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TOWN OF OAKFIELD
FOND DU LAC COUNTY, WISCONSIN

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TOWN OF OAKFIELD FOND DU LAC COUNTY, WISCONSIN ZONING ORDINANCE

Section 1.0 Interpretation and Purposes

1.1 Town Authority The Town Board of the Town of Oakfield, Fond du Lac County, Wisconsin, having been granted village powers pursuant to Section 60.10 does ordain this Zoning Ordinance under the provisions of Section 62.23 (7);

- A. Promotes the health, safety, morals and general welfare; to regulate and restrict the height, number of stories and size of buildings and other structures, the size of yards, courts and other open spaces, the density of population, the location and use of buildings, structures and land for trade, industry, residence and other purposes; and for the said purpose to divide the Town of Oakfield, Fond du Lac County, Wisconsin, into

districts of such number, shape, and area as are deemed best suited to carry out the said purposes; to provide a method for its administration and enforcement and to provide penalties for its violation.

- B. 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 laws; provided, however, that when 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.

1.2 Statutory Authority These regulations are adopted under the authority granted by 60.62, 61.35, 62.23, 66.0103, and Chapter 91, Wisconsin Statutes, and amendments thereto, and referred to, or cited as the ZONING ORDINANCE for the Town of Oakfield, Fond du Lac County, Wisconsin.

1.3 Application Unless otherwise provided by this Ordinance, after the effective date of this Ordinance, no structure, land or water shall be developed, and no structure or part thereof shall be relocated, erected, moved, reconstructed, enlarged, extended, converted or structurally altered without a Building Permit and without full compliance with this Ordinance and all other applicable Town, County and State regulations.

1.4 Compliance The Town Board or other owner or owners of property within the town who are affected by a particular regulation, Variance or Special Use under this Ordinance may sue to enforce, by injunctive order, compliance with this Ordinance.

1.5 This Zoning Ordinance shall apply to:

- A. The regulation and restriction of lot coverage, size and location of all structures, so as to prevent overcrowding and to provide adequate sunlight, air, sanitation and storm drainage.
- B. The size of yards and other open spaces.
- C. The density of population.
- D. The regulating of non-conforming uses.
- E. The location and use of buildings, structures and land for trade, industry, residence or other purposes, provided that there shall be no discrimination against temporary structures.
- F. Consistency with the Town of Oakfield Comprehensive Plan, or application of a revision to the Land Use Plan to meet consistency.

1.6 Purpose

The purpose of this ordinance is to promote the public health, safety and general welfare of the town through provisions designed to:

- A. Encourage an appropriate use of the land.

- B. Conserve the value of land and buildings.
- C. Prevent the overcrowding of land and the congestion of streets by enforcing regulations that protect the traffic-carrying capacity, safety and efficiency of all existing and future town, county, and state roadways.
- D. Provide for adequate light and air.
- E. Secure safety from fire, flooding, pollution, contamination, panic, and other dangers.
- F. Avoid undue concentration of population.
- G. Stabilize and protect existing and potential property values.
- H. Encourage compatibility between different land uses and protect the scale and character of existing development from the encroachment of incompatible development.
- I. Promote the goals and objectives, consistency of the Land Use Plan, and any other aspects of the Town of Oakfield's Comprehensive Plan, and all amendments thereto.
- J. Further the wise use, conservation, protection, and proper development of the Town's natural resources.
- K. Preserve and protect the beauty and open space of the Town of Oakfield.
- L. Conserve and protect the agricultural lands in the Town.
- M. Protect and maintain safe and ample supply of groundwater.
- N. Provide for the timely consideration of development permit review applications.
- O. State the manner for the appeal of land-use decisions.

SECTION 2.0 GENERAL PROVISIONS (Except as otherwise provided)

2.1 Establishment of Zoning Map

The location and boundaries of the districts established shall be as shown on the map entitled the Official Zoning Map of the Town of Oakfield, Fond du Lac County, Wisconsin. The Official Zoning Map with all notations, dimensions, designations, references and other data shall accompany and is part of this ordinance, and upon adoption shall be signed and dated by the Town Board Chairman and attested to by the Town Clerk. Amendments to the Official Zoning Map are described in Section 22 of this ordinance. Any amendments to the zoning map will also be dated.

2.2 Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- A. Boundaries as indicated as approximately following the center lines of streets, streams, and highways shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Where boundaries do not follow property lines and distances are not specified on the Official Zoning Map, boundaries shall be determined by the use of an engineer's scale on the Official Zoning Map.
- D. Legal descriptions of property, when available, shall be controlling as to the zoning of any property, or the property proposed to be rezoned in accordance with the terms of the ordinance.

2.3 Application of Regulations

The regulations set by this ordinance shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

- A. No land, building, or structure shall hereafter be used or occupied, and no building, structure, or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.
- B. No part of a yard, open space, or off-street parking space required about or in connection with any building or land use for the purpose of complying with this ordinance shall be included as part of a yard, open space, or off-street parking space similarly required for any other building.
- C. No lot area and building setback existing at the effective date of adoption of this ordinance shall be reduced below the minimum requirements set forth herein. Lot area and building setback created after the effective date of adoption of this ordinance shall meet the minimum requirements established by this ordinance.
- D. When three of the four lot lines abut a public street, front yard setbacks would apply on 2 of the 3 lot sides that abut streets, while the third side would constitute a side yard.

- E. The use and height of building 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 said land or building is located.
- F. No alterations to any building, except uncovered steps or handicap ramps shall project into the front yard established at the time of the original construction of such building beyond a line connecting the nearest points on the setback lines of the adjacent buildings on each side of said building.
- G. 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.
- H. All dwellings shall conform to minimum floor size for the District. A full basement and/or storm shelter is highly recommended.
- I. 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.
- J. No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space required for another building.
- K. Every building hereafter erected, converted, enlarged or structurally altered shall be located on a lot and in no case shall there be more than one main building on one lot.
- L. Nothing herein contained shall require any change in the plans, construction, size, or designated use of any building or part thereof the construction of which shall have been started prior to the effective date of this ordinance.
- M. All churches or other places of public gathering hereafter erected shall provide an accessible parking space of sufficient size to accommodate at least one car for every five seats provided.
- N. 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.
- O. No permits shall be issued for a lot that abuts a road that is not fully dedicated to the public or is not built to Town Standards.
- P. Notwithstanding anything to the contrary in this Ordinance, the Town reserves the right to require applicants who are seeking zoning amendments, variances or special uses to reimburse the Town for its reasonable, professional fees incurred in the review or administration of the relevant petition. The Town reserves the right to condition the issuance of the permit, rezoning or other action on the reimbursement of the professional fees incurred by the Town.

- Q. No building, structure or use of land shall hereafter be initiated or altered except in conformity with the regulations specified by the district in which it is located. Uses not particularly specified in this Ordinance may, nonetheless, be permitted by the Town Board, only if such uses are substantially similar in character to the principal uses permitted in the district.
- R. In all residential zoning districts, all materials and equipment shall be stored within a completely enclosed building except for the following, which shall not be located within any front yard or street yard and shall be stored a minimum of 5 feet from all property lines: firewood, construction materials, landscaping materials and related equipment with on-site construction and off-street parking.
- S. In all residential zoning districts recreational equipment including, but not limited to, boats, snowmobiles, all terrain vehicles, travel trailers, pop-up campers and motor homes shall be permitted if said equipment is stored or parked a minimum of 5 feet from any property line and shall not be located within any front yard or any required street side yard unless screened from the street with a buffer with a minimum of 0.30 opacity. At no time shall a recreational vehicle be used for permanent living, sleeping, material storage or other purposes. No recreational vehicle shall be permanently connected to water, gas, electric, or sanitary sewer services.

2.4 Exceptions

The regulations contained herein relating to frontage on public roadways, heights of buildings, size of yards, and other open spaces shall be subject to the following exceptions.

- A. All lots shall have a minimum 50 foot frontage upon a public roadway or other officially approved means of access; however, in order to receive a building permit for construction of any principal structure, the lot must comply with the minimum lot width requirements specified for the applicable zoning district. No residence may be located a distance greater than 400 feet from the center of the public roadway without obtaining a variance from the Board of Appeals.
- B. It is the policy of the Town to discourage flag lots. If a flag lot is authorized, the long strip for a flag lot shall abut the lot or fence line and have a minimum width of 30 feet.
- C. 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.
- D. Chimneys, cooling towers, elevator bulkheads, fire towers, silos, monuments, penthouses, scenery lofts, tanks, water towers, ornamental towers, spires, wireless, television or broadcasting towers, masts or aerials, telephone, telegraph and power poles and lines, microwave radio relay structures, and necessary mechanical appurtenances are hereby excepted from the height regulations of this ordinance and may be erected in accordance with the other regulations or ordinances of the Town of Oakfield.
- E. Residences in the Residential and Agricultural Districts may be increased in height by not more than ten feet when all yards and other required open spaces are increased by one foot for each foot by which such building exceeds the height limit of the district in which it is located.

- F. Where a lot abuts on 2 or more streets 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.
- G. 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.
- H. 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.
- I. No part of a yard or other open space provided about any building for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space required for another building.

2.5 Nonconforming Uses

A. **Nonconforming Uses of Land (or Land with Minor structures Only)**

Where, on the effective date of adoption or amendment of this ordinance, a use of land exists that would not be permitted or permissible in the district in which it is located as adopted or amended, such use may be continued subject to the following restrictions:

1. Such use shall not be enlarged, increased, nor extended to occupy a greater area of the lot than was occupied at the effective date of adoption or amendment of this ordinance.
2. Such use shall not be moved in whole or in part to any other portion of the lot other than that portion occupied by such use at the effective date of adoption of this ordinance.
3. When such use of land is discontinued or abandoned for a period of more than 180 consecutive days for any reason whatever or when such use is replaced by a permitted or permissible use, a nonconforming use shall not thereafter be resumed.
4. No additional structure in connection with such use shall be erected.

B. **Nonconforming Use of Structures**

Where, on the effective date of adoption or amendment of this ordinance, the use of an existing structure exists that would not be permitted or permissible in the district in which it is located as adopted or amended, such use may be continued subject to the following restrictions:

1. Such use shall not be enlarged or extended to more than 50 percent of the floor area devoted to such use at the effective date of adoption or amendment of this ordinance.
2. When such use of a structure is discontinued or abandoned for a period of 12 consecutive months for any reason whatever, or when such use is replaced by a permitted or permissible use, the nonconforming use shall thereafter not be resumed and shall conform to this ordinance.

C. **Nonconforming Structures**

Where on the effective date of adoption or amendment of this ordinance, a structure exists which could not be erected in the district in which it is located as adopted or amended by reason of restriction on height, yards, its location on the lot or other requirements concerning the structure, such structure may continue in existence subject to the following restrictions:

1. Such structure shall not be altered in any manner which would increase the degree of nonconformity of structural conditions, height, or yard setback.
2. If the structure is destroyed due to violent wind, vandalism, fire, flood, ice, snow, mold, or infestation, the nonconforming structure may be restored to the size 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.

D. Nonconforming Characteristics of Use

1. If characteristics of use such as lighting, parking or other matters pertaining to the use of land, structures and premises are made nonconforming by the provisions of this ordinance as adopted or amended, no change shall thereafter be made in such characteristics of use which increases the nonconformity; provided, however, that changes may be made which do not increase, or which decrease, such nonconformity.
2. If no structural alternations 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.

E. Nonconforming Lots of Record

If a single lot or two or more lots or combination of lots and portions of lots with continuous frontage in single ownership are of record on the effective date of the originally adopted Zoning Ordinance being August 16, 1982, the lands involved shall be considered to be an individual parcel for the purpose of this ordinance, and such parcel shall be allowed for developmental use even though it does not meet the lot area and lot width requirements for the district in which it is located.

F. Repairs and Maintenance

Nothing in this ordinance shall be deemed to prevent normal maintenance or repair of any structure or to prevent restoring to a safe condition any structure declared to be unsafe.

G. Changes to a Nonconforming Use or Structure

Anyone wishing to change or enlarge a nonconforming use or structure shall obtain a variance from the Board of Appeals, as provided in Section 17 of this ordinance.

2.6 County Shoreland-Floodplain Zoning Regulations

In addition to the regulations established herein, no land, water, building or structure shall hereafter be used or occupied and no building, structure, or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with the regulation established in the Fond du Lac County Shoreland-Floodplain Zoning Ordinance, Fond du Lac County, Wisconsin adopted pursuant to the Wisconsin Statutes.

2.7 Interpretation of Regulations

In their interpretation and application, 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 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 or State Administrative Code.

3.2 Definition of Terms

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. The definitions of terms throughout this ordinance shall be interpreted to have the following meanings:

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.

Adult-oriented establishment shall have the meaning given in the Town of Oakfield Adult Oriented Establishments Ordinance.

Agriculture, Animal means the use of land for animal feeding operations, including areas for the storage, treatment and disposal of manure and other related waste products.

Agriculture, Crop means the use of land for the production of row crops, field crops, tree crops, timber, bees, apiary productions, and fur-bearing mammals.

Agricultural Use Any of the following activities conducted for the purpose of producing an income or livelihood:

1. Crop or forage production.
2. Keeping livestock.
3. Beekeeping.
4. Nursery, sod, or Christmas tree production.
5. Floriculture.
6. Aquaculture.
7. Fur farming.
8. Forest management.
9. Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
10. Any other use that DATCP, by rule, identifies as an agricultural use.

Animal Unit has the meaning that was given in s. NR 243.03(3) as of April 27, 2004. Table 1, shown on this page contains equivalents for use in calculations associated with this ordinance. The current NR 243 rules should be consulted for any changes to these equivalents.

TABLE 1
Animal Unit Equivalent Factors
(# animals X factor = A.U.)

Dairy Cattle	Milking and Dry Cows	1.4
	Heifers (800 lbs. to 1200 lbs.)	1.1
	Heifers (400 lbs. to 800 lbs.)	0.6
	Calves (up to 400 lbs.)	0.2
Beef	Steers or Cows (600 lbs. to market)	1.0
	Calves (under 600 lbs.)	0.5
	Bulls (each)	1.4
Swine	Pigs (55 lbs. to market)	0.4
	Pigs (up to 55 lbs.)	0.1
	Sows (each)	0.4
	Boars (each)	0.5
Poultry	Layers (each)	0.01
	Broilers (each)	0.005
	Broilers – continuous overflow watering	0.01
	Layers or Broilers - liquid manure system	0.033
	Ducks – wet lot (each)	0.2
	Ducks - dry lot (each)	0.01
	Turkeys (each)	0.018
Sheep (each)		0.1
Goats (each)		0.1

Source: DATCP 2006

Automobile Wrecking Yard Any premises on which two or more automotive vehicles, not in operating condition, are stored in the open.

Base Farm Tract

1. All land, whether one parcel or two or more contiguous parcels, that is in a farmland preservation zoning district and that is part of a single farm as of July 16, 2010, regardless of any subsequent changes in the size of the farm.
2. Any other tract that DATCP by rule defines as a base farm tract

Bed and breakfast establishment means a use involving lodging in a single-family dwelling that provides for overnight accommodations and a morning meal to transients for compensation.

Board of Appeals Means a body designated by the legislative body to hear appeals from land-use decisions (see section 16.0 of this ordinance).

Building Any structure for the shelter, support or enclosure of persons, animals, chattels or property of any kind. When separated by division walls without openings, each portion of such building, so separated shall be deemed a separate building.

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.

Building, Height of The vertical distance from the average ground 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 gable, hip or pitch roof.

Building, Main A building constituting the principal use of a lot.

Cemetery A local community or private church managed site that is set apart for the burial or interment of the human dead or for the burial or internment of small domestic pets.

Center Line A line connecting points on highways from which setback lines shall be measured, at any point on the highway.

Certified Survey Map (csm) A map of a lot split prepared in accordance with Wis. Stat. § 236.34.

Channel A natural or artificial watercourse of perceptible extent, which contains a definite bed and banks to confine and allow continuous or periodic flow of water. Channel flow is that water which is flowing within the limits of the defined channel.

Common Ownership means ownership by the same person or persons, or a legal entity that is wholly owned by the same person or persons. "Common ownership" includes joint tenancy and tenancy in common. Solely for purposes of this definition, a parcel owned by one member of a married couple is deemed to be owned by the married couple.

Comprehensive Plan is the adopted Oakfield Comprehensive Plan that was based on 66.1001 (1)(a) of the Wisconsin State Statutes.

Contiguous means adjacent to or sharing a common boundary. "Contiguous" land includes land that is separated only by a river, stream, section line, public road, private road, railroad, pipeline, transmission line, or transportation or transmission right-of-way. Parcels are not "contiguous" if they meet only at a single point.

DATCP An abbreviation for the Wisconsin Department of Agriculture, Trade, and Consumer Protection.

Density A number of housing units in a given land area.

Department means the Department of Agriculture, Trade, and Consumer Protection

Dog Kennel A place where more than two adult dogs are boarded for a fee on a recurrent basis, or a place where more than five dogs are kept for any purpose and meets the requirements of an accessory use as defined in the accessory use definition.

Dwelling, One-Family A detached building designed for or occupied exclusively by one family.

Dwelling, Two-Family A detached or semi-detached building designed for and occupied exclusively by two families.

Dwelling Unit A building or portion thereof which provides or is intended to provide living quarters exclusive for one family.

Family means one or more individuals, related or unrelated by blood, marriage, adoption, or guardianship (but not exceeding 4 unrelated persons), living together under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability.

Farm means a parcel of land, or a collection of 2 or more contiguous parcels of land, which meets all of the following conditions:

1. All of the land is under common ownership.
2. More than half of the entire land area is assigned for property tax purposes to one or more of the following use classification as defined by the Wisconsin Department of Revenue pursuant to s. 70.32(2), Wis. Stats:
 - a. Agricultural land (class 4)
 - b. Agricultural forest (class 5m)
 - c. Productive forest (class 6)

Farm Acreage means, for the purposes of 5.3, acreage that is part of a farm, except that farm acreage does not include any nonfarm residential acreage.

Farmland Preservation Plan means a plan for the preservation of farmland in a county, including an agricultural preservation plan under subchapter. IV of chapter 91, 2007 statutes.

Farmland Preservation Zoning District means a farmland preservation zoning district designated under s.91.38 (1) (c) in an ordinance described in s.91.32 (2).

Farm Residence means any of the following structures that is located on a farm:

1. A single-family or duplex residence that is the only residential structure on the farm or is occupied by any of the following:
 - a. An owner or operator of the farm.
 - b. A parent or child of an owner or operator of the farm.
 - c. An individual who earns more than 50 percent of his or her gross income from the farm.
2. A migrant labor camp that is certified under s. 103.92.

Frontage All the property abutting on one side of a road or street between two 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.

Garage, Private An accessory building or space for the storage of motor-driven vehicles.

Garage, Public Any building or premises, other than a private storage garage, where motor-driven vehicles are equipped, repaired, serviced, hired, sold or stored.

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.

Gross Income The meaning given for Wisconsin adjusted gross income in s. 71.01 (13).

Home Occupation A gainful occupation conducted by members of the family only within their place of residence; provided that such occupation is accessory to and clearly incidental and subordinate to the principal use as a residence, that no article is sold or offered for sale on the premises except such as is produced by such occupation, that no stock in trade is kept or sold, or displayed on the premises, that no mechanical equipment is used other than such as is permissible for purely domestic purposes, and that signage be limited based on restrictions in Section 13 of this ordinance.

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.

Junk Yard A lot, land, building, or structure, or part thereof used primarily for the collecting, storage, and/or sale of waste paper, rags, scrap metal, or discarded material or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition and for sale or parts therefrom.

Liquid Manure shall mean manure with a solids content of less than 12%.

Livestock

1. For use in determining compliance with Wis. Stat. Chapter 91.01 Farmland Preservation, livestock means bovine animals, equine animals, goats, poultry, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish.
2. For use in determining compliance with Wis. Stat. 51.01 Ag Siting Regulations, livestock means domestic animals traditionally used in Wisconsin 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.

Livestock facility means a feedlot, dairy farm or other operation where livestock are or will be fed, confined, maintained or stabled for a total of 45 days or more in any 12-month period. A "livestock facility" includes all of the tax parcels of land on which the facility is located, but does not include a pasture or winter grazing area. Related livestock facilities are collectively treated as a single "livestock facility" for purposes of this chapter, except that an operator may elect to treat a separate species facility as a separate "livestock facility."

Livestock structure means a building or other structure used to house or feed livestock, to confine livestock for milking, to confine livestock for feeding other than grazing, to store livestock feed, or to collect or store waste generated at a livestock facility. "Livestock structure" includes a barn, milking parlor, feed storage facility, feeding facility, animal lot or waste storage facility. "Livestock structure" does not include a pasture or winter grazing area, a fence surrounding a pasture or winter grazing area, a livestock watering or feeding facility in a pasture or winter grazing area, or a machine shed or like facility that is not used for livestock.

Livestock Waste means manure, milking center waste and other organic waste generated by a livestock facility.

Lot, Corner A lot located:

1. At the junction of and abutting 2 or more intersecting streets; or

2. At the junction of and abutting a street and the nearest shoreline of high-water line of a storm or floodwater runoff channel or basin; or
3. At the junction of and abutting 2 or more storm or flood water runoff channels or basin or
4. 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.

Lot Depth The average distance from the front to the rear lot lines measured in the general direction of the side lot lines.

Lot, Interior A lot other than a corner lot.

Lot Width The width of a lot shall be considered to be the average distance between straight lines connecting front and rear lot lines at each side of the lot, measured as straight lines between the foremost points of the side lot lines in front (where they intersect with the street right-of-way) and the rear most points of the side lot lines in the rear, provided however that the width between the side lot lines at their foremost points in the front shall not be less than eighty (80%) percent of the required lot width except in the case of lots on the turning circle of a cul-de-sac, where the width shall not be less than sixty (60%) percent of the required lot width.

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 one or more structures and the accessory structures, or uses customarily incidental to it, including such open spaces as are arranged and designed to be used in connection with such structure. A "zoning lot" may or may not coincide with a lot of record.

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

1. Is set on an enclosed continuous foundation in accordance with Sec. 70.43(i), Wis. Stats., and ILHR 21, Subchapters 111, 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 instructions;
3. Is properly connected to utilities; and
4. other applicable standards of this Chapter.

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.

Modular Home A structure which is partially pre-assembled at a manufacturing plant and placed together on a lot or parcel as a dwelling unit or units. A modular home is also called prefabricated or precut homes. For the purpose of this Ordinance, modular homes must meet the requirements of all applicable State and Local Building Codes. A modular home is subject to COMM 20.13, Wis. Adm. Code.

Navigable waters has the meaning given in Chapter 30 of the Wisconsin Stats.

Non-conforming 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.

Nonfarm Residence Means a one or two family residence other than a farm residence.

Nonfarm Residential Acreage For purposes of section 5.3.2 the combined total acreage of all parcels on which nonfarm residences are located, all parcels on which the Town of Oakfield has approved nonfarm residences, all parcels that do not qualify as farms, and the parcel to which the Special Use permit application pertains.

Non-Metallic Mining Operations of activities at a nonmetallic mining site for the extraction from the earth of material consisting principally of naturally occurring, organic or non-organic, nonmetallic, nonrenewable material. Nonmetallic minerals include, but are not limited to stone, gravel, clay peat, talc or topsoil. Nonmetallic mining may involve the use of mining equipment or techniques to remove materials from the in-place non-metallic mineral deposit, including drilling and blasting, as well as associated activities such as topsoil removal, excavation, grading and dredging. Processing the material may include, but are not limited to stockpiling of materials, blending mineral aggregates or nonmetallic minerals with other mineral aggregates or nonmetallic minerals, crushing, screening, scalping, pulverizing, and de-watering

Nutrient Management Plan shall mean any of the following:

1. A plan required under ATCP 50.04(3) or 50.62(5)(f).
2. A farm nutrient plan prepared or approved by a qualified nutrient management planner.

Owner means a person who has an ownership interest in land.

Permitted Use A use which may be lawfully established in a particular district or districts, provided it conforms to all requirements, regulations and performance standards, if any, of such districts.

Person means an individual, corporation, partnership, cooperative, Limited Liability Company, trust or other legal entity.

Prime farmland means any of the following:

1. 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.
2. Land, other than land described in par. (A) that is identified as prime farmland in the Fond du Lac County Farmland Preservation Plan.

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 R-Residence or any of the Agricultural Districts, 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 2 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.

Property line means a line that separates parcels of land owned by different persons.

Protected farmland means land that is any of the following:

1. Located in a farmland preservation zoning district certified under ch. 91, Wis. Stats.
2. Covered by a farmland preservation agreement under ch. 91, Wis. Stats.
3. Covered by an agricultural conservation easement under s. 93.73, Wis. Stats.
4. Otherwise legally protected from nonagricultural development

Qualified nutrient management planner means a person qualified under s. ATCP 50.48.

Right-of-Way The width between property lines of a street or highway easement.

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 one roadside stand on any one premise.

Setback means 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."

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, fraternal or similar organization, or any sign indicating address. Each display surface of a sign shall be considered a sign. A sign also includes outdoor advertising attached to, made a part of, or placed in front, rear, sides, or top of any structure or on any land to announce the name or nature of a farm business including a roadside stand. Refer to Section 14 of the Town of Oakfield Zoning Ordinance for provisions regarding the regulation of such signage. Each display surface of a sign shall be considered a sign:

Sign, Directional A sign erected for the purpose of directing persons to a place of business, recreation, public building, school or church.

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.

Stable "Stable" shall have the same meaning as "garage", one draft animal being considered the equivalent of one self-propelled vehicle.

Stable, Commercial means a building or land where horses are kept for remuneration, hire, sale, boarding, riding, or show.

Street All property dedicated or intended for public or private street purposes or subject to public easements therefore and 24 feet or more in width.

Street Line A dividing line between a lot, tract or parcel of land and a contiguous public right-of-way.

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 one location or position to another.

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.

Temporary Structure A structure which is built of such materials and in such a way that it would commonly be expected to have a relatively short useful life, or is built for a purpose that would commonly be expected to be relatively short-term and not to be habitable.

Traffic Lane A strip of roadway intended to accommodate a single line of moving vehicles.

Variance A relaxation of the terms of the ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship.

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.

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 s.s. 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.

Winter grazing area means cropland or pasture where livestock feed on dormant vegetation or crop residue, with or without supplementary feed, during the period October 1 to April 30. "Winter grazing area" does not include any of the following:

1. An area, other than a pasture, where livestock are kept during the period from May 1 to September 30.
2. An area which at any time has an average of more than 4 livestock animal units per acre.
3. An area from which livestock have unrestricted access to navigable waters of the state, such that the livestock access prevents adequate vegetative cover on banks adjoining the water.
4. An area in which manure deposited by livestock causes nutrient levels to exceed standards in ATCP 51.16.

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.

Yard, Front A yard extending the full width of a lot and situated between the front lot line and the nearest line of a structure located on said lot. Where a lot is located such that its rear and front lot lines each abut a street right-of-way line, both such yards shall be classified as front yards. Every yard of a corner lot facing a street right-of-way line shall be classified as a front yard.

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.

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.

Zoning Administrator A local governmental official or designated agent which administers and enforces the Unified Development Ordinance and land development regulations, including the issuance of zoning permits.

Zoning District An area or areas within the corporate limits for which the regulations and requirements governing use, lot and bulk of buildings and premises are uniform.

Section 4.0 Districts

4.1 Identification of Districts

For the purposes of this ordinance, the Town of Oakfield, Fond du Lac, County, Wisconsin is hereby divided into 7 districts as follows:

- ❑ **FLP** Farmland Preservation District
- ❑ **GA** General Agricultural District
- ❑ **CD** Conservancy District
- ❑ **R-1** Single-Family Residential District (With Public Sewer)
- ❑ **R-2** Single-Family Residential District (Without Public Sewer)
- ❑ **B** Business District
- ❑ **I** Industrial District

4.2 District Boundaries

- A. The boundaries, of the aforesaid districts are hereby established as shown on the map entitled "Zoning Map for the Town of Oakfield, Fond du Lac County, Wisconsin," which map is made a part of this ordinance and is on file in the office of the Clerk of the Town of Oakfield. All notations and references shown on the District Map are as much a part of this ordinance as though specifically described herein.
- B. The district boundaries, unless otherwise indicated, are street or highway center lines, old 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.
- C. District boundaries, not otherwise designated, shall be determined by the use of the scale shown on the Zoning Map.

Section 5.0 (FLP) Farmland Preservation District

5.1 Purpose and Guiding Principles

The Purposes of the Farmland Preservation District:

1. Meet the requirements of the state runoff law for farms (NR 151, Wis. Adm. Code, ATCP 50)
2. Compliance with standards contained in Chapter 91, Wisconsin Statutes to permit eligible landowners to receive tax credits for farming and includes lands currently cropped or pastured on NRCS soil capability classes 1, 2 and 3 that generally correspond with the current Fond du Lac County Agricultural Preservation Plan
3. All uses and buildings in the FLP Farmland Preservation District are to be dedicated to agricultural uses and uses under s. 91.42, Wis. Stats.
4. Consistency with the Town of Oakfield Comprehensive Plan and the Fond du Lac County Comprehensive Plan.
5. Implement and be consistent with the provisions of the Fond du Lac County Farmland Preservation Plan as adopted and updated every 10 years.
7. Preserve and promote a full range of agricultural uses, secure land for livestock production and other agricultural uses that may be more intensive than crop production, strengthen agriculture's contribution to an area's economic base (including new employment opportunities), support processing, value added, and other activities closely allied to the agricultural industry, and prevent conversion of land identified as a valuable agricultural resource to uses that are not consistent with agriculture.
8. Implement the Town of Oakfield's Comprehensive Plan that encourages larger livestock and other more intense agricultural uses in areas where conditions are best suited to these agricultural pursuits, and discouraging residential development in prime farmland to avoid potential land use conflict.
9. The Farmland Preservation District is generally compatible with the "Agriculture" land use designation of the Town of Oakfield Land Use Plan. Due to the more intensive nature of uses allowed, the Farmland Preservation District is not intended to be applied near moderately to densely-populated areas, and it is not intended to accommodate residential uses as principle uses.
10. Preserve productive agricultural land for food and fiber production.
11. Preserve productive farms by preventing land use conflicts between incompatible uses and controlling public service costs.
12. Maintain a viable agricultural base to support agricultural processing and service industries.
13. Prevent conflicts between incompatible uses.
14. Reduce costs of providing services to scattered non-farm uses.
15. Pace and shape growth.
16. Implement the provisions of the Fond du Lac County Farmland Preservation Plan as adopted and periodically revised.

