

**TOWN OF MOSINEE  
MARATHON COUNTY, WISCONSIN  
CODE OF ORDINANCES  
ADOPTED 2016**

**With Amendments:**

**May 2017; July 2020; August 2020**

**By the Mosinee Town Board**

**Chairperson Stephen Hagman**

**Supervisor Jerry Kurth**

**Supervisor Tim Sulzer**

With the Assistance of  
Town Attorney Lee D. Turonie

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# DIVISION I. GENERAL ADMINISTRATION

## ARTICLE 1 FEES & CITATIONS

### 1-1 Fee schedule

Fees for permits, licenses, and other town services shall be as established from time to time by resolution or ordinance, as required by law, of the town board and set forth in a fee schedule adopted and maintained by the town. A copy of the fee schedule is available for inspection and copying in the office of the town clerk.

### 1-2 Ordinance enforcement; penalties

- a) Penalty schedule. Penalties for violation of any provision of this Code that are not specifically addressed in the Code shall be subject to the general penalty schedule set forth in this section.
- b) General penalty. Unless otherwise specifically provided in the penalty schedule referred to in subsection (a) of this section or in this Code, any person who violates any of the provisions of this Code shall, upon conviction, be subject to a penalty as follows:
  - 1) First offense; penalty. For the first offense, forfeiture of not less than \$25.00 nor more than \$500.00 together with the costs of prosecution and, in default of payment of such forfeiture and costs of prosecution, imprisonment in the county jail until such forfeiture and costs are paid, but not for a period exceeding 30 days and not exceeding the penalty authorized by statute.
  - 2) Second offense; penalty. For the second and all subsequent offenses of the same provision or ordinance within one year, forfeiture of not less than \$50.00 nor more than \$1,000.00 for each such offense, together with costs of prosecution and, in default of payment of such forfeiture and costs of prosecution, imprisonment in the county jail until such forfeiture and costs of prosecution are paid, not to exceed 90 days and not to exceed the amount authorized by statute.
- c) Continued violations. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the town from initiating and maintaining any other appropriate action to prevent or remove a violation of any provision of this Code.
- d) Execution against defendant's property. Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any court for violation of any provision of this Code or ordinance of the town, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.

1-3 Citation authority

The county sheriff's department and any other persons as may be designated by the town board to enforce town ordinances may issue citations authorized in this Code. The Town does hereby authorize the Chairperson and Constable to issue citations.

1-4 Severability

If any provision of these Ordinances is invalid or unconstitutional or if the application of these Ordinances to any person or circumstance is found invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the provision or application of these Ordinances which can be given effect without the invalid or unconstitutional provisions or applications.

1-5 Citation form

- (a) Except as provided in subsection c), the Town prescribes that the form for citations to be issued in the Town of Mosinee for violations of Town Ordinances shall be as provided in this subsection and shall include all of the following:
- 1) The name and address of the alleged violator.
  - 2) The factual allegations describing the alleged violation.
  - 3) The time and place of the offense.
  - 4) The section of the Ordinance violated.
  - 5) A designation of the offense in a manner that can be readily understood by a person making a reasonable effort to do so.
  - 6) The time at which the alleged violator may appear in court.
  - 7) A statement that in essence informs the alleged violator of all of the following:
    - a) That the alleged violator may make a cash deposit of a specified amount to be mailed to a specified official within a specified time.
    - b) That if the alleged violator makes a cash deposit, he or she need not appear in court unless subsequently summoned.
    - c) That if the alleged violator makes a cash deposit and does not appear in court, he or she either will be deemed to have tendered a plea of no contest and submitted to a forfeiture, plus costs, fees, and surcharges imposed under ch. 814, Wis. Stats., not to exceed the amount of the deposit, or will



be summoned into court to answer the complaint if the court does not accept the plea of no contest.

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

Clerk of Court  
Marathon County Courthouse  
500 Forest Street  
Wausau, WI 54403

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

1-6 State laws adopted

- a) The Town hereby adopts by reference and incorporates into this Code the provisions of Wis. Stat. chs. 341 to 348 and 350, for which the penalty for violation thereof is a forfeiture, and as from time to time they are amended as if fully set forth herein.
- b) The Town hereby adopts by reference and incorporates into this Code the provisions of Wis. Adm. Code Transportation chs. 110, 347 and 348, except rules pertaining to federal motor carrier safety standards, for which the penalty for a violation thereof is a forfeiture, and as from time to time they are amended as if fully set forth herein.
- c) The Town hereby adopts by reference and incorporates into this Code the provisions of Wis. Stat. § 947.01 entitled “Disorderly conduct” and as from time to time amended as if fully set forth herein.

1-7 Fire Service Charges

- a) A property owner shall be responsible for 100% of the expense incurred for a fire call to a grass or brush fire.
- b) Except for subsection a) above, a property owner shall be responsible for either up to \$800 or one-half the total cost incurred for a fire call, whichever is greater.

**ARTICLE 2**  
**PUBLIC RECORDS ACCESS & RETENTION**

2-1 Legal Custodian.

- a) The Town Clerk is hereby designated as the legal custodian of the Town and is vested with full legal power to render decisions and carry out the Town's public records responsibilities pursuant to Wis. Stats. Ch. 19, Subchapter II.
- b) Paragraph (a) above notwithstanding, an elective official is the legal custodian of his or her records and the records of his or her office. However, an elective official may designate an employee to act as the legal custodian.
- c) Paragraph (a) above notwithstanding, the chairperson of a committee of elective officials, or the chairperson's designee, is the legal custodian of the records of the committee. Similarly, the cochairpersons of a joint committee of elective officials, or their designees, are the legal custodians of the records of the committee.

2-2 Public Access to Records.

- a) The public may obtain information and access to records in the custody of the clerk or other appropriate legal custodian, make requests for records, or obtain copies of records, and learn the costs of obtaining copies of records from the clerk or other appropriate legal custodian during upon at least 48 hours' written or oral notice of intent to inspect or copy a record.
- b) The legal custodian may require supervision during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.
- c) The Town is not required to create a new record by extracting information from existing records and compiling the information in a new format, except that: any requester has a right to receive a copy of a record which is in the form of a comprehensible audio recording substantially as audible as the original or the Town may instead provide a transcript of the recording to the requester if he or she requests; any requester has a right to receive a copy of information contained in the record assembled and reduced to written form on paper if it is not in a readily comprehensible form; and if a record contains information that is subject to disclosure under Wis. Stat. § 19.35(1)(a) or (am) and information that is not subject to such disclosure, the Town shall provide the information that is subject to disclosure and delete the information that is not subject to disclosure from the record before release.
- d) The Town shall provide a requestor with facilities comparable to those used by its employees to inspect, copy and abstract the record during established office hours. However, the Town is not required to purchase or lease photocopying, duplicating, photographic or other equipment or to provide a separate room for the inspection,

copying or abstracting of records.

- e) The Town will impose a fee upon the requester of a copy of a record which may not exceed the actual, necessary and direct cost of reproduction and transcription of the record, unless a fee is otherwise specifically established or authorized to be established by law. Actual, necessary and direct fees for public records requests shall be charged to requestors as follows:
- 1) The costs of photocopying shall be \$0.25 per page.
  - 2) Other methods of reproduction, including but not limited to photographic or transcriptions, shall be at cost.
  - 3) Computer programming expenses required to respond to a request shall be at cost.
  - 4) Mailing or shipping expenses required to respond to a request shall be at cost.
  - 5) Staff time calculated on the pay rate of the lowest paid employee capable of performing the task.
  - 6) Locating a record if the actual cost therefor exceeds \$50.00.
  - 7) The legal custodian shall estimate the cost of all applicable fees and require a prepayment if such estimate exceeds \$5.00.
  - 8) The Town may provide copies of a record without charge or at a reduced charge where the legal custodian determines that waiver or reduction of the fee is in the public interest.
  - 9) Elected and appointed officials of the Town shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.
  - 10) Continuing or ongoing requests are not possible. Requests can only be made and fulfilled for records that exist at the time the request is made.

2-3 Access procedures.

- a) A request to inspect or copy a record shall be made to the legal custodian.
- b) A request is deemed sufficient if it reasonably describes the requested record or the information requested. A request for a record without a reasonable limitation as to subject matter or length of time represented by the record does not constitute a sufficient request and may be denied for those reasons. However, nothing herein this Code shall prevent the legal custodian from contacting the record requestor in an attempt to better identify what

the person is seeking.

- c) Upon request for any record a legal custodian shall as soon as practicable and without unnecessary delay either fulfill the request or notify the requester of the Town's determination to deny the request in whole or in part and the reasons therefor.
- d) A requester may be required to show acceptable identification only when the requested record is being kept at a private residence or whenever security reasons or federal law or regulations require it. Otherwise, no request may be refused because the person making the request is unwilling to be identified or to state the purpose of the request.
- e) A request may be made orally or in writing and need not be made in person. If a request is made orally, the Town may deny the request orally unless a demand for a written statement of the reasons denying the request is made by the requester within 5 business days of the oral denial. If the Town denies a written request in whole or in part, the requester shall receive from the Town a written statement of the reasons for denying the written request. Every written denial of a request by the Town shall inform the requester that if the request for the record was made in writing, then the determination is subject to review by mandamus under Wis. Stat. § 19.37(1) or upon application to the attorney general or a district attorney.
- f) No record may be destroyed after the receipt of a request for inspection or copying of the record until after the request is granted or until at least 60 days after the date that the request is denied or, if the requester is a committed or incarcerated person, until at least 90 days after the date that the request is denied. Upon written notice that an action relating to a record has been commenced under Wis. Stat. § 19.37, the record may not be destroyed until after the order of the court in relation to such record is issued and the deadline for appealing that order has passed, or, if appealed, until after the order of the court hearing the appeal is issued. If the court orders the production of any record and the order is not appealed, the record may not be destroyed until after the request for inspection or copying is granted.
- g) In limited circumstances a request can experience minor delay in order to properly notify a record subject pursuant to Wis. Stat. § 19.356.

2-4 Limitations on right of access.

- a) Although there is a presumption of access to a record, the legal custodian must also consider whether there are any explicit rights or prohibitions to access in statute or case law, and finally by a balancing test weighing possible harm against benefit to the public.
- b) If a record contains both information that may be made public and information that may not be made public, the custodian shall provide the information that may be made public and redact the information that may not be made public from the record before release. The custodian shall confer with the Town attorney prior to releasing any such record and

shall follow the guidance of the Town attorney when separating out the exempt material. If in the judgment of the custodian and the Town attorney there is no feasible way to separate the exempt material from the nonexempt material without unreasonably jeopardizing nondisclosure of the exempt material, the entire record shall be withheld from disclosure.

- c) A requester has a greater right of access than the general public to any personally identifiable information pertaining to the individual in a record containing personally identifiable information that is maintained by the Town.

2-5 Retention of records.

The Town shall keep the following records for at least the quantified time periods set herein below and by statute unless the state Public Records Board has adopted a shorter period pursuant to Wis. Stat. § 16.61(3)(e), then it shall apply instead:

- a) Do not destroy; retain for an indefinite period: minutes of meetings; original copies of ordinances and ordinance amendments; original copies of resolutions; deeds and other property records; information about plats, certified survey maps, public streets and highways; legal opinions received from the town attorney; information on the Village's "Class B" liquor license quota; and insurance policies.
- b) Unless otherwise enumerated in statute or herein below, a record shall be kept at least seven (7) years pursuant to Wis. Stat. § 19.21(4)(b).
- c) Pursuant to Wis. Stat. § 19.21(7), a tape recording of a meeting for the sole purpose of making the minutes can be destroyed no sooner than ninety (90) days after the minutes are approved.
- d) Pursuant to Wis. Stat. § 125.04(3)(i)3, liquor license applications shall be retained for at least four (4) years.
- e) Pursuant to Wis. Stat. § 7.23, all materials and supplies associated with an election, except as provided in sub. (12) may be destroyed according to the following schedule:
  - 1) Except as provided in par. (2), unused materials after an election and the contents of the blank ballot box after a primary may be destroyed at a time and in a manner designated by the clerk.
  - 2) Unused ballots may be discarded or destroyed no earlier than the day after the latest day for the filing of a petition for a recount under Wis. Stat. § 9.01 for any office on the ballots.

- 3) Registration forms of electors whose registrations are changed to ineligible status under Wis. Stat. § 6.50(7) may be destroyed four (4) years after the change, unless an elector becomes eligible again during that period.
- 4) Financial reports may be destroyed six (6) years after the date of receipt. Financial registration statements may be destroyed six (6) years after termination of registration.
- 5) Poll lists created for any election may be destroyed twenty-two (22) months after the election at which they were created.
- 6) Except as authorized in par. (7), ballots, applications for absentee ballots, registration forms, or other records and papers requisite to voting at any federal election, other than registration cards, may be destroyed after twenty-two (22) months.
- 7) Detachable recording units and compartments for use with tabulating equipment for an electronic voting system may be cleared or erased fourteen (14) days after any primary and twenty-one (21) days after any other election. Before clearing or erasing the units or compartments, a municipal clerk shall transfer the data contained in the units or compartments to a disk or other recording medium which may be erased or destroyed twenty-two (22) months after the election to which the data relates. The requirement to transfer data does not apply to units or compartments for use with tabulating equipment for an electronic voting system that was approved for use prior to January 1, 2009, and that is not used in a federal election.
- 8) Except as provided in par. (6), ballots may be destroyed thirty (30) days after any election.
- 9) Official canvasses may be destroyed ten (10) years after the election to which they relate.
- 10) Election notices, and proofs of publication and correspondence filed in connection with such notices may be destroyed one year after the date of the election to which they relate.
- 11) All other materials and supplies associated with an election may be destroyed ninety (90) days after the election.
- 12) If a recount is pending or if the time allowed for filing a recount petition at any election or an appeal or petition for review of any recount determination or decision at an election has not expired, no materials may be destroyed until after the recount is completed and the applicable time

period has expired. In addition, if there is litigation pending with respect to a recount at an election, materials may be destroyed and recording units or compartments may be cleared or erased only by order of the court in which litigation is pending. Upon petition of the attorney general or a district attorney or U.S. attorney for the affected jurisdiction, a circuit judge for the affected jurisdiction may order that specified materials not be destroyed or that specified recorders, units or compartments not be cleared or erased as otherwise authorized under this subsection until the court so permits.

- f) Pursuant to Wis. Stat. § 19.21(4)(a), no assessment roll containing land enrolled in the Forest Crop program can be destroyed without prior approval of the state secretary of revenue.

2-6 Notice to historical society.

Prior to the destruction of any public record at least sixty (60) days' notice in writing shall first be given to the State Historical Society of Wisconsin.



**ARTICLE 3**  
**TOWN BODIES & EMPLOYEES**

3-1 Volunteer accounts authorized

- a) The Town grants the members of any fire department, emergency medical technician department, or first responder department serving the Town the exclusive control over the deposit and expenditure of volunteer funds of such a department.
- 1) “Volunteer funds” means funds that are raised by the members of the volunteer department, by other volunteers, or by donation to the volunteer department, for the benefit of the volunteer department.
  - 2) The department shall use an account in the name of the department in a public depository.
  - 3) "Public depository" means a federal or state credit union, federal or state savings and loan association, state bank, savings and trust company, federal or state savings bank, or national bank in this state which receives or holds any public deposits or the local government pooled investment fund.
  - 4) The respective department’s chief or that person’s designee is designated as the department member who shall have control over the deposit and expenditure of the volunteer funds.
  - 5) Specific uses of the volunteer funds shall be determined by the chief or that person’s designee.
  - 6) The chief or that person’s designee shall provide to the town board a report describing the collection, deposit and uses made of the volunteer funds upon its request.
  - 7) Notwithstanding this ordinance volunteer funds shall remain the property of the Town until the funds are disbursed.

3-2 Board of Appeals

- a) Alternate members for board of review.
- 1) Pursuant to Wis. Stats. §§70.47(1) & (6m)(c), the town establishes and shall maintain a public list of names of persons eligible and appointed by the town board to serve as alternate members of the board of review.
  - 2) The list shall be arranged and maintained by the town clerk in a priority order of probable and likely service as an alternate and kept in the office of the clerk. The town clerk shall notify any named member who has been lawfully removed under Wis. Stats. §§ 70.47 (6m) (a) or (b), and shall then notify the alternate member of his or her appointment to replace another member of the board of review.

- 3) The alternate, once notified, if he or she approves the appointment, and if the appointment would not violate Wis. Stat. § 19.59, shall then take the oath of office and act as a member of the board of review under Wis. Stat. § 70.47 (6m) (c).
  - 4) In addition, the appointed town clerk, if a resident of the town, is appointed with this ordinance as a regular voting member of the board of review.
- b) Confidentiality of income and expense records.
- 1) The town provides by this ordinance for the confidentiality of information about income and expenses that is provided to the assessor pursuant to Wis. Stat. § 70.47(7)(af), with the necessary exceptions for persons using the information in the discharge of duties imposed by law or the duties of their office or by order of a court.
  - 2) Information provided to the town pursuant to Wis. Stat. § 70.47(7)(af) is not subject to the right of inspection and copying pursuant to Wis. Stat. § 19.35(1), the state public records law, unless a court determines that it is inaccurate.
- c) Procedures and criteria for allowing alternative forms of sworn testimony.
- 1) Pursuant to Wis. Stat. § 70.47(8) the board of review may consider requests from a property owner or the property owner's representative to appear before the board under oath by telephone or to submit written statements under oath to the board of review.
  - 2) In order for a property owner or property owner's representative to submit a request to testify by phone or submit a sworn written statement, he or she must first comply with the following procedures:
    - i) The legal requirement to provide notice of intent to appear at board of review must be satisfied; and
    - ii) An Objection Form for Real Property Assessment (PA-115A) must be completed and submitted to the board of review as required by law.
    - iii) If the two requirements above have been met, a Request to Testify by Telephone or Submit a Sworn Written Statement at Board of Review (Form PA-814) may be submitted to the town clerk. Such requests must be submitted in time to be considered by the board at the first meeting of the board of review.
- (c) The board may consider any or all of the following factors when deciding whether to grant or deny the request:

- 1) The requester's stated reason(s) for the request as indicated on the PA-814;
- 2) Fairness to the parties;
- 3) Ability of the requester to procure in person oral testimony and any due diligence exhibited by the requester in procuring such testimony;
- 4) Ability to cross examine the person providing the testimony;
- 5) The board of reviews technical capacity to honor the request; and
- 6) Any other factors that the board deems pertinent to deciding the request.

3-3 Grievance procedure

- a) Purpose. This grievance procedure is adopted pursuant to s. 66.0509(1m), Wis. Stat., and is intended to provide a timely and orderly review of disputes regarding: employee terminations, employee discipline, and workplace safety.
- b) Definitions for terms used in this document:

**DAYS.** "Days" means calendar days, excluding legal holidays as defined in s. 995.20, Wis. Stat.

**DISCIPLINE.** "Discipline" means any employment action that results in disciplinary suspension without pay, disciplinary reduction in pay or other benefits, disciplinary demotions and terminations. The term "discipline" does not include verbal notices or reminders, written reprimands, performance evaluations, documentation of employee acts and/or omissions in an employment file, nondisciplinary demotions, non-disciplinary adjustments to compensation or benefits, actions taken to address job performance such as establishment of a performance improvement plan or job targets; placing an employee on paid leave pending an internal investigation; or other personnel actions taken by the employer for non-disciplinary reasons.

**HEARING OFFICER.** "Hearing Officer" means the impartial hearing officer required pursuant to s. 66.0509(1m)(d)2, Wis. Stat. The hearing officer selected by the town board is \_\_\_\_\_.

**TERMINATION.** "Termination" means a discharge from employment for rule violations, poor performance, acts detrimental to the employer or other acts of misconduct. The term "termination" does not include: a voluntary quit, completion of seasonal employment, completion of temporary assignment, completion of contract, layoff or failure to be recalled from layoff at the expiration of the recall period; retirement, job abandonment ("no call, no show" or other failure to report to work); or termination of employment due to medical condition, lack of qualification or license, or any other cessation of employment not involving involuntary termination.

WORKPLACE SAFETY. "Workplace Safety" means any alleged violation of any standard established under state law or rule or federal law or regulation relating to workplace safety.

c) Process and Timelines:

- 1) The employee must file a written grievance with the town clerk within 10 days of the termination, discipline or actual or reasonable knowledge of the alleged workplace safety issue. So that an earnest effort can be made to resolve the matter informally, the grievant must discuss the issue with his/her immediate supervisor prior to filing the written grievance. However, in the case of a termination, such a meeting is not required. Grievance forms may be obtained from the clerk. The town clerk shall inform the employee's immediate supervisor and the town chair about receipt of the written grievance as soon as practicable.
- 2) The employee's immediate supervisor will meet with the grievant within 10 days of receipt of the written grievance. The supervisor will provide the grievant with a written response within 10 days of the meeting. A copy of the supervisor's response shall be filed in the clerk's office. If no one has been designated the employee's immediate supervisor, the employee will meet with the town chair who shall then provide the written response.
- 3) The employee may request an appeal to the hearing officer by filing a written request with the town clerk within 10 days of receiving the written response. The town clerk shall notify the town chair and employee's supervisor about the filing of the request for a hearing as soon as practicable. The town will work with the hearing officer and grievant to schedule a mutually agreeable hearing date.
- 4) The hearing officer shall provide the employee and employee's supervisor with a written decision no later than 30 days after the hearing date. The hearing officer shall also provide the town clerk with a copy of the decision for filing in the clerk's office.
- 5) The non-prevailing party may file a written request with the town clerk for an appeal to the town board within 10 days of receipt of the hearing officer's decision. The clerk shall notify the town chair about the request as soon as possible. The town board shall decide the matter and issue a written decision within 45 days of the filing of the appeal. The town board may sustain, deny or modify the recommendation of the impartial hearing officer. The decision of the town board shall be final and binding. A copy of the board's decision shall be provided to the employee and filed in the town clerk's office.
- 6) All timelines may be extended by mutual written agreement of the town board and employee. Without such agreement, a failure of the employee to adhere to any of the specified timelines shall preclude any further consideration of the

grievance.

- 7) If the last day on which an event is to occur is a Saturday, Sunday, or legal holiday, the time limit is extended to the next day which is not a Saturday, Sunday or legal holiday. A grievance or request for an appeal is considered timely if received by the town clerk during normal business hours or if postmarked by 11:59 p.m. on the due date.
  - 8) If the grievance is not answered within the time limits, at any stage, the employee may proceed to the next available step within 7 days.
  - 9) The grievant and town board may mutually agree in writing to waive a step or multiple steps within the procedure.
  - 10) Granting the requested or agreed upon remedy resolves the grievance.
- d) Grievance Requirements. The written grievance must contain:
- 1) A statement of the pertinent facts surrounding the nature of the grievance.
  - 2) The date the incident occurred or the date the alleged workplace safety concern was discovered.
  - 3) The steps taken to informally resolve the grievance, the individuals involved in the attempted resolution, and the results of such discussion.
  - 4) The specific remedy requested; and
  - 5) A description of the workplace safety rule alleged to have been violated, if applicable.
- e) Supervisor's Response. The supervisor's written response to the employee's written grievance must contain:
- 1) A statement of the date the meeting between the employee and supervisor was held.
  - 2) A decision as to whether the grievance is sustained or denied.
- f) Procedure before the Hearing Officer. The hearing officer shall define the issues, identifying areas of agreement and identifying the issues in dispute and hear evidence and arguments. The hearing officer will determine whether the town acted in an arbitrary and capricious manner. A decision will not have been arbitrary or capricious if it was made in the best interest of the town. In all cases, the grievant shall have the burden of proof to support the grievance. This process does not involve a hearing before a court of law; thus, the rules of evidence will not be strictly followed. However, no factual findings may be

based solely on hearsay evidence. The hearing officer may require the employee and town to submit materials related to the grievance and witness lists in advance of the hearing in order to expedite the hearing. The hearing officer shall sustain or deny the decision of the employee's supervisor. The hearing officer is not given authority to modify the decision made by the employee's supervisor. The hearing officer is not given authority to grant in whole or in part the specific request of the grievant. Within 30 days after the hearing, the hearing officer will issue a decision in writing indicating the findings and reasons for the decision. If the hearing officer's decision on any grievance is appealed, only the issues raised in the hearing may be appealed. Issues are not subject to modification in the appeal process.

- g) Hearing Officer's Decision. The hearing officer's written decision must contain:
  - 1) A statement of pertinent facts surrounding the nature of the grievance.
  - 2) A decision as to whether the grievance is sustained or denied, with the rationale for the decision.
  - 3) A statement outlining the timeline to appeal the decision.
- h) Representation. Both the employee and the town may be assisted by a representative of their own choosing in person or by teleconference at any point during the grievance process.
- i) Consolidation. The employee's immediate supervisor and/or the hearing officer may consolidate grievances where a reasonable basis for consolidation exists. If more than one employee is grieving the same issue or circumstance, a single grievance form may be used. A group grievance must be signed by all grieving employees and must indicate that it is a group grievance at the first step in the grievance process.
- j) Costs. Any expense incurred by an employee in investigating, preparing, or presenting a grievance shall be the sole responsibility of the employee. Each party (employee and employer) shall bear its own costs for witnesses and all other out-of-pocket expenses, including possible attorney fees. The fees of the impartial hearing officer shall be divided equally between the parties with the employee(s) paying half and the employer paying the other half. The fees of the hearing officer will be: \_\_\_\_\_.

3-4 Election workers

- a) The town clerk shall have discretion to reduce the required number of election officials at a polling place from 7 to 5 or 3.
- b) The town clerk shall have discretion to utilize one additional inspector to serve at each polling place without regard to party affiliation who shall serve as a greeter to answer questions and to direct electors to the proper locations for registration and voting and who shall be available to substitute for other election officials who must leave the room during

the voting process.

- c) The town clerk shall have discretion for the selection of alternate officials or the selection of 2 or more sets of officials to work at different times on election day, and may establish different working hours for different officials assigned to the same polling place.

## **DIVISION II. ZONING**

### **ARTICLE 1**

#### **TITLE**

This Division of the Code of Ordinances shall be known, cited, and referred to as:

THE TOWN OF MOSINEE ZONING CODE or ZONING CODE



**ARTICLE 2**  
**PURPOSE**

The Town of Mosinee Zoning Code is adopted for the following purposes:

- a) To lessen congestion in the streets.
- b) To secure safety from fire, panic and other dangers.
- c) To promote and to protect the public health, safety, comfort, convenience and general welfare.
- d) To provide adequate standards of light, air and open space.
- e) To prevent the overcrowding of land.
- f) To avoid undue concentration of population.
- g) To facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.
- h) To foster, in concert with the aesthetic, natural resource, and positive community attributes of the Township, a more rational pattern and relationship between residential, business, commercial and manufacturing uses of the landscape.

**ARTICLE 3  
RULES AND DEFINITIONS**

In the construction of this Zoning Code the rules and definitions contained in this article shall be observed and applied, except when the context clearly indicates otherwise. In further application and for clarity of interpretation of the context, the following finite definitions of word use shall apply:

- a) Words used in the present tense shall include the future; Words used in the singular number shall include the plural and the plural the singular.
- b) The word "shall" is mandatory and not discretionary. YOU MUST
- c) The word "may" is permissive YOU CAN
- d) The word "lot" shall include the words "piece," "parcel," and "plots" the word "building", includes all other structures of every kind regardless of similarity to buildings; and the phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."

**ACCESSORY BUILDING OR USE.** An "accessory building or use" is one which:

- a) is subordinate and incidental to, and serves, a principal building or use
- b) is subordinate in area, extent, and purpose to the principal building or principal use served;
- c) contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served;
- d) is located on the same zoning lot as the principal building or use served, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same zoning lot with the building or use served.

**AGRICULTURE.** "Agriculture" is the use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

**AGRICULTURAL USE.** "Agricultural Use" means any of the following:

- a) Any of the following activities conducted for purpose of producing an income or livelihood:
  - 1) Beekeeping.
  - 2) Dairying.
  - 3) Floriculture (cultivation of ornamental flowering plants).

- 4) Grazing.
- 5) Livestock raising.
- 6) Feedlots where the operation has approval permits per Chapter 13 of the Marathon County Code of Ordinances.
- 7) Poultry raising where the operation has approval permits per Chapter 13 of the Marathon County Code of Ordinances.
- 8) Plant nurseries and orchard.
- 9) Raising of grain, grass, mint and seed crop.
- 10) Raising of tree fruit, nuts, and berries.
- 11) Ginseng raising.
- 12) Sod farming.
- 13) Vegetable raising.
- 14) Viticulture (grape growing).
- 15) Forest and game management.

**AIRPORT.** An “airport” is any area of land or water which is used or intended for use for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way, including all necessary taxiways, aircraft storage and tie-down areas, hangars, and other necessary buildings and open spaces.

