

## SECTION 1. INTRODUCTION

### 1.1 Authority

Whereas the Town Board of the Town of Rock, Wisconsin, has proceeded under the provisions of Sections 60.62, 61.35 and 62.23 of the Wisconsin Statutes and whereas these regulations are adopted under the authority granted by Sections 60.62, 61.35 and 62.23 of the Wisconsin Statutes. Therefore, the Town Board of the Town of Rock, Rock County, Wisconsin, does ordain as follows:

### 1.2 Purpose

The purpose of this Ordinance is to promote the comfort, health, safety, morals, prosperity, aesthetics, and general welfare of this community.

### 1.3 Intent

It is the general intent of this Ordinance to regulate and restrict the use of all lands and waters; preserve productive and historic agricultural soils; regulate and restrict lot coverage, population distribution and density, and to stabilize and protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the community; and implement the community's comprehensive plan or plan components. It is further intended to provide for the administration and enforcement of this Ordinance and to provide penalties for its violation.

### 1.4 Abrogation and Greater Restrictions

It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to laws. However, wherever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

### 1.5 Interpretation

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

### 1.6 Severability

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

If any application of this Ordinance to a particular structure, land or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment.

1.7 Repeal

All other ordinances or parts of ordinances of the Town inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed, including without limitation a certain zoning ordinance dated December 7, 1982.

1.8 Title

This Ordinance shall be known as, referred to, or cited as the "ZONING ORDINANCE, TOWN OF ROCK, WISCONSIN".

1.9 Effective Date

This Ordinance shall be effective after a public hearing, adoption by the Town Board and other requirements of law.



## SECTION 2. GENERAL PROVISIONS

### 2.1 Jurisdiction

The jurisdiction of this Ordinance shall include all lands and waters within the Town.

### 2.2 Compliance

No land or water shall hereafter be used or any structure constructed thereon without full compliance with the provisions of this Ordinance and all other applicable local, county, and state regulations. It shall be the duty of the Zoning Officer to investigate all complaints, give notice of violations, and to enforce this Ordinance. The Zoning Officer may enter, at any reasonable time as permitted by the property owner, onto any public or private lands or waters to make inspection. If the Zoning Officer is refused entry, he may apply for, obtain, and execute a special inspection warrant for said premises pursuant to Sections 66.0119, Wis. Stats. The Zoning Officer may set time limits and conditions for the correction of violations.

### 2.3 Use Restrictions

The following use restrictions and regulations shall apply:

(1) Permitted Uses. Only those principal uses specified, their essential services, and uses listed in items 2-5 (below) shall be permitted in each district.

(2) Accessory Uses and structures are permitted in any district but not until their principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade, or industry.

(3) Conditional Uses and their accessory uses are considered as special uses requiring review, public hearing, and approval by the Planning & Zoning Committee (or by the Town Board, if required by this Ordinance) and issuance of a conditional use permit in accordance with Section 5 of this Ordinance.

(4) Unclassified or Unspecified Uses may be permitted by the Planning & Zoning Committee (or by the Town Board, if required by this Ordinance) provided that such uses are similar in character to the principal uses permitted in the district.

(5) Temporary Uses, such as real estate sales, field offices, or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Planning & Zoning Committee.

(6) Performance Standards listed in this Ordinance shall be complied with by all uses in all districts.

(7) Soil Restrictions. Certain soil types in the Township, as shown on the operational soil survey maps prepared by the U.S. Department of Agriculture, Soil Conservation Service, have severe or very severe limitations for on-site soil absorption sewage disposal facilities

because of one or more of the following reasons: High or fluctuating water table, flooding, groundwater contamination, silting, slow permeability, steep slopes, or proximity to bedrock. The Rock County Standard Soils Survey prepared by the U.S. Soil Conservation Service is hereby adopted by reference as a determining factor in land use decisions. When a question arises as to the accuracy of a soil mapping unit, an intensive soil survey of the site in question shall be requested from the Rock County Sanitarian and/or a soil scientist from the Soil Conservation Service by either the township or the applicant.

#### 2.4 Penalties

Any person, firm or corporation who fails to comply with, or violates, the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than \$50 nor more than \$500 and the costs of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding thirty (30) days. Each day a violation exists or continues shall constitute a separate offense.

#### 2.5 Civil Enforcement

Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct, or abate a violation, to prevent illegal occupancy of a building, structure or premises, and these remedies shall be in addition to the Penalties described above. Without limiting the other remedies provided for herein, the Town Board, the Zoning Officer, the Town Planning & Zoning Committee, or any neighboring property owner who would be specifically damaged by any violation of this Ordinance may institute appropriate action or proceedings to enjoin such violation.

#### 2.6 Change in Fees

All fees required to be paid pursuant to the provisions of the Zoning Ordinance including, without limitation, the fees pursuant to Sections 5.6(a), 7.4(1), 9.5(4), 12.3(4), and 14.12, may be increased or decreased from time to time by resolution of the Town Board of the Town of Rock.

## SECTION 3. ADMINISTRATION

### 3.1 Town Board

The Town Board is the public body having exclusive authority to change or amend this Ordinance.

### 3.2 Building Inspector

(1) It shall be the duty of the Building Inspector to administer, supervise and literally enforce the provisions of the Town of Rock Building Code.

(2) The Building Inspector shall prepare building permit forms, assist any applicant in preparing any building permit application, advise the applicant as to the provisions of the Town Building Code, inspect each project for which a permit has been applied for or granted, report violations, and provide information to the Planning and Zoning Committee. The Building Inspector may issue Building Permits which are in strict compliance with the requirements of the Building Code and this Zoning Ordinance provided, however, that if a Zoning Permit is required, no Building Permit shall be issued by the Building Inspector until following the issuance of a Zoning Permit by the Zoning Officer. Whenever there is a question as to the literal requirements of the Building Code and/or this Ordinance, such question is to be brought by the Building Inspector directly to the Planning & Zoning Committee for its consideration.

### 3.3 Zoning Officer

(1) There is herewith created the office of Zoning Officer, which office may be a full-time or part-time position, as the Town Board in its discretion shall determine. The Zoning Officer shall be appointed by the Town Board and shall hold office until replaced by the Town Board. His/Her duties shall be to administer, supervise, and literally enforce the provisions of the Town Zoning Ordinance. His/Her compensation shall be determined by the Town Board. It also shall be the duty of the Zoning Officer to literally enforce the provisions of all other ordinances of the Town except for the Town of Rock Building Code.

(2) The duties of the Zoning Officer shall be to investigate all complaints, give notice of violations, and to enforce this Zoning Ordinance as well as all other ordinances of the Town except for the Town of Rock Building Code. The Zoning Officer may enter, at any reasonable time as permitted by the property owner, onto any public or private lands or waters to make inspection. If the Zoning Officer is refused entry, a special inspection warrant shall be issued for said premises pursuant to Sections 66.0119 of the Wisconsin Statutes. The Zoning Officer may set time limits and conditions for the correction of violations. The Zoning Officer's authorization to enforce the Zoning Ordinance may include, but not be limited to, the assessment of penalties pursuant to Section 2.4 and any civil enforcement action as outlined under Section 2.5 of the Zoning Ordinance.

(3) The Zoning Officer shall make monthly report of his/her activities to the Town Board.

(4) The Zoning Officer shall prepare zoning permit forms, assist the applicant as to the provisions of the Town Zoning Ordinance, inspect each project for which a permit has been applied for or granted, report violations, issue citations for violations of Town ordinances other than the Town of Rock Building Code, and provide any information to the Planning & Zoning Committee. The Zoning Officer may issue zoning permits which are in strict compliance with the requirements of this Ordinance. Whenever there is a question as to the literal requirements of this Ordinance, such question is to be brought directly to the Planning & Zoning Committee for its consideration.

3.4 Town Planning & Zoning Committee

There is hereby established a Planning & Zoning Committee for the Town.

3.5 How Constituted

The Planning & Zoning Committee shall consist of five (5) members appointed by the Town Board. Not more than one (1) member of the Town Board shall be a member of the Planning & Zoning Committee. If a member of the Town Board is appointed to the Planning and Zoning Committee, the Town Board shall appoint four (4) citizen members who upon creation of the committee shall be appointed for one (1), two (2) and two (2) members for three (3) year terms. If a Town Board member is not appointed a member of the Planning & Zoning Committee, a fifth citizen member shall be appointed for an initial term of two (2) years. The Town Chairperson shall appoint the committee's presiding officer. The Zoning Officer shall be an ex-officio member and shall attend all Planning & Zoning Committee meetings, but shall not be a voting member.

3.6 Terms of Office

The citizen members of the Planning & Zoning Committee shall serve for terms of three (3) years, except that the citizen members initially appointed to the Committee shall serve for terms of one (1), two (2), and three (3) years, respectively from the succeeding first day of May as set forth in 3.5 above. The term of a Town Board member shall be one (1) year. Following the initial appointments to the Planning & Zoning Committee, all appointments shall be made during April and all terms shall commence on the 1st day of May and expire on the 30th day of April.

3.7 Qualifications

All citizen members shall be residents of the Town of Rock, shall be persons with recognized experience and qualifications and shall hold office until their respective successors are selected and qualified. All members of the Planning & Zoning Committee shall be removable by the Town Board for cause, upon written charges and after public hearing.

3.8 Vacancies

Whenever a vacancy shall occur in the Planning & Zoning Committee, the Town Board shall select or appoint an appropriate member to complete the unexpired term.

### 3.9 Matters Referred to the Planning & Zoning Committee

(1) The Town Board or other public body having authority thereon, shall refer to the Planning & Zoning Committee, for its consideration and report before final action is taken by the Town Board or public body, the following matters: the location and architectural design of any public building; the location of any statue or other memorial; the location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition, or lease of land for any street, alley or other public way, park, playground, airport, area for parking facilities, or other memorial or public grounds; the location, extension, abandonment or authorization for any public utility whether public or privately owned; all plats of land in the township; the location, character and extent, or acquisition, leasing or sale of lands for public or semi-public housing, slum clearance, relief of congestion, or vacation camps for children; and the abandonment or repeal of any ordinance adopted pursuant to planning and zoning. Unless such report is made within 45 days or such longer period as may be stipulated by the Town Board, the board or other public body may take final action without it.

(2) The Planning & Zoning Committee shall have the following powers:

(A) Building and Conditional Use Permits. To issue building permits when there is a question raised by the Building Inspector as to the literal requirements of this Ordinance and to issue conditional use permits when within the provisions of this Ordinance.

(B) Subdivisions. To review and recommend to the Town Board the approval or denial of preliminary and final subdivisions. Conditions of approval may be attached to preliminary or final approval.

(C) Substitutions. To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses, provided no structural alterations are to be made. Whenever the Committee permits such a substitution, the use may not thereafter be changed without the approval of the Committee.

(D) Unclassified Uses. To hear and grant applications for unclassified and unspecified uses, provided that such uses are similar in character to the principal uses permitted in the district and such uses are not conditional or other uses that require the approval of the Town Board.

(E) Temporary Uses. To hear and grant applications for temporary uses in any district, provided that such uses are of a temporary nature, do not involve the erection of a substantial structure, and are compatible with the neighboring uses. The permit shall be temporary, revocable, subject to any conditions required by the Planning & Zoning Committee and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this Ordinance shall be required.

### 3.10 Meetings

Regular meetings shall be held monthly, as specifically determined by the Planning & Zoning Committee. Special meetings may be called by the presiding officer or upon written

request of two committee members. Notice of special meeting shall be given by personal service to all members at least 24 hours prior to the called special meeting.

3.11 Minutes

The minutes of the Planning & Zoning Committee meetings shall be kept by the Secretary.

3.12 Quorum

Three (3) members of the Planning & Zoning Committee shall constitute a quorum to transact any business and formulate its proper action thereon.

3.13 Organization

The presiding officer of the Planning & Zoning Committee shall name the Secretary. The committee may also formulate any lawful rules for its operation and procedures.

3.14 Compensation

The members of the Planning & Zoning Committee shall be compensated as determined by the Town Board.

## SECTION 4. ZONING DISTRICTS

### 4.1 Establishment

For the purpose of this Ordinance the Town of Rock is hereby divided into the following Zoning Districts:

Agricultural Farmland Preservation District (A-FP)  
Agricultural District One (A-1)  
Agricultural District Two (A-2)  
Agricultural District Three (A-3)  
Local Commercial District (B-1)  
Large Scale Commercial District (B-2)  
Residential District One (R-1)  
Residential District Two (R-2)  
Mobile Home Park District (MHP)  
Special Purpose District (SP)  
Light Industrial District (M-1)  
General Industrial District (M-2)  
Institutional District (IN)

### 4.2 Zoning Map and District Boundaries

(1) The boundaries of the zoning districts are hereby established as shown on a map entitled “Farmland Preservation Zoning Map for Town of Rock” bearing the most recent revision date of August 29, 2014 prepared by Rock County Planning, Economic & Community Development Agency (the “Zoning Map”), which map accompanies and is made a part of the Town of Rock Zoning Ordinance. Such boundaries shall be construed to follow: town and corporate limit lines, U.S. Public Land Survey Lines; lot or property lines; centerlines of streets, roads, highways, alleys, easements, and railroad right-of-ways lines or such lines extended; unless otherwise noted on the Zoning Map. The Zoning Map shall be kept on file in the office of the Town Clerk. The copy attached to the Town of Rock Zoning Ordinance is correct only as of the day of passage of this Zoning Ordinance. The Town Clerk shall keep a revised version of the Zoning Map reflecting any and all changes of zoning boundaries.

(2) Overlay districts, as presented in this section, are created for the purpose of imposing special regulations in given designated areas of the Town to accomplish stated purposes that are set forth for each overlay district. Overlay districts shall be in addition to, and shall overlap and overlay all other zoning districts within which lands placed in each district also lie, so that any parcel of land lying in an overlay district shall also lie in one or more of the other zoning districts provided for by this Ordinance.

### 4.3 General District Regulations

The following regulations set forth requirements that usually do not apply universally throughout the town, but rather cover things that are applicable to one or more districts.

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The following regulations set forth requirements that usually do not apply universally throughout the town, but rather cover things that are applicable to one or more districts.



(1) Erection of More Than One Principal Structure on a Lot. In any district no more than one structure housing a permitted or conditional use may be erected on a single lot except in the A-FP, A-1 and A-2 districts where the requirements of those districts shall be met for each structure as though it were on an individual lot.

(2) Exceptions to Height Regulations. The height limitations contained in the requirements for permitted and conditional uses do not apply to spires, belfries, cupolas, antennas, water tanks, fire towers, windmills, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy.

(3) Structures to Have Access. Every residential building hereafter erected or moved shall be on a lot adjacent to a public street and shall have direct access thereto; and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

(4) Parking and Storage of Certain Vehicles. Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings.

(5) Setback. A setback less than the setback required by this Ordinance may be permitted where there are at least five (5) existing main buildings existing at the date of enactment of this Ordinance within five hundred (500) feet of the proposed site that are built to less than the required setback. In such case, the setback shall be the average of the nearest main building on each side of the proposed site or, if there is no building on one side, the average of the setback for the nearest main building on the one side and the required setback. Such setback shall be granted by a permit from the Planning & Zoning Committee and shall not require a special exception or variance.

(6) Loading Space. In Commercial or Industrial districts, sufficient space for loading or unloading of vehicles shall be provided off any adjoining street, road or highway in connection with any commercial or industrial use so that the adjoining street, road or highway shall at all times be free and unobstructed to the passage of traffic.

(7) Undersized Lots. Where a residential lot has an area less than the minimum number of square feet per family required for the district in which it is located and was of record as such in the office of the Register of Deeds for Rock, Wisconsin, at the time of the passage of this Ordinance, such lot may be occupied by one (1) family.

(8) Applicable Zoning for Vacated Street. Vacation of public streets, alleys and right-of-ways shall cause the land vacated to be automatically placed in the same district as the abutting side as to which the vacated land reverts.

(9) Criteria for Evaluation of Conflicting Land Use. Districts adjacent to Agricultural Districts are to recognize that agriculture is a necessary use and should be encouraged and there are certain environmental conditions that take place as a normal part of farm operation. Criteria used in reviewing this situation shall consider which land use has existed for the longest period of time, and what land use existed at the time the adjacent land use was created.

(10) Overhead Utility Lines. No overhead power, telephone, telegraph or other utility lines shall be erected within one-half mile of any boundary of the site of any airport, landing field, or landing and takeoff strip.

(11) Garages.

(A) Each single-family dwelling and each residential unit of a two-family dwelling may have one private garage only being either an attached garage or an unattached garage, provided:

(i) Such garage is clearly incidental to the residential use of the property;

(ii) The square footage of an attached garage shall not exceed the greater of 864 square feet or 50 percent of the finished livable floor area of the residential unit up to a maximum of 1,500 square feet. An attached garage in excess of 1,500 square feet may only be permitted as a Conditional Use after public hearing and approval of the Planning and Zoning Committee in accordance with the provisions of Section 5 of this Ordinance, provided, however, that in no event shall the square footage of such attached garage be greater than 50 percent of the finished livable floor area of the residential unit. Finished livable floor area of the residential unit shall not include a garage, breezeway, attic, or basement;

(iii) The square footage of an unattached garage shall not exceed 864 square feet;

(iv) An attached garage shall not exceed the height of the residential structure;

(v) An unattached garage shall not exceed 20 feet in height measured from floor to peak of roof; and (*Amended by Ordinance 2019-04*)

(vi) No portion of the garage may be used as a separate dwelling unit.

A garage, whether attached or unattached, shall not be counted as an accessory building.

(B) Garages, whether attached or unattached, for multi-family dwellings of three units or more may only be permitted as a Conditional Use after public hearing and approval of the Planning and Zoning Committee in accordance with the provisions of Section 5 of this Ordinance provided, however, that in no event shall the square footage of the garage be greater than 50 percent of the finished livable floor area of the multi-family residential dwelling. Finished livable floor area shall not include a garage, breezeway, attic, or basement.

(12) Towers Erected Under Small Wind Energy System Ordinance. Towers erected with a Tower Permit under the Town of Rock Small Wind Energy System Ordinance are a permitted use in all zoning districts.

(13) Accessory Buildings.

(A) In Residential District One (R-1) and Residential District Two (R-2) all accessory buildings shall comply with the following requirements:

- (i) The maximum size of an accessory building shall be 864 square feet; and
- (ii) The maximum height of an accessory building shall be 20 feet measured from floor to peak. ***(Amended by Ordinance 2019-04)***

(B) In Agricultural District Three (A-3), all accessory buildings shall comply with the following requirements:

- (i) The maximum size of an accessory building shall be as follows:
  - (a) 864 square feet on parcels of less than 3 acres in size;
  - (b) 1,000 square feet on parcels of not less than 3 acres and not more than 5 acres in size; and
  - (c) 2,400 square feet on parcels of more than 5 acres in size.
- (ii) The maximum height of an accessory building of 1,000 square feet or less in size shall be 20 feet measured from floor to peak. No maximum height shall apply to accessory buildings of more than 1,000 square feet in size. ***(Amended by Ordinance 2019-04)***

(14) Chickens Allowed

Any person may keep up to six female chickens on any lot zoned R-1 in the Town, so long as said lot contains one single-family residential dwelling, subject to the following:

(A) Definitions:

- (i) The term “chicken” shall mean a domestic fowl of the subspecies *Gallus domesticus*.
- (ii) The term “coop” shall mean a new or existing enclosed accessory structure designed or modified for the keeping of chickens and meeting the requirements of this section.

(iii) The term “run” shall mean a structure attached and contiguous to a coop constructed in a fashion to confine chickens and in compliance with the provisions of this section.

(B) No roosters shall be allowed to be kept under this section.

(C) Chickens must be kept in a chicken coop and the attached and continuous run, which shall not exceed eighty (80) square feet in area, be enclosed by a fence, and located completely in the rear yard of the R-1 lot.

(D) All coops and runs shall be constructed from conventional building materials in a workmanlike fashion or be a premanufactured enclosed structure designed specifically for the keeping of chickens in a residential environment. Coops shall be impermeable to rodents, wild birds, and predators, and must be constructed or modified in a fashion to provide a humane environment for the chickens, include adequate ventilation, adequate sun, adequate shade, and adequate protection from adverse weather. A newly-built or installed coop shall have a minimum of three square feet per chicken.

(E) Coops and runs must be kept clean, dry, and odor free and kept in a sanitary condition at all times in such a manner as to not disturb the use or enjoyment of adjoining property due to noise, odor, or any other adverse impact.

(F) Chickens must be kept in a coop or the attached run at all times. Between sunrise and sunset, chickens may be allowed outside of the coop in the run. Chickens must be secured within the coop between sunset and sunrise.

(G) Permits shall not be required for the keeping of chickens.

(H) No person shall slaughter any chicken within the Town other than at a licensed meat processing facility. (*Amended by Ordinance 2021-02*)

#### 4.4 Agricultural Farmland Preservation District (A-FP)

##### (1) Purpose and Intent of Agricultural Farmland Preservation District (A-FP)

The purpose of the A-FP District is to provide a means of accomplishing the agricultural goals and objectives of the Town's Smart Growth Comprehensive Plan. This district exclusively provides for agricultural uses and uses compatible with agriculture. The intent in having this district is to conserve prime agricultural soils, historically farmed soils, and prevent uncontrolled and uneconomical spread of residential development which results in excessive costs to the community for the provisions of essential public services. Agricultural soils are predominant in this district and are to be very sparsely developed to protect the community's economic base and tax base.

The A-FP District is a "Farmland Preservation District" and meets the requirements to be regarded as Farmland Preservation Zoning for the purposes of the State of Wisconsin Farmland Preservation Program.

##### (2) Permitted Uses

The following uses are permitted in this district:

(A) *Agricultural uses on farms*, consisting of any of the following activities conducted for the purpose of producing an income or livelihood, **except for such agricultural uses for which a conditional use permit is required pursuant to subsection (3) below:**

(i) Crop or forage production.

(ii) Keeping *livestock*.

(iii) Nursery, sod, or Christmas tree production.

(iv) Floriculture.

(v) Aquaculture.

(vi) Forest management.

(vii) Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.

(B) *Accessory uses on farms* consisting of any of the following activities, **except for such accessory uses for which a conditional use permit is required pursuant to subsection (3) below:**

(i) A building, structure, or improvement that is an integral part of, or is incidental to, an *agricultural use*, examples of which are set forth in the definition of *accessory use* in Section 15.2 of this Ordinance.

(ii) An activity or business operation that is an integral part of, or incidental to, an *agricultural use*.

(iii) A *farm residence*, including normal residential appurtenances.

(C) Undeveloped natural resource and open space areas.

(D) Transportation, utility, communication, or other uses that are required under state or federal law to be located in a specific place, or that are authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit.

(E) *Prior nonconforming uses*, subject to the provisions of Section 60.61(5) Wis. Stats.

### (3) Conditional Uses

The Town Board may issue a conditional use permit for a proposed land use identified in this subsection if the proposed land use meets applicable conditions under this subsection. The Town Board shall follow the procedures described in Section 5 of this Ordinance. In addition, before issuing a conditional use permit hereunder, the Town Board shall determine in writing that the proposed use meets applicable conditions under this subsection. The Town Board may issue the permit subject to any additional conditions which the Town Board deems necessary to carry out the purposes of this Ordinance (with the exception that no additional conditions may be imposed upon a permit relating to a *livestock facility* to the extent that such additional conditions are prohibited by Section 93.90 Wis. Stats. and Chapter ATCP 51 of the Wisconsin Administrative Code).

(A) Agricultural and accessory uses on farms. The Town Board may issue a conditional use permit for any of the following *agricultural uses* or *accessory uses*:

(i) A new or expanded *livestock facility*, if the facility will have more than one (1) animal unit per contiguous acre or more than 500 animal units, whichever is less, if the proposed facility meets the standards prescribed in Chapter ATCP 51, Wis. Adm. Code.

(ii) On-farm riding stables and boarding facilities, provided such use complies with the requirements of Section 91.01(1)(d) Wis. Stats.

(iii) Farmstead food processing facilities, provided such use complies with the requirements of Section 91.01(1)(d) Wis. Stats.

(iv) Farmstead retail outlets, provided such use complies with the requirements of Section 91.01(1)(d) Wis. Stats.

(v) Large on-farm fuel or agrichemical storage facilities, provided such use complies with the requirements of Section 91.01(1)(d) Wis. Stats.

(vi) Fur farms and beekeeping facilities conducted for the purpose of producing an income or livelihood.

(vii) Storage of non-agricultural items in buildings existing at the time of the adoption of this Ordinance, provided such use complies with the requirements of Section 91.01(1)(d) Wis. Stats.

(viii) Agricultural related airport or air strip not open to the public located on a *farm* which is accessory to the farm use.

(ix) A *farm owner/operator business* as defined in Section 15.2 of this Ordinance.

(x) Application of lagoon wastewater or other liquid by-products of animal waste by use of Center Pivot Waste Distribution Systems and Traveling Gun Waste Distribution Systems.

(B) Agriculture-related uses. The Town Board may issue a conditional use permit for an *agriculture-related use* if all of the following apply:

(i) The use supports *agricultural uses* in the farmland preservation zoning district in direct and significant ways, and is more suited to a farmland preservation zoning district than to an industrial or commercial zoning district.

(ii) The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.

(iii) The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.

(iv) The use is reasonably designed to minimize conversion of land, at and around the use site, from *agricultural use* or open space use.

(v) The use does not substantially impair or limit the current or future *agricultural use* of other *protected farmland*.

(vi) Construction damage to land remaining in *agricultural use* is minimized and repaired to the extent feasible.

For purposes of this subsection, *agriculture-related use* shall include, but not be limited to, the following:

- A grain warehouse, potato warehouse, or other warehouse that stores raw agricultural commodities received from farms.
- A dairy plant that processes or handles milk from farms.
- A meat slaughter establishment.
- A food processing plant that processes raw agricultural commodities received from farms.
- A feed mill or rendering plant that processes raw agricultural commodities or agricultural by-products received directly from farms, or supplies animal feed directly to farms.
- An ethanol plant, bio-diesel plant, communal manure digester, pelletizing plant or other facility that processes raw agricultural commodities, agricultural by-products or agricultural wastes received directly from farms to produce fuel or other products.
- A sawmill or other facility that processes wood or other forest products received directly from farms.
- A facility that provides farm inputs such as fertilizer, pesticides, seed or feed directly to farms.
- A facility that is primarily engaged in sale and servicing of farm vehicles or other farm equipment.
- A facility that is primarily engaged in providing agronomic or veterinary services to farms.
- Other agricultural facilities (other than livestock facilities) that may cause noxious odors or noise in excess of the Performance Standards set forth in Sections 13.6 and 13.7 of this Ordinance.
- Creameries, milk condenseries, cheese factories, and pea vineries that processes or handles milk and other commodities received directly from farms, provided, however, that such use is not located or operated nearer than 500 feet to any dwelling.

(C) Compatible Infrastructure.



(i) The Town Board may issue a conditional use permit for any of the following uses if that use meets applicable conditions under subsection (3)(C)(ii) below:

- (a) Transportation uses, including roads, rail facilities, and agricultural aeronautic facilities.
- (b) Communication uses, including transmission lines, cell towers, antennae and broadcast towers.
- (c) Oil, gas and other pipelines.
- (d) Electrical transmission lines.
- (e) Wind turbines.
- (f) Solar power generation facilities that primarily produce energy not used on the *farm*.
- (g) Drainage facilities.

(ii) The Town Board may issue a conditional use permit for a proposed use under subsection (3)(C)(i) above if all of the following apply:

- (a) The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
- (b) The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
- (c) The use is reasonably designed to minimize conversion of land, at and around the site of the use, from *agricultural use* or open space use.
- (d) The use does not substantially impair or limit the current or future *agricultural use* of other *protected farmland*.
- (e) Construction damage to land remaining in *agricultural use* is minimized and repaired to the extent feasible.

(D) Government and nonprofit community uses. The Town Board may issue a conditional use permit for a government use, or for an institutional, religious or community use, if the Town Board determines that all of the following apply:

(i) The use and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.

(ii) The use and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.

(iii) The use is reasonably designed to minimize conversion of land, at and around the use site, from *agricultural use* or open space use.

(iv) The use does not substantially impair or limit the current or future *agricultural use* of other *protected farmland*.

(v) Construction damage to land remaining in *agricultural use* is minimized and repaired to the extent feasible.

(E) Nonmetallic mineral extraction. The Town Board may issue a conditional use permit for a nonmetallic mineral extraction operation if all of the following apply:

(i) The operation complies with all of the following:

(a) Subchapter I of Chapter 295, Wis. Stats., and rules promulgated under that subchapter.

(b) Applicable provisions of the Town of Rock Mining Ordinance and the Rock County Non-Metallic Mining Reclamation Ordinance.

(c) Any applicable requirements of the Wisconsin Department of Transportation concerning the restoration of nonmetallic mineral extraction sites.

(ii) The operation and its location in the farmland preservation zoning district are consistent with the purpose of the farmland preservation zoning district.

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

(iv) The operation is reasonably designed to minimize conversion of land around the extraction site, from *agricultural use* or open space use.

(v) The operation does not substantially impair or limit the current or future *agricultural use* of other *protected farmland*.

(vi) The conditional use permit requires the landowner and/or the operator to restore the affected land after the nonmetallic mineral extraction operation is completed. The permit shall require the landowner and/or the operator to restore the land to a condition suitable for *agricultural use*, according to a written restoration plan included with the permit.

(4) Rezoning Land out of Agricultural Farmland Preservation District (A-FP)

(A) Except as provided in subsection (4)(B) below, the Town Board may not rezone land out of the A-FP District unless the Town Board does all of the following prior to the rezoning:

(i) Finds all of the following in writing, after public hearing, as part of the official record of the rezoning:

- (a) The rezoned land is better suited for a use not allowed in the farmland preservation zoning district.
- (b) The rezoning is consistent with any comprehensive plan, adopted by the Town Board, which is in effect at the time of the rezoning.
- (c) The rezoning is substantially consistent with the Rock County farmland preservation plan, certified under Chapter 91, Wis. Stats., which is in effect at the time of the rezoning.
- (d) The rezoning will not substantially impair or limit current or future *agricultural use* of other *protected farmland*.

(ii) When addressing the factors in subsection (4)(A)(i) as it relates to rezoning an existing residence and/or accessory structure(s) out of the A-FP District, all of the following must apply:

- (a) The land rezoned out of the A-FP District must be no larger than five (5) acres;
- (b) The land rezoned out of the A-FP District must comply with the standards of the A-3 and R-1 Districts;
- (c) The existing residence and/or accessory structure(s) must have been built on or before February 2, 2015;
- (d) The land remaining in the parcel from which the rezoned land was originally a part must be a minimum of thirty-five (35) acres unless transferred to an adjacent property;
- (e) A restriction is recorded prohibiting construction of residences on thirty-five (35) acres of the parcel from which the rezoned land was originally a part.

***(Amended by Ordinance No. 2018-06)***

(B) Subsection (4)(A) above does not apply to any of the following:

(i) A rezoning that is affirmatively certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection under Chapter 91, Wis. Stats.

(ii) A rezoning that makes the farmland preservation zoning ordinance map more consistent with the Rock County farmland preservation plan map, certified under Chapter 91, Wis. Stats., which is in effect at the time of the rezoning.

(C) By March 1 of each year, the Town Clerk shall provide to the Wisconsin Department of Agriculture, Trade and Consumer Protection and the County of Rock a report of the number of acres that the Town has rezoned out of the A-FP District during the previous year and a map that clearly shows the location of those areas.

(5) Requirements for Permitted and Conditional Uses

Within the A-FP District the following standards shall apply:

(A) Minimum Lot Size ----- 35 acres

(B) Maximum Building Height -----35 ft. Residential structures  
--- No maximum on other structures.

(C) Minimum Front Yard Setback----- 50 ft.

(D) Minimum Rear Yard Setback----- 50 ft.

(E) Minimum Side Yard;  
Principal Buildings ----- 20 ft. on each side  
Accessory Buildings ----- 10 ft. on each side

(F) Minimum Lot Width at Building Line ----- 100 ft.

(G) All front yard setbacks are also subject to Section 10.1 of this Ordinance for setbacks on Arterial, Collector and Local Roads.

(H) Minimum Floor Area per Family ----- 1,000 sq. ft.

(I) Animals per Acre – One (1) Animal Unit per contiguous acre. Additional Animal Units per acre will require a Conditional Use Permit from the Town Board, after recommendation from the Planning & Zoning Committee.

(J) General Setbacks Applicable to Livestock Structures

(i) Property lines

Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from the property line if the livestock facility will have fewer than 1,000 animal units, and 200 feet from the property line if the livestock facility will have 1,000 or more animal units. The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of this setback requirement, except that a structure may not be expanded closer to the property line.

(ii) Public Road Right-of-Way

Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from a public road right-of-way if the livestock facility will have fewer than 1,000 animal units, and 150 feet from a public road right-of-way if the livestock facility will have 1,000 or more animal units. This setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of this setback requirement, except that a structure may not be expanded closer to the public road right-of-way.

(iii) Waste Storage Structure

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

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

- located on the same tax parcel as a waste storage structure in existence before May 1, 2006;
- no larger than the existing structure;
- no further than 50 feet from the existing structure;
- no closer to the road or property line than the existing structure.

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

(K) Water Quality and Related Setback Requirements

(i) Navigable waters and wetlands

A livestock facility shall comply with setback and related requirements in any applicable shore land or wetland zoning ordinances enacted within the scope of authority granted under §§ 59.692, 61.351 or 62.231 of the Wisconsin Statutes.

(ii) Flood Plain

A livestock facility shall comply with setback and related requirements in any applicable flood plain zoning ordinance that is enacted within the scope of statutory authority under § 87.30 of the Wisconsin Statutes.

(iii) Wells

All wells located within a livestock facility shall comply with Chapters NR811 and 812 of the Wisconsin Administrative Code. New or substantially altered livestock structures shall be separated from existing wells by the distances required in said Chapters NR811 and 812, regardless of whether the livestock facility operator owns the land in which the wells are located. A livestock structure in existence on May 1, 2006, may be altered as long as the alteration does not reduce the distance between the livestock structure and an existing well.

(L) Single-Family Residences

No single-family residence shall be constructed within 1,000 feet of a livestock structure or building, including animal waste storage areas. This provision shall not apply to dwelling units that are accessory to a livestock facility.

4.5 Agricultural District One (A-1)

(1) Purpose and Intent of Agricultural District One (A-1)

The purpose of the A-1 District is to provide a means of obtaining the agricultural goals and objectives of the Town's Smart Growth Comprehensive Plan. This district exclusively provides for agricultural uses and uses compatible with agriculture. The intent in having this district is to conserve prime agricultural soils, historically farmed soils and prevent uncontrolled, uneconomical spread of residential development which results in excessive costs to the community for the provision of essential public services. Agricultural soils are predominant in this district and are to be very sparsely developed to protect the community's economic base and tax base.

(2) Permitted Uses

The following uses are permitted in this district:

(A) General farming including dairying, livestock and poultry raising, nurseries, and other similar agricultural enterprises or uses, except fur farms and farms operated for the disposal or reduction of garbage, sewage, rubbish or offal, provided that such permitted uses shall not include the use of Center Pivot Waste Distribution Systems and Traveling Gun Waste Distribution Systems unless a conditional use permit is obtained as described in Section 3(N) below, and further provided that no buildings for the housing of livestock or poultry shall be located within 100 feet of any boundary of a residential or commercial lot other than that of the owner or lessee of such buildings containing such livestock or poultry.

(B) Forestry, grazing, hatcheries, nurseries, orchards, paddocks, stables, truck farming, sale of farm products produced on the premises that do not require outside processing before they are offered for sale, and up to two unlighted signs not larger than 32 square feet each advertising such sale.

(C) Up to two residential dwellings for those resident owners and workers who are actually engaged in the principal permitted use and earn a substantial part of their livelihood from the farm operations on the parcel.

(D) Livestock facilities up to one (1) animal unit per contiguous acre.

(3) Conditional Uses

A conditional use in this district is to permit the following uses only after public hearing and approval of the Planning and Zoning Committee in accordance with the provisions of Section 5 of this Ordinance.

(A) Churches, veterinary hospitals, community parks and recreational areas.

(B) Water storage facilities, gas and electric utility uses not requiring authorization under Section 196.491, Wis. Stats., provided they are enclosed by an eight-foot or more protective fence.

(C) Farm dwellings and related farm structures existing at the time of adoption of this Ordinance may be separated from the farm plot provided that the parcel created conforms with all regulations set forth in either the A-3 district or the R-1 district and provided further that the parcel created does not exceed five (5) acres.

(D) Fur farms, insect-breeding facilities, commercial or wholesale greenhouses, and other agricultural uses or facilities (other than livestock facilities) that may cause noxious odors or noise.

(E) Riding stables and riding schools as secondary uses to agriculture.

(F) Creameries, milk condenseries, cheese factories, and pea vineries, provided, however, that same are not located or operated nearer than 500 feet to any dwelling.

(G) Supportive agri-business activities to include grain elevators; seed, fertilizer, and farm chemical sales; feed mills; and similar agricultural activities provided they are adjacent to Arterial or Collector roads as defined by this Ordinance (Section 10).

(H) Storage of non-agriculture items in buildings existing at the time of the adoption of this Ordinance.

(I) Additional farm dwellings for those resident owners and workers actually engaged in the principal permitted uses.

(J) Telephone, telegraph and electric transmission lines, buildings or structures.

(K) Agriculture related airport or air strip not open to the public which is accessory to the farm use.

(L) Single family dwellings occupied by the farm operator or the parents or children of the farm operator may be separated from the farm plot provided that the parcel created conforms with all regulations set forth in the R-1 district and provided further that the parcel created does not exceed five (5) acres.

(M) Livestock facilities over one (1) animal unit per contiguous acre or over 500 animal units total, whichever is less.

(N) Application of lagoon wastewater or other liquid by-products of animal waste by the use of Center Pivot Waste Distribution Systems and Traveling Gun Waste Distribution Systems, which uses shall require a Conditional Use Permit from the Town Board after recommendation from the Planning and Zoning Committee.



(4) Requirements for Permitted and Conditional Uses

Within the A-1 District the following standards shall apply:

- (A) Minimum Lot Size ----- 35 acres
- (B) Maximum Building Height -----35 ft. Residential structures  
--- No maximum on other structures.
- (C) Minimum Front Yard Setback----- 50 ft.
- (D) Minimum Rear Yard Setback----- 50 ft.
- (E) Minimum Side Yard;  
Principal Buildings ----- 20 ft. on each side  
Accessory Buildings ----- 10 ft. on each side
- (F) Minimum Lot Width at Building Line ----- 100 ft.
- (G) All front yard setbacks are also subject to Section 10.1 of this Ordinance for setbacks on Arterial, Collector and Local Roads.
- (H) Minimum Floor Area per Family ----- 1,000 sq. ft.
- (I) Animals per Acre – One (1) Animal Unit per contiguous acre. Additional Animal Units per acre will require a Conditional Use Permit from the Town Board, after recommendation from the Planning & Zoning Committee.
- (J) General Setbacks Applicable to Livestock Structures

(i) Property lines

Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from the property line if the livestock facility will have fewer than 1,000 animal units, and 200 feet from the property line if the livestock facility will have 1,000 or more animal units. The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of this setback requirement, except that a structure may not be expanded closer to the property line.

(ii) Public Road Right-of-Way

Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from a public road right-of-way if the livestock facility will have fewer than 1,000 animal units, and 150 feet from a public road right-of-way if the livestock facility will have 1,000 or more animal units. This setback requirement does not prevent the use or

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

(iii) Waste Storage Structure

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

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

- located on the same tax parcel as a waste storage structure in existence before May 1, 2006;
- no larger than the existing structure;
- no further than 50 feet from the existing structure;
- no closer to the road or property line than the existing structure.

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

(K) Water Quality and Related Setback Requirements

(i) Navigable waters and wetlands

A livestock facility shall comply with setback and related requirements in any applicable shore land or wetland zoning ordinances enacted within the scope of authority granted under §§ 59.692, 61.351 or 62.231 of the Wisconsin Statutes.

(ii) Flood Plain

A livestock facility shall comply with setback and related requirements in any applicable flood plain zoning ordinance that is enacted within the scope of statutory authority under § 87.30 of the Wisconsin Statutes.

(iii) Wells

All wells located within a livestock facility shall comply with Chapters NR811 and 812 of the Wisconsin Administrative Code. New or substantially altered livestock structures shall be separated from existing wells by the distances required in said Chapters NR811 and 812, regardless of whether the livestock facility operator owns the land in which the wells are located. A livestock structure in existence on May 1, 2006, may be altered as long as the alteration does not reduce the distance between the livestock structure and an existing well.

(L) Single-Family Residences

No single-family residence shall be constructed within 1,000 feet of a livestock structure or building, including animal waste storage areas. This provision shall not apply to dwelling units that are accessory to a livestock facility.

#### 4.6 Agricultural District Two (A-2)

##### (1) Purpose and Intent of Agricultural District Two (A-2)

The purpose of the A-2 District is to provide a means of accomplishing the agricultural goals and objectives in the Town's Smart Growth Comprehensive Plan. This district is designed to promote the maintenance and preservation of areas with prime agricultural soils and lands that have been historically utilized for agricultural purposes. The intent of the A-2 District is to provide for agricultural activities and uses that are compatible with agriculture and that are generally best suited for smaller farm units.

##### (2) Permitted Uses

The following uses are permitted in this district:

(A) General farming including dairying, livestock and poultry raising, nurseries, and other similar enterprises or uses, except fur farms and farms operated for the disposal or reduction of garbage, sewage, rubbish or offal, provided that such permitted uses shall not include the use of Center Pivot Waste Distribution Systems and Traveling Gun Waste Distribution Systems, and further provided that no buildings for the housing of livestock or poultry shall be located within 100 feet of any boundary of a residential or commercial lot other than that of the owner or lessee of such buildings containing such livestock or poultry.

(B) Forestry, grazing, hatcheries, nurseries, orchards, paddocks, stables, truck farming, sale of farm products produced on the premises that do not require outside processing before they are offered for sale, and up to two unlighted signs not larger than 32 square feet each advertising such sale.

(C) One residential dwelling for those resident owners or workers who are actually engaged in the principal permitted use and earn a substantial part of their livelihood from the farm operations on the parcel.

(D) Livestock facilities up to one (1) animal unit per contiguous acre.

##### (3) Conditional Uses

A conditional use in this district is to permit the following uses only after public hearing and approval of the Planning and Zoning Committee in accordance with the provisions of Section 5 of this Ordinance.

(A) Churches, veterinary hospitals, community parks and recreational areas.

(B) Water storage facilities and power stations provided they are enclosed by an eight-foot or more protective fence.

(C) Farm dwellings and related farm structures existing at the time of adoption of this Ordinance may be separated from the farm plot provided that the parcel created

conforms with all regulations set forth in either the A-3 or the R-1 district and provided further that the parcel created does not exceed five (5) acres.

(D) Fur farms, insect-breeding facilities, commercial or wholesale greenhouses, and other agricultural uses or facilities (other than livestock facilities) that may cause noxious odors or noise.

(E) Riding stables and riding schools.

(F) Creameries, milk condenseries, cheese factories, and pea vineries, provided, however, that same are not located or operated nearer than 500 feet to any dwelling.

(G) Supportive agri-business activities to include grain elevators; seed, fertilizer, and farm chemical sales; feed mills; and similar activities provided they are adjacent to Arterial or Collector roads as defined by this Ordinance (Section 10).

(H) Storage of non-agriculture items in existing buildings or new buildings in the immediate vicinity of existing buildings on the parcel.

(I) Additional farm dwellings for those resident owners and workers actually engaged in the principal permitted uses.

(J) Telephone, telegraph and electric transmission lines, buildings or structures.

(K) Sale of agricultural products not produced on premises and up to two unlighted signs not larger than 32 square feet each advertising such sale.

(L) Single family dwellings occupied by the farm operator or the parents or children of the farm operator may be separated from the farm plot provided that the parcel created conforms with all regulations set forth in the R-1 district and provided further that the parcel created does not exceed five (5) acres.

(M) Antique shops.

(N) A farm market for the sale of fresh farm products produced on the premises or on other agricultural lands farmed by the owner or operator of the premises together with the following accessory uses: (1) the sale of fresh farm products purchased wholesale from others for resale to customers; (2) the sale of simple food items such as doughnuts, caramel apples, popcorn, pretzels, baked items, and sandwiches prepared on site in a state approved kitchen; (3) the sale of non-alcoholic beverages such as coffee, cider, soda, and bottled water; (4) the sale of honey, jellies, and similar products purchased wholesale from others for resale to customers; (5) the sale of seasonal craft items and books purchased wholesale from others for resale to customers; and (6) the operation of a pumpkin patch, wagon rides, corn maze, or other similar activities upon the premises or upon other adjoining agricultural lands farmed by the owner or operator of the premises.

(O) Livestock facilities over one (1) animal unit per contiguous acre or over 500 animal units total, whichever is less.

(4) Requirements for Permitted and Conditional Uses

Within the A-2 District the following standards shall apply:

(A) Minimum Lot Size ----- 10 acres

(B) Maximum Lot Size -----Not to exceed 35 acres

(C) Maximum Building Height -----35 ft. Residential structures  
No maximum on other structures.

(D) Minimum Front Yard Setback----- 50 ft.

(E) Minimum Rear Yard Setback----- 50 ft.

(F) Minimum Side Yard;  
Principal Buildings ----- 20 ft. on each side  
Accessory Buildings ----- 10 ft. on each side

(G) Minimum Lot Width at Building Line ----- 100 ft.

(H) All front yard setbacks are also subject to Section 10.1 of this Ordinance for setbacks on Arterial, Collector, and Local Roads.