5.2 Permitted Uses

The following uses are permitted by right in the Farmland Preservation District without any further notice to, or approval from the local unit of government:

1. Agricultural uses (as defined in 3.2) but not game farms, commercial fish waterfowl operations, or livestock facilities of 500 animal units or more.
2. Livestock facilities with less than 500 animal units

3. The Following Accessory Uses:
 - a. A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use. This includes:
 - i. A facility used to store or process raw agricultural commodities, all of which are produced on the farm.
 - ii. A facility used to keep livestock on the farm.
 - iii. A facility used to store or process inputs primarily for agricultural uses on the farm.
 - iv. A facility used to keep or service vehicles or equipment primarily employed in agricultural uses on the farm,
 - v. A solar energy facility that collects solar energy on the farm, and uses or transforms it to provide energy primarily for use on the farm. Solar energy systems will be subject to the provisions of the Town of Oakfield Solar Energy Systems Ordinance.
 - vi. 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.
 - vii. A waste storage or processing facility used to store or process animal waste produced solely from livestock kept on the farm.
 - b. An activity or business operation that is an integral part of, or incidental to, an agricultural use.
 - c. A farm residence, including normal residential appurtenances.
 - d. A business, activity, or enterprise, whether or not associated with an agricultural use, which meets all of the following requirements:
 - i. It is conducted on the farm by the owner or operator of the farm
 - ii. It requires no buildings, structures, or improvements other than those described in par. (a) or (c)
 - iii. It employs no more than 4 full-time employees annually
 - iv. It does not impair or limit the current or future agricultural use of the farm or of other protected farmland.
 - e. Roadside stands for the sale of farm products produced on the farm, further defined in this section and subject to the conditions of paragraph "d" above.
4. Facilities, whether or not located on a farm, that have at least one of the following as a primary and not merely incidental purpose:
 - a. Providing agricultural supplies, agricultural equipment, agricultural inputs or agricultural services directly to farms, including farms in the Farmland Preservation District.
 - b. Storing, processing or handling raw agricultural commodities obtained directly from farms, including farms in the Farmland Preservation District.
 - c. Marketing livestock to or from farms, including farms in the Farmland Preservation District.
5. Undeveloped natural resource and open space areas
6. 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.
7. Other uses identified by DATCP rule.
8. Home occupation or professional offices, provided such use meets the requirements of paragraph d (i, ii, iii and iv) and is conducted by the resident only.

5.3 Special Uses

The following uses may be allowed in this district if reviewed and approved in accordance with standards in this ordinance (see Section 14 for special use regulations):

1. **Livestock facilities** equal to or more than 500 animal units are also subject to the Town's Livestock Licensing Ordinance.
2. **Nonfarm Residences** A proposed new nonfarm residence or a proposal to convert a farm residence to a nonfarm residence through a change in occupancy is a Special Use in the Farmland Preservation District provided all of the following apply:
 - a. The ratio of nonfarm residential acreage to farm acreage on the base farm tract on which the residence is or will be located will be at least 20 farm acres for every 1 acre of the nonfarm residence after the residence is constructed or converted to a nonfarm residence.
 - b. There will not be more than 4 dwelling units in nonfarm residences, nor, for a new nonfarm residence, more than 5 dwelling units in residences of any kind, on the base farm tract after the residence is constructed or converted to a nonfarm residence.
 - c. The location and size of the proposed nonfarm residential 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:
 - I. Convert prime farmland from agricultural use or convert land previously used as cropland, other than a woodlot, from agricultural use if on the farm there is a reasonable alternative location or size for a nonfarm residential parcel or nonfarm residence.
 - II. Significantly impair or limit the current or future agricultural use of other protected farmland.
3. **Transportation, communications, pipeline, electric transmission, utility, or drainage uses** if all the following apply:
 - a. The use and its location are consistent with the purposes of the district.
 - b. The use and its location are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
 - c. The use is reasonably designed to minimize conversion of land, at and around the site of the use, from agricultural use or open space use.
 - d. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
 - e. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
4. **Governmental, institutional, religious, or nonprofit community uses** if all of the following apply:
 - a. The use and its location are consistent with the purposes of the farmland preservation zoning district.
 - b. The use and its location are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
 - c. The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
 - d. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
 - e. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

5. **Temporary Non-Metallic Mineral Extraction or Batch Plant Operations for asphalt or concrete mixing**, based on the following conditions:
 - a. Such non-metallic mineral extraction or batch plant operations shall not take place for more than 24 months.
 - b. The land upon which a temporary non-metallic mineral extraction or batch plant operation is located must be restored to agricultural production within the following two years
 - c. The non-metallic mineral extraction operation must meet Wis Stats. 91.46(6).
 - d. Batch plant operations for asphalt or concrete mixing must meet Wis. Stat., § 91.46(1) and either Wis. Stat., § 91.46(4) or (5).
6. **Slaughtering livestock**, including livestock from farms in the farmland preservation zoning district, except for a farmer's own personal use (which is permitted without a special use permit).
7. **Processing agricultural by-products or wastes** received directly from farms, including farms in the farmland preservation zoning district.
8. **Game farms and hunting preserves**, including skeet and trap ranges, subject to s.91.01(1)(d) or s.91.46(5), Wis Stats.
9. **Ponds** constructed for the purpose of commercial fish or waterfowl operations.
10. **Top soil removal**

5.4 Non-conforming Uses

See section 2.5 regarding non-conforming regulations of this ordinance.

5.5 Rezoning of land out of a farmland preservation zoning district. (From sec. 91.48 Wis. Stats) The Town of Oakfield may rezone land out of the Farmland Preservation District without having the rezoning certified under s. 91.48, if all of the following findings are made:

- A. The land is better suited for a use not allowed in the farmland preservation zoning district.
- B. The rezoning is consistent with any applicable comprehensive plan.
- C. The rezoning is substantially consistent with the county certified farmland preservation plan.
- D. The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

5.6 Farmland Preservation Reporting

By March 1 of each year, the Town of Oakfield will provide to DATCP and Fond du Lac County a report of the number of acres that the Town rezoned out of the farmland preservation zoning district the previous year and a map that clearly shows the location of those acres.

5.7 Minimum Lot, Height, and Yard Requirements

- A. **Minimum Lot Size** The minimum lot size for the creation of a separate parcel for a new nonfarm residence or the conversion of a farm residence to a nonfarm residence shall be 60,000 square feet. For all other uses, the minimum lot size shall be five acres.
- B. **Yards** The minimum side and rear yards for all structures shall be 25 feet from the nearest lot lines.

C. Road (front yard)Setback

1. 30 feet on interior roads of a platted subdivision.
2. 50 feet on a private road, but no less than 75 feet from the centerline.
3. 100 feet from the centerline of a Town, County or State Road, and not less than 60 feet from the nearest right-of-way line on all other public roads.

D. Occupancy Residential occupancy per dwelling unit shall be limited to one (1) family and not more than two (2) roomers or boarders.

E. Location Dwellings shall be located so as to abut a public highway and have a minimum of fifty (50) feet of frontage thereon.

F. Minimum lot size, height and yard requirements for Special Uses other than nonfarm residences The minimum lot size, height, and yard requirements for special uses other than nonfarm residences shall be as specified in the special use permit, but in no case shall be less than 50 feet from a lot line and shall be set back at least the distance specified in Section 12 of this ordinance.

Section 6.0 (GA) General Agricultural

6.1 Purpose

To establish and preserve predominantly agricultural operations, typically including a farm residence and outbuildings. A person or persons who want to create a new residential non-farm use will be required to rezone land to a residential zoning classification (no conversion fee required).

6.2 Permitted Uses and Structures

1. Agricultural uses (as defined in Section 3.2), excluding livestock facilities of 500 animal units or more.
2. Any of the following Accessory Uses.
 - a. A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use. This includes:
 - i. A facility used to store or process raw agricultural commodities, all of which are produced on the farm.
 - ii. A facility used to keep livestock on the farm.
 - iii. A facility used to store or process inputs primarily for agricultural uses on the farm.
 - iv. A facility used to keep or service vehicles or equipment primarily employed in agricultural uses on the farm,
 - v. A wind turbine or solar energy facility that collects wind or solar energy on the farm, and uses or transforms it to provide energy primarily for use on the farm. Solar energy systems will be subject to the provisions of the Town of Oakfield Solar Energy Systems Ordinance.
 - vi. 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.
 - vii. A waste storage or processing facility used to store or process animal waste produced solely from livestock kept on the farm.
 - b. An activity or business operation that is an integral part of, or incidental to, an agricultural use.
 - c. A farm residence, including normal residential appurtenances.
 - d. A business, activity, or enterprise, whether or not associated with an agricultural use, which meets all of the following requirements:
 - i. It is conducted by the owner or operator of a farm
 - ii. It requires no buildings, structures, or improvements other than those described in par. (a) or (c)
 - iii. It employs no more than 4 full-time employees annually
 - iv. It does not impair or limit the current or future agricultural use of the farm or of other protected farmland.
3. Roadside stands for the sale of farm products produced on the farm, further defined in this section and subject to the conditions of paragraph "a" above.
4. 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.
5. Cemeteries, both public and private
6. Roadside stand (as defined in Section 3.2)
7. Home occupation, provided the definition of a home occupation in Section 3.2 is met.

6.3 Special Uses

The following uses may be allowed in this district if reviewed and approved in accordance with standards in this ordinance (see Section 14 for special use regulations):

1. Transportation, communications, pipeline, electric transmission, utility, or drainage uses
2. Governmental, institutional, religious, or nonprofit community uses.
3. Oil and gas exploration or production that is licensed by the department of natural resources under sub ch. II of ch. 295
4. Top soil removal.

6.4 Non-conforming Uses

See section 2.5 regarding non-conforming regulations of this ordinance.

6.5 Minimum Lot, Height, and Yard Requirements

- A. **Minimum Lot Size** The minimum lot size for all uses shall be five acres.
- B. **Yards** The minimum side and rear yards for all structures shall be 25 feet from the nearest lot lines.
- C. **Road (front yard)Setback**
 1. 30 feet on interior roads of a platted subdivision.
 2. 50 feet on a private road, but no less than 75 feet from the centerline.
 3. 100 feet from the centerline of a Town, County or State Road, and not less than 60 feet from the nearest right-of-way line on all other public roads (Town, County and State).
- D. **Occupancy** Residential occupancy per dwelling unit shall be limited to one (1) family and not more than two (2) roomers or boarders.
- E. **Location** Dwellings shall be located so as to abut a public highway and have a minimum of fifty (50) feet of frontage thereon.
- F. **Height and yard requirements for Special Uses** Height and yard requirements for special uses shall be as specified in the special use permit, but in no case shall there be less than 50 feet from a lot line nor shall the setback be less than the distances set forth in Section 12 of this Ordinance.

7.0 (CD) Conservancy District

7.1 Purpose

The purpose of this district is to provide designated areas in the Town where the enhancement and preservation of significant natural resource areas will be maintained. This district will contain designated wetland areas, wildlife habitat areas in the form of food and cover; and other low-lying land areas that make up the Horicon National Wildlife Preserve or other areas of the town that may want to be preserved in their natural state.

7.2 Permitted Principal Uses and Structures

- A. Grazing and the raising of crops, harvesting of wild crops, hunting, fishing and trapping and forestry
- B. Non-residential buildings and structures used for the raising of wildlife and fish and the practice of forestry
- C. Undeveloped natural resources, open space areas, and publicly owned parks and recreational areas

7.3 Permitted Accessory Uses

Uses customary and incidental to the permitted principal uses and structures

7.4 Minimum Lot Size, Height, and Yard Requirements

- A. **Minimum lot area:** 5 acres
- B. **Road (front yard) Setback**
 - 1. 30 feet on interior roads of a platted subdivision.
 - 2. 50 feet on a private road, but no less than 75 feet from the centerline.
 - 3. 100 feet from the centerline of a Town, County or State Road, and not less than 60 feet from the nearest right-of-way line on all other public roads (Town, County and State).
- C. **Frontage:** Structures shall be located so as to abut a public highway and have a minimum of fifty (50) feet of frontage thereon.
- D. **Side Yards** The minimum side yard for all structures shall be 25 feet from the nearest lot line.
- E. **Rear Yards:** Minimum rear yard for all structures shall be 50 feet from the nearest lot line.
- F. **Maximum height:** Any structure shall not exceed 35 feet

Section 8.0 (R-1) Single-Family Residential District (With Public Sewer)

8.1 Purpose

The purpose of this District is to provide the opportunity for construction and maintenance of single-family detached dwelling units in the area of the Town that has public sewer.

8.2 Permitted Uses

The following uses of land are permitted in the R-1 District:

- A. Single-family detached dwellings, excluding all mobile homes; for purposes of this Chapter. Modular homes are included in the definition of single-family dwelling.
- B. Manufactured single-family homes complying with all of the following requirements and limitations:
 - 1. The home shall be a double wide of at least twenty-four (24) feet in width and forty-two (42) feet in length.
 - 2. Application must be made by the owner of the manufactured home for a permit to construct a full basement upon which the manufactured home must be placed upon.
 - 3. Is installed in accordance with the manufacturer's instructions.
 - 4. Is properly connected to utilities; including a permit for electrical service.
 - 5. Meets other applicable standards of this Ordinance.
 - 6. The home shall be covered by a roof pitched at a minimum slope of three inches to twelve inches (3/12), which is permanently covered with non-reflective material.
 - 7. The home shall have a pitched roof, overhanging eaves and such other design features required of all new single-family dwellings located within the Town of Oakfield.
- C. Public parks and playgrounds.
- D. Conversion of any existing building to a permitted use.
- E. Community living arrangements and day care centers which have a capacity for eight (8) or fewer persons.
- F. Foster family care.
- G. Home occupations and professional home offices.
- H. Uses customarily incident to any of the above uses, provided that no such use generates traffic or noise that would create public or private nuisance.

8.3 Special Uses

The following are permitted as Special Uses within the R-1 District:

- A. Utilities (electric substations, telephone switching stations, gas regulators, etc.).
- B. Bed and breakfast inns.
- C. Churches and public buildings, except public buildings housing uses incompatible with the characteristics of the district, such as sewage systems and incinerators.

- D. Public utility structures, except those incompatible with the characteristics of the district.
- E. Planned residential developments.
- F. Barbering and beauty culture.
- G. Nursery Schools.
- H. Top soil removal.

8.4 Area, Height and Yard Requirements

- A. **Minimum Area and Width for Dwellings Served By Public Sanitary Sewer.** The minimum lot area for one-family units shall be at least eight thousand (8,000) square feet and the minimum lot width of fifty (50) feet at the right of way line and 75 feet at the building line.
- B. **Occupancy.** Residential occupancy per dwelling unit shall be limited to one (1) family and not more than two (2) roomers or boarders.
- C. **Ground Floor Area.** The minimum ground floor area per dwelling unit shall be one thousand eight (1,008) square feet for one-story, nine hundred (900) square feet for split level, and eight hundred (800) square feet for two-story plus dwellings; one-half ($\frac{1}{2}$) vertical measurement of story must be above ground level.
- D. **Height.** Not to exceed thirty-five (35) feet nor two and one-half (2-1/2) stories, measured from the foundation to the peak of the roof.
- E. **Side Yard.** The minimum side yard for all structures shall be 10 feet from the nearest lot lines. On riparian lots, rear and side yards shall comply with applicable County ordinances and State laws
- F. **Rear Yard.** The minimum rear yard for all structures shall be 10 feet from the nearest lot lines. On riparian lots, rear and side yards shall comply with applicable County ordinances and State laws
- G. **Road (front yard)Setback**
 - 1. 30 feet on interior roads of a platted subdivision.
 - 2. 50 feet on a private road, but no less than 75 feet from the centerline.
 - 3. 100 feet from the centerline of a Town, County or State Road, and not less than 60 feet from the nearest right-of-way line on all other public roads (Town, County and State).

8.5 Substandard Lots.

- A. **Special Minimum Requirements.** A substandard lot which is at least eight thousand (8,000) square feet in area and is at least fifty (50) feet in width at the right-of way and building line may be used as a building site for a single family dwelling if it meets the following requirements:
 - 1. Such use is permitted in the zoning district.
 - 2. The lot is of record in the County Register of Deeds office prior to 1963.

3. The lot is in separate ownership from abutting lands. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the terms of this Chapter.
4. The lot is served by a sanitary sewer, or has a sanitary permit granted by the County Sanitarian.

B. Side Yards. Ten (10) feet

C. Rear Yard. Twenty-five (25) feet. On riparian lots, rear yards shall comply with applicable County ordinances and State laws.

D. Road (front yard) Setback. Twenty (20) feet from Oak Center Road Right-of-way line.

Section 9.0 (R-2) Single-Family Residential District (Without Public Sewer)

9.1 Purpose

The purpose of the R-2 District is to provide the opportunity for construction and maintenance of single-family detached dwelling units without public sewer.

9.2 Permitted Uses

The following uses of land are permitted in the R-2 District:

- A. Single-family detached dwellings. For purposes of this Chapter, modular homes are included in the definition of single-family dwelling.
- B. Manufactured single-family homes, subject to requirements as specified in section 8.2 B.
- C. Public parks and playgrounds.
- D. Conversion of any existing building to a permitted use.
- E. Community living arrangements and day care centers which have a capacity for eight (8) or fewer persons.
- F. Foster family care.
- G. Home occupations and professional home offices.
- H. Uses customarily incident to any of the above uses, provided that no such use generates traffic or noise that would create public or private nuisance.

9.3 Special Uses

The following are permitted as Special Uses within the R-2 District:

- A. Community living arrangements and day care centers which have a capacity for nine (9) or more persons.
- B. Utilities (electric substations, telephone switching stations, gas regulators, etc.).
- C. Bed and breakfast inns.
- D. Churches and public buildings, except public buildings housing uses incompatible with the characteristics of the district, such as sewage systems and incinerators.
- E. Public utility structures, except those incompatible with the characteristics of the district.
- F. Planned residential developments.
- G. Barbering and beauty culture.
- H. Nursery Schools.
- I. Top soil removal.

9.4 Area, Height and Yard Requirements.

A. Minimum Area and Width for Dwellings not Served by Public Sanitary Sewer.

1. The minimum lot area for one-family units shall be sixty thousand (60,000) square feet and the minimum lot width One-Hundred Twenty (120) feet at the building line; on riparian lots, seventy-five (75) feet at the water's edge.
2. Where soil conditions are such as to require larger lot sizes for subdivisions of land under the provisions of H82.20 and/or H85, Wisconsin Administrative Code, or the Sanitary Ordinance of Fond du Lac County, then such larger lot sizes shall be considered as required by the zoning ordinance.
3. The Building Inspector shall require a sanitary permit issued by the County Sanitarian under the County Sanitary Ordinance.

B. **Occupancy.** Residential occupancy per dwelling unit shall be limited to one (1) family and not more than two (2) roomers or boarders.

C. **Location.** Dwellings shall be located so as to abut a public highway and have a minimum of fifty (50) feet at the right of way line.

D. **Ground Floor Area.** The minimum ground floor area per dwelling unit shall be one thousand eight (1,008) square feet for one-story, nine hundred (900) square feet for split level, and eight hundred (800) square feet for two-story plus dwellings; one-half ($\frac{1}{2}$) vertical measurement of story must be above ground level.

E. **Height.** Not to exceed thirty-five (35) feet nor two and one-half (2-1/2) stories, measured from the foundation to the peak of the roof.

F. **Side Yard.** The minimum side yard for all structures shall be 25 feet from the nearest lot lines. On riparian lots, rear and side yards shall comply with applicable County ordinances and State laws

G. **Rear Yard.** The minimum rear yard for all structures shall be 25 feet from the nearest lot lines. On riparian lots, rear and side yards shall comply with applicable County ordinances and State laws

H. Road (front yard)Setback

1. 30 feet on interior roads of a platted subdivision.
2. 50 feet on a private road, but no less than 75 feet from the centerline.
3. 100 feet from the centerline of the road, and not less than 60 feet from the nearest right-of-way line on all other public roads (Town, County and State).

Section 10.0 (B) Business District

10.1 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:

- A. Housing units that are in the structure occupied by the business.
- B. Retail stores and shops.
- C. Banks, post office, medical or dental clinics; business or professional offices.
- D. 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.
- E. Adult-oriented establishments, subject to the Town's Ordinance Regulating Adult-Oriented Establishments.

10.2 Special Uses

The following are permitted as Special Uses within the Business District:

- A. 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.
- B. Public meeting halls, theaters, bowling alleys, and similar places of assembly or recreation open to the public
- C. Farm implement sales.
- D. Feedmill.
- E. Top soil removal.
- F. Personal storage facilities for indoor storage of items entirely within partitioned buildings having an individual access to each partitioned area. Such storage areas may be available on either a condominium or rental basis. These facilities are also known as "mini-warehouses."

10.3 Regulations and Standards

- A. **Height of Buildings:** Not to exceed sixty (60) feet.
- B. **Side Yard.**
 - 1. For buildings not over one and one-half (1-1/2) stories in height, the sum of the width of the required side yards shall not be less than twenty-five (25) feet and no single side yard shall be less than ten (10) feet.
 - 2. For buildings from one and one-half (1-1/2) to two and one-half (2-1/2) stories in height, the sum of the width of the required side yard shall not be less than thirty (30) feet and no single side yard shall be less than twelve (12) feet.

- C. **Rear Yard.** Minimum setback of twenty-five (25) feet. On riparian lots, rear yards shall comply with applicable County ordinances and State laws.
- D. **Road (front yard)Setback**
1. 30 feet on interior roads of a platted subdivision.
 2. 50 feet on a private road, but no less than 75 feet from the centerline.
 3. 100 feet from the centerline of a Town, County or State Road, and not less than 60 feet from the nearest right-of-way line on all other public roads (Town, County and State).
- E. **Minimum Lot Size.**
1. 60,000 sq. ft. on unsewered lots.
 2. 15,000 sq. ft. with publicly sewerred lots.
- F. **Minimum Width:** Fifty (50) feet at the right of way line and 75 feet at the building line.
- G. **Apartments within a business.** When apartment units or residence are a part of the business structure, there shall be additional square footage sufficient to qualify as the same under the requirements for residences in the Residential Districts.
- H. **Off-Street Parking Space:** The following off-street parking spaces shall be provided:
1. One 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.
 2. One off-street parking space per person normally employed on the lot or tract of land.
 3. One off-street parking space for each, 100 square feet of retail sales floor area of the establishment being served.

Section 11.0 (I) Industrial District

11.1 Permitted Uses

In the I-Industrial District no building or premises shall be used and no building shall hereafter be erected or structurally altered, unless otherwise provided in this ordinance, except for 1 or more of the following uses:

- A. Any use permitted in the Business, 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 farmer 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.
- B. Cleaning, dyeing and pressing establishments and laundries, except bag cleaning.
- C. General farming.
- D. Knitting mills and the manufacture of products from finished fabrics.
- E. Laboratories.
- F. Manufacture of goods from leather, but not tanning or hides, or manufacture of leather.
- G. Manufacturing of products not otherwise prohibited.
- H. Printing and publishing.
- I. Processing, packing and manufacture of food, except meat and meat products, fish and fish products, sauerkraut and cabbage by-products or the vining of peas.
- J. 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-smithing, tin-smithing and welding shop.
- K. Storage and warehousing of fuel and materials and the storage of wrecked and dismantled vehicles, junk, explosives, or inflammable gases or liquids.
- L. Wholesale business.
- M. Any other uses similar in character to or customarily established in connection with the foregoing.
- N. Blacksmith shops, machine shops, welding shops, sheet metal shops.

11.2 Regulations and Standards

- A. Minimum Lot Size - 60,000 square feet in area.
- B. Maximum Coverage - The amount of the total lot area which may be covered by all principal and accessory building shall not exceed 50%.

11.3 Required Yards and Open Spaces

On every lot in the I-Industrial District, yards shall be required as follows:

- A. Front Yard - Depth of the front yard setback shall be 60 feet from the right-of-way line. If the building is to be constructed in an established block where there are existing buildings, the yard depth shall be the average of the yard depths of buildings existing on the block face where the building is to be located, but not less than 15 feet from the right-of-way.
- B. Side-Yard - Width shall be 10 feet or greater, no accessory building shall project into the required side yard space.
- C. Road Setback
 - 1. 30 feet on interior roads of a platted subdivision.
 - 2. 50 feet on a private road, but no less than 75 feet from the centerline.
 - 3. 100 feet from the centerline of a Town, County or State Road, and not less than 60 feet from the nearest right-of-way line on all other public roads (Town, County and State).
- D. Minimum Lot Size.
 - 1. 60,000 sq. ft. on unsewered lots.
 - 2. 15,000 sq. ft. with publicly sewerred lots.
- E. Minimum lot width Fifty (50) feet at the right-of-way line and Seventy-five (75) feet at the building line.
- F. Where a lot abuts a lot in an R-Residential District there shall be provided along such lot line a suitable buffer of plant materials, fencing or a combination of both, to shield the residential area from the industrial area. Where the transition from the I-Industrial District to the R-Residential District is a public street, the front yard in the I-Industrial District shall be suitably landscaped.
- G. 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, glare and heat or could create fire or explosive hazards.

11.4 Off-Street Parking Space

Off-street parking shall be provided as follows:

- A. One off-street parking space per person normally employed on the lot or tract of land.
- B. One off-street parking space for each truck or other vehicle incidental to the use of such lot or tract of land.
- C. Signs - Signs are permitted as an accessory use to the principal use of the premises.
- D. The gross area of signs per establishment shall not exceed 2 times the lineal feet of frontage of the Zoning lot on which such signs are located.
- E. 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.

- F. On lots not served by public sewer, sufficient lot area shall be provided so that the requirements of 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.

11.5 Special Uses

- A. Sanitary landfills licensed under Chapter 283 of the Wisconsin Statutes.
- B. Value-added agricultural uses such as canneries, cheese factories, condenseries, creameries, pea viners and such other establishments for the processing, packing or manufacture of the agricultural products as may have a nuisance factor not separable therefrom, such as the emission or effluence of noxious or odorous wastes or by-products.
- C. Non Metallic Mining
1. **General Provisions**
 - a. The operation complies with Subchapter I of Wis. Stat. Ch. 295 and rules promulgated under that subchapter, with applicable provisions of the local ordinance under Wis. Stat. Ch. 295.13 or 295.14, and with any applicable requirements of the Wisconsin Department of Transportation concerning the restoration of nonmetallic mining sites.
 - b. The operation and its location are reasonable and appropriate and are specifically approved under state or federal law.
 - c. The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use.
 - d. 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.
 - e. When extraction is completed, the owner **must** restore the land based on the Fond du Lac County "Non-Metallic Reclamation Ordinance (consistent with s.s. 295.13) adopted on July 19, 2007.
 2. **Application** Non-metallic mining may include 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:
 - a. 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.
 - b. Application for a permit for mineral extraction operations proposed to be located within 600 feet of a residential district, a residential subdivision or a city or village limits line, or within 300 feet of any building occupied for residential 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.
 - c. The permit shall be for a period of time as stated in the application or as modified by the Plan Commission (and where Town Board approval is required, approved by the Town Board). Modification of the application or reclamation plan may be

permitted through appeal, or additional conditions may be required. The Plan Commission 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 and/or reclamation plan may be approved, approved conditionally, or rejected.

- d. 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 Plan Commission may require a public hearing prior to such renewal.
- e. An initial permit application shall be accompanied by a filing fee of \$1,000, and a renewal application shall be accompanied by a filing fee of \$750. The entity applying for a nonmetallic mining permit application shall also pay any legal and professional fees the town may incur relative to the application process.
- f. All existing mineral extraction operation 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.

D. Top soil removal.

E. Personal storage facilities for indoor storage of items entirely within partitioned buildings having an individual access to each partitioned area. Such storage areas may be available on either a condominium or rental basis. These facilities are also known as “mini-warehouses.”

F. Municipal sewage disposal plants, subject to the provision that they shall be located not less than one thousand (1,000) feet from the nearest dwelling, shall be properly and adequately screened and buffered from the highway and adjacent property, and shall be so constructed and operated that there shall be no offensive odors or noise, and that there is adequate provisions for the effluent and for the disposal of all sludge and residues, and that the area shall be completely enclosed with an adequate chain link type of fencing in addition to shrubbery screening; and that the forgoing provisions and all the provisions required by state law or Administrative Code are maintained during operation thereof.

Section 12.0 Highway Setback Lines

12.1 In order to promote and enhance the public safety, general welfare and convenience, it is necessary that a building setback be established from all publicly dedicated right-of-ways.

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

12.3 Classes of Highways and Center Lines

Highways are classified and the position of the center line shall be determined as follows:

A. Class 1 Highways

1. 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 center line is the midway point between the edges of the road surface.
2. Town roads not otherwise classified that have been improved in accordance with engineering surveys and plans accepted by the County or Town Board. The center line is at the center of the surfacing or pavement, or, if there be none, the center of graded roadbed.
3. Roads and streets in platted subdivisions not otherwise classified. The center line is the midpoint between the edges of the road surface.
4. Private roads. The center line is at the mid-point between the edges of the road surface.