**ALLEY.** An “alley” is a public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street.

**ANIMAL UNIT.** The town of Mosinee ordinances will use the animal unit definition as defined in NR 243

**APARTMENT HOTEL.** An “apartment hotel” is a hotel in which at least 90 percent of the hotel accommodations are occupied by permanent guests.

**AUTO LAUNDRY.** An “auto laundry” is a building, or portion thereof, containing facilities for washing more than two (2) automobiles, using production line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices.

**BASEMENT.** A “basement” is that portion of a building the floor-line of which is below lot grade and the ceiling of which is not more than five (5) feet above lot grade.

**BLOCK.** A “block” is a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way shorelines or waterways, or boundary lines of the Town of Mosinee.

**BUILDING.** A “building” is any structure built, used, designed, or intended for the support, shelter, protection, or enclosure of persons, animals, chattels, or property of any kind, and which is permanently affixed to the land. When a building is divided into separate parts by unpierced fire or party walls extending continuously from the ground through all stories to and above the roof, each part shall be deemed a separate building.

**BUILDING HEIGHT.** “Building height” is the vertical distance from the curb level, or its equivalent, opposite the center of the front of a building to the highest point of the underside of the ceiling beams, in the case of a flat roof; to the deck line of a mansard roof; and to the mean level of the underside of the rafters between the eaves and the ridge of a gable, hip, or gambrel roof. Where no curb level has been established, the height of a building may be measured from the mean elevation of the finished lot grade at the front of the building.

**BULK.** “Bulk” is the term used to indicate the size and setbacks of buildings or structures and the location of same with respect to one another, and includes the following:

- a) Size, and height of buildings.
- b) Minimum width of buildings.
- c) Location of exterior walls at all levels in relation to lot lines, streets, or other buildings.
- d) Gross floor area of buildings in relation to lot area (floor area ratio or F.A.R)
- e) All open spaces allocated to buildings.
- f) Amount of lot area provided per dwelling unit.

**CAPACITY IN PERSONS.** The “capacity in persons” of an establishment or use is the maximum number of persons that can avail themselves of the services (or goods) of such establishment, at any one time, with reasonable safety and comfort, as determined in the Building Code or as may be determined by the Building Inspector.

**CLINIC MEDICAL OR DENTAL.** A “medical or dental clinic” is an organization of specializing physicians or dentists, or both, who have their offices in a common building. A clinic shall not include in-patient care.

**CLUB OR LODGE, PRIVATE (NON-PROFIT).** A "private club or lodge" is a non-profit association of persons, who are bona fide members paying dues, which owns, hires, or leases a building, or portion thereof; the use of such premises being restricted to members and their guests. The affairs and management of such "private club or lodge" are conducted by a board of directors, executive committee, or similar body chosen by the members. It shall be permissible to serve food and meals on such premises providing adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed provided it is secondary and incidental to the promotion of some other common

objective of the organization, and further provided that such sale of alcoholic beverages is in compliance with the applicable federal, state and local laws.

**CURB LEVEL.** The "curb level" for any building is the level of the established curb in front of such building measured at the center of such front. Where no curb elevation has been established, the mean elevation of the finished lot grade immediately adjacent to a building shall be considered the "curb level."

**DISTRICT.** A "district" is a portion of the territory of the Town of Mosinee within which certain uniform regulations and requirements, or various combinations thereof, apply under the provisions of this ordinance.

**DRIVE-IN ESTABLISHMENT.** An establishment of the "drive-in" type is one which accommodates the patrons' automobiles, from which the occupants may watch, purchase, etc.

**DWELLING UNIT.** A "dwelling unit" consists of one or more rooms which are arranged, designed, or used as living quarters for one family only. Individual bathrooms and complete kitchen facilities, permanently installed, shall always be included for each "dwelling unit"

**DWELLING, SINGLE FAMILY.** A "single-family dwelling" is a building containing one dwelling unit only.

**DWELLING, TWO-FAMILY.** A "two-family dwelling" is a building containing two (2) dwelling units.

**DWELLING, MULTIPLE-FAMILY.** A "multiple-family dwelling" is a building, or portion thereof, containing three or more dwelling units.

**ESTABLISHMENT, BUSINESS.** A "business establishment" is a place of business carrying on operations, the ownership and management of which are separate and distinct from those of any other place of business located on the same zoning lot. Direct access to each "business establishment" shall be separate and distinct from direct access to any other business establishment, and in no case shall there be access to one such establishment from within another such establishment.

**FAMILY.** A "family" consists of one or more persons each related to the other by blood, marriage, or adoption, who are living together in a single dwelling and maintaining a common household. A "family" includes any domestic servants and not more than one gratuitous guest residing with said "family."

**FARM.** A "Farm" means all land under common ownership that is primarily devoted to agriculture.

**FLOOR AREA (For determining floor area ratio).** For the purpose of determining the floor area ratio, the "floor area" of a building is the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings. The "floor area" of a building shall include basement floor area when more than one-half of the basement height is above the established curb level or above the finished lot grade level where curb level has not been established, elevator shafts and stairwells

at each floor, floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof), penthouses, attic space having head-room of seven feet 10 inches or more, interior balconies and mezzanines, enclosed porches and floor area devoted to accessory uses. However, any space devoted to off-street parking or loading shall not be included in "floor-area".

The "floor area" of structures devoted to bulk storage of materials including, but not limited to, grain elevators and petroleum storage tanks - shall be determined on the basis of height in feet; i.e., 10 feet in height shall equal one floor.

**FLOOR AREA** (For determining off-street parking and loading requirements). "Floor area" when prescribed as the basis of measurement for off-street parking spaces and loading berths for any use shall mean the sum of the gross horizontal areas of the several floors of the building, or portion thereof, devoted to such use, including accessory storage areas located within selling or working space such as counters, racks, or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. Floor area for the purposes of measurement for off-street parking spaces shall not include: floor area devoted primarily to storage purposes (except as otherwise noted herein); floor area devoted to off-street parking or loading facilities, including aisles, ramps, and maneuvering space; or basement floor area other than area devoted to retailing activities, to the production or processing of goods, or to business or professional offices.

**FLOOR AREA RATIO (F.A.R.)**. The "floor area ratio" of the building or buildings on any zoning lot is the floor area of the building or buildings on that zoning lot divided by the area of such zoning lot, or, in the case of planned developments, by the net site area. The "floor area ratio" requirements--as set forth under each zoning district shall determine the maximum floor area allowable for the building or buildings (total floor area of both the principal and accessory buildings) in direct ratio to the gross area of the zoning lot.

**FRONTAGE**. "Frontage" is the length of all the property fronting on one side of a street between the two nearest intersecting streets, measured along the line of the street, or if dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

**FRONTAGE, ZONING LOT**. The "frontage of a zoning lot" is the length of all the property of such zoning lot fronting on a street, measured between side lot lines.

**GRADE**. "Grade" is the average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

**HOBBY ANIMAL**. A "Hobby Animal" is any farm animal not regulated by DATCP 51

**HOME OCCUPATION**. A "home occupation" is any occupation or profession carried on by a member of the immediate family residing on the premises, in connection with which there is used no sign or display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling; there is no commodity sold upon the premises; no person is employed other than a member of the immediate family residing on the premises; and no mechanical or electrical equipment is used except such as is permissible for purely domestic or household purposes. A professional person may use his residence for

infrequent consultation, emergency treatment, or performance or religious rites, but not for the general practice of his profession. No accessory building shall be used for such home occupation.

**HOTEL.** A "hotel" is an establishment which is open to transient guests, in contradistinction to a boarding, rooming, or lodging house, and is commonly known as a hotel in the community in which it is located; and which provides customary hotel services such as maid service, the furnishing and laundering of linen, telephone and secretarial or desk service, the use and upkeep of furniture, and bellboy service.

**INCOMPATIBLE USE.** An "incompatible use" is a use or service, which is incapable of direct association with certain other uses because it is contradictory, incongruous, or discordant.

**JUNK YARD.** A "junk yard" is an open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A junk yard includes and automobile wrecking or salvage yard, which is any area of land where three or more vehicles, unlicensed or not in running condition, accumulation of auto parts, or both, are stored in the open and are not being restored to operation, or any land, building or structure used for the wrecking or storing of such motor vehicles, or parts thereof, not in running condition.

**LIMITED ACCESS HIGHWAY.** A "limited access highway" is a traffic way, including toll roads, for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at such points only and in such manner as may be determined by the public authority having jurisdiction over such traffic way.

**LODGING HOUSE (including Boarding and Rooming House).** A "lodging house" is a residential building, or portion thereof-- other than a motel, apartment hotel, or hotel--- containing lodging rooms which accommodate persons who are not members of the keeper's family. Lodging or meals or both are provided for compensation on a weekly or monthly basis.

**LODGING ROOM.** A "lodging room" is a room rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping accommodations shall be counted as one "lodging room" for the purposes of this ordinance.

**LOT.** A parcel of land occupied or designed to be occupied by one building and its accessory buildings or uses, including the open spaces required by this ordinance, and abutting on a public street or other officially approved means of access. A lot may be a parcel designated in a plat or described in a conveyance recorded in the Office of the Register of Deeds, or any part of a large parcel when such part complies with the requirements of this ordinance as to width and area for the district in which it is located. A "lot" is a parcel of land, which is either a "lot of record" or a "zoning lot".

**LOT OF RECORD.** A "lot of record" is a lot which is part of a subdivision, the plat of which has been recorded in the office of the Register of Deeds of Marathon County; or a parcel of land, the deed to which was recorded in the office of said Register of Deeds prior to the adoption of this ordinance.

**LOT, ZONING.** A "zoning lot or lots" is a single tract of land located within a single block, which (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. Therefore, a "zoning lot or lots" may or may not coincide with a lot of record.

**LOT AREA, GROSS.** The "gross lot area" is the area of a horizontal plane bounded by the front, side, and rear lot lines, but not including any area occupied by the waters of a duly recorded lake or river.

**LOT DEPTH.** The "lot depth" is the mean (Average) horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries.

**LOT WIDTH.** The "lot width" is the horizontal distance between the side lot lines of a lot, measured at the narrowest width within the first 30 feet of the lot depth immediately in back of the front yard setback line.

**LOT LINE, FRONT.** The "front lot line" shall be that boundary of a lot which is along an existing or dedicated public street, or where no public street exists, is along a public way. The owner of a corner lot may select either street lot line as the front lot line.

**LOT LINE, REAR.** The "rear lot line" shall be that boundary of a lot which is most distant from, and is, or is most nearly, parallel to, the front lot line.

**LOT LINE, SIDE.** The "side lot line" shall be any boundary of a lot which is not a front lot line or a rear lot line.

**MANUFACTURED HOME (Amended 8-12-96).** A "manufactured home" shall mean a dwelling structure or component thereof fabricated in an off-site manufacturing facility after June 15, 1976, for installation or assembly at the building site bearing a HUD label certifying that it is built in compliance with the Federal Manufactured Housing Construction Standards.

**MEZZANINE.** A "mezzanine" is an intermediate story between the floor and ceiling of a main story and extending over only part of the main floor.

**MODULAR HOME (Amended 8-12-96).** A "Modular Home" shall mean a structure, which is partially preassembled at a manufacturing plant and placed on a lot as a dwelling unit or units. Also called "pre-fabricated" or "pre-cut" homes or "double-wide" units. For purposes of this Ordinance, the term manufactured home shall generally be used to describe this type of structure. It shall be further distinguished from the term mobile home.

**MOBILE HOME (Amended 8-12-96).** A "Mobile Home" shall mean a readily transportable factory built structure except a manufactured home, intended for human habitation, which by its inherent design may be moved from site to site as necessary; which may have and oversized width for normal traffic allowances and thereby require a special travel permit from State or County highway officials: and which may have its undercarriage removed to facilitate a better location on a slab, piers, or foundation. The removal of the wheels, axles, or other components of the running gear and/or the mounting of such a structure or vehicle on a foundation or over a basement shall not be deemed to change its status from that of a mobile home. A structure manufactured after June 15, 1976, which is certified and labeled as a



**MANUFACTURED HOME** under 42 U.S. Code Secs. 5401 to 5406 shall be deemed to be a mobile home under this zoning ordinance. Recreational vehicles are not classified as mobile homes and may not be used as a residence.

**MOBILE HOME PARK.** A "Mobile Home Park" shall mean any plot or plots of land designed, maintained, intended, or used for the purpose of supplying a location for two or more mobile homes or manufactured homes occupied for dwelling or sleeping purposes on a year-round basis and a charge is made for such accommodation.

**MOTOR VEHICLE.** A "motor vehicle" is any passenger vehicle, truck, truck-trailer, trailer, or semi-trailer propelled or drawn by mechanical power.

**MOTEL.** A "motel" is an establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot and designed for use by transient automobile tourists. A "motel" furnishes customary hotel services such as maid service and laundering of linen, telephone and secretarial or desk service, and the use and upkeep of furniture. In a "motel," less than 50 percent of the living and sleeping accommodations are occupied or designed for occupancy by persons other than transient automobile tourists.

**NON-CONFORMING BUILDING OR STRUCTURE.** A "non-conforming building or structure" is any building or structure which:

- a) Does not comply with all of the regulations of this ordinance or of any amendment hereto governing bulk for the zoning district in which such building or structure is located;
- b) Is designed or intended for a non-conforming use.

**NON-CONFORMING USE.** A "non-conforming use" is any use of land, buildings, or structures, lawful at the time of the enactment of this ordinance, which does not comply with all of the regulations of this ordinance or of any amendment hereto governing use for the zoning district in which such use is located.

**PROPERTY LINES.** "Property lines" are the lines bounding a zoning lot, as defined herein.

**PUBLIC WAY.** A "public way" is any sidewalk, street, alley, highway, or other public thoroughfare.

**RESERVOIR PARKING.** "Reservoir parking" facilities are those off-street parking spaces allocated to automobiles awaiting entrance to a particular establishment.

**REST HOME, NURSING HOME, OR CONVALESCENT HOME.** A "rest home, nursing home, or convalescent home" is a private home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders. Such home does not contain equipment for surgical care or for the treatment of disease or injury.

**ROADSIDE STAND.** A "roadside stand" is a structure for the display and sale of agricultural products, with no space for customers within the structure itself.

**SETBACK.** "Setback" is the minimum horizontal distance between the front line of a building or structure and the front property line.

**SHORELANDS.** Lands within the following distances from the ordinary high water mark of navigable waters: 1000 feet from a lake, pond or flowage; and 300 feet from a river or stream or to the landward side of the floodplain, whichever distance is greater. Also refer to the Marathon County Code of Ordinances.

**STORY.** A "story" is that part of a building between any floor and the floor next above, and if there be no floor above, then the ceiling above. A basement is a story if its ceiling is five (5) feet or more above the level from which the height of the building is measured, or if it is used for business purposes, or if it contains any dwelling units other than one dwelling unit for the caretaker of the premise.

**STREET.** A "street" is a public or private right-of-way which affords a primary means of vehicular access to abutting property, whether designated as street, avenue, highway, road, boulevard, lane, throughway, or however otherwise designated, but does not include driveways or buildings.

**STRUCTURAL ALTERATION.** A "structural alteration" is any change, other than incidental repair, which would prolong the life of the supporting members of a building, such as the addition, removal, or alteration of bearing walls, columns, girders, or foundations.

**TENT.** A "tent" is any temporary structure or enclosure, the roof of which and/or one-half or more of the sides are constructed of silk, cotton, canvas, fabric, or a similar pliable material.

**TRAILER.** A "trailer" is any vehicle, house-car, camp-car, or any portable or mobile vehicle on wheels, skids, rollers, or blocks, either self-propelled or propelled by any other means, which is used or designed to be used for residential, living, sleeping, or commercial purposes and herein referred to as a "trailer".

**USE.** The "use" of property is the purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

**USE, PRINCIPAL.** A "principal use" is the main use of land or buildings as distinguished from a subordinate or accessory use. A "principal use" may be "permitted" or "conditional".

**USE, PERMITTED.** A "permitted use" is a use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and standards of such district.

**USE, CONDITIONAL.** A "conditional use" is a use either public or private, which because of its unique characteristics, cannot be properly classified as a permitted use in a particular district or districts. After due consideration, in each case, of the impact of such use upon neighboring land, and of the public need for the particular use at the particular location, such "conditional use" may or may not be granted, subject to the terms of this ordinance.

**VARIANCE.** A departure from the dimensional standards of this ordinance as applied to a specific buildings, structure or parcel of land, which the Board of Appeals may permit, contrary

to the regulations of this ordinance. The variance procedure allows the impact of the general rules to be varied in response to unusual circumstances, which constitute "unnecessary hardship". A variance is not a convenience to the property owner, and are not intended to be granted frequently. Use variances should not be granted by the board. A change in the use requires a zoning map amendment. (zone change)

**YARD.** A "yard" is an open space on the same zoning lot with a building or structure, unoccupied and unobstructed from its lowest level to the sky, except as otherwise permitted in Article 4. a "yard" extends along a lot line, and to a depth or width specified in the yard requirements for the zoning district in which such zoning lot is located.

**YARD FRONT.** A "front yard" is a yard extending along the full length of the front lot line between the side lot lines.

**YARD, REAR.** A "rear yard" is a yard extending along the full length of the rear lot line between the side lot lines.

**YARD, SIDE.** A "side yard" is a yard extending along a side lot line from the front yard to the rear yard.

**YARD, CORNER SIDE.** A "corner side yard" is a side yard which is located immediately adjacent to another zoning lot or to an alley separating such side yard from another zoning lot.

**YARD, TRANSITIONAL.** A "transitional yard" is that yard which must be provided on a zoning lot in a Business District which adjoins a zoning lot in a Residence District, or that yard which must be provided on a zoning lot in an Industrial District which adjoins a zoning lot in either a Residence or Business District.

**ARTICLE 4  
GENERAL PROVISIONS**

**4.1 INTERPRETATION**

- 4.1-1 In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, morals, comfort, convenience, prosperity, and general welfare.
- 4.1-2 Where the conditions imposed by any provision of this ordinance, upon the use of land or buildings or upon the bulk of buildings, are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this ordinance or of any other law, ordinance, resolution, rule, or regulation of any kind, the regulations which are more restrictive or which impose higher standards or requirements shall govern.
- 4.1-3 This ordinance is not intended to abrogate any easement, covenant, or any other private agreement, provided that where the regulations of this ordinance are more restrictive or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this ordinance shall govern.
- 4.1-4 No building, structure, or use which was not lawfully existing at the time of the adoption of this ordinance shall become or be made lawful solely by reason of the adoption of this ordinance; and to the extent that, and in any manner that, said unlawful building, structure, or use is in conflict with the requirements of this ordinance, said building, structure, or use remains unlawful hereunder.

**4.2 SEPARABILITY**

It is hereby declared to be the intention of the Town Board of the Town of Mosinee that the several provisions of this ordinance are separable, in accordance with the following:

- 4.2-1 If any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance not specifically included in said judgment.
- 4.2-2 If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.

**4.3 SCOPE OF REGULATIONS**

- 4.3-1 All buildings erected hereafter, all uses of land or buildings established hereafter, and all structural alteration or relocation of existing building occurring hereafter shall be subject to all regulations of this ordinance which are applicable to the zoning districts in which such buildings, uses, or land shall be located.
- 4.3-2 However, where a building permit for a building or structure has been issued in accordance with law prior to the effective date of this ordinance, and provided that construction is begun within six (6) months of such effective date and diligently

prosecuted to completion, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued, and further, may upon completion be occupied by the used for which originally designated--subject thereafter to the provisions of Article 5, Non-Conforming Buildings, Structures, and Uses.

- 4.3-3 Where the Building Inspector or Town Clerk has issued a permissive use permit, a conditional use permit, or a permit for a variance pursuant to the provisions of this ordinance, such permit shall become null and void unless work thereon is substantially underway within six (6) months of the date of the issuance of such permit.
- 4.3-4 A conditional use permit shall be deemed to authorize only one particular conditional use and shall expire if the conditional use shall cease for more than six (6) months for any reason. In cases where the conditional use permit is in not for a structure or activity that is dependent on the property the conditional use permit will be limited to the applicant only and will cease when the applicant sells the land
- 4.3-5 Where a lot is to be occupied for a permitted use without buildings, the side yards and front yard required for such lot shall be provided and maintained unless otherwise stipulated in this ordinance, except that side yards shall not be required on lots used for garden purposes without buildings or structures nor on lots used for public recreation areas.
- 4.3-6 No land which is located in a Residence District shall be used for driveway, walkway, or access purposes to any land which is located in a Business or Industrial District, or used for any purpose not permitted in a Residence District.

#### **4.4 REGULATIONS FOR UNIQUE USES**

##### **4.4-1 Fences, Wall, and Hedges**

- a) Except as provided in Section 4.8 of this Article, a fence, wall, hedge, or shrubbery may be erected, placed, maintained, or grown along a lot line or residentially-zoned property or adjacent thereto to a height not exceeding six (6) feet above the ground level, except that no such fence, wall hedge, or shrubbery which is located in a required front or corner side yard shall exceed a height of three (3) feet. Where such lot line is adjacent to non-residentially-zoned property, there shall be an eight (8) foot limit on the height of a fence, wall, hedge, or shrubbery along such lot line. (Changed from 5 feet to 6 feet on July 12, 2004)
- b) No fence, wall, hedge, or shrubbery shall be erected, placed, maintained, or grown along a lot line on any non-residentially-zoned property, adjacent to residentially-zoned property, to a height exceeding eight (8) feet.
- c) In any Residence District no fence, wall, hedge, or shrubbery shall be erected, constructed, maintained, or grown to a height exceeding three feet above the street grade nearest thereto, within 25 feet of the intersection of any street lines or of street lines projected.

#### 4.4-2 Trailers

Non-residential use. A trailer shall not be considered to be permissible as an accessory building. However, a trailer may be used as a temporary office or shelter incidental to construction on or development of the premises on which the trailer is located only during the time construction or development is actively underway.

#### 4.4-3 Tents

- a) No tent shall be erected, used or maintained for living quarters.
- b) The requirements for tents used for purposes other than residential shall be as specified by the Town Board.

#### 4.4-4 Fallout Shelters

- a) Fallout shelters shall be used only for the protection of life from radioactive fallout and to other purpose
- b) Fallout shelters shall be located:
  - 1) Within any new or existing principal building or structure, or
  - 2) Attached to any new or existing principal building or structure with direct access from such building or structure, or
  - 3) Wholly underground.

#### 4.4-5 Towers

Includes, but not limited to communication, wind, etc. with a minimum height of 40 feet.

### **4.5 SEWAGE DISPOSAL AND WATER SUPPLY**

Regardless of other provisions of this ordinance, in all classifications and in all districts there shall always be sufficient ground area left unoccupied by a structure or paving for a proper system of sewage disposal and water supply conforming with the standards and requirements of the Town Board, and the Department of Commerce (formerly the Wisconsin State Board of Health). Plot plans accompanying building permit applications shall show clearly the proposed sewage disposal system and well locations, if any.

### **4.6 NUMBER OF BUILDINGS ON A ZONING LOT**

Except in the case of planned developments, not more than one principal residential building shall be located on a zoning lot, nor shall a principal detached residential building be located on the same lot with any other principal building.

### **4.7 ACCESSORY BUILDINGS**

#### 4.7-1 Time of Construction

No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is accessory.

#### 4.7-2 Percentage of Required Yard Occupied

No accessory building or buildings shall occupy more than 20 percent of the area of a required yard.

#### 4.7-3 Height of Accessory Buildings

No accessory building or structure shall exceed the height of the principal building or structure.

See Article 8 for additional building requirements

#### 4.7-4 On Reversed Corner Lots

On a reversed corner lot in a Residence District, and within 15 feet of any adjacent property to the rear in a Residence District, no accessory building or portion thereof located in a required rear yard shall be closer to the side lot line abutting the street than a distance equal to two-thirds the least depth which would be required under this ordinance for the front yard on such adjacent property to the rear. Further, in the above instance, no such accessory buildings shall be located within five (5) feet of any part of a rear lot line which coincides with the side lot line or portion thereof of property in any Residence District.

No accessory building shall be erected in or encroach upon the required side yard of a corner lot which is adjacent to the street, nor upon the required side yard of a reversed corner lot which is adjacent to the street.

### **4.8 BULK REGULATIONS**

#### 4.8-1 Continued Conformity with Bulk Regulations

The maintenance of yards and other open space and minimum lot area legally required for a building shall be a continuing obligation of the owner of such building or of the property on which it is located, as long as the building is in existence. Furthermore, no legally required yards, other open space, or minimum lot area allocated to any building shall, by virtue of change of ownership or for any other reason, be used to satisfy yard, other open space, or minimum lot area requirements for any other building.

#### 4.8-2 Required Yards--Existing Buildings

No yards, now or hereafter provided for a building existing on the effective date of this ordinance, shall subsequently be reduced below, or further reduced if already less than, the minimum yard requirements of this ordinance for equivalent new construction.

#### 4.8-3 Permitted Obstructions in Required Yards

The following shall not be considered to be obstructions when located in the required yards. However, accessory uses and permitted obstructions shall not, in the aggregate, occupy more than 50 percent of any required yard.

- a) In all yards: Open terraces not over two (2) feet above the average level of the adjoining ground, but not including a permanently roofed-over terrace or porch; awnings and canopies; steps four (4) feet or less above grade which are necessary for access to a permitted building or for access to a zoning lot from a street or alley; chimneys projecting 18 inches or less into the yard; recreational and laundry-drying equipment; arbors and trellises; flag poles, fences, and walls not exceeding five (5) feet in height above natural grade level; and open-type fences exceeding five (5) feet in height, but not more than eight (8) feet in height, provided that visibility at right angles to any surface of such fence not be reduced by more than 50 percent. However, such fences and walls shall be subject to applicable height restrictions of Section 4.4 of this Article.
- b) In front yards: One-story bay windows projecting three (3) feet or less into the yard; overhanging eaves and gutters projecting three (3) feet or less into the yard; and fuel, air, and water pumps in conjunction with automobile service stations, provided they shall be set back at least 15 feet from the front lot line.
- c) In rear yards: Open off-street parking spaces; balconies; fallout shelters; breezeways and open porches; one-story bay windows projecting three (3) feet or less into the yard; and overhanging eaves and gutters projecting three (3) feet or less into the yard.
- d) In side yards: Overhanging eaves and gutters projecting 18 inches or less into the yard; and fuel, air, and water pumps in conjunction with automobile service stations, provided they shall be set back at least 15 feet from the side lot line.

## **4.9 OFF-STREET PARKING AND LOADING FACILITIES**

### **4.9-1 Scope of Regulations**

The off-street parking and loading provisions of this ordinance shall apply as follows (may be provided in lieu of any different amounts required by this ordinance):

- a) For all buildings and structures erected and all uses of land established after the effective date of this ordinance, accessory parking and loading facilities shall be provided as required by the regulations of the districts in which such buildings or uses are located. However, where a building permit has been issued prior to the effective date of this ordinance, and provided that construction is begun within six (6) months of such effective date and diligently prosecuted to completion, parking and loading facilities in the amounts required for the issuance of said building permit.
- b) When the intensity of use of any building, structure, or premises shall be increases through the addition of dwelling units, gross floor area, seating capacity, or other units of measurement specified herein for required parking or loading facilities, as required herein shall be provided for such increase in intensity of use.
- c) Whenever the existing use of a building or structure shall hereafter be changed to a new use, parking or loading facilities shall be provided as required for such new



use. However, if the said building or structure was erected prior to the effective date of this ordinance, addition parking or loading facilities are mandatory only in the amount by which the requirements for the new use would exceed those for the existing use, if the latter were subject to the parking and loading provisions of this ordinance.

#### 4.9-2 Existing Parking Facilities

Accessory off-street parking facilities in existence on the effective date of this ordinance and located on the same lot as the building or use served shall not hereafter be reduced below, or if already less than shall not be further reduced below, the requirements for a similar new building or use under the provisions of this ordinance.

#### 4.9-3 Permissive Parking and Loading Facilities

Nothing in this ordinance shall be deemed to prevent the voluntary establishment of off-street parking or loading facilities to serve any existing use of land or buildings, provided that all regulations herein governing the location, design, and operation of such facilities are adhered to.

#### 4.9-4 Damage or Destruction

For any conforming or legally non-conforming building or use which is in existence on the effective date of this ordinance, which subsequently thereto is damaged or destroyed by fire, collapse, explosion, or other cause, and which is reconstructed, re-established, or repaired, off-street parking or loading facilities need not be provided, except that parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation. However, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this ordinance for equivalent new uses or construction.

#### 4.9-5 Control of Off-Site Parking Facilities

In cases where parking facilities are permitted on land other than the zoning lot on which the building or use served is located, such facilities shall be in the same possession as the zoning lot occupied by the building or used to which the parking facilities are accessory. Such possession may be either by deed or long-term lease, the term of such lease to be determined by the Board of Appeals. The owner of the land on which the parking facilities are to be located shall be bound by covenants filed on record in the office of the Register of Deeds of Marathon County, requiring such owner, his or her heirs and assigns, to maintain the required number or parking facilities for the duration of the use server or of the said lease, whichever shall terminate sooner.