(I) Minimum Floor Area per Family ----- 1,000 sq. ft.

(J) Animals per Acre – One (1) Animal Unit per contiguous acre. Additional Animal Units per acre will require a Conditional Use Permit from the Town Board, after recommendation from the Planning & Zoning Committee.

(K) General Setbacks Applicable to Livestock Structures

(i) Property lines

Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from the property line if the livestock facility will have fewer than 1,000 animal units, and 200 feet from the property line if the livestock facility will have 1,000 or more animal units. The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of this setback requirement, except that a structure may not be expanded closer to the property line.

(ii) Public Road Right-of-Way

Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from a public road right-of-way if the livestock facility will have fewer than 1,000 animal units, and 150 feet from

a public road right-of-way if the livestock facility will have 1,000 or more animal units. This setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of this setback requirement, except that a structure may not be expanded closer to the public road right-of-way.

(iii) Waste Storage Structure

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

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

- located on the same tax parcel as a waste storage structure in existence before May 1, 2006;
- no larger than the existing structure;
- no further than 50 feet from the existing structure;
- no closer to the road or property line than the existing structure.

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

(L) Water Quality and Related Setback Requirements

(i) Navigable waters and wetlands

A livestock facility shall comply with setback and related requirements in any applicable shore land or wetland zoning ordinances enacted within the scope of authority granted under §§ 59.692, 61.351 or 62.231 of the Wisconsin Statutes.

(ii) Flood Plain

A livestock facility shall comply with setback and related requirements in any applicable flood plain zoning ordinance that is enacted within the scope of statutory authority under § 87.30 of the Wisconsin Statutes.

(iii) Wells

All wells located within a livestock facility shall comply with Chapters NR811 and 812 of the Wisconsin Administrative Code. New or substantially altered livestock structures shall be separated from existing wells by the distances required in said Chapters NR811 and 812, regardless of whether the livestock facility operator owns the land in which the wells are located. A livestock structure in existence on May

1, 2006, may be altered as long as the alteration does not reduce the distance between the livestock structure and an existing well.

(M) Single-Family Residences

No single-family residence shall be constructed within 1,000 feet of a livestock structure or building, including animal waste storage areas. This provision shall not apply to dwelling units that are accessory to a livestock facility.



#### 4.7 Agricultural District Three (A-3)

##### (1) Purpose and Intent of Agricultural District Three (A-3)

The purpose of the A-3 District is to provide a mixture of low density residential and agricultural land uses which are consistent with the goals and objectives of the Town's Smart Growth Comprehensive Plan. This district is designed to permit utilization of relatively small land parcels in predominantly agricultural areas for rural residential use. The intent of the A-3 District is that it is to be applied to those rural lands that have marginal utility for agricultural use because of soil type, lot configuration and/or topography.

##### (2) Permitted Uses

The following uses are permitted in this district:

(A) One single family dwelling per lot.

(B) General farming including livestock and poultry raising, nurseries, and other similar enterprises or uses, except fur farms and farms operated for the disposal or reduction of garbage, sewage, rubbish or offal, provided that such permitted uses shall not include the use of Center Pivot Waste Distribution Systems and Traveling Gun Waste Distribution Systems, and further provided that no buildings for the housing of livestock or poultry shall be located within 100 feet of any boundary of a residential or commercial lot other than that of the owner or lessee of such buildings containing such livestock or poultry. No barbwire fences shall be located forward of the front yard setback or building line, whichever is greater.

(C) In-season roadside stands for the sale of farm products produced on the premises, and up to two unlighted signs not larger than 32 square feet each advertising such sale.

(D) Gardening, including truck gardens, nurseries and greenhouses, and the raising or keeping of poultry, livestock and rabbits.

(E) Governmental and public buildings, except sewage disposal plants, garbage incinerators, landfills, warehouses, garages, shops and storage areas.

(F) Public works, playgrounds, recreational and community center buildings and grounds.

(G) Grade schools, churches and their affiliated uses.

(H) Water storage facilities and their accessory structures.

(I) Accessory buildings, including buildings clearly incidental to the residential use of the property; provided, however, that no accessory building may be used as a separate dwelling unit. There shall be no more than two (2) accessory buildings per lot.

(J) Uses customarily incidental to any of the above uses; provided that no such use generates traffic or noise that would create a public or private nuisance.

(K) Livestock facilities up to one (1) animal unit per contiguous acre.

### (3) Conditional Uses

A conditional use in this district is to permit the following uses only after public hearing and approval of the Planning and Zoning Committee in accordance with the provisions of Section 5 of this Ordinance.

(A) Home occupation, when such operation is incidental to the residential use of the premises and does not involve any external alteration that would effect a substantial change in the residential character of the building.

(B) Professional offices, when such office is conducted solely by a member or members of the resident family, entirely within the residence and incidental to the residential use of the premises.

(C) Fur farms, insect-breeding facilities, commercial or wholesale greenhouses, and other agricultural uses or facilities (other than livestock facilities) that may cause noxious odors or noise.

(D) Storage of nonagricultural items in existing buildings or new buildings in the immediate vicinity of existing buildings on the parcel.

(E) Telephone, telegraph and electric transmission lines, buildings, or structures.

(F) Antique shops.

(G) Auto body repair shops in existence as of December 6, 1982.

(H) A museum for the display of a white buffalo as well as the Native American offerings and artifacts relating thereto, together with an accessory retail gift store offering for sale to the general public memorabilia and other retail items related to such white buffalo.

(I) A farm market for the sale of fresh farm products produced on the premises or on other agricultural lands farmed by the owner or operator of the premises together with the following accessory uses: (1) the sale of fresh farm products purchased wholesale from others for resale to customers; (2) the sale of simple food items such as doughnuts, caramel apples, popcorn, pretzels, baked items and sandwiches prepared on site in a state approved kitchen; (3) the sale of non-alcoholic beverages such as coffee, cider, soda and bottled water; (4) the sale of honey, jellies and similar products purchased wholesale from others for resale to customers; (5) the sale of seasonal craft items and books purchased wholesale from others for resale to customers; and (6) the operation of a pumpkin patch, wagon rides, corn maze or other similar activities upon the premises or upon other adjoining agricultural lands farmed by the owner or operator of the premises.

(J) Livestock facilities over one (1) animal unit per contiguous acre or over 500 animal units total, whichever is less.

(K) Wholesale sale and storage of mulch, rock and other landscaping materials and the processing, storage and wholesale sale of black dirt operated in conjunction with a nursery or greenhouse on the same parcel or an adjoining parcel owned by the same person or entity. Any permit issued under this subsection shall require that an appropriate road agreement be entered into between the Town and the Petitioner/Permittee designating the town road(s) by which materials may be hauled to and from the property and requiring appropriate security to protect the Town from damage to such roads resulting from such hauling.

(4) Requirements for Permitted and Conditional Uses

Within the A-3 District the following standards shall apply:

(A) Minimum Lot Size ----- 3 acres

(B) Maximum Lot Size -----10 acres

(C) Maximum Building Height-----35 ft. for Residential Structures  
(See paragraphs 4.3(12)(B)(ii) of Section 4 of the Ordinance for the  
Maximum Accessory Building Height)

(D) Minimum Front Yard Setback----- 50 ft.

(E) Minimum Rear Yard Setback----- 50 ft.

(F) Minimum Side Yard;  
Principal Buildings ----- 20 ft. on each side  
Accessory Buildings ----- 10 ft. on each side

(G) Minimum Lot Width at Building Line ----- 100 ft.

(H) All front yard setbacks are also subject to Section 10.1 of this Ordinance for setbacks on Arterial, Collector, and Local Roads.

(I) Animals per Acre – One (1) Animal Unit per contiguous acre. Additional Animal Units per acre will require a Conditional Use Permit from the Town Board, after recommendation from the Planning & Zoning Committee.

(J) Minimum Floor Area per Family ----- 1,000 sq. ft.

(K) General Setbacks Applicable to Livestock Structures

(i) Property lines

Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from the property line if the livestock facility will have fewer than 1,000 animal units, and 200 feet from the property line if the livestock facility will have 1,000 or more animal units. The setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of this setback requirement, except that a structure may not be expanded closer to the property line.

(ii) Public Road Right-of-Way

Except as provided for waste storage structures, livestock structures must be located a minimum of 100 feet from a public road right-of-way if the livestock facility will have fewer than 1,000 animal units, and 150 feet from a public road right-of-way if the livestock facility will have 1,000 or more animal units. This setback requirement does not prevent the use or expansion of a livestock structure that was located within the setback area prior to the effective date of this setback requirement, except that a structure may not be expanded closer to the public road right-of-way.

(iii) Waste Storage Structure

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

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

- located on the same tax parcel as a waste storage structure in existence before May 1, 2006;
- no larger than the existing structure;
- no further than 50 feet from the existing structure;
- no closer to the road or property line than the existing structure.

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

(L) Water Quality and Related Setback Requirements

(i) Navigable waters and wetlands

A livestock facility shall comply with setback and related requirements in any applicable shore land or wetland zoning ordinances enacted within the scope of authority granted under §§ 59.692, 61.351 or 62.231 of the Wisconsin Statutes.

(ii) Flood Plain

A livestock facility shall comply with setback and related requirements in any applicable flood plain zoning ordinance that is enacted within the scope of statutory authority under § 87.30 of the Wisconsin Statutes.

(iii) Wells

All wells located within a livestock facility shall comply with Chapters NR811 and 812 of the Wisconsin Administrative Code. New or substantially altered livestock structures shall be separated from existing wells by the distances required in said Chapters NR811 and 812, regardless of whether the livestock facility operator owns the land in which the wells are located. A livestock structure in existence on May 1, 2006, may be altered as long as the alteration does not reduce the distance between the livestock structure and an existing well.

(M) Single-Family Residences

No single-family residence shall be constructed within 1,000 feet of a livestock structure or building, including animal waste storage areas. This provision shall not apply to dwelling units that are accessory to a livestock facility.

#### 4.8 Local Commercial District (B-1)

##### (1) Purpose and Intent of Local Commercial District (B-1)

The purpose of the B-1 District is to provide a means of obtaining the commercial goals and objectives of the Town's Smart Growth Comprehensive Plan. The intent of this district is to accommodate certain limited sales and service facilities adjacent to residential areas which constitute a convenience to residents in the neighborhood and are compatible with residential uses.

##### (2) Permitted Uses

###### (A) Stores and shops in which items are sold directly to the public to include:

1. Books, stationery, newspaper or magazine stores.
2. Camera and photographic stores.
3. Candy, confectionery, or ice cream stores.
4. Card, curio and gift shops.
5. Clothes pressing establishments.
6. Drug stores.
7. Dry cleaning establishments retail only.
8. Florist shops.
9. Food stores, bakeries, grocery stores, meat and fish markets, delicatessens, and fruit and vegetable markets.
10. Garden supply stores.
11. Hardware stores.
12. Hearing aid service.
13. Liquor stores.
14. Locksmith shops.
15. Photography studios.
16. Antique shops.
17. Art and school supply stores.
18. Banks and financial institutions having no drive-in facilities.
19. Bicycle Sales, rental and repair.
20. Carpet and rug stores.
21. China and glassware stores.
22. Clothing stores.
23. Custom dress making.
24. Department stores.
25. Furniture and home furnishing stores.
26. Sporting good stores.
27. Gun shops.
28. High fidelity and stereophonic equipment.
29. Hobby shops.
30. Jewelry stores.
31. Leather goods and luggage stores
32. Music instrument sales and repairs.

33. Office supply stores.
34. Paint and wallpaper stores.
35. Radio, TV, electronic equipment-retail sales and repair.
36. Restaurants and taverns.
37. Tobacco stores.
38. Toy shops.
39. Variety stores.

(B) Professional offices for physicians, dentists, attorneys, real estate, insurance sales, and similar professional services in which services are offered to the general public on the premises.

(C) Personal services to include:

1. Barbershops.
2. Beauty salons.
3. Tailor shops.
4. Coin operated laundromats.
5. Shoe and hat repair shops.

(D) Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, and playgrounds.

(3) Conditional Uses

A conditional use in this district is to permit the following uses only after public hearing and approval of the Planning and Zoning Committee in accordance with the provisions of Section 5 of this Ordinance.

(A) Lodges and fraternal buildings and nursery and day care centers.

(B) All public utility facilities, except sewage treatment plants, garbage incinerators and sanitary landfills.

(C) Up to two dwelling units above the first floor of any structure in existence as of the date of the adoption of this Ordinance.

(D) Single family residences in existence as of the date of the adoption of this Ordinance but only in conjunction with and accessory to another permitted use for residential quarters for the owner or operator of the permitted use.

(E) A temporary mobile office to be used by a business concern located in the Town of Rock during the expansion or remodeling of its existing business premises within the Town of Rock. The temporary mobile office shall be located in conjunction with its existing business premises within the Town of Rock and shall be used for only such period as shall be authorized by the Planning and Zoning Committee of the Town of Rock, which period shall not exceed 24 months.

(4) Requirements for Permitted and Conditional Uses.

Within the B-1 District the following standards shall apply:

(A) Minimum Lot Area (sewered) ----- 7,500 sq. ft.

Setbacks

Front Yard ----- 30 ft.  
Rear Yard ----- 12 ft.  
Side Yard ----- 10 ft.  
Width at Building Line ----- 75 ft.

(B) Minimum Lot Area (unsewered) ----- 40,000 sq. ft.

Setbacks

Front Yard ----- 50 ft.  
Rear Yard ----- 25 ft.  
Side Yard ----- 15 ft.  
Width at Building Line ----- 100 ft.

(C) Maximum Building Height ----- 35 ft.

(D) Accessory Building Side Yard Setback----- 5 ft.

(E) Minimum Frontage on Public Road ----- 50 ft.

(F) Parking Requirements ----- One 200 sq. ft.  
parking space for each 200 sq. ft. of building.

(G) Maximum Floor Area ----- 5,000 sq. ft.

(H) All front yard setbacks are also subject to Section 10.1 of this Ordinance for setbacks on Arterial, Collector, and Local Roads.



#### 4.9 Large Scale Commercial District (B-2)

##### (1) Purpose and Intent of Large Scale Commercial District (B-2)

The purpose of this district is to provide a means of obtaining the economic goals and objectives of the Town's Smart Growth Comprehensive Plan. This district is intended to provide areas adjacent to major highways for the location of commercial establishments which usually require extensive land area for the open storage and display of merchandise and equipment.

##### (2) Permitted Uses

The following uses are permitted uses in this district:

(A) Any use permitted in B-1 District.

(B) Amusement establishments within enclosed buildings such as bowling alleys, gymnasiums, swimming pools, skating rinks, handball courts, archery lanes, tennis courts and other similar uses.

(C) Automobile sales, rental and servicing including repair of new or used automobiles but not including body shops.

(D) Automotive supply stores.

(E) Bakeries with retail, wholesale and garage facilities.

(F) Boat storage, sales and repairs.

(G) Cooperatives, milk depot.

(H) Commercial laundries and dry cleaning plants.

(I) Farm machinery and equipment sales, rental, and servicing, including repair of new and used farm equipment and machinery.

(J) Feed and grain dealers, grain storage facilities, and farm supply stores.

(K) Gasoline service stations.

(L) Glass and window shops.

(M) Lumber yards, building service and supply.

(N) Golf driving ranges and par 3 courses.

(O) Machinery, vehicle and equipment sales, rental and servicing, including repairs.

(P) Painting contractors (office and shops).

(Q) Printers and printing shops.

(R) Plumbing, heating, air conditioning and electrical sales and service.

(S) Recreational vehicle sales, rental and servicing, including repairs but not including body shops.

(T) Truck sales, rental and servicing, including repairs but not including body shops.

(U) Trailer sales.

(V) Restaurants and taverns.

(W) Public utility facilities, except sewage treatment plants, garbage incinerators, and sanitary landfills.

### (3) Conditional Uses

A conditional use in this district is to permit the following uses only after public hearing and approval of the Planning and Zoning Committee in accordance with the provisions of Section 5 of this Ordinance.

(A) Animal hospitals, animal clinics or veterinary services provided all kennels are within completely enclosed buildings.

(B) Body shops.

(C) Welding, sheet metal or blacksmith shops.

(D) Drive-in establishments such as restaurants, banks and financial institutions, car washes and theaters.

(E) Storage and warehousing establishments provided that the loading docks are not permitted in the front yard or corner side yard.

(F) Retailing, wholesaling, or warehousing of drugs and chemicals.

(G) Up to two dwelling units above the first floor of any structure in existence as of the date of the adoption of this Ordinance.

(H) Single family residences in existence as of the date of the adoption of this Ordinance but only in conjunction with and accessory to another permitted use for residential quarters for the owner or operator of the permitted use.

(I) Outdoor "Survival Game" operation.

(J) Go-Kart track.

(K) A temporary mobile office to be used by a business concern located in the Town of Rock during the expansion or remodeling of its existing business premises within the Town of Rock. The temporary mobile office shall be located in conjunction with its existing business premises within the Town of Rock and shall be used for only such period as shall be authorized by the Planning and Zoning Committee of the Town of Rock, which period shall not exceed 24 months.

(L) A mobile home to be used as an office and display home by a business concern located in the Town of Rock and engaged primarily in the business of mobile home sales, provided the mobile home shall be located on the existing business premises of the business concern and shall be used only as an office and display home in connection with the sale of mobile homes by such business concern.

(M) Sale and repair of motorcycles, motor scooters, and ATV motor vehicles.

(N) Metal stamping and metal finishing.

(O) Waste recycling and transfer facility.

(P) Indoor pet boarding, grooming of small animals onsite, and/or sale of animal supplies.

(Q) Inbound storage facilities used in the salvage of motor vehicles and other equipment. Any permit issued hereunder shall, in addition to any and all other restrictions and conditions that the Planning and Zoning Committee requires in its sole discretion, require that the property be vacant and contain appropriate and proper screening in order to keep the motor vehicles and equipment from public view. *(Added by Ordinance 2016-02)*

(R) Banquet halls and event spaces, together with temporary lodging associated with the use thereof. *(Added by Ordinance 2020-03)*

(4) Requirements for Permitted and Conditional Uses

Within the B-2 District the following standards shall apply:

(A) Minimum lot area ----- 40,000 sq. ft.

(B) Maximum building height ----- Two times the setback of the building.

(C) Minimum Front Yard Setback ----- 50 ft.

(D) Minimum Back Yard Setback ----- 50 ft.

(E) Minimum Side Yard:

Principal Buildings ----- 15 ft.

Accessory Buildings ----- 10 ft.

(F) Minimum Setback for Grain Elevators, Silos, and Feed Storage ---- 2 times the length of the facility.

(G) Minimum Lot Width At Building Line ----- 100 ft.

(H) Minimum frontage on public road ----- 50 ft.

(I) Parking requirements:

(i) All business and commercial establishments shall provide one 200 square foot parking space for each 200 square feet of floor area.

(ii) Every structure or building containing 5,000 square feet or more of gross floor area shall provide off-street loading space measuring not less than 10 feet by 40 feet and having a height, clear of all obstructions, of 14 feet, according to the following schedule:

<u>GROSS FLOOR AREA</u>	<u>NUMBER OF LOADINGS SPACES</u>
5,000 sq. ft. to 24,000 sq. ft.	1
24,000 sq. ft. to 60,000 sq. ft.	2
60,000 sq. ft. to 96,000 sq. ft.	3
96,000 sq. ft. to 144,000 sq. ft.	4
144,000 sq. ft. to 192,000 sq. ft.	5
192,000 sq. ft. to 240,000 sq. ft.	6
240,000 sq. ft. to 294,000 sq. ft.	7
294,000 sq. ft. to 348,000 sq. ft.	8
For each additional 54,000 sq. ft.	1 additional space

The Planning & Zoning Committee may permit the required loading spaces to remain undeveloped until it decides that they are needed.

(iii) There shall be definite entrances and exits to the property.

(J) Green Area - Not less than fifteen (15%) percent of the lot shall be permanently set aside, planted and maintained as a green area.

(K) Screening: All storage except of motor vehicles in operable condition shall be within completely enclosed buildings or effectively screened either (1) by a solid wall or fence not less than 6 feet nor more than 8 feet in height; or (2) by a densely planted hedge or shrubbery at least 6 feet in height which effectively causes a visual barrier; or (3) by a permanent evergreen planting, the individual trees to be of such a number and kind so arranged that they will effectively cause a visual barrier at least 6 feet in height.

(L) Maximum Lot Coverage of All Buildings to Lot Size: 5 (Lot) to 1 (Building).

(M) All front yard setbacks are also subject to Section 10.1 of this Ordinance for setbacks on Arterial, Collector, and Local Roads.

#### 4.10 Residential District One (R-1)

##### (1) Purpose and Intent of Residential District One (R-1)

The purpose of the R-1 District is to provide a means of obtaining the residential goals and objectives of the Town's Smart Growth Comprehensive Plan. The R-1 District is to provide sufficient space in appropriate locations for residential development to meet the housing needs of the community's present and expected future population, with due allowance for the need for a choice of sites. The intent of this district is to provide dwellings at low densities.

##### (2) Permitted Uses

The following uses are permitted in this District:

(A) One single family dwelling and one private garage for each residential lot.

(B) Gardening and private greenhouses.

(C) Public parks, playgrounds, recreational and community center buildings and grounds.

(D) Churches and all affiliated uses, grade schools and libraries.

(E) Municipal buildings, except sewage plants, garbage incinerators, landfills, warehouses, garages, shops, and storage yards.

(F) Accessory buildings, including buildings clearly incidental to the residential use of the property; provided, however, that no accessory building may be used as a separate dwelling unit. There shall be no more than one (1) accessory building per lot.

(G) Uses customarily incident to any of the above uses; provided that no such use generates traffic, odor, or noise that would create a public or private nuisance.

(H) The keeping of chickens pursuant to Section 4.3(14) hereof. (*Amended by Ordinance 2021-02*)

##### (3) Conditional Uses

A conditional use in this district is to permit the following uses only after public hearing and approval of the Planning and Zoning Committee in accordance with the provisions of Section 5 of this Ordinance.

(A) Home occupation, when such occupation is incidental to the residential use of the premises and does not involve any external alteration that would affect a substantial change in the residential character of the building.

(B) Professional offices, when such office is conducted solely by a member or members of the resident family, entirely within the residence and incidental to the residential use of the premises.

(C) Telephone, telegraph and electric transmission lines, buildings or structures.

(D) Two-family dwellings.

(E) Preschools, day care centers and nursery schools.

(F) Water-storage facilities and accessory structures.

(G) Additional accessory building(s) clearly incidental to the residential use of the property, provided, however, that no accessory building(s) may be used as a separate dwelling unit.

(H) Farm produce stand in non-residential structure in existence on December 6, 1982, provided such structure is the only structure on the premises.

(4) Requirements for Permitted and Conditional Uses.

Within the R-1 District the following standards shall apply:

(A) Minimum Lot Area (sewered) ----- 8,000 sq. ft.

(B) Minimum Lot Area (unsewered) ----- 40,000 sq. ft  
\*Unless a smaller lot area is approved in writing by county sanitarian.

(C) Minimum Lot Area Per Two Family Dwelling (sewered) ----- 10,000 sq. ft.

(D) Minimum Lot Area Per Two Family Dwelling (unsewered) ----- 55,000 sq. ft.  
\*Unless a smaller lot area is approved in writing by county sanitarian.

(E) Setback (sewered)

Front Yard ----- 25 ft.

Rear Yard

Principal Buildings ----- 12 ft.

Accessory Buildings ----- 5 ft.

Side Yard

Principal Buildings -----8 ft. minimum total of 20 ft both sides

Accessory Buildings ----- 5 ft.

Lot Width At Building Line ----- 70 ft.

***(Amended by Ordinance 2020-05)***

(F) Setbacks (unsewered)

Front Yard ----- 50 ft.

Rear Yard

Principal Buildings ----- 12 ft.

Accessory Buildings ----- 5 ft.

Side Yard

Principal Buildings ----- 5 ft.

Accessory Buildings ----- 5 ft.

Lot Width at Building Line ----- 100 ft.

*(Amended by Ordinance 2020-05)*

(G) Maximum Building Height ----- 35 ft.

(H) Maximum Accessory Building Height-----see paragraph  
4.3(12)(A)(ii) of Section 4 of this Ordinance.

(I) Minimum Lot Frontage On Public Road ----- 50 ft.

(J) Off Street Parking, Residential ----- 2 spaces per family

(K) Off Street Parking, Public Gathering ----- 1 space per 5 seats  
if applicable or 1 space per 200 sq. ft. of building

(L) Minimum Floor Area Per Family

Single Family Dwelling ----- 1,000 sq. ft.

Two-Family Dwelling ----- 900 sq. ft.

(M) Maximum Lot Coverage Ratio of All Buildings

(sewered) -----Not to exceed 25% of total lot

(N) Maximum Lot Coverage Ratio of All Buildings

(unsewered) -----Not to exceed 12.5% of total lot

(O) All front yard setbacks are also subject to Section 10.1 of this Ordinance for setbacks on Arterial, Collector, and Local Roads.



#### 4.11 Residential District Two (R-2)

##### (1) Purpose and Intent of Residential District Two (R-2)

The purpose of the R-2 District is to provide a means of obtaining the residential goals and objectives of the Town's Smart Growth Comprehensive Plan. The R-2 District is to provide areas which are to be occupied by varied dwelling types of moderate density so as to meet the housing needs of the community's present and expected future population, with due allowance for the need for a choice of sites.

##### (2) Permitted Uses

The following uses are permitted in this District:

(A) Single-family dwellings.

(B) Two-family dwellings.

(C) Multiple-family dwellings up to eight units upon approval of site plan by the Planning and Zoning Committee.

(D) Public parks, playgrounds, recreational and community center buildings and grounds.

(E) Churches and all affiliated uses, grade schools and libraries.

(F) Municipal buildings, except sewage plants, garbage incinerators, landfills, warehouses, garages, shops, and storage yards.

(G) One private garage.

(H) Accessory buildings, including buildings clearly incidental to the residential use of the property; provided, however, that no accessory building may be used as a separate dwelling unit. There shall be no more than one (1) accessory building per lot.

(I) Uses customarily incident to any of the above uses; provided that no such use generates traffic, odor, or noise that would create a public or private nuisance.

##### (3) Conditional Uses

A conditional use in this District is to permit the following uses only after public hearing and approval of the Planning and Zoning Committee in accordance with the provisions of Section 5 of this Ordinance.

(A) Home occupation, when such occupation is incidental to the residential use of the premises and does not involve any external alteration that would affect a substantial change in the residential character of the building.

(B) Professional offices, when such office is conducted solely by a member or members of the resident family, entirely within the residence and incidental to the residential use of the premises.

(C) Telephone, telegraph and electric transmission lines, buildings or structures.

(D) Preschools, day care centers and nursery schools.

(E) Water storage facilities and accessory structures.

(F) Funeral home or undertaking establishment.

(G) Multiple-family dwellings greater than eight units.

(H) Additional accessory building(s) clearly incidental to the residential use of the property, provided, however, that no accessory building(s) may be used as a separate dwelling unit.

(4) Requirements for Permitted and Conditional Uses

Within the R-2 District the following standards shall apply:

(A) Minimum Lot Area (sewered) ----- 8,000 sq. ft.

(B) Minimum Lot Area (unsewered) ----- 40,000 sq. ft.

\*Unless a smaller lot area is approved in writing by county sanitarian.

(C) Minimum Lot Area - Two Family (sewered) ----- 10,000 sq. ft.

(D) Minimum Lot Area - Two Family (unsewered) ----- 55,000 sq. ft.

\*Unless a smaller lot area is approved in writing by county sanitarian.

(E) Minimum Lot Area - Multiple-Family Dwelling Units larger than two units but eight units or less (sewered) 10,000 sq. ft. plus 1,500 sq. ft. for each additional unit over two.

(F) Minimum Lot Area - Multiple-Family Dwelling Units larger than two units but eight units or less (unsewered) 55,000 sq. ft. plus 15,000 sq. ft for each additional unit over two.

\*Unless a smaller lot area is approved in writing by county sanitarian.

(G) Minimum Lot Area for Multiple Family Units containing more than eight dwelling units (sewered) ----- 2,500 sq. ft. per unit

(H) Minimum Lot Area for Multiple Family Dwelling Units containing more than eight units (unsewered) ----- 20,000 sq. ft. per unit

\*Unless a smaller lot area is approved in writing by county sanitarian.

(I) Setbacks (sewered)

Front Yard ----- 25 ft.

Rear Yard

Principal Buildings ----- 25 ft.

Accessory Buildings ----- 5 ft.

Side Yard

Principal Buildings ----- 10 ft. minimum

Total of 25 ft. for both sides

Accessory Buildings ----- 5 ft.

Lot Width at Buildings ----- 70 ft.

*(Amended by Ordinance 2020-05)*

(J) Setbacks (unsewered)

Front Yard ----- 50 ft.

Rear Yard

Principal Buildings ----- 50 ft.

Accessory Buildings ----- 5 ft.

Side Yard

Principal Buildings ----- 15 ft.

Accessory Buildings ----- 5 ft.

Lot Width at Building Line ----- 100 ft.

*(Amended by Ordinance 2020-05)*

(K) Maximum Building Height ----- 35 ft.

(L) Maximum Accessory Building Height-----see paragraph 4.3(12)(A)(ii) of Section 4 of this Ordinance.

(M) Minimum Lot Frontage on Public Road ----- 50 ft.

(N) Off-Street Parking, Residential ----- 2 spaces per family

(O) Off-Street Parking, Public Gathering ----- 1 space per 5 seats  
if applicable or 1 space per 200 sq. ft. of building

(P) Minimum Floor Area Per Family

Single Family Dwelling ----- 1,000 sq. ft.

Two Family Dwelling ----- 900 sq. ft.

Multiple Family Dwelling Larger Than 2 Units -----800 sq. ft.

(Q) Maximum Lot Coverage Ratio of All Buildings

(sewered) -----Not to exceed 25% of total lot

**(R) Maximum Lot Coverage Ratio of All Buildings**

(unsewered) -----Not to exceed 12.5% of total lot

(S) Usable open space shall be provided on each lot used for multiple family dwellings of three or more units. Usable open space shall comprise at least 25% of the gross land area of the lot area and shall be used for recreational, park or environmental amenity for collective enjoyment by occupants of the development but shall not include public or private streets, drives, or drainage ways.

(T) All front yard setbacks are also subject to Section 10.1 of this Ordinance for setbacks on Arterial, Collector, and Local Roads.

4.12 Mobile Home Parks District (MHP)

(1) Purpose and Intent of Mobile Home Parks District (MHP)

The purpose of the MHP District is to provide a means of obtaining the residential goals and objectives of the Town's Smart Growth Comprehensive Plan. The intent of the MHP District is to provide for the location of mobile home parks and to establish regulations governing their construction and use for the health and well being of the residents of the community.

(2) Permitted Uses, Conditional Uses and Requirements for Permitted and Conditional Uses.

In the MHP District, no building or premises shall be used unless it complies completely with the separate Mobile Home Park Ordinance of the Town of Rock.

#### 4.13 Special Purpose District (SP)

##### (1) Purpose and Intent of Special Purpose District (SP)

The purpose of this district is to provide a means of obtaining the goals and objectives of the Town's Smart Growth Comprehensive Plan. The SP District is intended to provide for those uses which create, or could present special problems, hazards or other circumstances with regard to the use of land. This District is to include those uses of land which require large expanses of land; those which afford hazards to health, safety, or other aspects of the general welfare; and those for which it is desirable to have a limited number of a given land use within the community. All such uses shall be conditional uses and subject to the consideration and approval of the Planning and Zoning Committee. The Planning and Zoning Committee may require special facilities as a condition of approval such as, but not limited to fences, trees, shrubbery, barriers and other applicable material to protect the general public, the aesthetics of the area, or the immediate environment.

##### (2) Conditional Uses

A conditional use in this District is to permit the following uses only after public hearing and approval of the Planning and Zoning Committee in accordance with the provisions of Section 5 of this Ordinance.

(A) Refuse disposal sites, dumping grounds, sanitary landfill operations, or similar uses; with the specific provision that setbacks, screening, protective fencing, or some combination of these be provided in a manner adequate to protect the general public from any and all nuisances, hazards or other harmful conditions.

(B) Facilities for the production, mining, processing or storage of concrete, blacktop, asphalt, or other pavings or road surfacing or building material provided said facilities comply with the provisions of the Town of Rock Mining Ordinance.

(C) Airports open to the public, heliports, hangars, or accessory structures.

(D) Cemeteries when they comply with the provisions of Section 157.06 of the Wisconsin Statutes.

(E) Race Tracks.

(F) Sewerage treatment facilities and garbage incinerators.

(G) Junkyards and automobile salvage yards.

(H) Sand and gravel operations provided said operations comply with the provisions of the Town of Rock Mining Ordinance.

(I) A temporary mobile office to be used by a business or manufacturing concern located in the Town of Rock during the expansion or remodeling of its existing business or manufacturing premises within the Town of Rock. The temporary mobile office shall be

located in conjunction with its existing business or manufacturing premises within the Town of Rock and shall be used for only such period as shall be authorized by the Planning and Zoning Committee of the Town of Rock, which period shall not exceed 24 months.

(J) Garage, warehouse, and office facilities for use in concrete construction which are not inconsistent with the purpose and intent of the Special Purpose District.

(K) Storage and maintenance of excavating and grounds keeping equipment and machinery, provided all maintenance to said machinery and equipment is done within an enclosed building. (*Amended by Ordinance 2018-01*)

(L) Storage, warehousing, welding, fabrication and office facilities used in connection with the agricultural and construction industries so as long as said use is consistent with the purpose and intent of the Special Purpose District. (*Added by Ordinance 2017-3*)

(3) Requirements For Conditional Uses

(A) Minimum Lot Area ----- 5 acres

(B) Minimum Front Yard Setback ----- 50 feet

(C) Minimum Side Yard Setback ----- 20 feet

(D) Minimum Rear Yard Setback ----- 25 feet

(E) All front yard setbacks are also subject to Section 10.1 of this Ordinance for setbacks on arterial, collector, and local roads.

(F) If on-site production, mining or processing operations are not carried out continuously for one year at any location, the same shall be considered to have been abandoned and, prior to any further excavation or processing, a new permit shall be required.

#### 4.14 Light Industrial District (M-1)

##### (1) Purpose and Intent of Light Industrial District (M-1)

The purpose of the M-1 District is to provide a means of accomplishing the economic goals and industrial objectives in the Town's Smart Growth Comprehensive Plan. The intent in having this district is to provide for industrial areas where adequate transportation facilities, topographic conditions, and utilities are available for light industry.

Permitted and conditional uses in this district shall be limited to those light industrial uses that only discharge domestic waste. Light Industrial uses producing other than domestic waste shall be prohibited in this district.

##### (2) Permitted Uses

The following uses are permitted in this district:

- (A) Agricultural Uses.
- (B) Public or private offices.
- (C) Building material sales.
- (D) Truck, bus, or railroad terminals, and railroad switching yards.
- (E) Mini-warehouses, warehousing, storage or wholesale of manufactured goods.
- (F) Public utility facilities, except sewage treatment plants, garbage incinerators, and sanitary landfills.
- (G) Police, fire, and postal stations.
- (H) Automotive upholstery and body repair shops.
- (I) Commercial bakeries.
- (J) Greenhouses.
- (K) Dry printing and publishing.
- (L) Distributors of food products.
- (M) Wholesale Distributors.
- (N) Radio, television, and telecommunications transmitting or relay towers and facilities.
- (O) Construction Contractor offices and workshops.



(P) Welding, sheet metal, and blacksmith shops.

(Q) Fabrication or assembly of construction components from non-toxic materials or substances.

(3) Conditional Uses

A conditional use in this district is to permit the following uses only after public hearing and approval of the Planning and Zoning Committee in accordance with the provisions of Section 5 of this Ordinance.

(A) Assembly of goods.

(B) Tank Facilities for Petroleum, Gas, and Chemical products for wholesale or retail sales.

(C) Terminal facilities for flammable gases or liquids.

(D) Sale of live animals.

(E) Contractor storage yards and sale of machinery and equipment.

(F) Packaging of confections, cosmetics, electrical appliances, electronic devices, instruments, pharmaceuticals, jewelry, tobacco, and toiletries.

(G) Animal hospitals, animal clinics, or veterinary services provided all kennels are within completely enclosed buildings.

(H) A temporary mobile office to be used by a business or manufacturing concern located in the Town of Rock during the expansion or remodeling of its existing business or manufacturing premises within the Town of Rock. The temporary mobile office shall be located in conjunction with its existing business or manufacturing premises within the Town of Rock and shall be used for only such period as shall be authorized by the Planning and Zoning Committee of the Town of Rock, which period shall not exceed 24 months.

(4) Requirements

(A) Minimum Lot Area ----- 2 acres

(B) Maximum Building Height ----- 35 ft.

(C) Minimum Front Yard Setback ----- 50 ft.  
Corner Lot Side Yard Setback ----- 50 ft.  
(75 ft. if parking is permitted in front yard)

(D) Minimum Rear Yard Setback ----- 50 ft.

(E) Minimum Side Yard Setback ----- 20 ft.  
(50 ft. when abutting a residential area)

(F) Minimum Lot Width on public road ----- 100 ft.

(G) Minimum Accessory Side Yard Setback ----- 8 ft.

(H) All front yard setbacks are also subject to Section 10.1 of this Ordinance for setbacks on arterial, collector, and local roads.

(I) To help prevent ground water contamination, no building shall have floor drains.

(J) Parking and loading requirements:

(i) All light industrial establishments shall provide one 200 square foot parking space per two employees.

(ii) Every structure or building containing at least 5,000 square feet of gross floor area shall provide off-street loading space measuring not less than 10 feet by 40 feet and having a height clear of all obstructions, of 14 feet, according to the following schedule:

<u>GROSS FLOOR AREA</u>	<u>NUMBER OF LOADINGS SPACES</u>
5,000 sq. ft. to 24,000 sq. ft.	1
24,000 sq. ft. to 60,000 sq. ft.	2
60,000 sq. ft. to 96,000 sq. ft.	3
96,000 sq. ft. to 144,000 sq. ft.	4
144,000 sq. ft. to 192,000 sq. ft.	5
192,000 sq. ft. to 240,000 sq. ft.	6
240,000 sq. ft. to 294,000 sq. ft.	7
294,000 sq. ft. to 348,000 sq. ft.	8
For each additional 54,000 sq. ft.	1 additional space

The Planning & Zoning Committee may permit the required loading spaces to remain undeveloped until the committee decides that they are needed.

(K) Screening: All storage except of motor vehicles in operable condition shall be within completely enclosed buildings or effectively screened from non-industrial use or districts either:

(i) By a solid wall or fence not less than six (6) feet nor more than eight (8) feet in height; or

(ii) By a densely planted hedge or shrubbery at least six (6) feet in height which effectively causes a visual barrier; or

(iii) By a permanent evergreen planting, the individual trees to be of such a number and kind and so arranged that they will effectively cause a visual barrier at least six (6) feet in height.

(5) Prohibited Uses

No structure or improvement may be built, or land used in this district unless it is a Permitted Use or Conditional Use in this district.

#### 4.15 General Industrial District (M-2)

##### (1) Purpose and Intent of General Industrial District (M-2)

The purpose of the M-2 District is to provide a means of obtaining the economic and industrial goals and objectives of the Town's Smart Growth Comprehensive Plan. The M-2 District is intended to provide areas which are suitable for industrial development in terms of adequate transportation facilities, topographic conditions and public utilities and to protect these lands from the intrusion of certain incompatible uses which might impede the development and use of lands for industrial purposes.

##### (2) Permitted Uses

The following uses are permitted in this district:

(A) Any use permitted in the M-1 District.

(B) Manufacturing, processing, fabrication or production of any commodity, except:

(i) Manufacturing, processing, fabrication or production of explosives, flammable gases or liquids, or toxic materials;

(ii) Animal slaughtering, meat packing or rendering;

(iii) Sulphur plants, rubber reclamation plants or cement plants; and

(iv) Steel mills, foundries or smelters.

(C) Motor freight terminals.

(D) Railroad freight terminals, switching yards, and round houses.

##### (3) Conditional Uses

A conditional use in this district is to permit the following uses only after public hearing and approval of the Planning and Zoning Committee in accordance with the provisions of Section 5 of this Ordinance.

(A) Animal slaughtering, meat packing, or rendering.

(B) Sulphur plants, cement plants, or rubber reclamation plants.

(C) Steel mills, foundries, or smelters.

(D) Manufacturing, processing, fabrication or production of flammable gases or liquids, explosives, or toxic materials.

(E) Warehousing, storage or wholesaling of live animals, explosives, flammable gases or liquids, or toxic materials.

(F) Animal hospitals, animal clinics or veterinary services provided all kennels are within completely enclosed buildings.

(G) Storage yards.

(H) Sewerage disposal plants.

(I) A temporary mobile office to be used by a business or manufacturing concern located in the Town of Rock during the expansion or remodeling of its existing business or manufacturing premises within the Town of Rock. The temporary mobile office shall be located in conjunction with its existing business or manufacturing premises within the Town of Rock and shall be used for only such period as shall be authorized by the Planning and Zoning Committee of the Town of Rock, which period shall not exceed 24 months.

(4) Requirements for Permitted and Conditional Uses

Within the M-2 District the following standards shall apply:

(A) Minimum Lot Area ----- 2 1/2 acres

(B) Maximum Building Height ----- Two times the setback of the building.

(C) Minimum Front Yard Setback ----- 50 ft.

(D) Minimum Rear Yard Setback ----- 50 ft.

(E) Minimum Side Yard Setback ----- 20 ft.  
(50 ft. when abutting a residential area.)

(F) Minimum Lot Width at Building Line ----- 100 ft.

(G) Minimum Lot Frontage on Public Road ----- 50 ft.

(H) Parking and Loading Requirements:

(i) All general industrial establishments shall provide one 200 sq. ft. parking space per every two employees.

(ii) Every structure or building containing at least 5,000 sq. ft. of gross floor space shall provide off street loading space measuring not less than 10 ft. by 40 ft. and having a height, clear of all obstructions, of 14 ft., according to the following schedule:

<u>GROSS FLOOR AREA</u>	<u>NUMBER OF LOADINGS SPACES</u>
5,000 sq. ft. to 24,000 sq. ft.	1
24,000 sq. ft. to 60,000 sq. ft.	2
60,000 sq. ft. to 96,000 sq. ft.	3
96,000 sq. ft. to 144,000 sq. ft.	4
144,000 sq. ft. to 192,000 sq. ft.	5
192,000 sq. ft. to 240,000 sq. ft.	6
240,000 sq. ft. to 294,000 sq. ft.	7
294,000 sq. ft. to 348,000 sq. ft.	8
For each additional 54,000 sq. ft.	1 additional space

The Planning and Zoning Committee may permit the required loading space to remain undeveloped until it decides each space is needed.

(I) Screening: All storage except of motor vehicles in operable condition shall be within completely enclosed buildings or effectively screened from non-industrial uses or districts either:

- (i) By a solid wall or fence not less than six (6) feet nor more than eight (8) feet in height; or
- (ii) By a densely planted hedge or shrubbery at least six (6) feet in height which effectively causes a visual barrier; or
- (iii) By a permanent evergreen planting, the individual trees to be of such a number and kind so arranged that they will effectively cause a visual barrier at least six (6) feet in height.

(J) All front yard setbacks are also subject to Section 10.1 of this Ordinance for setbacks on Arterial, Collector, and Local Roads.

#### 4.16 Institutional District (IN)

##### (1) Purpose and Intent of Institutional District (IN)

The purpose of this district is to provide a means of obtaining the goals and objectives of the Town's Smart Growth Comprehensive Plan. This district is intended to provide locations for institutional activities that do not impose any special problems or conflicts to the existing land use. All such uses shall be conditional uses and subject to the consideration and approval of the Planning and Zoning Committee.

##### (2) Conditional Uses

A conditional use in this District is to permit the following uses only after public hearing and approval of the Planning and Zoning Committee in accordance with the provisions of Section 5 of this Ordinance.

(A) Institutions of a charitable or philanthropic nature, hospitals, clinics, sanitariums, and nursing or retirement homes.

(B) Community buildings, libraries, museums, private clubs and fraternities except those whose principal activity is a service customarily carried on as a business.

(C) Universities, Colleges, Technical and Vocational Schools, and other educational facilities which are involved with the offering of specialized education and training.

(D) Uses customarily incident to any of the above uses; provided that the use would not create a public or private nuisance.

(E) Residential facility whose principal activity is providing temporary residence for individuals participating in specialized programs to include: drug and alcohol treatment; schooling or educational services; life skills training; employment training and assistance; and individual, group, or family counseling.

(F) Drug, alcohol, and counseling outpatient treatment programs.

(G) Law enforcement sub-station designed to be used as an extension of a primary department.

(H) A temporary mobile office to be used by a business or manufacturing concern located in the Town of Rock during the expansion or remodeling of its existing business or manufacturing premises within the Town of Rock. The temporary mobile office shall be located in conjunction with its existing business or manufacturing premises within the Town of Rock and shall be used for only such period as shall be authorized by the Planning and Zoning Committee of the Town of Rock, which period shall not exceed 24 months.

(3) Requirements For Conditional Uses

(A) Minimum Lot Area With Public Sewer -----20,000 sq. ft.

(B) Minimum Lot Area without Public Sewer -----40,000 sq. ft.

(C) Maximum Building Height ----- 35 ft.

(D) Minimum Front Yard Setback ----- 50 ft.

(E) Minimum Rear Yard Setback ----- 50 ft.

(F) Minimum Side Yard Setback ----- 15 ft.

(G) Minimum Lot Width at Building Line ----- 100 ft.

(H) Minimum Frontage On Public Road ----- 50 ft.