B. Class 2 Highways

1. County trunk highways that have not been improved in accordance with engineering surveys or plans accepted by the County Board of their agent, the County Highway Committee. The center line is at the midway point between fences or other markers indicating the boundary on opposite sides thereof.
2. 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 of the center of the surfacing or pavement, or if there be none, the center of the graded roadbed.

C. Class 3 Highways

1. State Trunk Highways, except as hereinafter provided, that have been approved according to surveys and plans of the State Highway Commission or plans accepted by the County Board, and United States highways. The center line 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.

12.4 Structures Prohibited Within Setback Lines

No new building, new sign or other structure or part thereof shall be placed between the setback lines established, by this ordinance and the highway, except as provided by this ordinance, and no building, sign or structure or part thereof existing within such setback lines on the effective date of this ordinance shall be altered, enlarged or added to in any way that increases or prolongs the permanency thereof, or be reconstructed in its original existing location after having been destroyed by fire, storm or other catastrophe to the extent of 50% or more of its current value as determined by the local assessor.

12.5 Structures Permitted Within Setback Lines

The following kinds of structures may be placed between the setback line and the highway:

- A. Open fences.
- B. Telephone, telegraph and power transmission poles and lines and micro-wave radio relay structures may be constructed within the setback lines, and additions to and replacements of existing structures may be made, 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.
- C. Underground structures not capable of being used as foundations for future prohibited overground structures.
- D. Access or service highways constructed according to plans as approved by the Plan Commission. In giving such approval, the Plan Commission shall give due consideration to highway safety and maximum sight distances.
- E. This section shall not be interpreted so as to prohibit the planting and harvesting of field crops, shrubbery or trees; provided, however, that no building or structure, trees or shrubbery, shall be so located, maintained or permitted to grow so that the view across the sectors at the intersections shall be obstructed.
- F. 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 in Paragraph 12.3 of this section, shall be as provided by the following paragraphs of this subsection, respectively.
- G. 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.
- H. In cases where the provisions of this section may be interpreted to provide for different setback distances, the greater setback distance shall prevail.

12.6 Setback Distances

- A. **Class 1 (Town Highway)** 100 feet from the centerline of the highway, except in a platted subdivision with interior roads 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 centerline of said road as shown on the instrument creating said road or road easement.
- B. **Class 2 (County Highway) and Class 3 (State Highway)** 100 feet from the centerline of the highway; 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.

- C. 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.
- D. 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.
- E. At Highway intersections with Curve Connections. At intersections where the intersecting highways are connected with pavement or surfacing constructed on a curve, the setback distance along the curve shall be measured from the center of the curved section.

Section 13.0 Signs and Billboards

13.1 The purpose of this article is to establish minimum standards to safeguard life and property and promote public welfare and community aesthetics by regulating the appearance, construction, location and maintenance of all signs and billboards. The provisions herein shall be binding upon every owner of a building, every lessee and every person in charge or responsible for who causes the construction, repair, relocation or alteration of any outdoor sign and other advertising structures in the Town with the exception of painting, posting and general maintenance. The following definitions apply to this article:

- A. **Billboard.** A sign that advertises goods, products or facilities or services not necessarily on the premises where the sign is located or directs persons to a different location from where the sign is located.
- B. **Directory Sign.** Any sign on which the names and locations of occupants or the use of a building is given. This shall include offices and church directors. Directory signs shall be encouraged for use when advertising of multiple-occupied commercial and industrial buildings.
- C. **Identification Sign.** Any sign that carries only the name of the firm, major enterprise, institution or principal products offered for sale on the premises or a combination of these.
- D. **Home Occupation Sign.** A sign associated with a conforming home occupation.
- E. **Off-Premise Sign.** Any sign, device, or display that advertises goods other than that commonly available or services other than that commonly performed on the premises on which the sign is located.
- F. **Sign.** A sign shall include anything that promotes, calls attention to, or invites patronage to a business, location or product.
- G. **Temporary Sign.** Any sign that is erected or displayed for a limited period of time not to exceed 28 consecutive days or which is displayed only during regular business hours and removed for storage at other times. A temporary sign shall not exceed 8 square feet in area. Examples of temporary signs include banners and decorative-type displays. For purposes of this article, a portable sign is not a temporary sign.

13.2 No sign or billboard shall be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a sign permit and without being in conformity of the provisions of this article. "Altered" shall be defined as any modification in the size, height, dimensions, location or mounting of a sign other than routine maintenance. The application for a sign permit shall contain the following information about the sign: dimensions, display surface, materials, illumination, wiring, height above grade, distance from lot lines, and the person, firm or corporation erecting or altering the sign. A permit is not required for a copy change when no change in business name is involved. A permit fee shall be determined by the Town Board and shall be paid to the Town Clerk for each sign application.

13.3 The following signs do not require a permit, provided that they are not located over a public road right-of-way or in, on or over public water:

- A. Warning signs not to exceed four square feet located on the premises.
- B. Official signs, such as traffic control, parking restriction, information and notices, rummage or garage sales signs not to exceed 8 square feet in area, but use of this type of sign shall be limited to 72 hours per sale.
- C. Flags and insignia of any government.
- D. Legal notices, identification information or directional signs erected by governmental bodies.
- E. Signs directing and guiding traffic and parking on private property.
- F. Political message signs during an election campaign, not exceeding 8 square feet per lot, posted on private property.
- G. House numbers or signs identifying parks or country clubs or official bulletin boards.
- H. Real estate signs not to exceed 8 square feet in area that advertise the sale, rental or lease of the premises upon which signs are temporarily located. Such signs shall be removed fifteen (15) days after the sale, rental or lease has been accomplished.
- I. Bulletin boards for public, charitable or religious institutions not to exceed 8 square feet in area located on the premises.
- J. Home occupation sign, provided such sign is non-illuminated and does not exceed 8 square feet in area to advertise the name of a legally permitted home occupation.

13.4 The following signs are permitted in all commercial and industrial districts, subject to the following restrictions:

- A. Wall signs placed against the exterior walls of buildings shall not extend more than 6 inches outside of the wall surface; shall not exceed 300 square feet in area for any one business and shall not exceed 20 feet in height above the street grade. Wall signs may only advertise on-site businesses.
- B. Ground signs shall not exceed ten feet in height above the street grade; shall meet all yard requirements for the district in which it is located and only one sign for each street frontage shall be permitted. Such signs shall not exceed 32 square feet in total area.
- C. No sign shall be permitted to face a Residential District within 100 feet.
- D. Business and industrial signs may be internally lighted by a hooded reflector, provided that such lighting shall be arranged to prevent glare and that no sign shall be lighted by a lighting of intermittent or varying intensity. Animated signs, signs having moving parts, or signs which may be mistaken for traffic signal devices are prohibited.

- E. No sign or advertising device shall be erected or maintained at the intersection of the streets in such a manner as to obstruct a clear vision of the intersection.

13.5 The following signs are prohibited:

- A. Signs that substantially resemble, imitate, or approximate railroad or traffic signs.
- B. Signs that have any flashing, rotating or brilliant intermittent parts or lights or bare reflecting-type bulbs.
- C. Signs that create a hazard to vehicular traffic or a nuisance to adjoining residential property.
- D. Signs on public rights-of-way, except for public entity signs for traffic control, parking and directional signs as authorized by this Ordinance.

13.6 All signs shall be removed by the owner or lessee of the premises upon which the sign is located if in the judgment of the Town such sign is so old, dilapidated or has become so out of repair as to be dangerous or unsafe. If the owner or lessee fails to remove it, the Town may remove the sign at the cost of the owner, following adequate notice. The cost to remove the sign may be placed on the owner's tax bill as a special charge.

13.7 Portable signs shall be limited in use to fifteen days at a time following approval by the Town; provided, however, that such signs shall not be displayed more frequently than 4 times per calendar year at any one location and not more than fifteen days each time. The maximum size of a portable sign shall be 10 square feet on each face, back-to-back. Portable signs shall not be located in any public rights-of-way.

13.8 A sign loses its non-conforming status if one or more of the following occurs:

- A. If the sign is damaged by fire, flood, explosion, or earthquake, war, riot or Act of God, the sign may be reconstructed and used as before if it is reconstructed within three months after such calamity, the sign is relocated.
- B. The sign fails to conform to the Town requirements regarding maintenance and repair, abandonment or dangerous or defective signs.
- C. Nothing in this Article shall relieve the owner or lessee of a legal non-conforming sign from the provisions of this Ordinance regarding safety, maintenance and repair of signs.

Section 14.0 Special Uses

14.1 Authority

The Town Board, by an affirmative two-thirds (2/3) vote of the entire Board, may by resolution, approve the issuance of a Special Use permit for uses listed as Special Uses in this ordinance.

14.2 Purpose

Special Uses are those uses having some uniqueness or unusual impact which requires a careful review of their location, design and configuration to determine against fixed standards, the desirability of permitting their establishment on any given site. The Special Use permit is 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.

14.3 Special Use Procedure

The following procedure shall be followed to obtain a Special Use permit:

- A. **Application** An owner or owner's designated agent shall complete and file a Special Use application form with the Zoning Administrator accompanied by a nonrefundable application fee which may be amended from time to time, as established by the Town Board by resolution, to cover costs of public notice and administrative review. Ten copies of a scaleable development plan will be required with the written application.
- B. **Public hearing** After receiving the request, the Zoning Administrator shall refer the matter to the Plan Commission, which shall hold a public hearing advertised by a Class 2 notice.
- C. **Action by Plan Commission** The Plan Commission shall, within thirty (30) days of the public hearing, make a report and recommendation of approval or denial of the Special Use permit with any conditions it may deem appropriate to the Town Board. In making its decision, the Commission shall keep a written record of findings relative to the standards for considering the Special Use application, as listed in 14.7.
- D. **Action by Town Board** The Town Board shall, within thirty (30) days of Plan Commission action, act to approve or deny the Special Use permit by resolution. No Special Use Permit shall be issued unless the Town Board shall find that the special 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.

14.4 Application Requirements

The applicant shall provide the following information on the Special Use application form, which is available from the Town Zoning Administrator:

- A. Applicant and property owner's name, address, and telephone number.
- B. Parcel information, including tax key number, legal description, street address, if any, dimensions and existing zoning and land use designations.

- C. Description of Special Use being requested.
- D. Written justification for the Special Use being requested and supporting documentation describing how the applicant believes that the request conforms to the standards for Special Uses listed in subsection.
- E. Filing fee

Note: When applying for a nonfarm residential Special Use permit in a certified farmland preservation district, the petitioner should be aware of the following:

1. *Based on the 60,000 sq. ft residential lot size in the farmland preservation zoning district and on the 1:20 ratio of nonfarm acreage to farm acreage, a base farm tract will be 28.9 acres or larger in order to allow one (1) nonfarm residential Special Use Permit.*
2. *The maximum amount of nonfarm residential acreage cannot exceed the amount determined by the following formula: Nonfarm Residential acreage = Total Base Farm Tract acreage divided by 28.9.*
3. *The amount of nonfarm acreage available for lot creation will be determined by the Zoning Administrator prior to accepting a conditional use application.*
4. *The list of nonfarm residential acreages counted toward the ratio calculation should also include any existing nonfarm residences that do not have a Special Use permit or that are not part of the application for the Special Use permit.*

14.5 Development Plan Requirements

Submission of a Special Use permit request will need to include a development plan that has the following information:

- A. North arrows, date of preparation, and scale on 8½" x 11" size paper
- B. Name(s) of all adjacent or surrounding streets and right-of-way width(s)
- C. Recorded property lines and their dimensions
- D. All existing and proposed buildings and structures accessory to the principal use, including the use of each building or structure, dimensions and their locations on the parcel
- E. Dimensions of existing and proposed yard setbacks for buildings and structures
- F. Dimensions of existing and proposed parking, loading, and unloading areas, and size of existing and proposed driveways
- G. The location of proposed and existing signage
- H. The location, height and materials of all proposed and existing fences or retaining walls
- I. Preliminary stormwater and erosion control plan
- J. Other additional information that may be deemed appropriate by the Zoning Administrator.

14.6 Conditions, Guarantees and Validity Period

The following conditions, guarantees and validity period may be imposed upon the granting of a Special Use permit:

- A. Prior to the granting of any Special Use permit, the Plan Commission may recommend and the Town Board may place such conditions and restrictions upon the establishment, location, construction, maintenance and method or hours of operation as deemed necessary for the protection of the public interest and to secure compliance with the standards specified in Section 14.7. In all cases in which Special Uses are subject to conditions, the Plan Commission may recommend and the Town Board may require evidence and guarantees as it may deem necessary (as proof that the stipulated conditions are being and will be complied with).
- B. Special Use permits shall be issued permanently or for a specified period of time as may be specified by the Town Board. Special use permits may not be assigned to a third-party without the prior written consent of the Town Board unless otherwise specified within the applicable special use permit.
- C. A Special Use permit shall expire if the use is discontinued for a period of twelve (12) consecutive months. If a building permit has not been obtained or the Special Use has not been established within twelve (12) months of the issuance of the Special Use permit, the Special Use permit expires.
- D. Any party who has been issued a Special Use Permit by the Town shall notify the Town, in writing, that they are seeking a continuance or extension of any Special Use Permit that has an expiration date as established by Town Board. Such notification shall be submitted to the Zoning Administer thirty (30) days prior to the Special Use Permit expiration date.
- E. A Special Use permit shall become effective upon approval by the Town Board. A record of the Special Use permit shall be maintained in the Town Hall.
- F. A Special Use permit may be revoked by the Town Board for failure to comply with all provisions of such permit, provided that thirty (30) days notice has been given by first class mail to the operator or owner of such use of the intent to revoke.

14.7 Standards

No application for a special use shall be recommended by the Plan Commission and granted by the Town Board unless the following conditions are present (see the Farmland Preservation Zoning District for additional conditions in that district):

- A. 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.
- B. 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 the proposed use is compatible with the uses of adjacent land.

- C. 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.
- D. That adequate utilities, access roads, drainage and other necessary site improvements have been or are being provided.
- E. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
- F. That the special use shall, except for yard requirements, conform to all applicable regulations of the district in which it is located.
- G. That the proposed use does not violate floodplain regulations governing the site.
- H. That adequate measures have been or will be taken to prevent or control water pollution, including sedimentation, erosion and runoff.
- I. That the proposed use is reasonably necessary for the public convenience at that location.
- J. That in the case of an existing non-conforming use, the proposed use will make the existing non-conforming use more compatible with its surroundings
- K. The proposed use is consistent with the goals and objectives of the Comprehensive Plan.
- L. Access to the property can meet access control requirements, if any.
- M. The proposed use is subject to appropriate financial security, as applicable.
- N. Adequate parking and loading areas are provided for the proposed use.

Section 15.0 Plan Commission

15.1 Plan Commission

The Plan Commission has the responsibility for recommending land use changes consistent with the regulations in this ordinance and correctly interpreting the goals, objectives and intent of the Town of Oakfield's Comprehensive Plan.

15.2 Membership and Terms of Office

The Plan Commission consists of five (5) members consisting of Town elected or appointed officials, except that at least three (3) must be citizen members who are not otherwise Town officials, and up to two (2) alternates. The Town Board Chairperson shall appoint the members of the Plan Commission and designate a Plan Commission Chairperson during the month of April to fill any expiring term. All appointments are subject to the confirmation of the Town Board. In a year in which any Town Board member is elected at the spring election, any appointment or designation by the Town Chairperson shall be made after the election of the Town Board. Any citizen appointed to the Plan Commission shall take and file the oath of office within five (5) days of notice of appointment, as provided under Secs. 19.01 and 60.31, Wisconsin Statutes.

15.3 Term of office

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

15.4 General and Miscellaneous Powers

The Plan Commission shall:

- A. Be governed by the provisions of Section 62.23(7) of the Wisconsin Statutes, the Zoning Ordinance of the Town of Oakfield and function and duty as set forth herein; The Plan Commission's function and duty herein established shall not be changed or waived without the affirmative vote of the Town Board.
- B. Initiate, hear, review and offer its recommendations to the Town Board on applications for amendments to this chapter.
- C. Prepare and recommend to the Town Board for adoption of a Comprehensive Plan for the Town, and from time to time to recommend amendments as it may deem appropriate.
- D. Be enabled to promote Town planning.
- E. Hear, review and offer its recommendations to the Town Board on applications for Special Use permits, subdivisions, street vacations and name changes, and other matters.
- F. Make reports and recommendations (per sec. 62.23(4)) relating to the plan and development of the town to the Town Board other public bodies, citizens, public utilities and organizations.
- G. Recommend to the Town Board programs for public improvements and the financing of such improvements.

- H. Receive from public officials, within reasonable time, requested available information required for the Commission to do its work.
- I. For itself, its members and employees, in the performance of their duties, enter upon land, make examinations and surveys, and place and maintain necessary monuments and marks thereon. Entry shall not be made upon private land, except to the extent that the private land is held open to the general public, without the permission of the landowner or tenant. If such permission has been refused, entry shall be made under the authority of an inspection warrant issued for cause under sec. 66.0119, Wis. Stats., or other court-issued warrant.

15.5 Town Comprehensive Planning Authority and Requirements

- A. The Plan Commission, under sec. 62.23(2), recommended adoption of the Town of Oakfield Comprehensive Plan. On February 24, 2020, the Town Board adopted said Plan, along with accompanying maps, tables and descriptive and explanatory matter, which includes the nine (9) elements specified under the comprehensive planning law, sec. 66.1001 (2), Wis. Stats.
- B. The Plan Commission will be responsible for reviewing and updating the Comprehensive Plan on a periodic basis to maintain relevancy to land use issues that may occur over time.
- C. The Plan Commission will determine if every petitioned land use change applied for through the provisions of this ordinance is consistent with the adopted Comprehensive Plan.

Section 16.0 Zoning Board of Appeals

16.1 Board of Appeals Authority

Under the provisions of Section 62.23 (7) (e) Wisconsin Statutes, there is hereby established a Board of Appeals to provide a means for equitable interpretation and variance from this ordinance.

16.2 Organization of Board of Appeals

The Board of Appeals shall consist of five citizen members and two alternates appointed by the Town Chairman and subject to confirmation of the Town Board for terms of 3 years. The members of the Board of Appeals shall serve at such compensation to be fixed by resolution. The Board of Appeals shall elect a chairman and a recording secretary. Vacancies shall be filled for the unexpired terms of members whose terms become vacant.

16.3 Power of the Board of Appeals

The Board of Appeals shall have the following powers:

- A. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination by an administrative official in the enforcement of this ordinance or of any ordinance adopted pursuant thereto.
- B. To authorize, upon appeal in specific cases, a variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions a literal enforcement of the provisions of the ordinance will result in practical difficulty or unnecessary hardship so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.
- C. To hear and decide if a nonconforming use may be changed or enlarged.
- D. 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 of filing with the Zoning Administrator and with the Board of Appeals a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the appeal action was taken.
- E. 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 I notice under Chapter 985, Wisconsin Statutes, in an official paper or a paper of general circulation, 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.
- F. When a Zoning line divides a parcel, the Board of Appeals is authorized to move such line to the nearest property line.
- G. 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 of Appeals.

16.4 Meetings of the Board of Appeals

The Board of Appeals shall adopt rules in accordance with the provisions of this section. Meetings of the Board of Appeals shall be held at the call of the chairman and at such other times as the Board of Appeals 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 of Appeals shall be open to the public. The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Appeals and shall be a public record. The Chairman shall notify the Town Clerk and Town Board of all decisions and resolutions.

16.5 Requirements of a Variance

In general the power to authorize a variance from the requirements of the ordinance shall be sparingly exercised and only under peculiar and exceptional circumstances. No variance shall be granted for actions which require an amendment to this ordinance. Variances shall only be granted when the Board of Appeals finds that:

- A. The variance is not contrary to the public interest and that such variance will be in general harmony with the purposes and intent of this ordinance.
- B. Special circumstances and conditions exist which are peculiar to the land, structure or building involved and which are not generally applicable to other lands, structures, or buildings in the same district.
- C. The variance will not permit the establishment of a use which is not permitted in the district.
- D. The hardship results from the strict application of this ordinance and is not the result of self-created or self-imposed circumstances.
- E. Greater profitability, lack of knowledge of restrictions and other variances granted under similar circumstances are not being considered as sufficient cause for a variance.
- F. Nonconforming uses of neighboring lands, structures or buildings in the same district, and permitted or nonconforming uses of lands, structures or buildings in other districts are not being considered as grounds for issuance of a variance.
- G. That the variance is compatible with adjacent existing uses and structures or uses and structures likely to develop which are permitted in the district.
- H. That adequate measures are taken to provide for drainage.
- I. That ingress and egress to the property is provided in such a manner as to minimize traffic hazards and congestion.
- J. That adequate parking and loading areas are provided.

16.6 Application Process

An application to the Board of Appeals must be submitted on a form provided by the Town or its representative and pay a processing fee as identified on the form.

16.7 Withdrawal

If the applicant elects to withdraw the appeal any time before final determination is made by the Board of Appeals, this fact shall be noted on the application, with the signature of the applicant, attesting withdrawal. Copies of the withdrawn application shall be returned to the secretary for the files of the Board of Appeals, to the Zoning Administrator and to the applicant.

16.8 Additional Information

If the appeal is not withdrawn, the Board of Appeals may request the applicant to provide such additional information as may be needed to determine the case and shall instruct the secretary to proceed with public notice of a hearing of the case.

16.9 Amendments

Amendment of an appeal by the applicant may be permitted at any time prior to or during the public hearing, provided that no such amendment shall be such as to make the case substantially different from its description in the notice of public hearing. If the amendment is requested by the applicant after public notice of the hearing has been given, and such amendment is at variance with the information set forth in the public notice the applicant shall pay an additional fee to cover the cost of amending the public notice. If the amended notice can be published within the time frame specified for the public hearing, the hearing on the amended appeal may be held on that date, otherwise the Chairman of the Board of Appeals shall announce that the hearing originally scheduled on the case will be deferred to a future meeting, before which appropriate public notice will be given, and will state the reasons for the deferral.

16.10 Public Hearing

Upon filing with the Board of Appeals of an appeal or an application for a variance, the Zoning Administrator shall fix a reasonable time (not more than 60 days from the filing date) for a public hearing. A Class 2 notice pursuant to Chapter 985 Wisconsin Statutes shall be published in the official newspaper of the Town of Oakfield specifying the date, time and place of the hearing and the matters to come before the Board of Appeals. The Zoning Administrator shall also mail a notice at least 10 days before the hearing to the owner's of property contiguous to the property, subject to the proposed variance of appeal. The owners shall be determined by the ownership indicated in the real estate records at the Fond du Lac County Treasurer's office. Any defect in providing this notice shall not affect the proceedings of the Board of Appeals.

16.11 Additional Information

If the appeal is not withdrawn, the Board of Appeals may request the applicant to provide such additional information as may be needed to determine the case and shall instruct the secretary to proceed with public notice of a hearing of the case.

16.12 Conditions of the Application

Reasonable special conditions and safeguards for the protection of the public health, safety, and welfare may be imposed by the Board of Appeals if it grants the application for a variance. The written application for a variance must demonstrate:

- A. That special conditions exist which are peculiar to the land or structure involved which are not applicable to other lands or structures in the same district.
- B. That literal enforcement of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other lands or structures in the same district under the terms of this ordinance.

- C. That the special conditions and circumstances do not result from the actions of the applicant.
- D. That the granting of the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands or structures in the same districts.
- E. 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.
- F. The application is in proper form and a fee has been paid. The Board of Appeals 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 of Appeals if it grants the application for variance.

16.13 Appeal of Board Decisions

Any person or persons, jointly or severally aggrieved by any decision of the Board of Appeals, or any taxpayer, or any officer, department, Town Board, or town representative may appeal the decision of the Board of Appeals within 30 days after the filing of the decision in the office of the Board of Appeals in accordance with Section 62.23(7) Wis. Stat.

16.14 Exercise of Power

- A. In exercising the above mentioned powers such Board of Appeals may, in conformity with the provisions of such section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issue of a permit.
- B. The concurring vote of 4 members of the Board of Appeals 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.
- C. 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.
- D. 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 District Map. Such power and authority is reserved to the Town Board.

Section 17.0 Natural Features Protection Requirements

17.1 Purpose

These requirements are intended to preserve important geological features, protect against soil erosion and groundwater contamination, preserve the natural beauty of the Town, and protect wild flora and fauna. These requirements shall be in effect in all zoning districts. They shall be applied independently of other applicable requirements contained in this Ordinance. Whenever other requirements of this Ordinance conflict with the requirements of this Article, the more stringent requirement shall govern. The location of the natural features protection areas subject to the requirement of this Article shall be determined by reference to the Town of Oakfield Comprehensive Plan and its Land Use Plan, adopted on February 24, 2020. The provisions of said Comprehensive Plan are hereby incorporated by reference.

17.2 Escarpments

The purposes of these regulations are to promote safe conditions by preventing the placement of roads on highly inclined surfaces and to preserve escarpments as landmark features that contribute to the scenic diversity and attractiveness of the Town. For the purposes of this Ordinance, "escarpments" is defined as a discontinuous bedrock-controlled, geomorphologic feature composed of any and all outcrops that form a rock ridge or series of ridges at the bedrock surface along the western edge of the Silurian (Niagaran) outcrop belt. Escarpments are subject to the following requirements:

- A. No roads or driveways shall be placed on slopes of 30-39% unless the roads or driveways are placed parallel to the escarpment face. No roads or driveways shall be placed on slopes of 40% or greater.
- B. The clearing of trees located within escarpment protection areas shall be permitted for:
 1. Accessory building footprints.
 2. Sites for wastewater disposal systems.
 3. Driveways.
 4. The area on a lot extending not more than 25 feet from the exterior walls of principal buildings and 15 feet from accessory buildings. In the area on a lot lying between 25 feet and 100 feet from the exterior walls of principal buildings, selective clearing is permitted provided that (i) no more than 30% of this area on the lot shall be cleared; (ii) the clearing of the 30% described above shall not result in strips of cleared openings of more than 30 feet in any 100 foot wide strip nor create a cleared opening strip greater than 30 feet wide; and (iii) in the remaining 70% of this area, cutting and pruning shall leave sufficient cover to screen vehicles, dwellings and other structures.

17.3 Additional Escarpment Conditions

In addition to the provisions described in Section 17.2, the following additional use and development restrictions shall apply:

- A. Between CTH "B" and 300 feet from the base of the escarpment, in the area southwest of the Village of Oakfield: existing uses are allowed with limited additional accessory uses. Replacement of an existing residence with a new residence generally located in the same area may be considered, subject to filing a Special Use Permit pursuant to Section 14 of this ordinance.

- B. 150 feet - 300 feet from the base of the escarpment: no new development is allowed. Agricultural uses are allowed.
- C. 150 feet from the base and crest of the escarpment: no new development, quarrying or agricultural uses allowed.
- D. 150 feet to 300 feet from the crest of the escarpment: no new development is allowed. Agricultural uses are allowed. Shallow quarrying (not greater than five feet) is allowed only in the Shallow Quarry Overlay Zone as illustrated on the Land Use Plan in the Comprehensive Plan adopted February 24, 2020, subject to the provisions of Section 11.5 D.
- E. Between 300 feet from the crest of the escarpment and Highland Road: existing uses are allowed with limited additional accessory uses. Agricultural uses are allowed but not to the extent that a farm greater than 500 animal units is established on the escarpment. Shallow and deep quarrying (greater than 5 feet) is allowed, subject to the provisions of Section 11.5 D. Any new development requires a special use permit pursuant to Section 11.5 D of this ordinance.

17.4 Woodlands

Areas or stands of trees whose total combined canopy covers an area of one acre or more and at least 50% of which is composed of canopies of trees having a diameter at breast (DBH) of at least 10 inches; or any grove consisting of 15 or more individual trees having a DBH of at least 12 inches whose combined canopies cover at least 50% of the area encompassed by the grove. No trees grown for commercial purposes shall be considered a woodland for purposes of this section. The following rules shall apply to land that meets the woodlands definition:

- A. A clearing of trees shall be permitted for building footprints, driveways and sites for onsite sewage disposal systems. Building footprints may be cleared a distance of 25 feet from the exterior walls of principal buildings and 15 feet from accessory buildings. Selective pruning of remaining trees shall be permitted, provided that 70% of the original canopy is left intact.
- B. Selective pruning of woodlands shall be permitted, provided that 70% of the original canopy is left intact.
- C. Clear cutting on contiguous land under single ownership shall be permitted, provided that the clear-cut area not exceed 10 acres or 30% of the woodlands in any 10 year period. An area clear-cut for commercial purposes shall not be converted or developed for another use within 7 years from the date clear cutting was completed; and
- D. Other sound forestry practice techniques as defined in Chapter 46 of the Wisconsin Administrative Code, as amended, or as recommended by a qualified forester are permitted if designed to protect or enhance the woodlands. Exceptions to these restrictions may be granted upon a showing of special needs or circumstances of the landowner.

17.5 Wetlands

It is the intent of the Town to maintain safe and healthful conditions, prevent water pollution, protect wildlife habitat, preserve cover and natural beauty and control building and development

in a manner that minimizes adverse impacts upon the wetland. For the purposes of this subsection, “wetlands” are identified in the Wisconsin Department of Natural Resources’ Wetland Inventory Map. The following rules shall apply to wetlands:

- A. If the proposed activity is located in a wetland that is regulated by the Fond du Lac County Shoreland Zoning Ordinance, a zoning permit or special use permit must be obtained from the County. A separate Town wetland permit is not required.
- B. If the proposed use is located in a wetland that is not regulated under the Fond du Lac County Shoreland Zoning Ordinance, a special use permit from the Town is required. The person issuing the building permit may issue a permit if the proposed use does not involve an earth disturbance exceeding 5,000 square feet in area. A special use permit is required if the earth disturbance exceeds 5,000 square feet in area.
- C. All roads in or through wetlands shall be designed and constructed to minimize the adverse impact upon the natural functions of the wetland.
- D. Any filling, flooding, draining, dredging, ditching, tiling or excavating that is to be done for the proposed project must be necessary for the proposed project. Any filling, excavating, ditching or draining that is to be done must be done in a manner designed to minimize the flooding and other adverse impacts upon the natural functions of the wetlands.
- E. A wetland shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon storm and floodwater storage capacity, filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters, fish spawning, breeding or feeding grounds, wildlife habitat and wildlife.