#### 4.9-6 Submission of Plot Plan

Any application for a building permit shall include therewith a plot plan--drawn to scale and showing any off-street parking or loading facilities to be provided in fully dimensional with this ordinance.

### **4.10 HEIGHT REGULATIONS IN THE VICINITY OF AIRPORTS**

Airports and their surrounding area are subject to the applicable federal, state, county, (County regulations include, but are not limited to Marathon County Ordinances, Chapter 23, Airport Code) and local regulations, as well as the following requirements:

- 4.10-1 Height of buildings and structures in areas surrounding the boundaries of airports having an established approach plan that has been approved by the above authorities shall be in accordance with requirements set forth in the approach plan and/or adopted airport zoning regulations.
- 4.10-2 Height of buildings and structures in areas within 10,000 lineal feet of the boundaries of airports that do not have an established approach plan or are not governed by adopted airport zoning regulations shall be governed by the following:
- a) For an airport having the longest runway less than 3,950 lineal feet in length, buildings and structures located just beyond the boundaries of the airport shall not be in excess of 15 feet in height, and for every 200 lineal feet of additional distance from the airport boundaries, the height of buildings and structures may be increased by not more than ten (10) feet.
  - b) For an airport having a runway of 3,950 lineal feet or more in length, buildings and structures just beyond the boundaries of the airport shall not be in excess of 15 feet in height; and for every 200 lineal feet of additional distance from airport boundaries, the height of buildings and structures may be increased by not more than five (5) feet; and where a runway has been designed as an instrument runway, the height of buildings and structures in the first 10,000 lineal feet beyond the airport boundaries may be increased by not more than four (4) feet for every 200 lineal feet of additional distance from the airport boundaries.
- 4.10-3 Buildings and structures exceeding the above height limitations shall be considered obstructions to air navigation unless found not to be objectionable after special aeronautical study.

#### **4.11 EXISTING CONDITIONAL USES**

- 4.11-1 Where a use is classified as a conditional use under this ordinance, and exists as a conditional or permitted use at the date of the adoption of this ordinance, it shall be considered to be a legal conditional use.
- 4.11-2 Where a use is not allowed as a conditional or permitted use under this ordinance, and exists as a conditional use at the date of the adoption of this ordinance, it shall be considered to be a non-conforming use and shall be subject to the applicable non-conforming use provisions of Article 5, hereof.

#### **4.12 OBSTRUCTION OF WATER COURSE CHANNELS**

To prevent encroachment upon, or constriction of, river or creek channels, and thereby avoid obstruction to the natural conveyance of water flow in such rivers, creeks, and other natural water courses, there shall not be placed, erected, or located within the banks of such water courses any building or structure, pier or marina, or retaining or revetment wall--except

authorized bridges or dams. In addition, there shall not be placed any filling of earth, ashes, rubbish, rubble, concrete, masonry, or any other kind of fill.

However, this provision may be waived if the structure or fill is approved by the Town Board, Marathon County, Wisconsin DNR, and the U.S. Corps of Engineers where applicable

**ARTICLE 5**  
**NON-CONFORMING BUILDINGS, STRUCTURES, AND USES**

**5.1 STATEMENT OF PURPOSE**

This ordinance establishes separated districts, each of which is an appropriate area for the location of the uses which are permitted in that district. It is necessary and consistent with the establishment of those districts that those non-conforming buildings, structures, and uses which substantially and adversely affect the orderly development and taxable value of other property in the district shall not be permitted to continue without restriction.

The purpose of this Article 5 is to provide for the regulation of non-conforming buildings, structures, and uses and to specify those circumstances and conditions under which those non-conforming buildings, structures, and uses shall be permitted to continue.

**5.2 AUTHORITY TO CONTINUE NON-CONFORMING BUILDINGS, STRUCTURES AND USES**

Any non-conforming building, structure, or use which existed lawfully at the time of the adoption of this ordinance and which remains non-conforming, and any such building, structure, or use which shall become non-conforming upon the adoption of this ordinance, or of any subsequent amendments thereto, may be continued subject to the regulations which follow.

**5.3 RESTRICTIONS ON NON-CONFORMING BUILDINGS, STRUCTURES AND USES**

Any lawfully existing building or structure which does not conform to the regulations of the district in which it is located may be continued, subject to the provisions of this Article 5, Section 5.3.

**5.3-1 Repairs and Alterations**

- a) Building or structure designed or intended for a non-conforming use: Repairs and alterations may be made to a non-conforming building or structure, provided that no structural alterations which increase the bulk of the building or structure shall be made in or to a building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, except those required by law or except to make the building or structure, and the use thereof, conform to the regulations of the district in which it is located. For the purpose of this section, repairs shall include the replacement of storage tanks where the safety of operation of the installation requires such replacement, and other replacements of, or substitutions for, machinery or equipment not involving structural alterations to the building or structure, except as herein above provided.
- b) Building or structure designed or intended for a permitted use: Repairs, alterations, and structural changes may be made to a non-conforming building or structure, all or substantially all of which is designed or intended for a use permitted in the district in which it is located, provided said repairs, alterations, or structural changes conform to the regulations of the district in which said building or structure is located.

### 5.3-2 Additions and Enlargements

A non-conforming building or structure which is non-conforming as to bulk, or all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, shall not be added to or enlarged in any manner unless such additions or enlargements thereto are made to conform to all of the regulations of the district in which it is located, and unless such non-conforming building or structure, including all additions and enlargements thereto, shall conform to the following:

- a) Applicable regulations concerning the amount of lot area provided per dwelling unit.
- b) The allowable floor area ratio, as prescribed in this Ordinance.
- c) The allowable gross floor area per establishment, as prescribed in this Ordinance.

### 5.3-3 Relocation of Building or Structure

No building or structure shall be moved in whole or in part to any other location on the same or any other lot unless every portion of such building or structure which is move, and the use thereof, is made to conform to all of the regulations of the district in which it is to be located.

### 5.3-4 Restoration of Damaged Building or Structure Designed or Intended for a Non-Conforming Use.

A non-conforming building or structure which is destroyed or damaged by fire or other casualty or act of God to the extent that the cost of restoration to the condition in which it was before the occurrence shall exceed 50 percent of the current local assessed value of the building, shall not be restored unless said building or structure, and the use thereof, shall conform to all of the regulations of the district in which it is located.

In the event such damage or destruction is less than 50 percent of the current local assessed value of the building, no repairs or reconstruction shall be made unless such restoration is started within one year from the dated of partial destruction and is diligently prosecuted to completion.

If the restoration is not started within one year of said calamity and diligently prosecuted to completion, the building or structure shall be removed and the area cleared.

### 5.3-5 Discontinuance of Non-Conforming Use

If the non-conforming use of a building, structure, or premises is discontinued for a continuous period of 12 months, it shall not be renewed, and any subsequent use of the building, structure, or premises shall conform to the use regulations of the district in which such building, structure, or premises is located.

### 5.3-6 Expansion of Non-Conforming Use

- a) Building or structure designed or intended for a non-conforming use: The non-conforming use of part of a building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, may be

extended throughout the building or structure in which said use is presently located, but no changes or structural alterations which increase the bulk of the building or structure shall be made unless such changes or structural alterations, and the use thereof, conform to all the regulations of the district in which the building or structure is located.

- b) Building or structure designed or intended for a permitted use: The non-conforming use of part of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, shall not be expanded or extended into any other portion of such building or structure, nor changed to any other non-conforming use.
- c) Land: The non-conforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, shall not be expanded or extended beyond the area it occupies.

#### 5.3-7 Change of Non-Conforming Use

- a) Building or structure designed or intended for a non-conforming use: The non-conforming use of a building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, may be changed to a use permitted in the same district as the non-conforming use which presently occupies the building or structure, or to a use permitted in a more restrictive district. For the purpose of this subsection only, the R1 district shall be considered the most restrictive and the M1 district the least restrictive district.
- b) Building or structure designed or intended for a permitted use: no non-conforming use shall be changed to another non-conforming use when such non-conforming use is located in a building or structure, all or substantially all of which building or structure is designed or intended for a permitted use.
- c) Land: The non-conforming use of land, not involving a building or structure, or in connections with which any building or structure thereon in incidental or accessory to the principal use of the land, shall not be changed to any other use, except to a use permitted in the district in which the land is located.

**ARTICLE 6  
ADMINISTRATION AND ENFORCEMENT**

**6.1 ORGANIZATION**

The administration of this ordinance is hereby vested in five (5) offices of the government of the Town of Mosinee as follows:

- a) Building Inspector
- b) Board of Appeals
- c) Town Planning Commission
- d) Town Board
- e) Town Clerk

This section shall first set out the authority of each of these five offices, and then describe the procedure and substantive standards with respect to the following administrative functions:

- a) Issuance of building certificates.
- b) Variances
- c) Appeals.
- d) Amendments (zone changes/text changes)
- e) Conditions uses
- f) Fees
- g) Penalties

**6.2 BUILDING INSPECTOR**

6.2-1 The Building Inspector of the Town of Mosinee and such deputies or assistants that have been, or shall be, duly appointed by the Town Board shall enforce this ordinance and in addition, thereto, and in furtherance of such authority shall:

- a) Issue building permits and provide inspections for 1 and 2 family dwellings, remodeling that uses additional space (additions), and inspect for compliance with the uniform dwelling codes.
- b) Conduct inspections of buildings, structures, and use of land to determine compliance with the terms of this ordinance;
- c) Initiate, direct, and review, from time to time, a study of the provisions of this ordinance, and to make reports of its recommendations to the Town Board not less frequently than once a year.

#### 6.2-2 Town Clerk

- a) Issue all building permits (other than those issued by the building inspector) and make and maintain records thereof.
- b) Maintain permanent and current records of this ordinance, including, but not limited to, all maps, amendments, conditional uses, variances, appeals, and applications thereof.
- c) Provide and maintain a public information service relative to all matters arising out of this ordinance.
- d) Forward to the Town Planning Commission all applications for conditional uses and for amendments to this ordinance.
- e) Forward to the Board of Appeals applications for appeals, variances, or other matters on which the Board of Appeals is required to pass under this ordinance.
- f) Allowing parking lots in residence districts to be illuminated between the hours of 10:00 p.m. and 7:00 a.m. when necessary for the public safety or welfare.

### **6.3 THE BOARD OF APPEALS**

#### 6.3-1 Creation

The Board of Appeals, as established under the provisions of Section 62.23(7)(e) of the Wisconsin Statutes, is the Board of appeals referred to in this ordinance.

#### 6.3-2 Jurisdiction

The Board of Appeals is hereby vested with the following jurisdiction and authority:

- a) To hear and decide appeals from any order, requirement, decision, or determination made by the Town Board;
- b) To hear and pass upon the applications for variances from the terms provided in this ordinance in the manner prescribed by and subject to the standards established herein; and
- c) To hear and decide all matters referred to it or upon which it is required to pass under this ordinance, as prescribed by Section 62.23(7)(e) of the Wisconsin Statutes.

#### 6.3-3 Meeting and Rules

All meetings of the Board of appeals shall be held at the call of the Chairman, and at such times as the Board of Appeals may determine. All hearings conducted by said Board shall be open to the public. Any person may appear and testify at a hearing either in person or by duly authorized agent or attorney. The Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. 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 also keep records of its hearings and other official actions. A



copy of every rule or regulation, order, requirement, decision, or determination of the Board of Appeals shall be filed immediately in the office of the Town Clerk and shall be public record. The Board shall adopt its own rules and procedures, not in conflict with this ordinance or with the applicable Wisconsin Statutes, and select or appoint such officers as it deems necessary.

#### 6.3-4 Finality of Decisions of the Board of Appeals

All decisions and findings of the Board of Appeals on appeals or upon application of the variance, after a hearing, shall, in all instances, be final administrative decisions and shall be subject to judicial review as by law may be provided.

### **6.4 TOWN PLANNING COMMISSION**

#### 6.4-1 Creation

The Town Planning Commission, as established under the provisions of section 62.23 of the Wisconsin Statutes, is the Planning Commission referred to in this ordinance.

#### 6.4-2 Jurisdiction

The Town Planning Commission shall discharge the following duties under this ordinance:

- a) Hear all applications for conditional uses and amendments to this ordinance and report said findings and recommendations to the Town Board in the manner prescribed in this section for amendments and conditional uses.
- b) Receive from the Building Inspector his/her recommendations as related to the effectiveness of the ordinance and report the conclusions and recommendations respecting the same to the Town Board not less frequently than once a year.
- c) To hear and decide all matters upon which it is required to pass under this ordinance.

### **6.5 BUILDING PERMITS**

6.5-1 Except as hereinafter provided, no permit pertaining to the use of land or buildings shall be issued by any officer, department, or employee of the Town of Mosinee unless the application for such permit has been examined, indicating that the proposed building or structure complies with all the provisions of this ordinance. Any permit issued in conflict with the provisions of this ordinance, shall be null and void.

6.5-2 Plats: Every application for a building permit shall be accompanied by:

- a) A plat, in duplicate, of the piece or parcel of land, lots, block or blocks, or parts or portions thereof, drawn to scale showing the actual dimensions, as certified by a "registered land surveyor" or a "registered professional engineer," registered with the State of Wisconsin, as a true copy of the piece or parcel, lot, lots, block or blocks, or portions thereof, according to the registered or recorded plat of such land;

- b) A plat, in duplicate, drawn to a scale in such form as may, from time to time, be prescribed by the Building Inspector, showing the ground area, height, and bulk of the building or structure, the building lines in relation to lot line, the use to be made of the building, structure, or land, and such other information as may be required by the Building Inspector for the proper enforcement of this ordinance.

6.5-3 A building permit is not required if all of the following conditions are met:

- a) The floor area of the structure is 80 square feet or less;
- b) The value of the structure is not more than \$500;
- c) The structure is moveable and without a foundation.

## **6.6 VARIANCES**

### **6.6-1 Purpose**

The Board of Appeals, after a public hearing, may determine and vary the regulations of this ordinance in harmony with their general purpose and intent, only in specific instances hereinafter set forth, where the Board of appeals makes findings of fact in accordance with the standards hereinafter prescribed and further, finds that there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations of this ordinance.

### **6.6-2 Application for Variance and Notice of Hearing**

An application for a variance shall be filed in writing with the Town Clerk. The application shall contain such information as the Board of Appeals may, by rule, require. Notice of the time and place of said hearing shall be by a class 2 notice pursuant to Wis. Stat. ch. 985 and also by mailing notice thereof to the applicant(s), said mailing to be made at least 7 days prior to the date of the hearing. The Board shall thereafter reach its decision within 90 days from the filing of the application.

[Amended May 2017.]

### **6.6-3 Standards for Variances**

The Board of Appeals shall not vary the regulations of this ordinance, as authorized in Section 6.3-2, above, unless it shall make findings based upon the evidence presented to it in each specific case that:

- a) 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 if the strict letter of the regulations were to be carried out;
- b) The conditions upon which a petition for a variation is based are unique to the property for which the variance is sought, and are not applicable, generally, to other property within the same zoning classification;

- c) The purpose of the variance is not based exclusively upon a desire to make more money out of the property;
- d) The alleged difficulty or hardship is caused by this ordinance and has not been created by any persons presently having an interest in the property;
- e) The granting of the variation will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located
- f) The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

The Board of Appeals may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to comply with the standards established in this Section.

#### 6.6-4 Authorized Variances

Variances from the regulations of this ordinance shall be granted by the Board of Appeals only in accordance with the standards established in Section 6.6-3, above, and may be granted only in the following instances and in no other:

- a) To permit any yard or setback less than a yard or a setback required by the applicable regulations
- b) To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but in no event shall the respective area and width of the lot or lots be less than 80 percent of the required area and width
- c) To permit the same off-street parking facility to qualify as required facilities for two or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week;
- d) To reduce the applicable off-street parking or loading facilities required by not more than one parking space or loading space, or 20 percent of the applicable regulations, whichever number is greater;
- e) To increase by not more than 25 percent the maximum distance that required parking spaces are permitted to be located from the use served;
- f) To increase by not more than 10 percent the maximum gross floor area of any use so limited by the applicable regulations.

The concurring vote of two members of the Board of Appeals shall be necessary to grant a variance. No order of the Board of Appeals granting a variance shall be valid for a period longer than six (6) months from the date of such order unless the building permit is obtained within

such period and the erection or alteration of a building is started or the use is commenced within such period.

## **6.7 APPEALS**

### **6.7-1 Scope of Appeals**

An appeal may be taken to the Board of Appeals by any person, firm, or corporation, or by any office, department, board, or bureau aggrieved by a decision of the Town Board. Such an appeal shall be taken within 30 days after the decision or the action complained of, by filing with the Town Clerk a notice of appeal specifying the grounds thereof. The Town Clerk shall forthwith transmit to the Board of Appeals all of the papers constituting a record upon which the action appealed from was taken.

### **6.7-2 Findings on Appeals**

An appeal shall stay all proceedings in furtherance of the action appealed from unless the officer or body from whom the appeal is taken certifies to the Board of Appeals, after the notice of the appeal has been filed, that by reason of facts stated in the certificate a stay would, in the officer's or body's opinion, cause imminent peril to life and property, in which case the proceedings shall not be stayed unless otherwise by a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the officer or body from whom the appeal is taken and on due cause shown.

The Board of Appeals shall select a reasonable time and place for the hearing of the appeal and give due notice thereof by a class 2 notice pursuant to Wis. Stat. ch. 985 and also by mailing notice thereof to the appellant, said mailing to be made at least 7 days prior to the date of the hearing. The Board shall thereafter reach its decision within 90 days from the filing of the appeal. The Board of Appeals upon a majority vote of a quorum present may affirm, reverse, wholly or in part, or modify the order, requirement, decision, or determination that, in its opinion, ought to be done--and to that end, shall have all the powers of the officer or body from whom the appeal is taken. The Town Clerk shall maintain records of all actions of the Board of Appeals.

[Amended May 2017.]

## **6.8 AMENDMENTS**

### **6.8-1 Authority**

For the purpose of promoting the public health, safety, morals, comfort, and general welfare, conserving the value of property throughout the town. Lessening or avoiding congestion in the public streets and highways. The Town Board may, from time to time, in the manner hereinafter set forth, amend the regulations imposed in the districts created by the ordinance, provided that in all amendatory ordinances adopted under the authority of this Section, due allowance shall be made for existing conditions, the conservation of property values, the directions of building development, to the best advantages of the entire community, and the uses to which property is devoted at the time of the adoption of such amendatory ordinance.

#### 6.8-2 Initiation of Amendment

Amendments may be proposed by the Town Board, the Planning Commission, or any interested person or organization.

#### 6.8-3 Application for Amendment

An application for an amendment shall be filed with the Town Clerk in such form and accompanied by such information as required by the Town Clerk. Such application shall be forwarded to the Town Planning Commission with the request to hold a public hearing on said application for amendment.

#### 6.8-4 Hearing on Application

The Town Planning Commission shall hold a public hearing on each application for an amendment at such time and place established by the Town Planning Commission. The hearing shall be conducted and a record of such proceedings shall be preserved in such manner as the Town Planning Commission shall prescribe from time to time.

#### 6.8-5 Notice of Hearing

Notice of time and place of such hearing shall be made pursuant to Wis. Stat. § 62.23(7)(d). Supplemental or additional notices may be published or distributed as the Town Planning Commission may, by rule, prescribe from time to time.

[Amended May 2017.]

#### 6.8-6 Findings of Fact and Recommendations to the Town Board

Within 30 days after the close of the hearing on a proposed amendment, the Town Planning Commission shall make written findings of fact.

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

- a) Existing use of property within the general area of the property in question.
- b) The zoning classification of the property within the general area of the property in question.
- c) The suitability of the property in question to the uses permitted under the existing zoning classification
- d) The trend of development, if any, in the general area of the property in question, including changes if any which have taken place since the day the property in question was placed in its present zoning classification
- e) Minimum size of parcel: A lot, lots, or parcel of land shall not qualify for a zoning amendment unless it possesses 200 feet of frontage or contains 25,000 square feet

of area, or adjoins a lot, lots, or parcel of land which bears the same zoning district classification as the proposed zoning amendment.

The Town Planning Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such amendment is in the public interest and is not solely for the interest of the applicant. The Town Planning Commission may change the zoning classification of the property in question to any higher classification than that requested by the applicant. For the purpose of this paragraph, the R1 District shall be considered the highest classification and the M1 District shall be considered the lowest classification.

#### 6.8-7 Action by the Town Board

- a) The Town Board shall not act upon a proposed amendment to this ordinance until it shall have received a written report and recommendation from the Planning Commission on a proposed amendment. Action shall be at the next available Town Board meeting. The Town Board may grant or deny any application for an amendment, provided however, that in the event of a written protest to any proposed amendment, signed and acknowledged by the owners of 20 percent or more either of the areas of the land included in such proposed amendment, or by the owners of 20 percent or more either of the areas of the land included in such proposed amendment, or by the owners of 20 percent or more of the area of the land immediately adjacent extending 100 feet therefrom, or by the owners of 20 percent or more of the area of the land directly opposite thereto extending 100 feet from the street frontage of such opposite land, such amendment shall not be granted except by a favorable vote of three-fourths (  $\frac{3}{4}$  ) of all the members of the Town Board. If the Town Board consists of 3 voting members, it shall be unanimous.
- b) If an application for a proposed amendment is not acted upon finally by the Town Board within ninety (90) days of the date upon which such application is received, it shall be deemed to have been denied.

### **6.9 CONDITIONAL USES**

#### 6.9-1 Purpose

The development and execution of this ordinance is based upon the division of the town into districts, within which districts the use of land and buildings, and the bulk and location of buildings and structures in relation to the land, are substantially uniform. It is recognized, however, that there are certain uses which, because of their unique characteristics, cannot be properly classified in any particular district or districts, without consideration, in each case, of the impact of those uses upon neighboring land and of the public need for the particular use at the particular location. Such conditional uses fall into two categories:

- a) Uses publicly operated or traditionally affected with a public interest.
- b) Uses entirely private in character, but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property or public facilities.

#### 6.9-2 Initiation of Conditional Use

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

#### 6.9-3 Application for Conditional Use

An application for a conditional use shall be filed with the Town Clerk on a form prescribed by the Town Planning Commission. The application shall be accompanied by such plans and/or data prescribed by the Town Planning Commission and shall include a statement in writing by the applicant and adequate evidence showing that the proposed conditional use will conform to the standards set forth in Section 6.9-6, hereinafter. Such application shall be forwarded from the Town Clerk to the Town Planning Commission with a request for a public hearing and report relative thereto.

#### 6.9-4 Hearing on Application

Upon receipt in proper form of the application and statement referred to in Section 6.9-3 above, the Town Planning Commission shall hold at least one public hearing on the proposed conditional use. Notice of time and place of such hearing shall be by a class 2 notice pursuant to Wis. Stat. ch. 985. Supplemental or additional notices may be published or distributed as the Town Planning Commission prescribes from time to time.

[Amended May 2017.]

#### 6.9-5 Authorization

For each application for a conditional use, the Town Planning Commission shall report to the Town Board its findings and recommendations, including the stipulations of additional conditions and guarantees that such conditions will be complied with when they are deemed necessary for the protection of the public interest. If an application for a proposed conditional use is not acted upon finally by the Town Board within ninety (90) days of the date upon which such application is received by the Town Board, it shall be deemed to have been denied.

#### 6.9-6 Standards

No conditional use shall be considered by the Town Planning Commission unless such Planning Commission shall find:

- a) That the established, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare;
- b) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;

- c) That the establishment of the conditional 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/or necessary facilities 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 conditional use shall, in all other respects, conform to the applicable regulations may, in each instance, be modified by the Town Planning Commission.

**6.9-7 Conditions and Guarantees**

Prior to the granting of any conditional use, the Town Planning Commission may recommend, and the Town Board shall stipulated, such conditions and restrictions upon the establishment, location, construction, maintenance, and operation of a conditional use as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in Section 6.9-6 above. In all cases in which conditional uses are granted, the Town Board shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

**6.9-8 Effect of Denial of a Conditional Use**

No application for a conditional use which has not been denied wholly or in part by the Town Board, shall be resubmitted for a period of one year from the date of said order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Town Board.

**6.9-9 Revocation**

In any case where a conditional use has not been established within one year after the date of granted thereof, then, without further action by the Planning Commission or the Town Board, the conditional use or authorization shall be null and void. In cases where the conditional use permit is in not for a structure of activity that is dependent on the property the conditional use permit will cease when the original applicant sells the land

**6.10 FEES**

Any application for an amendment, conditional use, variance or appeal filed by or on behalf of the owner or owners of the property affected shall be accompanied by a fee in such amount as shall be established from time to time by resolution of the Town Board. The Town Board shall establish such fees as shall be reasonably necessary to reimburse the Town for all costs and expenses incurred in connection with the filing of the application and subsequent hearing thereon. A copy of the schedule of fees shall at all times be on file in the office of the Town Clerk.

**6.11 PENALTIES**



Any person, firm, or corporation, or agent, employee, or contractor of such, who violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of any provisions of this Ordinance, shall be subject to the enforcement provisions of Section 1.2 of this Code.

**ARTICLE 7  
ZONING DISTRICT AND MAP**

**7.1 DISTRICTS**

For the purposes of this ordinance the Town of Mosinee is hereby organized into the following zoning districts:

7.1-1 Residence Districts

- R1 Single-Family Residence District
- R2 Single and Two-Family Residence District
- R4 General Residence District

7.1-2 Business Districts

- B1 Neighborhood Shopping District
- B3 General Business District

7.1-3 Industrial Districts

- M1 General Industrial District

7.1-4 Agriculture Districts

- A/R Agriculture-Residence District
- A1 General Agriculture District

7.1-5 Unified Development District (UDD)

7.1-6 Public and Semi-Public District (C1)

**7.2 Maps**

7.2-1 The location and boundaries of the zoning districts established by this ordinance are set forth on the zoning map entitled "Town of Mosinee Zoning Map", and dated April 9, 1980 which is incorporated herein and hereby made a part of this ordinance. Said map, together with everything shown thereon and all amendments thereto, shall be as much a part of this ordinance as though fully set forth and described herein.

7.2-2 The following rules shall apply with respect to the boundaries of the various districts shown on the zoning map:

- a) District boundary lines are the center of highways, street, alleys, and easements; or right-of-way lines of railroads, toll roads, and expressways; or section, division of section, tract, and lot lines; or such lines extended, unless otherwise indicated.

- b) In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street of highway, the depth of such strips shall be in accordance with dimensions shown on the map measured at right angles from the center line of the street of highway, and the length of frontage shall be in accordance with dimensions shown on the map from section, quarter section, or division lines, or center lines of streets or highways, or railroad rights-of-way, unless otherwise indicated.
- c) Where a district boundary line divides a lot in single ownership on the effective date of this ordinance, the Board of Appeals, after due hearing, may extend the regulations for either portion of such lot.

### **7.3 EXEMPTED USES**

The following uses are exempted by this ordinance and permitted in any district: poles, wires, cables, conduits, vaults, laterals, pipes, mains, valves, or any other similar distributing equipment for telephone or other communications, electric power, gas, water and sewer lines provided that the installation shall conform to Federal Communications Commission and Civil Aeronautics Administration rules and regulations and the regulations of other authorities having jurisdiction.

**ARTICLE 8  
RESIDENCE DISTRICTS**

**PART A. GENERAL REQUIREMENTS**

1. Permitted Uses

Unless otherwise specifically set forth, wherever a permitted use is named as a major category in this Article, it shall be deemed to include all and only those itemized uses under the said major category listed in the R1 District of this Article, Section 8.1. No building or tract of land shall be devoted to any use other than a use permitted hereinafter in the zoning district in which such building or tract of land shall be located, with the exception of the following:

- a) Uses lawfully established on the effective date of this ordinance (April 9, 1980).
- b) Conditional uses, allowed in accordance with the provisions of paragraph 2 hereunder.

Uses already established on the effective date of this ordinance and rendered non-conforming by the provisions thereof shall be subject to the regulations of Article 5.

2. Conditional Uses

Conditional uses, as hereinafter listed, may be allowed in the zoning districts indicated, subject to the issuance of conditional use permits in accordance with the provisions of Article 6, Section 6.9. Unless otherwise specifically set forth, wherever a conditional use is named as a major category in this Article, it shall be deemed to include all and only those itemized uses listed under the said category in the R1 District.