(I) Parking Requirements ----- one 200 sq. ft.  
parking space for each 200 sq. ft. of building

(J) Maximum Lot Coverage Ratio of all Buildings To Lot Size: 5 (Lot) to 1  
(Building)

(K) All Front Yard Setbacks are also subject to Section 10.1 of this Ordinance for setbacks on Arterial, Collector and Local Roads.



#### 4.17 Shipping Containers

##### (1) Placement and Restrictions

(A) Shipping Containers may be permanently installed as Accessory Structures on any parcel zoned A-FP, A-1, or A-2 so long as the same are not used for human occupancy.

(B) No Shipping Container may be permanently installed on any parcel of land zoned R-1, R-2, or A-3. One (1) Shipping Container may be placed on parcels zoned R-1, R-2, or R-3 on a temporary basis not to exceed 90 days, so long as the Shipping Container is not used for human occupancy.

(C) A Shipping Container may be installed on any parcel zoned B-1, B-2, MHP, SP, M-1, M-2, and IN as an Accessory Structure upon the issuance of a conditional use permit. A Shipping Container may be placed on parcels zoned B-1, B-2, MHP, SP, M-1, M-2 and IN without a conditional use permit on a temporary basis not to exceed 90 days, so long as the Shipping Container is not used for human occupancy.

(D) Any Shipping Container located on a parcel shall solely be for the sole use of the owner or occupant of said parcel, and in no event shall Shipping Containers be leased out as temporary storage to a party who does not otherwise have a property interest in the parcel upon which the Shipping Container is located.

(E) Shipping Containers shall not to be stacked, permanently or temporarily, one upon another. Each Shipping Container must be securely placed on the ground with any and all necessary footings.

***(Amended by Ordinance No. 2021-03)***

## SECTION 5. CONDITIONAL USE PERMITS

### 5.1 General Provisions

Any use listed as a conditional use in this Ordinance shall be permitted only upon application in duplicate to the Zoning Officer and issuance of a Conditional Use Permit by the Planning & Zoning Committee or by the Town Board, if required by this Ordinance. A Conditional Use Permit shall be issued only upon satisfaction of the requirements listed herein, in addition to all other requirements of this Ordinance. All such uses are hereby declared to possess such unique and special characteristics that each specific use shall be considered as an individual case.

### 5.2 Required Information

In order to secure evidence upon which to base its determination, the Planning & Zoning Committee and/or the Town Board may require the submission of plans of buildings, arrangement of operations, plat of grounds showing location of buildings, stockpiles, equipment storage, fences or screens, specification of operations, parking areas, traffic access, open spaces, landscaping and any other pertinent information that may be necessary to determine if the proposed use meets the requirements of the Ordinance.

### 5.3 Standards Applicable to All Conditional Uses

(1) In passing upon a Conditional Use Permit application, the Planning & Zoning Committee and/or Town Board shall consider the following factors:

- (A) The location, nature, and size of the proposed use.
- (B) The size of the site in relation to it.
- (C) The location of the site with respect to existing or future roads giving access to it.
- (D) Its compatibility with existing uses on land adjacent thereto.
- (E) Its harmony with the future development of the district.
- (F) Existing topography, drainage, soils types, and vegetative cover.
- (G) Its relationship to the public interest, the purpose and intent of this Ordinance and substantial justice to all parties concerned.
- (H) The potential release of offensive, obnoxious, or unhealthful odors and pollutants. When considering what constitutes an offensive, obnoxious, or unhealthful odor and/or pollutant, the Planning and Zoning Committee or the Town Board may consider the duration and intensity of the odor or pollutant and the proximity of residential and/or business dwellings, and may require provisions for monitoring and/or measurement of odors or pollutants by olfactometer or other means. The Committee or the Board may

make reference to Section NR 429.03 of the Wisconsin Administrative Code or any other standards it may deem to be reasonable.

Standards Applicable To Conditional Uses in the A-FP and A-1 Districts

(2) In passing upon a Conditional Use Permit Application in the A-FP District, the Town Board shall also determine that the requested use satisfies all of the conditional use permit criteria contained in the A-FP District relating to the requested use.

(3) In passing upon a Conditional Use Permit Application in the A-FP District and the A-1 District, the Town Board and/or Planning and Zoning Committee shall also consider the following factors:

(A) The potential for conflict with agricultural use.

(B) The need of the proposed use for a location in an agricultural area.

(C) The availability of alternative locations.

(D) Compatibility with existing or permitted uses on adjacent lands.

(E) The productivity of the lands involved.

(F) The location of the proposed use so as to reduce to a minimum the amount of productive agricultural land converted.

(G) The need for public services created by the proposed use.

(H) The availability of adequate public services and the ability of affected local units of government to provide them without an unreasonable burden.

(I) The effect of the proposed use on water or air quality, soil erosion, and rare or irreplaceable natural resources.

(J) The potential release of offensive, obnoxious, or unhealthful odors.

5.4 Conditions Attached to Conditional Use Permit

(1) Upon consideration of the factors listed above, the Town Board or Planning & Zoning Committee may attach such conditions, in addition to those otherwise specifically listed, that it deems, based upon substantial evidence, to reasonably relate to the purpose of this Ordinance and, to the extent practicable, measurable. As used herein, “substantial evidence” means facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a Conditional Use Permit and that reasonable persons would accept in support of a conclusion. Violation of any of these conditions shall be deemed a violation of this Ordinance.

(2) Conditional Use Permits are revocable by majority vote of the Planning & Zoning Committee if the conditional use is not actively utilized for a period of one (1) year, conditions of approval are not being met, or the conditional use is expanded without the Planning & Zoning Committee's approval. Subject to the provisions of Section 5.7(11) below, in the event the Conditional Use Permit is not actively utilized for a period of two (2) years after the date of issuance, the Conditional Use Permit shall automatically be revoked upon the expiration of said two (2) year period.

(3) The Town may impose conditions relating to a Permit's duration, transfer, and/or renewal.

*(Amended by Ordinance No. 2018-03)*

5.5 Notice and Public Hearing

Before issuing a Conditional Use Permit, the Planning & Zoning Committee (following a public hearing before and receipt of a recommendation from the Planning & Zoning Committee) shall hold a public hearing. Notice of such public hearing specifying the time, place, and matters to come before the Town Board and/or the Planning & Zoning Committee shall be given as a Class 2 notice as referred to in Chapter 985 of the Wisconsin Statutes. *(Amended by Ordinance No. 2018-03)*

5.6 Conditional Use Permit Fee

The applicant, upon filing of his application, shall pay a fee to the Zoning Officer in accordance with the following schedule:

(1) Conditional Use Fee equal to the greater of (1) \$350 or such other amount as shall hereafter be determined by Town Board resolution, or (2) the cost of public notice and other associated fees.

5.7 Conditional Use Permit Procedure for Livestock Facilities

(1) Approval required

These procedures apply to livestock facilities that may require a Conditional Use Permit under this Ordinance.

(2) Permits for Existing Livestock Facilities

(A) A permit is required for the expansion of a pre-existing or previously approved livestock facility if the number of animal units kept at the expanded livestock facility will exceed all of the following:

(i) The applicable size threshold for a Conditional Use Permit established in the zoning district where the facility is located.

(ii) The maximum number previously approved or, if no maximum number was previously approved, a number that is 20% higher than the number kept on May 1, 2006, or on the effective date of the permit requirement, whichever date is later.

(B) A permit is not required for a livestock facility that existed before May 1, 2006, or before the effective date of the permit requirement in this Ordinance (except as provided in subparagraph (A)).

(C) A permit is not required for a livestock facility that was previously issued a Conditional Use Permit or other local approval (except as provided in subparagraph (A)). A prior approval for the construction of a livestock facility implies approval for the maximum number of animal units that the approved livestock facility was reasonably designed to house, except as otherwise clearly provided in the approval. Prior approval of a single livestock structure, such as a waste storage structure, does not constitute prior approval of an entire livestock facility.

### (3) Application Procedure

A livestock operator must complete the application and worksheets prescribed by ATCP 51, including any authorized local modifications. The application requirements specified in ATCP 51, Wisconsin Administrative Code, are incorporated by reference, without reproducing them in full. The application form and worksheets establish compliance with the standards in ATCP 51 and this Ordinance.

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

### (4) Application Fee

A non-refundable application fee of \$1,000 shall accompany an application.

### (5) Application Review Procedure

(A) Within 45 days after the Town Board or the Planning & Zoning Committee receives an application, it shall notify the applicant whether the application is complete. If the application is not complete, the notice shall describe the additional information needed. Within 14 days after the applicant provides all of the required information, the Town Board or the Planning & Zoning Committee shall notify the applicant that the application is complete. This notice does not constitute an approval of the proposed livestock facility.

(B) Within 14 days after the Town Board or the Planning & Zoning Committee notifies an applicant that the application is complete, the Town Board or the Planning & Zoning Committee shall notify adjacent landowners of the application. The Town Board or the Planning & Zoning Committee shall use the approved notice form in ATCP 51, and mail a written notice to each adjacent landowner.

(C) The Town Board or the Planning & Zoning Committee shall grant or deny an application within 90 days after the notice of a complete application is provided as required by subparagraph (A) above. The Town Board or the Planning & Zoning Committee may extend this time limit for good cause, including any of the following:

(i) The Town Board or the Planning & Zoning Committee needs additional information to act on the application.

(ii) The applicant materially modifies the application or agrees to an extension.

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

#### (6) Public Hearing

The Town Board (following a public hearing before and receipt of the recommendation of the Planning & Zoning Committee) or the Planning & Zoning Committee shall schedule a public hearing on the application within 90 days after issuing notice of a complete application.

#### (7) Standards

The standards for issuing a permit are as follows:

(A) The state livestock facility siting standards adopted under ATCP 51, Wisconsin Administrative Code. These standards are incorporated by reference, without reproducing them in full.

(B) Setbacks authorized by this ordinance.

#### (8) Criteria for Issuance of a Permit

(A) A permit shall be issued if the application for the proposed livestock facility contains sufficient credible information to show, in the absence of clear and convincing information to the contrary, that the proposed livestock facility meets the standards specified in this Ordinance.

(B) A permit may be denied if any of the following apply:

(i) The application, on its face, fails to meet the standards for approval.

(ii) The Town Board or the Planning & Zoning Committee finds, based on other clear and convincing information in the record, that the proposed livestock facility does not comply with applicable standards in this Ordinance.

(iii) Other grounds authorized by § 93.90, Stats., that warrant disapproving the proposed livestock facility.

(C) No conditions may be imposed on the permit other than the standards provided in this Ordinance.

(9) Record of Decision

(A) The Town Board or the Planning & Zoning Committee shall issue its decision in writing. Its decision shall be based on written findings of fact supported by evidence in the record.

(B) In the event that a permit is approved, the applicant shall receive a duplicate copy of the approved application, marked “approved.” The duplicate copy must include worksheets, maps and other documents (other than engineering specifications) included in the application.

(10) Notice to the Department of Agriculture, Trade and Consumer Protection

The town clerk as required by ATCP 51.36, Wisconsin Administrative Code, within 30 days of the Town Board’s or Planning & Zoning Committee’s decision on the application shall do all of the following:

(A) Give the Department of Agriculture, Trade and Consumer Protection written notice of the decision.

(B) File with the Department a copy of the final application granted or denied, if the Town Board or the Planning & Zoning Committee has granted or denied an application under this Ordinance. (The copy shall include all of the worksheets, maps and other attachments included in the application, except that it is not required to include the engineering design specifications.)

(C) If the Town Board or the Planning & Zoning Committee has withdrawn a local approval under this Ordinance, file with the Department a copy of the final notice or order withdrawing the local approval.

(11) Expiration of Permit

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

- Begin populating the new or expanded livestock facility.

- Begin constructing all of the new or expanded livestock housing or waste storage structures proposed in the permit application.

#### (12) Permit Modifications

The operator may make reasonable changes that maintain compliance with the standards in this Ordinance, and the Town Board or the Planning & Zoning Committee shall not withhold authorization for those changes.

#### (13) Compliance Monitoring

The Town Board or the Planning & Zoning Committee shall monitor compliance with the Ordinance as follows:

(A) Upon notice to the livestock facility owner request the right of Zoning Officer to personally view the permitted facility at a reasonable time and date to insure that all commitments of the application as approved are being complied with.

(B) If the livestock facility owner refuses Zoning Officer the right to view the permitted facility, the Zoning Officer may request the assistance of the Sheriff or a deputy Sheriff to obtain an inspection warrant from the circuit court to inspect the permitted facility for the purpose of protection of the public health and safety under Sec. 66.0119 of Wis. Statutes.

(C) If a permitted facility is found not to be in compliance with the commitments made in the approved application, the Zoning Officer shall issue a written notice to the livestock facility owner stating the conditions of non-compliance and directing that compliance of the commitments of the approved application be complied with in a reasonable amount of time stated in such written notice.

(D) If non-compliance of the permit conditions as described in the written notice given by the Zoning Officer continue past the stated reasonable time to comply, the Zoning Officer may take further action as provided in this Ordinance, including but not limited to issuance of a citation or seeking of injunctive relief.

(E) If the livestock facility owner disputes that the conditions of the permit have not been complied with, the livestock facility owner may request a hearing in writing within five days of receipt of the notice of non-compliance. The Town Board or the Planning & Zoning Committee shall schedule a hearing within five days to determine if the conditions of the permit have been complied with or whether non-compliance of the commitments of the approved application and local approval exists.

#### (14) Terms of the Permit

A permit and the privileges granted by a permit issued under this Ordinance is conditioned on the livestock operator's compliance with the standards in this Ordinance, and with commitments made in the application for a permit. The Town Board or the Planning &



Zoning Committee is authorized to suspend a permit or seek other redress provided in this Ordinance for non-compliance.

(15) Transferability

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

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

## SECTION 6. BUILDING PERMITS

### 6.1 Permits Required To Comply With Zoning Ordinance

No permit pertaining to the use of land, buildings or structures shall be issued unless the application for such permit has been examined in accordance with Section 3.2 of this Ordinance and it has been signed by the Building Inspector, indicating that the proposed use of land, buildings, 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.

### 6.2 Building Permits

(1) Cases where Building Permit is required.

(A) Where any building or structure or any part thereof is erected, moved or structurally altered.

(B) Where all or any part of a building or other structure is destroyed and it is being repaired or altered.

(C) Whenever required pursuant to the provisions of the Town of Rock Building Code.

(2) Cases where Building Permit is not required.

(A) For any accessory building costing \$250 or less, provided such building conforms to all the setback, yard and open space requirements of this Ordinance.

(B) For any improvements or alterations to an existing building in the amount of \$500 or less which shall not effect a structural change in use or encroach upon any yard or open space.

(C) For any maintenance repairs that do not involve a change to the structure.

### 6.3 Application for Building Permit

An application for a Building Permit shall be made to the Building Inspector upon forms furnished by the Building Inspector and shall include, for the purpose of proper enforcement of these regulations, the following data:

(1) An accurate map of the property, in duplicate, and properly dimensioned showing:

(A) The location, actual shape and dimensions of the property.

(B) The location of the centerline of any abutting streets or highways.

(C) The exact size and location on the property of any existing buildings and structures, proposed additions or proposed new buildings and structures, including the measured distances between such buildings and structures, and the measured distances

from the property lines and from the centerline of any abutting streets or highways to the nearest portion of such building or structure.

(D) The high water line of any stream or lake on which the property abuts.

(E) The existing and/or intended use of each building or structure or any part thereof.

(2) Where the use involves human occupancy, a plan of the proposed water system and sewage system, which, if not connected to an approved municipal water system or municipal sewage system shall conform to the requirements set forth in Section H 62.20 of the Wisconsin Administrative Code which are hereby made by reference a part of this Ordinance. The plan shall also show the location and distances of the proposed water and sewage systems to the water and sewage systems of the adjoining lots if required by the Building Inspector.

#### 6.4 Expiration of Building Permit

A Building Permit shall remain effective for a period of eighteen (18) months following the date of its issuance. Any work undertaken on a building or other improvement subsequent to that date will require that a new Building Permit be obtained.

#### 6.5 Building Permit Fee

Before receiving a building permit, the applicant shall pay a fee to the Building Inspector in accordance with the schedule set forth in the Town of Rock Building Code.

## SECTION 7. ZONING PERMITS

### 7.1 Issuance

A Zoning Permit is required to be obtained from the Zoning Officer as part of the requirements of this Ordinance. Where the use involves the construction or structural improvement of any buildings or structures, a Building Permit shall also be obtained from the Building Inspector for the Town.

### 7.2 Requirements

(1) Cases where Zoning Permit is required:

(A) Where any building or other structure is erected, moved or structurally altered so as to change its use or to expand its area in any manner, including, but not limited to, expansion resulting from adding a deck or similar projection on an existing building or structure.

(B) Where any land use is altered.

(C) Where 50 percent or more of the fair market value of a structure is destroyed and it is being repaired or altered.

(2) Cases where Zoning Permit is not required:

(A) For internal improvements or alterations to an existing building which are entirely within the building and involve no change in land use, unless the internal improvement or alteration would create or increase the size of an attached garage.

(B) For external improvements or alterations to an existing building which involve no change in land use or expansion into a previously open area.

(C) For any maintenance repairs that do not involve a change to the structure.

(D) For any tower for which a Tower Permit has been issued under the Town of Rock Small Wind Energy System Ordinance.

(3) The Zoning Permit Card issued as part of the approval shall be displayed at a prominent location which can be on the building site, the public road, or driveway.

### 7.3 Application for Zoning Permit

An application for a Zoning Permit shall be made to the Zoning Officer upon forms furnished by the Zoning Officer and shall include, for the purpose of proper enforcement of these regulations, an accurate, properly-dimensioned map (plot plan) of the property showing:

(1) The boundaries of the property involved.

## SECTION 7. ZONING PERMITS

### 7.1 Issuance

A Zoning Permit is required to be obtained from the Zoning Officer as part of the requirements of this Ordinance. Where the use involves the construction or structural improvement of any buildings or structures, a Building Permit shall also be obtained from the Building Inspector for the Town.

### 7.2 Requirements

(1) Cases where Zoning Permit is required:

(A) Where any building or other structure is erected, moved or structurally altered so as to change its use or to expand its area in any manner, including, but not limited to, expansion resulting from adding a deck or similar projection on an existing building or structure.

(B) Where any land use is altered.

(C) Where 50 percent or more of the fair market value of a structure is destroyed and it is being repaired or altered.

(2) Cases where Zoning Permit is not required:

(A) For internal improvements or alterations to an existing building which are entirely within the building and involve no change in land use, unless the internal improvement or alteration would create or increase the size of an attached garage.

(B) For external improvements or alterations to an existing building which involve no change in land use or expansion into a previously open area.

(C) For any maintenance repairs that do not involve a change to the structure.

(D) For any tower for which a Tower Permit has been issued under the Town of Rock Small Wind Energy System Ordinance.

(3) The Zoning Permit Card issued as part of the approval shall be displayed at a prominent location which can be on the building site, the public road, or driveway.

### 7.3 Application for Zoning Permit

An application for a Zoning Permit shall be made to the Zoning Officer upon forms furnished by the Zoning Officer and shall include, for the purpose of proper enforcement of these regulations, an accurate, properly-dimensioned map (plot plan) of the property showing:

(1) The boundaries of the property involved.

- (2) The location of the centerlines or right-of-way lines of any abutting roads, streets or highways.
- (3) The location on the lot of any existing buildings, proposed new buildings, or proposed additions to existing buildings, including the measured distances between such buildings, and from the lot lines, and from the centerline or road right-of-way lines of any abutting streets or highways to the nearest portion of each existing building, proposed new building or proposed addition.
- (4) The floodway, flood-fringe or high-water line of any stream or lake on, or adjoining, the property.
- (5) The dimensions and the maximum height of all proposed buildings or additions.
- (6) If the proposed construction involves an attached garage, the area of the garage and the area of the residence's finished living space.
- (7) The location of any roof overhangs exceeding 36 inches.
- (8) For sites involving an on-site sewage disposal system, the Map shall include the location of the water system and sewage systems and their distances from the proposed construction.

#### 7.4 Expiration of Zoning Permit

A Zoning Permit shall remain effective for a period of eighteen (18) months following the date of its issuance. Any work undertaken on a building or other improvement or any alteration in land use subsequent to that date will require that a new Zoning Permit be obtained.

#### 7.5 Zoning Permit Fee

The applicant, upon filing of an application for a Zoning Permit with the Zoning Officer, shall pay a fee to the Zoning Officer in accordance with the following schedule:

- (1) A Zoning Permit Fee in the amount of \$50 or such other amount as shall hereafter be determined by Town Board resolution.

In addition to the Zoning Permit Fee, the applicant shall also pay any town building permit fees and any state inspection fees which are necessary in order to obtain any required Building Permit.

## SECTION 8. STANDARDS FOR EVALUATING CONDITIONAL USES, CHANGING ZONING DISTRICTS AND GRANTING VARIANCES

The following information may be used by the Planning and Zoning Committee, Town Board or Board of Adjustment prior to or during proceedings where conditional use permits, zoning district changes or variances are being considered. Conditions of approval can be attached by the Planning and Zoning Committee, Town Board or Board of Adjustment to address problems which are not direct conflicts of the interest of this Ordinance. The following guidelines are not all inclusive.

### 8.1 Site Design and Physical Characteristics

- (1) Existing topography, drainage patterns and vegetative cover and the suitability of the proposed use in this regard.
- (2) Availability of water, sewer, rail and other services and the utility requirements of the proposed site.
- (3) Where public sewers are not available, the percolation characteristics of the soil.
- (4) Adequacy of the proposed internal circulation system, including safety consideration.
- (5) Access to sites from the internal circulation system.
- (6) The costs of providing various public services.
- (7) Appearance--how the area will look?

### 8.2 Site Location Relative to the Public Road Network

- (1) Convenient access to a public road network--safety of access points.
- (2) Visibility from the proposed road and the need for visibility.
- (3) Location to provide access primarily by right-hand turning movements.

### 8.3 Land Use

- (1) Compatibility with existing or proposed uses in the area.
- (2) Relation to any existing land use plan.
- (3) Relation to existing or proposed development at nearby interchanges.

### 8.4 Traffic Generation

- (1) Amount of daily and peak-hour traffic to be generated, related to site size; traffic to be subclassified as to arterial, collector and local streets.

- (2) Amount of traffic generated relative to existing land anticipated ultimate generated traffic in the area.
- (3) Expected composition of site-generated traffic by vehicle types.
- (4) Effect of site-generated traffic on the operation of the area.
- (5) Safety and convenience to future users.

8.5 Community Effects

- (1) Immediate and long-range tax base.
- (2) Access to market or service area.
- (3) Relation to scenic or recreation values.
- (4) Relation to the public interest, the purpose and intent of this Ordinance, and substantial justice to all parties concerned.
- (5) Compliance with the Town's Smart Growth Comprehensive Plan's Goals and Objectives.

8.6 Other Relevant Factors

- (1) See Performance Standards in Section 13 of this Ordinance.
- (2) Any other information which may be relevant to the specific request for conditional use permit, zoning district change or variance.



## SECTION 9. BOARD OF ADJUSTMENT

### 9.1 Establishment

There is hereby established a Board of Adjustment for the Town for the purpose of hearing appeals and applications, and granting variances and exceptions to the provisions of this Zoning Ordinance.

### 9.2 Membership

The Board of Adjustment shall consist of three (3) members appointed by the Town Chairperson and confirmed by the Town Board.

(1) Terms shall be staggered three-year periods.

(2) Chairperson shall be designated by the Board of Adjustment.

(3) Conflict of Interest. Any member who has any interest in a matter before the Board shall not vote thereon and shall remove himself from any meeting or hearing at which said matter is under consideration.

(4) An Alternate Member may be appointed by the Town Chairperson for a term of three (3) years and shall act only when a regular member is absent or refuses to vote because of conflict of interest.

(5) No member shall be a Town Board member, Planning and Zoning Committee member, the Building Inspector or the Zoning Officer.

(6) Secretary shall be designated by the Board of Adjustment.

(7) Building Inspector and Zoning Officer shall attend all meetings for the purpose of providing technical assistance when requested by the Board of Adjustment.

(8) Official Oaths shall be taken by all members in accordance with Section 19.01 of the Wisconsin Statutes within ten (10) days of receiving notice of their appointment.

(9) Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.

(10) Compensation shall be as determined by the Town Board.

### 9.3 Organization

The Board of Adjustment shall organize and adopt rules of procedure for its own government in accordance with the provisions of this Ordinance.

(1) Meetings shall be held at the call of the Chairperson and at such other times as the Board may determine. All meetings shall be open to the public.

(2) Minutes of the proceedings and a record of all actions shall be kept by the Secretary, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, the reasons for the Board's determination, and its findings of fact. The Secretary shall keep records of the Board's examinations and other official actions, all of which shall be immediately filed with the Town Clerk and shall be a public record.

(3) The Concurring vote of two (2) members of the Board shall be necessary to exercise the powers enumerated in 9.4(1), (2), (3), and (4).

#### 9.4 Powers

The Board of Adjustment shall have the following powers:

(1) Errors. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Building Inspector, the Zoning Officer or by the Planning & Zoning Committee or its delegates in the enforcement of codes, regulations or ordinances under their jurisdiction.

(2) Variances. To hear and grant applications for variances as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the Ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of the Ordinance shall be observed, public safety and welfare secured, and substantial justice done. A use variance under this Ordinance shall not be granted unless the applicant demonstrates that (i) strict compliance with the zoning ordinance would leave the property owner with no reasonable use of the property in the absence of a variance, and that (ii) the unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner. *(Amended by Ordinance No. 2023-01)*

(3) Interpretations. To hear and decide applications for interpretations of the codes, regulations, ordinances and the boundaries of the zoning districts after the Planning & Zoning Committee has made a review and recommendations.

(4) Permits. The Board may reverse, affirm wholly or partly, modify the requirements appealed from, and may direct the issuance of a permit.

(5) Assistance. The Board may request assistance from other town and county officials, departments, commissions, and boards.

(6) Oaths. The Chairperson, or in his or her absence the Acting Chairperson, shall administer oaths and may compel the attendance of witnesses.

#### 9.5 Appeals and Applications

Appeals from the decision of the Building Inspector, the Zoning Officer or the Planning & Zoning Committee concerning the literal enforcement of this Ordinance may be made by any person aggrieved or by an officer, department, committee, board, or bureau of the Town. Such appeals shall be filed with the Secretary within thirty (30) days after the date

of written notice of the decision or order of the Building Inspector, the Zoning Officer or the Planning & Zoning Committee. Applications for variance and for interpretations of the codes, regulations, ordinances and the boundaries of the zoning districts may be made by the owner of or lessee of the structure, land, or water to be affected at any time and shall be filed with the Secretary. Such appeals and applications shall include-e the following:

(1) Name and Address of the appellant or applicant and all abutting and opposite property owners of record, and owners within two hundred (200) feet.

(2) Plat of Survey prepared by a registered land surveyor showing all of the information required under Section 6.3 for a Building Permit and Section 7.3 for a Zoning Permit.

(3) Additional Information required by the Town Planning & Zoning Committee, Board of Adjustment, Building Inspector or Zoning Officer.

(4) Fee Receipt from the Town Treasurer in an amount equal to the greater of (a) \$250 or such amount as may be determined from time to time by Town Board resolution, or (b) the cost of legal notice publication and all other expenses related to the hearing.

#### 9.6 Hearings

The Board of Adjustment shall hold a public hearing within thirty (30) days of receiving written application for the hearing, give public notice thereof at least ten (10) days prior to the hearing by publication of a Class 1 notice under Chapter 985 of the Wisconsin Statutes, and shall give due notice to the parties in interest, the Building Inspector, the Zoning Officer, and the Town Planning and Zoning Committee. At the hearing the appellant or applicant shall appear in person, by agent, or by attorney.

#### 9.7 Findings

The decision of the Board shall be accompanied by findings of fact. In this regard, no variance to the provisions of this Ordinance shall be granted by the Board unless it finds that all the following facts and conditions exist and so indicates in the minutes of its proceedings.

(1) Exceptional Circumstances. There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the Zoning Ordinance should be changed.

(2) Absence of Detriment. The variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.

#### 9.8 Decision

The Board of Adjustment shall decide all appeals and applications within thirty (30) days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, Building Inspector, Zoning Officer and Town Planning & Zoning Committee.

(1) Conditions may be placed upon any Building Permit and/or Zoning Permit ordered or authorized by the Board.

(2) Variances granted or Building and/or Zoning Permits directed for issuance by the Board shall expire within six (6) months unless substantial work has commenced pursuant to such grant.

9.9 Review by Court of Record

Any person or persons aggrieved by any decision of the Board of Adjustment may present to the Court of Record a petition duly verified setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the Court within thirty (30) days after the filing of the decision in the office of the Town Clerk.

9.10 Livestock Facility Siting

The Board of Adjustment is not authorized to grant a variance from the state requirements related to livestock facility siting, except as provided in § 93.90 of the Wisconsin Statutes and in Chapter ATCP 51 of the Wisconsin Administrative Code.

## SECTION 10. HIGHWAY SETBACK LINES & ROADSIDE REGULATIONS

### 10.1 Classification and Setbacks

For the purpose of determining the distance buildings and other structures are set back, the roads and highways of the township are hereby divided into the following classifications according to the Wisconsin Department of Transportation 1980 Functional Classification System or a locally adopted Transportation Plan.

#### (1) Arterial Highways

(A) The setback line for Arterial highways shall be 150 feet from the centerline of the highway or 100 feet from the right-of-way line whichever is greater.

(B) Frontage roads to Arterial highways shall be considered as local roads for the purpose of determining the setback along said service roads.

(C) Minimum Road right-of-way shall be 100 feet.

#### (2) Collector Roads

The setback for collector roads shall be 90 feet from the centerline or 50 feet from the right-of-way line, whichever is greater. Minimum road right-of-way shall be 80 feet.

#### (3) Local Roads

The setback for local roads shall be 85 feet from the centerline or 50 feet from the right-of-way line, whichever is greater, except that in the R-1 District the setback shall be 25 feet from the right-of-way line and in the B-1 District the setback shall be 30 feet from the right-of-way line on a sewered lot. Minimum road right-of-way shall be 70 feet.

#### (4) Lesser Setbacks

Lesser Setbacks may be permitted by the Planning and Zoning Committee in cases of unusual topography, or existing patterns of lesser setbacks of buildings on nearby properties or varying alignment of highway right-of-way lines. A setback less than the setback required by this Ordinance may be permitted where there are at least five (5) existing main buildings existing at the date of enactment of this Ordinance within five hundred (500) feet of the proposed site that are built to less than the required setback. In such case, the setback shall be the average of the nearest main building on the one side and the required setback. Such setback shall be granted by a permit from the Planning & Zoning Committee and shall not require a special exception or variance.

#### (5) Special Width Road Right-of-Ways

Road right-of-ways which are indicated as a Special Width Road in adopted transportation plans shall be used to establish minimum setback requirements and in the division of land.

10.2 Vision Clearance at Intersections

In each quadrant of every public street, road or railroad intersection, there shall be designated a clear vision triangle, bounded by the street or road centerlines and a line connecting points on said centerlines at a specified distance from their point of intersection, in the manner illustrated hereinafter and titled Basic Illustration Of Clear Vision Triangles.

The use of the term "triangle" in this section shall not be construed to preclude reasonable modifications of a triangular shaped area, including modifications occasioned by the existence of curving streets or roads.

The term "centerline" in this section shall be interpreted as follows:

- (1) Where there is an undivided pavement within a right-of-way, the centerline shall be the centerline of that pavement, irrespective of whether or not that coincides with the centerline of the right-of-way.
- (2) Where there is a divided pavement within a right-of-way, the centerline shall be the centerline of the median strip between the pavements, except as specified in subsection 3 below.
- (3) Where there is a divided pavement within a right-of-way, and the distance between the centerline of the pavements, measured along the centerline of the intersecting street or road, is 60 feet or greater, the centerlines of the pavements shall be used separately, in the manner illustrated hereinafter and entitled Illustration Of Designation Of Centerline For Clear Vision Triangles, to designate the clear vision triangles.

The distance specified from the point of intersection of the centerlines to the aforesaid points on the centerlines shall be as specified in the table as follows:

<u>Classification</u>	<u>Triangle Side Distance</u>
Arterial	300 ft.
Collector	200 ft.
Local	150 ft.

Within the clear vision triangle, no object shall be allowed above a height of two and one-half feet above the average elevation of the streets at the aforesaid points on their respective centerlines, if it substantially obstructs the view across the triangle.

In situations where trees of large diameter, large numbers of trees, or some combination of these are present, this provision shall be construed to mean that a sufficient number of trees shall be removed so as to render an object such as a motor vehicle clearly visible across the clear vision triangle from one street or road to another, the intent being to provide for the public safety. However, it shall not necessarily be construed to mean that every tree in the clear vision triangle must be removed. In a like manner, this restriction shall not apply to posts and wire fences, provided that they do not obstruct visibility across the clear vision triangle.

10.3 Objects Permitted Within Setback Lines and Vision Triangles

The following objects shall be permitted within setback lines and vision triangles:

(1) Open fences.

(2) Telephone, telegraph, and power transmission poles, lines and portable equipment that is readily removable in its entirety.

(3) The planting and harvesting of field crops, shrubbery and trees, except that no trees or shrubbery shall be planted within a vision clearance triangle so as to obstruct the view.

10.4 Access Control

The Planning & Zoning Committee may require that common access be provided to any lots created by a division of land. Access points on an arterial highway or collector road shall not be within four hundred seventy (470) feet of each other (measured from center to center of each access point).

BASIC ILLUSTRATION OF CLEAR VISION TRIANGLES

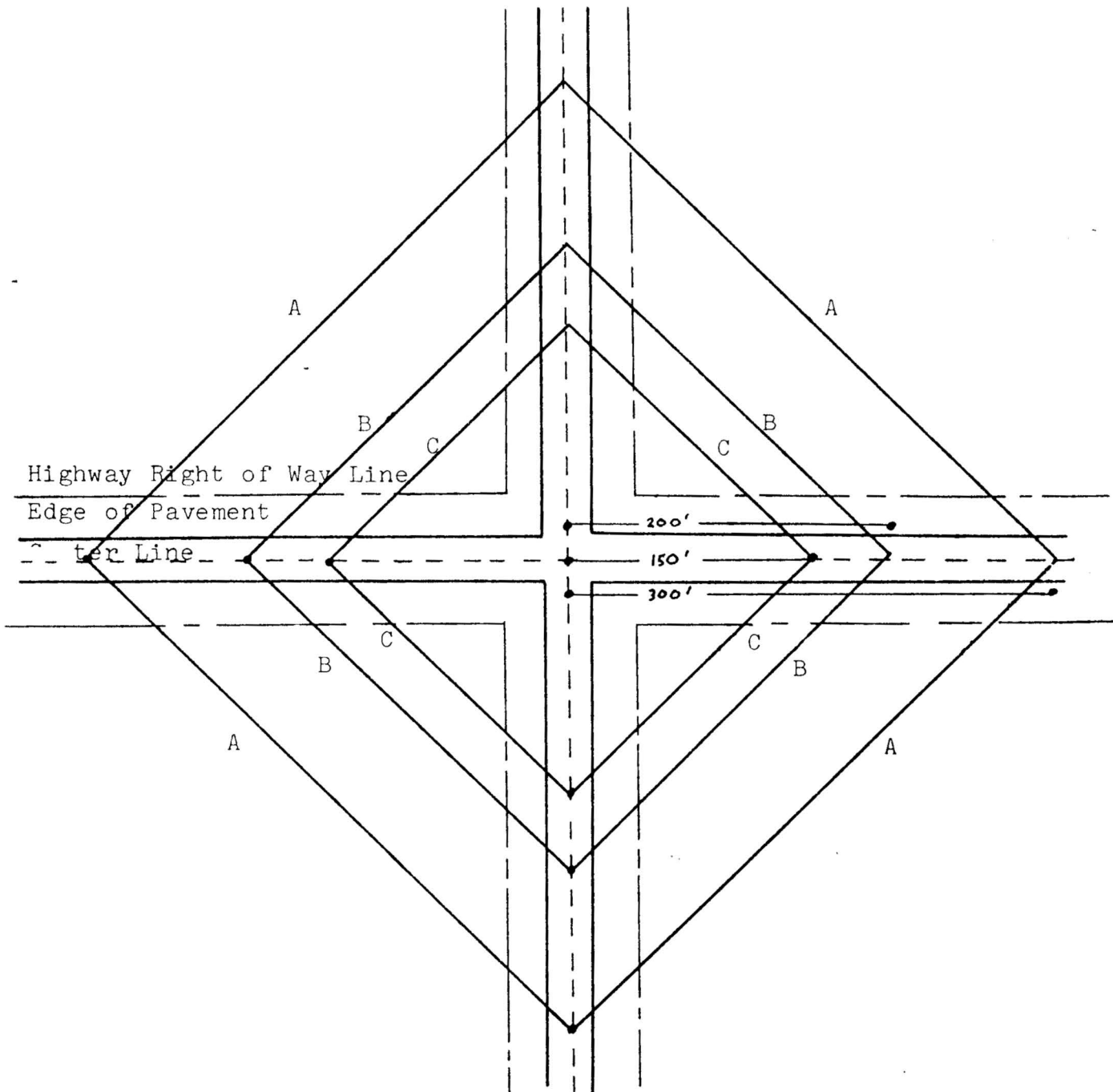


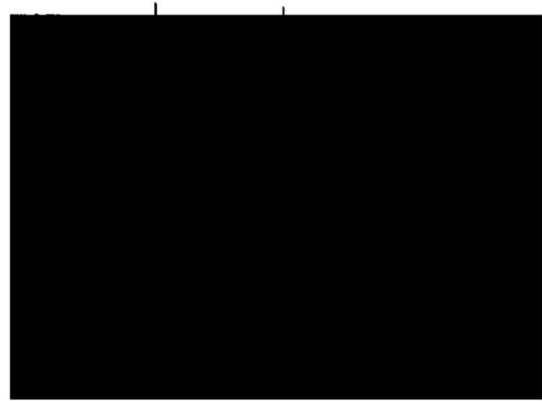


ILLUSTRATION OF  
DESIGNATION OF CENTERLINE  
FOR CLEAR VISION TRIANGLES

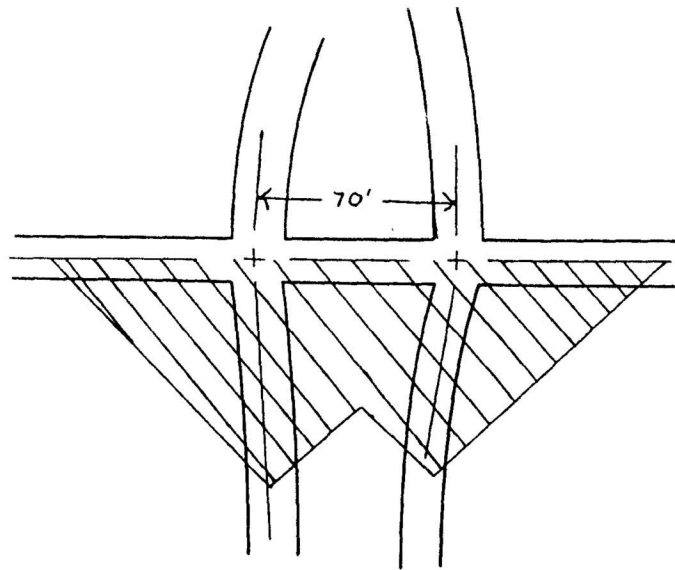
a. Undivided Pavement



b. Divided Pavement  
Not Widely Separated



c. Divided Pavement Widely Separated



## SECTION 11. NONCONFORMING USES, STRUCTURES, AND LOTS

### 11.1 Existing Nonconforming Uses

The lawful nonconforming use of a structure, land, or water existing at the time of the adoption or amendment of this Ordinance may be continued although the use does not conform with the provisions of this Ordinance, however, only that portion of the structure, land or water in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Ordinance.

### 11.2 Existing Nonconforming Structures

The lawful nonconforming structure existing at the time of the adoption or amendment of this Ordinance may be continued although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this Ordinance; however, it shall not be extended, enlarged, reconstructed, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Ordinance.

### 11.3 Structural Repairs and New Equipment

Total lifetime structural repairs or alterations shall not exceed fifty (50) percent of the local assessed value of the structure at the time of its becoming a nonconforming use unless it is permanently changed to conform to the use provisions of this Ordinance. Substitution of new equipment may be permitted by the Board of Adjustment if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

### 11.4 Licenses

This Ordinance is not intended to negate licenses (or their respective uses) which are issued by governmental agencies and are current as of the effective date of this Ordinance.

### 11.5 Abolishment or Replacement

If a nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure, land, or water shall conform to the provisions of this Ordinance. When a structure containing a nonconforming use or a nonconforming structure is damaged by fire, explosion, flood, the public enemy, or other calamity, to the extent of more than fifty (50) percent of its current local assessed value, it shall not be restored except in conformity with the provisions of this Ordinance regulating the district in which it is located.

11.6 Changes and Substitutions

Once a nonconforming use or structure has been changed to conform to the provisions of this Ordinance, it shall not revert back to a nonconforming use or structure. Substitution of more restrictive nonconforming uses for existing nonconforming uses shall require application to and approval of the Town Planning & Zoning Committee. Once the Planning and Zoning Committee has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the use may not thereafter be changed without the approval of the Committee and the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Planning and Zoning Committee.

11.7 Substandard Lots

In any residential or agricultural district other than the A-FP District, a one-family detached dwelling and its accessory structures may be erected on any legal lot or parcel of record in the County Register of Deeds office before the effective date or amendment of this Ordinance. All the district requirements shall be complied with insofar as practical but shall not be less than the following:

(1) Lot	Width	Minimum 50 ft.
	Area	Minimum 7,500 sq. ft. (except in shoreland areas)
(2) Yards	Street	Minimum 35 ft.; the second street yard on corner lots shall be not less than 10 ft.
	Rear	Minimum 20 ft.
	Side	Minimum 10 percent of the frontage, but not less than 5 ft.

Compliance with the standards of the Rock County Sanitary Code shall be a condition for the granting of a building permit.

In the A-FP District and the A-1 District, all substandard lots that are less than 3 acres in size shall conform with all regulations set forth in the R-1 District and all substandard lots that are 3 or more acres in size and 10 or less acres in size shall conform with all regulations set forth in the A-3 District, provided, however, that only a *farm residence* may be erected upon a substandard lot in the A-FP District.

## SECTION 12. CHANGES AND AMENDMENTS

### 12.1 Authority

Whenever the public necessity, convenience, general welfare or good zoning practice require, the Town Board may, by ordinance, after first submitting the proposal to the Planning and Zoning Committee for review and recommendation, change the district boundaries or amend, change or supplement the regulations established by this Ordinance. Any change or amendment that is not consistent with the Town of Rock Smart Growth Comprehensive Plan shall be construed to have amended the Smart Growth Comprehensive Plan so as to comply with the zoning as amended.

### 12.2 Initiation

A change or amendment may be initiated by the Town Board, Planning and Zoning Committee, or by a petition of one or more of the owners or an agent of property within the area proposed to be changed.

### 12.3 Petitions

Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Zoning Officer and the Town Clerk, and shall contain the exact legal description of the premises to be rezoned or of the regulations to be amended, a list of the reasons justifying the petition, and shall specify the proposed use and have attached the following:

(1) Plot Plan drawn to a scale of 1 inch equals Two Hundred (200) feet showing the area proposed to be rezoned, its location and classification of adjacent zoning districts, and the location and existing use of all properties within Two Hundred (200) feet of the area proposed to be rezoned.

(2) Owners' Names and Addresses of all properties lying within two hundred (200) feet of the area proposed to be rezoned.

(3) Additional Information required by the Planning and Zoning Committee or Town Board.

(4) Fee Receipt from the Town Treasurer in an amount equal to the greater of (a) \$250 or such amount as shall be determined from time to time by Town Board resolution, or (b) the cost of legal notice publication and other expenses related to the hearing.

### 12.4 Recommendations

The Planning and Zoning Committee shall review all proposed changes and amendments within the limits of the Town and shall recommend that the petition be granted as requested, modified, or denied. If the Town Board does not receive a written recommendation from the Planning and Zoning Committee within sixty (60) days of submitting the proposed

changes or amendments to the Committee, the Town Board may hold hearings without first receiving the recommendation.

#### 12.5 Hearings

The Town Board shall hold a public hearing in connection with any proposed changes to the district boundaries or any proposed amendments, changes or supplements to the regulations established by this Ordinance. A Class 2 Notice under Chapter 985 of the Wisconsin Statutes, listing the time, place, and the changes or amendments proposed, shall first be published in the town prior to the hearing. In addition, if the hearing is in connection with a proposed change to district boundaries or a proposed rezoning of a specific parcel of land, the Town Clerk shall notify in writing all property owners within two hundred (200) feet of the land in question of the hearing at least five (5) days prior thereto. The Town Clerk shall also give at least ten (10) days prior written notice to the Clerk of any municipality within one thousand (1000) feet of any land to be affected by a proposed change or amendment.

#### 12.6 Town Board's Action

Following such hearing and after careful consideration of the Town Planning and Zoning Committee recommendations, the Town Board shall vote on the passage of the proposed change or amendment.

#### 12.7 Protest to Proposed Change

In the event of protest against a proposed district change or amendment to the ordinance, duly signed and acknowledged by the owners of 20 percent or more of the frontage proposed to be altered, or by the owners of at least 20 percent of the frontage immediately in the rear thereof, or by the owners of 20 percent of the frontage directly opposite the frontage proposed to be altered, such amendment shall not be passed by the Town Board unless recommended by a majority vote of the Planning and Zoning Committee.