17.6 Horicon Marsh Viewshed

On land west of Stumpf Road and south of Oak Center Road: existing uses are allowed with limited additional accessory uses. Replacement of an existing residence with a new residence generally located in the same area may be considered subject to filing a Special Use Permit pursuant to Section 14 of this ordinance.

Section 18.0 Enforcement

18.1 It shall be the duty of the Town Board to enforce the provisions of this ordinance. The Town Board may authorize a surveyor to prepare a record of all buildings, structures and mobile homes situated within the setback lines as established by this ordinances, 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.

18.2 No building or structure shall hereafter be created, moved or structurally altered, except as hereinafter provided, until a permit therefore shall have been applied for and issued. 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, Shoreland Zoning, and Flood Plain Zoning Ordinances, and that a Fond du Lac County Sanitary Permit for the installation of a private sewage system to serve the premises has been issued, except that lots served by public sewer shall not require a sewer permit.

18.3 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 buildings 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.

18.4 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.

19.0 Certificate of Compliance

19.1 No vacant land shall be occupied or used, and no building 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.

19.2 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.

19.3 Upon written request from 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.

Section 20.0 Fees

20.1 Building Permit

A fee in an amount determined by the Town is required to be paid by the applicant for a building permit, and a certificate of occupancy where no building permit is required. The fee shall be paid to the Town Treasurer.

20.2 Plan Commission

A fee in an amount to be determined by the Town Board is required for any petition for the amendment of this zoning ordinance, which fee shall be paid to the Town Treasurer and receipt filed with the amendment petition. This provision shall not apply to amendments initiated by the Town Board.

20.3 Fee for Board of Appeals

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 officers acting in his official capacity.

Section 21.0 Violations and Penalties

21.1 Any building, structure hereafter erected, enlarged, altered, repaired or moved or any use hereafter established in violation of any of the provisions of this ordinance shall be deemed an unlawful building, structure, or use. The Building Inspector shall promptly report all such violations to the Town Board, which shall instruct the attorney for the town to bring an action to enjoin the erection, enlargement, alteration, repair or moving of such building, structure or the establishment of such use, or to cause such building, structure, or use to be removed.

21.2 At the discretion of the court, such person, firm or corporation may also be required, upon conviction, to forfeit not less than \$10 nor more than \$200 for each offense, together with the costs of prosecution and attorney's fees, and in default of payment of such forfeiture and costs of prosecution, may 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. Each day that a violation continues to exist shall constitute a separate offense.

Section 22.0 Changes and Amendments

22.1 Power of Amendment

The Town Board may, from time to time on its own motion or on petition, amend, supplement or change this ordinance, including the Official Zoning Map.

22.2 Process for Application by Property Owner or Option Holder

- A. An owner or owner's designated agent wishing to rezone his or her property shall meet or contact the Town Chairperson or designated Zoning Administrator to discuss the proposed rezoning. If the owner or owner's designated agent wishes to pursue a rezoning, they shall obtain, complete and file a rezoning application form with the Town Clerk accompanied by a nonrefundable fee which may be amended from time to time, as established by the Town Board by resolution, to cover costs of public notice and administrative review. The application form shall contain, at a minimum, the following information:
1. Applicant and property owner's name, address and telephone (cell) number.
 2. Parcel information, including parcel number, legal description, street address, if any, dimensions and existing zoning, land use, and Land Use Plan designation.
 3. Present zoning district and use of the property.
 4. Proposed zoning district and description of proposed land use and/or structures.
 5. Justification for rezoning.
 6. Map of area, drawn to scale, outlining the parcel(s) requested for rezoning, identifying all adjacent streets, properties, existing zoning and present uses on all adjacent properties.
- B. **Notification to Adjoining Property Owners and Municipalities** As a matter of practice, an earnest effort will be made to send, by regular mail, a copy of the notice for public hearing to the applicant or petitioner or their agent, and to the property owners (as recorded in the Fond du Lac County Register of Deeds Office) of all lands located within 500 feet of any part of the parcel or parcels included in a zoning amendment petition, Special Use permit application, variance petition, or appeal. The failure to mail a notice to the above parties or the failure of such notice to reach any of the above parties does not invalidate any public hearing or any decision of the Plan Commission and/or Town Board or Board of Appeals.

22.3 Public Hearing and Notice

- A. **Required Hearing** No amendment of this ordinance shall become effective until it is forwarded to the Plan Commission for review and recommendation. Once the Plan Commission forwards their recommendation to the Town Board, a public hearing is scheduled to allow parties in interest and citizens to be heard. If the Plan Commission does not provide a recommendation within 60 days, the Town Board may proceed to hold a public hearing without the recommendation.
- B. **Notice of Hearing** A Class 2 notice in accordance with Chapter 985 of the Wisconsin Statutes shall be published in the Town of Oakfield's official newspaper once during each of the two weeks prior to the Town Board hearing.

- C. **Notification to Adjoining Municipality** At least 10 days before the public hearing, a written notice of such hearing shall also be given to the clerk of any municipality whose boundaries are within 1,000 feet of any lands included in the proposed amendment. Failure to give such notice shall not invalidate such amendment.

22.4 Plan Commission Findings of Fact

The Plan Commission shall include a “findings of fact” in their recommendation to rezone land out of the Farmland Preservation District. If a petitioner is rezoning lands out of the Farmland Preservation District, the Plan Commission must find all of the following, after public hearing:

- A. The land is better suited for a use not allowed in the farmland preservation zoning district.
- B. The rezoning is consistent with any applicable comprehensive plan.
- C. The rezoning is substantially consistent with the county certified farmland preservation plan.
- D. The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

22.5 Town Board Findings of Fact

Upon consideration of the Plan Commission’s recommendations and “findings of fact”, the Town Board must make a motion to either send the rezoning back to the Plan Commission for further consideration, approve the rezoning, or deny the rezoning. The Town Board has the option of revising the Plan Commission’s “finding of fact” in their motion. The Town Board’s decision to grant a rezoning out of Farmland Preservation District shall also include “findings of fact” based on 91.48(1) of the Wisconsin State Statutes as referenced in 22.4, A through D.

22.6 Findings of Fact in Rezoning Application

The applicant who desires to rezone land from a Farmland Preservation District to another Zoning District will be responsible for documenting how 91.48(1) of the Wisconsin State Statutes will be met. Such documentation must be submitted as part of the rezoning application before the Town of Oakfield’s Zoning Administrator will accept the petition as complete. In addition, the Town will enforce the “findings of fact” according to the Enforcement, Violations and Penalties sections of this ordinance.

22.7 Final Approval by Town Board

- A. An amendment shall become effective upon a majority vote of the members of the Town Board voting on the proposed change.

22.8 Notification of Amendment to the Zoning Text

- A. This zoning ordinance must be certified in accordance with Ch. 91.38 Wis. Stats. in order for owners of farms in the Town of Oakfield to claim tax credits under the Farmland Preservation Program.
- B. An amendment to a certified farmland preservation zoning ordinance is automatically considered to be certified as part of the ordinance, except for the amendments described in Ch. 91.36(8)(b) Wis. Stats.

Section 23.0 Severability of This Ordinance

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 24.0 Validity and Conflicts

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. All ordinances or parts of ordinances in conflict with any of the provisions of this ordinance are hereby repealed.

Section 25.0 Effective Date and Repeal of Previous Zoning Ordinance

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

25.2 The Previous Zoning Ordinance is hereby repealed on the date on which this ordinance becomes effective.

TOWN OF OAKFIELD

Russ Ratkowski

Russ Ratkowski, Town Chairperson

Attest:

Nicole Schauer

Nicole Schauer, Town Clerk

Passed and Adopted: May 2, 2018

TOWN OF OAKFIELD, WISCONSIN**ORDINANCE REGULATING ADULT ORIENTED ESTABLISHMENTS**

IT IS HEREBY ORDAINED by the Town Board of Town of Oakfield, Wisconsin as follows:

1.0 FINDINGS AND PURPOSE

Several studies have documented the significant adverse secondary effects on surrounding communities caused by adult oriented establishments. The Town Board has considered the following studies:

- A. *Crime-Related Secondary Effects of Sexually-Oriented Businesses* by Richard McCleary finding that criminal activity is higher near adult oriented establishments.
- B. Report by Beaumont, Texas City Planning Department finding that criminal activity is higher at adult oriented establishments.
- C. Report by Cleveland, Ohio Police Department showing higher rates of crime in areas near adult oriented establishments.
- D. Report by Los Angeles, California Department of City Planning concluding that crime rates are higher in areas of concentrated adult oriented establishments.
- E. Report by City of Toledo, Ohio finding that adult oriented establishments account for a disproportionate amount of crime, particularly adult oriented establishments featuring live entertainment.
- F. Report by City of Austin, Texas finding that crime rates are higher where adult oriented businesses are concentrated.
- G. Report by Tucson, Arizona Police Department Investigative Services detailing the widespread presence of bodily fluids present in adult oriented establishment viewing booths.
- H. *Effects of Adult Entertainment Businesses on Residential Neighborhoods* prepared by the El Paso Department of Planning Research & Development showing increased sexual dangers for children, pornography in the schools, exposure of minors to adult entertainment, declining property values, and public drunkenness associated with adult oriented establishments.
- I. Letter from Thomas O'Loughlin, Chief of Milford Massachusetts Police, indicating the increased rates of crime when adult oriented establishments locate near businesses serving alcohol.
- J. *Do "Off-Site" Adult Businesses" Have Secondary Effects? Legal Doctrine, Social Theory, and Empirical Evidence* by Richard McCleary and Alan Weinstein concluding that adult oriented establishments that sell products solely for off-site use cause significant crime-related secondary effects.
- K. *Study of Calls for Service to Adult Entertainment Establishments which Serve Alcoholic Beverages* by Fulton County, Georgia Police Department explaining the increased risk of crime when adult oriented establishments are permitted to serve alcoholic beverages.
- L. *Rural Hot Spots- The Case of Adult Businesses* by Richard McCleary explaining that although most studies regarding adult oriented establishments are conducted in urban settings, the results can be translated to rural areas.
- M. *Secondary Effects of Sexually-Oriented Businesses*, Testimony on Missouri House Bill 1551 by Richard McCleary, explaining that limiting hours of operation for adult-oriented establishments reduces ambient crime risk.

- 1.1 The Town Board recognizes these negative secondary effects and also recognizes that the presence of alcohol in adult oriented establishments causes further undesirable behavior.
- 1.2 The Town Board believes that the experiences and studies of other communities set forth above are relevant in addressing the secondary effects of adult oriented establishments in Town of Oakfield.
- 1.3 The regulations in this Ordinance are not aimed at the content of any speech. Rather, this Ordinance has the purpose and effect of controlling the negative secondary effects of adult oriented establishments while avoiding regulation of content.
- 1.4 This Ordinance is not intended to prohibit adult oriented establishments from operating in Town of Oakfield. It is only intended to regulate their location and manner of operation while providing a reasonable opportunity for such establishments to exist. This Ordinance is also intended to regulate the proximity of adult oriented establishments to certain sensitive land uses.
- 1.5 The Town Board concludes:
 - A. All adult oriented establishments regulated by this Ordinance have adverse secondary impacts.
 - B. The adverse secondary impacts of adult oriented establishments tend to diminish if such establishments are governed by content-neutral regulations.
 - C. The consumption of alcoholic beverages on the premises of an adult oriented establishment exacerbates the negative secondary effects of such establishments.

2.0 DEFINITIONS

- 2.1 "Adult oriented establishment" shall include, but is not limited to, "adult bookstores," "adult motion picture theatres," "adult mini-motion picture establishments" or "adult cabarets," and further means any premises to which public patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, compartments or stalls separate from the common area of the premises for the purposes of viewing adult oriented motion pictures, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, whether or not such adult entertainment is held, conducted, operated, or maintained for profit, direct or indirect. An adult-oriented establishment may or may not be open or available to the public generally. "Adult-oriented establishment" also includes the physical location from which adult entertainment is broadcast.
- 2.2 "Adult bookstore" means a retail establishment that has:
 - A. As a substantial or significant portion of its business the sale or rental of, or a substantial or significant portion of its stock in trade for sale or rental of:

- I. Publications which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified anatomical areas or specified sexual activities, as defined in this section; and/or
 - II. Sexually oriented devices, as defined in this section
- B. As used in this definition, publications include, by way of illustration, books, magazines, other periodicals, movies, videotapes, and other products offered in photographic, electronic, magnetic, digital, or other imaging medium.
- C. Any of the following shall be indicia that an establishment has as one of its principal business purposes the sale or rental of publications which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, as defined in this section, and/or sexually oriented devices, as defined in this section:
- I. The business advertises the sale or rental of adult publications including but not limited to "x-rated" movies and/or sexually oriented devices;
 - II. Access by persons under eighteen (18) years of age to the business establishment or portions of the business establishment is restricted;
 - III. Signs or notices are posted outside and/or inside the business establishment indicating that the material offered for sale or rental might be offensive;
 - IV. The building or portion of the building containing the business establishment does not have windows or has windows that are screened or otherwise obstructed or are situated in a manner that restricts visual access from outside the building to materials displayed within for sale or rental
 - V. The above factors shall be considered along with all other factors and available information
- D. Notwithstanding the foregoing, a general circulation video store that does not offer for sale any sexually oriented devices shall not constitute an "adult bookstore" even though it offers for sale and/or rental videotapes which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified anatomical areas or specified sexual activities, as defined in this section, so long as:
- I. Such described videotapes are stocked and displayed in a room separate from the area of the business establishment where general circulation videotapes are stocked and displayed;
 - II. Access by persons under eighteen (18) years of age to the room where such described videotapes are stocked and displayed is restricted;
 - III. The square footage of the separate room where such described videotapes are stocked and displayed is no more than ten (10) percent of the square footage of the area where general circulation videotapes are stocked and displayed, and
 - IV. The general circulation videotapes portion of the business establishment offers a quantity and selection of new release general circulation videotapes that is typical of a general circulation video store and offers a

quantity and selection of other general circulation video tapes that are organized and displayed in a manner that is typical of a general circulation video store.

- 2.3 "Adult cabaret" means an establishment that regularly features dancers or other entertainers who provide live adult entertainment, including but not limited to floor shows, exotic dancing, male or female impersonators, or similar entertainment and engage in a private performance, act as private models, display or expose any specified anatomical area(s) to a patron or customer, or wear or display to a customer any covering, tape, pastie, or other device which simulates or gives the appearance of the display or exposure of any specified anatomical area.
- 2.4 "Adult entertainment" means any exhibition of any motion picture, live performance, display or dance of any type, which is distinguished or characterized by an emphasis on any actual or simulated performance of "specified sexual activities" or exhibition and viewing of "specified anatomical areas," as defined below, appearing unclothed, or the removal of articles of clothing to reveal "specified anatomical areas."
- 2.5 "Adult mini-motion picture theater" means a commercial establishment with one or more adult mini motion picture booths where:
- A. A substantial or significant portion of business is the presentation and viewing in viewing booths of still or motion pictures that are distinguished or characterized by their emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas," as defined below, for observation by patrons therein; or
 - B. A substantial or significant portion of the stock of still or motion pictures available for viewing or that are actually viewed in the viewing booths are distinguished or characterized by their emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined below.
 - C. Any of the following shall be indicia that a business establishment has as one of its principal business purposes the presentation and viewing in viewing booths still or motion pictures which are distinguished or characterized by their emphasis on matters depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined below:
 - I. Restricted access to the business establishment or portions thereof where viewing booths are located by persons under eighteen (18) years of age
 - II. Posted signs or notices outside and/or inside the business establishment indicating that the material offered for presentation and viewing in the viewing booths might be offensive
 - III. the above factors shall be considered along with other available information
- 2.6 "Adult motion picture theatre" means an enclosed building in which a substantial or significant portion of business involves presenting material having as its dominant theme, or distinguished or characterized by an emphasis on, matters depicting,

describing, or relating to "specified sexual activities" or "specified anatomical areas," for observation by patrons therein.

2.7 "Sexually oriented device" means any three (3) dimensional object designed and marketed for stimulation of the male or female human genitals, anus, female breast, or for sadomasochistic use or abuse of oneself or others and shall include devices such as dildos, vibrators, penis pumps, and physical representations of human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

2.8 "Specified anatomical areas" means:

A. Less than completely and opaquely covered:

I. Human genitals, pubic region; or

II. Showing the areola or nipple of a female breast.

B. Human male genitals in a discernible turgid state, even if opaquely covered

2.9 "Specified sexual activities" means simulated or actual:

A. Showing of human genitals in a state of sexual stimulation or arousal;

B. Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sadomasochistic abuse, fellatio, or cunnilingus;

C. Fondling or erotic touching of human genitals, public region, or areola or nipple of a female breast,

D. Excretory functions, as part of or in connection with any of the activities set forth in subsections A through C above

3.0 LICENSE

3.1 Except as provided in subsection 3.5 below, from and after the effective date of this ordinance, no adult oriented establishment shall be operated or maintained in any area subject to Town of Oakfield zoning without first obtaining a license to operate issued by the Town Board.

3.2 A license may be issued for only one (1) adult oriented establishment located at a fixed and certain place per application filed. Any person, partnership or corporation which desires to operate more than one adult oriented establishment must have a license for each.

3.3 No license or interest in a license may be transferred to any person, partnership, or corporation,

3.4 It shall be unlawful for any entertainer, employee or operator to knowingly work in or to knowingly perform any service directly related to the operation of any adult oriented establishment which does not have a valid license pursuant to this ordinance,

- 3.5 Nothing in this ordinance shall be construed as to permit material or performances prohibited by Wis. Stat. § 944.21.

4.0 APPLICATION FOR LICENSE

- 4.1 Any person, partnership, or corporation desiring to secure a license shall fill out, date, and file an application with the Town of Oakfield Town Clerk.
- 4.2 The application for a license shall be upon a form provided by the Town of Oakfield Clerk's office. An applicant for a license, interested directly in the ownership or operation of the business, shall furnish the following information under oath:
- A. The name (including all aliases) and date of birth of the applicant and any partner or limited partner in a partnership applicant; and any shareholder holding more than ten (10%) percent of the stock of a corporate applicant and each corporate officer and director.
 - B. Written proof that any person required to be named under paragraph (b)(1) is at least eighteen (18) years of age.
 - C. A description of the activities to be conducted on the premises. If any booth, room or cubicle for private viewing of any adult entertainment is intended, a sketch or other adequate description of the premises is required.
 - D. The address of the adult-oriented establishment to be operated by the applicant.
 - E. Whether any person required to be named under paragraph (b)(1) is currently operating, or, has previously operated, in this or any other Town, County, City, or State under an adult-oriented establishment license or similar business license or permit; whether the applicant has ever had such a license revoked or suspended, the reason therefor, and the business entity or trade name under which the applicant operated that was subject to the suspension or revocation.
 - F. If the applicant is a corporation, the application shall also specify the name of the corporation, the date and state of incorporation, and the name and address of the registered agent.
- 4.3 Within thirty-one (31) days of receiving an application for a license, the Town Board shall notify the applicant whether the application has been denied or granted.
- 4.4 Whenever an application is denied, the Town shall advise the applicant in writing of the reasons for such action. The applicant may request a review of the denial pursuant to Chapter 68 of the Wisconsin Statutes, as amended from time to time.
- 4.5 Failure or refusal of the applicant to give any information relevant to the investigation of the application or the applicant's refusal or failure to appear at any reasonable time and place for examination under oath regarding said application or the applicant's

refusal to submit to or cooperate with any investigation required by this ordinance shall be grounds for denial of the application.

5.0 STANDARDS FOR ISSUANCE OF LICENSE

5.1 To receive a license to operate an adult oriented establishment, an applicant must meet the following standards:

- A. If the applicant is an individual:
 - I. The applicant shall be at least eighteen (18) years of age
 - II. The applicant shall not have been found to have previously violated this ordinance within five (5) years immediately preceding the date of application
 - III. The applicant shall not have been convicted of any offense involving moral turpitude, prostitution, obscenity, or other offense of a sexual nature in any jurisdiction within the five (5) years immediately preceding the date of application, unless the person has been duly pardoned.
- B. If the applicant is a corporation:
 - I. All officers, directors, shareholders, and agents required to be named under this ordinance are at least eighteen (18) years of age.
 - II. Neither the corporate applicant nor any officer, director, or shareholder required to be named under this ordinance shall have been found to have previously violated this ordinance within five (5) years immediately preceding the date of application.
 - III. No officer, director, shareholder or agent required to be named under this ordinance, or the corporate applicant, shall have been convicted of any offense involving moral turpitude, prostitution, obscenity, or other offense of a sexual nature in any jurisdiction within the five (5) years immediately preceding the date of the application, unless the person or applicant has been duly pardoned.
- C. If the applicant is a partnership, joint venture, or any other type of organization where two (2) or more persons have a financial interest:
 - I. All persons having a financial interest in the partnership, joint venture, or other type of organization shall be at least eighteen (18) years of age.
 - II. Neither the applicant nor any person having a financial interest in the organization shall have been found to have violated any provision of this ordinance within five (5) years immediately preceding the date of application.
 - III. No applicant or person having a financial interest in the partnership, joint venture, or other type of organization shall have been convicted of any offense involving moral turpitude, prostitution, obscenity, or other offense

of a sexual nature in any jurisdiction within the five (5) years immediately preceding the date of application, unless the person or applicant has been duly pardoned.

- 5.2 Prior to granting the license, the Town Board shall determine whether the applicant complies with all applicable restrictions on location and has substantially complied with all building, zoning, plumbing, electrical, fire, and health codes. The Town may consult with such third parties as may be necessary to determine such compliance.

6.0 FEES

- 6.1 A license fee shall be submitted with the application for the license in the amount specified by Town of Oakfield resolution.

7.0 DISPLAY OF LICENSE

- 7.1 The license shall be displayed in a conspicuous, public place in the adult-oriented establishment.

8.0 RENEWAL OF LICENSE

- 8.1 Every license issued pursuant to this ordinance will terminate at the expiration of one (1) year from the date of issuance, unless sooner revoked, and must be renewed before operation is allowed in the following year. Any operator desiring to renew a license shall make application to the Oakfield Town Clerk. The application for renewal shall be filed in duplicate and dated by the Town Clerk. A copy of the application for renewal shall be distributed promptly by the Oakfield Town Board. The application for renewal shall be on a form provided by the Town Clerk and shall contain such information and data, given under oath or affirmation, as is required for an application for a new license.
- 8.2 A license renewal fee in the amount specified by town resolution shall be submitted with the application for renewal. In addition to the renewal fee, a late penalty in an amount specified by resolution shall be assessed against the applicant who files for a renewal less than sixty (60) days before the license expires.
- 8.3 If the Fond du Lac County Sheriff's office or any other enforcement officials are aware of any information bearing on the operator's qualifications, that information shall be filed in writing with the Oakfield Town Clerk's office.

9.0 REVOCATION, SUSPENSION, AND NON-RENEWAL OF LICENSE

- 9.1 A license issued under this ordinance may be suspended or revoked for any of the following reasons:
- A. Discovery that false or misleading information or data was given on any application or material facts were omitted from any application.
 - B. The operator, entertainer, or any employee of the operator, violates any provision of this ordinance or any rule or regulation adopted by the Town Board pursuant to this ordinance; provided, however, that in the case of a first

offense by an operator where the conduct was solely that of an employee or customer, the penalty shall not exceed a suspension of thirty (30) days if the Town Board shall find that the operator had no actual or constructive knowledge of such violation and could not by the exercise of due diligence have had such actual or constructive knowledge.

- C. The operator becomes ineligible to obtain a license.
 - D. Any cost of fee required to be paid by this ordinance is not paid.
 - E. Any intoxicating liquor or fermented malt beverage, narcotic or controlled substance is served or consumed on the premises of the adult oriented establishment.
 - F. Any operator, employee or entertainer sells, furnishes, gives, or displays, or causes to be sold, furnished, given, or displayed to any minor any adult oriented entertainment or adult oriented material.
- 9.2 The transfer of a license or any interest in a license shall automatically and immediately revoke the license.
- 9.3 Any operator whose license is revoked and who seeks to obtain a new license under this ordinance must apply for a license or permit according to the new license application provisions set forth in this ordinance and must meet the standards for the issuance of a new license as set forth in this ordinance. No location or premises for which a license has been revoked shall be used as an adult oriented establishment for six (6) months from the date of revocation.

10.0 LOCATION

- 10.1 No adult oriented establishment shall be located:
- A. Within 1,000 feet of a residential district as defined in the Town of Oakfield Zoning Ordinance
 - B. Within 500 feet of an existing adult oriented establishment
 - C. Within 1,000 feet of any pre-existing school, church, or day care center
 - D. Within 500 feet of any pre-existing establishment licensed to sell or dispense fermented malt beverages or intoxicating liquor
- 10.2 For purposes of this section, distances are to be measured in a straight line, without regard to intervening structures or objects, from the property line of the adult oriented establishment, to the nearest property line of another adult oriented establishment, school, place of worship, or residential district or establishment selling or dispensing fermented malt beverages or intoxicating liquor.

11.0 HOURS OF OPERATION

- 11.1 No adult oriented establishment shall be open between the hours of 2 a.m. and 8 a.m., Monday through Friday, or between the hours of 2:30 a.m. and 8 a.m. on Saturdays

and Sundays

12.0 PHYSICAL LAYOUT OF ADULT ORIENTED ESTABLISHMENT

- 12.1 Each booth, room, or cubicle shall be totally accessible to and from aisles and public areas of the adult oriented establishment and shall be unobstructed by any door, lock, or other control-type devices. Each booth, room, or cubicle shall be viewable from the public area of the adult oriented establishment.
- 12.2 Every booth, room, or cubicle shall meet the following construction requirements
- A. Each booth, room, or cubicle shall be separated from adjacent booths, rooms or cubicles and any non-public areas by a wall
 - B. Each booth, room, or cubicle shall have at least one side totally open to a public lighted aisle so that there is an unobstructed view at all times of anyone occupying the booth, room, or cubicle
 - C. All walls shall be solid and without any openings, extended from the floor to a height of not less than six (6) feet and be light colored, non-absorbent, smooth textured, and easily cleanable
 - D. The floor must be light colored, non-absorbent, smooth textured, and easily cleanable
 - E. The lighting level of each booth, room, or cubicle shall be a minimum of ten (10) foot candles at all times, as measured from the floor
- 12.3 Only one individual shall occupy a booth, room, or cubicle at any time. No occupant of a booth, room, or cubicle shall engage in any type of sexual activity, cause any bodily discharge or Jitter while in the booth, room, or cubicle. No individual shall damage or deface any portion of the booth, room, or cubicle.

13.0 ALCOHOLIC BEVERAGES

- 13.1 The sale, use, or consumption of any alcoholic beverages, fermented malt beverages, or intoxicating liquors on the premises of an adult oriented establishment is prohibited.

14.0 RESPONSIBILITIES OF THE OPERATOR

- 14.1 If an employee commits an act or omission constituting a violation of this chapter, either with the authorization, knowledge, or approval of the operator, or as a result of the operator's negligent failure to supervise the employee's conduct, the operator shall be punishable for such act or omission in the same manner as if the operator committed the act or caused the omission. Any such act shall be deemed the act or omission of the operator for purposes of determining whether the operator's license shall be revoked, suspended, or renewed.
- 14.2 No employee of an adult oriented establishment shall allow any minor to loiter around

or to frequent an adult oriented establishment or to allow any minor to view adult entertainment.

- 14.3 The operator shall maintain the premises in a clean and sanitary manner at all times.
- 14.4 The operator shall maintain at least ten (10) foot candles of light in the public portions of the establishment, including aisles, at all times. However, if a lesser level of illumination in the aisles shall be necessary to enable a patron to view the adult entertainment in a booth, room, or cubicle adjoining an aisle, a lesser amount of illumination may be maintained in such aisles, provided, however, at no time shall there be less than one (1) foot candle of illumination in said aisles, as measured from the floor.
- 14.5 The operator shall insure compliance of the establishment and its patrons with the provisions of this ordinance.

15.0 ADMINISTRATIVE PROCEDURE AND REVIEW

- 15.1 Chapter 68 of the Wisconsin Statutes, as amended from time to time, shall govern the review regarding the granting, denial, renewal, non-renewal, revocation, or suspension of a license under this chapter. If an owner appeals the non-renewal, revocation, or suspension of a license, that owner will be granted a temporary license applicable while the appeal is pending.

16.0 EXCLUSIONS

- 16.1 All public and private schools, as defined in Chapter 115 of the Wisconsin Statutes, are exempt from obtaining a license hereunder when instructing pupils in sex education as part of the curriculum.
- 16.2 Licensed medical care facilities are exempt from obtaining a permit when engaged in the providing of medical care or sex education.

17.0 PENALTIES AND PROSECUTION

- 17.1 Any person, partnership, or corporation found to have violated this chapter shall have any license obtained hereunder revoked.
- 17.2 In addition to the revocation of a permit issued under this ordinance, any person who shall violate any provision of this ordinance or who shall fail to obtain a permit as required hereunder shall upon conviction of such violation, be subject to a penalty of a civil forfeiture of not less than ten (\$10.00) dollars nor more than two-hundred (\$200.00) dollars, together with the costs of prosecution. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this ordinance shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this ordinance.

18.0 SEVERABILITY

18.1 If any provision of this ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the other provisions of this ordinance.

19.0 ENFORCEMENT

19.1 Personnel of the Fond du Lac County Sheriff's Department shall have the authority to enter any adult oriented establishment to inspect the premises and enforce this ordinance. Such inspections shall be limited to public areas and may only be conducted during business hours

20.0 DISCONTINUATION OF OPERATION

20.1 Any discontinuation in the operation of an adult oriented establishment for a period of twelve (12) months or more shall cause the license to lapse and become void. A license holder whose license has lapsed in this manner shall thereafter be subject to the procedures applicable to the issuance of new licenses.