3. Lot Size Requirements

Lot size requirements shall be as specified under each zoning district in Part B of this Article. In addition, the following regulations shall be complied with:

- a) No use shall be established or hereafter maintained on a lot recorded after the effective date of this ordinance which is of less area or less width than prescribed hereinafter for such use in the zoning district in which it is to be located. However, where the front, side, or rear lot line of a residential lot adjoins an accessible and usable common and public open space which is at least five (5) acres in area and of a depth perpendicular to such lot line of not less than 200 feet, the required lot area may be reduced by 20 percent.
- b) In a Residence District on a lot of record on the effective date of this ordinance, a single-family dwelling may be established regardless of the size of the lot, provided that all other requirements of this ordinance are met.
- c) No building shall be converted so as to conflict with, or further conflict with, the lot size requirements of the districts in which such building is located.

- d) Lot width shall be measured within the first 30 feet of lot depth in back of the required front yard.

4. Yard Requirements

- a) Yard requirements shall be set forth under each zoning district. Front, side, and rear yards shall be provided in accordance with the regulations hereinafter indicated and shall be unobstructed from the ground level to the sky, except as allowed in Article 4, Section 4.8-3.
- b) All accessory buildings which are attached to principal buildings (e.g. attached garages) shall comply with the yard requirements of the principal building.
- c) Where more than 30 percent of the frontage on one side of a duly recorded subdivided block is occupied by residences on the effective date of this ordinance, a majority of such residences having observed or conformed to an average setback line with a variation of no more than six (6) feet, no building shall hereafter be erected or structurally altered so as to project beyond such average setback lines.

5. Building Bulk Limitations (Size of Building)

- a) Building bulk limitations shall be expressed in terms of minimum yard requirements, minimum building size, and maximum building height or in terms of floor area ratio. Single-family and two-family residences are regulated on the basis of maximum building height and minimum building size, whereas all other uses--in all districts--must comply with the floor area ratio limitations prescribed in each zoning district in Part B of this Article.
- b) The floor area ratio requirements shall determine the maximum floor area allowable for the buildings or buildings (total floor area of both principal and accessory buildings) in direct ratio to the gross area of the zoning lot).

6. Off-Street Parking

Off-street parking spaces, accessory to uses allowable in Residence Districts, shall be provided in accordance with the regulations set forth hereinafter as well as in Article 4, Section 4.9.

- a) Utilization: Except as may otherwise be provided for the parking of trucks in the granting of conditional uses, required accessory off-street parking facilities provided for uses listed herein shall solely be for the parking of passenger automobiles of patrons, occupants, or employees of such uses.
- b) Computation: When determination of the number of off-street parking spaces required by the ordinance results in a requirement of a fractional space, and fraction of one-half or less may be disregarded, while a fraction in excess of one-half shall be counted as one parking space.
- c) Collective Provisions: Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements for each such use, and provided that all

regulations governing location of accessory parking spaces in relation to the use served are adhered to. Further, no parking space or portion thereof shall serve as a required space of more than one use unless otherwise authorized by the Board of Appeals.

- d) **Size:** Each required off-street parking spaces shall be at least eight (8) feet six (6) inches in width and at least 20 feet in length, exclusive of access drives or aisles, ramps, columns, or office or work areas. Such spaces shall have a vertical clearance of at least six (6) feet six (6) inches and shall be measured at right angles to the axis of the vehicle. Aisles shall not be less than 24 feet wide for 90 degree parking, 18 feet wide for 60 degree parking, (angle shall be measured between center line or parking space and center line of aisle), and 12 feet wide for parallel parking. For parallel parking the minimum length of the parking space shall be increased to 23 feet.
- e) **Access:** Each required off-street parking space shall open directly upon an aisle or driveway at least 12 feet wide or such addition width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. No driveway across public property shall exceed a width of 25 feet, not including curb cuts.
- f) **In Yards:** Off-street parking spaces open to the sky may be located in any yard, except required front yards. Enclosed building and carports containing off-street parking shall be subject to applicable yard requirements.
- g) **Design and Maintenance:**
  - 1) **Character.** Accessory off-street parking spaces may be open to the sky or enclosed in a building.
  - 2) **Surfacing.** All open off-street parking areas, except a single parking space accessory to a single-family dwelling, shall be surfaced with a dustless all weather material capable of carrying a wheel load of 4,000 pounds (normally, a two-inch black top on a four-inch base or five inches of Portland cement will meet this requirements).
  - 3) **Screening and Landscaping.** All open automobile parking areas containing more than four (4) parking spaces shall be effectively screened on each side adjoining or fronting on any property situated in a Residence District or any institutional premises by a wall, fence, or densely-planted compact hedge not less than five (5) feet nor more than eight (8) feet in height.
  - 4) **Lighting:** Any lighting used to illuminate off-street parking areas shall be directed away from residential properties and public streets in such a way as not to create a nuisance. However, in no case shall such lighting exceed three (3) foot-candles measured at the lot line.

- 5) Repair and Service. No motor vehicle repair work or service of any kind shall be permitted in association with parking facilities provided in Residence Districts.
- h) Maximum Number of Spaces: The total number of accessory parking spaces provided for a single-family, two-family or multi-family dwelling shall not exceed that required by this ordinance for such use or for an equivalent new use by more than 50 percent or four spaces, whichever is greater.
- i) Location: All parking spaces required for uses which are established after the effective date of this ordinance shall be located on the same zoning lot as use served. Uses which are in existence on the effective date of this ordinance and which are subsequently altered or enlarged so as to require the provision of parking space under this ordinance, may be served by parking facilities located on land other than the zoning lot on which the building or use served is located, provided that such facilities are located within 500 feet walking distance of a main entrance to the use served. Owners of property non-conforming as to parking who elect to provide parking may locate such parking as allowed by this Section.
- j) Employee Parking: Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing or both, on the premises at any one time.

7. Off-Street Loading

Off street loading berths accessory to uses allowed in Residence Districts shall be provided in accordance with the regulations set forth hereinafter as well as in Article 4, Section 4.9.

- a) Location: All required loading berths shall be located on the same zoning lot as the use served. All motor vehicle loading berths shall be completely screened from residential properties by building walls, or a uniformly painted solid fence, wall, or door, or any combination thereof, not less than eight (8) feet in height. No permitted or required loading berth shall be located within 30 feet of the nearest point of intersection of any two streets. No loading berth shall be located in a required front or side yard.
- b) Size: Unless otherwise specified, a required off-street loading berth shall be at least 12 feet in width by at least 30 feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least 15 feet.
- c) Access: Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement and shall be subject to approval by the Building Inspector.
- d) Surfacing: All open off-street loading berths shall be improved with a compacted macadam base, not less than seven inches thick, surfaced with not less than two inches of asphalt or treated with some comparable all weather dustless material.

- e) **Repair and Service:** No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in any Residence District.
- f) **Utilization:** Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
- g) **Minimum Facilities:** Uses for which off-street loading facilities are required, but which are located in buildings of less floor area than the minimum prescribed for such required facilities, shall be provided with adequate receiving facilities-- accessible by motor vehicle--off any adjacent alley, service drive, or open space on the same zoning

## **PART B DISTRICT REQUIREMENTS**

### **8.1 R1 SINGLE- FAMILY RESIDENCE**

#### **8.1-1 Permitted Uses**

The following uses are permitted in the R1 District:

- a) Single family dwellings, but not including house trailers or mobile homes.
- b) Churches; public and private elementary and secondary schools; colleges and universities.
- c) Parks and playgrounds, including swimming pools, golf courses, tennis courts, picnic grounds, bathing beaches, skating rinks, and sports fields.
- d) Accessory uses and buildings, including private garages and other buildings clearly incidental to the principal use of the property, provided, however, that no accessory building may be used as a separate dwelling unit.

#### **8.1-2 Conditional Uses (Amended 8-12-96)**

The following conditional uses may be allowed in the R1 District, subject to the provisions of Article 6, Section 6.9.

- a) Institutions of charitable or philanthropic nature; nursing, convalescent and rest homes; hospitals, clinics and sanitariums, except mental institutions.
- b) Government uses, including but not limited to fire stations, police stations, community centers, libraries, and public emergency shelters.
- c) Public utility and service uses including electric substations, gas regulator, railroad right-of-way (but not including railroad yards and shops other than for passenger purposes).
- d) Cemeteries and mausoleums.



8.1-3 Lot Size Requirements (Amended 12-18-01)

- a) Permitted Uses. For each principal permitted use located in the R1 District, a lot shall be provided in accordance with the requirements of the following:

	Minimum Lot Area	Minimum Lot Width
Single Family Dwellings	2 Acres	150 Feet
Churches, Schools, Universities	2 Acres	150 Feet
Accessory Uses	Each accessory use may be established on the same lot as a principal use, provided that such lot meets the lot size requirements of the R1 District	

- b) Conditional Uses. For each principal conditional use located in the R1 District, a lot shall be provided in accordance with the requirements of the following:

	Minimum Lot Area	Minimum Lot Width
Institutions of charitable philanthropic nature, hospital clinics, (see 8.1-2 (a)).	40,000 sq. ft.	150 Feet
Government uses	none	none
Public utility/Service uses	none	none

8.1-4 Yard Requirements

- a) Permitted Uses. For each principal permitted use located in the R1 District, a front yard, two side yards, and a rear yard shall be provided, each of which shall not be less than the amount stipulated in the following table:

	Front Yard	Interior Side Yard	Corner Side Yard	Rear Yard
Single family	50 Feet	25 Feet	40 Feet	35 Feet
Churches, Schools Colleges	50 Feet	25 Feet	40 Feet	50 Feet
Accessory Buildings	The yard requirements of the principal uses shall apply to their accessory buildings.			

- b) Conditional Uses. For each principal conditional use located in the R1 District, a front yard, two side yards, and a rear yard shall be provided, each of which shall not be less than the amount stipulated in the following table:

	Front Yard	Interior Side Yard	Corner Side Yard	Rear Yard
Institutions of charitable philanthropic nature, hospitals, clinics see 8.1-2(a).	50 Feet	25 Feet	40 Feet	50 Feet

Government Uses	50 Feet	25 Feet	40 Feet	50 Feet
Public utility and service uses	50 Feet from any residential lot line			
Cemeteries	50 Feet from any lot line			

8.1-5 Building Bulk Limitations (size limits of buildings)

a) Permitted Uses

1) Single-Family Dwellings

Maximum Height	Building Size (revised 1-8-96) (amended 8-12-96)
2 ½ stories, not to exceed 35 feet	At least 22 feet wide and 800 sq. ft. of living area  Not more than 20% of the lot may be covered by buildings, principal and accessory.

2) Churches, public and private elementary schools, colleges and universities.

Maximum Height	Building Size
35 Feet	F.A.R. Church .50, Educational .75 Not to occupy more than 30% of lot.

3) Accessory Buildings. The floor area of the accessory buildings shall be included in the total allowable floor area permitted on the zoning lot as specified above. However, any floor area devoted to parking or loading facilities shall be exempt from floor area ratio requirements.

b) Conditional Uses

	Maximum Height	Building Size
Institutions of charitable philanthropic nature, hospital and mental institutions	35 Feet	Not more than 30% of the lot area

8.1-6 Off-Street Parking Requirements. Off-street parking spaces accessory to uses allowed in the R1 District shall be provided in accordance with the following minimum standards:

a) Permitted Uses

Single-Family Dwellings	2 spaces/units
Churches, public/private elementary schools, secondary schools, colleges, and	Elementary: 1 space/2 employees. Secondary: 1 space/2 employees

universities	plus 1 space/10 students Churches: 1 space/6seats
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b) Conditional Uses

Institutions of charitable or philanthropic nature, hospital and mental institutions	Hospital: 1 space/2 beds plus 1 space/2 employees Philanthropic: 1 space/2 employees Plus building inspectors requirements.
Public utility and service uses including electric substations, gas regulator stations, railroad rights-of-way (but not including shops other than for passenger purposes).	1 space/ 2 employees Plus spaces required by Town Board

8.1-7 Off-Street Loading Requirements

Off-street loading facilities, accessory to non-residential uses allowed in the R1 District, shall be provided in accordance with the following minimum requirements:

- a) For uses listed hereunder, one loading berth shall be provided for buildings containing 10,000 to 20,000 square feet of gross floor area, plus one additional loading berth for each 200,000 square feet of gross floor area, plus one additional loading berth for each 200,000 square feet of gross floor area or fraction thereof.
  - 1) Educational institutions
  - 2) Philanthropic and charitable institutions
  - 3) Religious institutions
- b) For all other non-residential uses, loading facilities shall be provided in accordance with the following requirements:
  - 1) For buildings containing less than 10,000 sq. ft. of gross floor area, there shall be provided on the same zoning lot adequate receiving facilities, accessible by motor vehicle--off any adjacent alley, service drive, or open space.
  - 2) For buildings containing 10,000 to 100,000 sq. ft. of gross floor area, one off-street loading berth shall be provided.
  - 3) For buildings containing over 100,000 sq. ft. of gross floor area, there shall be provided one loading berth of each 100,000 sq. ft. of gross floor area or fraction thereof.

**8.2 R2 SINGLE AND TWO-FAMILY RESIDENTS DISTRICTS**

8.2-1 Permitted Uses

- a) Any use permitted in the R1 Single-Family District
- b) Two-Family Dwelling

8.2-1 Conditional Uses

- a) Any conditional use in the R1 Single-Family District

8.2-3 Lot Size Requirements

For each principal permitted and conditional use located in the R2 District, a lot shall be provided in accordance with the following requirements:

	Minimum Lot Size	Minimum Lot Width
Two-Family Dwelling	2 acres	150 Feet
All other uses in conformance with R1 zoning regulations	2 acres	150 Feet

8.2-4 Yard Requirements

For each principal permitted and conditional use located in the R2 District, a front yard, and a rear yard shall be provided each of which shall be not less than the amount stipulated below:

	Front Yard	Interior Side Yard	Corner Side Yard	Rear Yard
Two-Family Dwelling	50 Feet	25 Feet	40 Feet	35 Feet
All other uses in conformance with R1 zoning regulations.				

8.2-5 Building Bulk Limitations

- a) Two-Family Dwellings

Maximum Height	Building Size (Amended 8-12-96)
2 ½ Stories not to exceed 35 feet	At Least 22 feet wide and 800 Sq. Feet of living area. Not more than 20% of the lot may be covered by buildings principal and accessory.
All other uses shall conform to R1 zoning regulations.	

8.2-6 Off-Street Parking Requirements

Off-Street parking facilities shall be provided as required in the R1 District, and for additional uses as follows:

Two-Family Dwellings	2 spaces/unit
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8.2-7 Off-Street Loading Requirements

Off-Street loading facilities shall be provided as required in the R1 District.

**8.3 R4 GENERAL RESIDENCE DISTRICT**

8.3-1 Permitted Uses

The following uses are permitted in the R4 District:

- a) Any use permitted in the R2 Single and Two-Family Residence District.
- b) Multiple family dwellings, apartment houses, condominiums.
- c) Boarding, lodging, and rooming houses.

8.3-2 Conditional Uses

The following conditional uses may be allowed in the R4 District, subject to the provisions of Article 6, Section 6.9:

- a) Any conditional use in the R2 Single and Two-Family Residence District
- b) Mobile Home Parks as provided in Section XIV.
- c) Accessory uses incidental to, and on the same zoning lot as a principal use.

8.3-3 Lot Size Requirements

For each principal permitted use located in the R4 District, a lot shall be provided in accordance with the requirements below; all other uses will conform to the R1 District.

a) Permitted Uses

	Minimum Lot Area	Minimum Lot Width
Multiple family dwellings apartment houses, condominiums	2,000 Sq. Ft. per unit but not less than 2 acres	150 Feet
Boarding, lodging, rooming houses	900 Sq. Ft per unit but not less than 2 acres	150 Feet

b) Conditional Uses

- 1) Mobile Home Parks As provided in Section XIV.

- c) Accessory Uses Established on the same lot as the principle use, and that the lot meets the lot size requirements of the R4 District

8.3-4 Yard Requirements

For each principal permitted use located in the R4 District, a lot shall be provided in accordance with the requirements of the following table:

- a) Permitted Uses

	Front Yard	Interior Side Yard	Corner Side Yard	Rear Yard
Multiple Family dwellings, apartment houses, condominiums	50 Feet	25 Feet	40 Feet	35 Feet
Boarding, lodging	50 Feet	25 Feet	40 Feet	35 Feet
All other uses shall conform to R2 Zoning District.				

- b) Conditional Uses

- 1) Mobile Home Parks As provided in Section 14

- c) Accessory Uses. The yard requirements of the principal use shall apply to their accessory uses.

8.3-5 Building Bulk Limitations

For each permitted use in the R4 District the ratio of floor area of the principal buildings to the lot area shall not exceed that stipulated in the following table:

- a) Permitted Uses

	Maximum Height	Building Size
Multiple family dwelling apartment houses, boarding, lodging, condominiums and rooming houses.	2 ½ stories not to exceed 35 feet	not occupy more than 20% of the lot area

- b) Conditional Uses

- 1) Mobile Home Parks As provided in Section 14

- c) Accessory Uses

- 1) The floor area of the accessory uses shall be included in the total allowable floor area permitted on the zoning lot specified above. Any floor

area devoted to parking or loading facilities shall be exempt from the floor area ratio requirements.

- 2) All other uses shall conform to the R2 zoning district.

8.3-6 Off-Street Parking Requirements

The regulations of the R2 District shall apply. In addition, off-street parking spaces shall be provided in accordance with the following requirements:

Multiple family dwelling, apartment houses, condominiums	1 ½ spaces/unit
Boarding, lodging, and rooming houses	1 space/unit plus 1 for owner/manager
Mobile Home Parks	As provided in Section XIV
All other uses conform with R2 zoning district.	

8.3-7 Off-Street Loading Requirements

Off-street loading facilities shall be provided as required in the R1 District, and for additional uses as follows:

Multiple family dwellings apartment houses, condominiums boarding, lodging, and rooming houses.	For buildings containing 20,000 sq. ft. of gross floor area one off-street loading berth shall be provided, plus one additional loading berth for each additional 200,000 sq. ft. of floor area or fraction thereof.
Mobile Home Parks	As provided in Section 14.

**ARTICLE 9  
BUSINESS DISTRICTS**

**PART A: GENERAL REQUIREMENTS**

a) Permitted Uses

No buildings or zoning lot shall be devoted to any use other than a use permitted hereinafter in the zoning district in which such building or zoning lot shall be located, with the exception of the following:

- 1) Uses lawfully established on the effective date of this ordinance;
- 2) Conditional uses allowed in accordance with the provisions of Paragraph b) below.

Uses already established on the effective date of this ordinance, and rendered non-conforming by the provisions thereof, shall be subject to the regulations of Article 5.

b) Conditional Uses

Conditional uses as hereinafter listed, may be allowed in the zoning districts indicated, subject to the issuance of conditional use permits in accordance with the provisions of Article 6, Section 6.9.

c) Lot Area Requirements

Lot area requirements shall be as set forth under each zoning district.

- 1) No use shall be established or hereafter maintained on a lot recorded after the effective date of this ordinance which is of less area than prescribed hereinafter for such use in the zoning district in which it is to be located.
- 2) No existing building or dwelling unit shall be converted so as to conflict with, or further conflict with, the lot area requirements of the district in which such building is located.

d) Yard Requirements

- 1) Yard requirements shall be as set forth under each zoning district in Part B of this Article 9, for all buildings, structures, and uses, except where more than 25 percent of the frontage on one side of a street between intersecting streets is occupied by structures on the effective date of this ordinance. In the case of this exception, the average setback from the front lot line of such existing structures shall be maintained by all new or relocated structures.
- 2) If the property on a street frontage between intersecting streets is zoned partially residence and partially business, the front yard requirement of the Residence District shall be applied to the entire street frontage.



- 3) Dispensing devices with a height of not over six (6) feet shall be exempt from the established front yard or corner side yard requirements, but all such dispensing devices shall be set back from the front lot line and the corner side lot line a distance of not less than 15 feet.
- 4) All required yards shall be unobstructed from the ground level to the sky, except as allowed in Article 4, Section 4.8-3. All accessory buildings when attached to principal buildings shall comply with the yard requirements of the principal buildings.

e) Floor Area Ratio

The requirements established under each zoning district in Part B of this Article 9 shall determine the maximum floor area allowable for the building or buildings (total floor area of both principal and accessory buildings) in direct ratio to the gross area of the zoning lot. However, where the front, side, or rear lot line of a lot adjoins a public open space which is at least two (2) acres in area and of a depth perpendicular to such lot line of not less than 200 feet, the floor area ratio may be increased by 15 percent.

f) Off-Street Parking

Off-Street parking facilities for motor vehicles in Business Districts shall be provided in accordance with the regulations set forth hereinafter, as well as in Article 4, Section 4.9.

- 1) Utilization: Except as may otherwise be provided for the parking of trucks in the granting of conditional uses, required accessory off-street parking facilities provided for uses listed herein shall be solely for the parking of passenger automobiles of patrons, occupants, or employees of such uses. However, the parking of trucks accessory to a permitted use, if limited to 1 ½ ton capacity and in an enclosed structure, is permitted.
- 2) Exemption: When the application of the off-street parking regulations specified hereinafter result in a requirement of not more than three (3) spaces on a single zoning lot in any Business District, such parking spaces need not be provided. However, when two (2) or more uses are located on a single zoning only one of these uses shall be eligible for the above exemption. This exemption shall not apply to dwelling units.
- 3) Computation: When determination of the number of off-street parking spaces required by this ordinance results in a requirement of a fractional space, any fraction of one-half or less may be disregarded while a fraction in excess of one-half shall be counted as one parking space.
- 4) Collective Provision: Off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements for each such use and provided that all regulations governing location of accessory parking spaces, in relation to the use served, are adhered to. Further, no parking spaces or portion thereof shall serve as

a required space for more than one use unless otherwise authorized by the Board of Appeals.

- 5) **Size:** A required off-street parking space shall be at least 8 feet 6 inches in width and at least 20 feet in length, exclusive of access drives or aisles, ramps, columns, or office or work areas. Such space shall have a vertical clearance of at least 6 feet 6 inches, and shall be measured at right angles to the axis of the vehicle. Aisles shall be not less than 24 feet wide for 90-degree parking, 18 feet wide for 60-degree parking, 15 feet wide for 45-degree parking (angle shall be measured between center line of parking space and center line of aisle), and 12 feet wide for parallel parking. For parallel parking, the length of the parking space shall be increased to 23 feet.
- 6) **Access:** Each required off-street parking space shall open directly upon an aisle or driveway at least 12 feet wide or such additional width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. No driveway across public property shall exceed a width of 25 feet, not including curb cuts.
- 7) **In Yards:** Off-street parking spaces, open to the sky, may be located in any yard. Enclosed buildings and carports containing off-street parking shall be subject to applicable yard requirements.
- 8) **Design and Maintenance**
  - i) **Plan:** Design of the parking lot or area shall be subject to the approval of the Building Inspector in accordance with standards approved by the Town Board.
  - ii) **Character:** Accessory parking spaces may be open to the sky or enclosed in a building.
  - iii) **Surfacing:** All open off-street parking areas, except a single parking space accessory to a single-family dwelling, shall be surfaced with a dustless all-weather material capable of carrying a wheel load of 4,000 pounds (normally, a two-inch black top on a four-inch base or five inches of Portland Cement will meet this requirement).
  - iv) **Screening and landscaping:** All open automobile parking area, containing more than four parking spaces, shall be effectively screened on each side adjoining or fronting on any property situated in a Residence District or any institutional premises by a wall, fence, or densely planted compact hedge, not less than five feet nor more than eight feet in height.
  - v) **Lighting:** Any lighting used to illuminate off-street parking areas shall be directed away from residential properties and public streets in such a way

as not to create a nuisance. However, in no case shall such lighting exceed three (3) foot-candles measured at the lot line.

- vi) Location: All parking spaces required to serve buildings or uses erected or established after the effective date of this ordinance shall be located on the same zoning lot as the building or use served. Buildings or uses existing on the effective date of this ordinance which are subsequently altered or enlarged so as to require the provision of parking spaces under this ordinance may be served by parking facilities located on land other than the zoning lot on which the building or use served is located, provided such facilities are within 500 feet walking distance of a main entrance to the use served.
- vii) Employee Parking: Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time.

g. Off-Street Loading

Off-street loading facilities accessory to uses allowed in Business Districts shall be provided in accordance with the regulations set forth hereinafter, as well as in Article 4, Section 4.9.

- 1) Location: All required loading berths shall be located on the same zoning lot as the use served. All motor vehicle loading berths which abut a Residence District or intervening alley separating a Residence District from a Business District shall be completely screened therefrom by building walls, or a uniformly painted solid fence, wall, or door, or any combination thereof, not less than eight feet in height. No permitted or required loading berth shall be located within 30 feet of the nearest point of intersection of any two streets. No loading berth shall be located in a required front or side yard, and any loading berth located in a required rear yard shall be open to the sky.
- 2) Size: Unless otherwise specified, a required off-street loading berth shall be at least 12 feet in width by at least 30 feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least 15 feet.
- 3) Access: Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement, and shall be subject to approval by the Building Inspector.
- 4) Surfacing: All open off-street loading berths shall be surfaced with a dustless all-weather material capable of bearing a live load of 200 pound per square foot.
- 5) Repair and Service: No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in Business Districts, except emergency repair service necessary to start vehicles.

- 6) Utilization: Space allocated to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities or portions thereof.
- 7) Minimum Facilities: Uses for which off-street loading facilities are required herein but which are located in buildings of less floor area than the minimum prescribed for such required facilities shall be provided with adequate receiving facilities, accessible by motor vehicle off any adjacent alley, service drive, or open space on the same zoning lot.
- 8) Central Loading: Central loading facilities may be substituted for loading berths on the individual zoning lots provided the following conditions are fulfilled:
  - i) Each zoning lot served shall have direct access to the Central Loading Area without crossing streets or alleys at grade.
  - ii) Total berths provided shall meet the requirements based on the sum of the several types of uses served. (Areas of types of uses may be totaled before computing number of loading berths).
  - iii) No zoning lot served shall be more than 300 feet removed from the Central Loading Area.
  - iv) The tunnel or ramp connecting the Central Loading Area with the zoning lot served shall be not less than 7 feet in width and have a clearance of not less than 7 feet.

## **PART B: DISTRICT REQUIREMENTS**

### **9.1 NEIGHBORHOOD SHOPPING DISTRICT**

The B1 Neighborhood shopping District is designed for the convenience shopping of persons residing in adjacent residential area, and to permit only such uses as are necessary to satisfy those basic shopping needs which occur daily or frequently and so require shopping facilities in relative proximity to places of residence.

#### **9.1-1 Permitted Uses**

- a) Uses permitted in the B1 District are subject to the following conditions:
  - 1) All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
  - 2) All business, servicing, or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings.
  - 3) Establishments of the "drive-in" type offering goods or services directly to customers waiting in parked motor vehicles are not permitted.

- 4) The parking of trucks as an accessory use, when used in the conduct of a permitted business listed hereafter in this Section shall be limited to vehicles of not over 1 ½ tons capacity when located within 150 feet of a Residence District boundary lines.
- b) The following uses are permitted in the B1 District:
- 1) Single family dwellings.
  - 2) Art and school supply stores.
  - 3) Barber shops.
  - 4) Beauty parlors.
  - 5) Candy and ice cream stores.
  - 6) Clothing pressing establishments.
  - 7) Currency exchanges.
  - 8) Drug stores.
  - 9) Dry cleaning and laundry receiving stations, processing to be done elsewhere.
  - 10) Food stores, grocery stores, meat markets, fish markets, bakeries and delicatessens.
  - 11) Hardware, domestic, appliance, and paint and wallpaper stores.
  - 12) Launderettes, automatic, self-service only, or hand laundries--employing not more than two persons in addition to one owner or manager.
  - 13) Liquor stores, packaged goods only.
  - 14) Newspaper distribution agencies for home delivery and retail trade.
  - 15) Restaurants, not including entertainment, dancing and serving of alcoholic beverages.
  - 16) Shoe, clothing and hat repair.
  - 17) Telephone booths and coin telephones.
  - 18) Accessory uses, incidental to and on the same zoning lot as principal use.

#### 9.1-2 Conditional Uses

The following conditional uses may be allowed in the B1 District, subject to the provisions of Article 6, Section 6.9.

- a) Automobile service stations.

- b) Parking lots, open and other accessory for the storage of private passenger automobiles.
- c) Parks.
- d) Public utilities.
- e) Government uses, i.e., fire stations, police stations, community centers, libraries and public emergency shelters.
- f) Taverns and bars.

9.1-3 Lot Size Requirement (Amended 12-18-01)

- a) In the B1 District minimum lot area shall be ½ acre for each business establishment.
- b) Single-family dwellings shall be located on lots of not less than 2 acres.

