriate considering the findings resulting from compliance with subsections 4-2 (15) and (16) and guidelines determined by the county land conservation department. Construction of such improvements are subject to approval by the county land conservation department and the county planner.
- (b) All designs and construction plans for surface drainage of stormwater shall include specifications for seeding, mulching and fertilizing, where applicable. Specifications shall be prepared and implemented in accordance with the county land conservation department of WDOT guidelines and be approved by the county planner.

Section 6-6. Grading and surfacing of roads.

- (a) After the installation of all utility and stormwater drainage improvements, the sub divider shall finish grade all shoulders and ditches and surface all roadways in streets proposed to be dedicated in accordance with plans, specifications and scheduling approved by the county planner and town board.
- (b) Where deemed necessary by the county planner, grades, profiles and cross section shall be prepared and construction certified by a registered land surveyor or engineer at the expense of the sub divider.
- © The sub divider shall prepare and implement specifications for seeding, mulching and fertilizing all unpaved, disturbed soils within all road right-of-way. Guidelines provided by the county land conservation service and/or WDOT may be used and are subject to approval by the county planner.

Section 6-7. Street name signs.

The sub divider, at his/her expense, shall install at the intersection of all streets proposed to be dedicated within platted subdivisions, a street name sign of a design specified by the town board.

Section 6-8. Commencement.

No site improvements, including but not limited to removal of trees, grading, site work other construction work, shall commence in a proposed subdivision until the preliminary plat has been approved, and the applicable approving authorities have given written authorization.

Section 6-9. Permits.

No county sanitary or land use permits shall be issued for construction of improvements or structures on any lot not of record as of April 15, 1997, until all requirements of this ordinance have been met.

Section 6-10. Improvements plans

Prior to final plat approval by the county planning agency and /or the unit of government where such improvements will be made, the sub divider shall submit plans for all improvements required by this ordinance and shall file a performance bond or comparable surety with the town in an amount deemed adequate by the county planner to ensure installation of such improvements.

Section 6-11. Performance bond and sureties.

- (a) A performance bond, certificate of deposit or other suitable financial surety in the dollar amount equal to the cost of the improvements necessary for street, sewer, storm drainage, water or other public improvements as determined by the town board and the county planning department will be required, before approval can be given under this ordinance.
- (b) A performance bond, certificated of deposit or comparable surety is made out with the stipulation that it cannot be redeemed without written permission of the town board. The performance bond or certificate of deposit shall be for a period of not more than two years. If the improvements are not completed by the sub divider at the expiration of the specified period, the town may redeem the performance bond, certificate of deposit or comparable surety and complete the improvements with these funds, The balance will be returned to the sub divider.
- (c) The performance bond, certificate of deposit or comparable surety be filed in the town clerk's office. A copy must be filed with the county planner.

Section 6-12. Street paving performed by local government.

The town may accept the responsibility for street paving following specifications under section 6-6. any other required improvements could be modified through a variance procedure requested by the sub divider; however, any modification would also require town approval prior to any action.

Section 6-13. Inspection and release of sureties.

- (a) The sub divider shall notify the approving authorities having jurisdiction to provide for adequate inspection to review and approve all complete work prior to release of any performance bonds or other surety and to ensure compliance with applicable requirements.
- (b) Neither acceptance of dedication of required improvements nor release of performance bonds shall be allowed until the sub divider's registered engineer or surveyor has submitted certification on the face of plats and construction drawings stating that all required improvements have been satisfactorily completed in accordance with all approved plats and construction plans.

Section. 6-14: Effective Date:

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

Dated this ninth day of February 2009

Town Clerk Lynn Rands

Town Chairman Tom Seck

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

SEX OFFENDER RESIDENCY ORDINANCE

The Town Board of the Town of Metomen, at a duly-noticed public meeting with quorum present and voting, hereby ordains the following:

Section 1: Recitals.

The Wisconsin Statutes, including Chapters 940, 944, and 948 thereof, govern the punishment of individuals who commit sex crimes. The Wisconsin Statutes also govern the release into the community of such individuals. The Town is responsible to maintain the public health, safety, and welfare and finds that sex offenders have high recidivism rates that threaten the public health, safety, and welfare, especially that of children.