21.0 EFFECTIVE DATE

21.1 This ordinance shall take effect and be in force upon its passage and publication as required by law

Adopted this ____ day of _____, 2011

TOWN OF OAKFIELD

By _____
Edward Smith, Chairperson

Attest:

Alex Strupp, Town Clerk

TOWN OF OAKFIELD
FOND DU LAC COUNTY, WISCONSIN

**ALL-TERRAIN AND UTILITY-TERRAIN VEHICLE
ROUTE ORDINANCE**

Section 1. Purpose.

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

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

Section 3. Adoption of Ordinance.

This ordinance adopted on proper notice with a quorum and roll call vote by a majority of the Town Board present and voting, provides the authority for the Town to designate all-terrain vehicle and utility terrain vehicle routes in the Town and to regulate the use of those routes and all-terrain vehicles and utility terrain vehicles in the Town.

Section 4. Definitions.

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

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

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

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

a. A weight, without fluids, of 2,000 pounds or less.

b. Four or more tires.

c. A steering wheel.

d. A tail light.

e. A brake light.

f. Two headlights.

g. A width of not more than 65 inches as measured laterally between the outermost wheel rim on each side of the vehicle, exclusive of tires, mirrors, and accessories that are not essential to the vehicle’s basic operation.

h. A system of seat belts, or a similar system, for restraining each occupant of the device in the event of an accident.

i. A system of structural members designed to reduce the likelihood that an occupant would be crushed as the result of a rollover of the device.

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

a. It does not meet federal motor vehicle safety standards in effect on July 1, 2012; is not a golf cart, low-speed vehicle, dune buggy, mini-truck, or tracked vehicle; is designed to be used primarily off of a highway; and has, and was originally manufactured with, a weight, without fluids, of not more than 2000 pounds.

b. It has a width of 65 inches or less as measured laterally between the outermost wheel rim on each side of the vehicle,

exclusive of tires, mirrors, and accessories that are not essential to the vehicle's basic operation.

c. It is equipped with a seat designed to be straddled by the operator.

d. It travels on 3 or more tires.

e. It is not an all-terrain vehicle, as defined in (a) above.

Section 5. Operation of All-Terrain and Utility Terrain Vehicles.

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

Section 6. Designation of All-Terrain and Utility Terrain Vehicle Routes.

The Town of Oakfield hereby designates the following Town roads as all-terrain vehicle and utility terrain vehicle routes: All town roads except for those roads whose jurisdiction is shared with another town, in which case such road will not be a designated route unless the other town approves its designation as a route. The Town also designates all county and state roadways posted 35 mph or less as authorized under Wis. Stat. § 23.33(11)(am)4 unless otherwise posted.

Section 7. Conditions Applicable to All-Terrain and Utility Terrain Vehicle Routes.

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

- (1) Routes shall be marked with uniform all-terrain and utility terrain vehicle route signs in accordance with NR 64.12 (7), Wisconsin Administrative Code. No person may do any of the following in regard to signs marking Town all-terrain and utility terrain vehicle routes:
- (2) Intentionally remove, damage, deface, move, or obstruct any uniform all-terrain and utility terrain vehicle route or trail sign or standard or intentionally interfere with the effective operation of any uniform all-terrain and utility terrain vehicle route or trail sign or standards if the sign or standard is legally placed by the State, any municipality, or any authorized individual.

- (3) Possess any uniform all-terrain and utility terrain vehicle route or trail sign or standard of the type established by the department for the warning, instruction, or information of the public, unless he or she obtained the uniform all-terrain and utility terrain vehicle route or trail sign or standard in a lawful manner. Possession of a uniform all-terrain and utility terrain vehicle route or trail sign or standard creates a rebuttable presumption of illegal possession.
- (b) Operation shall be subject to all provisions of Wis. Stat. § 23.33, which is adopted as a part of this ordinance by reference, pursuant to Wis. Stat. § 23.33(11).
- (c) Operators must abide by all traffic laws unless further restricted by this Ordinance.
- (d) All ATV/UTV operators on routes shall observe posted roadway speed limits; not to exceed 35 MPH.
- (e) ATV/UTV designated routes are closed for operation of an ATV/UTV between the hours of 10:00 P.M. to 6:00 A.M. daily.
- (f) A person operating an ATV/UTV within the Township 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 in their possession a valid motor vehicle operator's license.
- (g) No ATV/UTV may be operated on any designated route without fully functional headlights, tail-lights and brake lights.
- (h) When making directional turns all operators must use signal lights or hand signals.
- (i) 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 unless yielding the right of way.
- (k) No person under the age of eighteen (18) may operate an ATV/UTV on any designated route unless wearing approved protective head gear.

Section 8. Enforcement.

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

Section 9. Penalties.

The penalties under Wis. Stat. § 23.33(13), are adopted by reference.

Section 10. Maintenance.

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

Section 11. Severability.

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

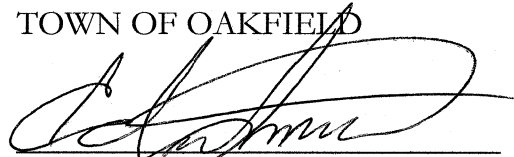
Section 12. Effective Date.

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

Dated this 12 day of October, 2020.

TOWN OF OAKFIELD

By:



Edward Smith, Town Chairman

Attest:


Nicole Schauer, Town Clerk

Town Board

Edward Smith, Chair
Albert Messner, Supervisor
Marvin Pea, Supervisor

Plan Commission

Steve Guth, Chair
Judi Messner
Steve Auchtung
Lance Kintzler
Lois Fisher
Brian Willett (alt.)

Clerk

Alex Strupp

Treasurer

Joyce Beck

ABSTRACT

TITLE: TOWN OF OAKFIELD CONSERVATION SUBDIVISION
ORDINANCE

PRIMARY AUTHOR: Jon Motquin, Associate Planner

CONTRIBUTING AUTHORS: Eric Fowle, Executive Director
John St. Peter, Atty. – Edgerton, St. Peter, Petak & Rosenfeldt

SUBJECT: Land development regulations for environmental protection

ADOPTION DATE: April 9th, 2007

LOCAL PLANNING AGENCY: East Central Wisconsin Regional Planning Commission

SOURCE OF COPIES: Alex Strupp, Town Clerk
Town of Oakfield
N2576 County YY
Oakfield, WI 53065
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1.0 INTRODUCTION

1.1 STATUTORY AUTHORIZATION

This ordinance is adopted pursuant to the authority contained in *Wisconsin State Statutes* s. 236.45, as amended from time to time. Jurisdiction of these regulations shall include all lands within the corporate limits of the Town of Oakfield, Wisconsin. The ordinance does not apply to:

- (1) Transfers of interests in land by will or pursuant to court order.
- (2) Cemetery plats under *Wisconsin State Statutes* s.157.07.
- (3) The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this ordinance or other applicable laws or ordinances.
- (4) Assessors' plats made under *Wisconsin State Statutes* s.70.27, but such assessors' plats shall comply with s. 236.15(1)(a)--(g) and 236.20(1), (2)(a)--(c).

1.2 TITLE

This ordinance shall be known as the Conservation Subdivision Ordinance for the Town of Oakfield, Wisconsin.

1.3 FINDING OF FACT

Uncontrolled development in the rural areas of this municipality would impair the economic vitality of agribusiness, disrupt the rustic character of the town, hinder Niagara Escarpment preservation efforts, degrade water quality, destroy ecological habitats, and inhibit cost-effective delivery of public and community services.

1.4 STATEMENT OF PURPOSE

This ordinance is intended to regulate residential development to:

- (1) Guide the future growth and development of the community consistent with the Town of Oakfield's adopted comprehensive plan;
- (2) Guide the detailed analysis of the development parcel so as to locate and coordinate appropriate areas for development and conservation;
- (3) Preserve the rural character through the permanent preservation of meaningful open space and sensitive natural resources;
- (4) Preserve scenic views by minimizing views of new development from existing roads;

- (5) Preserve the unique geological features associated with the Niagara Escarpment and the surrounding area;
- (6) Preserve prime agricultural land by concentrating housing on lands that have low agricultural potential;
- (7) Provide commonly-owned or public open space areas for passive and/or active recreational use by residents of the development and, where specified, the larger community;
- (8) Provide for a diversity of lot sizes, housing choices and building densities to accommodate a variety of age and income groups;
- (9) Provide buffering between residential development and non-residential uses;
- (10) Protect and restore environmentally sensitive areas and biological diversity, minimize disturbance to existing vegetation, and maintain environmental corridors;
- (11) Preserve significant archaeological sites, historic buildings and their settings; and
- (12) Meet demand for housing in a rural setting.

1.5 ABROGATION AND GREATER RESTRICTIONS

It is not intended by the Ordinance to repeal, abrogate, annul, impair, or interfere with any existing private easements, covenants, deed restrictions, or agreements, nor any ordinances, rules, regulations, or permits previously adopted or issued pursuant to law except as provided in Sec. 1.8. However, when this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

This ordinance does not apply to:

- (1) **Public Provisions.** These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, the provision which is more restrictive or imposes higher standards shall control.
- (2) **Private Provisions.** These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement impose duties and obligations

more restrictive than these regulations, and the private provisions are not inconsistent with these regulations, then the private provisions shall be operative and supplemental to these regulations and the determinations made under the regulations.

1.6 INTERPRETATION

In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. These regulations shall be construed broadly in favor of the Town of Oakfield to promote the purposes for which they are adopted.

1.7 SEVERABILITY

If any part or provision of these regulations or the application of these regulations to any person or circumstances is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which the judgment shall be rendered. It shall not affect or impair the validity of the remainder of these regulations or the application of them to other persons or circumstances. The Town of Oakfield hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application which is judged to be invalid.

1.8 AMENDMENT/REPEAL

This ordinance implements the *Town of Oakfield Zoning Ordinance* adopted on August 16, 1982 with subsequent amendment in March 13, 2000. This ordinance shall repeal provisions and applications of other ordinances if and only if inconsistencies arise in the designated conservation subdivision districts within the Town of Oakfield.

1.9 EFFECTIVE DATE

This ordinance shall take effect upon the passage and adoption by the Town board and the filing of proof of posting or publication in the Office of the Town Clerk.

2.0 DEFINITIONS

Unless specifically defined, words and phrases in this ordinance shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive; "shall" is mandatory and is not discretionary.

BUFFER: A legally required setback which is maintained with trees, shrubs, and/or herbaceous vegetation. To the extent practical, vegetation within the

buffer should include species native to Wisconsin that are non-aggressive and non-invasive. Vegetated buffers exist or are established to protect stream systems, lakes, reservoirs, wetlands, and other environmental features included with the "Resource Protection Areas" as indicated in the *Oakfield Area Joint Land Use Plan*. Alteration of this natural area is strictly limited.

COMMON OPEN SPACE: Undeveloped land within a conservation subdivision that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the development. Common open space shall not be part of individual residential lots. It shall be substantially free of structures, but may contain historic structures and archaeological sites including Indian mounds, and/or such recreational facilities for residents as indicated on the approved development plan.

CONSERVATION EASEMENT: The grant of a property right or interest from the property owner to a unit of government or nonprofit conservation organization stipulating that the described land shall remain in its natural, scenic, open or wooded state, precluding future or additional development.

CONSERVATION SUBDIVISION: A housing development in a rural setting that is characterized by compact lots and common open space, and where the natural features of the land are maintained to the greatest extent possible.

DEVELOPMENT ENVELOPE(S): Areas within which grading, lawns, pavement and buildings will be located.

GROSS ACREAGE: The total area of a parcel including the area of perimeter street rights-of-way to the center line of the street.

HOMEOWNER'S ASSOCIATION: A community association incorporated or not incorporated, combining individual home ownership with shared use or ownership of common property or facilities.

NONPROFIT CONSERVATION ORGANIZATIONS: Any charitable corporation, charitable association or charitable trust (such as a land trust), the purposes or powers of which include retaining or protecting the natural, scenic or open space values of real property, assuring the availability of real property for agricultural, forest, recreational or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological or cultural aspects of real property.

PARENT PARCEL: The existing parcel of record, as identified by individual tax parcel numbers, as of the effective date of this ordinance.

SUBDIVIDER: Any person, corporation, partnership, association, individual, firm, trust or agent dividing or proposing to divide land resulting in a conservation subdivision.

3.0 GENERAL PROVISIONS

3.1 ESTABLISHMENT OF DISTRICTS

(1) AREAS TO BE REGULATED

The conservation subdivision standards apply to all divisions of a parent parcel of 15 acres or more by a subdivider where the division creates at least three (3) new parcels. The number of new parcels that can be created shall be consistent with the applicable zoning ordinance for the parent parcel. The overall development density for the parent parcel is the same as would be allowed for a conventional subdivision except for those conservation subdivisions which qualify for a development bonus under section 5.2. The provisions of this ordinance apply to residential development within the Town. Conservation subdivisions should not be allowed in either the Niagara Escarpment Management Zone, Horicon Marsh Viewshed Overlay Zone, and Resource Protection Areas as indicated in the *Oakfield Area Joint Land Use Plan* or areas where shoreland and floodplain zoning is currently enforced.

(2) RESTRICTIONS

No person shall divide any land under the provisions of this ordinance without compliance with all requirements of this ordinance and the following:

- a) The provisions of *Wisconsin State Statutes* Ch. 236 and s. 80.08.
- b) The rules of the Wisconsin Department of Commerce, contained in Chapter COMM 83 and related chapters of the Wisconsin Administrative Code for land divisions not served by public sewer.
- c) The rules of the Division of Transportation Infrastructure Development, Wisconsin Department of Transportation, contained in Chapter TRANS 233 of the Wisconsin Administrative Code for subdivisions that abut a state trunk highway or connecting street.
- d) The rules of the Wisconsin Department of Natural Resources contained in Chapter 118 of the Wisconsin Administrative Code for shoreland, shoreland-wetland, and floodplain management.
- e) Consistency with the Town of Oakfield's adopted Comprehensive Plan.
- f) All applicable local and county regulations, including zoning, sanitary, building and official mapping ordinances.
- g) All other applicable rules contained in the Wisconsin Administrative Code.

(3) ADDITIONAL RESTRICTIONS

In addition to the restrictions set forth above, the town board reserves the right to require the imposition of deed restrictions if deemed reasonably necessary to implement the provisions of the Ordinance. Said deed restrictions shall run with the land and be separately enforceable by the Town.

4.0 APPLICATION PROCEDURE AND PROCEDURE PROCESS

4.1 INITIAL CONFERENCE

Before submitting an application for a conservation subdivision, the subdivider shall schedule an appointment and meet with the plan commission to discuss the procedure for approval of a conservation subdivision, including submittal requirements and design standards.

At this initial appointment, the subdivider and plan commission may also schedule a visit to the site with the subdivider to review the existing features of the site and the concept plan. To the extent practicable, the following parties should physically walk the site to inspect the proposed subdivision site as well as the surrounding areas: the subdivider, at least one member of the plan commission, at least one member of the Town Board, the current property owner, adjacent landowners, and any interested citizens. Professionals such as Wisconsin Department of Natural Resources staff, United States Fish and Wildlife Staff, and/or land trust employees may be invited if a proposed subdivision will affect a parcel owned by these entities, or if professional expertise regarding ecological issues on the site is desired.

All parties should walk the proposed property in order to create a "sketch plan" map of the prominent natural and man-made features which are located on the property and surrounding areas. The site walk should end with an informal design session in which lots and houses are identified using the following four stage process as described by Ardent (1994) in mapping including: 1.) identifying primary and secondary conservation areas; 2.) designing open space to protect them; 3.) arranging houses outside of these protected areas; and 4.) laying out streets, lots, and other infrastructure. After the "sketch plan" has been prepared, the subdivider shall present the proposal to the entire plan commission for final approval of the "sketch plan" before more detailed mapping occurs.

4.2 INITIAL APPLICATION

After the initial conference, site visit, and approval of the sketch plan, the subdivider shall submit a series of maps and descriptive information to the plan commission according to the following. Mapping for the initial application can be done in any combination of features as long as individual map components can be distinguished and the relationship between map components can be determined. The initial application must include the following data:

(1) Inventory and Mapping

All existing resources on a proposed development site shall be mapped at a scale of no less than one inch per 50 feet to include:

- (a) Topographic contours at 2-foot intervals.
- (b) United States Department of Agriculture, Natural Resource Conservation Service soil type locations and identification of soil type characteristics such as agricultural capability, depth to bedrock and water table, and suitability for wastewater disposal systems. Type and stability of bedrock should also be noted, particularly in karst areas and areas with high potential for groundwater contamination due to fractured bedrock or the presence of heavy metals (i.e., arsenic), bacteria, nitrates, atrazine, or other pollutants.
- (c) Hydrologic characteristics, including surface water bodies, floodplains, groundwater recharge and discharge areas, wetlands, natural swales, drainage ways, and steep slopes.
- (d) Land cover on the site, according to general cover type (pasture, woodland, etc.), and tree species native to Wisconsin that are non-aggressive and non-invasive with a caliper of more than 10 inches measured four (4) feet off the ground. The inventory shall include comments on the health and condition of the vegetation. Specific non-aggressive and non-invasive tree species are those sold by Wisconsin Department of Natural Resources state nurseries (Exhibit A, Appendix 9.2).
- (e) Current and past land use, all buildings and structures on the land, cultivated areas, brownfields, waste sites, and history of waste disposal practices, paved areas, and all encumbrances, such as easements or covenants.
- (f) Known critical habitat areas for rare, threatened or endangered species (Exhibit B, Appendix 9.3).
- (g) Views of the site, including views onto the site from surrounding roads, public areas and elevated areas, including photographs with a map indicating the location where the photographs were taken.
- (h) Unique geological resources, such as rock outcrops and glacial features.
- (i) Publicly owned and conservation reserve program lands as indicated by the *Oakfield Area Joint Land Use Plan*, or other official sources such as NRCS, USDA, WDNR, etc.
- (j) Cultural resources: brief description of historic character of buildings and structures, historically important landscapes, and archeological

features. This includes a review of existing inventories, including those the State Historical Society of Wisconsin maintains for historic buildings, archaeological sites, and burial sites (Exhibit C, Appendix 9.4).

(2) Development Yield Analysis

- (a) The subdivider shall submit a table showing the maximum number of dwelling units that would be permitted under the town zoning ordinance, consistent with the minimum lot size, lot widths, set backs, and other provisions of the zoning ordinance as compared to the number of dwelling units proposed under the conservation requirements.
- (b) Land that is undevelopable because of other laws and ordinances that prohibit development in certain areas (e.g. floodplains, wetlands, steep slopes, and drainage ways) shall be excluded from the development yield analysis.

(3) Site Analysis and Concept Plan

- (a) Using the inventory in 4.2(1), the development yield analysis in 4.2(2), and applying the design standards specified in section 5 of this ordinance, the concept plans shall include the following information at a scale of no less than one inch equal 50 feet:
 - (i) Open space areas indicating which areas will remain undeveloped and trail locations.
 - (ii) Boundaries of areas to be developed and proposed general street and lot layout.
 - (iii) Number and type of single-family housing units proposed.
 - (iv) Proposed methods for and location of all water supply systems, stormwater management facilities (e.g., best management practices), and sewage treatment facilities. To the extent feasible, all facilities shall be community-based and centrally located. The subdivider must demonstrate the infeasibility of community-based, centrally located facilities. Increased cost is insufficient to overcome the legislative presumption of the desirability that all facilities shall be community-based and centrally located.
 - (v) Inventory of preserved and disturbed natural features and prominent views.
 - (vi) Preliminary development envelopes showing areas for lawns, pavement, buildings, and grading.
 - (vii) Proposed methods for ownership and management of open space.

(4) Location Map

- (a) The subdivider shall submit a map showing the general location of the property to be subdivided. The map should include general outlines of existing buildings, land use, and natural features such as water bodies or

wooded areas, roads and property boundaries within 500 feet of the tract. This information may be presented on an aerial photograph at a scale of no less than 1 inch: 400 feet.

4.3 REVIEW OF INITIAL APPLICATION

Within 30 days following the filing of a complete initial application the plan commission shall meet with the subdivider to review the initial application. Staff from appropriate state agencies may also be requested by the town to review the application. The plan commission shall make the determination of whether the initial application is complete. Within 30 days following the meeting, the plan commission shall provide a written report informing the subdivider of any additions, changes, or corrections to the concept plan submitted as part of the initial application.

4.4 PRELIMINARY PLAT REVIEW AND APPROVAL PROCEDURES

Following review and comment of the plan commission on the initial application, the subdivider or subdivider agent shall file an application for review and approval of the plan commission of a preliminary plat with the town clerk. The application should include the following:

- (1) The proposal should be reviewed by administrative staff from appropriate governmental agencies and utility commission reviews. The town clerk shall provide copies of the preliminary plat to town and county department heads, to the appropriate objecting agencies under *Wisconsin State Statutes* s.236.12, and to the appropriate utilities for their review and comment. The town and county staff and utility comments will be forwarded to the plan commission and town board for consideration during the review process.
- (2) The town clerk shall schedule a public hearing on the preliminary plat before the plan commission. The town clerk shall give notice of the plan commission's review and public hearing on the preliminary plat by listing it as an agenda item in the plan commission's meeting notice published in the official local government newspaper. The notice shall include the name of the applicant, the address of the property in question, and the requested action. All abutting property owners to the proposed land division shall receive written notice of the public hearing.
- (3) After review of the preliminary plat and negotiations with the subdivider on changes and the kind and extent of public improvements that will be required, the plan commission shall recommend to the town board disapproval, approval, or conditional approval of the preliminary plat within 60 days of the filing date. If the preliminary plat is approved, the plan commission shall endorse it for the town board.
- (4) After receipt of the plan commission's recommendation, the town board shall, within 90 days of the date the preliminary plat was filed with the town clerk,

approve, approve conditionally, or reject such plat and shall state, in writing, conditions of approval or reasons for rejection, unless the time is extended by agreement with the subdivider. Failure of the town board to act within 90 days or extension thereof shall constitute an approval of the preliminary plat under *Wisconsin State Statutes* s.236.11(1)(a), unless other authorized agencies object to the plat. The town clerk shall communicate to the subdivider the action of the town board.

- (5) Approval of a preliminary plat shall be valid for six months from the date of approval. Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat. The preliminary plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the final plat, which will be subject to further consideration by the plan commission and town board at the time of its submission.
- (6) If the subdivider desires to amend the preliminary plat as approved, the subdivider may resubmit the amended plat, which shall follow the same procedure, except for the fee, unless the amendment is, in the opinion of the plan commission of such scope as to constitute a new plat, in which case it shall be refiled.
- (7) Any person aggrieved by an objection to a plat or a failure to approve a plat under this ordinance may appeal, to circuit court, within 30 days of notification of the rejection of the plat.

4.5 PRELIMINARY PLAT REQUIREMENTS

The preliminary plat shall be prepared by a licensed land surveyor or engineer at a convenient scale not less than one (1) inch equals one hundred (100) feet. More than one (1) sheet may be used to present the information required in this section and shall include the following:

- (1) Proposed Name of the Subdivision.

The name shall not duplicate or be alike in pronunciation of the name of any plat previously recorded in the County.
- (2) Project Ownership and Development Information.
 - (a) Name, address, and telephone number of the legal owner and, if applicable, agent of the property.
 - (b) Name, address, and telephone number of the professional person(s) responsible for subdivision design, for the design of public improvements, and for surveys.
 - (c) Date of preparation.

(3) Existing Site Conditions.

The existing site conditions should be described on a property survey map including the following information:

- (a) Boundary line of the proposed site and all property to be subdivided. Include all contiguous land owned or controlled by the subdivider.
- (b) Location, width, and names of all existing platted streets and rights-of-way to a distance of 100 feet beyond the site.
- (c) Show the type, width and condition of street improvements; railroad or major utility rights-of-way; parks and other public open spaces; location and widths of existing snowmobile or other recreation trails; and permanent buildings and structures to a distance of 100 feet beyond the site, if any.
- (d) Location, widths, and names of all existing public and private easements to a distance of 100 feet beyond the site.
- (e) Identify by name and ownership boundary lines of all adjoining lands within 100 feet of the proposed plat.
- (f) Topographic data including contours at vertical intervals of not more than 2 feet. Elevation values shall be based on the National Geodetic Vertical Datum of 1929 (NGVD 29) or the North American Datum of 1988 (NAVD 88) or future adjustments to NAVD 88 as defined by the National Geodetic Survey and should also be so noted on the plat.
- (g) Significant natural resource features on the site, i.e. wetlands, floodplains, watercourses, existing wooded areas, steep slopes, drainage ways, rare, threatened and endangered species, and other natural resource features, views and other prominent visual features.
- (h) Burial sites categorized under *Wisconsin State Statutes s.157.70*, Indian mounds, national and state register listed properties, and locally designated historic properties.
- (i) Existing soil classifications, including hydric soils.
- (j) Legal description of the property.
- (k) Existing zoning classifications for land in and abutting the subdivision.
- (l) Total acreage of the proposed site.
- (m) Provide graphic scale, north arrow, and date.

(4) Subdivision Design Features.

- (a) Layout of proposed streets, showing right-of-way widths, types of improvements, street surface widths, and proposed street names.
- (b) Locations and type of proposed public easements (i.e. drainage, utility, pedestrian, public access to waterways, etc.); and all conservation easements.
- (c) Layout of proposed blocks and lots within the plat.
- (d) Basic data regarding proposed and existing (if applicable) lots and blocks, including numbers, dimensions, area.
- (e) Minimum front, side and rear yard building setback lines for all lots.
- (f) Indication of the use of any lot.
- (g) Location and size of all proposed and existing sanitary sewer lines and water mains, proposed community sewer and water system, or individual on-site septic systems and potable water sources.
- (h) Location and size of all proposed and existing storms sewers (lines, drain inlets, manholes), culverts, retention ponds, swales, infiltration practices and areas, and other stormwater facilities within the plat and to a distance of 100 feet beyond the site.
- (i) Development envelopes showing areas for grading, lawns, pavement and buildings.
- (j) Open space areas, other than pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres. Provide information on the conditions, if any, of the dedication or reservation.
- (k) Management plan for restoration and long-term management of the open space areas.

(5) Preliminary Construction Plans.

Detailed preliminary construction plans should demonstrate the following:

- (a) Proposed street centerline profile grades, showing the existing and proposed profile grade lines.
- (b) Existing and proposed grades, drainage patterns, and stormwater facilities. The plan shall show the location and extent of grading activities in and adjacent to the plat, overall area of the site in acres,

total impervious surface area of project, total pervious area, stockpile locations, erosion and sediment control facilities, and a schedule for erosion and sediment control practices including site specific requirements to prevent erosion at the source. Major trees to be preserved, with a diameter of 10 inches or more measured four (4) feet above ground level, shall be shown on the preliminary grading and erosion control plan. Adequate measures for protecting major trees shall be shown on the plan.

- (c) Provisions for community based sewage disposal, water supply, stormwater management, and flood control.

4.6 FINAL PLAT REVIEW AND APPROVAL PROCEDURES

A final subdivision plat shall be filed in accordance with the following:

- (1) The subdivider shall prepare a final plat and a letter of application in accordance with this ordinance and shall file 20 copies of the plat and the application with the town clerk at least 21 days prior to the meeting of the plan commission at which action is desired. The owner or subdivider shall file the final plat not later than six months after the date of approval of the preliminary plat; otherwise, the preliminary plat and final plat will be considered void unless an extension is requested in writing by the subdivider and for good cause granted by the town. The subdivider or subdivider's agent shall also submit at this time a current certified abstract of title or such other evidence as the town may require showing ownership or control in the applicant.
- (2) The subdivider or the subdivider's agent shall submit the original plat to the Plat Review Section, Wisconsin Department of Administration, which shall forward two copies to each of the agencies authorized to object under *Wisconsin State Statutes s.236.12(2)*. The department shall have the required number of copies made at the subdivider's expense.
- (3) Simultaneously with the filing of the final plat, the owner shall file with the town clerk four (4) copies of the final construction plans and specifications of public improvements required by the town and county.
- (4) The subdivider shall also submit plans for areas to be protected. Where feasible a detailed land stewardship plan should discuss a planting and maintenance schedule for introduced native vegetation. If these open areas are in close proximity to (less than or equal to 0.5 miles) federally or state owned lands, these plans shall be consistent with the recommendations established in the *Horicon National Wildlife Refuge Comprehensive Conservation Plan, Oakfield Area Joint Land Use Plan*, or current master planning documents completed by the Wisconsin Department of Natural resources.
- (5) The town clerk shall provide copies of the final plat to town and county department heads and to the appropriate utilities for their review and

comment. The town and county staff and utility comments will be forwarded to the plan commission and town board for their consideration during the review process.

- (6) The plan commission shall examine the final plat as to its conformance with the preliminary plat; any conditions of approval of the preliminary plat; this chapter; and all applicable ordinances, rules, regulations, and comprehensive plan elements that may affect it and shall recommend approval, conditional approval, or rejection of the plat to the town board.
- (7) The plan commission shall, within 60 days of the date of filing the original final plat with the town clerk, approve or reject such plat unless the time is extended by agreement with the subdivider. If the plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the subdivider. The plan commission may not inscribe its approval on the final plat unless the town clerk certifies on the face of the plat that the copies were forwarded to objecting agencies as required in this section, the date thereof and that no objections have been filed within 20 days or, if filed, have been met.
 - (a) The plan commission shall, when it determines to approve a final plat, give at least ten days' prior written notice of its intention to the municipal clerk of any municipality within 1,000 feet of the final plat.
 - (b) If the plan commission fails to act within 60 days, without a time extension and no unsatisfied objections having been filed, the plat shall be deemed approved.
 - (c) After the final plat has been approved by the plan commission and required improvements either installed or a contract and sureties ensuring their installation is filed, the town clerk shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and the plat returned to the subdivider for recording with the county register of deeds along with all conservation easements and deed restrictions. The register of deeds cannot record the plat unless it is offered within six months from the date of last approval.
 - (d) The subdivider shall file eight (8) copies of the approved final plat with the town clerk for distribution to the approving agencies, affected sanitary districts, and other affected agencies for their files.