9.1-4 Yard Requirements:

- a) Residential Yards: Single-family dwellings on residential lots shall provide front, side, and rear yards in accordance with the yard requirements established in the R1 District. For dwellings located above business establishments, there shall be provided side and rear yards equivalent to those established in the R1 District. Such yards shall begin at a level no higher than the level of the finished floor of the dwelling.
- b) Front Yard: Business uses allowed in the B1 District shall provide a front yard not less than 30 feet in depth.
- c) Transitional Yards: In the B1 District the minimum transitional yard requirements shall not be less than those specified below:
  - 1) Where a side lot line coincides with a side or rear lot line in an adjacent Residence District, a yard shall be provided along such side lot line. Such yard shall be equal in dimensions to the minimum side yard which would be required under this ordinance for a residential use on the adjacent residential lot.
  - 2) Where a rear lot line coincides with a side lot line in an adjacent Residence District, a yard shall be provided along such rear lot line. Such yard shall be equal in dimension to the minimum side yard which would be required under this ordinance for a residential use on the adjacent residential lot.
  - 3) Where a rear lot line coincides with a rear lot line in an adjacent Residence District, a yard shall be provided along such rear lot line. Such yard shall not be less than that which would be required for a residential use on the adjacent residential lot.
  - 4) Where the extension of a front or side lot line coincides with a front lot line of an adjacent lot located in a Residence District, a yard equal in depth to the minimum front yard required by this ordinance on such adjacent residential lot shall be provided along such front or side lot line.

#### 9.1-5 Floor Area Ratio (F.A.R.)

In the B1 District the floor area ratio shall not exceed 1.80.

#### 9.1-6 Off-Street Parking

In the B1 District, off-street parking facilities shall be provided in accordance with the following minimum requirements:

Permitted and conditional uses of this District shall provide one parking space for each 200 square feet of gross floor area in excess of 2,000 square feet, except as indicated below for the following uses:

- a) Single-Family dwellings: One parking space for each dwelling.
- b) Automobile service stations: One parking space for each two (2) employees, plus one space for the owner or manager.
- c) Public utilities and service uses: One parking space for each two employees plus space adequate in number, as determined by the Town Board, to serve the public.

#### 9.1-7 Off-Street Loading

Business establishments in the B1 District shall be provided with adequate receiving facilities by motor vehicle off any adjacent alley, service drive, or open space on the same zoning lot.

### **9.2 B3 GENERAL BUSINESS DISTRICT**

The B3 General Business District is designed to accommodate the needs of a larger consumer population than is served in the Neighborhood Shopping District--thus a wider range and services and goods is permitted for both daily and occasional shopping and service needs.

#### 9.2-1 Permitted Uses

- a) Uses permitted in the B3 District are subject to the following conditions:
  - 1) Dwelling units are not permitted below the second floor and business uses are not permitted on any floor above the ground floor, except in those buildings or structures where dwelling units are not established.
  - 2) All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
  - 3) All business, servicing or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings.
  - 4) Establishments of the "drive-in" type offering goods or services directly to customers waiting in parked motor vehicles are permitted only by conditional use permit.

- 5) The parking of trucks as an accessory use, when used in the conduct of a permitted business listed hereafter in this Section shall be limited to vehicles of not over 1 ½ tons capacity when located within 150 feet of a Residence District boundary line.
- b) Any use permitted in the B1 District, with the exception of dwellings on solely residential lots, shall be permitted in the B3 District; and in addition the following uses shall be permitted:
- 1) Antique shops.
  - 2) Art shops or galleries, but not including auction rooms.
  - 3) Automobile accessory stores.
  - 4) Automobile service stations.
  - 5) Banks and financial institutions.
  - 6) Bicycle sales, rental, and repair stores.
  - 7) Blueprinting and Photostatting establishments.
  - 8) Book and stationery stores.
  - 9) Business machine sales and service.
  - 10) Camera and photographic supply stores.
  - 11) Carpet and rug stores, retail stores only.
  - 12) Catering establishments.
  - 13) China and glassware stores.
  - 14) Clubs and lodges, non-profit and fraternal.
  - 15) Coin and philatelic stores.
  - 16) Custom dressmaking.
  - 17) Department stores.
  - 18) Dry cleaning establishments.
  - 19) Dry goods stores.
  - 20) Dwellings above the ground floor.
  - 21) Electrical and household appliance stores, including radio and television sales.
  - 22) Employment agencies.



- 23) Florist shops.
- 24) Frozen food stores, including locker rental in conjunction therewith.
- 25) Furniture stores, including upholstering when conducted as part of the retail operation and secondary to the principal use.
- 26) Fur shops, including incidental storage and conditioning of furs.
- 27) Garden supplies, tools, and seed stores.
- 28) Gift shops.
- 29) Hobby shops for retail or items to be assembled or used away from the premises.
- 30) Interior decorating shops, including upholstering and making of draperies, slip covers and other similar articles, when conducted as part of the retail operations and secondary to the principal use.
- 31) Jewelry stores, including watch repair.
- 32) Leather goods and luggage stores.
- 33) Locksmith stores.
- 34) Medical and dental clinics.
- 35) Meeting halls.
- 36) Millinery shops (women's apparel for head).
- 37) Musical instrument sales and repair.
- 38) Offices, business and professional.
- 39) Office machine sales and servicing.
- 40) Office supply stores.
- 41) Optician sales, retail.
- 42) Orthopedic and medical appliance stores.
- 43) Pawn shops.
- 44) Pet stores.
- 45) Phonograph record and sheet music stores.
- 46) Photography studios, including the developing of film and pictures when conducted as part of the retail business on the premises.
- 47) Picture framing, when conducted for retail trade on the premises only.

- 48) Plumbing and heating sales shops.
- 49) Post offices.
- 50) Produce market.
- 51) Radio and television service, sales and repair shops.
- 52) Restaurants, including the serving of alcoholic beverages if incidental to the serving of food as the principle activity, but not including live entertainment or dancing.
- 53) Sewing machine sales and service--household appliances only.
- 54) Shoe stores.
- 55) Sporting goods.
- 56) Tailor shops.
- 57) Taverns, but not including live entertainment or dancing.
- 58) Taxidermists.
- 59) Telegraph offices.
- 60) Theaters, indoor.
- 61) Ticket agencies, amusement.
- 62) Tobacco shops.
- 63) Toy shops.
- 64) Travel bureaus and transportation ticket offices.
- 65) Undertaking establishments and funeral parlors.

#### 9.2-2 Conditional Uses

Any use allowed as a conditional use on the B1 District shall be allowed in the B3 District subject to the provisions of Article 6, Section 6.9, and in addition to the following:

- a) Amusement establishments including: bowling alleys, pool halls, dance halls, swimming pools, skating rinks, archery ranges, shooting galleries, and similar amusement facilities.
- b) Animal hospitals and kennels.
- c) Auction rooms
- d) Automobile laundries.

- e) Boat showrooms
- f) Building material and product sales.
- g) Contractor or construction offices, shops, and yards.
- h) Drive-in establishments.
- i) Exterminating shops.
- j) Farm implement sales.
- k) Feed and seed stores.
- l) Fuel and ice sales.
- m) Garages, for storage, repair and servicing of motor vehicles, including body repair, painting, and engine repair.
- n) Greenhouses and nurseries.
- o) Hotels and motels.
- p) Laboratories--medical and dental.
- q) Laundries--room or rooms containing the laundering process (washing, drying, ironing, and wrapping) shall not exceed a total of 2,400 sq. ft. in area.
- r) Machinery sales.
- s) Model homes and garage displays.
- t) Motor vehicle and house trailer sales.
- u) Parking garages or structures.
- v) Printing and publishing.
- w) Restaurants and taverns--live entertainment and dancing permitted.
- x) Riding academies and commercial stables.
- y) Schools--music, dance, business, commercial, trade.
- z) Stadiums, auditoriums, and arenas--open or enclosed.
- aa) Theaters, drive-in.
- bb) Warehousing and wholesale establishments and storage other than accessory to permitted retail uses.

9.2-3 Lot Size Requirements

In the B3 District the minimum lot area shall be ½ acre.

#### 9.2-4 Yard Requirements

- a) Residential yards. For dwelling units located above business establishments, there shall be provided side and rear yards, equivalent to those established in the R4 District. Such yards shall begin at a level no higher than the level of the finished floor of the lowest dwelling unit.
- b) Transitional yard. No building or structure in the B3 District shall be located within 100 feet of a Residential District boundary line, unless such building or structure is effectively screened from such Residence District property by wall, fence, or densely planted compact hedge, no less than five (5) feet nor more than eight (8) feet in height; in the event of such screening, the transitional yard requirements specified in the B1 District shall apply in the B3 District.

#### 9.2-5 Floor Area Ratio

In the B3 District the floor area ratio shall not exceed 1.00.

#### 9.2-6 Off-Street Parking

In the B3 District off-street parking facilities shall be provided in accordance with the following minimum requirements:

Permitted and Conditional Uses of this District, shall provide one parking space for each 200 square feet of gross floor area in excess of 2,000 square feet, except as indicated below for the following uses:

- a) Amusement establishments as follows:
  - 1) Bowling Alleys: Five parking spaces shall be provided for each alley, plus additional spaces on the basis of one space for each 300 square feet of gross floor area--for affiliated uses, such as bars, restaurants, and the like.
  - 2) Pool halls, dance halls, swimming pools and skating rinks: Parking spaces equal in number to 50 percent of the capacity in persons shall be provided.
- b) Automobile service stations: One parking space shall be provided for each two (2) employees, plus one space for the owner or manager.
- c) Clubs and lodges: One parking space shall be provided for each lodging room, plus parking spaces equal in number to 30 percent of the capacity in persons of each club or lodge.
- d) Medical and dental clinics: Three (3) parking spaces shall be provided for each staff and one space for each regularly visiting doctor.
- e) Motor vehicle sales: Two (2) parking spaces shall be provided for each employee.

- f) Post office: One parking space shall be provided for each two (2) employees, plus one space for each 300 square feet of gross floor area in access of 4,000 square feet.
- g) Public utility and service uses: One parking space shall be provided for each two (2) employees, plus spaces adequate in number, as determined by the Town Board to serve the community.
- h) School--commercial or trade; and music, dance or business: One parking space shall be provided for each five (5) students, based on the maximum number of students attending classes on the premises at any one time during any 24- hour period.
- i) Theaters (indoor): One parking space shall be provided for each six seats up to 400 seats, plus one space for each four seats above 400.
- j) Undertaking establishments and funeral parlors: Eight parking spaces shall be provided for each chapel or parlor, plus one space for each funeral vehicle maintained on the premises.
- k) Dwellings: One parking space shall be provided for each dwelling unit.
- l) Amusement parks: Parking spaces shall be provided in adequate number-- as determined by the Town Board--to serve persons employed, as well as the visiting public.
- m) Animal hospitals and kennels: Two (2) spaces per employee.
- n) Automobile laundries: one space per three (3) employees, plus one space for the owner or manager, plus parking reservoir equal to five (5) times the maximum capacity of the automobile laundry.
- o) Contractor or construction offices, shops and yards: One space per employee.
- p) Hotels: one space for every three (3) rooms.
- q) Laboratories--medical and dental: one space for every two employees.
- r) Motels: 1 space/unit, plus 1 space/owner or manager.
- s) Riding academies and commercial stables: 1 space/employee, plus spaces adequate in number--as determined by the Town Board.
- t) Stadiums, auditoriums, and arenas: Spaces equal to 30% of the capacity in persons.
- u) Theaters, (drive-in): Reservoir parking spaces equal in number to 10% of the vehicle capacity of such theater.

However, parking spaces required for use contained in an integrated center may be provided collectively. Such parking shall be provided in the amount of at least six (6) parking spaces for each 1,000 square feet of gross floor area in the center.

9.2-7 Off-Street Loading

In the B3 District off-street loading facilities shall be provided in accordance with the following minimum requirements.

- a) Parking lots and garages: There shall be no requirements for off-street loading.
- b) For the uses listed hereunder, one loading berth shall be provided for buildings containing 10,000 to 200,000 square feet of gross floor area, plus one additional loading berth for each additional 200,000 square feet of gross floor area or fraction thereof.
  - 1) Clubs and lodges.
  - 2) Schools--music, dance, business, commercial, or trade.
  - 3) Theaters (in-door).
- c) For the uses listed hereunder, one loading berth shall be provided for buildings containing 10,000 to 100,000 square feet of gross floor area; for each additional 100,000 square feet of gross floor area up to 500,000 square feet, one additional loading berth for each additional 500,000 square feet of gross floor area or fraction thereof in excess of 500,000 square feet.
  - 1) Amusement establishments.
  - 2) Banks and financial institutions.
  - 3) Medical and dental clinics.
  - 4) Offices, business and professional.
- d) For all other uses, facilities shall be provided in accordance with the following schedule:

<u>Gross Floor Area</u> <u>In Thousands of Sq. Ft.</u>	<u>Required Number</u> <u>&amp; Size of Berth</u>
5 to 10	1-----(12 ft. x 30 ft.)
10 to 25	2-----(12 ft. x 30 ft. each)
25 to 40	2-----(12 ft. x 55ft. each)
40 to 100	3-----(12 ft. x 55 ft. each)

For each additional 200,000 square feet of gross floor area or fraction thereof over 100,000 square feet of gross floor area, one additional loading berth shall be provided, such additional loading berth to be at least 12 feet in width by 55 feet in length.

**ARTICLE 10  
INDUSTRIAL DISTRICTS**

**PART A. GENERAL REQUIREMENTS**

a) Permitted Uses

No buildings or zoning lot shall be devoted to any use other than a use permitted hereinafter in the zoning district in which such building or zoning lot shall be located, with the exception of the following:

- 1) Uses lawfully established on the effective date of this ordinance.
- 2) Conditional uses allowed in accordance with the provision of paragraph 2 hereunder.

Uses already established on the effective date of this ordinance, and rendered non-conforming by the provisions thereof, shall be subject to the regulations of Article 5.

b) Conditional Uses

Conditional uses, as hereinafter listed, may be allowed in the zoning districts indicated, subject to the issuance of conditional use permits in accordance with the provisions of Article 6, Section 6.9.

c) Yards

Yards shall be provided in accordance with the regulations hereinafter indicated under each zoning district. Front, corner side, and transitional yards shall be unobstructed from ground level to the sky, except as allowed in Article 4, Section 4.8-3. All accessory buildings which are attached to principal buildings shall comply with the yard requirements of the principal building.

d) Regulations along Residence and Business District Boundaries

In an Industrial District which abuts a Residence or Business District and along any zoning district boundary separating such Industrial District from a Residence or Business District, there shall be provided, with respect to all buildings, structures, and uses constructed or established after the effective date of this ordinance, unobstructed open space from ground level to the sky (except as allowed in Article 4, Section 4.8-3) in accordance with the regulations established hereinafter for the district in which such use is located.

e) Floor Area Ratio

The floor area ratio requirements, as set forth under each zoning district, shall determine the maximum floor area allowable for the building or buildings (total floor area of both principal and accessory buildings) in direct ratio to the gross area of the zoning lot.

f) Off-Street Parking

Off-street parking facilities for motor vehicles in Industrial Districts shall be provided in accordance with the regulations set forth hereinafter, as well as in Article 4, Section 4.9.

- 1) **Computation:** When determination of the number of off-street parking spaces required by the ordinance results in a requirement of a fractional space, any fraction of one-half ( $\frac{1}{2}$ ) shall be counted as one parking space.
- 2) **Collective Provision:** Off-street parking facilities for separated uses may be provided in not less than the sum of the separate requirements for each such use and provided that all regulations governing location of accessory parking spaces, in relation to the use served, are adhered to. Further, no parking spaces or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the Board of Appeals.
- 3) **Size:** A required off-street parking space shall be at least 8 feet 6 inches in width and at least 20 feet in length, exclusive of access drives or aisles, ramps, columns, or office or work areas. Such space shall have a vertical clearance of at least 6 feet 6 inches, and shall be measured at right angles to the axis of the vehicle. Aisles shall not be less than 24 feet wide for 90-degree parking, 18 feet wide for 60-degree parking, 15 feet wide for 45-degree parking (angle shall be measured between center line of parking space and center line of aisle), and 12 feet wide for parallel parking. For parallel parking, the length of the parking space shall be increased to 23 feet.
- 4) **Access:** Each required off-street parking space shall open directly upon an aisle or driveway at least 12 feet wide or such additional width and design as to provide safe and efficient means of vehicular access to such parking space. All off-street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. No driveway across public property shall exceed a width of 25 feet, not including curb cuts.
- 5) **In Yards:** Off-street parking spaces, open to the sky, may be located in any yard. Enclosed buildings and carports containing off-street parking shall be subject to applicable yard requirements.
- 6) **Design and Maintenance Plan:** Design of the parking lot or area shall be subject to the approval of the Building Inspector, in accordance with standards approved by the Town Board.
  - i) **Character:** Accessory parking spaces may be open to the sky or enclosed in a building.
  - ii) **Surfacing:** All open off-street parking areas shall be surfaced with a dustless all-weather material capable of carrying a wheel load of 4,000 pounds (normally, a two-inch black top on a four-inch base or five inches of Portland Cement will meet this requirement).



- iii) Screening and landscaping: All open automobile parking areas, containing more than four parking spaces, shall be effectively screened on each side adjoining or fronting on any property situated in a Residence District or any institutional premises by a wall, fence, or densely planted compact hedge, not less than five feet nor more than eight feet in height.
- iv) Lighting: any lighting used to illuminate off-street parking areas shall be directed away from residential properties and public streets in such a way as not to create a nuisance. However, in no case shall such lighting exceed three (3) foot-candles measured at the lot line.
- v) Location: All parking spaces required to serve buildings or uses erected or established after the effective date of this ordinance shall be located on the same zoning lot as the building or use served or within 500 feet thereof if located in an Industrial District. Buildings or uses existing on the effective date of this ordinance which are subsequently altered or enlarged so as to require the provision of parking spaces under this ordinance may be served by parking facilities located on land other than the zoning lot on which the building or use served is located, provided such facilities are within 500 feet walking distance of a main entrance to the use served.
- vi) Employee Parking: Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time.

g) Off-Street Loading

Off-street loading facilities accessory to uses allowed in Industrial Districts shall be provided in accordance with the regulations set forth hereinafter, as well as in Article 4, Section 4.9.

- 1) Location: All required loading berths shall be located on the same zoning lot as the use served. All motor vehicle loading berths which abut a Residence District or intervening alley separating a Residence District from an Industrial District shall be completely screened therefrom by building walls, or a uniformly painted solid fence, wall, or door, or any combination thereof, not less than eight feet in height. No permitted or required loading berth shall be located within 30 feet of the nearest point of intersection of any two streets. No loading berth shall be located in a required front or side yard, and any loading berth located in a required rear yard shall be open to the sky.
- 2) Size: Unless otherwise specified, a required off-street loading berth shall be at least 12 feet in width by at least 30 feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least 15 feet.
- 3) Access: Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement, and shall be subject to approval of the Building Inspector.

- 4) Surfacing: All open off-street loading berths shall be surfaced with a dustless all-weather material capable of bearing a live load of 200 pounds per square foot.
- 5) Repair and Service: No motor vehicle repair work or service of any kind shall be permitted in conjunction with loading facilities provided in an Industrial District if such loading facilities are within 50 feet of a Residential or Business District. Washing of accessory vehicles and emergency service required to start vehicles shall be permitted.
- 6) Utilization: Space allocated to any off-street loading shall not, while so allocated, be used to satisfy the space requirements of any off-street parking facilities or portions thereof.
- 7) Minimum Facilities: Uses for which off-street loading facilities are required herein but which are located in buildings of less floor area than the minimum prescribed for such required facilities shall be provided with adequate receiving facilities, accessible by motor vehicle off any adjacent alley, service drive or open space on the same zoning lot.
- 8) Central Loading: Central loading facilities may be substituted for loading berths on the individual zoning lots provided the following conditions are fulfilled:
  - i) Each zoning lot served shall have direct access to the Central Loading Area without crossing streets or alleys at grade.
  - ii) Total berths provided shall meet the requirements based on the sum of the several types of uses served. (area of types of uses may be totaled before computing number of loading berths.)
  - iii) No zoning lot served shall be more than 500 feet removed from the Central Loading Area.
  - iv) The tunnel or ramp connecting the Central Loading Area with the zoning lot served shall be not less than seven (7) feet in width and have a clearance of not less than seven (7) feet.

## **PART B DISTRICT REQUIREMENTS**

### **10.1 M1 GENERAL INDUSTRIAL DISTRICT**

PURPOSE: The M1 General Industrial District is designed to provide an environment suitable for industrial activities permitting uses that do not create appreciable nuisances or hazards, or that require a pleasant, hazard-and-nuisance free environment, and conditional uses of large relatively self-contained and isolated areas intended to be used for industrial activities whose potential nuisance or hazard generation is moderately high.

#### **10.1-1 Permitted Uses**

- a) Uses permitted in the M1 District are subject to the following conditions:

- 1) Dwelling units and lodging rooms, other than watchmen's quarters, are not permitted.
  - 2) All business, servicing, or processing--except for off-street parking and off- street loading or establishments of the "drive-in" type offering goods or services directly to customers waiting in parked motor vehicles--shall be conducted within completely enclosed buildings, unless otherwise indicated hereinafter
  - 3) All storage within 500 feet of Residence District--except of motor vehicles in operable conditions--shall be within completely enclosed buildings or effectively screened by a solid wall or fence (including solid entrance and exit gates) not less than six (6) feet or more than eight (8) feet in height.
- b) The following uses are permitted in the M1 District:
- 1) Bakeries.
  - 2) Bedding manufacturing.
  - 3) Boot and shoe manufacturing.
  - 4) Building materials sales and storage.
  - 5) Carpet manufacturing.
  - 6) Cartage and express facilities.
  - 7) Cloth products manufacturing.
  - 8) Contractors, architects, and engineers offices, shops and yards.
  - 9) Cosmetics productions.
  - 10) Daily products.
  - 11) Dwellings for watchmen and their families located on the premises where they are employed in such capacity.
  - 12) Electronic and scientific precision instruments.
  - 13) Feed and seed sales.
  - 14) Fuel and ice sales.
  - 15) Fur processing.
  - 16) Garages--for storage, repair, and servicing for motor vehicles.
  - 17) Glass products.
  - 18) Greenhouses--wholesale.

- 19) Insulating materials manufacture.
- 20) Laboratories--research and testing.
- 21) Laundries.
- 22) Light machinery production--appliances, business machines, etc.
- 23) Lithographing
- 24) Lodges and offices of labor organizations.
- 25) Medical and dental clinics.
- 26) Musical instruments manufacture.
- 27) Orthopedic and medical appliance manufacture.
- 28) Parking lots, other than accessory, and subject to the provisions of the M1 District.
- 29) Pottery and ceramics manufacture.
- 30) Printing and publishing.
- 31) Public utilities and service uses.
- 32) Restaurants.
- 33) Rope, cord, and twine manufacture.
- 34) Sporting goods manufacture.
- 35) Temporary building for construction purposes for a period not to exceed the duration of such construction.
- 36) Trade schools.
- 37) Wearing apparel manufacture.
- 38) Weighting stations operated by the State of Wisconsin.
- 39) Accessory uses incidental to, and on the same lot as the principal use.

#### 10.1-2 Conditional Uses

- a) Abrasives manufacture.
- b) Airports and commercial heliports, including aircraft landing fields, runways, flight strips, and flying schools, together with hangers, terminal buildings, and other auxiliary facilities.

- c) Air, railroad, and water freight terminals, railroad switching and classification yards, repair shops and roundhouses.
- d) Areas for dumping or disposal of garbage, refuse, or trash.
- e) Asphalt products manufacture.
- f) Automobile laundries.
- g) Bottling companies.
- h) Brick and structural clay products manufacture.
- h) Chemical processing and manufacturing.
- j) Concrete mixing plants.
- k) Electroplating.
- l) Feed mills.
- m) Food manufacture, packaging, and processing.
- n) Foundries and forge plants.
- o) Grain storage and processing.
- p) Graphite products manufacture.
- q) Gypsum manufacture.
- r) Heavy machinery production.
- s) Heliports, private.
- t) Institutions for the care or treatment of alcoholics, drug addict patients or the mentally disturbed.
- u) Junk yard and auto graveyards.
- v) Leather tanning or processing.
- w) Linoleum manufacturing.
- x) Machine shop.
- y) Meatpacking.
- z) Metal reduction and refinement.
- aa) Metal stamping.

- bb) Mining or ore bodies, removal of topsoil as defined in Article 3, and the quarrying of sand, gravel, decomposed granite or solid rock and the pro-processing for manufacture of material incidental to such extraction and the erection of buildings and the installation of equipment and machinery may be permitted provided:
- 1) The application for a Conditional Use Permit shall include: an adequate description of the operation; a list of equipment, machinery and structures to be used; the source, quantity and disposition of water to be used; a generalized topographic map of the site showing existing contours, trees, proposed and existing access roads; drawings showing the depth of existing and proposed excavations with cross-sections; and a restoration plan.
  - 2) The restoration plan, except for solid rock quarries, shall be such that final grades of areas no longer worked shall be no steeper than three (3) feet horizontal to one (1) foot vertical unless the Town Board determines that such slopes are an integral part of a quality restoration plan. The restoration plan shall contain a map showing proposed contours after filling; the depth of restored topsoil; and the dates of commencement and completion of restoration of all or part of the mining site. Any part of an excavation in which water collects to a depth of two(2) feet or more for 30 or more consecutive days shall be drained or filled to prevent such collection of water unless the Town Board gives approval to a plan for the creation of an artificial lake. All final grades shall have adequate planting or reforestation to prevent erosion. The applicant may be required to furnish the necessary sureties which will enable the town to perform the planned restoration of the site in event of default by the applicant. The amount of such sureties shall be based upon cost estimates approved by the Town Board and the form and type of sureties shall be approved by the Town Attorney. In addition, the Town Board may require any other information it deems necessary to determine whether the proposed mining and reclamation plan is in the public interest.
  - 3) A rock quarry when it is impractical to slope the side shall be surrounded by a six (6) foot open-type woven wire fence.
  - 4) All excavations should be at least one hundred (100) feet from any public way and fifty (50) feet from any property line of another person or company. All accessory uses such as offices, parking areas and stockpiles should be at least one hundred (100) feet from any public way or property line.
  - 5) The owners of existing mining or quarry operations within one year after the adoption of this Ordinance shall make application for a Conditional Use Permit and submit a restoration plan. The restoration plan shall not impose requirements that are unreasonable as to economics or engineering with respect to conditions resulting from operation prior to the enactment of this Ordinance.

- 6) The Town Board shall particularly consider the effect of the proposed operation upon existing streets, neighboring development, proposed land use, drainage, water supply, soil erosion, natural beauty, character, and land value of the locality and shall also consider the feasibility of the proposed restoration of the site. (Amended April 13, 1981).
- cc) Motor freight terminals
- dd) Pain products manufacture.
- ee) Paper products manufacture.
- ff) Parks and playgrounds.
- gg) Penal and correction institutions.
- hh) Petroleum products storage or processing.
- ii) Plastics manufacture.
- jj) Recreation buildings or community center.
- kk) Rubber processing or manufacture.
- ll) Sewage treatment plants, municipal.
- mm) Soap manufacture.
- nn) Stadiums, auditoriums, and arenas--open or enclosed.
- oo) Steel manufacture.
- pp) Stone products manufacture.
- qq) Theaters--automobile drive-in.
- rr) Warehousing and wood products.
- ss) Warehousing and storage (non-hazardous products).
- tt) by the Town Board to be the same general character as the uses permitted above and found not to be obnoxious, unhealthful, or offensive by reason of the potential emission or transmission of noise, vibration, smoke, dust, odors, toxic or noxious matter, glare or heat, or fire or explosive hazards.
- uu) Accessory uses incidental to, and on the same zoning lot as the principal use.

LOT SIZE: Minimum 1 acre.

#### 10.1-3 Front Yard

In the M1 District, there shall be provided a front yard of not less than 30 feet in depth along every front lot line.

#### 10.1-4 Corner Side Yard

In the M1 District, there shall be provided a side yard of not less than 30 feet in depth in every instance where the side property line is adjacent to a public street.

#### 10.1-5 Transitional Yards

Where a side or rear lot line in an Industrial District coincides with a side or rear lot line in an adjacent Residence or Business District, a yard shall be provided along such side or rear lot line on the industrial lot. Such yard shall be not less than 30 feet in depth.

#### 10.1-6 Regulations along Residence and Business District Boundaries

- a) On the M1 District, on properties or portions thereof located directly across a street from a Business or Residential District, if any point on the exterior surface of any building or structure is at a greater height than 35 feet above curb level, such point projected vertically upon the ground shall, in no case, be nearer to the Business or Residence District boundary line than a horizontal distance equal to one and one-half times the height of such point above curb level. However, stacks, tanks, bulkheads, or ventilating equipment, including towers enclosing same, shall be except from such limitation if not exceeding in the aggregate 25 feet in lineal dimension parallel to the street for any 100 feet of street frontage. Parapets not exceeding three feet in height shall also be exempt from such limitations.
- b) In the M1 District, on properties or portions thereof located adjacent to a side or rear property line in a Business or Residence District, if any point on the exterior surface of any building or structure is at a greater height than 35 feet above curb level, the vertical projection of such point the ground shall, in no case, be nearer to the side or rear lot line of any property in the adjacent Business or Residential District than a horizontal district equal to the height of such point above curb level. However, stacks, tanks, bulkheads, or ventilating equipment, including towers enclosing same, shall be exempt from such height limitation if not exceeding in the aggregate 25 feet in lineal dimension parallel to such business or residential lot line or lines. Parapets not exceeding three (3) feet in height shall also be exempt from such limitations.