## SECTION 13. PERFORMANCE STANDARDS

### 13.1 Compliance

This Ordinance permits specific uses in specific districts and the following performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or district. No structure, land, or water shall hereafter be used except in compliance with their district regulations and with the following performance standards.

### 13.2 Air Pollution

No activity shall emit any fly ash, dust, fumes, vapors, mists, or gases in such quantities as to cause soiling or danger to the health of persons, animals, vegetation, or other forms of property. No activity shall emit any liquid or solid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas nor any color visible smoke equal to or darker than No. 2 on the Ringelmann Chart described in the United States Bureau of Mine's Information Circular 7718.

### 13.3 Fire and Explosive Hazards

All activities involving the manufacturing, utilization, processing, or storage of inflammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate firefighting and fire-suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed, and stored only in completely enclosed buildings which have incombustible exterior walls and an automatic fire extinguishing system. The above-ground storage capacity of materials that produce flammable or explosive vapors shall not exceed the following:

<u>Closed Cup Flash Point</u>	<u>Gallons</u>
Over 187° F.	400,000
105° F. to 187° F.	200,000
Below 105° F.	100,000

### 13.4 Glare and Heat

No activity shall emit glare or heat that is visible or measurable outside its premises except activities in the M-2 Heavy Industrial District which may emit direct or sky reflected glare which shall not be visible outside their district. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.

13.5 Liquid or Solid Wastes

No activity shall discharge at any point onto any land or into any water or public sewer any materials of such nature, quantity, noxiousness, toxicity, or temperature which can contaminate, pollute, or harm the quantity or quality of any water supply, can cause the emission of dangerous or offensive elements, can overload the existing municipal utilities, or can injure or damage persons or property.

13.6 Noise

No activity shall produce a sound level outside the M-1 Light Industrial District, the M-2 Heavy Industrial District and the SP Special Purpose District boundaries that exceeds the following sound level measured by a sound level meter and associated octave band filter:

Octave Band Frequency (Cycles Per Second)			Sound Level (Decibels)
0	to	75	79
75	to	150	74
150	to	300	66
300	to	600	59
600	to	1200	53
1200	to	2400	47
2400	to	4800	41
Above		4800	39

No other activity in any other district shall produce a sound level outside its premises that exceeds the following:

Octave Band Frequency (Cycles Per Second)			Sound Level (Decibels)
0	to	75	72
75	to	150	67
150	to	300	59
300	to	600	52
600	to	1200	46
1200	to	2400	40
2400	to	4800	34
Above		4800	32

All noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittence, duration, beat frequency, impulse character, periodic character or shrillness.

13.7 Odors

No activity shall emit any odorous matter or pollutant of such nature or quantity as to be offensive, obnoxious, or unhealthful outside its premises. When providing for odor

measurement and control, the Town may use as a guide Section NR 429.03 of the Wisconsin Administrative Code. The Town may also provide for use of scent monitoring and measurement devices that from time to time may be developed and/or recommended under or by government regulation or scientific studies. Agriculture odors associated with normal agricultural activities are exempted from this section, except those odors created by the use of Center Pivot Waste Distribution Systems and Traveling Gun Waste Distribution Systems, the use of which is prohibited in all zoning districts except for Agricultural Farmland Preservation District (A-FP) and Agricultural District One (A-1), in which said systems require the issuance of a Conditional Use Permit by the Town Board after recommendation by the Planning and Zoning Committee.

13.8 Radioactivity and Electrical Disturbances

No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.

13.9 Vibration

No activity in any district except the M-2 Heavy Industrial District and the SP Special Purpose District shall emit vibrations which are discernible without instruments outside its premises. No activity in the M-2 and SP District shall emit vibrations which exceed the following displacement measured with a three-component measuring system:

Frequency (Cycles Per Second)	Outside the Premises	Outside The District
0 to 10	.0020	.0004
10 to 20	.0010	.0002
20 to 30	.0006	.0001
30 to 40	.0004	.0001
40 to 50	.0003	.0001
50 and over	.0002	.0001

13.10 Water Quality Protection

No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity or temperature that would be likely to run off, seep, percolate or wash into surface or subsurface waters so as to contaminate, pollute, or harm such waters or cause nuisances such as objectionable shores deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life. In addition, no activity shall discharge any liquid, gaseous, or solid materials so as to exceed or contribute toward the exceeding of the minimum standards and those other standards and the application of those standards set forth in Chapter NR-102 of the Wisconsin Administrative Code for all navigable waters.



## SECTION 14. SIGNS

### 14.1 Permit Required

No sign shall hereafter be located, erected, moved, extended or enlarged, without a building permit, except those signs permitted under Section 14.2, and without being in conformity with the provisions of this Ordinance and Section 84.30 of the Wisconsin Statutes. The sign shall also meet all the structural requirements of local and state building codes. Normal maintenance and routine repair of signs, including changes in sign copy or message, shall be allowed without a building permit.

### 14.2 Signs Permitted In All Districts Without A Building Permit

The following signs are permitted in all zoning districts without a permit subject to the following regulations.

(1) Signs Over Show Windows or Doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor, not to exceed two (2) feet in height and ten (10) feet in length.

(2) Agricultural Signs pertaining to the sale of agricultural products on a farm or to membership in agricultural or agricultural-related organizations, not to exceed thirty-two (32) square feet in display area on one side for any one farm.

(3) Real Estate Signs not to exceed thirty-two (32) square feet in display area on one side which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located.

(4) Name, Occupation, and Warning Signs not to exceed two (2) square feet in display area located on the premises, and not closer than fifty (50) feet between signs.

(5) Bulletin Boards of public, charitable, or religious institutions not to exceed thirty-two (32) square feet in display area on one side located on the premises.

(6) Memorial Signs, tablets, name of buildings, and date of erection when cut into any masonry surface or when constructed of metal and affixed flat against a structure.

(7) Official Signs, such as traffic control, parking restrictions, information, and notices.

(8) Temporary Signs or banners when authorized by the Planning and Zoning Committee.

### 14.3 Signs Permitted In All Business and Industrial Districts

The following signs are permitted in the Business and Industrial Districts with a permit and are subject to the following regulations:

(1) Wall Signs placed against the exterior walls of buildings shall not extend more than eighteen (18) inches beyond a building's wall surface, shall not exceed two hundred (200)

square feet in display area, or 10% of the wall surface, whichever is the greatest, for any one premises, and shall not extend beyond any building wall upon which it is erected.

(2) Projecting Signs fastened to, suspended from, or supported by building structures shall not exceed two hundred (200) square feet in display area on all sides for any one premises; shall not extend more than ten (10) feet from the building wall; shall not exceed a height of six (6) feet above the roof line; and shall not be less than ten (10) feet above a sidewalk or other pedestrian way nor fifteen (15) feet above a driveway or alley.

(3) On-Premise Ground Signs shall be limited to one sign for each individual business premises which advertises the business names, services offered, or products sold on the premises, shall not extend into the public right-of-way, and shall not exceed three hundred (300) square feet in display area on any one side nor six hundred (600) square feet in display area on all sides for any one premises.

(4) Off-Premise Ground Signs shall require a permit from the Building Inspector and shall be located within private lot lines and not extend into the existing or proposed right-of-way of any state or county trunk highway or any town road measured horizontally along a line normal or perpendicular to the center of the highway; shall not be located within five hundred (500) feet of any other off-premise ground sign, located on the same side of the road; shall not exceed forty (40) feet in height; and shall not exceed six hundred (600) square feet in display area on any one side nor twelve hundred (1200) square feet in display area on all sides.

(5) Window Signs shall be placed only on the inside of commercial buildings and shall not exceed fifty (50) percent of the glass area of the pane upon which the sign is displayed.

(6) Combinations of any of the above signs shall meet all the requirements for the individual signs.

#### 14.4 Facing

No sign except those permitted in Section 14.2 shall be permitted to face a Residential District within one hundred (100) feet of such district boundary.

#### 14.5 Traffic

Signs shall not resemble, imitate, or approximate the shape, size, form or color of railroad or traffic signs, signals or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices. No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape; and no sign shall be attached to a standpipe or interfere with traffic visibility nor be lighted in such a way as to cause glare or impair driver visibility upon public ways.

14.6 Existing Signs

Signs lawfully existing at the time of the adoption or amendment of this Ordinance may be continued although the use, size, or location does not conform with the provisions of this Ordinance. However, it shall be deemed a non-conforming use or structure and the provisions of Section 11.0 shall apply.

14.7 Insurance

Every person, firm or corporation, to whom a sign building permit is issued, shall carry public liability and property damage insurance with a company licensed to do business in the State of Wisconsin with limits of at least \$500,000 per person and \$1,000,000 per event. A certificate of such insurance coverage shall be filed with the Town Clerk on an annual basis.

14.8 Movable or Temporary Signs

No movable or temporary signs shall be permitted. This prohibition shall include signs mounted on trucks, trailers, or other objects permanently affixed to the real estate. Any motor vehicle used on a regular basis for a bona fide business other than advertising is excepted from the above prohibition.

14.9 Roof-Mounted Signs

Signs erected on the roof of the building shall be prohibited by this Ordinance.

14.10 Lighting and Movement Restrictions

All signs shall be subject to the following restrictions upon illumination and flashing:

(1) No blinking or flashing light, or group of lights shall be allowed as part of a sign, unless such device conforms to the following requirements:

(A) The device is, or was, constructed as an integral part of a sign, and is not merely attached thereto.

(B) No flashing impulse shall exceed 30 flashes per minute for single flashing segments of any signs, and the brightness of bulbs used therein shall not exceed 60 watts. No more than 250 flashes per minute shall be allowed within chasing and scintillating actions, and in such signs no bulb shall be brighter than 15 watts. Neon signs may flash up to 250 flashes per minute, and enclosed fluorescent and incandescent signs within a translucent enclosure may flash up to 60 flashes per minute. All other flashing signs not specifically allowed in this title are prohibited.

(C) No flashing or blinking lights shall be located within a distance of 70 feet from a traffic signal.

(2) Rotating signs shall be limited to a maximum of eight revolutions per minute, and shall not flash or have traveling bulb effects.

14.11 Areas of Special Control

Areas of special control may be designated by the Town Board. In such areas, the Town Board may establish special regulations for signs which may be more or less restrictive than this section. The areas of special control shall be as follows:

(1) Integrated centers of intensive business areas over 5 acres whose character indicates that signs should be permitted under regulations which are different from those which would otherwise be applicable under this Ordinance.

14.12 Permit Fees

Signs less than 200 square feet in area	\$10.00
Signs 200 square feet or larger in area	\$20.00

## SECTION 15. DEFINITIONS

### 15.1 Usage

(1) For the purpose of these regulations, certain numbers, abbreviations, terms, and words used herein shall be used, interpreted, and defined as set forth in this section.

(2) Unless the context clearly indicates to the contrary, the present tense include the future tense; the plural number include the singular; the means "in these regulations"; the word means "these regulations."

(3) A "person" includes a corporation, a partnership, and an incorporated association of persons such as a club; "shall" is always mandatory; a "building" includes a "structure"; a "building" or "structure" includes any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

### 15.2 Words and Terms Defined

Accessory Building. Any building except the principal building on a lot. In the case of a house and unattached garage, the garage shall be deemed part of the principal building and shall not be counted as an accessory building.

Accessory Use. Any of the following uses on a *farm*:

(1) A building, structure, or improvement that is an integral part of, or is incidental to, an *agricultural use*. This may include, for example:

(A) A facility used to store or process raw agricultural commodities, all of which are produced on the *farm*.

(B) A facility used to keep *livestock* on a *farm*.

(C) A facility used to store or process inputs primarily for *agricultural uses* on the *farm*.

(D) A facility used to keep or service vehicles or equipment primarily employed in *agricultural uses* on the *farm*.

(E) A wind turbine or solar energy facility that collects wind or solar energy on the *farm*, and uses or transforms it to provide energy primarily for use on the *farm*.

(F) A manure digester, bio-fuel facility, or other facility that produces energy primarily from materials grown or produced on the *farm* primarily for use on the *farm*.

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

(2) An activity or business operation that is an integral part of, or incidental to, an *agricultural use*.

(3) A *farm residence*, including normal residential appurtenances.

(4) A *farm owner/operator business*.

Accessory Structure. A structure constructed on a mobile home lot apart from the basic mobile home unit, including awnings, cabanas, storage cabinets (or sheds), carports, windbreaks, attached porches and garages.

Adjacent. Located on land parcels that touch each other, or on land parcels that are separated only by a river, stream or transportation or utility right-of-way.

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

(1) Crop or forage production.

(2) Keeping *livestock*.

(3) Beekeeping.

(4) Nursery, sod, or Christmas tree production.

(5) Floriculture.

(6) Aquaculture.

(7) Fur farming.

(8) Forest management.

(9) Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.

Agriculturally Related Residence. A residence which is occupied by (1) a person who, or a family at least one member of which, earns a substantial part of his or her livelihood from farm operations on the land, or (2) a parent or child of the owner of the farm.

Agricultural Processing and Packaging. An establishment primarily engaged in refining, processing or otherwise adding value to raw agricultural goods, including but not limited to washing, sorting, cutting, bagging, freezing, canning, packing, bottling, or butchering.

Agricultural Research and Development. The use of land or buildings for agriculture research and the cultivation of new agricultural products.

Agricultural Sales and Service. An establishment primarily engaged in (1) the sale or rental of farm tools and implements, feed and grain, tack, animal care products, farm

supplies and the like, or (2) performing agricultural or horticultural services on a fee or contract basis, including but not limited to crop dusting and spraying services, harvesting and plowing services, agricultural land grading services, farm equipment service and repair, and large animal veterinary services.

Agricultural Storage. Grain elevators and other facilities for the warehousing and storage of agricultural products.

Agriculture-related use. A facility, whether or not located on a *farm*, that has at least one of the following as a primary and not merely incidental purpose:

(1) Providing agricultural supplies, agricultural equipment, agricultural inputs or agricultural services directly to *farms*, including *farms* in the farmland preservation zoning district.

(2) Storing, processing or handling raw agricultural commodities obtained directly from *farms*, including *farms* in the farmland preservation zoning district.

(3) Slaughtering *livestock*, including *livestock* from *farms* in the farmland preservation zoning district.

(4) Marketing *livestock* to or from *farms*, including *farms* in the farmland preservation zoning district.

(5) Processing agricultural by-products or wastes received directly from *farms*, including *farms* in the farmland preservation zoning district.

Airport Not Open to the Public. Any airport on privately owned land used solely by the property owner.

Alley. A street or thoroughfare less than 21 feet wide and affording only secondary access to abutting properties.

Animal Unit. Has the meaning that was given in s. NR 243.03(3) as of April 27, 2004. A horse or pony shall constitute one animal unit. For any animal unit not named in the above-cited Chapter of the Wisconsin Administrative Code, the equivalent of an animal unit shall be determined by the Town Board (after review and recommendation by the Planning & Zoning Committee) in a manner so as to be generally consistent with the above-specified standards, depending upon the size and use of the animal.

Applicant. The owner of the land or his representative. If the owner's representative is the applicant, consent shall be required in writing from the legal owner of the premises.

Arterial Roads and Highways. A street serving or designated to serve the rapid movement of concentrated volumes of vehicular traffic over relatively long distances. It provides primarily for movement between rather than within activity areas.

Automotive Vehicle. A vehicle that is self-propelled except a snowmobile unless specifically referred to as a motor vehicle herein.

Basement. A story partly underground.

Boarding House. A building other than a hotel where meals or lodging and meals are provided for compensation for three or more persons not members of the owner's family.

Building. Any structure used, designed or intended for the protection, shelter, enclosure or support of persons, animals, or property.

Building Area. Total ground coverage in square feet of all buildings and structures including garages, carports, and other attached or accessory structures.

Building Height. The vertical distance from the top of the building roof to the top of the basement or to the finished grade at the building line, whichever is greater.

Building Permit. A written building permit or certification issued by the Building Inspector or the Planning and Zoning Committee permitting the construction, alteration and/or extension of a building under the provisions of this Ordinance.

Center Pivot Waste Distribution Systems. A system for spreading lagoon wastewater or other liquid by-products of animal waste which involves spraying liquid form through nozzles attached to a pivoting arm located in a farm field.

Collector Roads and Highways. A street serving or designated to serve in the capacity of carrying moderate amounts of traffic between local streets and arterial streets and also providing access to individual lots. It provides for movement within, rather than between, activity areas such as neighborhoods.

Commercial. The offering or purchase of goods and services with the intention of making a profit.

Committee. The Planning and Zoning Committee for the Town of Rock.

Common Area. An area or space designed for joint use of tenants or owners residing in a Planned Unit Development.

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

Common Sewerage. A legal sewage system that serves two or more dwelling units.

Community. A legal entity organized under appropriate statutory authority as a body corporate which represents a town, village, city, or county such as the case may be.



Complete Application for Local Approval. An application that contains everything required under ss. ATCP 51.30(1) to (4).

Conditional Use. A use of land which, while appropriate for inclusion within a given district, possesses a high likelihood of creating problems with regard to nearby parcels of land or the occupants thereof, and which are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.

Confinement Operation. An animal confinement facility used or designed for the feeding or holding of 500 animal units, for 30 days or more.

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

Department. The Department of Agriculture, Trade, and Consumer Protection.

Dependent Mobile Home. A mobile home which does not have complete bathroom facilities.

Density. The number of living units per acre allowable under a schedule of district regulations.

Developer. The owner of land proposed for subdivision or his representative. If the owner's representative is the developer, consent shall be required from the legal owner of the premises.

Development Guide. The Town's Smart Growth Comprehensive Plan (segment of the County Comprehensive Plan) (Section 59.97) or the incorporated municipality's Master Plan (Section 62.23).

Drive-in Establishment. A place of business in which patrons can be served while remaining in their automobiles.

Driveway. A minor private way used by vehicles and pedestrians for common access to a lot, small group of lots, or facilities.

Dwelling, Single-Family. A building designed for, or occupied exclusively by, one family or household.

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

Dwelling, Multiple-Family. A building or portion thereof designed for, or occupied by, three or more families or households.

Earthwork. The moving of more than 2 cubic yards of any type of soils.

Easement. Authorization by a property owner for the use by another and for a specified purpose, of any designated part of his property.

Emergency Shelter. Public or private enclosures designed to protect people from flood, windstorm, fire, riots, or invasions; and from aerial, radiological, biological, or chemical warfare.

Essential Services. Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface or overhead gas, electricity, steam, water, sanitary sewerage, storm water, drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but does not include buildings.

Expanded Livestock Facility. The entire livestock facility that is created by the expansion, after May 1, 2006. "Expanded livestock facility" includes all livestock structures in the expanded facility, regardless of whether those structures are new, existing or altered.

NOTE: This ordinance applies to local approvals of *new or expanded* livestock facilities that will have 500 or more animal units (or will exceed a lower permit threshold incorporated in a local *zoning* ordinance prior to July 19, 2003). See s. ATCP 51.02. Although this ordinance covers all livestock structures in an "expanded livestock facility," existing structures are subject to less rigorous standards than new or expanded structures, and are completely exempt from certain requirements.

Expansion. An increase in the largest number of animal units kept at a livestock facility on at least 90 days in any 12-month period. The acquisition of an existing livestock facility, by the operator of an adjacent livestock facility, does not constitute an "expansion" unless that operator increases the largest number of animal units kept at the combined livestock facilities on at least 90 days in any 12-month period.

Expressway. A divided arterial street or highway, either with full or partial control of access, and with or without grade separated intersections.

Family. A group of persons related by blood or marriage and living together as a single housekeeping entity.

Farm. All land under *common ownership* that is primarily devoted to *agricultural use*. For purposes of this definition, land is deemed to be primarily devoted to *agricultural use* if any of the following apply:

(1) The land produces at least \$6,000 in annual *gross farm revenues* to its owner or renter, regardless of whether a majority of the land area is in *agricultural use*.

(2) A majority of the land area is in *agricultural use*.

Farm residence. Any of the following structures located on a *farm*:

- (1) A single-family or duplex residence that is the only residential structure on the *farm*.
- (2) A single-family or duplex residence that is occupied by any of the following:
  - (A) An owner or operator of the *farm*.
  - (B) A parent or child of an owner or operator of the *farm*.
  - (C) An individual who earns more than 50 percent of his or her gross income from the *farm*.

Farm Owner/Operator Business. A business, activity, or enterprise, whether or not associated with an *agricultural use*, which meets all of the following requirements:

- (1) It is conducted on a *farm* by an owner or operator of that *farm*.
- (2) It requires no buildings, structures, or improvements other than (A) a building, structure or improvement that is an integral part of, or is incidental to, an *agricultural use* or (B) a *farm residence*, including normal residential appurtenances.
- (3) It employs no more than 4 full-time employees annually.
- (4) It does not impair or limit the current or future *agricultural use* of the *farm* or other *protected farmland*.

Flood Plain. The land adjacent to a body of water which is subject to periodic overflow therefrom as designated on the official maps of the Rock County Shoreland Zoning Ordinance.

Floodway. The channel of a stream and such adjacent portions of the floodplain as are required to accommodate flood flows as designated on the official maps of the Rock County Shoreland Zoning Ordinance.

Floor Area. The area within the exterior walls of a building which is usable as living quarters.

Freeway. An expressway with full control of access and with fully graded separated intersections.

Frontage. The side of a lot abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

Garage, Private. Any building or space incidental to a residential unit for the storage only of motor vehicles.

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

Garage, Storage. Any building or premises used for storage only of motor vehicles.

Grade School. A facility used for the education of students, kindergarten through the twelfth grade.

Gross Farm Revenue. Gross receipts from *agricultural uses*, less the cost or other basis of *livestock* or other agricultural items purchased for resale which are sold or otherwise disposed of during the taxable year. “Gross farm revenue” includes receipts accruing to a renter, but does not include rent paid to the land owner.

High Density. Those residential zoning districts in which the density is greater than one dwelling unit per 8,500 square feet.

Home Occupation. A gainful occupation conducted by members of a family only, within their place of residence, provided that no article is offered for sale on the premises except such as is produced by such occupation, that no stock in trade is kept or sold, that no mechanical equipment is used other than such as is permissible for purely domestic purposes. (A home occupation includes, for example, such activities as babysitting, millinery, dressmaking, canning, laundering, and crafts, but does not include, for example, such occupations as barbering, beauty shops and hairdressing, dancing schools, or photographic studios.)

Hotel. A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are more than five (5) sleeping rooms with no cooking facilities in any individual room or apartment.

Household Pet. Tame animals which have been traditionally kept in the home to include dogs, cats, rabbits, birds, hamsters and other animals which in their adult life do not exceed 250 pounds, or 4 feet in height at normal posture.

Household Unit. The body of persons who live together in one dwelling unit as a single housekeeping unit.

Intensive Soils Survey. The testing of soil at a particular geographic location as to its individual assets and limitations.

Interchange. A grade-separated highway intersection with one or more turning lanes for travel between intersecting roads or highways.

Large Farm Animal. Any bovine animal, equine animal, sheep, goat, swine, bison, farm raised deer, ratite, or camelid.

License. A written license issued by the municipality allowing a person to operate and maintain a mobile home park under the provisions of this Ordinance and regulations issued hereunder.

Livestock. Domestic animals traditionally used in this state in the production of food, fiber or other animal products. “Livestock” includes bovine animals, equine animals, goats,

poultry, sheep, swine, bison, farm-raised deer, farm-raised fish, captive game birds, ratites, camelids and mink.

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

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

Loading Area. A completely off-street space or berth on a lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

Local Roads and Highways. A street providing or designated to provide direct access to adjacent land, short distance travel within the area, and access to the Collector and Arterial systems.

Lodging House. A building other than a hotel where lodging only is provided for compensation for not more than twelve (12) persons not members of the owner's family.

Lot. A parcel of land described in a recorded plat or deed.

Lot Area. The total area reserved for exclusive use of the owners of a particular piece of real property.

Lot, Corner. A lot abutting on two or more streets at their intersection.

Lot Lines and Area. The peripheral boundaries of a parcel of land and the total area lying within such boundaries.

Lot Depth. The mean horizontal distance between the front and rear lot lines.

Lot Width. The width of a parcel of land measured at the rear of the specified street yard.

Low Density. Those residential zoning districts in which the density is between 12,000 and 40,000 square feet per dwelling unit.

Master Plan. A comprehensive plan for development of the local government, prepared and adopted by the local government, pursuant to state law, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof.

Medium Density. Those residential zoning districts in which the density is between 8,500 and 12,000 square feet per dwelling unit.

Minor Structure. Any small, movable accessory structure or construction such as birdhouses, tool houses, pet houses, play equipment, arbors, and walls and fences under four (4) feet in height.

Mobile Home. A structure which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and is designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; and includes any additions, attachments, annexes, foundations and appurtenances. A mobile home shall not include a recreational vehicle.

Mobile Home Lot. A parcel of land designed for the placement of a single mobile home and for the exclusive use of its occupants.

Mobile Home Park. A parcel of land under single ownership designed, maintained, intended or used for the purpose of providing a location and accommodations for two or more mobile homes, including all buildings used or intended for use as part of the equipment thereof, whether or not a charge is made for the use of the mobile home park or its facilities.

Mobile Home Stand. That part of an individual lot which has been reserved for the placement of one mobile home unit.

Mobile Home Subdivision. A parcel of land subdivided into lots, each lot individually owned and utilized as the site for placement of a single mobile home and its facilities.

Mobile Office. A structure which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and is designed, equipped, and used for an office work area and not for sleeping, eating, or living quarters.

Motel. A series of attached, semi-attached, or detached sleeping units for the accommodation of transient guests.

Navigable Waters. Has the meaning given in s. 30.01(4m), Wis. Stats.

New Livestock Facility. A livestock facility that will be used as a livestock facility for the first time, or for the first time in at least 5 years. "New livestock facility" does not include an expanded livestock facility if any portion of that facility has been used as a livestock facility in the preceding 5 years.

Non-conforming Structure. A building or premises lawfully used, occupied, or erected at the time of the passage of this Ordinance or amendment thereto, which does not conform

to the regulations of this Ordinance, or any amendments thereto, with respect to frontage, width, height, area, yard, parking, loading, or distance requirements.

Non-conforming Use. The use or occupancy of a building or premises, which is lawful at the time of the passage of this Ordinance or amendments thereto, but which use or occupancy does not conform to the provisions of this Ordinance or any amendments thereto.

Non-dependent Mobile Home A mobile home which has complete bathroom facilities.

Open Space Parcel. A parcel on which no buildings, other than hunting blinds or small sheds, have been constructed or approved for construction.

Operator. A person who applies for or holds a local approval for a livestock facility.

Ordinance. Any legislative action, however denominated, of a local government which has the force of law, including any amendment or repeal of any ordinance.

Owner. Any person, group of persons, firm, corporation, or any other legal entity having legal title to or sufficient proprietary interest in the land or water which is subject to the terms of this Ordinance, or in any building or structure located thereon.

Park Management. The person who owns or has charge, care or control of mobile home park or travel trailer park.

Park Street. A private way which affords principal means of access to individual mobile home lots, travel trailer spaces, or auxiliary buildings.

Permitted Use. Uses listed under this heading are permitted as of right. This means that an applicant for a Zoning Permit must be given a permit if he meets the other requirements of the ordinance, e.g., yards, setbacks, and so forth.

Person. An individual, corporation, partnership, cooperative, limited liability company, trust or other legal entity.

Populate. To add animal units for which a permit or other local approval is required.

Prime Farmland. All of the following:

(1) An area with a class I or class II land capability classification as identified by the Natural Resources Conservation Service of the United States Department of Agriculture.

(2) Land, other than land described in subsection (1) above, which is identified as prime farmland in Rock County's certified farmland preservation plan.

Principal Building. The building of primary importance or permitted use on a parcel of land, in contrast to those which are accessory or of secondary importance.

Prior Nonconforming Use. A land use that does not comply with this farmland preservation zoning ordinance, but which lawfully existed prior to the application of this ordinance.

Property Line. A line that separates parcels of land owned by different persons.

Protected Farmland. Land that is any of the following:

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

Qualified Nutrient Management Planner. A person qualified under s. ATCP 50.48 of the Wisconsin Administrative Code.

Recreational Vehicle (RV). A vehicular type unit primarily designed as temporary living quarters for recreation, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle, consisting of, but not limited to, a motor home, truck camper, camping trailer, travel trailer and fifth wheel travel trailer.

(1) Motor Home. A vehicular unit designed to provide temporary living quarters for recreation, camping or travel use built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the completed vehicle. Motor homes are of three basic types as described below:

(A) Type A: A raw chassis upon which is built a driver's compartment and an entire body which provides temporary living quarters for use as defined above; and

(B) Type B: A completed van type vehicle which has been altered to provide temporary living quarters for use as defined above; and

(C) Type C: An incomplete vehicle upon which is permanently attached a body designed to provide temporary living quarters for use as defined above.

(2) Truck Camper. A portable unit constructed to provide temporary living quarters for recreation, travel, or camping use, consisting of a roof, floor, and sides, designed to be loaded onto and unloaded from the bed of a pick-up truck. In the travel mode, the unit is not more than eight feet in width.

(3) Camping Trailer. A vehicular unit mounted on wheels with an overall vehicle width of not more than eight feet in the travel mode and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreation, camping or travel use.



(4) Travel Trailer. A vehicular unit, mounted on wheels, with an overall vehicle width of not more than eight feet in the travel mode, which is built to be attached to and drawn by another vehicle and designed to provide temporary living quarters for recreation, camping and travel.

(5) Fifth Wheel Travel Trailer. A vehicular unit, mounted on wheels with an overall vehicle width in the travel mode of not more than eight feet, primarily designed and constructed to provide temporary living quarters for recreation, camping, travel, and towed by a motor vehicle using a connecting device known as a fifth wheel.

Recreational Vehicle (RV) Park. A parcel of land under single ownership designed, maintained, intended or used for the purpose of providing a location and temporary accommodations for two or more recreational vehicles, including all buildings used or intended for use as part of the equipment thereof, whether or not a charge is made for the use of a recreational vehicle park or its facilities.

Recreational Vehicle Lot. A parcel of land in a recreational vehicle park designed for the placement of a single recreational vehicle and for the exclusive use of its occupants.

Related Livestock Facilities. Livestock facilities that are owned or managed by the same person, and related to each other in at least one of the following ways:

(1) They are located on the same tax parcel or adjacent tax parcels of land.

NOTE: A mere acquisition of a neighboring livestock facility does not constitute an “expansion” unless more animal units are added to the combined facilities.

(2) They use one or more of the same livestock structures to collect or store manure.

(3) At least a portion of their manure is applied to the same landspreading acreage.

NOTE: Compare definition of “animal feeding operation” under s. NR 243.03(2) of the Wisconsin Administrative Code. “Related livestock facilities” are treated as a single livestock facility for purposes of local approval, except that a “separate species facility” may be treated as a separate livestock facility.

Roadside Stand. A building or part of a building no more than 500 square feet used for the retail sale of agricultural and related incidental products, excluding livestock, produced on the farm where the stand is located.

Rooming House. A building other than a hotel where lodging only is provided for compensation to three or more persons not members of the owner's family.

Separate Species Facility. A livestock facility that meets all of the following criteria:

(1) It has only one of the following types of livestock, and that type of livestock is not kept on any other livestock facility to which the separate species facility is related (see definition of a “related livestock facility”):

- (A) Cattle;
- (B) Swine;
- (C) Poultry;
- (D) Sheep;
- (E) Goats.

(2) It has no more than 500 animal units.

(3) Its livestock housing and manure storage structures, if any, are separate from the livestock housing and manure storage structures used by livestock facilities to which it is related.

(4) It meets one of the following criteria;

(A) Its livestock housing and manure storage structures, if any, are located at least 750 feet from the nearest livestock housing or manure storage structure used by a livestock facility to which it is related.

(B) It and the other livestock facilities to which it is related have a combined total of fewer than 1,000 animal units.

Service Building. A structure housing toilet, washing, and bathing facilities and such other facilities as may be required by this Ordinance.

Setback. The minimum horizontal distance between the lot line and the nearest point of a building or any projection thereof, excluding uncovered steps.

Shipping Container. Any pre-fabricated object originally designed and historically used for transport of material goods, including but not limited to semi-trailers, PODS, and corrugated metal containers. (*Amended by Ordinance 2021-03*)

Sign. A structure or devise on which advertising is displayed, or by which attention is directed to advertising on the same or any other structure, by any means visible to the eye.

Single Family Residence. The principal use of a lot only for one dwelling unit.

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

Standards. The setbacks, vision corners, sideline requirements, height limitations, square footage requirements and other specifications as required by this Ordinance.

Standard Soils Survey. A soils survey of Rock County by the Soil Conservation Service, U.S. Department of Agriculture.

Story. That portion of a building included between the surface of a floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor

and the ceiling next above it. A basement or cellar having one-half or more of its height above grade is a story for purposes of height regulation.

Story, Half. The space under any roof except a flat roof, the wall plates of which on at least two opposite exterior walls are not more than four feet above the floor of such story.

Street. All property dedicated or intended for public or private street purposes or subject to public easements therefore and 21 feet or more in width.

Street Right-Of-Way Line. The dividing line between a lot, tract or parcel of land and an abutting street.

Structure. Anything constructed or erected having location on the ground.

Structural Alteration. Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders, or any substantial change in the roof structure or in the exterior or interior walls.

Subdivision. Any land, vacant or improved, which is divided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, or interests for the purpose of offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms and conditions, including resubdivision. Subdivision includes the division or development of residential or nonresidential zoned land, whether by deed, metes and bounds, devise, intestacy, lease, map, plat, or other recorded instrument.

Subdivision, Major. All subdivisions not classified as minor subdivisions, including but not limited to subdivision of five (5) or more lots, or any subdivision requiring any new street or extension of local governmental facilities, or the creation of any public improvements.

Subdivision, Minor. Any subdivision containing not more than four (4) lots fronting on an existing street, not involving any new street or road, or the extension of municipal facilities, or the creation of any public improvement, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the master plan, development plan, official map, zoning ordinance, or these regulations.

Taper. Point at which the access road to or from a highway interchange meets another intersecting road.

Temporary Structure. A removable structure not designed for human occupancy nor for the protection of goods or chattels and not forming an enclosure.

Tenant Storage Area. An enclosed space designed to provide auxiliary general storage space for the occupants of an individual mobile home.

Traveling Gun Waste Distribution Systems. A system for spreading lagoon wastewater or other liquid by-products of animal waste which involves spraying liquid form through a hose and nozzle attached to a traveling device that traverses a farm field.

Turning Lanes. An existing or proposed connecting roadway between an arterial street and any other street. Turning lanes include grade-separated interchange ramps.

Use. (Land Use) That which is customarily or habitually done, may include seasonal uses, and need not have extended to the entire tract of land at the time of the adoption of the ordinance.

Value Added Agriculture. A small commercial, manufacturing or service operation, which is accessory to an agricultural use. Examples of value added agriculture include small scale food processing, handcrafting, product packaging and marketing, and agricultural tourism. These farm-based activities cannot exceed a certain size and scale, but may involve new structures. Additional permits and licenses may be required to carry on these activities.

Variance. The authority granted to the owner to depart from the terms of the zoning ordinance where it is shown that departing therefrom will not be contrary to the public interest, where, owing to special conditions, literal enforcement of the provisions of the ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done. Variances will fall into one of the following categories:

(a) Area Variance: A modification to the dimensional, physical, or locational requirement such as a setback, frontage, height, bulk, or density restriction for a structure.

(b) Use Variance: An authorization for the use of land for a purpose that is otherwise not allowed or is prohibited by this Zoning Ordinance. A use variance, under this Ordinance, shall not be granted unless the applicant demonstrates that (i) strict compliance with the zoning ordinance would leave the property owner with no reasonable use of the property in the absence of a variance, and that (ii) the unnecessary hardship is based on conditions unique to the property, rather than considerations personal to the property owner, and that the unnecessary hardship was not created by the property owner. (*Amended by Ordinance No. 2023-01*)

Vision Clearance Triangle. An unoccupied triangular space at the corner lot which is bounded by the street lines and a setback line connecting points determined by measurement from the corner of each street line.

Waste. Manure, milking center waste and other organic waste generated by a livestock facility.

Waste Storage Facility. One or more waste storage structures. “Waste storage facility” includes stationary equipment and piping used to load or unload a waste storage structure if the equipment is specifically designed for that purpose and is an integral part of the facility. “Waste storage facility” does not include equipment used to apply waste to land.

Waste Storage Structure. A waste storage impoundment made by constructing embankments, excavating a pit or dugout, or fabricating a structure. “Waste storage structure” does not include equipment used to apply waste to land. For purposes of ss. ATCP 51.12(2) and 51.14, “waste storage structure” does not include any of the following:

- (1) A structure used to collect and store waste under a livestock housing facility.
- (2) A manure digester consisting of a sealed structure in which manure is subjected to managed biological decomposition.

Waterline. The shortest straight line at the waterfront end of a stream lot that lies wholly within the lot, provided that not less than 75 percent of the length of such water line shall be on, or on the landward side of, the normal high water mark of such stream.

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

- (1) An area, other than a pasture, where livestock are kept during the period from May 1 to September 30.

(A) An area which at any time has an average of more than 4 livestock animal units per acre.

- (2) An area from which livestock have unrestricted access to navigable waters of the state, such that the livestock access prevents adequate vegetative cover on banks adjoining the water.

- (3) An area in which manure deposited by livestock causes nutrient levels to exceed standards in ATCP 51.16.

WPDES Permit. A Wisconsin pollutant discharge elimination system permit issued by DNR under ch. NR 243.

Yard. An open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

Yard, Front. A yard extending the full width of the lot between the front line and the nearest part of the principal building, excluding uncovered steps.

Yard, Rear. A yard extending the full width of the lot between the rear lot line and the nearest part of the principal building excluding only such projections as are permitted herein.

Yard, Side. A yard extending from the front yard, or from lot line, where no front yard is required, to the rear yard between side lot line and the nearest part of the principal building.

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Original

TOWN OF ROCK  
ORDINANCE # 943

AN ORDINANCE TO REGULATE THE STORAGE OF ABANDONED, DISABLED AND UNLICENSED VEHICLES AND EQUIPMENT ON PUBLIC AND PRIVATE PROPERTY.

WHEREAS, in the Town of Rock, County of Rock, State of Wisconsin, vehicles and equipment are or may in the future be abandoned in the streets and other places in the township, and

WHEREAS, there are or may in the future be dismantled, partially dismantled, wrecked, junked, non-operable, unlicensed or discarded vehicles or equipment left about the township other than in junk yards or appropriate places; and

WHEREAS, such conditions tend to impede traffic in the streets or interfere with the enjoyment of and reduce the value of private property; invite plundering; create fire hazards and other safety or health hazards to children, as well as adults; interfere with the comfort and well-being of the public; create, extend and aggravate urban blight; and constitute a public nuisance; and

WHEREAS, adequate protection of the public health, safety and welfare requires that such conditions be regulated, abated or prohibited;

NOW, THEREFORE, THE TOWN BOARD OF THE TOWN OF ROCK, COUNTY OF ROCK, STATE OF WISCONSIN, DOES ORDAIN AS FOLLOWS:

ORDINANCE NUMBER 943 OF THE CODE OF ORDINANCES OF THE TOWN OF ROCK, COUNTY OF ROCK, STATE OF WISCONSIN, IS HEREBY CREATED TO READ AS FOLLOWS:

CONTROL OF ABANDONED, DISABLED AND UNLICENSED VEHICLES AND EQUIPMENT ON PUBLIC AND PRIVATE PROPERTY.

SECTION I: Definitions. In this ordinance, the following definitions shall be applicable:

A. "Vehicles and Equipment" means any motor vehicles, including but not limited to automobiles, trucks, buses and motorcycles, and any machinery, equipment, trailers, semi-trailers and mobile homes.

B. "Abandoned Vehicles and Equipment" means any vehicles and equipment which remains in one location on public property for more than forty-eight (48) hours. Also included is any vehicles and equipment which remains in one location on private property without any permission of the occupant of the private property for more than one (1) hour. Any substantial part or parts of any vehicles and equipment are included in the above definition.

C. "Nonoperable Vehicles and Equipment" means any vehicles and equipment or any substantial part or parts thereof which is incapable of being operated.

D. "Unlicensed Vehicles and Equipment" means any vehicles and equipment subject to a license law which does not have affixed thereto a current license under the applicable licensing law.

**SECTION II: Prohibition of Abandoned, Disabled and Unlicensed Vehicles and Equipment.**

No person who owns or possesses or has custody of any vehicles or equipment shall allow the same or any substantial part thereof to become an abandoned vehicle or equipment. No person, being the owner or occupant of private property, shall allow any unlicensed vehicles and equipment or any nonoperable vehicles and equipment to remain on such private property longer than ten (10) days after notification thereof by the Town Board or any person duly-appointed by the Town Board to give such notice. Notification under this section may be accomplished by placing a notice in a conspicuous place on the vehicle or equipment, setting forth briefly the applicable provisions of this section and the date of the notice, or by sending a registered or certified letter, return receipt requested, to the owner or occupant of the premises on which the vehicle or equipment is sitting.

Such allowance is a public nuisance and may be abated or removed and penalties imposed as set forth in this ordinance. Any such vehicle or equipment may be disposed of as outlined in this ordinance.

**SECTION III: Exemptions.**

This ordinance shall not apply with regard to any vehicles or equipment in an enclosed building; any vehicles or equipment on the premises of a business enterprise operated in a lawful place and manner, when necessary to the operation of such business enterprise; or any vehicles or equipment in an appropriate storage place of depository maintained in a lawful place and manner by the Town of Rock.

**SECTION IV: Impounding and Junking.**

Any member of the Town Board or any person duly appointed by the Town Board is hereby authorized to remove or have removed any vehicle or equipment left in a place within the Town of Rock which reasonably appears to be in violation of Sections I and/or II herein. Such vehicle or equipment which is determined by a duly appointed town representative to have a value in excess of the cost of towing and estimated storage charges for the impoundment thereof shall be impounded until lawfully claimed or disposed of in accordance with Section V hereof. If it is deemed by a duly appointed town representative that the cost of towing and storage charges for the impoundment of any vehicle or equipment would exceed the value of the vehicle or equipment, the vehicle or equipment may be disposed of by direct sale to a licensed salvage dealer upon determination that the vehicle or equipment is not stolen or otherwise wanted for



evidence or other reason.

**SECTION V: Disposal of Unclaimed Vehicles or Equipment.**

At any time prior to the sale of impounded vehicles or equipment as herein provided, any person establishing his ownership or right of possession of such vehicles or equipment may reclaim and obtain possession of the same by paying to the Town Board of the Town of Rock all accrued charges for the towing and storage thereof and other expenses incident to the care of the same. Any impounded vehicles or equipment shall be retained in storage for a minimum period of ten (10) days after certified mail notice has been sent to the owner and lien holders of record to permit reclamation of the vehicles or equipment after payment of accrued charges. Such notice shall set forth the year, make, model, and serial number of the impounded vehicles or equipment, the place where the vehicles or equipment is being held, and shall inform the owner and any lien holders of their right to reclaim the vehicle. The notice shall state that the failure of the owner or lien holders to exercise their right to reclaim the vehicle or equipment under this section shall be deemed a waiver of all right, title, and interest in the vehicle or equipment and a consent to the sale of the vehicle or equipment. Each retained vehicle or equipment not reclaimed by its owner or lien holder may be sold by the Town Board or anyone appointed by them at public auction. Notice of such sale shall be published in the official newspaper of the Town of Rock. The notice shall be published for two (2) days and the notice may include one or more vehicles or equipment. At such sale the highest bid for any such vehicle or equipment shall be accepted, unless the same is, in the judgment of the person conducting the sale, inadequate, in which event all bids may be rejected. In case all bids are rejected or no bid is received, the Town Board may in its discretion either readvertise the sale or adjourn the same from time to time to a definite date each time or sell such vehicle or equipment at a private sale or junk the same. After deducting the reasonable and necessary expenses incident to the towing, storage and sale of any vehicle or equipment, the balance of the proceeds shall be paid to the town treasurer and credited to the general fund.

The sale of a vehicle or equipment under the provisions of this section shall forever bar all prior claims thereto and interest therein, except as hereinafter provided.

At any time within two (2) years after the sale of a vehicle or equipment as provided herein, any person claiming ownership of such vehicle or equipment or financial interest therein may present a claim to the Town Board setting forth such facts as are necessary to establish such ownership or interest. If the Town Board is satisfied as to the justice of such claim, it may allow the same, but in no case shall the amount allowed exceed the sum paid into the town treasury as a result of the sale of such vehicle or equipment nor the amount of the interest of the claimant therein.