4.7 FINAL PLAT REQUIREMENTS

A final plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply with the requirements of *Wisconsin State Statutes s. 236.20* and this ordinance. The final plat shall show correctly on its face in addition to the requirements of s. 236.20, the following:

- (1) Exact length and bearing of the centerline of all streets.
- (2) Exact street width along the line of any obliquely intersecting street.
- (3) Exact location and description of utility and drainage easements.
- (4) Railroad rights-of-way within and abutting the plat.
- (5) All lands reserved for future public acquisition or reserved for the common use of property owners within the plat, including public access to waterways.
- (6) Restrictions relating to access control along public ways.
- (7) Setback or building lines.
- (8) Restrictive covenants, deed restrictions, conservation easements for the proposed subdivision shall be filed with the final plat.
- (9) The legal instruments detailing the ownership of the common open space, as required in section 5, which shall be filed with the final plat.
- (10) All final plats shall meet all the surveying and monumenting requirements of *Wisconsin State Statutes s. 236.15*.
- (11) Where the plat is located within a quarter section, the corners of which have been relocated, monumented, and coordinated by the town, the plat shall be tied directly to one of the section or quarter corners so relocated, monumented, and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements and the material and state plane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat.
- (12) All final plats shall provide all the certificates required by *Wisconsin State Statutes s.236.21*. In addition, the surveyor shall certify that the surveyor has fully complied with all sections of this chapter.
- (13) The final plat shall be recorded within 30 days of its approval by the plan commission.

4.8 CERTIFIED SURVEY MAPS

Conservation subdivisions shall not be created by certified survey maps under *Wisconsin State Statutes s. 236.34*.

5.0 REQUIREMENTS for DESIGN and IMPROVEMENTS

5.1 LAND SUITABILITY

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

- (1) All areas mapped as 100 Year Floodplain by the Federal Emergency Management Agency (FEMA), Wisconsin Department of Natural Resources, or other public or private entity.
- (2) All wetlands as defined in NR 103.02(5) of the Wisconsin Administrative Code, including a 100 foot buffer.
- (3) All areas within 100 feet of the ordinary high-water mark of navigable streams and lakes, as identified by Wisconsin Department of Natural Resources Water Management Specialists.
- (4) All areas having slopes equal to or greater than 12 percent.
- (5) Areas that are known to provide habitat for rare, threatened or endangered species.
- (6) Burial sites and Native American mounds.
- (7) Drainage ways that contain running water during spring runoff, during storm events or when it rains. A 100 foot buffer from the edge of the drainage way shall be included.

Areas determined to be environmentally sensitive may be included as common open space in a conservation subdivision but shall not be included in the development yield analysis in section 4.2. These lands shall be identified as an outlot or other designation that indicates the land is not available for development. All buffers around environmentally sensitive areas shall be maintained in natural vegetation with preference given to species native to the Town of Oakfield.

5.2 DEVELOPMENT

The number of residential units for a parcel shall be determined in accordance with the following:

- (1) The development yield analysis in section 4.2(2) shall establish the base development yield for the parcel.
- (2) The base development yield may be increased if the development complies with one or more of the following standards. Each standard provides a

development yield bonus of 5% in addition to the base development yield. The maximum bonus permitted is 20%.

- (a) Creating an endowment where the principal would generate sufficient annual interest to cover the conservation easement holder's yearly costs (taxes, insurance, maintenance, enforcement, etc.).
- (b) Providing for access by the general public to trails, parks, or other recreational facilities, excluding golf courses. The individual homeowners associations (or other owner) may establish a trail fee system for trail usage by non-owners if desired.
- (c) Providing affordable housing, to include a minimum of 25 percent of all units that would be affordable to moderate-income households, as defined by the U.S. Department of Housing and Urban Development.
- (d) Reusing historical buildings and structures, including those sites inventoried by the State Historical Society of Wisconsin. The U.S. Secretary of the Interior's Standards for Rehabilitation of Historic Properties shall apply.

5.3 PERFORMANCE STANDARDS

Several general physical, spatial, and social parameters shall be used to evaluate the implementation of conservation subdivisions within the town.

- (1) General considerations.
 - (a) Conservation subdivisions shall identify a conservation theme or themes. This theme shall be identified at the time of the initial application. Conservation themes may include, but are not limited to, forest stewardship, water quality preservation, farmland preservation, natural habitat restoration, viewshed preservation, or archaeological and historic properties preservation. The plan commission shall have the ability to specify which areas shall be preserved.
 - (b) The residential lot shall be large enough to accommodate a house and two car garage.
- (2) Residential Lot Requirements.
 - (a) Lots using community septic system should be a minimum of 0.25 acres but not exceed a maximum of one (1) acre; lots served by a private on-site septic system should be a minimum 0.5 acres but not exceed a maximum of one (1) acre.

- (b) Specific setbacks shall be required for principal buildings. The front lot line set back shall be 30 feet, side lot lines shall be 10 feet and rear lot lines shall be 10 feet.
- (c) Specific setbacks shall be required for accessory buildings. These structures shall be setback 10 feet from the side lot lines and 10 feet from the rear lot line. Accessory building should preferably be placed in the rear yard.
- (d) Lots shall be configured to minimize the amount of impervious surfaces including buildings, driveways, patios, and other impermeable surfaces. Roads and other community features should not exceed 20% of the overall parcel which is being subdivided. The maximum allowable impervious surfaces per individual lot shall be determined by the overall lot size

<u>Lot size</u>	<u>Impervious Surface</u>
0.25 acre	50%
0.50 acre	35%
1.00 acre	20%

- (e) The maximum building height shall be 35 feet.
- (f) Most lots shall take access from interior neighborhood streets as defined in 5.3(5)(b). Existing farmsteads which will be preserved may have a driveway as part of the historic landscape that does not access a local street.
- (g) Lots shall be configured to minimize the amount of road length required for the subdivision.
- (h) Development envelopes shall be configured to minimize the loss of woodlands.
- (i) If agricultural uses are being maintained, lots shall be configured in a manner that maximizes the usable area remaining for such agricultural uses with appropriate buffers between agricultural uses and residential structures.
- (j) All lots within a neighborhood shall abut open space on at least one side. A local street may separate lots from the open space.
- (k) Lots shall be oriented around one or more of the following:
 - (i) A central green or square
 - (ii) A physical amenity such as a meadow, a stand of trees, or some other natural or restored feature.

- (l) Development envelopes should not be located on ridges, hilltops, along peripheral public roads or in other visually prominent areas.
 - (m) Residential structures shall be oriented to maximize solar gain in the winter months.
 - (n) A 100 foot native vegetation buffer shall be maintained around open water areas, unless a specific common beach or grassed area is identified.
 - (o) Stormwater management best management practices (BMPs).
 - (i) Minimize the use of curb and gutter and maximize the use of open swales.
 - (ii) Roof down spouts should drain to porous surfaces.
 - (iii) Peak discharges during the 2 and 10 year storm events shall be no more than pre-developed conditions.
 - (iv) The development should capture 80% of the sediments/pollutants from the 1 year storm event.
 - (v) Landscape plantings should be used to increase infiltration and decrease runoff. Where feasible, native plants should be utilized.
 - (vi) Natural open drainage systems shall be preserved.
- (3) Residential Cluster Siting Standards.
- (a) All residential lots and dwellings shall be grouped into clusters. Each cluster shall contain no more than 20 dwelling units and no less than three (3) units.
 - (b) Residential clusters shall be located to minimize negative impacts on the natural, scenic and cultural resources of the site and conflicts between incompatible uses.
 - (c) Residential clusters shall avoid encroaching on rare plant communities, high quality sites, or endangered species identified by the Department of Natural Resources.
 - (d) Whenever possible, open space shall connect with existing or potential open space lands on adjoining parcels and local or regional recreational trails.
 - (e) Residential clusters should be sited to achieve the following goals, to the extent practicable.
 - (i) Minimize impacts to prime farmland soils and large tracts of land in agricultural use, and avoid interference with normal agricultural practices.
 - (ii) Minimize disturbance to woodlands, wetlands, grasslands, and mature trees.

- (iii) Prevent downstream impacts due to runoff through adequate on-site storm water management practices.
 - (iv) Protect scenic views of open land from adjacent roads. Visual impact should be minimized through use of landscaping or other features.
 - (v) Protect archaeological sites and existing historic buildings or incorporate them through adaptive reuse.
- (f) Landscaping around the cluster may be necessary to reduce off site views of residences.
- (4) Open Space Design.
- (a) The minimum open space required shall be owned and maintained under one of the alternatives listed in section 6, as approved by the town. The uses within the open space shall be accessible to the residents of the development. These uses may also be available to the general public providing the proper approvals are received. The required open space shall be undivided and restricted in perpetuity from future development, as specified in Section 6.
 - (b) Open space shall be designated as part of the development. The minimum required open space is 50 % of the gross acreage, but varies with parcel size. Additional density bonuses may be offered if the subdivider exceeds these requirements. Open space requirements are as follows:
 - (i) 50% for parcels less than or equal to 40 acres.
 - (ii) 55% for parcels between 40 and 80 acres.
 - (iii) 60% for parcels greater than 80 acres.
 - (c) The areas to be preserved shall be identified on a case-by-case basis in an effort to conserve and provide the best opportunities to restore and enlarge the best quality natural features of each particular site. The open spaces shall be ranked on their conservation merit according to the following order of significance:
 - (i) First priority will be given to intact natural communities, rare and endangered species, environmental corridors, natural and restored prairies, significant historic and archaeological properties, and steep slopes.
 - (ii) Second priority will be given to areas providing some plant and wildlife habitat and open space values.
 - (iii) Third priority will be given to areas providing little habitat but providing viewshed, recreation, or a sense of open space.

- (d) The following areas or structures may be located within the open space area and shall be counted toward the overall open space percentage required:
 - (i) Parking areas for access to and use of the open space developed at a scale limited to the potential users of the open space.
 - (ii) Privately-held buildings or structures provided they are accessory to the use of the open space.
 - (iii) Shared septic systems and shared potable water systems.
 - (e) Road rights of way shall not be counted towards the required minimum open space.
 - (f) No more than 50 percent of the required open space may consist of water bodies, ponds, floodplain, or wetlands.
 - (g) That portion of open space designed to provide plant and animal habitat shall be kept as intact as possible. Trails shall be designed to avoid fragmenting these areas.
 - (h) Accessible open space in upland areas shall be available for recreational uses such as trails, play fields, or community gardens but should be designed in a manner that avoids adversely impacting archeological sites.
 - (i) A pathway system connecting open space areas accessible to neighborhood residents, and connecting these areas to neighborhood streets and to planned or developed trails on adjacent parcels shall be identified in the plan.
- (5) Street Standards.
- (a) Neighborhood streets may take the form of a two-way street, a pair of one-way streets on either side of a landscaped median, or a one-way loop street around a small neighborhood green. Streets shall be developed according to the following standards that promote road safety, assure adequate access for fire and rescue vehicles, and promote adequate vehicular circulation.
 - (b) Neighborhood streets shall provide main subdivision ingress and egress. Neighborhood streets may be constructed perpendicular to existing Town roads, county highways, or state highways.
 - (c) The applicant must demonstrate that access to the development has the capacity to handle traffic generated by the proposed project, and will not endanger the safety of the general public.
 - (d) Streets shall have the following design standards:

- (i) Right-of-way widths. The right-of-way width for each road shall be wide enough to provide for all public services, including roadway drainage, sidewalks, trails, and walkways, utilities, and snow storage. The minimum right-of-way shall be provided in accordance with the following:

<u>Right-of-Way</u>	<u>ADT less than 250</u>	<u>ADT over 250</u>
Two-way roadway	66'	66'

- (ii) Travel lane widths for local roads shall be determined by the expected average daily traffic (ADT) and shall be within the following ranges:

<u>Travel Lanes</u>	<u>ADT</u>		
	<u><100</u>	<u>100-250</u>	<u>>250</u>
Two-way roadway*	18'-24'	20'-26'	22'-28'
Shoulder width	2'-4'	2'-4'	2'-4'

*Does not include shoulder or gutter pan

- (e) Additional standards:

- (i) Design Speed: Maximum 25 miles per hour.
- (ii) Vertical Curves: Minimum 50' (when grade difference less than 1%, no curve is needed).
- (iii) Horizontal Curves: Minimum radius of 125'.
- (iv) Road Grades: Maximum grade 8%.
- (v) Super-elevation: Maximum e= 0.04 feet/foot.
- (vi) Pavement Strength: 15 ton minimum.
- (vii) Clear Zones: Shoulder sections: 10' from edge of travel lane
- (viii) Bridges: Width shall be traveled way, plus 2' each side. Design Loading for Structural Capacity HS-20, plus 5' sidewalk necessary to maintain pedestrian crossing.
- (ix) Cul-de-sacs should be designed as semi-circular and circular loop roads. Minimum 30' outside radius around a landscaped island with an minimum 10' radius. Open space internal to these road features can be counted toward the open space requirements.
- (x) Trails and other walkways should have a minimum width of 5 feet.

- (f) If determined necessary by the planning commission, shade trees shall be planted on both sides of the street.

- (g) Street connections to adjacent parcels shall be provided in logical locations to avoid creating landlocked parcels and provide for connecting street patterns.

- (h) Streets that serve as collectors, interconnecting subdivisions and other major traffic generators, shall be designed according to the town's standards for collector roads.
 - (i) Where streets will connect with streets having differing standards, the street dimensions shall be the same as those of the connecting street. All street widenings shall occur at the nearest intersection.
- (6) Sewage and Water Facilities.
- (a) Water for a conservation subdivision shall be provided by a community owned onsite wells or by one or more community wells meeting the permit requirements of the State of Wisconsin and the town. The use of shared or community wells is required to the extent feasible. Plans for shared or community wells should include a wellhead protection plan with separation distances for the zone of influence and sources of pollution.
 - (b) All conservation subdivisions shall be provided with adequate sewage treatment facilities meeting the standards of the town and county and the permit requirements of the Wisconsin Department of Commerce and the Department of Natural Resources. Where sewage treatment may not be provided by a publicly owned wastewater treatment works, to the extent feasible, a common sewage treatment and disposal unit located on the common open space lands is required.

5.4 FINANCIAL GUARANTEE

In order to secure the performance of the various obligations imposed on the subdivider by this ordinance, the subdivider shall submit to the Town a performance bond, certificate of deposit, or other suitable financial surety ("Security") in an amount equal to 150% of the amount necessary to secure the cost of improvements for the subdivision. The Security shall be submitted to the Town prior to the Town's approval of the preliminary plat. The Security shall provide that if the improvements are not completed within the specific deadline contained the Town's approving resolution, the amount of the Security shall be paid to the Town, and the Town shall have the authority to complete the necessary improvements. Furthermore, the subdivider shall be personally liable for the excess of the cost of the improvements over the amount of the Security, if any. The Security submitted by the subdivider shall be in a form satisfactory to the Town's legal counsel. If the Security defined above is inadequate to fulfill the obligations defined herein, the subdivider consents to the Town taking one or more of the following additional steps in order to secure the repayment of the obligations imposed:

- (a) The Town is hereby granted the authority to add the deficiency to the real estate taxes in the year when the deficiency has been determined;
or

- (b) The subdivider hereby consents to the imposition of a special assessment against the relevant property in an amount equal to the deficiency, with said special assessment deemed perfected without further notice or hearing, which notice and hearing are hereby waived. The Town may enforce the provisions of this section by injunction or through any remedy at law. If it is necessary for the Town to enforce this section, the Town shall be entitled to recover its reasonable attorneys' fees and costs of the action.

6.0 OWNERSHIP and MAINTENANCE of OPEN SPACE and COMMON FACILITIES

6.1 ALTERNATIVES

The designated common open space and common facilities may be owned and managed by one or a combination of the following:

- (1) A homeowners' association.
- (2) A nonprofit conservation organization.
- (3) The Town of Oakfield or another governmental body empowered to hold an interest in real property.
- (4) An individual who will use the land for open space purposes as provided by a conservation easement.

6.2 HOMEOWNERS' ASSOCIATIONS

A homeowners' association shall be established if the common open space is proposed to be owned by a homeowners' association. Membership in the association is mandatory for all purchasers of homes in the development and their successors.

The homeowners' association bylaws, guaranteeing continuing maintenance of the open space and other common facilities, and the declaration of covenants, conditions and restrictions of the homeowners association shall be submitted for approval to the town as part of the information required for the preliminary plat. The homeowners' association bylaws or the declaration of covenants, conditions and restrictions of the homeowners association shall contain the following information:

- (1) The legal description of the common land;
- (2) A description of common facilities;
- (3) The restrictions placed upon the use and enjoyment of the lands or facilities;

- (4) Persons or entities entitled to enforce the restrictions;
- (5) A mechanism to assess and enforce the common expenses for the land or facilities including upkeep and maintenance expenses, real estate taxes and insurance premiums;
- (6) A mechanism for resolving disputes among the owners or association members;
- (7) The conditions and timing of the transfer of ownership and control of land facilities to the association; and
- (8) Any other matter the developer deems appropriate.

6.3 NONPROFIT CONSERVATION ORGANIZATION

If the common open space is to be held by a nonprofit conservation organization, the organization must be acceptable to the town. The conveyance to the nonprofit conservation organization must contain appropriate provisions for reversion in the event that the organization becomes unwilling or unable to uphold the terms of the conveyance.

6.4 PUBLIC DEDICATION of OPEN SPACE and STREETS

If the common open space is to be held by the town, there are several implications of how the open space is transferred to the town. Streets shall be owned by the town.

- (1) The town may accept the dedication of fee title or dedication of a conservation easement to the common open space. The town may accept the common open space provided:
 - (a) The common open space is accessible to the residents of the town;
 - (b) The town agrees to and has access to maintain the common open space.
- (2) Streets or other public ways which have been designated on a duly adopted official map or element of the town comprehensive plan shall be dedicated or reserved by the subdivider to the town. The street or public way shall be made a part of the plat in the locations and dimensions indicated in the comprehensive plan and as set forth in this ordinance.

6.5 INDIVIDUAL OWNERSHIP

An individual may hold fee title to the land while a nonprofit or other qualified organization holds a conservation easement uses for the common open space.

6.6 MAINTENANCE PLAN

Every conservation subdivision must include a property maintenance plan (master plan) that provides evidence of a means to properly manage the common open space in perpetuity and evidence of the long-term means to properly manage and maintain all common facilities, including any storm water facilities. The plan shall be approved by, the plan commission prior to final plat approval.

- (1) The master plan shall do the following:
 - (a) Designate the ownership of the open space and common facilities in accordance with section 6.1.
 - (b) Establish necessary regular and periodic operation and maintenance responsibilities.
 - (c) Estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an on-going basis.
 - (d) Include specific long-term management goals for common open space lands. The land stewardship plan shall include a narrative, based on the site analysis required in section 4.2, describing:
 - (i) Existing conditions including all natural, cultural, historic, and scenic elements in the landscape.
 - (ii) The proposed end state for each common open space area; and the measures proposed for achieving the end state.
 - (iii) Conservation strategies for all natural areas with specific habitat goals similar to goals adopted by adjacent conservancy areas which delineate desirable species and ecosystems native to the Oakfield area.
 - (iv) Proposed restoration measures, including: measures for correcting increasingly destructive conditions, such as erosion and invasive species; and measures for restoring historic features and habitats or ecosystems.
 - (v) The operations needed for maintaining the stability of the resources, including: mowing schedules; invasive species/noxious weed control; planting schedules; clearing and cleanup; at the town's discretion, the applicant may be required to place in escrow sufficient funds for the maintenance and operation costs of common facilities for a maximum of one year.
 - (vi) For invasive species, the master plan shall reference definitions and species promulgated by the Invasive Plant Association of Wisconsin (IPAW). All species included on IPAW's Working List of the Invasive Plants of Wisconsin (Exhibit D, Appendix 9.5).
- (2) In the event that the organization established to own and maintain the open space and common facilities, or any successor organization, fails to maintain

all or any portion of the common facilities in reasonable order and condition, notice shall be give to the residents and owners of the open space and common facilities, setting forth the manner in which the organization has failed to maintain the common facilities in reasonable condition. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the organization, or any successor organization, shall be considered in violation this Ordinance, in which case the bond, if any, may be forfeited, and any permits may be revoked or suspended. The town may enter the premises and take corrective action.

- (a) The costs of corrective action by the town shall be assessed ratably, in accordance with *Wisconsin State Statutes* s.66.0627. as amended, against the properties that have the right of enjoyment of the common facilities. A delinquent special charge becomes a lien on the property against which it is imposed as of the date of the delinquency. The delinquent special charge shall be included in the current or next tax roll for collection and settlement.
- (3) Master plans can be amended by the owner identified under section 6.1 with the approval of the plan commission.

7.0 MODIFICATIONS AND WAIVERS

7.1 GENERAL

The town board may change or supplement this conservation subdivision ordinance in the manner provided by law. Where, in the judgment of the town board it would be inappropriate to apply literally the provisions of this ordinance because exceptional or undue hardship would result, the town board may waive or modify any requirements to the extent deemed appropriate.

Application for any such modification or waiver shall be made in writing to the plan commission by the subdivider at the time when the preliminary plat is filed for consideration, stating fully all facts relied upon by the petitioner, and shall be supplemented with maps, plans, or other additional data that may aid the plan commission in the analysis of the proposed project. The plan commission shall provide its recommendation to the Town Board.

7.2 CONDITIONS

The town board of the town shall not grant modifications or waivers to this ordinance unless it shall make findings based upon the evidence presented to it in each specific case that:

- (1) The granting of the modification will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.

- (2) The conditions upon which the request for a modification is based are unique to the property for which the modification is sought and are not applicable generally to other property.
- (3) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, financial hardship, or self-imposed hardship, if the strict letter of this ordinance were carried out.
- (4) Such modification is necessary for the preservation and enjoyment of substantial property rights possessed by similar properties in the vicinity.
- (5) The town board approves of the modification to this ordinance, shall do so by motion or resolution and shall notify the subdivider.
- (6) Such relief shall be granted without detriment to the public good, without impairing the intent and purpose of this chapter or the desirable general development of the town consistent with the town comprehensive plan or this ordinance.
- (7) Any modification granted can only provide the minimum relief needed to alleviate the unnecessary hardship or obtain reasonable use of the property.

A majority vote of the town board shall be required to grant any modification of this ordinance, and the reasons shall be entered in the minutes.

7.3 FEES

The town board may, by resolution, establish reasonable fees for the administration of this ordinance. An initial filing fee of \$500 shall be charged for each application. Additional fees may be requested from the petitioner to reimburse the Town for actual costs incurred during the plat review process should they exceed this amount (including, without limitation, reasonable attorneys' fees, engineering fees, independent review fees, public meeting costs, public notifications, etc.)

8.0 ENFORCEMENT, VIOLATIONS, PENALTIES AND AMENDMENTS

8.1 ENFORCEMENT AND VIOLATIONS

It shall be unlawful to build upon, divide, convey, record, or monument any land in violation of this ordinance or state law, and no person shall be issued a building permit by the town authorizing the building on or improvement of any subdivision within the jurisdiction of this ordinance not of record as of the effective date of this ordinance until the requirements of this chapter have been fully met. The town may institute appropriate action or proceedings to enjoin violations of this ordinance or applicable state law.

8.2 PENALTIES

Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not less than \$10 and not more than \$200, together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. If any person is in default of this payment of forfeiture and costs, he shall be imprisoned in the Fond du Lac County Jail until payment thereof, for a period not to exceed thirty (30) days. Every violation of this ordinance is a public nuisance and the creation may be enjoined and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to *Wisconsin State Statutes s. 87.30*.

Penalties for violation of this ordinance shall be as follows:

- (1) Any person who fails to comply with this chapter shall, upon conviction, be subject to the penalties as provided by the town.
- (2) Recordation improperly made has penalties provided in *Wisconsin State Statutes s. 236.30*.
- (3) Conveyance of lots in unrecorded plats has penalties provided for in *Wisconsin State Statutes s. 236.31*.
- (4) Monuments disturbed or not placed have penalties as provided for in *Wisconsin State Statutes s. 236.32*.
- (5) Assessor's plat made under *Wisconsin State Statutes s. 70.27* may be ordered by the town as a remedy at the expense of the subdivider when a subdivision is created by successive divisions.

8.3 APPEALS

Any person aggrieved by an objection to a plat or a failure to approve a plat under this ordinance may appeal, to circuit court, within 30 days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the plat be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable, or discriminatory.

8.4 ORDINANCE AMENDMENTS

By majority vote of the Town Board, any portion of this ordinance may be amended upon recommendation by the plan commission. Modification requests may be initiated by the Town Board, Plan Commission, or general public and will be reviewed and considered in a reasonable timeframe

9.0 APPENDIX

9.1 REFERENCES AND RELATED TECHNICAL DOCUMENTS

- Arendt, R., E.A. Brabec, H.L. Dodson, C. Reid, and R.D. Yaro. 1994. *Rural by Design: Maintaining Small Town Character*. Planners Press: Chicago, IL.
- East Central Wisconsin Regional Planning Commission. 1998. *Oakfield Area Joint Land Use Plan*.
- East Central Wisconsin Regional Planning Commission. 1999. *Rural Development Guide for East Central Wisconsin Governments and Landowners*.
- Invasive Plant Association of Wisconsin. 2003. *IPAW Working List of the Invasive Plants of Wisconsin*. <http://www.ipaw.org/newsletters/issue4.pdf>.
- United States Fish and Wildlife Service. 2006. *Horicon and Fox River National Wildlife Refuges Draft Comprehensive Conservation Plan and Environmental Assessment*. <http://www.fws.gov/midwest/planning/Horicon/index.html#DCCP>.
- United States Fish and Wildlife Service. 2006. *Leopold Wetland Management District*. <http://www.fws.gov/refuges/profiles/index.cfm?id=32525>.
- Wisconsin Department of Natural Resources. 2005. *Natural Heritage Inventory On-line Database*. http://dnr.wi.gov/org/land/er/nhi/nhi_ims/onlinedb.htm.
- Wisconsin Department of Natural Resources. 2006. *Property Master Planning*. http://dnr.wi.gov/master_planning/.
- Wisconsin Historical Society. 2006. *Wisconsin's Architecture and History Inventory*. <http://www.wisconsinhistory.org/ahi/>.

9.2 WISCONSIN'S NATIVE TREE SPECIES

Exhibit A. Native Trees of Wisconsin.

Species		Type
Common Name	Scientific Name	
Cedar, White	<i>Thuja occidentalis</i>	Conifer
Hemlock, Eastern	<i>Tsuga canadensis</i>	Conifer
Pine, Jack	<i>Pinus banksiana</i>	Conifer
Pine, Red	<i>Pinus resinosa</i>	Conifer
Pine, Red	<i>Picea resinosa</i>	Conifer
Pine, White	<i>Pinus strobus</i>	Conifer
Spruce, Black	<i>Picea mariana</i>	Conifer
Spruce, White	<i>Picea glauca</i>	Conifer
Tamarack	<i>Larix laricina</i>	Conifer
Ash, Black	<i>Fraxinus nigra</i>	Deciduous
Ash, Green	<i>Fraxinus pennsylvanica</i>	Deciduous
Ash, White	<i>Fraxinus americana</i>	Deciduous
Aspen, Quaking	<i>Populus tremuloides</i>	Deciduous
Birch, River	<i>Betula nigra</i>	Deciduous
Birch, White	<i>Betula papyrifera</i>	Deciduous
Birch, Yellow	<i>Betula alleghaniensis</i>	Deciduous
Cherry, Black	<i>Prunus serotina</i>	Deciduous
Maple, Silver	<i>Acer saccharinum</i>	Deciduous
Maple, Sugar	<i>Acer saccharum</i>	Deciduous
Oak, Bur	<i>Quercus macrocarpa</i>	Deciduous
Oak, Red	<i>Quercus rubra</i>	Deciduous
Oak, Swamp White	<i>Quercus bicolor</i>	Deciduous
Oak, White	<i>Quercus alba</i>	Deciduous
Walnut, Black	<i>Juglans nigra</i>	Deciduous
Dogwood, Red Osier	<i>Cornus stolonifera</i>	Shrub
Dogwood, Silky	<i>Cornus amomum</i>	Shrub
Hawthorn	<i>Crataegus spp.</i>	Shrub
Hazlenut	<i>Corylus americana</i>	Shrub
Juneberry	<i>Amelanchier spp.</i>	Shrub
Ninebark	<i>Physocarpus opulifolius</i>	Shrub
Plum, American	<i>Prunus americana</i>	Shrub

9.3 WDNR NATURAL HERITAGE INVENTORY

The Wisconsin Department of Natural Resources Natural Heritage Inventory (NHI) is an on-line database which provides statewide inventory of KNOWN locations and conditions of rare, threatened, and endangered species and natural communities. All areas of the state have not yet been inventoried. Thus, the absence of a species within this database does not indicate that particular species or communities are not present within the listed towns. Nor does the presence of one element imply that other elements were surveyed for but not found.* Despite these limitations, the NHI is the state's most comprehensive database on biodiversity and is widely used. Species are listed by their type, scientific name, and common name; the last observed record is indicated. Plants species are not listed below; WDNR personnel must be consulted for individual developments.

Exhibit B. Town of Oakfield NHI Inventory.