#### 10.1-7 Floor Area Ratio

In the M1 District the floor area ratio shall not exceed 2.00.

#### 10.1-8 Off-Street Parking Requirements

- a) Airports and commercial heliports: Parking spaces shall be provided in adequate number as determined by the Town Board--to serve the public.
- b) Automobile laundries: One parking space shall be provided for each three (3) employees, plus one space for the owner or manager, and in addition, reservoir parking spaces, equal in number to five (5) for automobiles awaiting entrance to



the automobile laundry shall be provided. Maximum capacity, in this instance, shall mean the greatest number possible of automobiles undergoing some phase of laundering at the same time.

- c) Building material sales and storage: One parking space shall be provided for each two (2) employees, plus one space for each 300 square feet of gross floor area in excess of 4,000 square feet.
- d) Cartage and express facilities: One parking space shall be provided for each vehicle maintained on the premises, plus one space for each two (2) employees.
- e) Dwellings for watchmen and their families: One parking space shall be provided for each dwelling unit.
- f) For all the uses listed hereunder, one parking space shall be provided for each two (2) employees:
  - 1) Air, railroad, and water freight terminals, railroad switching and classification yards, repair shops and roundhouses.
  - 2) Contractors', architects' and engineers' office, shops and yards.
  - 3) Electronic and scientific precision instruments.
  - 4) Greenhouse--wholesale.
  - 5) Laboratories--research and testing.
  - 6) Radio and television stations.
  - 7) Sewage treatment plants--municipal.
  - 8) Weighing stations.
- g) For the uses listed hereunder, one parking space shall be provided for each two (2) employees, plus one space adequate in number, as determined by the Town Board, to serve the visiting public.
  - 1) Penal and correctional institutions.
  - 2) Public utility and service uses.
- h) For the uses listed hereunder, one parking space shall be provided for each three (3) employees.
  - 1) Any manufacture, production, processing, cleanings, servicing, testing, repair or storage of materials, goods, or products.
  - 2) Laundries.
  - 3) Lithographing.

- 4) Printing.
- 5) Publishing.
- i) For the uses listed hereunder, parking spaces equal in number to 30 percent of the capacity in persons shall be provided.
  - 1) Recreation buildings or community centers.
  - 2) Restaurants.
  - 3) Stadiums, auditoriums, or arenas.
- j) For the uses listed hereunder, one parking space shall be provided for each 200 square feet of gross floor area in excess of 2,000 square feet.
  - 1) Fuel and ice sales.
  - 2) Garages--for storage, repair, and servicing of motor vehicles.
  - 3) Offices for labor organizations.
  - 4) Temporary buildings for construction purposes.
- k) Heliports, private: Parking spaces, if any, be provided as determined by the Town Board.
- l) Institutions for the care or treatment of alcoholics, drug addict patients, or the mentally disturbed: One parking space shall be provided for each four (4) beds, plus one parking space for each two (2) employees (other than staff doctors), plus one parking space for each doctor assigned to the staff.
- m) Lodges and labor organizations: One parking space shall be provided for each lodging room, plus parking spaces equal in number to 30 percent of the capacity in persons of such lodge.
- n) Medical and dental clinics: Three (3) parking spaces shall be provided for each staff or visiting doctor.
- o) Theaters--automobile drive-in: Extra (reservoir) parking spaces equal in number to 10 percent of the vehicle capacity of such theaters shall be provided.
- p) Trade schools: One parking space shall be provided for each two (2) employees, plus one space for each five (5) students, based on the maximum number of students attending classes at any one time during any 24- hour period.
- q) Junk yards and auto graveyards: One parking space shall be provided for each two (2) employees, plus one space for each 5,000 square feet of lot area.
- r) Motor freight terminals: Three (3) parking spaces shall be provided for each four (4) employees.

#### 10.1-9 Off-Street Loading

- a) Any manufacture, production, processing, cleaning, servicing, testing, repair, or storage of materials, goods, or products: For buildings containing 5,000 to 40,000 square feet of gross floor area, one loading berth shall be provided. For buildings containing 40,000 to 100,000 square feet of gross floor area, two (2) loading berths shall be provided, plus one additional loading berth for each additional 100,000 square feet of gross floor area or fraction thereof. Each loading berth for buildings in excess of 10,000 square feet of gross floor area shall be not less than 12 feet in width by 55 feet in length.
- b) For the uses listed hereunder, one loading berth shall be provided for buildings containing 10,000 to 100,000 square feet of gross floor area. For each additional 100,000 square feet of gross floor area up to 500,000 square feet, one additional loading berth for each additional 500,000 square feet of gross floor area or fraction thereof in excess of 500,000 square feet.
  - 1) Medical and dental clinics.
  - 2) Offices of labor organizations.
  - 3) Recreation buildings or community centers.
- c) For the uses listed hereunder, one loading berth shall be provided for buildings containing 10,000 to 100,000 square feet of gross floor area, plus one additional loading berth for each additional 100,000 square feet of gross floor area or fraction thereof. Each such loading berth for buildings in excess of 20,000 square feet of gross floor area shall be not less than 12 feet in width by 55 feet in length.
  - 1) Airports and commercial heliports.
  - 2) Air, railroad, and water freight terminals, railroad switching and classification yards, repair shops, and roundhouses.
  - 3) Institutions for the care or treatment of alcoholics, drug addict patients, or the mentally disturbed.
  - 4) Penal and correctional institutions.
  - 5) Radio and television stations.
  - 6) Sewage treatment plants--municipal.
  - 7) Stadiums, auditoriums and arenas.
- d) For the uses listed hereunder, one loading berth shall be provided for buildings containing 10,000 to 200,000 square feet of gross floor area, plus one additional loading berth for each additional 200,000 square feet of gross floor area or fraction thereof.
  - 1) Lodges and labor organizations.

2) Trade schools.

e) For all other uses, loading facilities shall be provided in accordance with the following schedule:

<u>Gross Floor Area In Thousands of Sq. Ft.</u>	<u>Required Number &amp; Size of Berth</u>
5 to 10	1-- (12 ft. x 30 ft.)
10 to 25	2-- (12 ft. x 30 ft. each)
25 to 50	2-- (12 ft. x 55 ft. each)
40 to 100	3-- (12 ft. x 55 ft. each)

For each additional 200,000 square feet of gross floor area or fraction thereof, over 100,000 square feet, one additional loading berth shall be provided, such additional loading berth be at least 12 feet in width by 55 feet in length.

**ARTICLE 11  
AGRICULTURE DISTRICTS**

**PART A: DISTRICT REQUIREMENTS**

**11.1 A/R AGRICULTURE/RESIDENCE DISTRICT**

The Agricultural/Residence District is designed as an agricultural area; however, single family dwellings are permitted on large lots.

11.1-1 Permitted Uses

The following uses are permitted in the A/R District:

- a) Single family dwellings.
- b) Parks, campgrounds, and open spaces.
- c) Agriculture and general farming including agricultural buildings and structures except farms feeding offal or garbage and mink farming.
- d) Truck farming.
- e) Forestry.
- f) Golf courses.
- g) Cemeteries.
- h) Greenhouses.
- i) Beekeeping.
- j) Ginseng raising.
- k) Hobby Animals
- l) Any lot located in the A/R district which is less than the minimum 2 acre lot size may be developed for a single family dwelling if the lot was existing with legal description prior to February 23, 1980. (the effective date of this ordinance).

11.1-2 Conditional Uses (Amended 8-12-96)

The following conditional uses may be allowed in the A/R District, subject to the provisions of Article 6, Section 6.9.

- a) Educational and cultural institutions.
- b) Recreational and social facilities.
  - 1) Athletic fields, including stadiums and grandstands, non-commercial.
  - 2) Golf courses, including driving ranges, pitch and putt, or miniature golf.

- 3) Grounds of recreational clubs, non-commercial.
- 4) Recreational buildings and community centers.
- 5) Swimming pools.
- 6) Tennis clubs and courts.
- 7) Stables
- c) Religious institutions.
- d) Mink farms.
- e) Accessory uses and buildings incidental to, on the same zoning lot as the principal use.
- f) Private airports and commercial heliports--including aircraft landing fields, runway, flight hangers, terminal buildings and other auxiliary facilities.
- g) Health and medical institutions.
- h) Single family dwellings--replacement of existing residence on a lot less than 2 acres.
- i) Mining or ore bodies, removal of topsoil as defined in Article 3, and the quarrying of sand, gravel, decomposed granite or solid rock and the processing for manufacture of material incidental to such extraction and the erection of buildings and the installation of equipment and machinery may be permitted. The application for the Conditional Use Permit is subject to the same requirements as Article 10.1-2 , 28), a) through f). (Amended April 13,1981).

### 11.1-3 Lot Size Requirements

For each principal permitted use located in the A/R District, a lot shall be provided in accordance with the requirements of the following table:

- a) Specific Requirements (Amended 12-13-2004):
  - 1) Up to 75 animal units are allowed in AR District (Except production animals per DATCP 51)
  - 2) One Animal unit/2 acres See Animal Unit Equivalent Table
  - 3) Manure must be stored a minimum of 50 feet from any lot line and in such a way that run-off is controlled and will not cause visual problems for surrounding neighbors from a ground level
  - 4) Landowner will be solely responsible for appropriate fencing
  - 5) Landowners meeting the five (5) acre minimum requirement but possessing more animals at the time of adoption of this amendment shall

be grandfathered from the animal unit requirement. Grandfathering shall only apply with the understanding that, through attrition the accumulation of no additional animals, the property will be brought into compliance.

b) Permitted uses

	Minimum Lot Area	Minimum Lot Width
Single-family dwellings	2 acres	250 feet
Parks, campgrounds And open spaces	2 acres	250 feet
Horticulture and Hobby Animal rearing includes buildings and truck farming, but not Farm animals regulated by DATCP 51	5 acres	300 feet
Beekeeping and related buildings	2 acres	250 feet
Golf courses, Cemeteries, and Forestry	No Requirements	
Greenhouses	2 acres	250 feet

c) Conditional Uses

For each principal conditional use located in the A/R District, a lot shall be provided in accordance with the requirements of the following table:

	Minimum Lot Area	Minimum Lot Width
Educational and cultural institutions	5 acres	300 feet
Recreational and social facilities	2 acres	175 feet
Religious institutions	2 acres	175 feet
Mink farms	10 acres	600 feet
Airports and commercial heliports	As specified in Section 6.10	
Health and mental institutions	2 acres	250 feet
Philanthropic and charitable institutions	2 acres	250 feet
Public utilities	As specified in Section 6.10	
Government Uses	No requirements	

Accessory Uses	Each accessory use may be established on the same lot as a principal use, provided such lot meets the lot size requirements of the A/R District
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#### 11.1-4 Yard Requirements

For each principal permitted, and conditional uses located in the A/R District, a front yard, two side yards, and a rear yard shall be provided, each of which shall not be less than the amount stipulated in the following tables:

##### a) Permitted Use

	Front Yard	Interior Side Yard	Corner Side Yard	Side Yard
Single-family	50 feet	25 feet	40 feet	35 feet
Parks, campgrounds And open spaces	50 feet	No other requirements		
Agriculture, general farming, Hobby animals, Truck farming including buildings and structures but not livestock and poultry raising as defined in DATCP 51	50 feet	No other requirements		
Beekeeping, Golf courses Cemeteries, Forestry, Greenhouses	50 feet	No other requirements		

##### b) Conditional Uses

	Front Yard	Interior Side Yard	Corner Side Yard	Rear Yard
Educational and cultural institutions	75 feet	50 feet	75 feet	100 feet
Recreational and social facilities	50 feet	30 feet	50 feet	75 feet
Religious institutions	50 feet	30 feet	50 feet	75 feet
Mink farms	150 feet	250 feet	250 feet	300 feet
Airports/commercial heliports	as specified in Section 6.10			
Health/medical institutions	75 feet	30 feet	50 feet	75 feet
Philanthropic and charitable institutions	75 feet	30 feet	75 feet	100 feet



Government uses	No requirements
Accessory Uses:	Each accessory use may be established on the same lot as a principal use, provided accessory uses meet the yard requirements specified in the A/R District.

11.1-5 Building Bulk Limitations

The building bulk limitations described in the R1 District shall apply.

11.1-6 Off-Street Parking Requirements

Off-street parking spaces accessory to uses allowed in the A/R District shall be provided in accordance with the following minimum requirements:

Single-family dwellings	Two parking spaces for each unit
Parks, campgrounds and open spaces	Parking spaces provided in adequate number as determined by the Town Board
Agriculture, general farming, Hobby animals. Truck farming including buildings and structures but not livestock and poultry raising as defined in DATCP 51	No requirements
Beekeeping	No requirements
Golf Courses	Parking spaces provided in adequate number as determined by the Town Board.
Cemeteries	No requirements
Greenhouses	No requirements
Educational and cultural institutions: 1. Nursery, elementary and high schools	One parking space for each two employees, plus one space per ten students for high schools.
2. School auditoriums gymnasiums, stadiums and grandstands	One parking space for each six seats.
3. Cultural Institutions	One parking space for each 1,000 sq. ft. of gross floor area.
Recreational and social facilities	Parking spaces provided in adequate number as determined by the Town Board, to serve the public.
Religious Institutions	One parking space for each four seats, or as determined by the Town Board.
Airports and commercial heliports	Parking spaces shall be provided in adequate number-as determined by the Town Board.
Health and medical institutions	One parking space for each two beds, one space per two employees, and one space for

	each doctor assigned to the staff.
Philanthropic and charitable institutions	One parking space for each two employees, and space adequate in number as determined by the Town Board
Public utilities	One parking space for each two employees.
Government uses	Parking spaces shall be in adequate number as determined by the Town Board.

### 11.1-7 Off-Street Loading Requirements

For all non-residential uses, loading facilities shall be provided in accordance with the following requirements:

- a) For buildings containing less than 10,000 sq. ft. of gross floor area, there shall be provided on the same zoning lot adequate receiving facilities--accessible by motor vehicle--off any adjacent alley, service drive, or open space.
- b) For buildings containing 10,000 to 100,000 sq. ft. of gross floor area, on off-street loading berth shall be provided.
- c) For buildings containing over 100,000 sq. ft. of gross floor area, there shall be provided one loading berth for each 100,000 sq. ft. of gross floor area or fraction thereof.

### 11.2 A1 General Agriculture District

The purpose of the A1 District is to:

- a) Preserve productive agricultural land for food and fiber production;
- b) Preserve productive farms by preventing land use conflicts between incompatible uses and controlling public service costs;
- c) Maintain a viable agriculture base to support agricultural processing and service industries;
- d) Prevent conflicts between incompatible uses;
- e) Reduce costs of providing services to scattered non-farm uses.

#### 11.2-1 Permitted Uses

The following Agricultural uses are permitted in the A1 District:

- a) Beekeeping
- b) Dairying
- c) Floriculture (cultivation of ornamental flowering plants)

- d) Grazing
- e) Livestock raising
- f) Feedlots where the operation has approval permits per Chapter 13 of the Marathon County Code of Ordinances
- g) Poultry raising where the operation has approval permits per Chapter 13 of the Marathon County Code of Ordinances
- h) Plant nurseries and orchard
- i) Raising of grain, grass, mint and seed crop
- j) Raising of tree fruit, nuts, and berries
- k) Ginseng raising
- l) Sod farming
- m) Vegetable raising
- n) Viticulture (grape growing).
- o) Forest and game management

The following other uses are permitted in the A1 District:

- p) Nature trails and walks
- q) Greenhouses

Conditions:

- r) One roadside stand per farm, not more than 200 sq. ft. used solely for the sale of products on the premises or adjoining premises.
- s) One single family residence occupied by a person or family earning more than 50% of his or her gross income from the farm operation.
- t) Farm dwelling and related structures built prior to January 1, 2014 and which remain after farm consolidation may be separate from the farm lot.
- u) Any substandard lot with a legal description existing prior to February 23, 1980, and located in the A1 District which has a minimum lot size of one acre, may be developed for a single family dwelling provided the single family dwelling is either:
  - a) A farm residence; or
  - b) Meets the conditional use requirements under Wis. Stat. § 91.46(2)(c).

- v) Any substandard lot with an legal description existing prior to February 23, 1980, and located in the A1 District which has a minimum lot size of one acre, and WILL NOT be used as a farm residence or meet the conditional use requirements of s 91.46(2)(c) may be developed for a single family dwelling provided it is rezoned out of A1.
- w) Any Livestock facility that will have 500 animal units or more or will expand by at least 20% must meet the 2006 State Standards, and comply with the Marathon County License Ordinance.

#### 11.2-2 Conditional Uses

The following conditional uses may be allowed in the A1 District, subject to the provisions of Article 6, Section 6.9.

- a) Single family dwellings or mobile homes exceeding one per farm operation for occupancy by a person or family earning more than 50% of their gross income from the farm operation.
- b) Single family dwelling or mobile homes occupied by parents or children of the farm operator.
- c) Subject to Wis. Stats. §§ 91.01(1)(b) or (d), customary home occupations and professional offices conducted within and accessory to a permitted agricultural residence.
- d) Temporary housing for seasonal farm labor.
- e) Saw mills.
- f) Fur farms.
- g) Stables and paddocks.
- h) Equestrian trails.
- i) Dams and flowages.
- j) Fish farms.
- k) Subject to Wis. Stats. §§ 91.46(5) & 91.46(6), governmental uses such as police and fire stations, highway storage garages, solid waste disposal and sewerage treatment plants, gravel pits and quarries, schools, parks and campgrounds, airports and landing strips.
- l) Subject to Wis. Stat. § 91.46(5), religious uses such as churches, schools and cemeteries.
- m) Subject to Wis. Stat. § 91.46(4), utilities.
- n) The sale and service of machinery used in agricultural production.

- o) Facilities used for the centralized bulk collection, storage and distribution of agricultural products to wholesale and retail markets.
- p) The storage and sale of seed, feed fertilizer and other products essential to agricultural production.
- q) Facilities used to provide veterinarian services for livestock.
- r) Facilities used in processing of agricultural products.
- s) Other agricultural-related, religious, utility, institutional, or governmental uses similar to those listed in 11.2-1 and 11.2-2 which are compatible with the purposes of this district, which do not conflict with agricultural use and which are found necessary in light of alternative locations available for such uses.
- t) Subject to Wis. Stat. § 91.46(6), mining of ore bodies, removal of topsoil as defined in Article 3, and the quarrying of sand, gravel, decomposed granite or solid rock and the processing for manufacture of material incidental to such extraction and the erection of buildings and the installation of equipment and machinery, may be permitted. The application for the Conditional Use Permit is subject to the same requirements as Article 10.1-2 28), a) through f).

#### 11.2-3 Lot Size Requirements

For each principal permitted and conditional use located in the A1 District, a lot shall be provided in accordance with the following requirements:

- a) The minimum lot size to establish a residence or farm operation is 35 acres except as provided in (b) - (d) below.
- b) The minimum lot size to establish a separate parcel for an additional residence for persons earning a substantial part of their livelihood from the farm operation, or parents/children of the farm operator, shall be 35 acres.
- c) The minimum lot size for farm residences or structures which existed prior to the adoption of this ordinance and which are separated from a larger parcel through farm consolidation shall be 2 acres

#### 11.2-4 Height Requirements

For each principal permitted and conditional use located in the A1 District, buildings shall be in accordance with the following height restrictions:

- a) The maximum height of a farm dwelling shall be 35 feet not to exceed 2½ stories.
- b) The maximum height of other structures shall be 2 times their distance from the nearest lot line.

#### 11.2-5 Yard Requirements

For each principal permitted and conditional use located in the A1 District, the following minimum yard requirements shall be provided:

The minimum front, side, and rear yards for farm dwellings and accessory structures shall be 50 feet from the nearest lot lines.

Conditional use lot size, height and yard requirements will be established by the Town Board.

#### 11.2-6 Standards for Rezoning

- a) The Wisconsin Dept. of Agriculture, Trade and Consumer Protection shall be notified of any changes in the text of Chapter 11.2 of this ordinance as well as any rezonings made into or out of this District.
- b) Town Board and Town Planning Commission's decisions on petitions for rezonings shall be based on findings, which consider the following:
  - 1) The land is better suited for a use not allowed in the farmland preservation zoning district.
  - 2) The rezoning is consistent with any applicable comprehensive plan.
  - 3) The rezoning is substantially consistent with the county certified farmland preservation plan.
  - 4) 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.

**ARTICLE 12**  
**UNIFIED DEVELOPMENT DISTRICT**

**12.1 UDD UNIFIED DEVELOPMENT DISTRICT**

12.1-1 Statement of Intent

The purpose of the unified development district is to promote the maximum benefit from coordinated area site planning, diversified location of structures and mixed compatible uses in developments conceived and implemented as comprehensive and cohesive unified projects. It is further intended to encourage and facilitate the conservation of open land and other natural features such as woods, streams, wetlands, etc., as integral components of a balanced ecology. To this intent the regulations provide for the development of land on the basis of comprehensive and coordinated site plans for a specific project development, regulated by objective criteria rather than through the application of fixed formulas, thereby allowing for greater flexibility and improved quality of environmental design. Such district may be established only with the consent of the owners of the land affected.

12.1-2 Permitted Uses and Regulations Applicable Thereto

- a) In a unified development district, any uses permitted in any of the other districts of this title may be permitted subject to the Criteria for Approval; provided, however, that no use shall be permitted except in conformity with a precise development plan pursuant to the procedural and regulatory provisions as set forth in this chapter.
- b) Specific lot size, density, open space, building location, height, size, floor area and other such requirements shall be based upon determination as to their appropriateness to the proposed uses or structures as they relate to the total environmental concept of the planned development, and consistent with those generally accepted basic standards necessary to insure the protection of the public health, safety and welfare.
- c) Such requirements are made a part of an approved precise development plan shall be, along with the plan itself, construed to be and enforced as a part of this district.

12.1-3 Supplementary Regulations

Design standards relative to streets, sidewalks, street lighting, storm drainage, lot size, lot arrangement, or other elements of the site development shall be based upon determination as to the appropriate standards necessary to effectively implement the specific function in the specific situation, and as it related to the total plan concept and consistent with the necessity for compatibility with the existing pattern in areas peripheral to the development. In no case shall minimal construction standards be less than those necessary to protect the public health, safety and welfare. Precise standards shall be made a part of the approved plan, and shall be construed to be and enforced as part of this district.

12.1-4 Criteria for Approval

This approval of a unified development proposal shall be based upon determination as to compliance with the following criteria.

- a) That the proposed development is consistent with the spirit and intent of these regulations, has been prepared with competent professional advice and guidance and produces significant benefits in terms of improved environmental design to justify the application of the "unified development" concept;
- b) That the site development plan reflects sensitive consideration of the physical nature of the site with particular concern for conservation of natural features, preservation of open spaces and careful shaping of terrain to minimize scarring, and insures proper drainage and preservation of natural terrain wherever appropriate;
- c) That the general character and intensity of use of the development produces an attractive environment appropriate to the uses proposed, and is compatible with existing development in the surrounding area and with general community development plans and policies;
- d) That the development can be provided with appropriate municipal services and would not conflict with or cause overload on such facilities as schools, highways, police, fire or utility services;
- e) That proposed design standards provide adequately for practical functioning and maintenance, based on actual functional need, in terms of circulation, parking, emergency services, delivery services and snowplowing;
- f) That adequate provision has been made to insure proper maintenance and preservation of any common areas provided for the recreation and esthetic enhancement of the development.

#### 12.1-5 Procedure

The procedure for zoning a district as a unified development district shall be required for any other zoning, except that a petition for zoning may be considered only in conjunction with a general development plan, as defined in this section, and shall be subject to the following additional requirements:

- a) **Pre-Application Conference:** Prior to considering a petition for zoning a district as a unified development district, it is recommended that the applicant confer with the Town Board or appropriate Town Officials in order to establish mutual understanding as to the basic concept proposed, and to insure proper compliance with the requirements for processing.
- b) **Staged Approval:** A unified development shall be processed in two stages as follows:
  - 1) **General Development Plan:** The general development plan consists of a general concept plan for the entire area covered by the unified development district, and shall be submitted concurrently with the petition for zoning as a unified development district, or prior to a Town Board Hearing. Such plan shall provide the following information in sufficient



detail to make possible the evaluation of the criteria for approval as set forth.

- i) The pattern of proposed land use including general size, shape and arrangement of lots and specific use areas; proposed density of residential development; and general environmental character;
- ii) The basic street pattern;
- iii) The basic utility pattern;
- iv) The general location, size and character of recreational and open space area;
- v) Appropriate statistical data relative to the development including, where relevant:
  - number of dwelling units.
  - number of bedrooms per dwelling unit.
  - amount of floor area devoted to commercial use.
  - types of commercial uses proposed.
  - amount of floor area devoted to office use.
  - types of offices proposed.
  - number of parking spaces to serve each use.
- vi) General outline of intended organizational structure related to property; owner's association, deed restrictions, etc.;
- vii) Any other item the Town Board requires to protect the public interest.

2) **Precise Implementation Plan:** The precise implementation plan consists of that portion of the general development plan for which specific development approval is requested, and may be submitted concurrently with or after Town Board action on the zoning application on the basis of an agreed development schedule. Such plan shall provide the following information:

- i) An adequate identification of the area for the specific implementation plan as it relates to the general development plan;
- ii) The specific designation of proposed land utilization including the pattern of public and private roads, driveways, walkways, and parking facilities; detailed lot layout and the arrangements of buildings and building groups other than single family residences;

and the specific treatment of any common open space area or amenities;

- iii) Specific landscape plans for all common areas or housing groups other than private single family lots;
- iv) Architectural plans for buildings proposed to be constructed, renovated, rehabilitated, or converted by the developer;
- v) Detailed storm drainage, sanitary sewer and water system plans (if services are available)
- vi) Proposed engineering standards for all roads, parking areas and walkways;
- vii) Agreements, bylaws, covenants and other documents providing for permanent operation and maintenance of the development.

c) Application: Application for zoning as a unified development district, or for approval of a precise implementation plan shall be made by petition submitted to the Town Clerk, and shall include the following information:

- 1) A written statement describing the area of the proposed district and the general character of the intended development;
- 2) An accurate map of the proposed area to be zoned;

The following shall be submitted to the Town Board two weeks prior to the hearing:

- 3) A general development plan set forth in paragraph (2) (A) of this section, unless such plan has previously been submitted to the Town Clerk;
- 4) A precise implementation plan for that portion of the district for which specific development approval has not previously been given, and is requested as set forth in paragraph (2) (B) of this section.

d) Referral and hearing.

Upon submittal, the Town Clerk shall refer the petition and related exhibits to the Town Board for review and recommendation, including any precise implementation plan, to be approved as submitted, approved with modifications, or disapproved.

e) Approval.

- 1) Approval of the proposed zoning as a unified development district constitutes approval of the related general development plan and specific implementation plan which shall be recorded as an integral component of the district regulations, and shall establish the basic right of use for the area in conformity with such plan. However, no specific use or building

permit shall be issued except for an area covered by a precise implementation plan, and in conformity with such plan.

- 2) Detailed building and landscape plans, as well as all other commitments and contractual agreements with the Town, related to a precise implementation plan, shall be made a part of the official record, and shall be considered supplementary components of the district regulations.
- 3) Consistent with the basic goal of flexibility, minor variation may be permitted in details of the approved plans, subject to approval of the Town Board. If, in the opinion of the Town Board, and requested variation constitutes a substantial alteration of the original plan, as approved, a public hearing shall be required
- 4) Requests for approval of precise implementation plans for subsequent development phases shall be submitted to the Town Board for approval. No public hearing shall be required unless deemed desirable by the Town Board.

**ARTICLE 13  
PUBLIC AND SEMI-PUBLIC DISTRICTS**

**13.1 C1 PUBLIC AND SEMI-PUBLIC DISTRICT**

13.1-1 Permitted Uses

Parks, arboretums, playgrounds, golf courses, fishing, wading, swimming, beaches, boat landings, sledding, snowmobile trails, sustained yield forestry, wildlife preserves, soil and water conservation, water measurement and control facilities, state and county-owned parcels.

13.1-2 Conditional Uses

- a) Archery ranges, bath houses, camps, conservation, driving ranges, firearms ranges, golf courses, hunting, ice boating marinas, motorcycle clubs, polo fields, riding stables or saddle clubs, sports fields, and zoological and botanical gardens provided that the lot area is not less than 3 acres and all structures are not less than 50 feet from any property line.
- b) Subject to the provisions of Article VI, Section 6.9.