Section 2: Purpose.

The purpose of this Ordinance is to protect the public health, safety, and welfare in the Town of Metomen by regulating the residency of sex offenders.

Section 3: Definitions.

- (a) Sex Offender. A person who has been convicted of, has been found delinquent of, or has been found not guilty of by reason of disease or mental defect of a Sexually Violent Offense or a Crime Against Children.
- (b) Sexually Violent Offense. Shall have the meaning set forth in Wis. Stat. § 980.01(6).
- (c) Crime Against Children. Shall mean any of the following offenses set forth in the Wisconsin Statutes, as amended, or in the laws of this or any other state or the federal government having like elements necessary for conviction, respectively:

Wis. Stat. § 940.225(1) First Degree Sexual Assault.

Wis. Stat. § 940.225(2) Second Degree Sexual Assault

Wis. Stat. § 940.225(3) Third Degree Sexual Assault

Wis. Stat. § 940.22(2) Sexual Exploitation by Therapist

Wis. Stat. § 940.30 False Imprisonment – Victim was Minor and Not Offender’s Child

Wis. Stat. § 940.31 Kidnapping – Victim was Minor and Not Offender’s Child
Wis. Stat. § 944.02 Rape (prior statute, now Wis. Stat. § 940.225)
Wis. Stat. § 944.06 Incest
Wis. Stat. § 944.10 Sexual Intercourse with a Child (prior statute, now Wis. Stat. § 948.02)
Wis. Stat. § 944.11 Indecent Behavior with a Child (prior statute, now Wis. Stat. § 948.02)
Wis. Stat. § 944.12 Enticing Child for Immoral Purposes (prior statute, now Wis. Stat. § 948.07)
Wis. Stat. § 948.02(1) First Degree Sexual Assault of a Child
Wis. Stat. § 948.02(2) Second Degree Sexual Assault of a Child
Wis. Stat. § 948.025 Engaging in Repeated Acts of Sexual Assault of the Same Child
Wis. Stat. § 948.05 Sexual Exploitation of a Child
Wis. Stat. § 948.055 Causing a Child to View or Listen to Sexual Activity
Wis. Stat. § 948.06 Incest with a Child
Wis. Stat. § 948.07 Child Enticement
Wis. Stat. § 948.075 Use of a Computer to Facilitate a Child Sex Crime
Wis. Stat. § 948.08 Soliciting a Child for Prostitution
Wis. Stat. § 948.095 Sexual Assault of a Student by School Instruction Staff
Wis. Stat. § 948.11(2)(a) or (am) Exposing a Child to Harmful Material
Wis. Stat. § 948.12 Possession of Child Pornography
Wis. Stat. § 948.13 Convicted Child Sex Offender Working with Children
Wis. Stat. § 948.30 Abduction of Another’s Child
Wis. Stat. § 971.17 Not Guilty by Reason of Mental Disease or an Included Offense
Wis. Stat. § 975.06 Sex Crime Law Enforcement

- (d) Residence. A place where a person sleeps, abides, lodges, or resides on a permanent or regular basis. For purposes of this definition, a permanent basis means 14 or more consecutive days and a regular basis means 14 or more aggregate days during any calendar year and four or more days in any month. A person may have more than one residence.

Section 4: Residency Restriction.

(a) Except as otherwise provided in this Ordinance, a Sex Offender may not reside within 2,000 feet of any real property upon which there exists any of the following uses:

- (1) A school for children.
- (2) A public park, park facility, or pathway.
- (3) A daycare licensed by the State of Wisconsin.
- (4) A public library.
- (5) A public playground.
- (6) A public athletic field used by children.
- (7) A residential care center for children.
- (8) A public swimming pool.

(b) For purposes of this section, distance is to be measured in a straight line from the closest boundary line of the real property upon which the Sex Offender's residence is located to the closest boundary line of the real property of the applicable use.

Section 5: Residency Restriction Exceptions.

A Sex Offender residing within an area otherwise prohibited by Section 4 does not commit an offense if any of the following apply:

- (a) The person is required to serve a sentence at a jail, prison, juvenile facility, or other facility located at the otherwise prohibited location.
- (b) The person had established a Residence, as defined in Section 3 above, at the location prior to the effective date of this Ordinance.