Classification	Scientific Name	Common Name	Date Observed
Community	Mesic Prairie		1978
Community	Moist Cliff		2000
Community	Southern Mesic Forest		1976
Invertebrate	Catinella gelida	A Land snail	1997
Invertebrate	Succinea bakeri	A Land snail	1997
Invertebrate	Vallonia perspectiva	Thin-lip vallonina	1997
Invertebrate	Vertigo hubrichti	Midwest pleistocene vertigo	1997
Invertebrate	Vertigo iowaensis	Iowa pleistocene vertigo	1997
Invertebrate	Vertigo tridentata	Honey vertigo	1997
Plant	Draba arabisans	Rock Whitlow-grass	2000

* In most cases, locations for species and natural communities surveyed and listed in the NHI are available down to the town level. The exception are those species whose locations are considered to be sensitive (particularly vulnerable to collection or disturbance). Locations of these species or natural communities are generalized down to the county level in order to minimize impacts to them. The WDNR will need to be contacted to do a more thorough examination of the NHI database to determine if rare, threatened, or endangered species would be present within the section the proposed development is located. Further studies may also be deemed necessary by the WDNR.

9.4 **ARCHITECTURALLY and HISTORICALLY SIGNIFICANT SITES**

Wisconsin's Architecture and History Inventory (AHI) provides historical and architectural information on approximately 120,000 properties in Wisconsin. The AHI (<http://www.wisconsinhistory.org/ahi/>) contains data on buildings, structures and objects that illustrate Wisconsin's unique history. The AHI documents a wide range of historic properties such as the round barns, log houses, metal truss bridges, small town commercial buildings, and Queen Anne houses that create Wisconsin's distinct cultural landscape. It is a permanent record maintained by the Wisconsin Historical Society.

This is not a comprehensive list of all old Wisconsin buildings and structures. The inventory has been assembled over a period of more than 25 years from a wide variety of sources. In many cases, the information is dated. Some properties may be altered or no longer exist. Inclusion in this inventory conveys no special status, rights or benefits to owners of these properties. Determinations on the cultural significance of buildings and properties to be protected as common open space or private residences within a conservation subdivision must be made on a case-by-case basis. The following properties in the Town of Oakfield have been incorporated into the AHI.

Exhibit C. T. Oakfield AHI Search Results.

County: FOND DU LAC	Record #: 58714	Location: STATE HIGHWAY. 103, SOUTH SIDE, .5 MILES EAST OF COUNTY HIGHWAY C	
City or Village:	Town, Range, Section: 1416E-06	Quarter Sections: NE NW	
Civil Town:	National Register Date:	State Register Date:	
Unincorporated Community:		District:	
Current Name:		NR Multiple Property Name:	
Survey Map: USGS Waupun North		Historic Name:	Wall Material: Asbestos
Map Code: 37/23		Construction Date:	Structural System:
Survey Date: 1974		Designer Name:	Other Buildings on Site?: N
Style or Form: Greek Revival		Cultural Affiliation:	
Resource Type: house		Demolished Date:	

County: FOND DU LAC	Record #: 58715	Location: N4795 US HIGHWAY 151
City or Village:	Town, Range, Section: 1416E-04	Quarter Sections: NE SE
Civil Town:	National Register Date:	State Register Date:
Unincorporated Community:		District:
Current Name: J. Krueger House	NR Multiple Property Name:	
Survey Map: USGS Oakfield	Historic Name:	Wall Material: Brick
Map Code: 41/11	Construction Date:	Structural System:
Survey Date: 1992	Designer Name:	Other Buildings on Site?: N
Style or Form: Italianate	Cultural Affiliation:	
Resource Type: house	Demolished Date:	

County: FOND DU LAC	Record #: 58716	Location: N4158 WOLF RD
City or Village:	Town, Range, Section: 1416E-08	Quarter Sections: SW SE
Civil Town:	National Register Date:	State Register Date:
Unincorporated Community:		District:
Current Name: R. Wolf House	NR Multiple Property Name:	
Survey Map: USGS Oakfield	Historic Name:	Wall Material: Brick
Map Code: 41/13	Construction Date:	Structural System:
Survey Date: 1992	Designer Name:	Other Buildings on Site?: N
Style or Form: Gabled Ell	Cultural Affiliation:	
Resource Type: house	Demolished Date:	

County: FOND DU LAC	Record #: 58717	Location: N4312 US HIGHWAY 151
City or Village:	Town, Range, Section: 1416E-08	Quarter Sections: NE NE
Civil Town:	National Register Date:	State Register Date:
Unincorporated Community:		District:
Current Name: V. Flood House	NR Multiple Property Name:	
Survey Map: USGS Oakfield	Historic Name:	Wall Material: Aluminum/Vinyl Siding
Map Code: 41/12	Construction Date:	Structural System:
Survey Date: 1992	Designer Name:	Other Buildings on Site?: N
Style or Form: Gabled Ell		Cultural Affiliation:
Resource Type: house		Demolished Date:

County: FOND DU LAC	Record #: 58718	Location: COUNTY HIGHWAY Y, W SIDE, .5 MILE N OF COUNTY HIGHWAY D, JUST S OF CITY LIMITS
City or Village:	Town, Range, Section: 1416E-11	Quarter Sections: SE SW
Civil Town:	National Register Date:	State Register Date:
Unincorporated Community:		District:
Current Name:	NR Multiple Property Name:	
Survey Map: USGS Oakfield	Historic Name:	Wall Material: Clapboard
Map Code: 45/33	Construction Date:	Structural System:
Survey Date: 1974	Designer Name:	Other Buildings on Site?: N
Style or Form: Greek Revival		Cultural Affiliation:
Resource Type: house		Demolished Date:

County: FOND DU LAC	Record #: 58719	Location: COUNTY HIGHWAY B, .5 MILE EAST OF THE VILLAGE OF OAKFIELD	
City or Village:	Town, Range, Section: 1416E-13	Quarter Sections:	
Civil Town:	National Register Date:	State Register Date:	
Unincorporated Community:		District:	
Current Name:	NR Multiple Property Name:		
Survey Map: None	Historic Name: Roy Hubbard	Wall Material: Wood	
Map Code: 0/0	Construction Date: 1900c	Structural System:	
Survey Date: 1976	Designer Name:	Other Buildings on Site?: N	
Style or Form: Astylistic Utilitarian Building		Cultural Affiliation:	
Resource Type: silo		Demolished Date:	

County: FOND DU LAC	Record #: 58720	Location: COUNTY HIGHWAY B, NORTH SIDE, .6 MILES SOUTHWEST OF COUNTY HIGHWAY Y	
City or Village:	Town, Range, Section: 1416E-14	Quarter Sections: SW SE	
Civil Town:	National Register Date:	State Register Date:	
Unincorporated Community:		District:	
Current Name:	NR Multiple Property Name:		
Survey Map: USGS Oakfield	Historic Name:	Wall Material: Clapboard	
Map Code: 45/34	Construction Date:	Structural System:	
Survey Date: 1974	Designer Name:	Other Buildings on Site?: N	
Style or Form: Gabled Ell		Cultural Affiliation:	
Resource Type: house		Demolished Date:	

County: FOND DU LAC	Record #: 58721	Location:
City or Village:	Town, Range, Section: 1416E-14	Quarter Sections:
Civil Town:	National Register Date:	State Register Date:
Unincorporated Community:	District:	
Current Name:	NR Multiple Property Name:	
Survey Map: USGS Oakfield	Historic Name:	Wall Material: Brick
Map Code: 45/22	Construction Date:	Structural System:
Survey Date: 1974	Designer Name:	Other Buildings on Site?: N
Style or Form: Italianate	Cultural Affiliation:	
Resource Type: house	Demolished Date:	

County: FOND DU LAC	Record #: 58722	Location: WOLF RD, EAST SIDE, .2 MILES NORTH OF PRAIRIE RD
City or Village:	Town, Range, Section: 1416E-17	Quarter Sections: NE SW
Civil Town:	National Register Date:	State Register Date:
Unincorporated Community:	District:	
Current Name:	NR Multiple Property Name:	
Survey Map: USGS Oakfield	Historic Name:	Wall Material: Clapboard
Map Code: 45/32	Construction Date:	Structural System:
Survey Date: 1974	Designer Name:	Other Buildings on Site?: N
Style or Form: Gabled Ell	Cultural Affiliation:	
Resource Type: house	Demolished Date:	

County: FOND DU LAC	Record #: 58723	Location: DEHRING RD, EAST SIDE, .5 MILES SOUTH OF US HIGHWAY. 151
City or Village:	Town, Range, Section: 1416E-17	Quarter Sections: SW NE
Civil Town:	National Register Date:	State Register Date:
Unincorporated Community:		District:
Current Name:	NR Multiple Property Name:	
Survey Map: USGS Oakfield	Historic Name:	Wall Material: Clapboard
Map Code: 45/31	Construction Date:	Structural System:
Survey Date: 1974	Designer Name:	Other Buildings on Site?: N
Style or Form: Front Gabled		Cultural Affiliation:
Resource Type: house		Demolished Date:

County: FOND DU LAC	Record #: 58724	Location: N1294 US HIGHWAY 151
City or Village:	Town, Range, Section: 1416E-19	Quarter Sections: NW NW
Civil Town:	National Register Date:	State Register Date:
Unincorporated Community:		District:
Current Name:	NR Multiple Property Name:	
Survey Map: USGS Waupun North	Historic Name: F.R. Shepard House	Wall Material: Asphalt
Map Code: 41/15	Construction Date: 1873c	Structural System:
Survey Date: 1992	Designer Name:	Other Buildings on Site?: N
Style or Form: Italianate		Cultural Affiliation:
Resource Type: house		Demolished Date:

County: FOND DU LAC	Record #: 58726	Location: SOUTHEAST CORNER OF WOLF RD AND COUNTY HIGHWAY AS	
City or Village:	Town, Range, Section: 1416E-20	Quarter Sections: SW NE	
Civil Town:	National Register Date:	State Register Date:	
Unincorporated Community:		District:	
Current Name:		NR Multiple Property Name:	
Survey Map: USGS Oakfield	Historic Name:	Wall Material: Clapboard	
Map Code: 42/4	Construction Date:	Structural System:	
Survey Date: 1974	Designer Name:	Other Buildings on Site?: N	
Style or Form: Gabled Ell		Cultural Affiliation:	
Resource Type: house		Demolished Date:	

County: FOND DU LAC	Record #: 58727	Location: COUNTY HIGHWAY D, EAST SIDE, .4 MILES SOUTH OF COUNTY HIGHWAY AS	
City or Village:	Town, Range, Section: 1416E-21	Quarter Sections: SW SW	
Civil Town:	National Register Date:	State Register Date:	
Unincorporated Community: Oak Center		District:	
Current Name:		NR Multiple Property Name:	
Survey Map: USGS Oakfield	Historic Name:	Wall Material: Clapboard	
Map Code: 45/30	Construction Date:	Structural System:	
Survey Date: 1974	Designer Name:	Other Buildings on Site?: N	
Style or Form: Queen Anne		Cultural Affiliation:	
Resource Type: house		Demolished Date:	

County: FOND DU LAC	Record #: 58729	Location: COUNTY HIGHWAY Y, WEST SIDE, .7 MILES NORTH OF COUNTY HIGHWAY F	
City or Village:	Town, Range, Section: 1416E-23	Quarter Sections: NE SE	
Civil Town:	National Register Date:	State Register Date:	
Unincorporated Community:		District:	
Current Name:		NR Multiple Property Name:	
Survey Map: USGS Oakfield	Historic Name:	Wall Material: Clapboard	
Map Code: 45/24	Construction Date:	Structural System:	
Survey Date: 1974	Designer Name:	Other Buildings on Site?: N	
Style or Form: Greek Revival		Cultural Affiliation:	
Resource Type: house		Demolished Date:	

County: FOND DU LAC	Record #: 58731	Location: NORTHWEST CORNER OF COUNTY HIGHWAY Y AND BREAKNECK RD	
City or Village:	Town, Range, Section: 1416E-26	Quarter Sections: SE SE	
Civil Town:	National Register Date:	State Register Date:	
Unincorporated Community:		District:	
Current Name:		NR Multiple Property Name:	
Survey Map: USGS Oakfield	Historic Name:	Wall Material: Clapboard	
Map Code: 45/21	Construction Date:	Structural System:	
Survey Date: 1974	Designer Name:	Other Buildings on Site?: N	
Style or Form: Gabled Ell		Cultural Affiliation:	
Resource Type: house		Demolished Date:	

County: FOND DU LAC	Record #: 58733	Location: SCHOEPKE ROAD, SOUTH SIDE, .7 MILE WEST OF COUNTY HIGHWAY Y	
City or Village:	Town, Range, Section: 1416E-26	Quarter Sections: NW NE	
Civil Town:	National Register Date:	State Register Date:	
Unincorporated Community:		District:	
Current Name:		NR Multiple Property Name:	
Survey Map: USGS Oakfield	Historic Name:	Wall Material: Brick	
Map Code: 45/29	Construction Date:	Structural System:	
Survey Date: 1974	Designer Name:	Other Buildings on Site?: N	
Style or Form: Italianate		Cultural Affiliation:	
Resource Type: house		Demolished Date:	

County: FOND DU LAC	Record #: 58735	Location: COUNTY HIGHWAY B, EAST SIDE, .5 MILES NORTHEAST OF BREAKNECK RD	
City or Village:	Town, Range, Section: 1416E-28	Quarter Sections: SE NE	
Civil Town:	National Register Date:	State Register Date:	
Unincorporated Community:		District:	
Current Name:		NR Multiple Property Name:	
Survey Map: USGS Oakfield	Historic Name:	Wall Material: Aluminum/Vinyl Siding	
Map Code: 41/36	Construction Date:	Structural System:	
Survey Date: 1974	Designer Name:	Other Buildings on Site?: N	
Style or Form: Greek Revival		Cultural Affiliation:	
Resource Type: house		Demolished Date:	

County: FOND DU LAC	Record #: 58737	Location: COUNTY HIGHWAY B, EAST SIDE, .5 MILES NORTHEAST OF BREAKNECK RD
City or Village:	Town, Range, Section: 1416E-28	Quarter Sections: SE NE
Civil Town:	National Register Date:	State Register Date:
Unincorporated Community:		District:
Current Name:	NR Multiple Property Name:	
Survey Map: USGS Oakfield	Historic Name:	Wall Material: Aluminum/Vinyl Siding
Map Code: 41/36	Construction Date:	Structural System:
Survey Date: 1974	Designer Name:	Other Buildings on Site?: N
Style or Form: Greek Revival		Cultural Affiliation:
Resource Type: house		Demolished Date:

County: FOND DU LAC	Record #: 58739	Location: COUNTY HIGHWAY D, NORTH SIDE, .2 MILES NORTH OF INTERSECTION WITH BREAKNECK RD
City or Village:	Town, Range, Section: 1416E-29	Quarter Sections: SE SE
Civil Town:	National Register Date:	State Register Date:
Unincorporated Community:		District:
Current Name:	NR Multiple Property Name:	
Survey Map: USGS Oakfield	Historic Name:	Wall Material: Asphalt
Map Code: 45/18	Construction Date:	Structural System:
Survey Date: 1974	Designer Name:	Other Buildings on Site?: N
Style or Form: Queen Anne		Cultural Affiliation:
Resource Type: house		Demolished Date:

County: FOND DU LAC	Record #: 58740	Location: COUNTY HIGHWAY D, SOUTH SIDE, 1.3 MILES EAST OF TOWNSHIP LINE
City or Village:	Town, Range, Section: 1416E-32	Quarter Sections: NW NE
Civil Town:	National Register Date:	State Register Date:
Unincorporated Community:		District:
Current Name:		NR Multiple Property Name:
Survey Map: USGS Oakfield	Historic Name:	Wall Material: Asphalt
Map Code: 45/17	Construction Date:	Structural System:
Survey Date: 1974	Designer Name:	Other Buildings on Site?: N
Style or Form: Gabled Ell		Cultural Affiliation:
Resource Type: house		Demolished Date:

County: FOND DU LAC	Record #: 58741	Location: COUNTY HIGHWAY B, EAST SIDE, .3 MILES NORTHEAST OF COUNTY LINE
City or Village:	Town, Range, Section: 1416E-33	Quarter Sections: SW NW
Civil Town:	National Register Date:	State Register Date:
Unincorporated Community:		District:
Current Name:		NR Multiple Property Name:
Survey Map: USGS Oakfield	Historic Name:	Wall Material: Asphalt
Map Code: 41/32	Construction Date:	Structural System:
Survey Date: 1974	Designer Name:	Other Buildings on Site?: N
Style or Form: Greek Revival		Cultural Affiliation:
Resource Type: house		Demolished Date:

County: FOND DU LAC	Record #: 58742	Location: COUNTY HIGHWAY B, EAST SIDE, 1/4 MILE NORTHEAST OF COUNTY LINE	
City or Village:	Town, Range, Section: 1416E-33	Quarter Sections: SW SW	
Civil Town:	National Register Date:	State Register Date:	
Unincorporated Community:		District:	
Current Name:		NR Multiple Property Name:	
Survey Map: USGS Oakfield	Historic Name:	Wall Material: Asphalt	
Map Code: 41/31	Construction Date:	Structural System:	
Survey Date: 1974	Designer Name:	Other Buildings on Site?: N	
Style or Form: Greek Revival		Cultural Affiliation:	
Resource Type: house		Demolished Date:	

County: FOND DU LAC	Record #: 58743	Location: SOUTHWEST CORNER OF COUNTY HIGHWAY B AND BREAKNECK RD	
City or Village:	Town, Range, Section: 1416E-33	Quarter Sections: NW NE	
Civil Town:	National Register Date:	State Register Date:	
Unincorporated Community:		District:	
Current Name:		NR Multiple Property Name:	
Survey Map: USGS Oakfield	Historic Name: Stone School	Wall Material: Stone - Unspecified	
Map Code: 41/35	Construction Date:	Structural System:	
Survey Date: 1974	Designer Name:	Other Buildings on Site?: N	
Style or Form: Italianate		Cultural Affiliation:	
Resource Type: one to six room school		Demolished Date:	

County: FOND DU LAC	Record #: 58745	Location: COUNTY HIGHWAY B, WEST SIDE, .7 MILES NORTHEAST OF COUNTY LINE	
City or Village:	Town, Range, Section: 1416E-33	Quarter Sections: NW SE	
Civil Town:	National Register Date:	State Register Date:	
Unincorporated Community:		District:	
Current Name:		NR Multiple Property Name:	
Survey Map: USGS Oakfield	Historic Name:	Wall Material: Stucco	
Map Code: 41/34	Construction Date:	Structural System:	
Survey Date: 1974	Designer Name:	Other Buildings on Site?: N	
Style or Form: Other Vernacular		Cultural Affiliation:	
Resource Type: house		Demolished Date:	

County: FOND DU LAC	Record #: 58747	Location: BREAKNECK RD & HIGHLAND RD, SOUTHWEST CORNER	
City or Village:	Town, Range, Section: 1416E-34	Quarter Sections: NE NE	
Civil Town:	National Register Date:	State Register Date:	
Unincorporated Community:		District:	
Current Name: Highland School		NR Multiple Property Name:	
Survey Map: USGS Oakfield	Historic Name:	Wall Material: Cream Brick	
Map Code: 45/19	Construction Date:	Structural System:	
Survey Date: 1974	Designer Name:	Other Buildings on Site?: N	
Style or Form: Front Gabled		Cultural Affiliation:	
Resource Type: one to six room school		Demolished Date:	

County: FOND DU LAC	Record #: 58749	Location: KINWOOD RD, SOUTH SIDE, .5 MILES WEST OF COUNTY HIGHWAY Y	
City or Village:	Town, Range, Section: 1416E-35	Quarter Sections: SE NW	
Civil Town:	National Register Date:	State Register Date:	
Unincorporated Community:		District:	
Current Name:		NR Multiple Property Name:	
Survey Map: USGS Oakfield	Historic Name:	Wall Material: Clapboard	
Map Code: 45/26	Construction Date:	Structural System:	
Survey Date: 1974	Designer Name:	Other Buildings on Site?: N	
Style or Form: Gabled Ell		Cultural Affiliation:	
Resource Type: house		Demolished Date:	

County: FOND DU LAC	Record #: 58751	Location: KINWOOD RD AND HIGHLAND RD, SOUTHEAST CORNER	
City or Village:	Town, Range, Section: 1416E-35	Quarter Sections: SW NW	
Civil Town:	National Register Date:	State Register Date:	
Unincorporated Community:		District:	
Current Name:		NR Multiple Property Name:	
Survey Map: USGS Oakfield	Historic Name:	Wall Material: Asphalt	
Map Code: 45/27	Construction Date:	Structural System:	
Survey Date: 1974	Designer Name:	Other Buildings on Site?: N	
Style or Form: Greek Revival		Cultural Affiliation:	
Resource Type: house		Demolished Date:	

County: FOND DU LAC	Record #: 58753	Location: HIGHLAND RD, EAST SIDE, .2 MILE NORTH OF KINWOOD RD	
City or Village:	Town, Range, Section: 1416E-35	Quarter Sections: NW SW	
Civil Town:	National Register Date:	State Register Date:	
Unincorporated Community:		District:	
Current Name:		NR Multiple Property Name:	
Survey Map: USGS Oakfield	Historic Name:	Wall Material: Clapboard	
Map Code: 45/28	Construction Date:	Structural System:	
Survey Date: 1974	Designer Name:	Other Buildings on Site?: N	
Style or Form: Greek Revival		Cultural Affiliation:	
Resource Type: house		Demolished Date:	

County: FOND DU LAC	Record #: 58755	Location: NORTHEAST CORNER OF COUNTY HIGHWAY Y (NORTH) AND COUNTY HIGHWAY Y (EAST)	
City or Village:	Town, Range, Section: 1416E-36	Quarter Sections: NW SW	
Civil Town:	National Register Date:	State Register Date:	
Unincorporated Community:		District:	
Current Name:		NR Multiple Property Name:	
Survey Map: USGS Oakfield	Historic Name:	Wall Material: Clapboard	
Map Code: 45/25	Construction Date:	Structural System:	
Survey Date: 1974	Designer Name:	Other Buildings on Site?: N	
Style or Form: Gabled Ell		Cultural Affiliation:	
Resource Type: house		Demolished Date:	

County: FOND DU LAC	Record #: 59014	Location: .8 MILE NORTH OF COUNTY HIGHWAY F
City or Village:	Town, Range, Section: 1416E-24	Quarter Sections: NE NE
Civil Town:	National Register Date:	State Register Date:
Unincorporated Community:		District:
Current Name:	NR Multiple Property Name:	
Survey Map: USGS Oakfield	Historic Name:	Wall Material: Brick
Map Code: 22/17	Construction Date:	Structural System:
Survey Date: 1974	Designer Name:	Other Buildings on Site?: N
Style or Form: Gabled Ell		Cultural Affiliation:
Resource Type: house		Demolished Date:

County: FOND DU LAC	Record #: 120138	Location: N3840 US HIGHWAY 151
City or Village:	Town, Range, Section: 1416E-18	Quarter Sections: SW NE
Civil Town:	National Register Date:	State Register Date:
Unincorporated Community:		District:
Current Name: R. Bresser House	NR Multiple Property Name:	
Survey Map: USGS Oakfield	Historic Name:	Wall Material: Clapboard
Map Code: 61/7	Construction Date:	Structural System:
Survey Date: 1992	Designer Name:	Other Buildings on Site?: N
Style or Form: Bungalow		Cultural Affiliation:
Resource Type: house		Demolished Date:

County: FOND DU LAC	Record #: 120142	Location: N4487 US HIGHWAY 151
City or Village:	Town, Range, Section: 1416E-09	Quarter Sections: NE NW
Civil Town:	National Register Date:	State Register Date:
Unincorporated Community:		District:
Current Name: R. Zills House	NR Multiple Property Name:	
Survey Map: USGS Oakfield	Historic Name:	Wall Material: Clapboard
Map Code: 61/9	Construction Date:	Structural System:
Survey Date: 1992	Designer Name:	Other Buildings on Site?: N
Style or Form: Queen Anne		Cultural Affiliation:
Resource Type: house		Demolished Date:

County: FOND DU LAC	Record #: 120143	Location: N3741 US HIGHWAY 151
City or Village:	Town, Range, Section: 1416E-18	Quarter Sections: SW SW
Civil Town:	National Register Date:	State Register Date:
Unincorporated Community:		District:
Current Name:	NR Multiple Property Name:	
Survey Map: USGS Waupun North	Historic Name:	Wall Material: Aluminum/Vinyl Siding
Map Code: 61/6	Construction Date:	Structural System:
Survey Date: 1992	Designer Name:	Other Buildings on Site?: N
Style or Form: Side Gabled		Cultural Affiliation:
Resource Type: house		Demolished Date:

9.5 IPAW WORKING LIST of INVASIVE PLANTS

The mission of the Invasive Plants Association of Wisconsin (IPAW) is to advance understanding of invasive plants and encourage their control to promote stewardship of the natural resources of Wisconsin. A recognized key to accomplishing this mission is to develop a *working* list of the plants that are invasive in the natural plant communities and wild areas of the state. A listing of the invasive plants of Wisconsin will serve several useful functions. As stewards of the natural and wild areas of the state, many of us have watched some plant species become established and begin to spread at our sites long before we became aware that the species was already known to act invasively in natural communities. A list will provide a reference for species that we should consider managing at an early stage of establishment while they can be effectively controlled. This list will give IPAW a focus for our educational efforts.

IPAW has already developed clear **definitions** of various categories of troublesome plants:

- ***Invasive Plants*** are non-indigenous species or strains that become established in natural plant communities and wild areas and replace native vegetation.
- ***Weeds*** are undesirable and troublesome plants growing in disturbed areas, especially cultivated ground.
- ***Potentially Invasive Plants*** (for Wisconsin) are species that are invasive in parts of North America having similar climates and plant communities, and that are thought to have the potential to colonize and become invasive in Wisconsin.
- ***Sometimes Invasive Natives*** are native plants that can become overly abundant in a plant community to which they are indigenous, often in response to a change in the disturbance regime.
- ***Indigenous*** means occurring naturally in a specific area or plant community, not introduced.

Of the 66 species catalogued on the "IPAW Working List of the Invasive Plants of Wisconsin", only two species (*Crepis tectorum*, Hawksbeard; and *Leonurus cardiaca*, Motherwort) are not listed as invasive plants on the Wisconsin DNR website, and all 66 species are catalogued as invasive in the draft list contained in Czarapata (In press). Sixteen of the 66 species listed in Table 1 are not on the Wisconsin State Herbarium database list of "Ecologically Invasive" plants, however, all but three of these 16 species are described as "potentially invasive" in the Herbarium's species description, and these three are described as "naturalized".

This list was assembled by a large "panel of experts" on the invasive plants of the state. The list identifies the habitats or communities in which the observed species occurs. It also scores species based on: 1) the ecological impact of the species in sites where it currently occurs and 2) the level of disturbance required for a species to become established and spread. The "invasiveness" of a species increases as the "Impact" increases. The "Disturbance" level indicates how often

sites where invasive species are located have been altered by human activities. Scores of 5.0 or greater indicate these species are frequently found in sites that have not been disturbed within the past 10 years. For a full description of the form and questions of the survey see the IPAW website: www.ipaw.org.

Exhibit D. IPAW Invasive Plant Working List – March 2003.

Table 1. IPAW Working List of the Invasive Plants of Wisconsin.

Number of survey respondents (**Obs. No.**) and average scores for the **Impact** and **Disturbance Level** survey variables are shown. **(nn)** following a species name indicates a non-native strain of a species that also has native strains occurring in Wisconsin.
Growth Form F, forb; G, grass; S, shrub; T, tree; V, vine.
Wet. Ind. Status, Wetland Indicator Status for Region 3 from the “National List of Plant Species that Occur in Wetlands”; plants with no indicator status listed are presumed to be upland, or species that occur >99% of the time in upland habitats.
Habitats Invaded: A, Aquatic; B, Barrens; G, Grassland; F, Forest; W, Wetland. Taken from the most common responses on the IPAW-GLIFWC survey; almost all species were recorded as also occurring in disturbed habitats (not reported here).