## **ARTICLE 14 MOBILE HOME PARKS**

### **14.1 MOBILE HOME PARKS**

#### **14.1-1 Districts Allowed**

Mobile home parks may be allowed as a conditional use in the R4 General Residence District subject to the requirements of this section and upon issuance of a Conditional Use Permit by the Town Board after a public hearing.

#### **14.1-2 Definitions**

- a) **MOBILE HOME.** "Mobile Home" for the purpose of this Ordinance means a readily transportable factory built structure, except a manufactured dwelling or manufactured home, intended for human habitation, which by its inherent design may be moved from site to site a necessary; which may have an oversized width for normal traffic allowances and thereby require a special travel permit from State or County highway officials; and which may have its undercarriage removed to facilitate a better location on a slab, piers, or foundation. The removal of the wheels, axles, or other components of the running gear and/or the mounting of such a structure or vehicle on a foundation or over a basement shall not be deemed to change its status from that of a mobile home. A structure manufactured after June 15, 1976, which is certified and labeled a MANUFACTURED HOME UNDER 42 U.S. Code Secs. 5401 to 5406 shall be deemed to be a mobile home under this zoning ordinance.
- b) **MOBILE HOME PARK.** "Mobile Home Park", means any plot or plots of ground upon which two or more mobile homes occupied for dwellings or sleeping purposes are located, and a change is made for such accommodation.
- c) **SPACE.** "Space" means a plot of ground designed for the accommodation of one mobile home.
- d) **LOT.** "Lot" means a mobile home space plus all required yards for a mobile home.

#### **14.1-3 Application for Permit**

- a) An application for a conditional use permit for a Mobile Home Park shall be accompanied by a duly issued license or permit from the Town. The application shall be filed with the Town Clerk in triplicate and shall be accompanied with duplicate sets of plans and specifications which shall be in compliance with Town ordinances and provision of the State Division of Health and a performance bond in the sum of \$5,000 to insure completion of the Mobile Home Park within twelve (12) months from the date of the issuance of the Conditional Use Permit or as otherwise approved by the Town Board and insuring further that such completion is in compliance with the requirements of this Ordinance. No mobile home shall be occupied until all conditions of this Ordinance have been met and an occupancy permit issued.
- b) The application shall contain the following information:

- 1) Name, address, and telephone number of the applicant;
- 2) A legal description of the land upon which the applicant requests a permit for a Mobile Home Park;
- 3) The names and addresses of all persons owning land abutting upon said land;
- 4) The names and addresses of all persons owning lands located across the street from said land.

#### 14.1-4 Location

- a) The park shall be located on a well-drained site, properly graded to insure drainage and free from stagnate pools of water.
- b) The location of each mobile home park shall be approved or denied in writing within ninety (90) days. In approving such location, the Town Board shall view the proposed site or sites and the Town Board shall consider such evidence as may be presented, bearing upon the general purpose and intent of this Ordinance to promote the public health, safety and general welfare and the specific purpose of this paragraph to prevent the overcrowding of land and the development of housing blight in rural areas.

#### 14.1-5 Requirements

- a) The minimum size of a Mobile Home Park shall be twenty (20) acres.
- b) Each park shall provide mobile home lots, and each such lot shall be clearly defined or delineated. Each lot shall have an area of not less than six thousand (6,000) square feet and an average width of not less than fifty (50) feet; provided, however, that mobile home parks which existed lawfully at the time of the adoption of this Ordinance and have lots that do not comply with any of the foregoing minimum area and width requirements may continue to operate. New site development within or contiguous to an existing park shall conform to the standards of this Ordinance.
- c) Mobile homes shall be so located on each lot that there shall be at least a twenty (20) foot clearance between mobile homes. No mobile home shall be located closer than ten (10) feet to any accessory building including out buildings or streets within the park. No mobile home shall be located closer to any property line of the park than fifty (50) feet or such other distance as may be established by ordinance as front yard or setback requirements with respect to conventional buildings in the district in which the Mobile Home Park is located.
- d) There shall be a system of driveways, with a minimum of thirty (30) feet widths, paved with concrete or bituminous material, providing access from each and every mobile home and automobile parking space within such park to the public street or highway, provided that there shall not be more than two entrances from or exits to such street or highways from any one such park.
- e) Walkways to service buildings shall not be less than thirty-six (36) inches wide and shall be paved or bituminous.

- f) All driveways and walkways within the park shall be well lighted at night.
- g) An electrical outlet supplying at least 110-115/220-250 volts, 100 amperes shall be provided for each mobile home space.
- h) Each mobile home lot shall be provided with two off-street parking spaces and no on street parking shall be permitted.
- i) Each Mobile Home Park shall be completely surrounded, except for permitted entrances and exits, by a yard in addition to all other required yards and open spaces, which shall be planted to permanent grasses, flowers, shrubs and trees so as to provide a fifty percent opacity to a height of eight (8) feet.
- j) Mobile Home Parks shall conform to the requirements of Section H77, Wisconsin Administration Code as amended.
- k) Service buildings housing sanitation facilities shall be permanent structures complying with all applicable ordinances and structures regulating buildings, electrical installations and plumbing and sanitation systems.
- l) Metal garbage cans with tight-fitting lids or dumpsters shall be provided in quantities adequate to permit disposal of all garbage and rubbish. The cans shall be kept in sanitary condition and disposed of at least once each week.
- m) Every park shall be equipped at all times with fire extinguishing equipment in good working order, of such type, size and number and so located within the park as to satisfy applicable regulations of the fire department. No open fires shall be permitted at any place which may endanger life or property.
- n) Adequate provisions shall be made for the disposal of all sewage from a mobile home park into a municipal sanitary sewer where available, or by properly constructed and maintained sewer system approved by the State Division of Health and/or Division of Environmental Health.
- o) Each Mobile Home Park shall provide and develop at least two acres of common space, exclusive of the 50 foot peripheral set back, for use by recreational and service facilities. Plus an additional two hundred (200) square feet for each mobile home in excess of one hundred sixty (160) contained in the park.

#### 14.1-6 Mobile Home Use Restrictions

No business shall be conducted in any mobile home within a mobile home park.

#### 14.1-7 Registers

Each mobile home park shall maintain an office where a register shall be kept for the registration of all occupants, which register shall be open to Town Officials for inspection and shall contain information as follows:

- a) Name and address of each occupant;

- b) Mobile home license number and year built and name of manufacturer;
- c) Automobile license number and name and make of automobile;
- d) Number of site to which assigned;
- e) Last place of location;
- f) Date of arrival;
- g) Date of departure.



## **ARTICLE 15 SIGNS**

### **15.0 GENERAL**

- a) No signs or billboards shall be permitted in any district except as specifically permitted herein.
- b) At no time shall signs be permitted at an intersection of two (2) or more public roads in such a manner as to restrict vision or impair safety.
- c) No sign located within 150 feet of a highway or street right-of-way shall contain, include or be illuminated by a flashing or rotating beam of light.
- d) No sign shall be illuminated by any source of light that is not shielded to prevent glare of illumination of residential property other than that of the sign owner; nor shall the glare of any light source be so directed as to impair the safety of moving vehicles.
- e) No signs, except of a public nature normal to public right-of-ways, shall be permitted within any public right-of-way.
- f) No sign larger than 5 sq. ft. shall be located, erected, moved, reconstructed or enlarged until a zoning/building permit has been issued.
- g) No permanent sign shall be located closer than 75 feet from the normal high-water mark of any navigable or perennial body of water, in the floodway of any stream or in any shoreland/wetland.
- h) Area measurements of signs shall include any border or trim but not the standard or supporting structure.

### **15.1 SIGNS IN RESIDENTIAL, AGRICULTURAL AND PUBLIC AND SEMI-PUBLIC DISTRICTS.**

The following signs are permitted when located no less than 15 feet from the public right-of-way line, except as otherwise provided in this section:

- a) Customary, professional and home occupation signs not exceeding 15 sq. ft. and "for rent" signs, not exceeding 4 sq. ft. in area.
- b) One on premises announcement sign or bulletin board of an appropriate nature identifying a hospital, school, church or other similar facility or institution, not exceeding 20 sq. ft. in area.
- c) Temporary sign of not more than 20 sq. ft. in area for the purpose of advertising an auction, bazaar, festival, political or other special event. Signs shall be removed at the conclusion of the event.
- d) Off premises signs provided they are directional only, the outside dimensions of which do not exceed 20 sq. ft. are located within a 3 mile radius of the advertised

business or activity and are not in conflict with Ch. HY-19, Wis. Adm. Code, or S84.30 and Ch. 196, Wis. Stats.

- e) Signs necessary to the public safety and welfare or for the identification, operation or protection of a public utility installation shall be no larger than 3 sq. ft. and may be located any distance outside of the public right-of-way.
- f) In all agricultural districts, signs which advertise agricultural products that are produced on the property where the sign is located shall be permitted provided the following conditions are met:
  - 1) Signs shall not conflict with State or Federal sign regulations. (note; it shall be the responsibility of the person wishing to erect or paint the sign to obtain any and all other permits or approvals).
  - 2) Signs shall be located on an operating farm and adjacent to the principal building or buildings used in the production of the agricultural product being advertised.
  - 3) Signs shall contain only one message per face, and no more than one double face or 2 single face signs larger than 32 sq. ft. per face shall be permitted.
  - 4) Signs which are 32 sq. ft. in area or less shall be permitted as farm identification signs. These signs shall include the farm name and/or surname of the farm operator. Farm identification signs shall be no less than 15 feet from the right-of-way.

## **15.2 SIGNS IN BUSINESS AND INDUSTRIAL DISTRICTS**

The following signs are permitted:

15.2-1 All signs permitted in 15.1

15.2-2 Identifying signs

Identifying signs for the principal building of the commercial or industrial enterprise advertising a business or activity conducted on the premises in accordance with the following provisions:

- a) Wall signs placed against the exterior walls of buildings shall not extend more than 1 foot from the wall surface and shall not exceed 300 sq. ft. in area.
- b) Projecting signs fastened to, suspended from or supported by attached structures shall not exceed 40 sq. ft. in area on a side.
- c) Ground signs shall meet all yard requirements for the district in which they are located, shall not exceed 200 sq. ft. on a side and shall not exceed 25 feet in height above the main road grade.

- d) Roof signs shall not exceed 10 feet in height above the roof or parapet nor may such a sign extend beyond the building upon which it is located and shall not exceed 200 sq. ft. on a side.

15.2-3 Off-premises signs and billboards

- a) Signs and billboards shall meet the requirements of Ch. HY 19, Wis. Adm. Code, or S84.30 and Ch. 196, Wis. Stats. Signs and billboards shall meet all yard requirements for the district in which they are located, have a minimum separation of 1,000 feet from all other billboards which exceed 300 sq. ft. in area and be directional.
- b) Signs and billboards which are not within the jurisdiction of the Wisconsin Administrative Code or State Statutes, shall meet the same size requirements as on premises signs in sub. 2) of this section.

**15.3 SPECIAL PROVISIONS**

Signs lawfully existing at the time of the adoption or amendments of this chapter may be continued although the use, size or location does not conform with the provisions of this chapter. However, such signs shall be deemed nonconforming uses or structures and shall therefore be subject to the provisions of Article 5, Nonconforming Buildings, Structures and Uses.

## **DIVISION III LEGISLATION**

### **ARTICLE 1 SOLID WASTE**

#### **1.1 RECYCLING ORDINANCE**

- a) Purpose. The purpose of this ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in Chapter 287, Wis. Stats., and Chapter NR 544, Wis. Administrative Code.
- b) Statutory Authority. This ordinance is adopted as authorized under § 287.09(3)(b), Wis. Stats.
- c) Abrogation and Greater Restrictions. It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall apply.
- d) Interpretation. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this ordinance is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wis. Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR 544 standards in effect on the date of the adoption of this ordinance, or in effect on the date of the most recent text amendment to this ordinance.
- e) Severability. Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.
- f) Applicability. The requirements of this ordinance apply to all persons within the Town of Mosinee.
- g) Administration: The provisions of this ordinance shall be administered by the Town Board.
- h) Effective Date: The provisions of this ordinance shall take effect on January 1, 1995.
- i) Definitions:
  - 1) " Bi-metal container" means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
  - 2) "Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.
  - 3) "Electronic devices" is defined in Wis. Stat. § 287.07(5).

- 4) "Foam polystyrene packaging" means packaging made primarily from foam polystyrene that satisfies one of the following criteria:
  - i) Is designed for serving food or beverages.
  - ii) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
  - iii) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
- 5) "HDPE" means high density polyethylene, labeled by the SPI code #2.
- 6) "LDPE" means low density polyethylene, labeled by the SPI code #4.
- 7) "Magazines" means magazines and other materials printed on similar paper.
- 8) "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven refrigerator or stove.
- 9) "Multiple-family dwelling" means a property containing 5 or more residential units, including those which are occupied seasonally.
- 10) "Newspaper" means a newspaper and other materials printed on newsprint.
- 11) "Non-residential facilities and properties" means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.
- 12) "Office paper" means high grade printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.
- 13) "Oil filters and oil absorbent materials" is defined in Wis. Stat. § 287.07(4m).
- 14) "Other resins or multiple resins" means plastic resins labeled by the SPI code #7.
- 15) "Person" includes any individual, corporation, partnership, associations, local governmental unit, as defined in s. 66.299(1)(a), Wis. Stats., state agency or authority or federal agency.
- 16) "PETE" means polyethylene terephthalate, labeled by the SPI code #1.
- 17) "Plastic container" means an individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.
- 18) "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in s. 144.61(5), Wis. Stats.,

waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in s. 144.44(7)(a)1., Wis. Stats.

- 19) "PP" means polypropylene, labeled by the SPI code #5.
  - 20) "PS" means polystyrene, labeled by the SPI code #6.
  - 21) "PVC" means polyvinyl chloride, labeled by the SPI code #3.
  - 22) "Recyclable materials" includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspaper; office paper; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.
  - 23) "Solid waste" has the meaning specified in s. 144.01(15), Wis. Stats.
  - 24) "Solid waste facility" has the meaning specified in s. 144.43(5), Wis. Stats.
  - 25) "Solid waste treatment" means any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. "Treatment" includes incineration.
  - 26) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
  - 27) "Yard waste" means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than 6 inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.
- j) Separation of Recyclable Materials: Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following materials from post-consumer waste.
- 1) Lead acid batteries
  - 2) Major appliances
  - 3) Waste oil
  - 4) Yard waste
  - 5) Aluminum containers
  - 6) Bi-metal containers
  - 7) Corrugated paper or other container board
  - 8) Foam polystyrene packaging
  - 9) Glass containers

- 10) Magazines
  - 11) Newspaper
  - 12) Office paper
  - 13) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins.
  - 14) Steel containers
  - 15) Waste tires
  - 16) Oil filters and oil absorbent materials
  - 17) Electronic devices
- k) Separation Requirements Exempted: The separation requirements of §1.1.j) do not apply to the following:
- 1) Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties that send their post-consumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in §1.1.j) from solid waste in as pure a form as is technically feasible.
  - 2) Solid waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
  - 3) A recyclable material specified in s. 1.1.j).5) through 17) for which a variance has been granted by the Department of Natural Resources under § NR 544.14, Wis. Administrative Code or a successor provision.
- l) Care of Separated Recyclable Materials: To the greatest extent practicable, the recyclable materials separated in accordance with §1.1.j) shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.
- m) Management of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste. Occupants of single-family, 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste as follows:
- 1) Lead acid batteries shall be picked up by contracted hauler, or dropped off at contracted hauler's site at a time designated by the, at your expense.
  - 2) Major appliances shall be dropped off at contracted hauler's site, at a time designated by them, at your expense.

- 3) Waste oil shall be picked up in sturdy 1-5 gallon disposable containers.
  - 4) Yard waste shall be deposited at a time and place designated by the Town Board.
- n) Preparation and Collection of Recyclable Materials: Except as otherwise directed by the Town Board, occupants of single-family and 2 to 4 unit residences shall do the following for the preparation and collection of the separated materials specified in § 1.1.j).5) through 17):
- 1) Aluminum containers shall be clean and empty.
  - 2) Bi-metal containers shall be clean and dry with labels removed.
  - 3) Corrugated paper or other containerboard shall be clean, flattened, and tied no larger than 3' X 3' X 6" thick.
  - 4) Foam polystyrene packaging shall be boxed, bagged or bundled.
  - 5) Glass containers shall be rinsed clean, with metal rings and caps removed. Clear, brown and green colors. No tumblers, window glass, mirrors or light bulbs.
  - 6) Magazines shall be boxed or bagged.
  - 7) Newspaper shall be tied with twine or heavy string in two directions.
  - 8) Office paper shall be boxed.
  - 9) Rigid plastic containers shall be prepared and collected as follows:
    - i) Plastic containers made of PETE, including SPI code #1, shall be rinsed free of product residue and placed in a recycling bin.
    - ii) Plastic containers made of HDPE, including SPI code #2, shall be rinsed free of product residue and placed in a recycling bin.
    - iii) Plastic containers made of PVC, including SPI code #3, shall be rinsed free of product residue and placed in a recycling bin.
    - iv) Plastic containers made of LDPE, including SPI code #4, shall be rinsed free of product residue and placed in a recycling bin.
    - v) Plastic containers made of PP, including SPI code #5, shall be rinsed free of product residue and placed in a recycling bin.
    - vi) Plastic containers made of PS, including SPI code #6, shall be rinsed free of product residue and placed in a recycling bin.
    - vii) Plastic containers made of other resins or multiple resins, including SPI code #7 shall be rinsed free of product residue and placed in a recycling bin.



- 10) Steel containers shall be rinsed free of product residue, dropped off at contracted hauler, at a time designated by them.
  - 11) Waste tires shall be dropped off at contracted haulers, at a time designated by them and at your expense.
  - 12) All recyclables shall be placed on the roadside on the day of collection.
  - 13) Items that are listed in this ordinance that are not presently being recycled are treated as regular garbage.
- o) Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings:
- 1) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in § 1.1.j).5) through 17).
    - i) Provide adequate, separate containers for the recyclable materials.
    - ii) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
    - iii) Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
    - iv) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
  - 2) The requirements specified in (1) do not apply to the owners or designated agents of multiple-family dwellings if the post-consumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in § 1.1.j).5) through 17) from solid waste in as pure a form as is technically feasible.
- p) Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties:
- 1) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in § 1.1.j).5) through 17):
    - i) Provide adequate, separate containers for the recyclable materials.
    - ii) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
    - iii) Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.

- iv) Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.
- 2) The requirements specified in (1) do not apply to the owners or designated agents of non-residential facilities and properties if the post-consumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in § 1.1.j).5) through 17) from solid waste in as pure a form as is technically feasible.
- q) Prohibitions of Disposal of Recyclable Materials Separated for Recycling: No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in s. 1.1.j).5) through 17) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.
- r) Enforcement:
  - 1) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Town of Mosinee, may inspect recyclable materials separated for recycling, post-consumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of The Town of Mosinee who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.
  - 2) Any person who violates a provision of this Ordinance is subject to the enforcement and penalties listed in § 1.2 of this Code.

## **1.2 LOCAL APPROVAL FOR FACILITY SITING REQUIRED**

- a) This ordinance provides for the regulation by permit of the construction, maintenance, operation, closure, and long-term care of certain waste treatment, disposal, and storage facilities or sites in the Town.
- b) Definitions. In this ordinance:
  - 1) "Hazardous waste" means any solid waste identified by the State of Wisconsin, Department of Natural Resources as hazardous under Wis. Stats. §§ 291.05 (1), (2), or (4).
  - 2) "Hazardous waste facility" means a site or structure for the treatment, storage, or

disposal of hazardous waste and includes all of the contiguous property under common ownership or control surrounding the site or structure.

- 3) "Solid waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded or salvageable materials, including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solids or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permits under chapter 283, Wis. stats., or source material as defined in § 254.31 (1), Wis. stats., special nuclear material as defined in § 254.31 (11), Wis. stats., or by-product material as defined in § 254.31 (1), Wis. stats.
  - 4) "Solid waste disposal" means the discharge, deposit, injection, dumping, or placing of any solid waste into or on any land or water. "Solid waste disposal" does not include the transportation, storage, or treatment of solid waste.
  - 5) "Solid waste facility" means a facility for solid waste treatment, solid waste storage, or solid waste disposal, and includes commercial, industrial, municipal, state, and federal establishments or operations such as, without limitation because of enumeration, sanitary landfills, dumps, land disposal sites, incinerators, transfer stations, storage facilities, collection and transportation services, and processing treatment and recovery facilities. "Solid waste facility" includes the land where the facility is located. "Solid waste facility" does not include any of the following:
    - i) A facility for the processing of scrap iron, steel, or nonferrous metal using large machines to produce a principal product of scrap metal for sale or use for remelting purposes.
    - ii) A facility that uses large machines to sort, grade, compact, or bale clean wastepaper, fibers, or plastics, not mixed with other solid waste, for sale or use for recycling purposes.
    - iii) An auto junkyard or scrap metal salvage yard.
    - iv) Any facility exempt from town regulation by state law or regulation, including certain demolition facilities.
  - 6) "Solid waste storage" means the holding of solid waste for a temporary period, at the end of which period the solid waste is to be treated or disposed.
  - 7) "Solid waste treatment" means any method, technique, or process that is designated to change the physical, chemical, or biological character or composition of solid waste, including incineration.
- c) Coverage.

- 1) No person may construct, operate, maintain, close, or provide long-term care of any solid waste facility or hazardous waste facility in the town without a permit issued by the town board under this ordinance.
  - 2) The permit under this ordinance shall be considered a local approval, as defined in § 289.33 (3) (d), Wis. stats., subject to the requirements of § 289.22, Wis. stats.
  - 3) The permit application fees shall be established by the town board. The permit shall be issued by the town board or its designees prior to any person commencing any form of construction, operation, maintenance, closure, or long-term care of any facility or site in the town that is subject to this ordinance.
- d) Application and permit. The application for the town permit under this ordinance shall designate the legal premises to be used by the permitted person for the proposed use, site, or facility. The permit may not be amended if the person changes premises in the town. The permit is not transferable from one person to another. The application for the permit shall, at minimum, contain all of the following:
- 1) The name of the applicant and the name of any agent for the applicant.
  - 2) The address of the applicant.
  - 3) The address and legal description of the premises for the facility or site and the current owner of the premises.
  - 4) The age of the applicant, if a natural person not over the age of 18 years.
  - 5) The type and use of the facility or site to be constructed, operated, maintained, closed, or provided long-term care at the premises.
  - 6) The length of time in years for construction of the facility, if applicable.
  - 7) All local approvals, licenses, or permits necessary for the applicant to obtain for the facility prior to any construction, maintenance, operation, closure, or long-term care.
  - 8) All federal or state approvals, licenses, or permits necessary for the applicant to obtain for the facility prior to construction, maintenance, operation, closure, or long-term care.
  - 9) The proposed length in years of operational time for actual disposal, treatment, or storage operations at the facility.
  - 10) The current and proposed zoning and land use plan for the facility premises, if any.
  - 11) The projected amount, type, and source of solid waste or recyclable material to be disposed, stored, or treated at the facility on an annual basis.
  - 12) The projected type, source, and amount of hazardous or toxic waste to be stored, treated, or disposed at the facility on an annual basis.

- 13) Copies of all feasibility reports and plan of operations submitted or to be submitted to the State of Wisconsin, Department of Natural Resources.
  - 14) The financial security projected to be provided by the applicant to insure compliance with the permits as issued and with any other approvals.
  - 15) Any public nuisance or threats to the public health or safety known by the applicant that are located at or near the proposed or current waste location.
  - 16) Any other information regarding the construction, operation, closure, or long-term care of the facility requested by the town in the application form.
- e) Exemptions. All of the following facilities, sites, or uses in the town are exempt from this ordinance:
- 1) A facility or site under § 289.43 (5), Wis. stats., used for the collection of recyclable material or for the dumping for disposal of waste, including garbage or refuse, on the property where it is generated from a single family or household in the town, a member of which is the owner, occupant, or lessee of the property; provided that any such waste, garbage, refuse, or recyclable material to be disposed or collected in the town is placed in a suitable dumpster or container, or is stored in another way as not to cause a public or private nuisance.
  - 2) The use of sanitary privies and what are commonly known as seepage beds, holding tanks, or septic tanks that conform to applicable ordinances in the town.
  - 3) The discharge of human waste products into any public sewerage system located within the town, or of the land spreading of human waste products on lands in the town.
  - 4) A farm facility on which only animal waste, resulting from the operation of that farm, is disposed at the facility.
  - 5) Any dumping or disposal operation, any storage, treatment, dump, or disposal site, or any recyclable material facility directly under the direction and control of the town.
  - 6) Any existing waste facility or site operating upon the effective date of the ordinance with the current waste uses or activities at the facility or site that may or may not be subject to any preexisting town ordinance. Any new waste, storage, disposal, or treatment uses or activities after the effective date of this ordinance, or any expansion of the capacity of the facility or site after the effective date of this ordinance, shall be subject to this ordinance.
  - 7) Any demolition or other waste facility, including any land spreading of wood, ash, or sludge site exempt under § 289.43, Wis. stats.
  - 8) Any alcohol fuel production system exempt under § 289.44, Wis. stats.
  - 9) Any fruit and vegetable waste facility exempt under § 289.445, Wis. stats.

- 10) Any recyclable material collection facility approved for collection or processing operations by Marathon County, the Town, or any responsible unit under § 287.09, Wis. stats.
  - 11) Any solid waste facility or hazardous waste facility or site that was permanently closed prior to the effective date of the ordinance.
  - 12) Any solid waste or recyclable material collection container or dumpster for solid waste and recyclable material disposal and collection used by the public that is provided by any federal, state, county, or town agency; provided however that any waste, garbage, refuse, or recyclable material to be disposed or collected in the town is placed in a suitable dumpster or container, or is stored in another way so as not to cause a public or private nuisance.
  - 13) Any solid waste collection container or dumpster for solid waste and recyclable material, disposed and collected by the public provided by any person in the town; provided however that any waste, garbage, refuse, or recyclable material to be disposed or collected in the town is placed in a suitable dumpster or container, or is stored in another way as not to cause public or private nuisance.
  - 14) Any open container or other system used to burn nontoxic or nonhazardous material in a lawful manner and so as not to cause a public nuisance in the town.
- f) Specific ordinance and permit provisions.
- 1) No person may be issued or reissued a permit in the town under this ordinance until the appropriate application fee has been paid by the applicant to the town clerk.
  - 2) No person may be issued or reissued a permit under this ordinance who has failed to properly and fully complete and submit to the town clerk complete and truthful responses on the application form developed and provided by the town.
  - 3) No person may be issued or reissued a permit in the town under this ordinance, and any permit may be revoked or suspended after a public hearing by the town board, if the facility applicant or the permittee fails to do any of the following:
    - i) Obtain and maintain for a proposed or existing facility or site all necessary approvals, licenses, or permits from the appropriate town, Marathon County, state, and federal agencies.
    - ii) Comply with all conditions and restrictions attached by the town board to the permit issued under this ordinance by the town board.
    - iii) Timely prevent or timely limit specific public nuisances or potential threats to the public health and safety at or adjacent to the facility caused by the applicant or permittee at or near the existing site or facility upon notice of such public nuisance or threats by the town board.

- 4) The town board may, in order to prevent public nuisances, protect the public health, and protect the environment in the town, require specific conditions or restrictions to be attached to any permit issued by the town board under this ordinance. These conditions or restrictions, if applicable, shall be complied with during the construction, operation, maintenance, closure, and long-term care operations of the facility or site by the permittee or applicant.
  
- g) Penalty provisions. Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall be subject to the enforcement and penalties listed in Section 1.2 of this Code.

**ARTICLE 2  
LAND DIVISION**

**2-1 Requirements for Roads in Sub-divisions**

- a) After the preliminary approval of the plat by the Town Board, and prior to any notice by the Town Board to proceed, the developer shall deposit funds or furnish a bond with the Town Board to cover the total cost for blacktopping all roads in the plat. These funds are to be held in an escrow account, with all interest earned going to the developer.
- b) The blacktop shall be 22 feet wide and 2 inches thick, by the length of the road.
- c) The amount placed in escrow shall be determined by current cost per ton of blacktop.
- d) After two years the money held in escrow reverts in total to the Town for the purpose of blacktopping the road. If the road has been blacktopped by the developer within the first two years, to the Town's specifications, the money in escrow shall be turned back to the developer at the time the road is finished.
- e) Any person who violates, disobeys, neglects or refuses to comply of any of the provisions of this Ordinance shall be subject to those penalties provided in Section 1-2 of this Code.