**SECTION VI: Procedure.**

Any person claiming to be aggrieved or damaged by a violation of this ordinance, or having knowledge of a violation of this ordinance, or any part thereof, shall have the responsibility of filing a sworn complaint with the town clerk, specifying in detail the

**TOWN OF ROCK  
ORDINANCE #2002-02**

**AN ORDINANCE TO AMEND ORDINANCE #943, DEALING WITH ABANDONED, DISABLED AND UNLICENSED VEHICLES AND EQUIPMENT ON PUBLIC AND PRIVATE PROPERTY AND TO AMEND ORDINANCE #003, AUTHORIZING THE USE OF A CITATION TO BE USED FOR VIOLATIONS OF CERTAIN ORDINANCES.**

**WHEREAS, the Town of Rock has previously adopted Ordinance #943, dealing with the storage of abandoned, disabled and unlicensed vehicles and equipment on public and private property; and**

**WHEREAS, the Town of Rock has also previously adopted Ordinance #003, adopting and authorizing the use of a citation to be used for violations of certain ordinances; and**

**WHEREAS, it is the desire of the Town Board to remove requirements under said Ordinance #943 requiring notice prior to prosecution for violation of that ordinance; and**

**WHEREAS, it is also the desire of the Town Board to increase the level of penalties for violations of Ordinance #943;**

**NOW, THEREFORE, THE TOWN BOARD OF THE TOWN OF ROCK, COUNTY OF ROCK, STATE OF WISCONSIN, DOES ORDAIN AS FOLLOWS:**

**ORDINANCE NUMBER 2002-02 OF THE CODE OF ORDINANCES OF THE TOWN OF ROCK, COUNTY OF ROCK, STATE OF WISCONSIN, IS HEREBY CREATED TO MAKE CERTAIN AMENDMENTS TO ORDINANCE NUMBERS 943 AND 003 AS FOLLOWS:**

**SECTION I.**

**Section II of Ordinance #943 is repealed and replaced by the following:**

**Prohibition of Abandoned, Disabled and Unlicensed Vehicles and Equipment.**

**No person who owns or possesses or has custody of any vehicles or equipment shall allow the same or any substantial part thereof to become an abandoned vehicle or equipment. No person, being the owner or occupant of private property, shall allow any unlicensed vehicles and equipment or any nonoperable vehicles and equipment to be kept on such private property. Any such allowance is a public nuisance and may be abated or removed and penalties imposed as set forth in this ordinance. Any such vehicle or equipment may be disposed of as outlined in this ordinance.**

**SECTION II.**

Section VII of Ordinance #943 is repealed and replaced by the following:

**Penalties.**

Any person convicted of a violation of this ordinance is subject to a fine of not less than One Hundred Dollars (\$100.00) nor more than Three Hundred Dollars (\$300.00) together with costs of prosecution and the costs of removal, storage and sale of the vehicles and/or equipment as provided in this ordinance. Each day a violation exists or continues shall constitute a separate offense. In default of payment, the violator shall be imprisoned in the county jail until such fine and costs are paid, such imprisonment not to exceed ninety (90) days.

**SECTION III.**

Section III of Ordinance #003 is amended by repealing that portion of the schedule of cash deposits for Ordinance #943 and replacing that portion of such schedule with the following:

Ordinance	Violation Penalty	Penalty Assessment	Jail Assessment	Crime Laboratories and Drug Law Enforcement Assessment	Total Deposit
Ordinance No. 943 - Abandoned, disabled and unlicensed vehicles	\$300 for single day or \$150 per day for multiple days, whichever is larger	\$69 for single day or \$34 for multiple days, whichever is larger	\$10 or 1% of violation penalty, whichever is larger	\$4.00	1. \$383 for single day 2. \$188.50 per day for multiple days

**SECTION IV: Severability.**

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

**SECTION V: Effective Date.**

This ordinance shall take effect and be in full force from and after its passage and publication as provided by law.



DATED this 30 day of September, 2002.

Richard O'Leary  
Richard O'Leary, Town Chairperson

Mark Dolzin  
Mark Dolzin, Town Supervisor

James Connell  
James Connell, Town Supervisor

Attest:

Deborah Bennett  
Deborah Bennett, Town Clerk

**CERTIFICATE**

I hereby certify that the above ordinance was adopted by the Town Board of the Town of Rock on the 30 day of September, 2002, and that on the 9<sup>th</sup> day of September, 2002, a copy of the above ordinance was published in *The Janesville Gazette*, the official newspaper of the Town of Rock.

Deborah Bennett  
Deborah Bennett, Town Clerk  
Town of Rock, Rock County, Wisconsin

Subscribed and sworn to before me  
this 30 day of October, 2002.

[Signature]  
Notary Public, Rock County, Wisconsin  
My Commission: is expiring

TOWN OF ROCK  
ORDINANCE NO. 2021-08

AN ORDINANCE TO REPEAL IN PART ORDINANCE NO. 782 AND TO DESIGNATE ALL-TERRAIN VEHICLE (ATV)/UTILITY TERRAIN VEHICLE (UTV) ROUTES AND REGULATE ATV/UTV OPERATION WITHIN THE TOWN OF ROCK, ROCK COUNTY, WISCONSIN.

SECTION 1: AUTHORITY AND PURPOSE

This Ordinance is adopted by the Town Board of the Town of Rock pursuant to Sections 23.33(8), 23.33(11)(a) and (am), and 350.18 of the Wisconsin Statutes. The purpose of this ordinance is to repeal in part Ordinance No. 782, the All-Terrain Vehicles Ordinance, and to establish all-terrain vehicle ("ATV"), and utility terrain vehicle ("UTV") routes in the Town of Rock, and to regulate the operation of ATV/UTVs therein.

SECTION 2: TITLE AND EFFECTIVE DATE

This Ordinance shall hereafter be known, cited, and referred to as the *Town of Rock ATV/UTV Route Ordinance* and shall be effective upon posting of the signs required pursuant to Section 5 hereof.

SECTION 3: ADOPTION OF STATE LAW

Unless otherwise provided for in this Ordinance, the statutory provisions in Chapters 23, 340 to 348, and 350 of the Wisconsin Statutes (the "ATV/UTV Statutes"), which establish definitions and regulations with respect to ATVs and UTVs are hereby adopted and incorporated by reference as if fully set forth herein. Any future amendments, revisions or modifications of the ATV/UTV Statutes are made part of this Ordinance by reference to ensure uniform regulation of ATVs and UTVs within the State of Wisconsin. The operation of ATVs and UTVs in the Town of Rock must comply with the ATV/UTV Statutes.

SECTION 4: DESIGNATED ATV/UTV ROUTES

1. Pursuant to Sections 23.33(11)(a) and (b), it shall be legal to operate ATVs and UTVs, subject to the posted speed limits and all Wisconsin laws and regulations, on all roads under the jurisdiction of the Town of Rock, and all county and state roadways within the territorial boundaries of the Town with a posted speed limit of 35 miles per hour or less as ATV and UTV routes.



## SECTION 5: ROUTE SIGNAGE

1. Under the direction of the Town, route signage for ATV/UTV routes shall be fabricated and installed by Rock County Public Works Department and paid for by the Western Rock County ATV Club Ltd., or their successor, with uniform all-terrain vehicle route signs in accordance with Section NR64.12(7) of the Wisconsin Administrative Code. ATV/UTV signage shall be inspected annually and shall be maintained by Rock County Public Works.
2. No person may do any of the following in regard to signs marking Town of Rock ATV/UTV routes:
  - a. Intentionally remove, damage, deface, move, or obstruct any uniform ATV/UTV route or trail sign or standard or intentionally interfere with the effective operation of any uniform ATV/UTV route or trail sign or standard if the sign or standard is legally placed by the state, any municipality, Rock County, or any authorized individual.
  - b. Possess any uniform ATV/UTV route or trail sign or standard type established by the department for the warning, instruction, or information of the public, unless he or she obtained the uniform ATV/UTV route or trail sign or standard in a lawful manner. Possession of an ATV/UTV route or trail sign or standard creates a rebuttable presumption of illegal possession.

## SECTION 6: ENFORCEMENT AND PENALTIES

This Ordinance may be enforced by any law enforcement officer authorized to enforce the laws of the State of Wisconsin. Any person who violates any section of this Ordinance or the statutes adopted by reference shall be subject to the penalties set forth in Sections 23.33(13) and 350.11 of the Wisconsin Statutes.

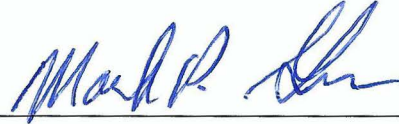
## SECTION 7: NOTIFICATIONS

A copy of this ordinance shall be sent by the Town of Rock Clerk to the Rock County Sheriff's Department, Wisconsin State Patrol, and the Wisconsin Department of Natural Resources.

SECTION 8: SEVERABILITY

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

Dated this 1<sup>st</sup> day of November, 2021.



Mark Gunn, Chairperson



Ton Dubanowich, Supervisor



Pete Parker, Supervisor

CERTIFICATION

I hereby certify that the above Ordinance Number 2021-08 was adopted by the Town Board of the Town of Rock on the 1<sup>st</sup> day of November, 2021 and that on the 8<sup>th</sup> day of ~~November~~ December, 2021, copies of the above ordinance were posted by me in three places in the Town of Rock, Rock County, Wisconsin, as follows:

Rock Town Hall  
Aston Post Office  
First National Bank, Center Avenue

Deborah Bennett  
Deborah Bennett, Town Clerk/Treasurer  
Town of Rock, Rock County, Wisconsin

Subscribed and sworn to before me this \_\_\_ day November, 2021.

\_\_\_\_\_  
Notary Public, Rock County, Wisconsin  
My Commission is permanent  
or expires: \_\_\_\_\_

TOWN OF ROCK

ORDINANCE # 91 2

The Town Board of the Town of Rock does ordain as follows:

1. No person shall plant, maintain, or permit any shrubs, brush, or trees, debris, rocks, foreign objects or other impediments to mowing, within ten (10) feet of the edge of the pavement of any town road.

2. The adjacent property owner shall be responsible to cut or trim to ground level, and clear and remove all brush, shrubbery, and trees from roadsides to a distance of ten (10) feet beyond the edge of the paving on all town roads and to a height of sixteen (16) feet when brush overhangs the road.

3. The adjacent property owner shall be responsible to cut or trim to ground level, and clear and remove all brush, shrubbery, and trees to the property line a distance of one hundred (100) feet from all road intersections.

4. The enforcement of this ordinance shall be by the Town Board of Supervisors. The Town Board may exempt specific trees from the removal provisions of this ordinance.

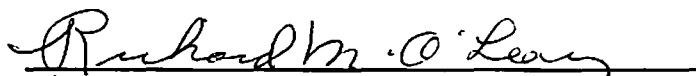
5. If any person neglects to cut the roadside brush, shrubbery and trees as provided by this ordinance, the Town Board shall, after first giving five (5) days written notice by certified mail to the owner or occupant, cause to remove the shrubbery, brush, or trees, in the manner deemed to be the most economical

method. The Town Board shall present to the Town Treasurer the costs of the removal of the brush, shrubbery and trees, verified by oath. Such account shall specify by separate items the amount chargeable to each piece of land, describing the same, and shall, after being paid by the treasurer, be filed with the Town Clerk, who shall enter the amount chargeable to each tract of land in the next tax roll in a column headed "Road Brush Removal", as a tax on the lands on which said brush, shrubbery and trees were removed, which tax shall be collected as other taxes are, or as taxes are collected on personal property pursuant to Section 74.11 of the Wisconsin Statutes, except in the case of lands which are exempt from taxation in the usual way.

6. The Town Board, or its agents or employees, may, after written notice given as herein provided, enter upon any lands upon which any of the shrubbery, brush, or trees is growing, and cut or otherwise destroy and remove the shrubbery, brush, or trees, without being liable for any action for trespass or any other action for damages resulting from such entry and destruction, if reasonable care is exercised in the performance of the duty herein imposed.

7. This ordinance shall take effect on its passage and publication as provided by law.

This ordinance is passed by the Town Board of the Town of Rock, Rock County, Wisconsin, this 7<sup>th</sup> day of October, 1991.

  
Richard M. O'Leary, Town Chairman

Ronald J. Combs  
Ronald J. Combs, Town Supervisor

Jim Connell  
Jim Connell, Town Supervisor

I hereby certify that the above ordinance was adopted by the Town Board of the Town of Rock on the 7<sup>th</sup> day of October, 1991, and on the 5<sup>th</sup> day of November, 1991, copies of the above ordinance were posted by me in three (3) public places in the Town of Rock.

Virginia Skelly  
Virginia Skelly, Town Clerk  
Town of Rock, Rock County, Wisconsin

Subscribed and sworn to before me  
this 5<sup>th</sup> day of November, 1991.

Danish Warner  
Notary Public, Rock County, Wis.  
My commission: is permanent

ro.slh

The Town Board of the Town of Rock adopted  
the following ordinance June 4, 1990.

ORDINANCE NO. 902  
TOWN OF ROCK  
COUNTY OF ROCK  
STATE OF WISCONSIN

The Town Board of the Town of Rock, Rock County, Wisconsin, does ordain the following: An ordinance to establish a uniform and unique rural numbering system for the Town of Rock and to provide for the administration, control, and enforcement of the established system.

ORDINANCE NO. 902 OF THE CODE OF ORDINANCES OF THE TOWN OF ROCK, ROCK COUNTY, WISCONSIN, IS HEREBY CREATED TO READ AS FOLLOWS:

**Section I. Building Numbering System:** The Town Board of the Town of Rock does hereby establish a uniform and unique rural numbering system for the Town of Rock. The building numbering system shall utilize a grid system and extend the City of Janesville's address system, north, south, east and west over the rural areas of the Town of Rock in accordance with the Rock County Address Plan dated March 24, 1988. The following north-south and east-west base lines are hereby established for the grid system: State Highway 11 West to Footville and thence following the township line to the edge of the county and County MM east will serve as the east-west base line. U.S. Highway 51 north and County G south will serve as the north-south base line. Address numbers will originate at the base lines and extend north, south, east and west assigning 1,000 numbers to every mile, or 100 numbers to every 528 feet. Each hundred series of numbers will originate at the nearest section or quarter section line. Individual address numbers will be assigned at 22 foot intervals from the nearest hundred marks. Even numbers will be assigned to the north and west sides of roads and odd numbers will be assigned to the south and east sides of roads. On unplatted land the numbers shall be assigned at the intersection of the centerline of the driveway and the right-of-way of the public road. On platted land the number shall be assigned at the center of the front lot line. The grid system based upon the City of Janesville's address system shall be applied to all properties located within the municipal limits of the Town of Rock. Vanity addresses shall be prohibited unless the address number fits into the applicable address system.

**Section II. Building Numbering Administration:** The numbering system established by this ordinance shall be supervised by the Town Board of the Town of Rock and administered by either the Building Inspection Department of the City of Janesville or the Rock County Planning and Development Agency subject to the following provisions:

- A. Either the Building Inspection Department of the City of Janesville or the Rock County Planning and Development Agency shall maintain a master index of all numbers. The number assigned to the property, the location of the property, the road name, section, quarter section, town, whether the parcel of land has been created by a Certified Survey Map or is a lot in

a recorded plat and the lot number and the survey map number (or the subdivision name) must be included in the master index.

- B. An official number map shall be prepared and maintained by either the Building Inspection Department of the City of Janesville or the Rock County Planning and Development Agency for the Town of Rock. The map shall show the locations of all assigned numbers at a scale not less than one inch equals 1,000 feet. Copies of the map shall be furnished to the Sheriff's Department, the Rock County Traffic Committee, the Town Clerk of the Town of Rock, all local fire departments, and to any other department or organization providing emergency services within the municipal limits of the Town of Rock. On an ongoing basis, all new building numbers shall be placed on the map with copies provided to the persons and organizations listed above.
- C. When a building permit is issued for any new residential or any new business location or when a parcel of land has been created by a Certified Survey Map or plat map, a number shall be assigned to that location by either the Building Inspection Department of the City of Janesville or the Rock County Planning and Development Agency. At the end of each month the administrator of the numbering system shall prepare a list of new numbers assigned during the month and shall furnish a copy of the list to those responsible for emergency services and to the Town Clerk of the Town of Rock.
- D. The Town Board of the Town of Rock expressly reserves the authority to make reasonable rules to insure an orderly and speedy implementation of the rural numbering system established by this ordinance.

### Section III. Building Numbering Signs:

- A. General. For all buildings and other important locations within the municipal limits of the Town of Rock, a building numbering sign shall be installed on a post and shall consist of the necessary numbers, frame, back plate, post, and connecting bolts. The sign shall be installed so that the frame is parallel to the roadway fronting the property, not less than three (3) feet from the top of the back slope of the ditch line of the road's right-of-way and not less than nine (9) feet and not more than eleven (11) feet from the driveway serving the building and/or property. Notwithstanding the above, in no event shall a sign be installed along a "local road" at a location less than 35 feet or more than 45 feet from the center of the roadway fronting the property, along a "collector road" at a location less than 40 feet or more than 50 feet from the center of the roadway fronting the property, and along an "arterial road" at a location less than 50 feet or more than 60 feet from the center of the roadway fronting the property. For purposes of this ordinance, U.S. Highways 51 and 351 and S.T.H. 11



shall be classified as "arterial roads", Avalon Road, County Trunk G, County Trunk D, Townline Road, Plymouth Church Road and Rockport Road shall be classified as "collector roads", and all other roadways shall be classified as "local roads". The sign shall be installed to be not less than four (4) feet from ground level and not more than five (5) feet from ground level. The building numbering sign shall be installed in clear view from the roadway and not obstructed by vegetation of any kind. Buildings which are located on dead-end roads shall erect their numbering signs at the intersection of the dead-end road and another public road unless more than one building is served by the dead-end road. Multi-family dwellings and industrial or business complexes shall be assigned a single address number which shall be erected as specified for all individual building numbering signs. A second numbering sign may be erected on the building. Such second numbering sign shall be placed in a conspicuous and appropriate place on that side of the building that fronts on the road that serves that building.

**B. Specifications.**

1. Numbers shall be reflectorized individual digits manufactured of acrylic plastic on a red background with white numbers. Numbers shall not be less than four inches in height with an average brush stroke width of  $\frac{3}{8}$  to  $\frac{1}{2}$  inches.
2. Sign frames shall be manufactured of an aluminum alloy with weep holes to accommodate two attachment bolts. Frames shall be large enough to provide ample placement of numbers ranging from two-to-four digits.
3. Back plates shall be at least 12 inches in width and 6 inches in height with an average thickness of .080 inches.
4. Sign posts shall be 7 foot steel channel posts, with an average weight of 1.12 pounds per lineal foot. A minimum of 30 holes shall be contained on each post with diameters of  $\frac{3}{8}$  to  $\frac{1}{2}$  inches beginning on center at one inch from the top of the post.
5. Attachment bolts shall consist of two  $\frac{3}{8}$  to  $\frac{1}{2}$  inch diameter two inch threaded bolts and two  $\frac{5}{8}$  to  $\frac{7}{8}$  inch diameter hex nuts.

**C. Restrictions.** All property owners within the municipal limits of the Town of Rock, Rock County, Wisconsin shall comply with the requirements and specifications of this ordinance by erecting the required building number signs on their property(ies) within six (6) months of the adoption of this ordinance by the Town Board of the Town of Rock. Each principal building and/or property shall bear the number assigned by the Building Inspection

Department of the City of Janesville or the Rock County Planning and Development Agency to the frontage on which the front entrance is located. The building inspector for the Town of Rock shall issue to any property owner in the Town of Rock, upon request, the address sign materials designated by this ordinance for each existing principal building and other important locations designated by the Town Board of the Town of Rock. The building inspector shall issue only address sign materials containing the number assigned to such building or location under the provisions of this ordinance. The address sign materials issued within six months of the adoption of this ordinance for all buildings in existence as of the date of the adoption of this ordinance and for all other important locations designated by the Town Board shall be issued free of charge to the property owners. All address sign materials distributed for any other purpose or following the expiration of six months from the date of adoption of this ordinance shall be distributed only upon the building inspector's prior receipt of the required fee for such address sign materials, which fee shall be set from time to time by the Town Board of the Town of Rock. The initial fee for such address sign materials shall be \$ 10.00, which fee shall continue in effect until changed by written resolution of the Town Board of the Town of Rock.

**Section IV. Damage to Signs:**

- A. It shall be unlawful and a violation of this ordinance to wilfully damage or destroy any sign erected or maintained under the provisions of this ordinance. Any person violating this section shall be subject to the penalty hereinafter prescribed.
- B. Any person who damages or destroys an address sign by accident shall be required to immediately report this incident to the building inspector of the Town of Rock. Wilful failure to report accidental damage or destruction shall constitute a direct violation of this ordinance and shall be subject to the penalty hereinafter prescribed.
- C. Property owners shall be responsible for the cost of all address sign materials required for replacement of damaged or destroyed signs and shall be responsible for replacement of all such signs on their property.

**Section V. Violations:** Any person, firm or corporation who fails to comply with, or violates, the provisions of this ordinance shall, upon conviction thereof, forfeit not less than \$50.00 nor more than \$500.00 and the costs of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense.

Section VI. Effect on Other Ordinances:

- A. Should any section or provision of this ordinance be declared unconstitutional, invalid, or repealed, the constitutionality or validity of the remainder of the ordinance shall not be affected.
- B. Provisions of other ordinances of the Town of Rock inconsistent herewith are hereby repealed and superseded.
- C. This ordinance shall take effect upon passage by the Town Board of the Town of Rock and publication as required by law.

Dated at Afton, Wisconsin, this 4 day of June, 1990.

Town Board of the Town of Rock

BY: Richard M. O'Leary  
Richard M. O'Leary, Town Chairman

BY: Ronald J. Combs  
Ronald J. Combs, Town Supervisor

BY: James Connell  
James Connell, Town Supervisor

Attest:

Virginia Skelly  
Virginia Skelly, Town Clerk

TOWN OF ROCK

ORDINANCE NO. 671

AN ORDINANCE TO ESTABLISH IN THE INTEREST OF THE PUBLIC AND PURSUANT TO SECTION 30.11, STATUTES, A NEW BULKHEAD LINE (SHORE LINE) ALONG EACH OF THE TWO OPPOSITE SHORE LINES OF ROCK RIVER IN ROCK COUNTY.

WHEREAS, the Township of Rock, Rock County, Wisconsin, by and through its Town Board, proposes to establish in the interest of the public and pursuant to Section 30.11, Statutes, a new bulkhead line (shore line) along each of the two opposite shore lines of Rock River in Rock County, as hereinafter described and as shown on an accompanying map, does ordain as follows:

THE TOWN BOARD OF THE TOWN OF ROCK, ROCK COUNTY, STATE OF WISCONSIN, DOES ORDAIN AS FOLLOWS:

ORDINANCE NO. 671 OF THE CODE OF ORDINANCES OF THE TOWN OF ROCK, ROCK COUNTY, STATE OF WISCONSIN, IS HEREBY CREATED TO READ AS FOLLOWS:

SECTION ONE:

That the bulkhead lines of those portions of both shores of Rock River hereinafter described and more particularly shown by the attached map, are established and determined as set forth in the following descriptions and the attached map, subject to the approval of the Public Service Commission of Wisconsin, to-wit:

(a) Bulkhead line along the westerly and northwesterly shore: Commencing at the southeasterly corner of Morris Subdivision, a recorded plat in Section 15, Town 2 North, Range 12 East of the 4th Principal Meridian in said Township of Rock, and running thence South 89°45'40" East along the easterly extension of the southerly line of said Morris Subdivision 975.3 feet to a point on the westerly shore of said Rock River for the place of beginning of this bulkhead line description; thence North 16°06'00" East 579.0 feet; thence North 11°48'30" East 800.6 feet; thence North 4°31'20" East 703.2 feet; thence North 2°09'40" East 806.7 feet; thence North 0°39'50" East 911.0 feet; thence North 9°08'10" West 739.0 feet; thence North 7°43'35" East 1,400.7 feet; thence North 0°28'40" East 810.2 feet; thence North 14°42'40" East 301.2 feet; thence North 4°17'00" East 803.4 feet; thence North 2°57'05" East 503.4 feet; thence North 6°42'20" East 201.2 feet to a point of curve; thence 952.93 feet along a circular arc to the right, said arc having a central angle of 22°09'15", a radius of 2,464.54 feet, a tangent length of 482.5 feet and a main chord of 947.02 feet bearing North 17°46'57.5" East; thence North 36°44'15" East not tangent to the preceding arc, 522.2 feet; thence North 39°09'05" East, 1,409.8 feet; thence North 21°43'30" East 996.0 feet to a point

of curve; thence 291.76 feet along a circular arc to the right, said arc having a central angle of  $32^{\circ}47'50''$ , a radius of 509.70 feet, a tangent length of 150.00 feet and a main chgrd of 287.80 feet bearing North  $38^{\circ}07'25''$  East; thence North  $54^{\circ}31'20''$  East 460.6 feet; thence North  $51^{\circ}28'05''$  East 780.3 feet to a terminal point on the east line of Section 3, Town 2 North, Range 12 East of the 4th Principal Meridian, which latter line is the existing city limit line at this location.

(b) Bulkhead line along the easterly and southeasterly shore: Commencing at the southeasterly corner of said Morris Subdivision and running thence South  $89^{\circ}45'40''$  East along the easterly extension of the southerly line of said Morris Subdivision across said Rock River 1,327.8 feet to a point on the easterly shore of said Rock River to the place of beginning of this bulkhead line description. Said place of beginning is South  $54^{\circ}28'58''$  West 155.1 feet from the point of intersection of the easterly right-of-way line of South River Road and the southerly right-of-way line of Old Wood Road, as said Old Wood Road is laid out in Vobian Hills, a recorded plat in said Section 15; thence, from the place of beginning, going North  $16^{\circ}06'00''$  East 508.1 feet; thence North  $11^{\circ}48'30''$  East 400.6 feet; thence North  $7^{\circ}34'35''$  East 440.5 feet; thence North  $1^{\circ}17'55''$  East 715.5 feet; thence North  $4^{\circ}04'15''$  East 300.2 feet; thence North  $1^{\circ}02'05''$  East 513.9 feet; thence North  $0^{\circ}02'05''$  East 911.1 feet; thence North  $1^{\circ}21'50''$  West 728.7 feet; thence North  $8^{\circ}23'05''$  East 672.5 feet; thence North  $3^{\circ}34'30''$  East 670.7 feet, more or less, to a terminal point on the South Line of the North 1/2 of the South 1/2 of Section 10, Town 2 North, Range 12, East of the 4th Principal Meridian, which is the existing southerly city limit line of the City of Janesville at this location, said terminal point being also the terminal point of the easterly bulkhead line established from the north by the City Council of said City.

#### SECTION TWO:

That three certified copies of the ordinance, together with three true and correct copies of such map, be submitted to the Public Service Commission of Wisconsin for its approval.

SECTION THREE.

That upon the return and receipt of such approved maps the same be giled as follows: One in the office of the Public Service Commission; one in the office of the Town Clerk of the Township of Rock, Rock County, Wisconsin, and one in the office of the Register of Deeds for and in Rock County, Wisconsin.

passed this 29th day of June, 1967.

Roger K. Smith  
Town Chairman

ATTEST:

Virginia Skelly  
Town Clerk

I, Virginia Skelly, Town Clerk, hereby certify that the above is a true and correct copy of Ordinance No.            passed by the Town Board of the Township of Rock, Rock County, Wisconsin on June 29, 1967.

Virginia Skelly  
Town Clerk

**TOWN OF ROCK  
GENERAL ORDINANCE NO. 2008-02**

**Ordinance to Permit Family Cemeteries**

The Town Board of the Town of Rock, Rock County, Wisconsin, does hereby ordain as follows:

- (1) A family cemetery shall be permitted in the Town of Rock (hereafter called the "Town") if it conforms to all of the requirements of this Ordinance.
- (2) A cemetery authority is established to own the cemetery property which shall be either a nonstock corporation under Chapter 181 of the Wisconsin Statutes or a limited liability company under Chapter 183 of the Wisconsin Statutes.
- (3) At no time shall the cemetery exceed 5 acres. The cemetery authority shall not sell cemetery lots or mausoleum spaces at the cemetery and shall have no preneed trust fund accounts for the cemetery. It is the intent that the cemetery authority not be required to be licensed pursuant to section 440.91(1)(a) of the Wisconsin Statutes.
- (4) The cemetery authority shall not be organized or conducted for pecuniary profit as required in sections 157.08(5), 157.11(11), 157.128(3)(b), 157.19(5)(a) and 157.625 of the Wisconsin Statutes.
- (5) The cemetery shall be used exclusively as a cemetery for privately owned burial lots of a family with the intent that it be exempt from general property taxes pursuant to section 70.11(13) of the Wisconsin Statutes.
- (6) The cemetery shall be set back from the nearest habitable dwelling by at least 250 feet.
- (7) The cemetery shall be set back from the nearest property line by 750 feet. This setback only applies to the parent parcel at the time the cemetery is established. The setback shall not apply if the parent parcel is subsequently divided.
- (8) The cemetery shall be set back from the nearest road by 1,000 feet. This setback only applies to the parent parcel at the time the cemetery is established. The setback shall not apply if the parent parcel is subsequently divided.
- (9) The cemetery shall be in the A-1 Zoning District.

(10) The cemetery shall be platted pursuant to section 157.07 of the Wisconsin Statutes by a land surveyor registered in the State of Wisconsin. The number of cemetery lots in the cemetery shall be set forth in the cemetery plat. The cemetery plat shall be approved by the Town Board.

(11) The cemetery authority shall deposit with the Town such sum as determined by the Town Board, which sum shall not be less than \$25,000.00, to guarantee and ensure the long-term maintenance, repair and preservation of the cemetery (hereafter called the "Preservation Fund"). The Preservation Fund shall be deposited by the Town Treasurer in a segregated interest bearing account designated as the "\_\_\_\_\_ Family Cemetery Preservation Fund". The initial amount on deposit in the Preservation Fund (the "Base Amount") shall be adjusted annually on January 1 (the "Adjustment Date") as follows:

The base for computing the adjustment is the Consumer Price Index ("CPI") for All Urban Consumers in the Milwaukee Area, published by the United States Department of Labor, Bureau of Labor Statistics (the "Index"), which is in effect on the date of establishment of the Preservation Fund (the "Beginning Index"). The Index published most immediately preceding the Adjustment Date in question (the "Extension Index") is to be used in determining the amount of the adjustment. If the Extension Index has increased over the Beginning Index, the minimum amount required to be on deposit in the Preservation Fund for the subject year shall be set by multiplying the Base Amount by a fraction, the numerator of which is the Extension Index and the denominator of which is the Beginning Index; provided, however, that in no case shall the minimum amount on deposit in the Preservation Fund for the subject year be less than the minimum amount required to be on deposit for the preceding year.

For so long as the Town does not need to take charge of the cemetery and manage and care for it pursuant to the requirements of Section 157.115(1)(c) of the Wisconsin Statutes or any amended or successor provision thereto, the Town Treasurer shall pay annually to the cemetery authority all of the interest or other income earned on the Preservation Fund for the prior year in excess of the annual adjustment amount provided for above to be used by the cemetery authority for the improvement, maintenance, repair and preservation of the cemetery. In lieu of the above required deposit, the Town Board may authorize and permit the cemetery authority to establish the Preservation Fund with a financial institution, foundation or similar entity as shall be approved by the Town Board provided the Town Board determines that there are sufficient restrictions and/or safeguards in place to assure that (a) the balance of the Preservation Fund will never be less than the amount required by the Town Board plus the annual adjustment provided for above; (b) the current name and address of the financial institution, foundation, or other entity which holds the Preservation Fund is on file with the Town Clerk or other designated Town official; and (c) if the Town is required to



take charge of the cemetery and manage and care for it pursuant to the requirements of Section 157.115(1)(c) of the Wisconsin Statutes or any amended or successor provision thereto, the Town is authorized to draw upon the Preservation Fund to pay for all of the costs and expenses incurred by the Town in connection with such management and care.

(12) The cemetery authority may make regulations for the management and care of the cemetery.

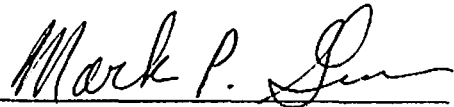
(13) The cemetery authority shall be responsible for the improvement, maintenance, repair and preservation of the cemetery.

(14) Pursuant to section 157.115(1)(c) of the Wisconsin Statutes, if the cemetery falls into disuse, or is abandoned or neglected, and the Town needs to take charge of the cemetery and manage and care for it, the Town may charge the expense of doing so to the preservation fund.

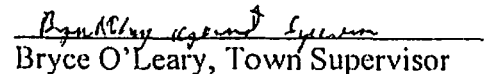
(15) In the event the Town of Rock needs access to the cemetery for the purpose of management and care, the Town shall have access to the cemetery over a route approved by the Town Board at the time the cemetery plat is approved by the Town Board. An easement for access in form satisfactory to the Town Board shall be granted to the Town simultaneously with the recording of the cemetery plat.

(16) No mausoleum shall be constructed on the cemetery property.


This Ordinance was passed by the Town Board of the Town of Rock, Rock County, Wisconsin, on this 3<sup>rd</sup> day of March, 2008.



Mark Gunn, Town Chairperson




Bryce O'Leary, Town Supervisor




Dean Connell, Town Supervisor

I hereby certify that the above Ordinance was adopted by the Town Board of the Town of Rock on the 3<sup>rd</sup> day of March, 2008, and on the 17<sup>th</sup> day of March, 2008, copies of the Ordinance were posted by me in three (3) public places in the Town of Rock, Rock County, Wisconsin.

  
Deborah Bennett, Town Clerk  
Town of Rock, Rock County, Wisconsin

Subscribed and sworn to before me  
this 5<sup>th</sup> day of MAY, 2008.

  
Notary Public, Rock County, Wisconsin  
My commission is permanent  
or expires: \_\_\_\_\_

TOWN OF ROCK  
ORDINANCE NO. 2021- 02

AMENDMENT TO ZONING ORDINANCE

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE TOWN OF ROCK BY CREATING SECTION 4.3(14) AND 4.10(2)(H).

THE TOWN BOARD OF THE TOWN OF ROCK, COUNTY OF ROCK, STATE OF WISCONSIN, HEREBY ORDAINS AS FOLLOWS:

SECTION 1: Section 4.3(14) shall be created and shall read as follows:

(14) Chickens Allowed

Any person may keep up to six female chickens on any lot zoned R-1 in the Town, so long as said lot contains one single-family residential dwelling, subject to the following:

(A) Definitions:

(i) The term “chicken” shall mean a domestic fowl of the subspecies *Gallus domesticus*.

(ii) The term “coop” shall mean a new or existing enclosed accessory structure designed or modified for the keeping of chickens and meeting the requirements of this section.

(iii) The term “run” shall mean a structure attached and contiguous to a coop constructed in a fashion to confine chickens and in compliance with the provisions of this section.

(B) No roosters shall be allowed to be kept under this section.

(C) Chickens must be kept in a chicken coop and the attached and continuous run, which shall not exceed eighty (80) square feet in area, be enclosed by a fence, and located completely in the rear yard of the R-1 lot.

(D) All coops and runs shall be constructed from conventional building materials in a workmanlike fashion or be a premanufactured enclosed structure designed specifically for the keeping of chickens in a residential environment. Coops shall be impermeable to rodents, wild birds, and predators, and must be constructed or modified in a fashion to provide a humane environment for the chickens, include adequate ventilation, adequate sun, adequate shade, and adequate protection from adverse weather. A newly-built or installed coop shall have a minimum of three square feet per chicken.

(E) Coops and runs must be kept clean, dry, and odor free and kept in a sanitary condition at all times in such a manner as to not disturb the use or enjoyment of adjoining property due to noise, odor, or any other adverse impact.

(F) Chickens must be kept in a coop or the attached run at all times. Between sunrise and sunset, chickens may be allowed outside of the coop in the run. Chickens must be secured within the coop between sunset and sunrise.

(G) Permits shall not be required for the keeping of chickens.

(H) No person shall slaughter any chicken within the Town other than at a licensed meat processing facility.

SECTION 2: Section 4.10(2)(H) shall be created and shall read as follows:

(H) The keeping of chickens pursuant to Section 4.3(14) hereof.

SECTION 3: This ordinance and the amendment described herein shall take effect and shall be in full force from and after its passage and posting as provided by law.

[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, we have unto set our hands and seals this 5<sup>th</sup> day of July, 2021.

TOWN OF ROCK

By: Mark P. Gunn  
Mark Gunn, Town Chairperson

By: Tony Dubanowich  
Tony Dubanowich, Town Supervisor

By: Pete Parker  
Pete Parker, Town Supervisor

**CERTIFICATION**

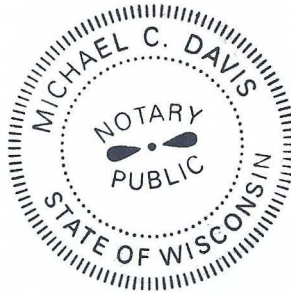
I hereby certify that the above Ordinance Number 2021 - 02 was adopted by the Town Board of the Town of Rock on the 5<sup>th</sup> day of July, 2021, and that on the 6<sup>th</sup> day of July, 2021, copies of the above ordinance were posted by me in three places in the Town of Rock, Rock County, Wisconsin, as follows:

Rock Town Hall  
Alton Post Office  
National Bank, Center Ave

Deborah Bennett  
Deborah Bennett, Town Clerk/Treasurer  
Town of Rock, Rock County, Wisconsin

Subscribed and sworn to before me this  
2nd day of August, 2021

[Signature]  
Notary Public, Rock County, Wisconsin  
My Commission is permanent  
~~Or expires:~~ \_\_\_\_\_



TOWN OF ROCK  
ORDINANCE NO. 2008-01

AN ORDINANCE TO REPLACE EXISTING ORDINANCE NOS. 003 AND 2005-02, ADOPTING AND AUTHORIZING THE USE OF A CITATION TO BE USED FOR VIOLATIONS OF CERTAIN ORDINANCES.

THE TOWN BOARD OF THE TOWN OF ROCK, ROCK COUNTY, WISCONSIN, ORDAINS AS FOLLOWS:

ORDINANCE NOS. 003 and 2005-02 OF THE TOWN OF ROCK, COUNTY OF ROCK, STATE OF WISCONSIN, ARE HEREBY RESCINDED AND RECREATED AS ORDINANCE NO. 2008-01, TO READ AS FOLLOWS:

**SECTION I: Adoption of Citation**

The Town of Rock does hereby adopt and authorize the use of a citation to be used for certain violations of certain ordinances of the Town of Rock.

**SECTION II: Form of Citation**

The citation issued hereunder shall include the following:

- A. The name and address of the alleged violator.
- B. The factual allegations describing the alleged violation.
- C. The time and place of the offense.
- D. The number and section of the ordinance violated.
- E. A designation of the offense in such manner as can be readily understood by a person making a reasonable effort to do so.
- F. The time at which the alleged violator may appear in court.
- G. A statement which in essence informs the alleged violator:
  1. That the alleged violator may make a cash deposit as set forth in Section III of this ordinance to be mailed to the Clerk of Courts of Rock County within five days after issuance of the citation;
  2. That if the alleged violator makes such a deposit, he or she need not appear in court unless subsequently summoned;



3. That if the alleged violator makes a cash deposit and does not appear in court, he or she will be deemed to have tendered a plea of no contest and submitted to a forfeiture, a penalty surcharge imposed by § 757.05 of the Wisconsin Statutes (2005-06), a jail surcharge imposed by § 302.46(1) of the Wisconsin Statutes (2005-06), and a crime laboratories and drug law enforcement surcharge imposed by § 165.755 of the Wisconsin Statutes (2005-06) 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;

4. 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 non-appearance to be a plea of no contest and enter judgment under § 66.0113(3)(d) of the Wisconsin Statutes (2005-06), or the Town of Rock may commence an action against the alleged violator to collect the forfeiture, the penalty surcharge imposed by § 757.05 of the Wisconsin Statutes (2005-06), the jail surcharge imposed by § 302.46(1) of the Wisconsin Statutes (2005-06) and the crime laboratories and drug law enforcement surcharge imposed by § 165.755 of the Wisconsin Statutes (2005-06);

5. 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 § 800.093 of the Wisconsin Statutes (2005-06).

H. A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement which accompanies the citation to indicate that he or she read the statement required under subsection II G of this ordinance and shall send the signed statement with the cash deposit.

**SECTION III: Schedule of Cash Deposits**

The following cash deposits are required for violations of the following ordinances:

Ordinance	Violation Penalty	Penalty Surcharge	Jail Surcharge	Crime Laboratories & Drug Law Enforcement Surcharge	Total Deposit
Ordinance No. 784 – Stop Signs at Railroad Crossing	\$40 for first offense, \$100 for second or subsequent conviction within a year	\$9.60 for the first offense and \$24 for second or subsequent convictions within a year	\$10.00	\$7.00	1. \$66.60 for first offense 2. \$141 for second or subsequent convictions within a year



Ordinance No. 943 – Abandoned, disabled and unlicensed vehicles	\$200 for single day or \$50 per day for multiple days, whichever is larger	\$48 for single day or \$12 for multiple days, whichever is larger	\$10.00	\$7.00	1. \$265.00 for single day 2. per formula for multiple days, whichever is larger
Ordinance No. 712 – Starting of Fires	\$50.00	\$12.00	\$10.00	\$7.00	\$79.00
Ordinance No. 982 – Paintball guns, air guns and BB guns	\$250.00	\$60.00	\$10.00	\$7.00	\$327.00
Ordinance No. 955 - Shooting	\$150.00	\$36.00	\$10.00	\$7.00	\$203.00
Ordinance No. 843 - Dogs	\$100.00	\$24.00	\$10.00	\$7.00	\$141.00
Ordinance No. 831 – Wild animals and reptiles	\$200.00	\$48.00	\$10.00	\$7.00	\$265.00
Ordinance No. 691 - Bees	\$25.00	\$6.00	\$10.00	\$7.00	\$48.00
Ordinance No. 782 – All-terrain vehicles	\$150.00	\$36.00	\$10.00	\$7.00	\$203.00
Ordinance No. 951 – No wake zone on Rock River	150% of minimum penalty under § 30.80 of the Wisconsin Statutes, but not exceeding maximum penalty under that statute	24% of penalty	\$10.00	\$7.00	per formula to left
Zoning Ordinance	\$100 for each day of violation	\$24.00	\$10.00	\$7.00	\$141 for each day of violation
Ordinance No. 2005-02	\$300 for single day or \$150 per day for multiple days, whichever is larger	\$72 for single day or \$36 for multiple days, whichever is larger	\$10.00	\$7.00	1. \$389 for single day 2. \$203 per day for multiple days

**SECTION IV: Court**

Cash deposits hereunder are to be made to the Clerk of Courts for Rock County, who shall issue a receipt for any such cash deposits.

**SECTION V: Enforcement**

Citations authorized under this ordinance may be issued by law enforcement officers of the County of Rock and the Town of Rock, and may also be issued by the Town Chairperson. The Town Chairperson may delegate authority to issue citations to an employee of the Town, including, but not limited to, an off-duty law enforcement officer employed by the Town for such purpose.

**SECTION VI: Severability**

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

**SECTION VII: Effective Date**

This ordinance shall take effect and be in full force from and after its passage and publication as provided by law.

  
\_\_\_\_\_  
Mark Gunn, Chair

  
\_\_\_\_\_  
Bryce O'Leary

  
\_\_\_\_\_  
Dean Connell

Attest:

  
\_\_\_\_\_  
Deborah Bennett, Clerk

**CERTIFICATE**

I hereby certify that the above ordinance was adopted by the Town Board of the Town of Rock on the \_\_\_\_\_ day of \_\_\_\_\_, 2008, and that on the \_\_\_\_\_ day of \_\_\_\_\_, 2007, a copy of the ordinance was published in *The Janesville Gazette*, the official newspaper of the Town of Rock.

\_\_\_\_\_  
Deborah Bennett, Town Clerk  
Town of Rock, Rock County, WI

Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Notary Public, Rock County, WI  
My Commission is permanent or  
expires \_\_\_\_\_

**TOWN OF ROCK**  
**ORDINANCE NO. 17-02**

AN ORDINANCE TO AMEND EXISTING ORDINANCE NO. 2008-01, WHICH ADOPTED AND AUTHORIZED THE USE OF CITATIONS TO BE USED FOR VIOLATIONS OF CERTAIN ORDINANCES.

THE TOWN BOARD OF THE TOWN OF ROCK, COUNTY OF ROCK, STATE OF WISCONSIN, ORDAINS AS FOLLOWS:


SECTION III of the existing ordinance No. 2008-01 of the Town of Rock is amended to add the following line in the "Schedule of Cash Deposits" table as it appears in said section:

Ordinance	Violation Penalty	Penalty Surcharge	Jail Surcharge	Crime Laboratories & Drug Law Enforcement Surcharge	Total Deposit
Ordinance No. 2017- , Noxious Weeds	\$50.00 per day	\$13.00	\$10.00	\$13.00	\$79.00 per day

This ordinance shall take effect and be in force from and after the date after passage and publication as required by law.

Dated this 6 day of March, 2017.

  
\_\_\_\_\_  
Mark Gunn, Town Board Chairperson

  
\_\_\_\_\_  
Tony Dubanowich, Town Board Supervisor

  
\_\_\_\_\_  
Pete Parker, Town Board Supervisor

**TOWN OF ROCK**  
**ORDINANCE NO. 17 - 01 \_\_\_\_\_**

AN ORDINANCE PROVIDING FOR THE CONTROL OF NOXIOUS WEEDS

RECITALS

A. The Town Board is aware of the existence of noxious weeds within the Town of Rock (“Town”); and

B. It is the desire of the Town Board to control the noxious weeds within the Town.

**NOW, THEREFORE**, the Town Board of the Town of Rock, Rock County, Wisconsin, hereby ordains as follows:

SECTION I: TITLE AND PURPOSE

This ordinance is entitled the Town of Rock Noxious Weed Ordinance. The purpose of this ordinance is to provide for the control of noxious weeds in the town.

SECTION II: AUTHORITY

The Town Board of the Town has the specific authority under ss. 66.0407 and 66.0527, Wis. Stats., and has the general authority under its village powers under s. 60.22, Wis. Stats., to adopt this ordinance.

SECTION III: ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the Town Board of the Town with a quorum present and voting and proper notice having been given, provides for the regulation of noxious weeds in the Town.

SECTION IV: DESIGNATION OF NOXIOUS WEEDS

A. The following are designated as noxious weeds:

- i. Canada thistle, leafy spurge, and field bindweed (creeping Jenny), as provided in s. 66.0407(1)(b), Wis. Stats.
- ii. Those additional weeds as may be designated from time to time by resolution of the Town Board.