Scientific Name	Common Name	Obs No.	Mean Responses		Growth Form	Wet. Ind. Status	Habitats Invaded
			Impact	Disturbance Level			
<i>Acer platanoides</i>	Norway maple	15	3.8	10.2	T		F
<i>Alliaria petiolata</i>	Garlic mustard	44	9.4	12.6	F	Fac	F
<i>Arctium minus</i>	Common burdock	38	3.3	6.4	F		F,G
<i>Berberis thunbergii</i>	Japanese barberry	29	3.8	10.7	S	FacU-	F
<i>Bromus inermis</i>	Smooth brome	36	6.5	9.9	G		G,B
<i>Campanula rapunculoides</i>	Creeping bellflower	11	3.6	5.7	F		F,G
<i>Celastrus orbiculatus</i>	Oriental bittersweet	14	6.3	9.4	V		F
<i>Centaurea maculosa</i>	Spotted knapweed	44	7.5	6.4	F		G,B
<i>Cirsium arvense</i>	Canada thistle	44	6.3	6.6	F	FacU	G,B
<i>Convallaria majalis</i>	Lily of the valley	13	5.8	10.2	F		F
<i>Convolvulus arvensis</i>	Field bindweed	24	2.3	5.0	F,V		G
<i>Coronilla varia</i>	Crown vetch	37	7.9	7.6	F,V		G
<i>Crepis tectorum</i>	Hawksbeard	13	3.9	5.0	F		G,B
<i>Daucus carota</i>	Queen Anne's lace	38	3.8	6.9	F		G
<i>Dipsacus laciniatus</i>	Cut-leaved teasel	15	7.0	6.8	F		G,W
<i>Dipsacus sylvestris</i>	Common teasel	18	5.8	6.0	F		G
<i>Elaeagnus angustifolia</i>	Russian olive	15	4.2	8.1	T,S	FacU-	G
<i>Elaeagnus umbellata</i>	Autumn olive	19	6.7	8.3	S		G,F
<i>Elytrigia repens</i>	Quackgrass	30	5.6	7.3	G		G
<i>Epipactis helleborine</i>	Helleborine	12	2.5	11.8	F		F
<i>Euphorbia cyparissias</i>	Cypress spurge	18	5.4	8.3	F		G,B
<i>Euphorbia esula</i>	Leafy spurge	29	8.3	8.5	F		G,B
<i>Festuca elatior</i>	Tall fescue	10	5.6	8.1	G		G
<i>Glechoma hederacea</i>	Creeping Charlie	19	3.8	7.5	F	FacU	F,G
<i>Hemerocallis fulva</i>	Orange day-lily	13	5.0	7.3	F		G
<i>Hesperis matronalis</i>	Dame's rocket	33	5.9	8.5	F		F,G
<i>Hieracium aurantiacum</i>	Orange hawkweed	28	4.4	9.7	F		G,B
<i>Hieracium caespitosum</i>	Yellow hawkweed	11	4.0	8.5	F		G,B
<i>Hypericum perforatum</i>	St. John's wort	32	2.3	7.9	F		G,B
<i>Iris pseudacorus</i>	Yellow Iris	15	3.6	8.8	F	Obl	W,A
<i>Leonurus cardiaca</i>	Motherwort	19	2.5	6.0	F		F
<i>Lonicera maackii</i>	Amur honeysuckle	13	8.3	10.8	S		F,G
<i>Lonicera morrowii</i>	Morrow honeysuckle	21	8.4	11.6	S		F,G
<i>Lonicera tatarica</i>	Tartarian honeysuckle	33	8.5	11.0	S	FacU	F,G
<i>Lonicera x bella</i>	Bell's honeysuckle	14	8.9	12.3	S		F,G
<i>Lotus corniculatus</i>	Bird's-foot trefoil	32	4.8	5.5	F	Fac-	G
<i>Lysimachia nummularia</i>	Moneywort	12	5.7	10.6	F	FacW+	W,F
<i>Lythrum salicaria</i>	Purple loosestrife	45	9.3	11.6	F	Obl	W,A
<i>Melilotus alba</i>	White sweet clover	41	6.9	9.5	F	FacU	G,B

(Table 1 continued)

Scientific Name	Common Name	Obs No.	Mean Responses		Growth Form	Wet. Ind. Status	Habitats Invaded
			Impact	Disturbance Level			
Melilotus officinalis	Yellow sweet clover	41	6.6	9.5	F	FacU	G,B
Morus alba	White mulberry	15	2.8	8.2	T	Fac	F,G
Myosotis scorpioides	Forget me not	17	4.4	8.8	F	Obl	W,F
Myriophyllum spicatum	Eurasian water milfoil	25	9.3	11.7	F	Obl	A
Pastinaca sativa	Wild parsnip	40	6.6	8.9	F		G
Phalaris arundinacea (nn)	Reed canary grass (nn)	47	9.9	11.6	G	FacW+	W,G
Phragmites australis (nn)	Common reed grass (nn)	16	8.4	9.2	G	FacW+	W
Pinus sylvestris	Scotch pine	13	2.7	9.2	T		F,G
Poa compressa	Canada bluegrass	23	2.5	10.6	G	FacU+	G,B
Poa pratensis	Kentucky bluegrass	34	4.8	10.0	G	Fac-	G,B
Polygonum cuspidatum	Japanese knotweed	17	7.7	5.2	F	FacU	F,G
Populus alba	White poplar	10	5.5	8.5	T		G
Potamogeton crispus	Curly-leaf pondweed	18	5.3	12.5	F	Obl	A
Rhamnus cathartica	Common buckthorn	40	9.3	12.0	S,T	FacU	F,G,W
Rhamnus frangula	Glossy buckthorn	25	9.0	12.7	S	Fac+	W,F
Robinia pseudoacacia	Black locust	33	7.5	10.9	T	FacU-	G,F
Rosa multiflora	Multiflora rose	27	6.5	10.4	S	FacU	G,F
Rumex acetosella	Sheep sorrel	21	3.2	7.8	F	Fac	G,B
Saponaria officinalis	Soapwort	19	3.3	6.4	F	FacU	G
Solanum dulcamara	Climbing nightshade	19	3.3	7.9	F	Fac	W,F
Tanacetum vulgare	Tansy	22	4.2	5.1	F		G,B
Trifolium pratense	Red clover	29	3.1	6.7	F	FacU+	G
Trifolium repens	White clover	29	2.9	5.7	F	FacU+	G
Typha angustifolia	Narrow-leaved cattail	21	7.4	9.1	F	Obl	W,A
Typha x glauca	Hybrid cattail	11	7.7	9.1	F	Obl	W,A
Ulmus pumila	Siberian elm	17	4.8	8.0	T,S		G
Vinca minor	Common periwinkle	10	6.9	7.5	F,V		F

(Table 1 continued)

Scientific Name	Common Name	Obs No.	Mean Responses		Growth Form	Wet. Ind. Status	Habitats Invaded
			Impact	Disturbance Level			
Melilotus officinalis	Yellow sweet clover	41	6.6	9.5	F	FacU	G,B
Morus alba	White mulberry	15	2.8	8.2	T	Fac	F,G
Myosotis scorpioides	Forget me not	17	4.4	8.8	F	Obl	W,F
Myriophyllum spicatum	Eurasian water milfoil	25	9.3	11.7	F	Obl	A
Pastinaca sativa	Wild parsnip	40	6.6	8.9	F		G
Phalaris arundinacea (nn)	Reed canary grass (nn)	47	9.9	11.6	G	FacW+	W,G
Phragmites australis (nn)	Common reed grass (nn)	16	8.4	9.2	G	FacW+	W
Pinus sylvestris	Scotch pine	13	2.7	9.2	T		F,G
Poa compressa	Canada bluegrass	23	2.5	10.6	G	FacU+	G,B
Poa pratensis	Kentucky bluegrass	34	4.8	10.0	G	Fac-	G,B
Polygonum cuspidatum	Japanese knotweed	17	7.7	5.2	F	FacU	F,G
Populus alba	White poplar	10	5.5	8.5	T		G
Potamogeton crispus	Curly-leaf pondweed	18	5.3	12.5	F	Obl	A
Rhamnus cathartica	Common buckthorn	40	9.3	12.0	S,T	FacU	F,G,W
Rhamnus frangula	Glossy buckthorn	25	9.0	12.7	S	Fac+	W,F
Robinia pseudoacacia	Black locust	33	7.5	10.9	T	FacU-	G,F
Rosa multiflora	Multiflora rose	27	6.5	10.4	S	FacU	G,F
Rumex acetosella	Sheep sorrel	21	3.2	7.8	F	Fac	G,B
Saponaria officinalis	Soapwort	19	3.3	6.4	F	FacU	G
Solanum dulcamara	Climbing nightshade	19	3.3	7.9	F	Fac	W,F
Tanacetum vulgare	Tansy	22	4.2	5.1	F		G,B
Trifolium pratense	Red clover	29	3.1	6.7	F	FacU+	G
Trifolium repens	White clover	29	2.9	5.7	F	FacU+	G
Typha angustifolia	Narrow-leaved cattail	21	7.4	9.1	F	Obl	W,A
Typha x glauca	Hybrid cattail	11	7.7	9.1	F	Obl	W,A
Ulmus pumila	Siberian elm	17	4.8	8.0	T,S		G
Vinca minor	Common periwinkle	10	6.9	7.5	F,V		F

EAST CENTRAL WISCONSIN REGIONAL PLANNING COMMISSION

March, 2007

Merlin Gentz, Chair
Brian Kowalkowski, Vice-Chair
Eric Fowle, Secretary-Treasurer

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Patrick Laughrin
Clarence Wolf

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William Castle
(Richard Wollangk, Alt)
Arden Schroeder
Ken Robl

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Ken Capelle
M. Eugene Zeuske

TOWN OF OAKFIELD
FOND DU LAC COUNTY, WISCONSIN

ORDINANCE AMENDING CONSERVATION SUBDIVISION ORDINANCE

The Town Board of the Town of Oakfield, Fond du Lac County, Wisconsin, with quorum present and upon proper notice, having conducted a public hearing and received a recommendation of the Plan Commission hereby ordains the following amendments to the Town of Oakfield Conservation Subdivision Ordinance:

Section 3.1(1) is amended to read:

(1) AREAS TO BE REGULATED

The conservation subdivision standards apply to a division of a lot, parcel or tract of land that creates 3 or more parcels or building sites, or successive divisions of land within a five-year period that result in 3 or more parcels. The number of new parcels that can be created shall be consistent with the applicable zoning ordinance for the parent parcel. The overall development density for the parent parcel is the same as would be allowed for a conventional subdivision except for those conservation subdivisions which qualify for a development bonus under section 5.2. The provisions of this ordinance apply to residential development within the Town. Conservation subdivisions should not be allowed in either the Niagara Escarpment Management Zone, Horicon Marsh Viewshed Overlay Zone, and Resource Protection Areas as indicated in the *Oakfield Area Joint Land Use Plan* or areas where shoreland and floodplain zoning is currently enforced.

All other provisions of the Town of Oakfield Conservation Subdivision Ordinance remain in full force and effect.

The Town Clerk and Town Attorney are hereby authorized and directed to take all action necessary to incorporate this amendment into the Town's Conservation Subdivision Ordinance.

This Ordinance shall be published or posted as required by law.

Dated this 31 day of August, 2020.

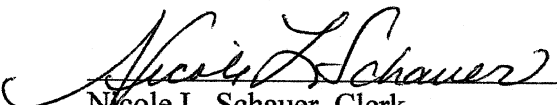
ORDINANCE AMENDING CONSERVATION SUBDIVISION ORDINANCE

TOWN OF OAKFIELD

By:


Ed Smith, Chairperson

Attest:


Nicole L. Schauer, Clerk

Ordinance No. _____
TOWN OF OAKFIELD DOG AND OTHER ANIMAL CONTROL ORDINANCE

The Town Board of the Town of Oakfield, in the interest of the health and safety of Town residents and pursuant to its police powers, does hereby ordain and establish an animal control ordinance.

I. DEFINITIONS

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

II. LICENSING

- A. Every owner of any dog five months of age or older must obtain a license therefore as provided in sec. 174.05, Wis. Stats. In accordance with said statute, the minimum license fee for each neutered male or spayed female dog shall be \$4.00. The minimum license fee for each unneutered male or unsprayed female dog shall be \$9.00. The Town Board, in its discretion as authorized by sec. 174.05, Wis. Stat., may increase the license fee to any amount not to exceed the total cost to the Town of all licensing, regulation and impounding activities for the previous year. Dog license fees shall be paid to the Town Treasurer. In addition to the license fee established herein, a late fee of \$10.00 shall be assessed and collected from every owner of a dog over the age of five months who fails to obtain a license prior to April 1 of each year, or within 30 days of acquiring ownership of a licensable dog or if the owner fails to obtain a license on or before the dog reaches licensable age. All late fees collected shall be paid to the Town Treasurer.
- B. Application for licenses shall be made to the Town Treasurer and shall include the name and address of the applicant, description of the animal, the appropriate fee, certification by a licensed veterinarian that the animal is neutered or spayed (if applicable), and certification by a licensed veterinarian that the animal has received current immunization for rabies.

- C. Licenses shall be provided for dogs specially trained to lead blind or deaf persons or to provide support for mobility-impaired persons at no charge or fee.
- D. Upon acceptance of the application and payment of the required fee, the Town Treasurer shall issue a license tag to all dogs in accordance with the provision of sec. 174.07, Wis. Stats. The owner shall securely attach the tag to the dog's collar in accordance with the requirements of said section.

III. KENNEL PERMITS

- A. In addition to licensing options provided under sec. 174.053, Wis. Stats., every person who owns or operates a kennel shall apply for a kennel permit. The Town Treasurer shall issue tags for the number of dogs authorized in the permit. The tag and rabies vaccination tag must be worn at all times, except during competition for a show dog. The tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel.
- B. The Town Board hereby imposes a kennel permit fee as follows:
 - \$75.00 for a kennel of 12 or fewer dogs
 - \$10.00 for each additional dog over 12
- C. Each permit holder shall, in addition to the other requirements of this Ordinance and the requirements of state statutes, comply with the minimum standards of this section. Failure to comply with these standards shall be grounds for denial or revocation of a kennel permit.
- D. Kennel permits shall not be issued to any person residing in the unincorporated Village of Oak Center.
- E. Minimum kennel standards are established as follows:
 1. Enclosures shall be provided for adequate protection against weather extremes. Floors, runs, and walls shall be of an impervious material to permit proper cleaning and disinfection.
 2. Building temperatures shall be maintained at a comfortable level for the animals kept therein. Adequate ventilation shall be provided to promote health and maintain odor control.
 3. Each animal shall have sufficient space to stand up, lie down, and turn around without touching the top or sides of the enclosure. Cages shall be of a material that permits cleaning and sanitizing. Concrete floors, unless radiantly heated, shall have bedding or a resting board that allows the animal a resting place that is off the concrete.
 4. Runs shall provide an adequate exercise area and protection from the weather.
 5. All animals shall be quartered and all quarters and runs shall be kept clean, dry, and sanitary. Food shall be free from contamination and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal. All animals shall have potable water available at all times. Water vessels shall be mounted or secured in a manner that prevents tipping and shall be removable for cleaning.

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

IV. NUMBER OF ANIMALS LIMITED

Animal shelters and licensed kennels excepted, no household shall keep in its possession more than a total of 4 licensable dogs over the age of three months.

V. CARE AND TREATMENT OF ANIMALS

- A. All animals shall be provided with food free from contamination and in sufficient quantity and nutritive value to meet the animal's normal daily requirements for the condition and size of the animal. All animals shall have potable water available at all times.
- B. All animals shall be provided with proper shelter and protection from the weather, veterinary care when needed for routine vaccination and when needed to prevent suffering, and with humane care and treatment.
- C. No person shall confine and allow their animals to remain outside during adverse weather conditions constituting a health hazard. Such treatment shall be deemed cruelty to animals and such animals may be impounded in any animal shelter available to Town residents.
- D. No person shall beat, cruelly ill treat, torment, overload, overwork or otherwise abuse any animal. Any animals subjected to such treatment may be impounded.
- E. Every person in charge of or control of any animal which is kept outdoors shall provide such animal with shelter meeting the minimum standards set forth in this section. The foregoing notwithstanding, in the case of farm animals, nothing in this section shall be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices in the Town.
 1. All animals shall be provided with a moisture-proof shelter made of a durable material and suitable in size to accommodate the animal and allow for retention of body heat. The shelter shall have a floor raised at least 2 inches off the ground. During the months of September through April, inclusive, the shelter shall have an entrance covered by a self-closing swinging covering or an "L" shaped entrance to prevent the wind from blowing directly into the shelter. During said months, the shelter shall be provided with a sufficient quantity of suitable bedding material to provide insulation and protection against cold and dampness and promote the retention of body heat.
 2. During the months of May through September, inclusive, and at any other such times when sunlight is likely to cause heat exhaustion, all animals shall be provided with shade by natural or artificial means from the direct rays of the sun.
- F. No person shall abandon any animal.

VI. CONTROL OF ANIMALS

- A. Every animal owner, and every person charged with the care or custody of an animal, shall exercise proper care and control of such animals to prevent them from becoming a public nuisance. Molesting a passerby, chasing vehicles, attacking other animals without provocation, trespassing upon public or private property in such a manner as to cause damage, and excessive or continuous barking, whining or howling, shall be deemed a nuisance.
- B. No animal shall be allowed to run at large within the Town. For the purposes of this section, “running at large” shall embrace all places within the Town other than the premises of the animal’s owner or other person charged with care and custody of the animal if known, or premises rented or otherwise under the direct control and possession of the owner or custodian of the animal. Any animal found running at large, regardless of known ownership or the lack thereof, may be subject to impoundment. This section shall apply both to animals with known owners or custodians and to stray animals.

VII. DANGEROUS DOGS

- A. No person shall allow a dangerous dog to go unconfined.
- B. No person shall allow a dangerous dog to go beyond the person’s premises unless such dog is muzzled by a device sufficient to prevent such dog from biting persons or other animals and restrained with a chain having a minimum tensile strength of 300 pounds and not exceeding four feet in length.
- C. For the purpose of this section “dangerous dog” means any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury to, or otherwise endanger the safety of humans or other animals, or any dog which attacks a human being or other animal without provocation.
- D. Unless muzzled and restrained as required under subsection B of this section, a dangerous dog shall be securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of such dog. Such pen or structure must have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides must be imbedded into the ground no less than one foot.
- E. No person shall own or harbor any dog for the purpose of dog fighting, or to train, torment, badger, bait, or use any dog for the purposes of causing or encouraging said dog to unprovoked attacks upon human beings or other animals.
- F. The provisions of this section shall apply to adult dogs only, which shall mean any dog over the age of six months.
- G. Any person convicted of violating the provisions of this section shall forfeit an amount not less than \$100.00 or more than \$1,000.00 or in lieu thereof be imprisoned in the Fond du Lac County Jail for a term not to exceed 90 days. Each day of a continuation of a violation shall constitute a separate offense.

- H. Any dangerous dog which attacks a human being or another animal may be ordered destroyed when, in the Court's judgment, such dangerous dog poses a continuing threat of serious harm to human beings or other animals.
- I. Any person found guilty of violating this section shall be responsible for expenses of prosecution, all expenses incurred for shelter, food, veterinary care, identification, and boarding necessitated by the seizure of any dog for the protection of the public, and any such expenses as may be incurred for the destruction of any such dog.

VIII. VICIOUS ANIMALS

- A. No person shall own or keep any vicious animal in the Town.
- B. For the purpose of this section "vicious" shall mean any animal which constitutes a physical threat to human beings or other animals. An animal which, unprovoked, bites a person or persons more than once within a 12-month period shall be presumed to be vicious. The burden shall be upon the owner to prove provocation.

IX. IMPOUNDMENT OF ANIMALS

- A. Any dog or other animal which is found to be unlicensed, untagged, running at large, or otherwise in violation of this Ordinance may be taken up, detained, and impounded by any member of the Town Board and the same may employ such agents as they may reasonably require to assist them in these acts.
- B. Upon the taking up or impoundment of a dog or other animal, its owner shall, if known, be notified of the impoundment either in person or by certified mail, return receipt requested.
- C. If the owner of the dog or other animal which has been taken up or impounded cannot be determined, a written notice of the impoundment shall, within 72 hours of the impoundment, be posted in three conspicuous places in the Town of Oakfield, one of which shall be the Town Hall bulletin board. The notice shall be dated and shall state that if the owner does not reclaim the animal with seven days, Sundays excepted, then and in that case, the animal shall be humanely dispatched.
- D. Any dog impounded pursuant to this section must be licensed and tagged before its release. Upon claiming the dog or other animal, the owner shall reimburse the Town for the expenses of the animal's impoundment, which shall be not less than the daily impoundment fee then charged by the Fond du Lac Humane Society. Dogs picked up and returned to known owner shall be charged \$50.00 for time and mileage.

X. GENERAL DUTY

Nothing in this Ordinance is intended to create a cause of action or claim against the Town or its officials, agents, or employees running to specific individuals. Nothing in this Ordinance is intended to create a duty on the part of any Town official, employee, or agent to take any act under this Ordinance. This Ordinance shall be construed as solely permissive where such actions are concerned.

XII. PENALTY

Except, as otherwise specifically provided herein, any person convicted of a violation of any provision of this Ordinance shall forfeit an amount not less than \$50.00 or more than \$100.00. Each day of the continuation of a violation shall constitute a separate offense. In addition to all other remedies and penalties, any person convicted a violation of any portion of this Ordinance pertained to the care and treatment of animals shall have the license to own, keep, harbor, or have custody of animals revoked and no new license shall be issued fore a period of one year.

XII. AUTHORITY AND SEVERABILITY

This Ordinance is adopted under the authority of Wis. Stat., Chapters 172, 173 and 174. If any part of this Ordinance shall be held invalid, any such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.

Adopted this _____ day of _____ by the Town Board of the Town of Oakfield.

Ed Smith, Town Chairperson

Albert Messner, Supervisor

Marvin Pea, Supervisor

Attest:

Alex Strupp, Town Clerk

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

LIVESTOCK LICENSING ORDINANCE

THE TOWN BOARD OF THE TOWN OF OAKFIELD 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 Oakfield. This Ordinance sets forth the procedures for obtaining a license for the siting of new and expanded livestock facilities in the Town of Oakfield.

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. (36):
 - (a) Cattle.
 - (b) Swine.
 - (c) Poultry.
 - (d) Sheep.
 - (e) Goats.
 - (2) It has no more than 500 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. (36).
 - (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. (36).
 - (b) It and the other livestock facilities to which it is related under sub. (36) 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 Oakfield is required for new or expanded livestock facilities that will have 500 or more animal units.

(B) Licenses for Existing Livestock Facilities

- (1) A license is required for the expansion of a pre-existing or previously approved livestock facility if the number of animal units kept at the expanded livestock facility will exceed all of the following:
 - (a) The applicable size threshold for a license.
 - (b) The maximum number previously approved or, if no maximum number was previously approved, a number that is 20% higher than the number kept on 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 200 feet from the property line if the livestock facility will have 1,000 or more animal units.

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

(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 150 feet from a public road right-of-way if the livestock facility will have 1,000 or more animal units.

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

(c) Waste Storage Structure

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

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

- (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 Oakfield 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.

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.

Dated this 6th day of November, 2017

TOWN OF OAKFIELD

By: 

Russell Ratkowski, Chairperson

Attest: 

Alex Strupp, Clerk

COPY

TOWN OF OAKFIELD
FOND DU LAC COUNTY, WISCONSIN

ORDINANCE PROHIBITING PUBLIC NUISANCES

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

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

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

SECTION 1. APPLICABILITY

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

SECTION 2. DEFINITIONS

2.1 **Public Nuisance-General.** A public nuisance is a thing, act, occupation, condition or use of property which shall continue for such length of time as to: (a) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public; (b) In any way render the public insecure in life or in the use of property; (c) Greatly offend the public morals or decency; (d) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property; (e) Any condition or use of premises or of building exteriors which is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the neighborhood in which such premises are located.

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

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

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

(e) The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.

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

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

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

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

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

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

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

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

- (c) All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the Town or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished.
- (d) All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk.
- (e) Any junk, wood, bricks, cement, concrete blocks, abandoned vehicles, or machinery or parts thereof, refrigerators, furnaces, washing machines, stoves, and other appliances or any other unsightly accumulation of items or materials such as may tend to depreciate property values in the area, or create a blighted condition, or create a hazard (except when such items are properly housed and out of public view).
- (f) Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.
- (g) Any manure, mud, crops or debris on Town roads.
- (h) All items enumerated in section 2.2, above.

SECTION 3. ABATEMENT OF PUBLIC NUISANCES

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

3.2 **Notice to Owner.** If the Town Board determines that a public nuisance exists within the Town, it shall provide notice to the person causing, permitting or maintaining such nuisance or the owner or occupant of the premises where such nuisance exists. The notice shall direct the person causing, permitting or maintaining the nuisance or the owner or occupant of the premises to abate or remove such nuisance within three (3) days. The notice shall also state that unless such nuisance is so abated, the Town shall cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.

3.3 **Abatement by Town.** If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the Town shall cause the abatement or removal of such public nuisance.

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

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

SECTION 4. COST OF ABATEMENT

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

SECTION 5. PENALTIES

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

SECTION 6. INTERPRETATION AND SEVERABILITY

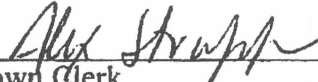
6.1 **Interpretation.** The provisions of this ordinance are not intended to supersede or modify provisions of existing Zoning Ordinances or other rules, regulations and ordinances adopted by the Town. Where the provisions of this ordinance impose greater restrictions than any statute, ordinance or covenant,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

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



Town Chairman

Attest:



Town Clerk

Adopted this 9th day of June, 2003.

Published this 19th day of June, 2003.

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

SEX OFFENDER RESIDENCY ORDINANCE

The Town Board of the Town of Oakfield, 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 Oakfield 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 8: 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 Oakfield 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 9: 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 10: 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 11: 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 12: 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.

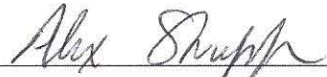
Section 13: Effective Date.

This ordinance shall be effective upon its adoption and publication.

Dated this 9th day of January, 2017.

TOWN OF OAKFIELD

By: 
Russell Ratkowski, Town Chairperson

Attest: 
Alex Strupp, Town Clerk

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

ORDINANCE AMENDING SEX OFFENDER RESIDENCY ORDINANCE

The Town Board of the Town of Oakfield, Fond du Lac County, Wisconsin, upon proper notice and with quorum present and voting, hereby ordains the following amendments to the Town's Sex Offender Residency Ordinance:

Section 10 is hereby created to read:

SECTION 10: Petition for Exemption.

- (a) A Sex Offender may seek an exemption from this Ordinance by petitioning to the Sex Offender Residence Board ("Residence Board").
- (b) The Residence Board shall consist of three citizens residing in the Town. Members shall be selected by the Town Chairperson subject to the approval of the Town Board. Members shall serve for a term of five years and shall serve no more than two consecutive terms. The terms for the initial members of the Residence Board shall be staggered with one member serving one year, a second member serving three years, and a third member serving five years.
- (c) The Residence Board shall approve an official petition form. The Sex Offender seeking an exemption must complete the petition and submit it to the Town Clerk, who shall forward it to the Residence Board. The Residence Board shall hold a hearing on each petition, during which the Residence Board may review any pertinent information and accept oral or written statements from any person. The Residence Board shall base its decision on factors related to the Town's interest in promoting, protecting, and improving the health, safety, and welfare of the community. Applicable factors for the Residence Board to consider include, but are not limited to:
 - (1) Nature of the offense that resulted in designated offender status.
 - (2) Date of offense.

- (3) Age at time of the offense.
 - (4) Recommendation of probation or parole officer.
 - (5) Recommendation of the Police Department.
 - (6) Recommendation of any treating practitioner.
 - (7) Counseling, treatment, and rehabilitation status of the Sex Offender.
 - (8) Remorse of Sex Offender.
 - (9) Duration of time since Sex Offender's incarceration.
 - (10) Support network of Sex Offender
 - (11) Relationship of offender and victim(s).
 - (12) Presence or use of force in offense(s).
 - (13) Adherence to terms of probation or parole.
 - (14) Proposals for safety assurances of Sex Offender.
 - (15) Conditions to be placed on the exemption.
- (d) The Residence Board shall decide by majority vote whether to grant or deny an exemption. An exemption may be unconditional or limited to a certain address, time, or subject to other reasonable conditions. The Residence Board's decision shall be final for purposes of any appeal. A written copy of the decision shall be provided to the Sex Offender.

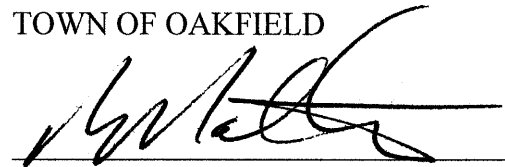
The Town Clerk and Town Attorney are hereby authorized and directed to take all action necessary to incorporate this amendment into the Town's Sex Offender Residency Ordinance.

This Ordinance shall be published or posted as required by law.

Dated this 9th day of September, 2019.

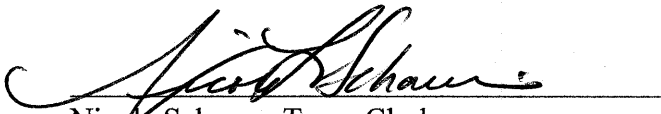
TOWN OF OAKFIELD

By:



Russell Ratkowski, Town Chairperson

Attest:



Nicole Schauer, Town Clerk

SOLAR ENERGY SYSTEMS

TOWN OF OAKFIELD FOND DU LAC COUNTY, WISCONSIN

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

Section 1: Purpose

The purpose of this Ordinance is to provide a regulatory scheme for the construction and operation of Solar Energy Systems in the Town of Oakfield, Fond du Lac County, Wisconsin. All regulations contained herein are adopted to preserve and protect the public health and safety.

Section 2: Definitions

A Solar Energy System is defined as equipment which directly converts and then transfers or stores solar energy into usable forms of thermal or electrical energy. This definition does not include solar powered low level light fixtures that are ground or wall mounted, solar powered electric fences, roof mounted solar energy panels of a non-reflective material or any other solar powered units that are designed primarily for personal, private use.

Section 3: Special Use Permit Required

No Solar Energy System, as defined in this ordinance, may be installed or maintained in the Town of Oakfield without a special use permit granted pursuant to this ordinance.

Section 4: Application

Every application for a Solar Energy System special use 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
- c. Scaled drawing of the Solar Energy System and its dimensions, 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

Any of the information required by this section may be waived by the Town at its discretion.

Section 5: Review of Solar Energy System Special Use Permit Application

The Town will consider each Solar Energy System on a case-by-case basis. The Town may deny a special use 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

Section 6: Solar Energy System Restrictions

The Town may impose restrictions on a Solar Energy System relating to any of the following:

- a. Setbacks from inhabited structures, property lines, public roads, communication and electrical lines, and other sensitive structures and locations
- b. Wiring and electrical controls of the Solar Energy System
- c. Reimbursement for emergency services required as a result of the Solar Energy System
- d. Solar Energy System ground clearance
- e. Solar Energy System height
- f. Any other matters that the Town finds appropriate

Section 7: Revocation

Any special use 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 special use permit granted pursuant to this ordinance.

Section 8: Effective Date

This ordinance shall take effect and be in force upon its passage and publication as required by law.

Section 9: Directive to Town Clerk and Town Attorney

The Town Clerk and the Town Attorney are directed to make all changes necessary in the current text of the Zoning Ordinance to implement the terms of this ordinance.

Adopted this 22nd day of September, 2014.

TOWN OF OAKFIELD

By: Russ Ratkowski

Town Chairperson

Attest:

Alex Strupp

Town Clerk