**2-2 Town Approval Required for Certified Survey Maps**

- a) The Town requires that a Certified Survey Map ("CSM") be used for all of the following purposes, unless such use would result in a subdivision as defined in Wis. Stat. § 236.02(12), and except as prohibited by Wis. Stat. § 236.45(2):
  - 1) Divide land for sale or exchange.
  - 2) Create lots for building or other development.
  - 3) Clarify metes and bounds descriptions.
  - 4) Reconfigure parcels within a recorded subdivision plat, assessor's plat, or CSM.
  - 5) Add land to an existing subdivision, assessor's plat, or CSM parcel.
  - 6) Consolidate parcels in adjoining subdivisions, assessor's plats, or CSMs.
  - 7) Define and convey interest in lands dedicated to the public.
- b) CSMs that dedicate streets, other lands to the public or are used to grant easement interests, must be submitted to the Town for approval and acceptance of the dedication.
- c) The town board may require the installation of public improvements.
- d) A CSM must be approved, conditionally approved, or rejected within 90 days. This review time period may be extended by mutual agreement. Failure of the local unit of government to act within the 90 day time limit constitutes approval of the CSM.



**2-3 Fences in subdivisions**

- a) A subdivider of land is required to construct a fence under Wis. Stat. § 90.02 on the boundary of a subdivision, as defined under Wis. Stat. § 236.02 (8), as a condition of plat approval by the town. The fence shall be maintained under Wis. Stat. § 90.05 (2) and repaired under Wis. Stats. §§ 90.10 & 90.11.
  
- b) If a fence is constructed by a subdivider and the land adjoining the subdivision is not subdivided, the partition under Wis. Stat. § 90.05(1) shall require that an undivided one-half of the fence be maintained by the owner of the adjoining land not subdivided and one-half of the fence divided into equal shares be maintained by all of the owners of the adjoining subdivided land.

**ARTICLE 3  
PUBLIC NUISANCES DECLARED**

**3-1 General public nuisances**

- a) The following acts, omissions, places, conditions and things are declared to be public nuisances affecting public peace or safety:
- 1) All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public so situated or constructed as to endanger the public's safety.
  - 2) All buildings erected, repaired, or altered within the Town in violation of regulations relating to materials and manner of construction of buildings and structures within that district.
  - 3) All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as an official traffic control device, railroad sign or signal or which because of its color, location, brilliance or manner of operation interferes with the effectiveness of any such device, signal or sign.
  - 4) All trees, hedges, billboards or other obstructions which prevent persons driving vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.
  - 5) All limbs of trees which project over and less than 14 feet above the surface of a public sidewalk or street or less than ten feet above any other public place.
  - 6) All buildings or structures so old, dilapidated or out of repair as to be dangerous and unsafe, unsanitary or otherwise unfit for human use.
  - 7) All abandoned and wrecked or dilapidated motor vehicles, buses, railroad cars, and house trailers.
  - 8) All wires over streets, alleys, or public grounds which are strung less than 14 feet above the surface.
  - 9) All loud, discordant, and unnecessary noises or vibrations of any kind which tend to cause or create a disturbance.
  - 10) All obstructions of and excavations in or under streets, alleys, sidewalks or crosswalks, except as permitted by the Town or which, although being permitted by the Town, are kept or maintained for an unreasonable or illegal length of time after their purpose has been accomplished.
  - 11) All open and unguarded pits, wells, excavations, or unused basements freely accessible from any public street, alley or sidewalk.
  - 12) All uses of property not authorized under the ordinances of the Town.

- 13) All abandoned refrigerators, iceboxes and other containers having airtight doors or covers from which the doors or other covers have not been removed or which are not equipped with a device for opening from the inside.
  - 14) 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.
  - 15) Repeated or continuous violations of the ordinances of the Town or the laws of the State relating to the storage of flammable liquids.
- b) Any person who violates, disobeys, neglects or refuses to comply of any of the provisions of this Ordinance shall be subject to those penalties provided in Section 1-2 of this Code.

**3-2 Oak wilt**

- a) Declaration of Policy. The Residents of the Town of Mosinee, through their Town Board, have determined that the health of oak trees, within the municipal limits, are threatened by the fatal disease known as oak wilt. High value is placed on the forested and rural aspects of the Township and the degradation that will occur from oak wilt disease is considered significant enough, both economically and socially, to warrant town wide attention, In addition, such hazardous conditions resulting from the spread of the disease create the potential danger of windfall or other breakage of significantly weakened/dead standing trees situated in the vicinity of common property boundaries or common travel lanes.
- b) Definition. Oak wilt fungus also known as *Ceratocystis fagacearum*, is a disease of oak trees carried by way of grafted root systems between infected and healthy trees or by insects carrying spores.
- c) Designation of a Tree Disease Control Area. The Town Board shall designate an oak wilt control area within the Township in which this oak wilt ordinance and control procedures shall be enacted.
- d) Appointment of Tree Inspector. The position of the tree inspector is hereby created. It is the duty of the tree inspector to coordinate, under the direction of the town board, all activities of the Town relating to the prevention and control of oak wilt and other epidemic diseases of shade trees.
- e) Nuisances Declared. The following are declared to be public nuisances whenever and wherever they may be found within the designated oak wilt control areas:
  - 1) Any living or standing tree or part thereof in the red oak group such as red oak, pin oak, and black oak infected to any degree with the oak wilt fungus, *Ceratocystis fagacearum*.
  - 2) Also, any living or standing tree in the white oak group such as white oak and bur oak that poses threat of transmission of the oak wilt fungus to other trees of the same species through interconnected root systems.

- 3) Nuisance will also include any parts of infected oaks that do not have bark removed, including logs, branches, stumps and firewood.
- f) Abatement. It is unlawful for any person to permit any public nuisances as defined, to remain on any premises owned or controlled by that person within the designated control areas. Such nuisances may be abated in the manner prescribed by this ordinance.
- g) Inspection Procedures:
  - 1) Annual inspection. A tree inspector shall survey the designated oak wilt control areas of the Town to determine whether any conditions described in the Nuisances Declared, subsection e) of this Ordinance exist. A tree inspector shall, in addition, conduct emergency inspections, whenever deemed necessary, and take action as authorized in this Ordinance.
  - 2) Entry upon Private Premises. A tree inspector, so designated by the town board, will provide reasonable prior notice to the landowner of the need to inspect the property. If access is denied, a tree inspector may seek a special inspection warrant pursuant to Wis. Stat. § 66.0119.
  - 3) Diagnosis. The tree inspector shall whenever possible, upon finding indications of oak wilt, make a diagnosis based upon accepted field symptoms and if deemed necessary, will deliver appropriate samples or specimens for laboratory analysis. The cost of the sample analysis will be the responsibility of the landowner upon whose lands the diseased trees are located.
- h) Interference Prohibited. It is unlawful for any person to prevent, delay or interfere with a Town tree inspector in the performance of duties imposed by this ordinance.
- i) Notices Following Inspection. If a tree inspector finds evidence of oak wilt infection or the potential for infection of other trees, he/she shall notify the owner of the property on which the nuisance is found. Said notice shall contain survey information with respect to the subject trees on the property. Such notice shall describe the nuisance and recommend procedures for its abatement within a period of time specified by the tree inspector. The notice shall further state that unless the owner abates the nuisance in the manner specified, or provides the Town with evidence to show such a nuisance does not exist or does not endanger the health of other trees, the inspector may cause the abatement thereof at the expense of the property served. The Town reserves the right to extend abatement procedures under difficult circumstances of compliance. If the owner cannot be found, such notice shall be given publication in a newspaper of general circulation in the Town. After the expiration of the time limited by such notice, the tree inspector may proceed to abate the nuisance as herein provided. The cost of such abatement shall be assessed against the owner of the property involved, or against the property itself. Any owner of real estate in the control area, who receives a notice as provided herein, may request that the tree inspector obtain a laboratory test of such trees. Such a request shall be made to the tree inspector within five (5) days after the date of such notice with the costs of such test being the responsibility of the landowner.
- j) Responsibility for Abatement.

- 1) Private landowner. An owner aware of the existence on his/her property of a nuisance as described in this Ordinance shall abate or direct the abatement of the nuisance within the specified time on the notice. The abatement of nuisances and disposal of all associated materials shall be done in a manner satisfactory to the tree inspector so as to ensure the elimination of the nuisance.
  - 2) Jurisdictional abatement. If a landowner does not initiate abatement procedures within the allotted time, the tree inspector may then proceed to contract for the prescribed abatement procedure as soon as possible and shall report to the Town all charges resulting from the abatement procedures. The Town may list all such charges along with additional reasonable administrative costs against each separate lot or parcel as a special charge to be collected commencing with the following year's taxes.
- k) Corrective Measures for Abatement of Nuisances. Because oak wilt is a community problem and because oak wilt control may benefit an entire neighborhood, the tree inspector shall recommend and encourage neighborhood participation and cooperation, including cost sharing, in root graft disruption and other control efforts, especially where oak wilt is in danger of spreading across property boundaries.

In efforts to control overland spread of oak wilt, pruning, cutting, or other wounding of oaks is prohibited from April 15 until July 15 without a written permit. During this period (April 15 until July 15) if wounding occurs or pruning is necessary in response to an emergency, a tree wound dressing shall be applied immediately to each wound. The cut surface of stumps from living-noninfected oaks shall be immediately painted with a tree wound dressing.

Standing trees or their parts are considered hazardous from the time of initial infection to July 15 of the following year. Any diseased material to be used as fuel wood or to be salvaged for other purposes must be debarked or else completely covered by heavy plastic (minimum of 4 mil) for a period of time as indicated by the tree inspector. Stumps of infected trees shall be removed or debarked to ground-line in a timeframe designated by the tree inspector, to eliminate all possibility of formation of fungal mats and overland spread by insects. Any branch greater than 2 inches in diameter determined by the tree inspector to be hazardous and not salvaged shall be disposed of by burning, chipping, or removal to an authorized dump site in a timeframe designated by the tree inspector. Dead standing red oaks that have advanced beyond the potential for spore development need not be removed except where they constitute a hazard to life and/or property. The tree inspector will advise accordingly.

Trees of the red oak group diagnosed as having oak wilt may be girdled as directed by the tree inspector as soon as infection is detected in order to speed drying and reduce spore formation. The tree inspector also may apply any certified silvicide to hasten death and drying of infected trees. Girdling shall be done only in areas where a resulting weakened tree will not constitute a hazard to life and/or property should it fall.

The standard measure of control shall be root graft disruption through the use of a vibratory plow in areas where the soil permits this type of method to be employed. Where soils do not permit this method to be practicable, the use of an herbicide (e.g., Garlon 4) may be used to isolate the infection. This herbicide must be applied by an appropriately licensed pesticide applicator. The tree inspector will determine the exact prescriptions for either method.

Nuisance abatement of trees in the white oak group may be accomplished through removal of infected parts.

- l) **Wood Transportation Prohibition.** It is unlawful for any person to transport into, within or through the control area, any diseased wood that has been determined to be a nuisance as described in the previous sections, without having obtained a permit from the tree inspector. Such permits shall only be granted when the purposes of this ordinance will be served thereby.
- m) **Permit Procedure.** Any person seeking a permit to trim, cut, prune or otherwise wound (e.g. cabling) any oak tree(s) in the control area between April 15 and July 15, or transport diseased trees or parts thereof shall request a permit from the tree inspector. Transported wood permits shall describe the origin and final disposition of the wood and state protective measures that must be followed to ensure against the spread of oak wilt within the control area. Permits shall not be written for more than a 10 day period. Permits for trimming of oaks shall not be given except in emergency situations. The person doing the cutting, pruning, trimming or transporting shall have a copy of the permit in his/her possession at all times while doing the activity.
- n) **Tree and Woodland Preservation.** Individuals/developers/realtors proposing sale or construction in areas containing oaks are required to schedule an on-site inspection with a tree inspector to develop a plan to protect oaks from infection. This written plan must be on file with the Town before any brushing, surveying, testing, or construction activities take place. The existence of the plan must be communicated to any prospective buyers.
- o) **Transfer of Property.** At the time of sale or transfer of real property, the grantor(s) or his/her agent bears the affirmative obligation to disclose the terms of this Ordinance's regulations to the grantee(s). In the event that a nuisance has been declared against the grantor(s) through this Ordinance full disclosure shall be made including the ramifications of non-compliance.
- p) Any person who violates, disobeys, neglects or refuses to comply of any of the provisions of this Ordinance shall be subject to those penalties provided in Section 1-2 of this Code.

### **3-3 Storage of junked automobiles.**

- a) For purposes of this ordinance, "junk" or "junked car" means vehicles and/or vehicle parts to include at least any one of the following:
  - 1) Dismantled.
  - 2) Of little or no resale value except as a source of parts and/or scrap.

- 3) In a state of being incapable of operation.
  - 4) In a state of being incapable of legal use upon a highway.
  - 5) In a damaged state such that the estimated cost of repair exceeds the fair market value.
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- b) No person, firm, partnership or corporation shall accumulate or store any junked automobiles or parts thereof outside of any building on any real estate located within the corporate limits of the town except upon a permit issued by the town board.
  - c) No accumulation or storage of such material shall be allowed within 750 feet of the center line of any county trunk, state trunk or federal highway or within 500 feet of the center line of any town road, except upon a permit issued by permission of the town board.
  - d) The permit issued by the town board shall be signed by the chairperson and clerk and shall specify the quantity and manner of storing such junk. Such permit shall be revocable at any time after a hearing at which it has been found that the permit holder has failed or refused to comply with the ordinances or restrictions providing regulations for the storage of such junked automobiles or parts thereof. Such hearing may be held by the town upon its own motion, or upon a complaint in writing, duly signed and verified by a complainant. Such complaint shall state the nature of the alleged failure to comply with such ordinance or regulation. A copy of the complaint together with a notice of the hearing shall be served upon the permit holder not less than 10 days previous to the date of hearing.

[Enacted August 15, 2020]

**ARTICLE 4**  
**REGULATED SUBSTANCES**

**4-1 Provisional alcohol licenses**

- a) The town clerk shall issue provisional alcohol operator licenses and provisional retail alcohol licenses pursuant to Wis. Stat. §§ 125.17(5) & 125.185. The fee for such licenses shall be \$15.
- b) An applicant shall receive a provisional operator's license upon evidence that the applicant has met all requirements for a standard operator's license except for having yet taken a Responsible Beverage Server training course or equivalent.
- c) A provisional operator's license expires 60 days after its issuance or when a regular operator's license is issued to the holder of such license, whichever occurs first.
- d) An applicant shall receive a provisional retail license upon evidence that the applicant has met all requirements for a standard retail license except for having yet taken a Responsible Beverage Server training course or equivalent.
- e) A provisional retail license expires 60 days after its issuance or when a regular retail license is issued to the holder of such license, whichever occurs first.



**ARTICLE 5  
PUBLIC SAFETY**

**5-1 Driveways**

- a) Any person must have town approval on the following prior to the construction of any driveway connecting to a town highway:
  - 1) The location of a proposed driveway's connection point with any town highway;
  - 2) The angle and grade of the proposed driveway's connection point to any town highway;
  - 3) Whether and of what size, if any, a culvert will be required at the driveway's connection point with any town highway.

**5-2 Uniform Dwelling Code**

- a) **AUTHORITY.** These regulations are adopted under the authority granted by Wis. Stat. § 101.65.
- b) **PURPOSE.** The purpose of this ordinance is to promote the general health, safety and welfare and to maintain required local uniformity with the administrative and technical requirements of the Wisconsin Uniform Dwelling Code.
- c) **SCOPE.** The scope of this ordinance includes the construction and inspection of one- and two-family dwellings built since June 1, 1980.
- d) **WISCONSIN UNIFORM DWELLING CODE ADOPTED.** The Wisconsin Uniform Dwelling Code, Wis. Adm. Code Chs. SPS 320-325, and all amendments thereto, is adopted and incorporated by reference and shall apply to all buildings within the scope of this ordinance.
- e) **BUILDING INSPECTOR.** There is hereby created the position of Building Inspector, who shall administer and enforce this ordinance and shall be certified by the state, as specified by Wis. Stat. § 101.66(2), in the category of Uniform Dwelling Code Construction Inspector. Additionally, this or other assistant inspectors shall possess the certification categories of UDC HVAC, UDC Electrical, and UDC Plumbing.
- f) **BUILDING PERMIT REQUIRED.** If a person builds or installs a new building, within the scope of this Ordinance, they shall first obtain a building permit for such work from the building inspector. Restoration or repair of an installation to its previous code-compliant condition as determined by the building inspector is exempted from permit requirements. Residing, re-roofing, finishing of interior surfaces and installation of cabinetry shall exempted from permit requirements.
- g) **BUILDING PERMIT FEE.** The building permit fees shall be determined by the Town Board and shall include \$25.00 to be forwarded to the Wisconsin Department of Commerce for a UDC permit seal that shall be assigned to any new dwelling.

- h) **PENALTIES.** The enforcement of this section and all other laws and ordinances relating to building shall be by means of the withholding of building permits, imposition of forfeitures and injunctive action. Any person, firm, or corporation, or agent, employee, or contractor of such, who violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of any provisions of this Ordinance, shall be subject to the enforcement provisions of Section 1.2 of this Code.
- i) The building inspector(s) shall keep a log of all inspections completed.

**5-3 Marathon County ATV/UTV Ordinance Sec. 7.125 adopted by reference.**

- (1) *Intent.* To create uniform procedures and requirements for the use and operation of All-Terrain Vehicles and Utility Terrain Vehicles on Marathon County routes and trails.
- (2) *Definitions.* In this section, words and phrases used herein shall have the meaning as defined by § 23.33(1), Wis. Stats., unless otherwise defined herein. All-terrain vehicles (hereinafter referred to as ATVs) shall have the definition given in § 340.01(2g), Wis. Stats. Utility terrain vehicles (hereinafter referred to as UTVs) shall have the definition given in § 23.33(1)(ng), Wis. Stats. Any reference to a Wisconsin Statute Section or Administrative Code Regulation is a reference to that specific chapter, section, code, or its successor chapter, section, or code. Any future amendments, revisions, or modifications of the statutes or administrative code incorporated herein are intended to be made part of this Code in order to secure uniform statewide regulation of all-terrain vehicles.
- (3) *Statutory authority.* Marathon County is authorized to designate highways as ATV/UTV routes pursuant to §§ 23.33(8)(b) and 59.02, Wis. Stats., and is authorized to enact ordinances regulating ATVs and UTVs on designated routes and trails pursuant to § 23.33(11)(a), Wis. Stats.
- (4) *Designating ATV/UTV routes.* The Marathon County Highway Commissioner (Commissioner) may designate ATV/UTV routes following due consideration of the recreational value and after weighing possible dangers, public health, liability concerns, terrain involved, traffic density, and history of automobile traffic on potential and existing routes.
  - (a) *Duties of Highway Commissioner.*
    - (i) The Commissioner shall designate which portions of county highways are ATV/UTV routes. The Commissioner will update the Infrastructure Committee with respect to the status of, and changes to, ATV/UTV routes.
    - (ii) The Commissioner shall ensure that all routes designated pursuant to this section are properly posted.
    - (iii) The Commissioner shall establish the official ATV/UTV route opening and closing dates for each year. Dates shall be posted on the Marathon County website in a place visible to the public.

- (iv) All routes established pursuant to this section shall be reviewed annually by the Commissioner to consider the continued value, efficacy, and need for the ATV/UTV routes.
- (b) *Application process for route designation.* The Commissioner shall develop policies and procedures for consideration of, and designation of, ATV/UTV routes in accordance with the requirements of § 23.33, Wis. Stats., Wis. Admin. Code NR § 64, and the provisions of this section.
  - (i) **Municipalities.** Any town, village, or city in Marathon County may apply to the Commissioner and request that portions of county highways be designated as ATV/UTV routes. Applications shall be completed on a form prescribed by the Commissioner and must be in compliance with the policies and procedures developed by the Commissioner for the designation of ATV/UTV routes. The town, village, or city must further affirm that the municipality will pay for the costs to make, install, and maintain ATV/UTV route signs.
  - (ii) **ATV/UTV clubs.** An organization that has assembled as a recognized ATV/UTV club may apply to the Commissioner and request that the Commissioner designate an ATV/UTV route within Marathon County. Applications shall be completed on a form prescribed by the Commissioner and must be in compliance with the policies and procedures developed by the Commissioner for the designation of ATV/UTV routes. An ATV/UTV club must further affirm that the club will pay for the costs to make, install, and maintain ATV/UTV route signs.
  - (iii) The County Board of Supervisors may rescind or modify the designation of an ATV/UTV route by enactment of an ordinance rescinding or modifying the designation.
  - (iv) **Application requirements.** An application for designation of an ATV/UTV route, at a minimum, include the following:
    1. A map showing the proposed ATV/UTV route on the county highway system.
    2. A map showing any ATV/UTV trails leading to the proposed route.
    3. A statement explaining why the proposed route should be designated as an ATV/UTV route.
    4. If the applicant is an ATV/UTV club, the names and addresses of its officers, the date when the organization was established or incorporated, and the number of members.

5. A statement that the applicant will be financially responsible for payments for the installation and maintenance of required ATV/UTV route signs.
  6. Any municipality in which the segment of a county roadway being proposed as an ATV/UTV route exists must have adopted the regulations in subsection (6) of this provision for the application to be considered.
- (v) Appeal. The Commissioner's determination regarding an application for or continuation of a designated ATV/UTV route may be appealed by the person aggrieved as provided in Chapter 24 of the Marathon County Code of Ordinances. In the event of an appeal, the review of the Commissioner's initial determination shall be conducted by the county administrator or his or her designee.
- (5) *Designating ATV/UTV trails.* The Wausau and Marathon County Parks, Recreation, and Forestry Director (Director) may designate ATV/UTV trails following due consideration of the recreational value and after weighing possible dangers, public health, liability concerns, and terrain involved.
- (a) *Duties of Director.*
- (i) The Director shall designate which portions of county land are designated as ATV/UTV trails. The Director will update the Infrastructure Committee with respect to the status of, and changes to, ATV/UTV trails.
  - (ii) The Director shall ensure that all trails designated pursuant to this section are properly posted.
  - (iii) The Director shall establish the official ATV/UTV trail opening and closing dates for each year. Dates shall be posted on the Marathon County website in a place visible to the public.
  - (iv) All trails established pursuant to this section shall be reviewed annually by the Director to consider the continued value, efficacy, and need for the ATV/UTV trails.
- (b) *Application process for trail designation.* The Director shall develop policies and procedures for consideration of, and designation of, ATV/UTV trails in accordance with the requirements of § 23.33, Wis. Stats, Wis. Admin. Code NR § 64, and the provisions of this section.
- (i) Municipalities. Any town, village, or city in Marathon County may apply to the Director and request that portions of county lands be designated as ATV/UTV trails. Applications shall be completed on a form prescribed by the Director and must be in compliance with the policies and procedures developed by the Director for the designation of ATV/UTV trails. The

town, village, or city must further affirm that the municipality will pay for the costs to make, install, and maintain ATV/UTV trail signs.

- (ii) ATV/UTV clubs. An organization that has assembled as a recognized ATV/UTV club may apply to the Director and request that the Director designate an ATV/UTV trail within Marathon County. Applications shall be completed on a form prescribed by the Director and must be in compliance with the policies and procedures developed by the Director for the designation of ATV/UTV trails. An ATV/UTV club must further affirm that the club will pay for the costs to make, install, and maintain ATV/UTV trail signs. The Director may require an ATV/UTV club to execute a trail maintenance contract and obtain or maintain insurance as required by Marathon County.
- (iii) The County Board of Supervisors may rescind or modify the designation of an ATV/UTV trail by enactment of an ordinance rescinding or modifying the designation.
- (iv) Application requirements. An application for designation of an ATV/UTV trail must, at a minimum, include the following:
  - 1. A map showing the proposed ATV/UTV trail in relation to the county highway system.
  - 2. A map showing any ATV/UTV routes leading to the proposed trail.
  - 3. A statement explaining why the proposed trail should be designated as an ATV/UTV trail.
  - 4. If the applicant is an ATV/UTV club, the names and addresses of its officers, the date when the organization was established or incorporated, and the number of members.
  - 5. A statement that the applicant will be financially responsible for payments for the installation and maintenance of required ATV/UTV trail signs.
  - 6. If the proposed trail travels on private property, a statement from the owner of said property attesting that the landowner will consent to the creation of a trail on said property.
- (c) *Appeal.* The Director's determination regarding an application for or continuation of a designated ATV/UTV trail may be appealed by the person aggrieved as provided in Chapter 24 of the Marathon County Code of Ordinances. In the event of an appeal, the review of the Director's initial determination shall be conducted by the county administrator or his or her designee.

- (6) *Regulation of ATVs and UTVs.* Except as otherwise provided herein, the statutory provisions of § 23.33, Wis. Stats., and Wis. Admin. Code NR § 64, which create, describe, and define regulations with respect to ATVs and UTVs, are adopted and, by reference, made a part of this Code as if fully set forth herein.
- (a) *Operator and rider requirements.* Any person who operates or rides as a passenger on an ATV or UTV on a roadway that is an ATV/UTV route in Marathon County designated pursuant to § 23.33(8)(b)1, Wis. Stats., or an ATV/UTV trail in Marathon County designated pursuant to § 23.33(8)(c), Wis. Stats., must meet the following requirements:
- (i) Any operator or passenger shall comply with all federal, state, and local laws, orders, regulations, restrictions, and rules, including those outlined in § 23.33, Wis. Stats., and Wis. Admin. Code NR § 64. All ATV/UTV rules of operation outlined in § 23.33, Wis. Stats., and Wis. Admin. Code NR § 64 are adopted and incorporated in this section.
  - (ii) No person may operate an ATV or UTV without having attained the age of 16.
  - (iii) No person may operate an ATV or UTV without a valid driver's license.
  - (iv) All operators shall have a liability insurance policy in force on any ATV or UTV operated on an ATV/UTV route or trail. The liability insurance policy must have the following minimum coverages:
    - 1. \$10,000.00 for property damage.
    - 2. \$25,000.00 for the injury or death of one person.
    - 3. \$50,000.00 for the injury or death of more than one person.
- (b) *Rules of operation.* The operation of an ATV or UTV on a roadway that is an ATV/UTV route in Marathon County designated pursuant to § 23.33(8)(b)1, Wis. Stats., or an ATV/UTV trail in Marathon County designated pursuant to § 23.33(8)(c), Wis. Stats., is subject to the following rules of operation:
- (i) Any operator or passenger shall comply with all federal, state, and local laws, orders, regulations, restrictions, and rules, including those outlined in § 23.33, Wis. Stats., and Wis. Admin. Code NR § 64. All ATV/UTV rules of operation outlined in § 23.33(3), Wis. Stats. are adopted and incorporated in this section.
  - (ii) Operators may only operate on a designated ATV/UTV route or trail if said route or trail is signed in accordance with § 23.33(8)(e), Wis. Stats., and Wis. Admin. Code NR § 64.12(7).
  - (iii) Speed limits.

1. Operators on ATV/UTV routes shall observe a speed limit not to exceed 30 miles per hour or the posted speed limit on the roadway, whichever is less.
  2. Operators on ATV/UTV trails shall observe a speed limit not to exceed 35 miles per hour or the posted speed limit on the trail, whichever is less.
- (iv) Operators shall ride in single file.
  - (v) Operators may not operate an ATV or UTV on an ATV/UTV route at any time before or after Operating Hours. Operating Hours are designated as one hour before sunrise and one hour after sunset.
  - (vi) All ATVs and UTVs must operate with fully functional headlamps, tail lamps, and brake lights.
  - (vii) Every ATV or UTV shall be equipped, maintained, and operated to prevent excessive or unusual noise. No person shall operate an ATV or UTV on an ATV/UTV Route unless the vehicle is equipped with a muffler or other effective noise-suppressing system in good working order and in constant operation.
- (c) *Enforcement.*
- (i) Any act that is required or is prohibited by any statute or administrative code provision incorporated herein by reference is required or prohibited by this Code.
  - (ii) The Marathon County Sheriff's Office, local law enforcement agencies, and the Marathon County Parks, Recreation and Forestry Department shall have authority to enforce this section pursuant to § 23.33(12), Wis. Stats.
- (d) *Penalties.*
- (i) Any forfeiture for a violation of State Statute or Administrative Code adopted by reference in this section shall conform to the forfeiture permitted to be imposed for violation of said statutes or code provisions as set forth therein.
  - (ii) Any violation of a section of this section without a penalty specified by statute or administrative code shall have a cash deposit requirement of \$50.00 plus court costs. A cash deposit requirement of \$150.00 plus court costs will be required for a second violation of this section within a 12-month period.
- (7) *Severability.* The provisions of this section shall be deemed severable and it is expressly declared that Marathon County would have passed the other provisions of this section irrespective of whether or not one or more provisions may be declared invalid. If any provision of this section or the application to any person or circumstances is held invalid,

the remainder of the ordinance and the application of such provisions to other person's circumstances shall not be deemed affected.

[Adopted July 13, 2020]