B. The Town Board chairperson shall include those weeds designated as noxious weeds in the Noxious weeds notice given annually under s. 66.0407 (4) Wis. Stats.

## SECTION V: TOWN WEED COMMISSIONER

- A. The Town Board chairperson shall have the authority to appoint a town weed commissioner under s. 66.0517(2)(a), Wis. Stats. (“Commissioner”). Once appointed, the Commissioner shall have the powers and duties to investigate and destroy noxious weeds in the Town as provided in s. 66.0517(2)(a), Wis. Stats.
- B. The Commissioner shall receive compensation for investigating the existence of and destroying noxious weeds, including any clerical or administrative activities performed in relation to the performance of those activities at the rate of \$100 per year. The Commissioner shall receive said compensation only after presenting to the Town treasurer an account of noxious weed investigation and destruction activities which shall be verified by oath and approved by the Town Board chairperson. The account shall specify each activity of investigation and destruction performed and shall specify the amount that is chargeable to each parcel of land.
- C. After the account of the Commissioner is paid by the treasurer hereunder, the account shall be filed with the Town clerk. The clerk shall enter the amount chargeable for the destruction of weeds to each parcel of land in the next tax roll in a column headed “For the Destruction of Weeds,” as a tax on the lands upon which the weeds were destroyed. The tax shall be collected under ch. 74, Wis. Stats., except in the case of lands that are exempt from taxation, railroad lands, or other lands for which taxes are not collected under ch. 74, Wis. Stats.

## SECTION VI: NOXIOUS WEED DESTRUCTION

- A. Under s. 66.0407(3), Wis. Stats., and this ordinance, a person owning, occupying or controlling land shall destroy all noxious weeds.
- B. If after publication of the notice required under s. 66.0407(4), Wis. Stats. and investigation, the Commissioner determines that the person or utility owning, occupying, or controlling land has failed to destroy all noxious weeds on their land, the Town board may cause to be served upon any or all of these persons a copy of the notice required under s. 66.0407(4), Wis. Stats., together with a statement commanding that the noxious weeds upon the land shall be destroyed within five (5) days of the receipt of the notice or the person shall be subject to a forfeiture as provided in this Ordinance. The notice and statement shall be served by registered or certified mail.
- C. Any person upon whom a notice to destroy weeds is served under this Section VI may request a hearing before the Town Board to challenge the reasonableness of the board’s requirement to destroy weeds. The request for hearing shall be in writing and shall be filed with the Town clerk on or before the expiration of the time to destroy the weeds as stated in this section. In the event that a request for

hearing is filed, the Town Board shall set a time and place for the hearing, which date shall not be less than five (5) days after the date the request for hearing is received by the Town clerk, and notice of the time and place shall be served upon the person requesting the hearing. No citation or complaint for the recovery of a forfeiture under this section may be issued until the completion of the hearing. Every notice issued under this section shall contain a clear statement of the right to request a hearing as provided under this subsection.

- D. In addition to any other right and/or remedy, in law or equity, any person, people, trust, partnership, corporation, or other legal entity that fails to comply with the provisions of this section shall, upon conviction pay a citation as prescribed in Town of Rock Ordinance No. 08-01, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the Town board may seek injunctive relief from a court of record to enjoin further violations.

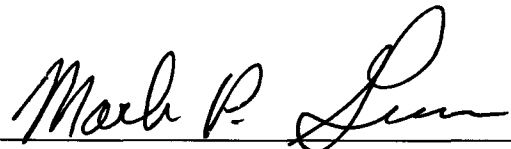
#### SECTION VII: SEVERABILITY

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

#### SECTION IX: EFFECTIVE DATE

This ordinance shall take effect and be in force from and after the day after passage and publication as required by law.

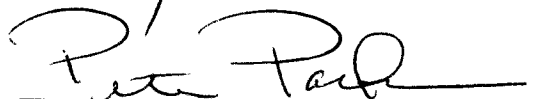
Dated this 6 day of March, 2017.



Mark Gunn, Town Board Chairperson



Tony Dubanowich, Town Board Supervisor



Pete Parker, Town Board Supervisor

TOWN OF ROCK  
ORDINANCE NUMBER 84 2

THE TOWN BOARD OF THE TOWN OF ROCK, ROCK COUNTY, WISCONSIN,  
ORDAINS AS FOLLOWS:

ORDINANCE NUMBER 84    OF THE CODE OF ORDINANCES OF THE TOWN OF  
ROCK, ROCK COUNTY, WISCONSIN, IS HEREBY CREATED TO READ AS FOLLOWS:

AN ORDINANCE TO IMPOSE A PENALTY OF 0.5% PER MONTH OR FRACTION  
OF A MONTH, IN ADDITION TO THE INTEREST UNDER SECTION 74.80(1) OF THE  
WISCONSIN STATUTES, ON ANY OVERDUE OR DELINQUENT PERSONAL PROPERTY  
TAXES.

1. The Town of Rock hereby imposes a penalty of 0.5% per month or fraction of  
a month, in addition to the interest provided for under Section 74.80(1) of the Wisconsin  
Statutes, on any overdue or delinquent personal property taxes levied by the Town of Rock.

2. The penalty under this ordinance shall apply to any personal property taxes  
that become overdue or delinquent on or after January 1, 1985.

3. This ordinance is enacted pursuant to Section 74.80(2)(a) of the Wisconsin  
Statutes.

4. This ordinance shall be in full force and effect from and after its passage  
and posting as provided by law.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 1st day  
of October, 1984.

John H. Lee  
Town Chairman

Richard M. O'Leary  
Town Supervisor

Paul J. Lee  
Town Supervisor

I hereby certify that the above ordinance was adopted by the Town Board of  
the Town of Rock on the \_\_\_ day of October, 1984, and on the \_\_\_ day of October,

1984, copies of above ordinance were posted by me in three (3) public places located in the Town of Rock, Rock County, Wisconsin.

Virginia Skelly, Town Clerk  
Town of Rock, Rock County, Wisconsin

Subscribed and sworn to before  
me this \_\_\_ day of Oct., 1984.

Notary Public, Rock County, Wis.  
My Commission: \_\_\_\_\_



**TOWN OF ROCK**

**ORDINANCE NO. 922**

**AN ORDINANCE ACCEPTING THE TERMS OF REVISED ORDINANCE NUMBER 92-811 OF THE CITY OF JANESVILLE REGARDING THE DETACHMENT OF CERTAIN TERRITORY IN SECTIONS 9, 10 AND 16, T.2N., R.12E. OF THE 4TH P.M., CITY OF JANESVILLE, ROCK COUNTY, WISCONSIN FROM THE CITY OF JANESVILLE TO THE TOWN OF ROCK AND ANNEXING SUCH TERRITORY TO THE TOWN OF ROCK.**

**RECITALS**

WHEREAS, a Notice of Intention to Circulate Petition of Detachment was published on September 5, 1992 in the Janesville Gazette as a Class I notice under Chapter 985 of the Wisconsin Statutes (1989-90) relating to a certain parcel of property located in Sections 9, 10 and 16, T.2N., R.12E. of the 4th P.M., City of Janesville, Rock County, Wisconsin; and

WHEREAS, on September 15, 1992 a Petition for Detachment dated September 15, 1992 was filed with the City Clerk of the City of Janesville by Thomas R. Skelly and Cheryl Skelly requesting that the parcel of property which was the subject of the Notice of Intention to Circulate Petition of Detachment be detached from the City of Janesville and attached to the Town of Rock in accordance with the detachment provisions set forth in Section 66.022 of the Wisconsin Statutes (1989-90); and

WHEREAS, Thomas R. Skelly and Cheryl Skelly are the owners of all of the taxable land in area located within the boundaries of the property described in the Petition for Detachment; and

WHEREAS, on October 19, 1992 the Common Council of the City of Janesville adopted Revised Ordinance Number 92-811 detaching from the City of Janesville the property which is the subject of the Petition for Detachment; and

WHEREAS, not more than 60 days have elapsed since the enactment of Revised Ordinance Number 92-811 by the Common Council of the City of Janesville; and

WHEREAS, the Town Board has determined that the detachment of the parcel of property described in the Petition for Detachment from the City of Janesville and the attachment thereof to the Town of Rock is in the public interest.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Rock does ordain as follows:

**SECTION I:** The terms of Revised Ordinance Number 92-811 of the City of Janesville relating to the detachment of the following described property from the City of Janesville are

hereby accepted by the Town of Rock and the following described property is hereby annexed to the Town of Rock, Rock County, Wisconsin:

Part of the East 1/2 of the SE 1/4 of Section 9, Part of Government Lot 3 of the fractional SW 1/4 of Section 10, also part of the NE 1/4 of the NE 1/4 of Section 16, all in T. 2 N., R. 12 E. of the 4th p.m., City of Janesville, Rock County, Wisconsin, described as follows:

Beginning at an aluminum monument at the West 1/4 corner of said Section 10; thence S. 89°55'45" E. along the North line of Government Lot 3 (as evidenced by present fence), 1285.93 feet to an iron pin monument at the Northwesterly corner of Lot 1 of a Certified Survey Map as recorded in Volume 12, Pages 524, 525 and 526; thence S. 17°16' W. along the Westerly line of said lot, 509.97 feet to an iron pin monument at the Southwesterly corner of said Lot 1; thence N. 89°03'50" W. 656.88 feet to an iron pin monument; thence S. 33°15'50" W. 443.00 feet to an iron pin monument; thence S. 37°37'55" W. 444.24 feet to an iron pin monument; thence S. 28°45'25" W. 391.51 feet to an iron pin monument; thence S. 77°54'40" W. 188.34 feet to an iron pin monument; thence S. 22°36' W. 139.84 feet to an iron pin monument; thence S. 10°39'45" W. 888.10 feet to an iron pin monument; thence S. 08°59'15" W. 1387.28 feet to an iron pin monument on the South line of the NE 1/4 of the NE 1/4 of Section 16-2-12; thence N. 89°57'15" W. along said South line, 410.30 feet to an iron pin monument at the SW corner of said NE 1/4 of said NE 1/4 of said Section 16; thence N. 00°50'05" W. along the West line of said NE 1/4 of said NE 1/4 of said section, 1321.00 feet to an iron pin monument at the SW corner of the East 1/2 of the SE 1/4 of Section 9-2-12; thence N. 01°06'55" W. along the West line of said East 1/2 of said SE 1/4 of said Section 9, a distance of 2635.50 feet to an iron pin monument at the NW corner of said East 1/2 of said SE 1/4 of said Section 9, thence S. 89°56'35" E. along the East and West centerline of said Section 9, a distance of 1324.50 feet to the place of beginning. Containing 97.41 acres.

**SECTION II:** After the detachment of the above-described property from the City of Janesville and the annexation thereof to the Town of Rock becomes effective, the above-described property shall be exempt from further taxation and assessment by the City of Janesville and henceforth be subject to taxation and

assessments as part of the Town of Rock for any and all purposes provided by law.

**SECTION III:** The several sections, subsections and paragraphs of this ordinance are hereby declared to be severable. If any section, subsection, paragraph or a subparagraph of this ordinance shall be declared by a decision of a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other provisions of the ordinance, or of the section in which the invalid portion or paragraph may be a part.

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

**SECTION V:** This amendment shall take effect and shall be in full force from and after its passage and posting as provided by law.

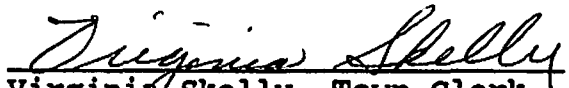
IN WITNESS WHEREOF, we have hereunto set our hands and seals this 2nd day of November, 1992.

  
Richard M. O'Leary, Town Chairman

  
Ronald B. Combs, Town Supervisor

  
James Connell, Town Supervisor

ATTEST:

  
Virginia Skelly, Town Clerk

AFFIDAVIT OF POSTING

STATE OF WISCONSIN )  
                                  )ss  
COUNTY OF ROCK        )

Virginia Skelly, being first duly sworn on oath, deposes and says that she is the Town Clerk for the Town of Rock, Rock County, Wisconsin; that the above ordinance was adopted by the Town Board of the Town of Rock on the 2nd day of November, 1992;

and that on the 3<sup>rd</sup> day of November, 1992, she posted copies of the above ordinance in the following three (3) public places located in the Town of Rock, Rock County, Wisconsin:

1. Rock Town Hall
2. Posting Board at Township Park
3. Rock Co. Nat'l. Bank

Dated this 3<sup>rd</sup> day of November, 1992.

Virginia Skelly  
Virginia Skelly, Town Clerk,  
Town of Rock, Rock County, Wis.

Subscribed and sworn to before me  
this 3<sup>rd</sup> day of November, 1992.

Frederick Wesner  
Frederick Wesner  
Notary Public, Rock County, Wis.  
My commission is permanent.

toro.slh

TOWN OF ROCK  
ORDINANCE NUMBER 84 3

AN ORDINANCE PROHIBITING THE HARBORING OF UNLICENSED DOGS, DOGS RUNNING AT LARGE, AND BARKING DOGS.

THE TOWN BOARD OF THE TOWN OF ROCK, ROCK COUNTY, WISCONSIN, DOES ORDAIN AS FOLLOWS:

ORDINANCE NUMBER 84 3 OF THE CODE OF THE ORDINANCES OF THE TOWN OF ROCK, ROCK COUNTY, WISCONSIN, IS HEREBY CREATED TO READ AS FOLLOWS:

SECTION I. HARBORING UNLICENSED DOG.

No person shall harbor or permit to remain about his premises any dog for which no license exists and for which one is required by statute.

SECTION II. PERMITTING DOGS TO RUN AT LARGE.

No person or persons, being the owner or owners, or having possession, custody, or control of any dog shall permit the same to run at large in the Town of Rock, Rock County, Wisconsin, at anytime.

SECTION III. DEFINITION OF "RUNNING AT LARGE".

The term "running at large" as used in this ordinance includes all situations in which a dog is neither on the premises of the owner or person having possession of the dog nor is tied up, securely penned or securely held by a leash.

SECTION IV. BARKING DOG.

All persons owning, possessing, or harboring a dog shall prevent such dog from barking or howling in the Town of Rock in such a fashion as to create a disturbance. Barking or howling does not mean barking or howling on infrequent occasions, but does mean barking or howling sufficiently often so as to be unreasonably disturbing to other persons in the neighborhood.

SECTION V. PENALTY.

Any person who shall violate any of the provisions of this ordinance shall forfeit and pay to the Town of Rock, Rock County, Wisconsin, a penalty not to exceed One Hundred Dollars (\$100.00) together with the costs of prosecution for such offense and default of such payment shall be imprisoned for not more than thirty (30) days. Each day's continuance of any violation shall constitute a separate offense.

SECTION VI.

This ordinance shall be in full force and effect from and after its passage and posting as provided by law.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 5<sup>th</sup> day of November, 1984.

John H. Lee  
John H. Lee, Town Chairman

Richard M. O'Leary  
Richard O'Leary, Town Supervisor

Ronald J. Combs  
Ronald Combs, Town Supervisor

I hereby certify that the above ordinance was adopted by the Town Board of the Town of Rock on the 5<sup>th</sup> day of November, 1984, and on the 28<sup>th</sup> day of November, 1984, copies of the above ordinance were posted by me in three (3) public places located in the Town of Rock, Rock County, Wisconsin.

Virginia Skelly  
Virginia Skelly, Town Clerk  
Town of Rock, Rock County, Wisconsin

Subscribed and sworn to before  
me this \_\_\_ day of \_\_\_\_\_, 1984.

\_\_\_\_\_  
Notary Public, Rock County, Wis.  
My commission: \_\_\_\_\_



TOWN OF ROCK

ORDINANCE NO. 2023-02

AN ORDINANCE TO AUTHORIZE THE TOWN CLERK TO ESTABLISH THE LENGTH AND DURATION OF ELECTION WORKER SCHEDULES AS NECESSARY TO MAINTAIN ADEQUATE STAFFING OF THE POLLING PLACE(S).

THE TOWN BOARD OF THE TOWN OF ROCK, COUNTY OF ROCK, STATE OF WISCONSIN, DOES HEREBY ORDAINS AS FOLLOWS:

SECTION 1: Pursuant to Section 7.30 AND 60.30(1e) of the Wisconsin Statutes, the Town Board of the Town of Rock, Wisconsin, hereby authorizes the selection of alternate officials or the selection of 2 or more sets of officials to work at different times on election day and authorizes the Town Clerk to establish different working hours for different officials assigned to the same polling place in order to maintain adequate staffing of polling place(s).

SECTION 2: This ordinance shall take effect and shall be in full force from and after its passage and posting as provided by law.

Dated this 6<sup>th</sup> day of February, 2023.



Mark Gunn, Town Board Chairperson



Tony Dubanowich, Town Board Supervisor



Pete Parker, Town Board Supervisor

TOWN OF ROCK

ORDINANCE #793

An Ordinance to promote the health, safety and general welfare of the Town People of the Town of Rock, Rock County, State of Wisconsin, enacted pursuant to the enabling provisions of the Wisconsin Statutes. THE TOWN BOARD OF THE TOWN OF ROCK, ROCK COUNTY, WISCONSIN, DO ORDAIN AS FOLLOWS:

ORDINANCE #793 OF THE CODE OF GENERAL ORDINANCES OF THE TOWN OF ROCK, ROCK COUNTY, WISCONSIN, IS HEREBY CREATED TO READ AS FOLLOWS:

1. The Fire Prevention Code, 1970 edition recommended by the American Insurance Association and Wisconsin Administrative Code Chapters IND 1 through 9, inclusive, and 50 through 64 inclusive, are hereby adopted by the Town of Rock in their entirety for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, of which codes, not less than one (1) copy of each, have been and now are filed in the office of the Clerk of the Town of Rock and as adopted hereby are incorporated herein as fully as if set out in length herein, and the provisions thereof shall be controlling within the limits of the Town of Rock.

2. The Fire Prevention Code and Wisconsin Administrative Code Chapters IND 1 through 9, inclusive, and 50 through 64, inclusive, shall be enforced by the Building Inspector for the Town of Rock or by the Bureau of Fire Prevention in the Fire Departments of the Town of Beloit, and/or the City of Janesville.

3. Whenever the Chief of the Bureau of Fire Prevention for either the Town of Beloit or the City of Janesville shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the codes do not apply or that the true intent and meaning of the codes have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Chief of the respective Bureau of Fire Prevention to the Town Board of the Town of Rock within fifteen (15) days from the date of the decision appealed.

4. Any person who shall violate any of the provisions of the codes hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Town Board of the Town of Rock or by a court of competent jurisdiction, within the time fixed herein, shall, upon conviction, be subject to a forfeiture



of not less than Ten Dollars (\$10.00) or more than Two Hundred Dollars (\$200.00), together with the costs of prosecution and, in default of payment thereof, shall be imprisoned for a period of not less than one (1) day or more than six (6) months or until such forfeiture and costs are paid. It shall be the responsibility of the offender to abate the violation as expeditiously as possible, and each day that such violation is permitted to continue shall constitute a separate offense. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

5. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the code hereby adopted are hereby repealed.

6. The Town of Rock hereby declares that should any section, paragraph, sentence, or word of this ordinance or of the code hereby adopted be declared for any reason to be invalid, it is the intent of the Town of Rock that it would have passed all other provisions of this ordinance independent of the elimination herefrom of any such portion as may be declared invalid.

7. This ordinance shall take effect and be in full force from and after its passage and posting as provided by law.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 10th day of September, 1979.

John H. Lee  
Town Chairman  
Donald B. Rich  
Town Supervisor  
Richard M. O'Leary  
Town Supervisor

I hereby certify that the above ordinance was adopted by the Town Board of the Town of Rock on the 10th day of September, 1979, and that on the 18<sup>th</sup> day of September, 1979, copies of the above ordinance were posted by me in three (3) public places located in the Town of Rock.

Virginia Skelly  
Virginia Skelly, Town Clerk, Town  
of Rock, Rock County, Wisconsin

Subscribed and sworn to before  
me this \_\_\_\_\_ day of September, 1979.

Notary Public, Rock County, WI  
My commission: \_\_\_\_\_

**TOWN OF ROCK**  
**ORDINANCE NO. 2009 - 01**

An ordinance to promote the health, safety, and general welfare of the townspeople of the Town of Rock, County of Rock, State of Wisconsin, enacted under authority granted by Chapter 283 of the Wisconsin Statutes and NR 216.07(3) of the Wisconsin Administrative Code. THE TOWN BOARD OF THE TOWN OF ROCK, ROCK COUNTY, WISCONSIN, DOES ORDAIN AS FOLLOWS:

**SECTION 1. TITLE**

This ordinance shall be cited as the Town of Rock Illicit Discharge Ordinance

**SECTION 2. AUTHORITY**

This ordinance is adopted under authority granted by Chapter 283, Wis. Stats., and NR 216.07(3), Wis. Adm. Code. The provisions of this ordinance are not intended to limit any other lawful regulatory powers of the Town of Rock.

**SECTION 3. RESPONSIBILITY FOR ADMINISTRATION AND APPEALS**

The Town Board of the Town of Rock shall designate and appoint at its regular monthly meeting in May of each year a member of the Town Board or other qualified person (the "Ordinance Administrator") to administer and enforce the provisions of this ordinance. The Ordinance Administrator will be responsible for the administration and enforcement of this ordinance. The Town Board of Adjustment, functioning in accord with Chapter 92, Wis. Stats., shall hear and decide appeals where it is alleged that there is an error in any order, decision, or determination made by the Ordinance Administrator upon written request by a person to the board chair. A responsible person or landowner may appeal within 30 calendar days of the date of any order, decision, or determination made by the Ordinance Administrator in administering this ordinance, relative to sites in which such person has an interest.

**SECTION 4. PURPOSE AND INTENT**

The purpose of this ordinance is to provide for the health, safety, and general welfare of citizens through the regulation of non-storm water discharged to the storm drainage system to the maximum extent practicable as required by federal and state law. This ordinance establishes methods for controlling the introduction of pollutants in the municipal separate storm sewer system (MS4) in order to comply with the requirements of the Wisconsin Pollutant Discharge Elimination System (WPDES) permit process. The intent of this ordinance is:

A. To prohibit the discharge, spilling, or dumping of non-storm water substances or materials into waters of the state or the MS4;

**B.** To identify non-storm water discharges or flows that are not considered illicit discharges;

**C.** To establish legal authority to carry out all inspection, surveillance, monitoring and enforcement procedures necessary to ensure compliance with this ordinance.

### **SECTION 5. JURISDICTION**

This ordinance shall apply to unincorporated lands within the Permitted Area of the Town of Rock's Municipal WPDES Permit as amended and revised unless explicitly exempted by this ordinance.

### **SECTION 6. SEVERABILITY**

If a court of competent jurisdiction judges any section, clause, provision, or portion of this ordinance unconstitutional or invalid, the remainder of the ordinance shall remain in full force and not be affected by such judgment.

### **SECTION 7. REMEDIES NOT EXCLUSIVE**

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state, or local law, and it is within the discretion of the Ordinance Administrator to seek cumulative remedies.

### **SECTION 8. ULTIMATE RESPONSIBILITY**

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.

### **SECTION 9. DISCHARGE PROHIBITIONS**

No person shall discharge or cause to be discharged into the MS4 or waters of the state any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

The commencement, conduct or continuance of any illicit discharge to the MS4 is prohibited except as follows:

**A.** The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, individual

residential car washing, nature riparian habitat or wetland flows, swimming pools (if dechlorinated – typically less than one PPM chlorine), fire fighting activities, and any other water source not containing pollutants.

**B.** Dye testing is an allowable discharge, but requires a verbal notification to the Ordinance Administrator prior to the time of the test.

**C.** The prohibition shall not apply to any non-storm water discharge permitted under a WPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the DNR, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

### **SECTION 10. NOTIFICATION OF SPILLS**

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illicit discharges or pollutants discharging into storm water, the MS4, or water of the state, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the Ordinance Administrator in person or by phone or facsimile immediately. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Ordinance Administrator c/o Rock Town Hall, 5102 S. County Road D, Afton, Wisconsin 53501 within three business days of the phone notice.

### **SECTION 11. INDUSTRIAL OR CONSTRUCTION SITE DISCHARGES**

Any person subject to an industrial or construction site WPDES storm water discharge permit or a Rock County Construction Site Erosion Control or Storm Water Management Permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Ordinance Administrator prior to the allowing of discharges to the MS4.

### **SECTION 12. INSPECTIONS**

**A.** The Ordinance Administrator and his/her representatives shall be permitted to enter and inspect any property subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force that require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to the Ordinance Administrator and his/her representatives.

**B.** The Ordinance Administrator and his/her representatives shall be permitted ready access to all parts of the premises for the purposes of inspection, sampling, examination and

copying of records that must be kept under the conditions of a WPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.

C. If the Ordinance Administrator and/or his/her representatives have been refused access to any part of the premises from which storm water is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Ordinance Administrator may seek issuance of a search warrant from any court of competent jurisdiction.

### SECTION 13. ENFORCEMENT AND PENALTIES

A. Any illicit discharge initiated after the effective date of this ordinance by any person, firm, association, or corporation subject to the provisions of this ordinance shall be deemed a violation unless conducted in compliance with the requirements of this ordinance.

B. Every violation of this ordinance is a public nuisance. Compliance with this ordinance may be enforced by injunctive order at the suit of the Town pursuant to sec. 823.02, Wis. Stats. It shall not be necessary to prosecute for forfeiture before resorting to injunctive proceedings.

C. When the Ordinance Administrator finds that a person has violated a prohibition or failed to meet a requirement of this ordinance, the Ordinance Administrator may order compliance by written notice of violation to the responsible person via certified mail. Such notice may require without limitation:

- (1) The performance of monitoring, analyses, and reporting;
- (2) The elimination of illicit connections or discharges;
- (3) That violating discharges, practices, or operations shall cease and desist;
- (4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
- (5) The implementation of source control or treatment BMPs.

D. Upon receipt of written notification from the Ordinance Administrator, the responsible person shall correct the activity as necessary to meet the specifications and schedule set forth in the notice.

E. If abatement or remediation of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such abatement or remediation and/or restoration must be completed. Said notice shall further advise that, should the violator fail to abate or remediate and/or restore within the established deadline, the work will be done by the Ordinance Administrator or a contractor, and the expense thereof shall be charged to the violator. It shall be unlawful for any person, owner, or agent or person in possession of any

premises to refuse to allow the Ordinance Administrator or designated contractor to enter upon the premises for the purposes set forth above.

F. If the responsible person does not comply with the provisions of a notice of violation, the Ordinance Administrator may request the Town Attorney to obtain a cease and desist order in any court with jurisdiction.

G. Any person, firm, association, or corporation violating any of the provisions of this ordinance shall be subject to a forfeiture of no less than \$500.00 nor more than \$5,000.00, and the cost of prosecution, including staff time and attorney fees, per offense. Each day a violation exists shall constitute a separate offense.

H. In lieu of enforcement proceedings, penalties, and remedies authorized by this ordinance, the Ordinance Administrator may impose upon a violator alternate compensatory actions, such as attendance at compliance workshops, creek cleanup, etc.

#### SECTION 14. COST OF ABATEMENT OF THE VIOLATION

Within 60 days after abatement or remediation of the violation, the owner of the property will be notified of the cost of abatement or remediation, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 30 days. If the amount due is not paid in a timely manner as determined by the decision of the Ordinance Administrator or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

#### SECTION 15. DEFINITIONS

For purposes of this ordinance, the following shall mean:

Best Management Practices (BMPs). Schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention, and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

DNR. Wisconsin Department of Natural Resources.

Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illicit Discharge. Any discharge to the MS4 that is not composed entirely of storm water except discharges authorized by a WPDES permit or exempted in this ordinance.

Illicit Connections. An illicit connection is defined as either of the following:

- (1) Any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the MS4 regardless of whether said drain or connection has been previously allowed, permitted, or approved by the Ordinance Administrator; or
- (2) Any drain or conveyance connected from a commercial or industrial land use to the MS4 which has not been documented in plans, maps, or equivalent records and approved by the Ordinance Administrator.

Industrial activity. Activities subject to WPDES or NPDES Industrial Permits as defined in 40 CFR, Section 122.26(b)(14).

Jurisdiction. The area where MS4 permittee (Town of Rock) has authority to enforce its ordinance(s) or otherwise has authority to exercise control over a particular area of concern.

Municipal Separate Storm Sewer System (MS4). A conveyance or system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, constructed channels or storm drains which meet all of the following criteria:

- (1) Owned or operated by a municipality;
- (2) Designed or used for collecting or conveying storm water;
- (3) Which is not a combined sewer conveying both sanitary and storm water.

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit. A permit issued by EPA (or by a state under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-Storm Water Discharge. Any discharge to the storm drain system that is not composed entirely of storm water.

Permittee. The owner or operator of a MS4 authorized to discharge storm water into waters of the state (in this case, the Town of Rock).

Permitted Area. The areas of land under the jurisdiction of the Town of Rock that contribute to discharges from the Town's MS4 which are regulated under a Municipal WPDES Permit pursuant to subch. I of NR 216 Wis. Adm. Code and receives runoff from any of the following:

- (1) An "urbanized area," adjacent developing areas, and areas whose runoff will connect to a MS4 regulated under subch. I of NR 216 Wis. Adm. Code; or

(2) An area associated with a municipal population of 10,000 or more and a population density of 1,000 or more per square mile, adjacent developing area, and areas whose runoff will connect to a MS4 regulated under subch I of NR 216 Wis. Adm. Code; or

(3) An area that drains to a MS4 that is designated for permit coverage pursuant to s. NR 216.02(2) or 216.025, Wis. Adm. Code.

Person. Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and waste; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises. Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Storm Drainage System. Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping drainage channels, reservoirs, and other drainage structures.

Storm Water. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Urbanized Area. A place and the adjacent densely settled surrounding territory that together have a minimum population of 50,000 people, as determined by the U.S. Bureau of the Census based on the latest decennial federal census.

Wastewater. Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

WPDES Permit. A Wisconsin Pollutant Discharge Elimination System permit issued pursuant to ch. 382, Wis. Stats., by the DNR.



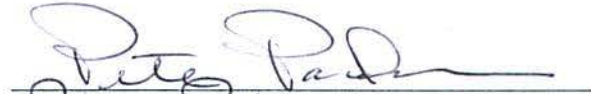
**SECTION 16. EFFECTIVE DATE**

This ordinance shall take effect and shall be in full force from and after its passing and posting and/or publication as provided by law.

Dated this 4<sup>th</sup> day of May, 2009.

  
Mark Gunn, Chairperson

  
Dean Connell, Town Supervisor

  
Pete Parker, Town Supervisor

ATTEST:

  
Deborah Bennett, Town Clerk

**CERTIFICATION**

I hereby certify that the above ordinance was adopted by the Town Board of the Town of Rock on the \_\_\_\_\_ day of \_\_\_\_\_, 2009, and that on the \_\_\_\_\_ day of \_\_\_\_\_, 2009, a copy of the ordinance was published in *The Janesville Gazette*, the official newspaper of the Town of Rock.

\_\_\_\_\_  
Deborah Bennett, Town Clerk  
Town of Rock, Rock County, Wisconsin.

Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
Notary Public, Rock County, Wisconsin  
My Commission is permanent  
or expires: \_\_\_\_\_

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**TOWN OF ROCK  
ORDINANCE NO. 2012 - 01**

AN ORDINANCE TO PROVIDE FOR THE COORDINATION OF CERTAIN LAND USE AND LAND DIVISION REGULATIONS AND TO PERMIT DELEGATION OF PORTIONS OF THE TOWN'S POWERS THEREUNDER TO THE ROCK COUNTY PLANNING, ECONOMIC AND COMMUNITY DEVELOPMENT AGENCY.

RECITALS

- A. The Rock County Planning, Economic and Community Development Agency has previously exercised certain land use and land division authority under certain County ordinances, but, effective January 1, 2012, such ordinances have been repealed and amended so as to divest the Agency of its previously-exercised power under such ordinances.
- B. The Agency has offered to continue to exercise certain powers which it has previously exercised, but only if delegated such powers by the Town under a Memorandum of Agreement.
- C. It is the desire of the Town Board to exercise certain authority over land division and development which it has not previously exercised, to coordinate its land division and development authority with the powers set forth in the Town Zoning Ordinance, and to delegate to the Agency the exercise of certain authority.

**NOW, THEREFORE**, the Town Board of the Town of Rock, County of Rock, State of Wisconsin, ordains as follows:

ORDINANCE NO. 2012 - 01 OF THE CODE OF ORDINANCES OF THE TOWN OF ROCK, COUNTY OF ROCK, STATE OF WISCONSIN, IS HEREBY CREATED TO READ AS FOLLOWS:

SECTION 1: AUTHORITY

This Ordinance is adopted by the Town Board of the Town of Rock pursuant to Sections 236.45, 60.22 (3), and 61.34 of the Wisconsin Statutes.

SECTION 2: TITLE AND EFFECTIVE DATE

This Ordinance shall hereafter be known, cited, and referred to as the *Town of Rock Land Division and Development Ordinance* and shall be effective immediately upon publication of due notice of the adoption of the Ordinance.

SECTION 3: INTENT AND PURPOSE

The intent and purpose of this Ordinance is to identify the process and requirements for regulation of certain land division and development activity in the Town of Rock so as to

maintain and advance the public health, safety, and general welfare of the Town and its residents.

#### SECTION 4: DEFINITIONS

The following terms shall, for the purpose of this Ordinance, have the definition stated in this Section:

**Agency** – The Rock County Planning, Economic & Community Development Agency.

**Arterial Roads and Highways** – An arterial road or highway as defined in the Town of Rock Zoning Ordinance.

**Block** – A group of lots within well-defined and fixed boundaries, including but not limited to those boundaries provided by streets, public parks, cemeteries, rail lines, shorelines, or general purpose districts, and having a designation through which it may be identified.

**Building Envelope** – The area of a lot in which building and accessory building sites are allowed.

**Certified Survey Map (“CSM”)** – A map of a minor land division, or identifying lands subject to a lot combination or an adjacent land sale or transfer, prepared by a land surveyor in accordance with Section 236.34, Wis. Stats., and submitted by an applicant in both a preliminary and final form.

**Collector Roads and Highways** – A collector road or highway as defined in the Town of Rock Zoning Ordinance.

**Committee** – The Town of Rock Planning and Zoning Committee created under the Town of Rock Zoning Ordinance.

**Cul-de-sac** – A local street with a singular vehicular outlet containing an appropriate terminal for the safe and convenient reversal of traffic movement.

**Local Roads and Highways** – A local road or highway as defined in the Town of Rock Zoning Ordinance.

**Lot** – A land area created by a land division or otherwise permitted by law to be sold or used as a building site and containing adequate size and dimension to meet all Rock County, Town, State, and any other applicable standards and regulations.

**Major Land Division (Sub-division)** – A Major Subdivision as defined in the Town of Rock Zoning Ordinance.

**Minor Land Division** – A Minor Subdivision as defined in the Town of Rock Zoning Ordinance.

**Pedestrian Way** – A public or private right-of-way whose primary purpose is conveyance of foot traffic.

**Plat of Survey (“POS”)** – A map of a minor land division, or identifying lands subject to an adjacent land sale or transfer, prepared by a land surveyor and submitted by an applicant in both a preliminary and final form.

**Private Onsite Wastewater Treatment System (“POWTS”)** – A sanitary sewer treatment and disposal system consisting of a septic tank and soil absorption field, or similar improvements or infrastructure, serving a building(s) and located either on the same or a different lot than said building(s), and not owned by a governmental entity.

**Public Improvement** – any structure created above or below ground, any road, or any newly graded land which is proposed to be dedicated to the Town of Rock.

**Street (Road)** – A street as defined in the Town of Rock Zoning Ordinance.

**Sub-division Plat** – A map of a major land division (subdivision) prepared by a land surveyor in accordance with Sections 236.11 and 236.20, Wis. Stats.

## SECTION 5: ADJACENT LAND SALE OR TRANSFER

- (1) *Applicability.* This Section applies to any act or process of conveyance by a landowner of an existing parcel of land to the owner of an adjacent parcel if the land conveyed or the parcel remaining from which the conveyance is to be made is less than the minimum size for a lot established for the zoning district in which the land conveyed is located under the Town of Rock Zoning Ordinance. Nothing in this Ordinance shall be deemed to alter the minimum and maximum lot size requirements set forth in the Town of Rock Zoning Ordinance, and no land division shall be approved hereunder which results in the creation of a lot which does not meet the minimum and maximum lot size requirements of the Town of Rock Zoning Ordinance.
- (2) *Application submission requirements.* No conveyance to which this Section applies shall be permitted unless the landowner submits an application for preliminary adjacent land sale or transfer to the Town Clerk, with a fee as established by the Town Board by resolution, and such application is approved by the Town Board after receiving a recommendation for approval or disapproval from the Committee.
- (3) *Requirements for approval.* Any application submitted under this Section shall be reviewed by the Committee (or by the Agency if power hereunder is delegated to the Agency). No proposed conveyance shall be approved unless the parcel to

which adjacent land is to be added is in the same zoning district as the adjacent land. No proposed conveyance shall be approved unless the parcel from which the conveyed land is taken will equal or exceed the minimum size for a lot established for the zoning district in which it is located. In order to assure that additional lots are not created by the proposed conveyance, the Board (or the Agency if power hereunder is delegated to the Agency) shall, in its discretion, require the landowner to do the landowner's choice of one of the following as a condition for approval:

- (a) Staking of the new lot line by a land surveyor, filing of a POS and recording of a deed restriction running to the Town and permanently prohibiting the grantee and all successors in interest from conveying the conveyed land separately from the adjacent lot owned by the grantee unless the conveyance is to an adjoining landowner; or
- (b) Recording of a Certified Survey Map pursuant to Section 236.34, Wis. Stats., for the new combined parcel.

#### SECTION 6: LOT COMBINATION

- (1) *Applicability.* This Section applies to any attempt to create a single lot from two or more existing lots. No such combined lot may be created so as to exceed the maximum lot size (if any) permitted in the zoning district in which the lot is to be located, and no such lot may be created from among parcels located in different zoning districts.
- (2) *Application submission requirements.* No lot combination to which this Section applies shall be permitted unless the landowner submits an application for the same to the Town Clerk, with a fee as established by the Town Board by resolution, and such application is approved by the Town Board after receiving a recommendation for approval or disapproval from the Committee.
- (3) *Requirements for approval.* No lot combination shall be permitted except as authorized by the Town Board after receiving a recommendation from the Committee with respect to such combination and upon determination that the combination will not be contrary to the intent of the Town's comprehensive plan and the Town of Rock Zoning Ordinance. No lot combination shall be permitted unless the applicant records a Certified Survey Map pursuant to Section 236.34, Wis. Stats., establishing a single lot consistent with the application.

#### SECTION 7: PUBLIC IMPROVEMENT DESIGN, CONSTRUCTION, AND MAINTENANCE

Any public improvement in the Town shall be designed, constructed and maintained in compliance with the following standards:

- (1) *Blocks.* Block length shall not exceed one thousand five hundred (1,500) feet nor be less than four hundred (400) feet, except as the Town Board deems necessary to secure the efficient use of land or desired features of street layout. Block width shall be wide enough to allow two tiers of lots of sufficient depth to provide an adequate building envelope on each lot. The Town Board (or the Agency if power hereunder is delegated to the Agency) may approve block widths consisting of a single tier of lots when said lots front a major street or when topography or size prevents two tiers. If a single tier block is approved by the Town Board (or the Agency if power hereunder is delegated to the Agency), an adequate area to screen and buffer differing land uses shall be provided and vehicular access to the lots in the tier shall not be permitted from any street abutting the side of the lot opposite the street upon which the tier faces.

A pedestrian way may be required by the Town Board (or the Agency if power hereunder is delegated to the Agency) near the center of a block, and entirely across those blocks which exceed nine hundred (900) feet in length, to connect dead-end streets or to provide access to parks, schools, shopping areas, or other similar facilities. If a pedestrian way is required, a minimum ten (10) foot wide right-of-way shall be set aside with an eight (8) foot pavement (or other cover type as approved by the Town Board or the Agency if power hereunder is delegated to the Agency) width, at a grade not steeper than fifteen percent (15%), unless alternative forms of adequate design are approved by the Town Board (or the Agency if power hereunder is delegated to the Agency). A note shall be placed on the Sub-division Plat stating by whom such pedestrian way shall be maintained.

- (2) *Streets.* All streets shall be constructed according to the standards for Rock County roads as established by the Rock County Highway Department, except as expressly set forth in this Section. All streets shall be designed to appropriately coordinate with and relate to existing land uses, future land uses as delineated in applicable comprehensive plans and official maps, the natural landscape, street systems, dedicated rights-of-way, population densities, special vehicular traffic generators such as commercial, business, and industrial districts, institutional facilities, and other social gathering areas. In areas to be utilized predominately for non-residential uses, streets shall be planned in coordination with building groupings, rail facilities, alleys, and truck loading and maneuvering areas, and pedestrian ways and parking areas shall be adequately provided and located so as to minimize conflict between various types of traffic. Streets shall normally intersect, as nearly as possible, at right angles and shall avoid a combination of steep grades and curves. Streets shall be arranged to provide access to lots and building and accessory building sites at or above street grade. Street design in a major land division (sub-division) shall provide for the continuation of existing streets in adjacent areas at the same or greater width as said existing streets, unless the Town Board deems such continuation undesirable for reasons of topography or design.

All streets shall be public unless the Town Board, prior to approval of the application for preliminary land division, agrees to the use of private streets. Private streets will be considered by the Town Board only in those instances where an association or other legal entity is established by covenant with capability and responsibility for maintenance of said streets.

- (a) Right-of-way width shall be as delineated in **Figure I**. Street width shall be between 18 and 24 feet, in the discretion of the Town Board (or the Agency if power hereunder is delegated to the Agency):

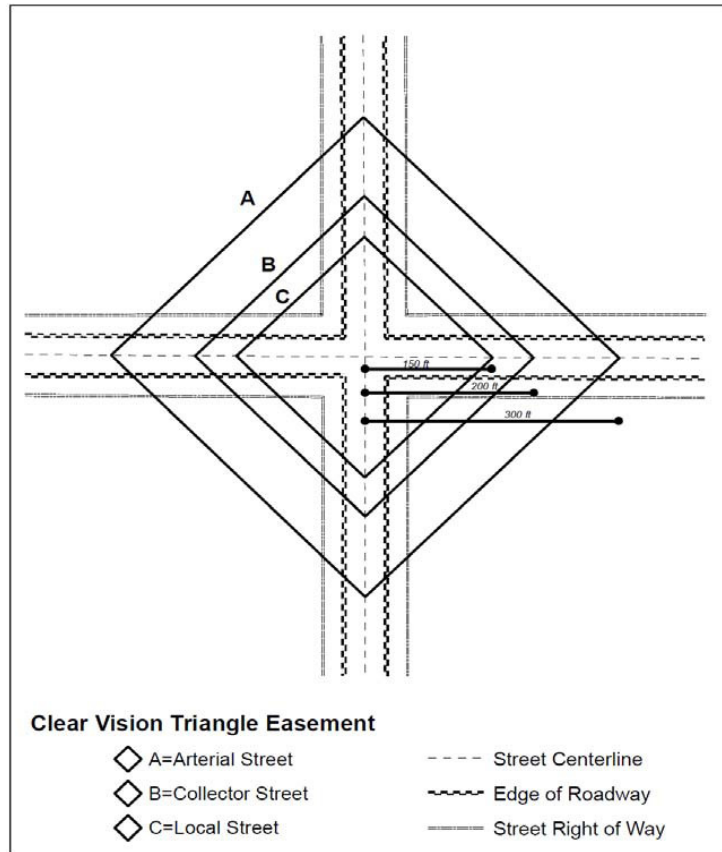
**Figure I: Right-of-way Width**

	<b>Arterial Street</b>	<b>Collector Street</b>	<b>Local Street</b>
<b>Full Width</b>	100 feet	80 feet	66 feet
<b>Half Width</b>	50 feet	40 feet	33 feet

- (b) Street gradient shall not exceed nine percent (9%), nor eleven percent (11%), with approval of the Town Board, in areas of extreme topography. Gradient shall not exceed one point four percent (1.4%) for a minimum distance of fifty (50) feet from the intersection of street centerlines. Streets may be constructed diagonally across contours in areas of extreme topography and shall traverse the slope with minimum street grade, driveway grade, and earth movement.
- (c) Cul-de-sac use shall not be encouraged, and if utilized, cul-de-sacs shall not be longer than six hundred (600) feet unless approved by the Town Board and shall terminate in a circular open space having a diameter at the outside of the right-of-way of at least one hundred forty (140) feet. Temporary cul-de-sacs may be permitted by the Town Board, to be constructed to the lot line and provided with a temporary circular or "T" shaped turn-around.
- (d) Frontage or access streets shall be required in those instances where a major land division (sub-division) abuts or contains an existing or proposed arterial street on which traffic volume and vehicular speeds warrant special safety precautions to ensure no lots front arterial streets.
- (e) A street approximately parallel to a rail line, expressway, freeway, or parkway right-of-way shall be required if the land division adjoins such facility for a significant distance, with consideration given to the distance required for approach grades to future grade separations.
- (f) A clear vision triangle ("triangle"), in each quadrant of every public street or rail line intersection, shall be maintained, bounded by the street centerlines and a line connecting points on said centerlines at a specified distance from their point of intersection, in the manner illustrated in

**Figure II** as contained herein, with the exception that the triangle shall be maintained for twenty five (25) feet from the right-of-way for any intersection in a Sub-division Plat. Within the clear vision triangle, no object shall be allowed above a height of 2½ feet above the average elevation of the streets at the aforesaid points on the respective centerlines if such object substantially obstructs the view across the triangle. In situations where trees of large diameter, large numbers of trees, or some combination of these are present, this provision shall be construed to mean that a sufficient number of trees shall be removed so as to render an object such as a motor vehicle clearly visible across the clear vision triangle from one street or road to another, the intent being to provide for the public safety. However, it shall not necessarily be construed to mean that every tree in the clear vision triangle must be removed. Likewise, this restriction shall not apply to posts and wire fences, provided that they do not obstruct visibility across the clear vision triangle.