- (c) The use enumerated in Section 4 was established after the Sex Offender established a residence at the location and registered that residence as required by law.
- (d) The Sex Offender is a minor or ward under guardianship.

Section 6: Safety Zones.

No Sex Offender may enter or be present on any real property upon which there exists any facility used for or which supports the use of:

- (a) A school for children.
- (b) A public park, park facility, or pathway.
- (c) A daycare licensed by the State of Wisconsin.
- (d) A public library.
- (e) A public playground.
- (f) A public athletic field used by children.
- (g) A residential care center for children.
- (h) A public swimming pool.

Section 7: Safety Zone Exceptions.

A Sex Offender present in an area otherwise prohibited by Section 6 does not commit an offense if any of the following apply:

- (a) The property supporting a use enumerated in Section 6 also supports a church, synagogue, mosque, temple, or other house of religious worship, subject to the following conditions:
 - (1) Entrance and presence on the property may occur only during hours of worship or other religious program or service.

- (2) The person may not participate in any religious education programs that include individuals under the age of 18.
- (b) The property supporting a use enumerated in Section 6 also supports a use lawfully attended by the Sex Offender's natural or adopted child or children, which child's use reasonably requires the attendance of the Sex Offender, provided that entrance and presence on the property occurs only during hours of activity related to the use by the child or children.
 - (c) The property supporting a use enumerated in Section 6 also supports a polling location in a local, state, or federal election, subject to the following conditions:
 - (1) The Sex Offender is eligible to vote.
 - (2) The polling location is the designated polling location for the Sex Offender.
 - (3) The Sex Offender casts his or her ballot with whatever usual and customary assistance is available and vacates the property immediately after voting.
 - (d) The property supporting a use enumerated in Section 6 also supports a school lawfully attended by the Sex Offender as a student, provided that the Sex Offender may only remain on the property at such times that are reasonably required for his or her educational purposes.
 - (e) The property supporting a use enumerated in Section 6 also supports a police station, Town Hall, or other governmental building, provided that the Sex Offender vacates the property immediately after completing the activity that required his or her presence at the property.

Section 9: Original Residency Restriction.

In addition to the other residency restrictions set forth herein and subject to the limitations in Section 5, no Sex Offender may establish a residence in the Town of Metomen unless he or she was a resident of Fond du Lac County at the time of the most recent offense resulting in the person's most recent conviction, commitment, or placement as a Sex Offender. This limitation shall not apply to the establishment of a residence at a dwelling that is owned by a member of the Sex Offender's family at the time the Sex Offender establishes residence therein. For purposes of

this section, a member of a Sex Offender's family means the Sex Offender's mother, father, brother, sister, child, or grandparent.

Section 10: Rental of Property for use by Sex Offenders.

No person may rent any place, structure, or part thereof with knowledge that it will be used as a residence by any Sex Offender that is prohibited from establishing residence therein by this Ordinance.

Section 11: Enforcement.

A person violating this Ordinance shall be subject to forfeitures in an amount of not less than \$200 nor more than \$500 for each violation plus the costs of prosecution (including reasonable attorneys' fees). For purposes of calculating forfeitures, each day that a violation exists shall constitute a separate offense. Violations of this Ordinance are also deemed public nuisances, and the Town may bring an action in circuit court to enjoin or abate any violation.

Section 12: Severability.

The terms and provisions of this Ordinance are severable. Should any term or provision of this Ordinance be found invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect, or, to the extent permitted by law, the court is authorized to substitute an alternative term or provision for the invalid term or provision.

Section 13: Rules of Construction.


In the construction of this Ordinance, references to the singular include the plural. References to "person" extends to natural persons, firms, corporations, partnerships, limited liability companies, or other entities.


Section 14: Effective Date.

This ordinance shall be effective upon its adoption and publication.

Dated this 9th day of Nov, 2020

TOWN OF METOMEN

By: 
Jeff Amend, Town Chairperson

Attest: 
Cindy Sheskey, Town Clerk