**Figure II: Clear Vision**



**Triangle**

- (g) All public improvements including, without limitation, grading, base course, surface course, marking and signing, seeding and/or landscaping, and stormwater management, shall be constructed and/or installed in accordance with Rock County ordinances and the standards established by



Rock County for Town roads. All costs related to such activities for any land division shall be borne by the applicant for that land division. The applicant for any such land division shall provide a method of financing satisfactory to the Town Board (and the Agency if power hereunder is delegated to the Agency) so as to assure the construction and/or installation of all public improvements in compliance with all applicable ordinances and standards and the payment of all costs and expenses pertaining to the construction and/or installation thereof. The surface course shall be applied within twelve (12) months after the base course is constructed or at such later time as expressly approved by the Town Board (or the Agency if power hereunder is delegated to the Agency).

- (h) Bridges of primary benefit to any land division applicant shall be constructed at the expense of the applicant without reimbursement from the Town. Cost sharing for construction of bridges not of primary benefit to the applicant may be fixed by agreement between the Town, other government entities and the applicant. The negotiation and execution of such special agreement shall be a condition of approval of the application for preliminary land division.

(3) *Town public improvement plan.* Any applicant for a land division which includes the construction of public improvements to be dedicated to the Town shall file with the Town a public improvement plan containing all of the following:

- (a) Elevation profiles of the centerline of all existing and proposed streets;
- (b) Elevation profile of the centerline of all existing streets that intersect with a proposed street, within six hundred (600) feet of said intersection;
- (c) Approximate radii of all curves, lengths of tangents, and central angles on all existing streets;
- (d) Cross-sections of all proposed streets at one hundred (100) foot stations superimposed on existing topography (the Town Board may require cross-sections every fifty (50) feet in areas in excess of nine percent (9%) slope), and the location and cross-section of street pavements including drainageway easements, right-of-ways, and street signs;
- (e) Location, dimension, and invert elevations of existing and proposed sanitary sewers, stormwater drainageways, drainage control facilities, and fire hydrants, identification of connections to any existing or proposed utility, and the location and size of all water, gas, or other underground utilities or structures;
- (f) Location, dimension, and name (if applicable) of all streets and improvements designated for public dedication, and all necessary utilities;

- (g) Any other special requirements deemed necessary by the Town Board to ensure the land division is in compliance with the Town comprehensive plan, the *Rock County Comprehensive Plan*, or any similar successive and other relevant plan or document, and any applicable design and/or construction standard and/or regulation.

The Town Board (or the Agency if power hereunder is delegated to the Agency) shall review the plan and either approve the plan or provide the applicant with required modifications. Upon approval of the plan, all public improvements shall be constructed and/or installed and maintained in accordance with the approved plan.

- (4) *Financial guarantee.* A written financial guarantee in an amount determined by the Town Board (and the Agency if power hereunder is delegated to the Agency) to be reasonably sufficient to assure the construction and/or installation and performance of all necessary public improvements in compliance with all applicable ordinances and standards and the payment of the cost of construction and/or installation of all such public improvements shall be provided to the Town Board by any applicant for a land division which contemplates the construction of public improvements, for all improvements not constructed at the time of approval of the final land division. Said financial guarantee shall take one of the following forms and be provided in a format acceptable to the Town Board (and to the Agency if power hereunder is delegated to the Agency):
  - (a) An insurance contract from a bonding agency;
  - (b) An irrevocable letter of credit from a recognized financial institution; or
  - (c) An escrow account in a recognized financial institution;

The monetary amount of said guarantee shall be in an amount reasonably sufficient to assure the payment of the cost of the current phase of improvement construction, in accordance with Sec. 236.13 (2) (a), Wis. Stats.

- (5) *Inspection.* The Town Board (or the Agency if power hereunder is delegated to the Agency) shall, at the applicant's expense, provide for inspection of public improvements during construction and/or installation to ensure completion satisfactory to the Town Board (or to the Agency if power hereunder is delegated to the Agency) and in compliance with all applicable ordinances and standards and the approved Town public improvement plan. If the Town Board (or the Agency if power hereunder is delegated to the Agency) finds the improvements have not been constructed and/or installed in accordance with all applicable ordinances and standards and the approved Town public improvement plan, the applicant shall be responsible for taking corrective measures to ensure said improvements are constructed and/or installed to the satisfaction of the Town

Board (or the Agency if power hereunder is delegated to the Agency) and in accordance with all applicable ordinances and standards and said plan.

- (6) *Maintenance.* Any applicant for a land division contemplating public improvements shall be required to maintain all public improvements and services associated therewith (including but not limited to snow removal on streets) ensuring the adequate performance of all said improvements until acceptance of such improvements by the Town Board. The Town Board may, upon notice to the applicant, plow streets or effect emergency repairs and charge the cost of the same to the applicant. Utility entities and the applicant shall be responsible for accurate replacement of all lot corners and monuments destroyed while installing utilities, which replacement shall be completed within a reasonable time period after such installation.
- (7) *Timeline.* For all land divisions contemplating public improvements, the public improvements shall be constructed and/or installed by the applicant within twelve (12) months of approval of the final land division. Extensions to the aforementioned timeline may be applied for by the applicant prior to expiration of said timeline and granted by the Town Board upon findings that delays are beyond the control of the applicant and that no material change in standards or conditions of the final land division has occurred or is reasonably expected to occur.

#### SECTION 8: DELEGATION OF POWERS

The Town Board may delegate the administration and enforcement of all or portions of the provisions of this Ordinance to the Rock County Planning, Economic and Community Development Agency under a Memorandum of Agreement as contemplated and permitted under Rock County Ordinances.

#### SECTION 9: PENALTIES

Any person convicted of a violation of this Ordinance shall be subject to a fine of not less than \$100 nor more than \$500, together with the costs of prosecution and the cost of remediation of any violation. The Town may obtain injunctive relief to prevent and abate further violations. Each day a violation exists or continues shall constitute a separate violation. In default of payment, the violator shall be imprisoned in the county jail until such fine and costs are paid, such imprisonment not to exceed 90 days.

#### SECTION 10: SEVERABILITY

Should any portion of this Ordinance be declared to be unlawful or unconstitutional at any time, it shall be deemed severable from the rest of the Ordinance and shall not affect the lawfulness or constitutionality of the remainder of the Ordinance.

DATED this 7th day of May, 2012.

TOWN OF ROCK

By: \_\_\_\_\_  
Mark Gunn, Town Chairperson

By: \_\_\_\_\_  
Dean Connell, Town Supervisor

By: \_\_\_\_\_  
Pete Parker, Town Supervisor

ATTEST:

\_\_\_\_\_  
Deborah Bennett, Town Clerk

**SUMMARY OF ORDINANCE FOR PUBLICATION**

Pursuant to Wis. Stat. § 60.80 (5), Notice is hereby given of the passage of Town of Rock Ordinance No. 2012 - \_\_\_\_\_ by the Town Board on \_\_\_\_\_, 2012. Said Ordinance is summarized as follows:

1. The Ordinance governs the process of land division and development in the Town and establishes:
  - a) regulations governing transfers of land between adjacent landowners;
  - b) regulations governing combination of multiple lots into a single lot; and
  - c) public improvement design, construction and maintenance standards for developments in the Town.
2. The Ordinance permits the Town Board to delegate its powers under the Ordinance to the Rock County Planning, Economic & Community Development Agency.
3. The Ordinance establishes penalties for violation of the Ordinance.

The full text of the Ordinance may be obtained from Deborah Bennett, the Town Clerk, whose telephone number is 608.362.0598. The full text of the Ordinance may be viewed at the residence of the Town Clerk located at 5814 S. Duggan Road, Beloit, WI, by appointment only, and may be accessed at the following Web site: [www.tn.rock.wi.gov](http://www.tn.rock.wi.gov).

**CERTIFICATION**

I hereby certify that the above ordinance was adopted by the Town Board of the Town of Rock on the \_\_\_\_\_ day of \_\_\_\_\_, 2012, and that on the \_\_\_\_\_ day of \_\_\_\_\_, 2012, a summary of this ordinance, set forth above, consistent with Wis. Stat. § 60.80 (5), was published in *The Janesville Gazette*, the official newspaper of the Town of Rock.

\_\_\_\_\_  
Deborah Bennett, Town Clerk

Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Notary Public, Rock County, Wisconsin  
My Commission is permanent  
or expires: \_\_\_\_\_

Original

ORDINANCE NO. 762

TOWN OF ROCK

MINERAL AND MINE ORDINANCE

SECTION I.

STATEMENT OF PURPOSE

In order to protect the health, safety, and general welfare of the citizens of Rock County, the Rock Township Board of Supervisors do hereby enact this ordinance to reserve and protect the mineral deposits of Rock Township and to provide methods for the regulation of mineral extraction.

This ordinance recognizes that minerals are fixed in location, are rare, and are nonrenewable in nature. In order to prevent non-compatible land uses from denying the benefits of these materials to the citizens of Rock Township, to protect mineral deposits near urban centers, to prevent unwise patterns of development, to assure growth opportunities and environmental management techniques available, this ordinance is enacted.

SECTION II.

DEFINITIONS

1. Mineral shall mean a naturally occurring element or combination of elements that occur in the earth in a solid state, but shall not include soil.
2. Mining shall mean all or part of the processes involved in the extraction and processing of mineral materials.
3. Operator shall mean any person or any agency either public or private, engaged or who has applied for a permit to engage in mining, whether individually, jointly, or through subsidiaries, agents, employees, or any person engaged in managing or controlling a mining operation.
4. Structure shall mean any building, whether for human habitation or not.
5. Board shall mean the Rock Township Town Board.
6. Waste shall mean all accumulation of waste mined material and overburden placed on the land surface, whether above or below water.

7. Person shall mean an individual, partnership, cooperative, corporation or agency, either public or private, or any persons, whether incorporated or not.
8. Reclamation Plan shall mean the operator's proposal for the reclamation of the project site which must be approved by the board under this ordinance prior to the issuance of the mining permit.
9. Mining Permit shall mean the Town mining permit, whether on a regular or temporary basis, which is required by Section IV of Ordinance 762. It does not replace or otherwise eliminate the need to apply for state mining permits such as are required under Chapter 144.85 of the Wisconsin Statutes.

### SECTION III.

#### MINING DISTRICTS

Mineral extraction or mining shall only be conducted in the Mining District as provided by the Town of Rock Zoning Ordinance.

### SECTION IV.

#### MINING PERMIT REQUIRED

In order to assure that mineral deposits are protected from noncompatible adjacent land uses and that mineral extraction operations are properly controlled, mineral extraction or mining shall only be permitted in a mining district and then only pursuant to a mining permit issued on a regular or temporary basis by the Town Board of the Town of Rock.

### SECTION V.

#### APPLICATION FOR A REGULAR AND TEMPORARY MINING PERMIT

- I. The application for a regular mining permit shall be accompanied by information which shall include the following:
  - (1) The names and addresses of the applicant, operator, and principal officers, and resident agent of the business if other than a single proprietor.

- (2) A legal description and map and/or aerial photograph of the tract or tracts of land to be involved and affected by the proposed operation, which may be supplied by the board.
- (3) The map and/or aerial photograph and accompanying materials shall indicate:
  - (a) Boundaries of the affected and adjacent lands;
  - (b) Surface drainage of the affected land;
  - (c) Location and names of all streams, roads, railroads, utility lines and pipelines on or immediately adjacent to the area;
  - (d) Location of all structures within one thousand feet of the outer perimeter of the area, present owners and occupants of such structures, and purposes for which each structure is used;
  - (e) Names of the owners of the affected and adjacent lands;
  - (f) Proposed location, area extent, and depth of intended mine excavation;
  - (g) Proposed location of the mine, waste dumps, tailing ponds, sediment basins, stockpiles, structures, roads, railroad lines, utilities or other permanent or temporary facilities used in mining as defined in Section 2;
  - (h) Estimated depth to groundwater.
- (4) A description of the mining and processing equipment to be used;
- (5) A description of measures to be taken to control noise and vibrations from the operations;
- (6) A description of the anticipated hours of operation.
- (7) A description of measures to be taken to screen the operation from view;
- (8) Proposed primary travel routes to be used to transport the mined material to processing plants or markets away from the property.
- (9) A description of the plans for topsoil storage;
- (10) A reclamation plan which shall include:



- (a) A map or plan and description of the proposed reclamation including grading, final slope angles, highwall reduction, benching and terracing of slopes, slope stabilization and revegetation where applicable, and erosion control, and alternative future land uses;
  - (b) Description of topsoil stripping and conservation during storage and replacement;
  - (c) Plan and description of anticipated final topography water impoundments, and artificial lakes on the property;
  - (d) Description of plans for disposition of surface structures, roads, and related facilities after cessation of mining;
  - (e) A plan for disposal or treatment of any harmful or toxic materials found in any formations penetrated by the mining operation or produced during the processing of minerals on the affected land, and of chemicals or materials used during the mining or processing operations;
  - (f) The estimated cost of reclamation for the total project;
- (11) A statement in writing and adequate evidence to indicate the duration of the lease in years;
  - (12) A timetable of the commencement, duration, and cessation of the mining operations;
  - (13) Any and all mining permits held by the applicant within the state;
  - (14) Such other information as may be necessary to determine the nature of the operation and the effect of the surrounding area, including the mining reclamation plan;
  - (15) The signature of the applicant and date of signature;
  - (16) The application shall be accompanied by a fee of \$5.00 for each acre of surface area to be disturbed, but the total fee shall not be less than \$35.00.

II. The application for a temporary mining permit shall be accompanied by information which shall include the following:

- (1) The names and addresses of the applicant, operator and principal officers and resident agent of the business if other than a single proprietor.
- (2) A legal description of the land involved.
- (3) As may be required by the board, a map and/or aerial photograph of the land with any or all of the information as listed in I-3-a, b, c, d, e, f, g, of this section, relating to requirements for maps and/or aerial photographs for regular mining permits.
- (4) As may be required by the board, any or all of the information listed in part I-4, 5, 6, 7, 8, 9, 10, 11, 12, 13 of this section, relating to requirements for information for regular mining permits.
- (5) The signature of the applicant and date of signature.
- (6) The application shall be accompanied by a fee of \$5.00 for each acre of surface area to be disturbed, but the total fee shall not be less than \$35.00.

III. The board may vote to waive or modify any requirements for information requested under the terms of this Section.

IV. Unless the board votes to waive or modify any requirements of this Section, the application shall not be accepted or deemed to be accepted unless all of the information required by this section is supplied by the applicant. In the case of an incomplete application, the review and decision on the application shall not commence and no regular or temporary mining permit shall be issued.

#### SECTION VI.

##### REVIEW AND DECISION ON THE APPLICATION FOR A REGULAR AND TEMPORARY MINING PERMIT

A permit for mineral extraction shall be approved by the Town Board if found to comply with the following requirements:

- (1) Upon receipt of the application and supporting information, the board shall:
  - (a) Review the application for completeness and accuracy. To accomplish this purpose or to assist in the enforcement of the ordinance, the board may request assistance from other governmental agencies or any educational institution.

- (b) For a regular mining permit application, hold a public hearing within 30 days at such time and place as established by the board with notice of the hearing published as a Class 2 notice under Chapter 985 of the Wisconsin Statutes. Notice of the time, place, and purpose of such public hearing shall also be sent to the applicant. If the proposed is within one-fourth mile of any other jurisdiction, the clerk of that governmental unit shall also be notified. All owners of land, as determined by owners of record in the current tax description records, within 300 feet of the proposed site shall also be notified.
  - (c) The public hearing may be recessed for a reasonable amount of time, as determined by the board, if the board feels that additional information or study is needed. The hearing shall be conducted and a record of the proceedings shall be made according to procedures as the board shall prescribe.
- (2) The board shall approve an application for a regular mining permit when the application, in addition to all other requirements, meets the following standards listed below:
- (a) That the establishment, maintenance, or operation of the permit shall not endanger the public health, safety or general welfare;
  - (b) That the establishment, maintenance, or operation of the permit will not substantially affect the existing use of adjacent property, and will not have a substantially adverse effect on the long-term future use of the adjacent property.
  - (c) That adequate utilities, access roads, drainage, traffic plans, and other site improvements have been, are, or will be provided;
  - (d) That the permit shall conform to all governmental regulations pertaining to the activity itself;
  - (e) That the mining operation shall conform to applicable air and water quality standards;
  - (f) That the noise, vibration, and dust levels at the property lines be within the levels determined by the board;

- (g) That an undeveloped buffer zone, commencing not less than 20 feet from the property line of the mining site or such other distance as the board finds necessary for the protection and safety of adjacent property from mining, with a stable angle of slope repose shall be provided along property lines;
  - (h) Where deemed practicable and necessary by the board, an earth bank or vegetative screen shall be erected and/or maintained to screen the mining operation from view from any residential district located within one-half mile of the operation;
  - (i) Where deemed necessary by the board, each mining operation shall be enclosed by at least a single-strand barbed-wire fence, maintained at all times, with warning signs spaced no more than 200 feet apart to indicate the presence of a mining area.
  - (j) That an application shall not be of a speculative nature, nor shall the mining cause harm to adjacent property;
  - (k) Such other standards that will permit the board to evaluate and decide on a regular mining permit.
- (3) The board shall grant, grant with conditions attached, or deny the application for a regular mining permit within a reasonable time after the public hearing. Prior to granting, granting with conditions attached, or denying the regular mining permit, the board shall make findings of fact based upon the evidence presented that the standards of this ordinance will or will not be met.
- (a) Upon approval of the application, the board shall notify the applicant in writing of the decision and where applicable establish the amount of bond necessary to assure reclamation of the affected land according to the reclamation plan. Upon receipt of the established bond from the applicant, the board shall issue a regular mining permit for an initial term of not more than five years. The applicant shall commence significant development of mining operations within two years of the date of issuance of such permit. At the written request of the board the applicant shall submit proof in writing of the significant development of mining operations. A violation of the terms of

the regular mining permit may result in a forfeiture, a fine, or suit by the Township according to the terms of this ordinance.

- (b) The board may approve the regular mining permit with conditions attached to the permit in writing. Such conditions may cover such subjects as control of operations, bonding and surety mechanisms, periods of operation, access, and any other standard or requirement listed under the terms of this ordinance. A violation of the conditions attached to this permit shall be a violation of this ordinance and shall be subject to the penalty provisions contained in this ordinance. Any conditions attached to the regular mining permit shall continue to apply to heirs, assigns, transferees, or successors in interest to the application for such permit.
  - (c) Upon disapproval of the application, the board shall notify the applicant in writing stating the reasons for disapproval as well as the necessary action, if any, that the applicant may take to complete the application in an acceptable form. No application which has been denied, in whole or in part, may be resubmitted for six months from the date of denial, except for new evidence, change of conditions, or such other reason as the board may accept.
- (4) The board may approve an application for a temporary mining permit for a term not to exceed six months.
- (a) The board may subject the granting of the temporary mining permit to any or all of the standards listed in part 2 of this section, relating to the standards for a decision on a regular mining permit.
  - (b) The board shall grant, with conditions attached, or deny the application for the temporary mining permit within a reasonable time after any public hearing the board may hold. Prior to granting, granting with conditions attached, or denying the temporary mining permit, the board shall make findings of fact based upon the evidence presented that the standards will or will not be met.
    - (1) Upon approval of the application, the board shall notify the applicant in writing of the decision and where applicable establish the amount of bond

necessary to assure reclamation of the affected land according to any reclamation plan. Upon receipt of the established bond from the applicant, the board shall issue a temporary mining permit. A violation of the terms of the temporary mining permit may result in a forfeiture, a fine, or suit by the Township according to the terms of this ordinance.

- (2) The board may approve the temporary mining permit with conditions attached to the permit in writing. Such conditions may cover such subjects as control of operations, bonding and surety mechanisms, periods of operation, access, and any other standard or requirement listed under the terms of this ordinance. A violation of the conditions attached to this permit shall be a violation of this ordinance and shall be subject to the penalty provisions contained in this ordinance. Any conditions attached to the temporary mining permit shall continue to apply to heirs, assigns, transferees, or successors in interest to the application for such permit.
  - (3) Upon disapproval of the application, the board shall notify the applicant in writing stating the reasons for disapproval as well as the necessary action, if any, that the applicant may take to complete the applications in an acceptable form. No application which has been denied, in whole or in part, may be resubmitted for six months from the date of denial, except for new evidence, change of conditions, or such other reason as the board may accept.
- (c) The board may extend the effectiveness of a temporary mining permit for an additional six-month period upon request of the operator, subject to the provisions of public notice and hearing contained in part 1-b, c of this section, relating to publication requirements.

## SECTION VII.

### BONDING AND OTHER SECURITY MECHANISMS

- (1) Prior to the issuance of a mining permit, the operator, if required by the board, shall deposit with the board

a bond conditioned on faithful performance of all the requirements of this ordinance and all the rules of the board. The bond shall be in an amount and of a kind to be determined by the board. In lieu of a bond, the operator may deposit cash, government securities, or land of equivalent value with the board.

- (2) The board shall establish the length of the bonding period, which may be less than the permit period, and the amount of the bond necessary to cover the cost of the reclamation of all areas disturbed by the mineral extraction operation during the bonding period, less that amount of bond that the operator has deposited with the appropriate governmental agency as security for the particular mining operation.
- (3) Any operator who obtains a mining permit from the board for two or more project sites within this jurisdiction may elect, at the time the second or any subsequent site is approved, to post a single bond in lieu of separate bonds on each site. Any single bond so posted shall be in an amount equal to the estimated cost of reclaiming all sites the operator has under each of his mining permits issued in Rock Township less that amount deposited for the particular sites with the appropriate governmental agencies. When an operator elects to post a single bond in lieu of separate bonds previously posted on individual sites, the separate bonds shall not be released until the new bond has been accepted by the Town Board.
- (4) At the termination of each bonding period, the board of adjustment shall review the bond amount on mining and reclamation progress and shall either maintain the existing bond, return all or a portion of the existing bond, or request the operator to increase the amount of the bond.
- (5) The operator may file with the board a request for release of bond at such time as the operator feels that all reclamation has been satisfactorily completed or is in progress in accordance with the approved reclamation plan on any or all of the affected lands. Such request for release of bond shall include the name and address of the operator, the permit number, a legal description of the area, and a final reclamation report on the area for which the release of bond is requested. The final reclamation report shall contain the following information:

- (a) Name and address of the operator, permit number, and legal description of the land;
- (b) A map and/or aerial photograph which may be supplied by the board, on which the operator shall indicate the final contours, slope angles of the affected land, surface water drainage and ponds, and the locations of any remaining structures and roads;
- (c) A description of reclamation activities leading to completion of the approved reclamation requirements including: topsoil disposition and thickness, revegetation practices, disposition of waste dumps, tailing ponds, and surface structures, haulage and access roads, sediment control practices, and maximum depth of artificial lakes or ponds;
- (d) Operators of all underground mineral extraction operations shall also submit a complete plan of all entries, workings, and levels as well as a description of the sloping and ground support methods at the cessation of operations;
- (e) For underground mining operations, a description of the stability of lands overlaying the underground workings and a description of methods to be used for sealing all shafts, adits, inclines, and other mine entries;
- (f) Such other pertinent information and maps as may be required to evaluate the completion of reclamation and the advisability of returning the operator's bond.

Final release of the bond shall not occur until the operator files a final reclamation plan under the terms of this ordinance.

- (6) Upon receipt of a request for release of the bond, the board shall:
  - (a) Inspect the designated lands;
  - (b) Publish, following a Class 2 notice under Chapter 985 of the Wisconsin Statutes, notice that the release of bond application is pending and specify a 30-day period for filing of complaints with the board against the release of bond;



- (c) Publish, following a Class 2 notice under Chapter 985 of the Wisconsin Statutes, notice of a public hearing at such time and place as the board determines to consider the request for release of bond and make a determination on the validity of complaints. The notice required in part 6(b) of this section and this subsection may be published at the same time, but in all cases the public hearing shall be held at least 30 days after the notice required in part 6(b) of this section;
  - (d) If the reclamation is found to be satisfactory and all valid complaints have been satisfied, the board shall release the appropriate amount of bond 30 days after the public hearing.
  - (e) If the reclamation is found to be unsatisfactory, so notify the operator by registered mail setting forth the reasons for denial of release of bond and the corrective action necessary for release of bond.
- (7) Nothing in this section shall be construed to infringe upon the board's authority to take appropriate action on bonds, including forfeiture of all or part of the bond for cause. Forfeiture shall not be approved by the board unless there has been publication of notice and a public hearing held consistent with the terms of this ordinance.
  - (8) The mining operator shall maintain a public liability insurance policy issued by an insurance company authorized to do business in the state of Wisconsin which affords personal injury and property damage protection for any individual and for adjacent property for the term of the permit or permit renewal. The total amount of the insurance shall be determined by the board, but shall be not less than 50,000 dollars.
  - (9) Each operator shall notify the board of cessation of all mining activity at the project site no later than 60 days before operations are to cease. Such notice shall indicate the operator's name, address, and permit number.
  - (10) The requirements of this section shall apply to the successor in interest to the operator upon the sale or transfer of assets of the mining operation.

SECTION VIII.

EXISTING MINING OPERATIONS AND EXPANSION  
OF MINING ACTIVITIES

- (1) Any operator producing mineral materials from a mining operation at the date of enactment of this ordinance shall not need a regular or temporary mining permit to continue mining.
- (2) Upon the enactment of this ordinance, the board shall, by resolution, define the criteria for expansion of mining operations so that the applicant knows what an expansion of mining operations constitutes at the time the application for a mining permit is filed for a new mine.
- (3) Any operator who holds any mining permit issued under the terms of this ordinance or who operates a pre-existing mine under part 1 of this section shall apply for a regular or temporary mining permit if:
  - (a) the mining and processing equipment used in the operation changes substantially; or
  - (b) the normal hours of operation increase substantially; or
  - (c) the amount of noise, vibration, and dust from the operation increases substantially; or
  - (d) the extent of the area of the mining operation increases beyond the limits of land designated or held for that purpose at the time of adoption of this ordinance; or
  - (e) any other substantial increase in the mining or method of operations at the mining site, as determined by the formal decision of the board.
- (4) The board, when considering the application for a regular or temporary mining permit, as required by this section, shall consider the effect of the total mining operation, including reclamation of the entire site, to the extent feasible.

SECTION IX.

CHANGE, RENEWAL, AND TRANSFER OF MINING PERMITS

- (1) An operator holding a mining permit may at any time apply to the board for amendment, cancellation, renewal, transfer, or change in a regular or temporary mining permit or reclamation plan, provided that:
  - (a) This section shall not include an expansion of a mining operation which is subject to another section of this ordinance.
  - (b) This section shall not include a removal of mined land from the areal extent of the approved permit, which is subject to another section of this ordinance.
  - (c) This section shall not include a release of a bond or other security mechanism, which is subject to another section of this ordinance.
  - (d) This section shall not include the renewal of a temporary mining permit, which is subject to another section of this ordinance.
- (2) The application for the amendment, cancellation, or change shall be submitted to the board which shall approve, approve conditionally, or deny the application subject to the following standards:
  - (a) The operator shall identify the tract of land and shall supply the permit number of the project to be removed from the project site or to be affected by any change in the mining operation or reclamation plan;
  - (b) If the application is to change a permit for a tract of land which has had no mining operations conducted upon it, the board shall ascertain by inspection that no mining has occurred. After so finding, the board shall order the release of any bond or security instrument and shall amend the mining permit to reflect the removal of the unmined land from the project site;
  - (c) Such other standards consistent with the terms of this ordinance which provide for proper amendment, cancellation, and change to the permit.

- (3) A regular mining permit shall be renewed at the end of the permit term for successive five-year terms after public hearing and notice so long as the operator continues to produce mineral materials from the property, conforms to the approved reclamation plan, and conforms to the provision of this ordinance and is within the timetable of operations as established by Section 5-I-12 of this ordinance.
- (4) No operation shall assign, sell, lease or transfer in any manner any rights granted under a regular or temporary mining permit until the succeeding operator has complied with all the requirements of this ordinance, including all requirements of the reclamation plan and the filing of a bond of like amount with the board. Upon compliance with the requirements of this ordinance, the board shall release the first operator from the requirements of this ordinance, including any bond, and transfer the permit to the successor operator.
- (5) Any application granted with conditions attached under the terms of this section shall have the conditions attached in writing to the document of approval. Such conditions may cover any standard or requirement listed in this ordinance. A violation of the conditions shall constitute a violation of this ordinance, subject to penalties listed in this ordinance.

#### SECTION X.

##### INSPECTIONS

- (1) Upon issuance of a regular or temporary mining permit, the board or its approved agents may inspect the project site to determine compliance with the requirements of this ordinance. Inspections may also include the required records of a mining operation.
- (2) Such inspection shall be at reasonable times with notice provided to the operator.

#### SECTION XI.

##### PENALTIES

- (1) Whenever the board finds a violation of this ordinance at a mining operation with Rock Township, including

unapproved deviation from the reclamation plan, it shall be recorded and the board shall send the operator by registered mail an order specifying the nature of the violation, time of violation, and corrective steps necessary to achieve compliance with this ordinance.

- (2) The board shall cancel the mining permit held by a mining operator who fails to comply with the order within 30 days after the order is served unless the operator named therein, within 10 days after notice, requests in writing a hearing before the board. Failure to show just cause for the continued violation and lack of compliance with the order shall result in permit cancellation and immediate cessation of all mining activities on the affected property.
- (3) Any person, firm, corporation, cooperative, operator, or any other group of persons convicted in a court of law of engaging in a mining operation without a valid permit from this jurisdiction shall be required to forfeit not less than \$100.00 nor more than \$500.00 per day for each and every day the operation is found to be in violation of this ordinance.
- (4) Compliance with the terms of this ordinance may also be enforced by injunctive order at the suit of ~~the county.~~

*Rock Township.*

## SECTION XII.

### EXPLOSIVES AND BLASTING AGENTS

The storage, handling and transportation of explosives, as defined in Chapter Ind. 5 of the Wisconsin Administrative Code, on the site of the mine shall be governed by Wisconsin Administrative Code Ind. 5. All persons preparing explosive charges or conducting blasting operations must be licensed pursuant to Section Ind. 5.12.

## SECTION XIII.

### BONDING ROADWAYS

All persons licensed to conduct mining operations in the Town of Rock shall furnish to the Township, on request, a bond for road repair or replacement which will indemnify the

Township for any and all damage to roads and highways over which the vehicles owned or hired by such licensed mine operator travel to and from the mine site. The bond shall be in a form and amount satisfactory to the Township and shall be furnished prior to the granting of any permit.

SECTION XIV.

VALIDITY

Should any section, clause or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION XV.

CONFLICTING PROVISIONS REPEALED

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

SECTION XVI.

WHEN EFFECTIVE

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

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 5<sup>th</sup> day of April, 1976.

John H. Lee  
Town Chairman

Donald R. Welch  
Town Supervisor

\_\_\_\_\_  
Town Supervisor

ATTEST:

Virginia Shelly  
Town Clerk

**TOWN OF ROCK  
ORDINANCE NO. 2007-02**

**AN ORDINANCE TO AMEND THE MINERAL AND MINE  
ORDINANCE OF THE TOWN OF ROCK**

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

Ordinance No. 762 of the Code of Ordinances of the Town of Rock, Rock County, Wisconsin, including any and all previous amendments thereto, is hereby amended as follows:

**SECTION I. AMENDMENTS TO MINERAL AND MINE ORDINANCE**

1. Subsection I(16) of Section V of Ordinance No. 762 of the Code of Ordinances of the Town of Rock, Rock County, Wisconsin, entitled "Mineral and Mine Ordinance" shall be amended to read as follows:

“(16) The application shall be accompanied by a fee of \$1,000 (the “Regular Mining Permit Fee”).”

2. Subsection II(6) of Section V of Ordinance No. 762 of the Code of Ordinances of the Town of Rock, Rock County, Wisconsin, entitled "Mineral and Mine Ordinance" shall be amended to read as follows:

“(6) The application shall be accompanied by a fee of \$1,000 (the “Temporary Mining Permit Fee”).”

3. Section XVII of Ordinance No. 762 of the Code of Ordinances of the Town of Rock, Rock County, Wisconsin, entitled "Mineral and Mine Ordinance" is hereby created to read as follows:

“SECTION XVII

**CHANGE IN FEES**

The Regular Mining Permit Fee and the Temporary Mining Permit Fee provided for in this Ordinance may be increased or decreased from time to time by resolution of the Town Board of the Town of Rock.”

**SECTION II. MISCELLANEOUS PROVISIONS**

1. The several sections, subsections, paragraphs, and subparagraphs of this Ordinance are hereby declared to be severable. If any section, subsection, paragraph, or subparagraph of this Ordinance shall be declared by a decision of a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other provisions of this Ordinance or of the section in which the invalid portion or paragraph may be a part.

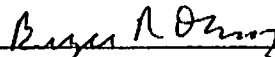
2. All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

3. This Amendment shall take effect and shall be in full force from and after its passage and posting as required by law.

This Ordinance is passed by the Town Board of the Town of Rock, Rock County, Wisconsin, this 5<sup>th</sup> day of MARCH, 2007.



Mark Gunn, Town Chairperson



Bryce O'Leary, Town Supervisor

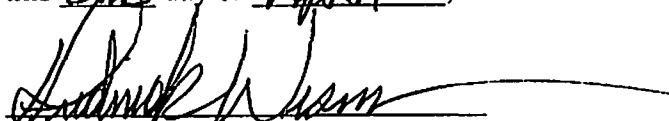
Tony Dubanowich, Town Supervisor

I hereby certify that the above Ordinance was adopted by the Town Board of the Town of Rock on the 5<sup>th</sup> day of MARCH, 2007, and on the 8<sup>th</sup> day of MARCH, 2007, copies of the above Ordinance were posted by me in three (3) public places in the Town of Rock, Rock County, Wisconsin.



Deborah Bennett, Town Clerk  
Town of Rock, Rock County, Wisconsin

Subscribed and sworn to before me  
this 2<sup>nd</sup> day of April, 2007.



Notary Public, Rock County, Wisconsin  
My Commission is permanent  
or expires: \_\_\_\_\_



**MOBILE HOME PARK ORDINANCE**  
**No 661**

An ordinance defining and regulating Mobile Home Parks; establishing minimum standards governing the construction and maintenance of Mobile Home Parks; establishing minimum standards governing the provided utilities and facilities, and other physical things and conditions to make Mobile Home Parks safe, sanitary, and fit for human habitation; fixing the responsibilities and duties of owners and operators of Mobile Home Parks; authorizing the inspection of Mobile Home Parks, and fixing penalties for violations.

Be it, therefore, ordained by the Town Board of the Town of Rock as follows:

**SECTION I: DEFINITIONS**

Health Officer. Health officer, building inspector or any member of the Town Board of the Town of Rock, or their duly authorized representative.

Licensee. Any person licensed to operate and maintain a Mobile Home Park under the provisions of this ordinance.

Mobile Home: A transportable, single-family dwelling unit suitable for year-round occupancy and containing the same water supply, waste disposal, and electrical conveniences as immobile housing.

Mobile Home Lot: A parcel of land designed for the exclusive use of the occupants of a single mobile home.

Mobile Home Park: A parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use.

Mobile Home Stand: That part of an individual lot which has been reserved for the placement of the mobile home, appertinent structures, or additions. License means a written license issued by the Town Board permitting the Mobile Home Park to operate under this ordinance.

Person: Any natural individual, firm, trust, partnership, association or corporation.

Service Building: A structure housing toilet and bathing facilities for men and women and such other facilities as may be required by this ordinance.

**SECTION II: LICENSES**

1

It shall be unlawful for any person to construct, maintain, operate any mobile home park within the limits of the Town of Rock

unless he holds a valid license issued annually by the Town Board in the name of such person for the specific mobile home park. All applications for licenses shall be made to the Town Board, who shall issue a license upon compliance by the applicant with the provisions of this Ordinance and of any other applicable legal requirements.

2.2

Every person holding a license shall give notice in writing to the Town Clerk within 24 hours after having sold, transferred, given away, or otherwise disposed of, interest in or control of any Mobile Home Park. Such notice shall include the name and address of the person succeeding to the ownership or control of such mobile home park. Upon application in writing for transfer of the license and payment of the transfer fee, the license shall be transferred if the park is in compliance with all applicable provisions of this Ordinance.

2.3

(a) Application for the original license shall be in writing signed by the applicant, and accompanied by an affidavit of the applicant as to the truth of the application, and shall contain the following:

- (1) The name and address of the applicant;
- (2) The interest of the applicant in and the location and legal description of the Mobile Home Park;
- (3) A complete plan of the Mobile Home Park, showing compliance with all applicable provisions of this Ordinance;
- (4) Such further information as may be requested by the Town Board or Health Officer to enable them to determine that the proposed Mobile Home Park will comply with legal requirements.

(b) Applications for renewals of licenses shall be made in writing by the holder of the license and shall contain the following:

- (1) In each page in the information submitted since the time the original license was issued or the latest renewal granted;
- (2) Such other information as the Town Board or Health Officer may require.

2.4

A complete plan, for the purpose of obtaining a license to be issued by the Town Board shall show:

- (a) The area and dimensions of the tract of land;
- (b) The number, location, and size of all Mobile Home lots;

- (c) The location and width of roadways and walkways;
- (d) The location of Service Buildings and any other proposed structures;
- (e) The location of water and sewer lines; and
- (f) Plans and specifications of all buildings and other improvements constructed or to be constructed within the Mobile Home Park.

2.5

Any person whose application for a license under this Ordinance has been denied may request and shall be granted a hearing on the matter before the Town Board under the procedure provided by Section 4 of this Ordinance.

2.6

Whenever, upon inspection of any Mobile Home Park, the Health Officer finds that conditions or practices exist which are in violation of any provision of this Ordinance, or of any regulations adopted pursuant thereto, the Town Clerk shall give notice in writing in accordance with Section 4.1 to the person to whom the license was issued. That unless such conditions or practices are corrected within a reasonable period of time specified in the notice by the Town Clerk, the license will be suspended. At the end of such period, the Health Officer shall reinspect each Mobile Home Park and, if such conditions or practices have not been corrected, the Town Board shall suspend the license and give notice in writing of such suspension to the person to whom the license is issued. Upon receipt of notice of suspension, such person shall cease operation of such Mobile Home Park except as provided in Section 4.2.

2.7

Any person whose license has been suspended, or who has received notice from the Town Clerk that his license will be suspended unless certain conditions or practices at the Mobile Home Park are corrected, may request and shall be granted a hearing on the matter before the Town Board, under the procedure provided by Section 4 of this Ordinance:

Provided: That when no Petition for such hearing shall have been filed within ten (10) days following the day on which notice of suspension was served, such permit shall be deemed to have been automatically revoked at the expiration of such ten day period.

SECTION III:  
INSPECTION OF MOBILE HOME PARKS

3.1

The Health Officer is hereby authorized and directed to make inspections to determine the condition of Mobile Home Parks located

within the Town of Rock in order that he may perform his duty of safeguarding the health and safety of occupants of Mobile Home Parks and of the general public.

3.2

The Health Officer shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this ordinance.

3.3

The Health Officer shall have the power to inspect the register containing a record of all Mobile Homes and occupants using the Mobile Home Park.

3.4

It shall be the duty of the owners or occupants of Mobile Home Park and Mobile Homes contained therein, or of the person in charge thereof to give the Health Officer free access to such furnaces at reasonable times for the purpose of inspection.

3.5

It shall be the duty of every occupant of a Mobile Home Park to give the owner thereof or his agent or employee access to any part of such Mobile Home Park or its premises at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this Ordinance, or with any lawful order issued pursuant to the provision of this Ordinance.

SECTION IV: NOTICES, HEARINGS  
AND ORDERS

4.1

Whenever the Town Board determines that there are reasonable grounds to believe that there has been a violation of any provision of this Ordinance, or of any regulation adopted pursuant thereto, they shall give notice of such alleged violation to the person to whom the license was issued, as hereinafter provided:

Such notice shall:

- (a) be in writing;
- (b) include a statement of the reasons for its issuance;
- (c) Allow a reasonable time for the performance of any act it requires;
- (d) Be served upon the owner or his agent as the case may require:

Provided: that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been sent by registered mail to his last known address; or when he has been served with such notice by any other method authorized or required by the laws of the State of Wisconsin.

- (e) Contain an outline of immediate action, which, if taken, will effect compliance with the provisions of this Ordinance and with the regulations adopted pursuant thereto.

#### 4.2

Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Ordinance, or of any regulation adopted pursuant thereto, may request and shall be granted a hearing on the matter before the Town Board:

Provided: that such person shall file with the Town Clerk a written Petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten (10) days after the day the notice was served. A filing of the request for a hearing shall operate as a stay of the notice and of the suspension except in the case of an order issued under Section 4.5. Upon receipt of such petition, the Town Board shall set a time and place for such hearing, then shall give the Petitioner written notice thereof. At such hearing, the Petitioner shall be given an opportunity to be heard, and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than thirty (30) days after the day on which the Petition was filed:

Provided: that upon application of the Petitioner, the Town Board may postpone the date of the hearing for a reasonable time beyond such thirty (30) day period when in its judgment the Petitioner has submitted good and sufficient reasons for such postponement.

#### 4.3

After such hearing, the Town Board shall make findings as to compliance with the provisions of this Ordinance and regulations issued thereunder and shall issue an order in writing sustaining, modifying or withdrawing the notice which shall be served as provided in Section 4.1 (d). Upon a failure to comply with any order sustaining or modifying a notice, the license of the Mobile Home Park affected by the order shall be revoked.

#### 4.4

The proceedings at such a hearing, including the findings and decision of the Town Board, and together with a copy of every notice and order related thereto shall be entered as a matter of public record



in the minutes of the Town Clerk. Any person aggrieved by the decision of the Town Board may seek relief therefrom in the Circuit Court for Rock County, State of Wisconsin.

4.5

Whenever the Health Officer finds that an emergency exists which requires immediate action to protect the public health, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as he may deem necessary to meet the emergency including the suspension of the license. Notwithstanding any other provisions of this Ordinance, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, that upon petition to the Town Board, shall be afforded a hearing as soon as possible. The provisions of Section 4.3 and 4.4 shall be applicable to such hearing and the order issued thereafter.

**SECTION V: ENVIRONMENTAL,  
OPEN SPACE AND ACCESS REQUIREMENTS**

**5.1 SITE LOCATION**

The location of all Mobile Home Parks shall comply with the following minimum requirements:

- (a) Free from adverse influence by swamps, marshes, garbage or rubbish disposal areas, or other potential breeding places for insects or rodents.
- (b) Not subject to flooding from adjacent bodies of water or waterways.
- (c) Not subject to any hazard or nuisance, such as excessive noise, vibration, smoke, toxic matter, radiation, heat or glare.
- (d) Not subject to any source of pollution, such as drainage from garbage disposal areas.

**5.2 SITE DRAINAGE REQUIREMENTS**

- (a) The ground surface in all parts of every park shall be graded and equipped to drain all surface water in a safe, efficient manner.
- (b) Surface water collectors and other bodies of standing water capable of breeding mosquitos and other vectors shall be treated in an approved manner.

- (c) Waste water from any plumbing fixture or sanitary sewer line shall not be deposited on the ground surface at any part of a park.

### 5.3 SOIL AND GROUND COVER REQUIREMENTS

- (a) Exposed ground surfaces in all parts of every park shall be paved, or covered with stone screenings, or other solid material, or protected with a vegetable that is capable of preventing soil erosion and the emanation of dust during dry weather.
- (b) Park ground shall be maintained free of vegetative growth and trees which are poisonous or may harbor rodents or pests, or other insects harmful to persons when disturbed.

### 5.4 NON-RESIDENTIAL USES

No part of any park shall be used for non-residential purposes, except such uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the park.

Nothing contained in this section shall be deemed to prohibit the sale by any person of Mobile Homes when located within the park in a Mobile Home space.

### 5.5 REQUIRED SEPARATION BETWEEN MOBILE HOMES

- (a) Mobile Homes shall be separated from each other and from other buildings and structures by at least 20 feet, provided that Mobile Homes and travel trailers placed end-to-end may have a clearance of 10 feet where opposing rear walls are staggered.
- (b) An accessory structure which has a horizontal area exceeding 25 square feet, attached to a Mobile Home, shall, for purposes of this separation requirement, be considered to be part of the Mobile Home. Patios and carports shall be disregarded in determining yard widths between Mobile Homes. Unattached structures, including garages, shall be at least 5 feet from any adjoining lot line and at least 5 feet from the Mobile Home itself.
- (c) There shall be a minimum lot size of 3800 square feet for each Mobile Home.

**5.6 REQUIRED SETBACKS, BUFFER STRIPS AND SCREENINGS IN MOBILE HOME PARKS**

- (a) All Mobile Homes or accessory structures shall be located at least 25 feet from any park property boundary line abutting upon a public street for highway and at least 10 feet from other park property boundary lines. There shall be a minimum distance of 8 feet between an individual Mobile Home, including accessory structures, and adjoining pavement of a park street, or common parking area, or other common areas accessible to park residents.
- (b) All Mobile Home Parks located adjacent to industrial or commercial land uses shall be provided with a screening buffer strip, at least 5 feet wide, along the property boundary line separating parks in such adjacent non-residential uses. Their effect of visual barriers do not already exist along such property boundary lines, the buffer strip shall be furnished with screening, consisting of fences, or natural growth.

**5.7 REQUIRED RECREATION AREAS IN MOBILE HOME PARKS**

In all parks accomodating or designed to accommodate 25 or more Mobile Homes, there shall be one or more recreation areas which shall be easily accessible to all park residents. The size of such recreation areas shall be based upon a minimum of 100 square feet for each space in the park that is designed to accommodate Mobile Homes. No outdoor recreation area shall contain less than 2500 square feet. Recreation areas shall be so located as to be free of traffic hazards and should, where topography permits, be centrally located.

**5.8 PARK STREET SYSTEM**

- (a) General Requirements: All parks shall provide safe, continuous and convenient vehicular access, from abutting public streets or roads to each mobile home space. For purposes of this Code, all streets or roads providing such vehicular access shall hereinafter be referred to as the "Park Street System".
- (b) Access: The entrance road connecting the Park Street System with a public street or road shall have a minimum road pavement width of 34 feet, where guest parking is permitted at both sides, or a minimum road pavement width of 27 feet, where guest parking is limited to one side.



Where the primary entrance road is more than 100 feet long and does not provide access to abutting Mobile Home lots within such distance, the minimum road width may be 24 feet, providing parking is prohibited at both sides.

- (c) Internal Streets: Surfaced roadways shall be of adequate width to accommodate anticipated traffic, and in any case shall meet the following minimum requirements:

Minor Streets without allowance for parking... 18 feet

(acceptable only if less than 500 feet long and serving less than 25 Mobile Homes or of any length if one way and providing access to abutting Mobile Home lots on one side only)

Typical residential streets .....24 feet  
(including allowance for guest parking only)

Dead end streets shall be limited in length to 1000 feet and shall be provided at the closed end with a turn around leaving an outside roadway diameter of at least 60 feet.

#### 5.10 STREET CONSTRUCTION AND DESIGN STANDARDS

- (a) Pavement: All streets shall be provided with a smooth, hard and dense surface which shall be durable and well drained under normal use and weather conditions. Pavement edges shall be protected to prevent raveling of the wearing surface and shifting of the pavement base. Street surfaces shall be maintained free of cracks, holes, and other hazards.
- (b) Grades: Grades of all streets shall be sufficient to insure adequate surface drainage, but shall not be more than 8%. Short runs with a maximum grade of 12% may be permitted, provided traffic safety is assured by appropriate paving. Adequate leveling areas and avoidance of lateral curves.
- (c) Intersections: Within 100 feet of an intersection, streets shall be at approximately right angles. A distance of at least 150 feet shall be maintained between center lines of offset intersecting streets. Intersections of more than two streets at one point shall be avoided.

### 5.11 REQUIRED OFF-STREET PARKING

Off-street parking shall be provided in all parks for the use of park occupants and guests. Such areas shall be furnished at the rate of at least 1.25 car spaces for each mobile home. Parking bays shall be so located as to provide convenient access to mobile home spaces.

### 5.12 PEDESTRIAN ACCESS

a) General Requirements: All parks shall provide safe, convenient, all-season pedestrian access between individual mobile homes, the Park Street System, and all community facilities provided for park residents. For purposes of this code, all common walks providing such pedestrian access shall hereinafter be referred to as the Common Walk System.

b) Individual Walks: All mobile homes and travel trailers shall be connected with the Common Walk System and the Park Street System by one or more individual walks on each mobile home space. Such individual walks shall have a minimum width of 2 feet.

c) Common Walk System: A common walk system shall be provided and maintained in every park for pedestrian access between each mobile home space and all required open areas, community structures and facilities.

### 5.13 REQUIRED ILLUMINATION OF PARK STREET SYSTEMS

All parks shall be furnished with sufficient electrical systems and lighting units so spaced and equipped with luminaires placed at such mounting heights as will provide the following average maintained levels of illumination for the safe movement of pedestrians and vehicles at night:

a) All parts of the Park Street Systems: 0.3 foot candle, with a minimum of 0.1 foot candle.

(b) Potentially hazardous locations, such as, major street intersections and steps or stepped ramps: individually illuminated, with a minimum of 0.3 foot candle.

## SECTION 6: SERVICE BUILDINGS AND OTHER COMMUNITY SERVICE FACILITIES

### 6.1 GENERAL REQUIREMENTS

The requirements of this section shall apply to accessory

structures and community service facilities in all parks which are required for park management and for the servicing and well-being of park residents. Such accessory structures may include, but are not limited to, service buildings or other community structures containing one or more of the following uses:

- a) Park management offices, repair shops, and storage
- b) Community sanitary facilities
- c) Community laundry facilities
- d) Indoor community recreation areas
- e) Commercial uses supplying essential goods or services for the exclusive use of park residents.

## **6.2 REQUIRED COMMUNITY SERVICE FACILITIES**

Every park operated, or intended to be operated, shall be provided with the following emergency sanitary accommodations:

For each 100 mobile home spaces, or fractional part thereof, there shall be one flush toilet, and one lavatory, for each sex.

The service building containing such emergency sanitary facilities shall be accessible to all mobile homes.

## **6.3 STRUCTURAL REQUIREMENTS FOR SERVICE BUILDINGS AND OTHER ACCESSORY STRUCTURES**

a) In rooms containing sanitary or laundry facilities, walls around showers, bathtubs, lavatories, laundry trays, water closets and other plumbing fixtures shall be constructed of dense, non-absorbent, waterproof material or covered with moisture resistant material. Walls between male and female sanitary facilities shall be constructed of sound resistant material and shall extend to the ceiling.

b) Every room providing sanitary and laundry facilities shall have at least one window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall be not less than 8% of the floor area served by them.

c) Every room providing sanitary and laundry facilities shall have at least one window which can be easily opened, or a mechanical device which will adequately ventilate the room.

d) All rooms provided for community sanitary and laundry facilities shall be furnished with adequate heating facilities capable of maintaining a temperature of not less than 70 degrees at a distance of 3 feet from exterior walls at a level of 3 feet above the floor.

e) All rooms provided for community sanitary and laundry facilities shall be furnished with adequate plumbing systems connected to the Park Water Supply System and capable of carrying sewage discharged from all plumbing fixtures to the Park Sanitary Sewer System. Hot and cold water shall be furnished to every lavatory, kitchen sink, bathtub, shower and laundry fixture, and cold water shall be furnished to every water closet and urinal. Hot water shall be furnished at 130° F to 140° F. between the hours of 7:00 A.M. and 11:00 P.M. The use of pit privies or chemical toilets in any part of a mobile home park is prohibited.

## SECTION 7: WATER SUPPLY

### 7.1 GENERAL REQUIREMENTS

Every park shall have a water supply system capable of providing a sufficient supply of potable water, under adequate pressure, to water supply facilities for mobile homes, service buildings, fire hydrants, drinking fountains and other accessory facilities, as required by this code for the well-being of park residents and for park maintenance. Such system shall be designed, constructed and maintained in accordance with State and local laws and shall conform with the regulations of the authorities having jurisdiction.

### 7.2 SOURCE OF SUPPLY

a) Where a public water supply system is available, the park water supply system shall be connected thereto. A public water supply system shall be deemed available when such system is within 500 feet of the park, measured along a street or other public easement, and a connection may be made lawfully thereto. No private water supply system shall be cross connected with any public water supply system unless specially approved by the authority having jurisdiction.

b) Where a public water supply source is not available, the park's source of water supply, including the construction, equipment, and distribution system for withdrawing and distributing water, shall be approved by the public health agency and other authorities having jurisdiction. The chemical and bacteriological quality of the potable water distributed in any park, including water treatment processes employed, shall conform to the standards established by the health authority having jurisdiction.

c) The water source shall be capable of producing an adequate volume of water to supply all mobile home and travel trailer spaces in any park, but in no case shall such capacity be less than 150

gallons per space per day in any mobile home park.

d) Where an independent or non-public water system is used to serve the mobile home park with water obtained from wells, the well shall be located and constructed in such a manner that neither underground nor surface contamination will reach the water supply from any source. A minimum distance of 150 feet shall be maintained between the water supply and any cesspool. A minimum distance of 100 feet shall be maintained between the water supply and any other possible source of contamination, except that sewers or pipes through which sewage may back up shall be located at least 50 feet from any well or water suction pipe line. Where such sewers or pipes are specially constructed to provide adequate safe-guards, and when specifically authorized by the health officer, such sewers or pipes through which sewage may back up may be closer than 50 feet, but not less than 30 feet from a well.

e) No well-casings, pumps, pumping machinery, or suction pipes shall be located in any pit, room or space extending below ground level nor in any room or space above ground which is walled in or otherwise enclosed, unless such rooms, whether above or below ground, have free drainage by gravity to the surface of the ground. The floor of rooms above ground shall be at least six inches above the ground's surface. All floors shall be watertight and sloped from the pump pedestal to the drain. The pedestal shall be not less than 12 inches above the floor.

### **7.3 WATER STORAGE FACILITIES**

All water storage reservoirs shall be watertight and constructed of impervious material; all overflows and vents of such reservoirs shall be effectively screened. Open reservoirs are prohibited. Manholes shall be constructed with overlapping covers, so as to prevent the entrance of contaminated material. Overflow pipes from a reservoir shall not connect to any pipe in which sewage or polluted water may back up.

### **7.4 WATER DISTRIBUTION SYSTEM**

The water distribution system shall be constructed of piping, fixtures and other equipment of approved materials and shall be so designed and maintained as to provide a pressure of not less than 20 pounds per square inch, under normal operating conditions, at each mobile home and travel trailer space, service building and other locations requiring notable water supply. Such piping shall not be interconnected or cross-connected with any drainage, venting or other system conveying non-potable water. Nor shall such piping be subject to hazards of backflow or back-siphonage.



## **7.5 INDIVIDUAL WATER CONNECTIONS**

a) Individual water service connections shall be provided at each mobile home lot at a location where the water connection to the mobile home will approximate a vertical position, thereby insuring the shortest water connection possible. A safe distance from the sanitary sewer connection shall be maintained.

b) All water service connections shall be watertight. The minimum pipe size of connections shall be three-quarter inch. Outlets shall be so constructed as to be free of possible contamination from surface drainage and possible damage during installation of a mobile home.

c) Adequate provisions shall be made to prevent freezing of service lines, valves and riser pipe and to protect risers from heaving and thawing actions of ground during freezing weather.

d) Underground stop- and waste-cocks shall not be installed on any connection.

## **7.6 REQUIRED WATER SUPPLY FOR FIRE PROTECTION**

Where a public water supply system with a water main of six inches or larger is available, all parks accommodating or designed to accommodate 10 or more mobile homes or travel trailers, or both, shall provide the following water supply facilities.

1) The system shall permit the operation of a minimum of two 1-1/2 inch hose streams on a fire in any mobile home, travel trailer, service building or other accessory structure in the park.

2) Hydrants shall be located within 500 feet of such structures.

3) Water supply and associated facilities shall be sufficient to provide a delivery of at least 75 gallons per minute at each of two nozzles, held four feet above the ground, at a flowing pressure of at least 30 pounds per square inch at the highest point in the park.

## **SECTION 8: SEWAGE DISPOSAL**

### **8.1 GENERAL REQUIREMENTS**

An adequate and safe system of sanitary sewerage shall be provided in all parks for conveying and disposing of sewage from mobile homes, service buildings and other accessory facilities, as required by this code for the well-being of park residents and for park maintenance. Such system shall be designed, constructed and maintained in accordance with State and local laws and shall

conform with the regulations of the health authorities having jurisdiction.

## 8.2 SEWER LINES

All sewer lines shall be located in trenches of sufficient depth to be free of breakage from traffic or other movements and located at a safe distance from the park water supply system. Sewers shall be at a grade which will insure a velocity of two feet per second when flowing full. All sewer lines shall be adequately vented and shall have watertight joints.

## 8.3 INDIVIDUAL SEWER CONNECTIONS

a) Each mobile home lot shall be provided with at least a four inch sewer riser pipe. The sewer riser pipe shall be so located on each lot that the sewer connection to the mobile home drain outlet will approximate a vertical position.

b) The sewer connection (which consists of all pipes, fittings and appurtenances from the drain outlet of the mobile home to the corresponding sewer riser pipe of the park sewer system) shall have a nominal inside diameter of not less than three inches, and the slope of any portion thereof shall be at least one-fourth inch per foot. The sewer connections shall consist of one pipe line only without any branch fittings. All joints shall be watertight.

c) All materials used for sewer connections shall be semi-rigid, corrosive resistant, non-absorbent and durable. The inner surface shall be smooth.

d) Provision shall be made for plugging the sewer riser pipe when a mobile home does not occupy the lot. Surface drainage shall be diverted away from the riser. The rim of the riser pipe should extend at least four inches above ground elevation.

## 8.4

Where the sewer lines of the mobile home park are not connected to a public sewer, a method of sewage disposal approved by the health officer shall be provided. The design of such sewage treatment facilities shall be based on the maximum capacity of the mobile home park. Effluents from sewage treatment facilities shall not be discharged into any waters of the State except with prior approval of the appropriate State authority and the local health officer. The disposal facilities shall be located where they will not create a nuisance or health hazard to the mobile home park or to the owner or occupants of any adjacent property. The approval of the health officer shall be obtained on the type of treatment proposed and on the design of the disposal plant prior to construction.

**SECTION 9: REFUSE DISPOSAL**

**9.1**

The storage, collection and disposal of refuse in the mobile home park shall be so managed as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution.

**9.2**

All refuse shall be stored in flytight, watertight, rodent-proof containers, which shall be located not more than 150 feet from any mobile home space. Containers shall be provided in sufficient number and capacity to properly store all refuse.

**9.3**

Refuse collection stands shall be provided for all refuse containers. Such container stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration and to facilitate cleaning around them.

**9.4**

All refuse shall be collected at least twice weekly. Where suitable collection service is not available from municipal or private agencies, the mobile home park operator shall provide this service. All refuse shall be collected and transported in covered vehicles or covered containers.

**9.5**

Where municipal or private disposal service is not available, the mobile home park operator shall dispose of the refuse by incineration, burial or transporting to an approved disposal site.

**9.6**

Refuse shall be buried only at locations and by methods approved by the health officer.

**9.7**

Refuse incinerators shall be constructed only with the approval of the Town Health Officer. Such approval shall be based on a review of the plans and specifications for such incinerators and approval of the site where they will be located. Such approval shall specify the type of material which may be placed in the incinerator.



9.8

Incinerators shall be operated only when attended by some person specifically authorized by the owner or operator of the mobile home park.

9.9

Garbage shall be burned on the premises only in an approved incinerator.

**SECTION 10: INSECT AND RODENT CONTROL**

10.1

Grounds, buildings and structures shall be maintained free of insect, vermin and rodent harborage and infestation. Extermination methods and other measures to control insects, vermin and rodents shall conform with the requirements of the health authority having jurisdiction.

10.2

Parks shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.

10.3

Storage areas shall be so maintained as to prevent rodent harborage; lumber, pipe and other building material shall be stored at least one foot above the ground.

10.4

Where the potential for rodent or vermin infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.

10.5

The growth of brush, weeds and grass shall be controlled to prevent harborage of ticks, chiggers and other noxious insects. Parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

## SECTION 11: ELECTRICAL DISTRIBUTION SYSTEM

### 11.1 General Requirements

Every park shall contain an electrical wiring system, consisting of wiring, fixtures, equipment and appurtenances which shall be installed and maintained in accordance with applicable codes and regulations governing such systems.

### 11.2 Power Distribution Lines

- a) Main power lines not located underground shall be suspended at least 18 feet above the ground. All wires passing over any part of a park street system or common walk system shall have a minimum clearance of 18 feet over such access ways. There shall be a minimum horizontal clearance of three feet between overhead wiring and any mobile home, travel trailer, service building or other community structure in a park.
- b) All direct burial conductors or cable shall be buried at least 18 inches below the ground surface and shall be insulated and specially designed for the purpose. Such conductors shall be located not less than one foot radial distance from water, sewer, gas or communications lines.

### 11.3 Individual Electrical Connections

- a) Each mobile home lot in all parks shall be connected to the park electrical wiring system by underground cable and by approved receptacle, disconnecting means, and overcurrent protective equipment. The minimum service for each mobile home space shall be 120/240 volts AC, <sup>100</sup>50 amperes. *see ord. #3*
- b) Adequate overcurrent protective devices and disconnecting means for controlling power supply to individual spaces shall be provided in accessible locations within convenient and readily traversable distance from such spaces without interruption by a street.
- c) Branch current receptacles for supplying power to individual mobile homes shall be weatherproof and properly grounded. Such receptacles shall be located not more than 25 feet from the overcurrent protective devices in the mobile home.
- d) Every mobile home, except one provided with mast-weatherhead service, shall be connected to the branch circuit receptacle by an approved type of flexible cable not more than 25 feet in length, with connectors and male attachment plug cap. Attachment plug caps and connectors shall be of approved types and shall be designed and constructed so as to prevent strain from being transmitted from cable to terminals and to endure rough

usage. A mobile home provided with a mast-weatherhead type service shall be connected to an approved pole provided with approved disconnecting means and overcurrent protection device.

#### **11.4 Required Grounding**

All exposed non-current-carrying metal parts of mobile homes and all other equipment shall be grounded by means of a grounding conductor. The neutral conductor shall not be used as an equipment ground for mobile homes or equipment within a park.

### **SECTION 12: FUEL SUPPLY AND STORAGE**

#### **12.1 Natural Gas System**

- a) Natural gas piping systems in all parks shall be installed and maintained in conformity with accepted engineering practices and the rules and regulations of the Industrial Commission of the State of Wisconsin.
- b) Each mobile home lot provided with piped gas shall have an approved shutoff valve installed upstream of the space gas outlet. The outlet shall be equipped with an approved cap to prevent accidental discharge of gas when outlet is not in use.

#### **12.2 Liquified Petroleum Gas Systems**

- a) Liquified petroleum gas systems provided for mobile homes, service buildings or other structures shall be installed and maintained in conformity with the rules and regulations of the Industrial Commission of the State of Wisconsin.
- b) Each park utilizing liquified petroleum gas shall install common underground storage containers and an underground distribution system in conformity with the rules of the Industrial Commission in regard to liquified petroleum gases.
- c) Systems shall have at least one accessible means for shutting off gas. Such means shall be located outside the mobile home and shall be maintained in effective operating condition.
- d) All LPG piping outside of the mobile homes and travel trailers shall conform to the rules of the Industrial Commission of the State of Wisconsin. Undiluted liquified petroleum gas in liquid form shall not be conveyed through piping equipment and systems in mobile homes.

#### **12.3 Fuel Oil Supply Systems**

- a) All fuel oil supply systems provided for mobile homes, service buildings and other structures shall be installed and maintained in conformity with the rules and regulations of the



**Industrial Commission of the State of Wisconsin.**

- b) Each park utilizing fuel oil shall install a common underground storage facility and an underground distribution system in conformity with the rules and regulations of the Industrial Commission of the State of Wisconsin.**
- c) All piping from fuel storage tanks to mobile homes shall be permanently installed and securely fastened in place.**

#### **12.4 Inspection and Approval**

**Any natural gas system, liquified petroleum gas system, or fuel oil supply system must be approved by the Industrial Commission of the State of Wisconsin and the Health Officer of the Town of Rock.**

### **SECTION 13: FIRE PROTECTION**

#### **13.1**

**The mobile home park area shall be subject to the rules and regulations of the Town of Rock and the State of Wisconsin regarding fire and fire prevention.**

#### **13.2**

**Mobile home park areas shall be kept free of litter, rubbish and other flammable materials.**

#### **13.3**

**Portable fire extinguishers of an approved type shall be kept in service buildings and at all other locations designated by the Industrial Commission or the Health Officer and shall be maintained in good operating condition.**

#### **13.4**

**Where a public water system with a water main of six inches or larger is available to the mobile home park, standard fire hydrants shall be located within 500 feet of each mobile home or building.**

#### **13.5**

**Fires shall be made only in stoves, incinerators and other equipment intended for such purpose.**

**SECTION 14: ALTERATIONS AND ADDITIONS: RESTRICTIONS  
OF ANIMALS AND PETS**

**14.1**

All plumbing and electrical alterations or repairs in the mobile home park shall be made in accordance with applicable local regulations.

**14.2**

No owner or person in charge of a dog, cat or other pet animal shall permit it to run at large or to commit any nuisance within the limits of any mobile home park.

**SECTION 15: REGISTRATION OF OCCUPANTS: REPORTION OF  
COMMUNICABLE DISEASES**

**15.1**

Every mobile home park owner or operator shall maintain a register containing a record of all mobile homes and occupants using the mobile home park. Such register shall be available to any authorized person inspecting the park and shall be preserved for the period required by the Town Board. Such register shall contain (1) the names and addresses of all mobile home occupants (2) the make, model and license number of the motor vehicle.

**15.2**

Every owner, operator, attendant or other person operating a mobile home park shall notify the Rock County Health Department or the Town Health Officer immediately of any suspected communicable or contagious disease within the mobile home park. In the case of diseases diagnosed by a physician as quarantinable, the departure of a mobile home or its occupants, or the removal therefrom of clothing or other articles which have been exposed to infection, without approval of the Rock County Health Department, is prohibited.

**SECTION 16: SUPERVISION**

**16.1**

The person to whom a permit for a mobile home park is issued shall at all times operate the park in compliance with this Ordinance and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition at all times.

**SECTION 17: LICENSE**

**17.1**

The annual fee for a mobile home court license shall be \$25.00, and such license shall expire on the 30th day of June of each year. Every application for a license to operate a mobile home court shall be accompanied by payment of the license fee made payable to the Town Treasurer. Before any license shall be granted, the Town Board, cooperating with the Health Officer and Building Inspector of the Town, shall make or cause to be made an inspection of the premises for which a license has been applied for in order to determine whether the requirements of this Ordinance have or will be met by the applicant, and no such license shall be granted until such inspection has been made.

**SECTION 18:**

**18.1 Special Assessments**

- a) The Town Board shall levy special assessments commensurate with the cost of all local government services required by the mobile home court and the occupants thereof. The amount of such special assessments that may be levied against each mobile home court shall be determined after a public hearing, as hereinafter provided. Said special assessments shall continue until changed either by Ordinance of the Town Board, or after a hearing on petition filed for a change in the amount.
- b) The Town Board may provide that the special assessments so made shall be paid monthly on the basis of the number of trailers parked in said mobile home court during the previous calendar month.
- c) The Town Board shall determine the part of the monthly per trailer assessment that shall be made to the common school district based upon the cost of education in the school district where the mobile home court is located.

**SECTION 19: NOTICE AND HEARING BEFORE BOARD**

**19.1**

- a) The Town Board shall make preliminary determination of the amount of the per trailer special assessment to be levied against a mobile home court in each common school district showing proposed division to the common school district, and

shall give notice of hearing on said proposed special assessments to be held at the Town Hall where any interested person shall have an opportunity to be heard.

- b) The Town Clerk shall post a notice of said hearing at at least three public places within the township, one posting of which shall be in a conspicuous place on each trailer camp property. At least one week shall intervene between the date of posting of such notice and the time of said meeting. The Board may at such meeting, or at an adjourned meeting, confirm or change said special assessment and upon final determination of the amount of such special assessment shall post a notice on each mobile home court property stating the amount of the per trailer special assessment as finally determined.
- c) If the owner of any parcel of land affected by such final determination feels himself aggrieved thereby, he may, within twenty (20) days after the date of posting of such determination, appeal therefrom to the Circuit Court of Rock County by causing a written notice of appeal to be served upon the Town Clerk and by executing a bond to the Town of Rock in the sum of \$150.00 with two sureties or a bonding company to be approved by the Town Clerk conditioned for the faithful prosecution of such appeal and the payment of all costs that may be adjudged against him. The Clerk, in case such an appeal is taken, shall make a brief statement of the proceedings had in the matter before the board, with its determination thereon, and shall submit the same with all papers in the matter to the Clerk of the Circuit Court. Such appeal shall be tried and determined in the same manner as cases originally commenced in said Court.

#### SECTION 20: LIEN

##### 20.1

Each such special assessment shall be a lien on a mobile home court property against which it is assessed, and, if not otherwise paid, shall be entered upon the tax roll and shall be collected as general taxes. Failure to pay such an assessment shall be a ground for revoking of the mobile home court license.

#### SECTION 21: CONFLICT OF ORDINANCES: EFFECT OF PARTIAL INVALIDITY

##### 21.1

If any section, sub-section, paragraph, sentence, clause or phrase of this Ordinance should be declared invalid for any reason

whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall remain in full force and effect; and to this end the provisions of this Ordinance are hereby declared to be severable.

**SECTION 22: PENALTIES**

22.1

- a) Every person, firm or corporation violating or contributing in any way to the violation of any provision of this Ordinance shall be deemed guilty of a separate offense for each day during which said violation continues and shall be punishable therefor as herein provided.
- b) Any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding \$100.00 nor less than \$10.00 for any one violation thereof, and the revocation of the license granted to the owner of the mobile home court by the Town Board.

**SECTION 23: EFFECTIVE DATE**

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

The foregoing Ordinance was adopted at a regular meeting of the Town Board of the Town of Rock on February 14, 1966.

Attest:

Virginia Skelly  
Clerk

Roger K. Smith  
Chairman

James Grundahl  
Supervisor

James A. Baker  
Supervisor

I hereby certify that the above Ordinance was adopted by the Town Board of the Town of Rock on the 14th day of February, 1966, and was posted by me in three of the most public places of the Town of Rock, on the 15th day of February, 1966.

Dated: 2-18-66

Virginia Skelly  
Clerk, Town of Rock, Rock County,  
Wisconsin



AMENDMENT NO. 2  
MOBILE HOME PARK ORDINANCE

#661

The Town Board of the Town of Rock does ordain as follows:

"SECTION V, subsection 5.5 (c) shall be amended to read:

'The minimum lot size shall be no less than 5000 square feet with a minimum width of 50 feet and minimum depth of 100 feet.'

"SECTION V, subsection 5.12 (c) shall be amended to add the following language:

'Said common walk system shall run parallel to the Park Street System and shall be separated from said street system by a curb. All walks shall be no less than 2½ feet in width..

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

The foregoing Ordinance was adopted at a regular meeting of the Town Board of the Town of Rock on November 1, 1971.

W. D. B. Bshling  
Chairman

Attest:

John H. Lee  
Supervisor

Virginia Shelly

William H. Lee  
Supervisor

I hereby certify that Amendment No.2 to Mobile Home Park Ordinance was adopted by the Town Board of the Town of Rock on the 1<sup>st</sup> day of Nov., 1971 and was posted by me in three of the most public places of the Town of Rock, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Virginia Shelly  
Clerk - Town of Rock

10-71

AMENDMENT NO. 3  
MOBILE HOME PARK ORDINANCE

#661

The Town Board of the Town of Rock does ordain as follows:

"SECTION 11.3 (a) shall be amended  
to read:

"The minimum service for  
each mobile home space shall  
be 120/240 volts AC, 100 amperes.

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

The foregoing Ordinance was adopted at a regular  
meeting of the Town Board of the Town of Rock on  
\_\_\_\_\_, 1972.

W. G. Behling  
Chairman

John H. Lee  
Supervisor

Attest:

William R. H.  
Supervisor

I hereby certify that Amendment No. 3 to Mobile Home Park  
Ordinance was adopted by the Town Board of the Town of Rock  
on the \_\_\_\_\_ day of \_\_\_\_\_, 1972 and was posted  
by me in three of the most public places of the Town of  
Rock, on the \_\_\_\_\_ day of \_\_\_\_\_, 1972.

\_\_\_\_\_  
Clerk - Town of Rock

TOWN OF ROCK

ORDINANCE NO. 702 76<sup>2</sup>

AN ORDINANCE TO AMEND THE MOBILE HOME PARK ORDINANCE OF THE TOWN OF ROCK

The Town Board of the Town of Rock, Rock County, State of Wisconsin, does ordain as follows: Ordinance No. 661 of the Code of Ordinances of the Town of Rock, Rock County, State of Wisconsin, is hereby amended to read as follows:

Section 17.1 of the Mobile Home Park Ordinance is deleted and recreated to read as follows:

"The annual license fee for a mobile home park license shall be \$ 75.09 for each 50 spaces or fraction thereof within each mobile home park within the limits of the Town of Rock, except that where the mobile home park lies in more than one municipality the amount of the license fee shall be such fraction thereof as the number of spaces in the park in the Town of Rock bears to the entire number of spaces in the park. All mobile home park licenses shall expire on the 30th day of June of each year. Every application for a license to operate a mobile home park shall be accompanied by payment of the license fee made payable to the Town Treasurer. Before any license shall be granted, the Town Board, cooperating with the Building Inspector or Constable of the Town, shall make or cause to be made an inspection of the premises for which a license has been applied for in order to determine whether the requirements of this Ordinance have or will be met by the applicant and further to determine the number of spaces in such mobile home park. No such license shall be granted until such inspection has been made."

Section 18.1, Section 19.1 and Section 20.1 of Ordinance No. 661 shall be deleted in their entirety and the following Sections shall be created and inserted in lieu thereof:

**18.1** Monthly Fee  
"In addition to the license fee provided for in Section 17 above, the Town of Rock shall collect from every

occupied mobile home occupying space or locked in a mobile home park within the Town of Rock, a monthly parking permit fee computed as follows: beginning <sup>MAY</sup> January 15, 1970, the Town Assessor shall determine the total fair market value of each occupied mobile home in the Township which will be subject to the monthly parking permit fee. The fair market value, minus the tax exempt household furnishings, thus established, shall be equalized to the general level of assessment on other real and personal property in the district. The value of each occupied mobile home thus determined shall be multiplied by the tax rate established on the preceding May 1 assessment of general property. The parking permit fee shall first be reduced by the credit allowed under s. 77.63 of the Wis. Stats. The total annual parking permit fee thus computed shall be divided by twelve and shall represent the monthly mobile home parking permit fee. The fee shall be applicable to occupied mobile homes moving into the tax district any time during the year. The park operator shall furnish information to the Town Clerk and the Town Assessor on occupied mobile homes added to his park within five (5) days after their arrival, on forms prescribed by the Department of Revenue. As soon as the Assessor receives the notice of an addition of an occupied home to a park, he shall determine its fair market value and notify the Clerk of his determination. The Clerk shall equalize the fair market value established by the Assessor and shall apply the tax rate for that year, divide the annual parking permit fee thus determined by twelve and notify the mobile home owner of the monthly fee to be collected from the mobile home owner. Liability for payment of the fee shall begin on the 1st day of the next succeeding month and shall remain on the mobile home only for such months as the occupied mobile home remains in the Township. A new fee rate and a new valuation shall be established each January and shall continue for that calendar year. The valuation shall be subject to review as are other values established under Chapter 70 of the Wis. Stats. If the Board of Review reduces a valuation on which previous monthly payments have been made, the tax district shall refund past excess fee payments. The monthly parking permit fee shall be paid by the mobile

home owner to the Town Treasurer on or before the 10th of the month following the month for which such parking permit fee is due. No such fee shall be imposed for any space occupied by a mobile home accompanied by an automobile, if the mobile home and automobile bear license plates issued by any other than this state, for an accumulating period not to exceed 60 days in any twelve months or if the occupants of the mobile home are nonresident tourists or vacationists. Exemption certificates in duplicate shall be accepted by the Treasurer of the Town of Rock from qualified nonresident tourists or vacationists in lieu of monthly mobile home permit fees. When one or more persons occupying a mobile home are employed in this state, there shall be no exemption from the monthly parking permit fee.

**19.1 Penalty for Nonpayment**

Failure to timely pay the tax hereunder shall be treated in all respects like a default in payment of personal property tax and shall be subject to all procedures and penalties applicable thereto under Chapters 70 and 74 of the Wis. Stats.

**20.1 Penalty on Failure to Report**

Any mobile home park operator who shall fail to furnish any information required by this Ordinance to the Town Clerk or Town Assessor within the time provided in this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding \$25.00 or less than \$10.00 for any one violation thereof. Each failure to report shall be regarded as a separate offense. Such violations also subject the mobile home park operator to possible revocation of the license granted to said operator by the Town Board."

Section 21, Section 22 and Section 23 of the Ordinances of the Town of Rock and subsections 21.1 and 22.1 shall be renumbered Sections 19, 20 and 21 and subsections 19.1 and 20.1 respectively.

This Ordinance shall take effect from and after its passage and posting or publishing as provided by law.

The foregoing Ordinance was adopted at a regular meeting of the Town Board of the Town of Rock on the 9<sup>th</sup> day of March, 1970.

Attest:

Virginia Skelly  
Clerk

Roger K. Smith  
Chairman  
Paul Greundel  
Supervisor  
James Connel  
Supervisor

I hereby certify that the above Ordinance was adopted by the Town Board of the Town of Rock on the \_\_\_\_\_ day of \_\_\_\_\_, 1970 and was posted by me in three of the most public places of the Town of Rock, on the \_\_\_\_\_ day of \_\_\_\_\_, 1970.

Dated \_\_\_\_\_.

\_\_\_\_\_  
Clerk, Town of Rock, Rock County,  
Wisconsin.

✓



*File*

TOWN OF ROCK  
ORDINANCE NO. 812

AN ORDINANCE TO AMEND THE MOBILE HOME PARK ORDINANCE OF THE TOWN OF ROCK AND ALL PRECEDING AMENDMENTS THERETO.

THE TOWN BOARD OF THE TOWN OF ROCK, COUNTY OF ROCK, STATE OF WISCONSIN, DOES ORDAIN AS FOLLOWS:

ORDINANCE NO. 812 OF THE CODE OF GENERAL ORDINANCES OF THE TOWN OF ROCK, COUNTY OF ROCK, STATE OF WISCONSIN, AMENDING ORDINANCE NO. 661 OF THE CODE OF GENERAL ORDINANCES OF THE TOWN OF ROCK BY THE INCORPORATION AND ADOPTION OF WISCONSIN ADMINISTRATIVE CODE CHAPTER H 77 IS HEREBY CREATED TO READ AS FOLLOWS:

1. Wisconsin Administrative Code Chapter H 77, and all amendments thereto, is hereby adopted by the Town of Rock in its entirety, of which code, not less than one (1) copy has been and now is filed in the office of the Clerk of the Town of Rock, and as adopted hereby is incorporated herein as fully as if set out at length herein, and the provisions thereof shall be controlling within the limits of the Town of Rock.

2. At least one sanitary survey (inspection) per year of each mobile home park in the Town of Rock shall be conducted by an inspecting official, which official shall be appointed by the Town Board of the Town of Rock.

3. Copies of all ordinances and regulations of the Town of Rock applicable to mobile home parks, including all future amendments thereto, and the name and address of the responsible inspecting official(s) appointed by the Town Board of the Town of Rock, including future changes thereto, shall be submitted to the Department of Health and Social Services for the State of Wisconsin by the Town Clerk.

4. A listing of all mobile home parks within the jurisdiction of the Town of Rock shall be submitted annually during the month of April to the Department of Health and Social Services for the State of Wisconsin by the Town Clerk.

5. The local inspecting official appointed by the Town Board shall submit a copy of all sanitary survey reports to the Department of Health and Social Services for the State of Wisconsin, each such report to be submitted to the Department within thirty days of conducting each sanitary survey (inspection) and each report to be on such forms as are provided at cost by the Department.

6. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the code hereby adopted are hereby repealed.

7. If any section, clause, provisions or portion of this ordinance or Wisconsin Administrative Code Chapter H 77 is adjudged unconstitutional or invalid by a court of competent jurisdiction,

the remaining provisions shall not be affected thereby.

8. This ordinance shall take effect and be in full force from and after its passage and posting as provided by law.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this \_\_\_ day of November, 1981.

John H. Lee  
John H. Lee, Town Chairman

Richard O'Leary  
Richard O'Leary, Town Supervisor

Lorren K. Scott  
Lorren Scott, Town Supervisor

I hereby certify that the above ordinance was adopted by the Town Board of the Town of Rock on the 2<sup>nd</sup> day of November, 1981, and that on the 4<sup>th</sup> day of November, 1981, copies of the above ordinance were posted by me in three (3) public places located in the Town of Rock.

Virginia Skelly  
Virginia Skelly, Town Clerk  
Town of Rock, Rock County, Wisconsin

Subscribed and sworn to before  
me this \_\_\_ day of November, 1981.

Notary Public, Rock County, Wis.  
My commission: \_\_\_\_\_



**TOWN OF ROCK**  
**ORDINANCE # 91 1**

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

**SECTION I. AMENDMENT TO MOBILE HOME PARK ORDINANCE**

1. Section 2.1 of Town of Rock Ordinance Number 661 entitled  
the Mobile Home Park Ordinance shall be amended to read as follows:

"It shall be unlawful for any person to park any  
mobile home within the limits of the Town of Rock unless  
said mobile home is parked in a licensed mobile home park  
under this ordinance except in the following situations:

- (a) That any home owner whose dwelling is partially or  
totally destroyed by fire, wind, flood or other act of  
God so that it is not habitable, may park and inhabit a  
mobile home on land owned by him provided said homeowner  
plans to repair or rebuild said dwelling and has obtained  
a written permit from the Town Clerk, issued with the  
approval of the Town Board, for a period not to exceed 6  
months from the date of application. Extensions of said  
permit may be granted by the Town Board upon application  
to said board but said extensions may be granted only if  
work or repair on the dwelling is in progress and  
continuing at a reasonable rate; and
- (b) That any business, the principal purpose of which is the  
sale of mobile homes, may park a mobile home on its

business premises and use such mobile home as an office and display home provided said business is located on land which has been zoned Large Scale Commercial District (B-2) under the Town of Rock Zoning Ordinance and the business has obtained a conditional use permit in accordance with the requirements of the Large Scale Commercial District (B-2) of the Town of Rock Zoning Ordinance.

Any mobile home which shall be permitted to be parked and/or occupied under the above-referenced exceptions to the Mobile Home Park Ordinance shall be required to have an adequate supply of water and toilet facilities and must be approved by the Town Building Inspector before habitation or occupation. There will be a charge for said permit at a rate to be set from time to time by the Town Board."

**SECTION II. AMENDMENT TO TOWN OF ROCK ZONING ORDINANCE.**

1. A new paragraph (3)(L) shall be added to the Large Scale Commercial District (B-2) of the Town of Rock Zoning Ordinance, which paragraph shall read as follows:

"(L) A mobile home to be used as an office and display home by a business concern located in the Town of Rock and engaged principally in the business of mobile home sales. The mobile home shall be located on the existing business premises of the business concern and shall be used only as an office and display home in connection with the sale of mobile homes by such business

concern."

**SECTION III. MISCELLANEOUS PROVISIONS.**

1. The several sections, subsections and paragraphs of this ordinance are hereby declared to be severable. If any section, subsection, paragraph or a subparagraph of this ordinance shall be declared by a decision of a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other provisions of this ordinance, or of the section in which the invalid portion or paragraph may be a part.

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

3. This amendment shall take effect and be in full force from and after its passage and posting as required by law.

This ordinance is passed by the Town Board of the Town of Rock, Rock County, Wisconsin, this 5<sup>th</sup> day of August, 1991.

Richard M. O'Leary  
Richard M. O'Leary, Town Chairman

Ronald J. Combs  
Ronald J. Combs, Town Supervisor

Jim Connell  
Jim Connell, Town Supervisor

I hereby certify that the above ordinance was adopted by the Town Board of the Town of Rock on the 5<sup>th</sup> day of August, 1991, and on the 12<sup>th</sup> day of August, 1991, copies of

the above ordinance were posted by me in three (3) public places in  
the Town of Rock.

15/  
Virginia Skelly, Town Clerk  
Town of Rock, Rock County, Wisconsin

Subscribed and sworn to before me  
this 12<sup>th</sup> day of August, 1991.

15/ FW  
Notary Public, Rock County, Wis.  
My commission: is permanent.

ro2.slh

**TOWN OF ROCK  
ORDINANCE #2004-05**

**AN ORDINANCE AMENDING THE MOBILE HOME PARK ORDINANCE SO AS TO BE CONSISTENT WITH CURRENT STATE STATUTES, TO CLARIFY PROVISIONS FOR MONTHLY FEES, AND TO ESTABLISH AND CLARIFY REPORTING REQUIREMENTS.**

**THE TOWN BOARD OF THE TOWN OF ROCK, COUNTY OF ROCK, STATE OF WISCONSIN, ORDAINS AS FOLLOWS:**

**SECTION I. Section I of Town of Rock Ordinance No. 661, the Mobile Home Park Ordinance, is amended by deleting the definitions of "licensee," "mobile home," and "mobile home park" provided in said Section, replacing them with the definitions for those terms included in § 66.0435(1) of the Wisconsin Statutes (2001-02) as that Section may be amended from time to time, and by incorporating the remaining definitions set forth in said § 66.0435(1).**

**SECTION II. Section 18 of Town of Rock Ordinance No. 661, the Mobile Home Park Ordinance, as amended by Town of Rock Ordinance No. 703, and any other subsequent amendment, is deleted in its entirety and recreated as follows:**

**18.1 The monthly parking permit fee for each mobile home occupying space or lots in a mobile home park in the Town of Rock shall be determined in accordance with § 66.0435(3)(c) of the Wisconsin Statutes (2001-02) as amended from time to time.**

**18.2 Pursuant to § 66.0435(3)(c)6 of the Wisconsin Statutes (2001-02), the licensee of a park in the Town of Rock is required to collect the monthly parking permit fee established hereunder from the mobile home owner.**

**18.3 Pursuant to § 66.0435(3)(c)2 of the Wisconsin Statutes (2001-02), each licensee of a park shall furnish information to the Town of Rock Assessor when a mobile home is added to a park after the establishment of the monthly parking permit fee which occurs as of January 1 of each year, and shall furnish such information within five (5) days after arrival of each mobile home, on forms prescribed by the Wisconsin Department of Revenue. Such forms shall be completed in full, including, but not limited to, identification of the arrival date, purchase price, and the signature of the mobile home owner. Each form shall be signed, and the use of the statement "signature on file" or similar statement shall not be permitted in lieu of an actual signature of the mobile home owner.**

**18.4 A monthly parking permit fee shall not be required for a mobile home which is vacant and placed in inventory by a licensee, provided that such home is properly reported as vacant and in inventory hereunder. When such a mobile home becomes vacant and is placed in inventory, a licensee may claim exemption from the monthly parking fee by filing a report of such vacancy on the same report form as that referenced in Section 18.3 above. Such form shall be**

completed in full, including identification of the date of vacancy, and such form shall be signed by the owner of the mobile home. Use of the phrase "signature on file" or a similar phrase in lieu of a signature is not permitted. If a form is timely filed and completed in full, no monthly parking permit fee shall be required beginning with the first calendar month after the date of vacancy. If a properly completed form is not filed hereunder, the monthly parking permit fee shall continue to be paid through any month in which the form is properly filed, regardless of the vacancy of the mobile home.

18.5 Newly arrived mobile homes which are vacant and immediately placed in inventory, rather than being occupied, shall nonetheless require the payment of a monthly parking fee unless and until a form is filed under Section 18.3 above disclosing, among other things, the date of arrival. The failure to file such a form within five (5) days of arrival shall be deemed a violation of this ordinance. The monthly parking permit fee shall be paid for such a mobile home beginning with the date of arrival at the licensee's park if the form is not filed within five (5) days of arrival, and shall continue to be paid through the calendar month in which a form is properly completed and filed showing the status of the mobile home as vacant and in inventory.

18.6 If a mobile home previously reported as vacant and in inventory is subsequently occupied, the licensee responsible for such mobile home shall file a new form in the same manner as if such mobile home was being added to a park under Section 18.3 above. Such form shall be filed within five (5) days after the date of occupation. Such form shall be completed in full, including identification of the date of occupancy, and such form shall be signed by the owner of the mobile home. Use of the phrase "signature on file" or a similar phrase in lieu of a signature is not permitted. Liability for payment of the monthly parking permit fee begins on the first day of the next succeeding month following occupancy and continues for the months in which the mobile home remains in the Town and is occupied.

18.7 The Town Treasurer shall prepare a monthly statement of monthly parking permit fees due from any licensee in the Town, and such statement shall be based on the fees established as of January 1 by the Assessor, with changes consistent with properly filed reports for newly arrived homes and vacant homes. Such statement shall be mailed by the Treasurer to each licensee before the end of each calendar month for charges to be paid for that month. Parking permit fees shall be paid by the 10<sup>th</sup> of the month following the month for which the parking permit fee is due.

18.8 Pursuant to § 66.0435(3)(h) of the Wisconsin Statutes (2001-02), the failure of a licensee to timely report the arrival of a mobile home under Section 18.3 above, or the failure to timely report the occupation of a home previously vacant and in inventory, shall result in a \$25 forfeiture. In addition, the licensee shall be liable for any monthly parking permit fees which would have been charged if the arrival of the mobile home or the occupation of the mobile home




had been properly reported.

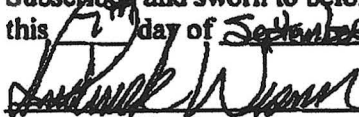
**SECTION III.** The provisions of this ordinance shall be deemed severable and it is expressly declared that the Town Board would have passed the other provisions of this ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provision of this ordinance or the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

**SECTION IV.** This Ordinance shall take effect upon passage and publication as required by law. The first monthly statement to be sent by the Treasurer hereunder shall be mailed for the month in which this Ordinance is published, and the first fees payable hereunder shall be due and payable by the 10<sup>th</sup> of the month following the date of publication.

#### CERTIFICATE

I hereby certify that the above ordinance was adopted by the Town Board of the Town of Rock on the 2nd day of August, 2004, and that on the 7th day of August, 2004, a copy of the above ordinance was published in *The Janesville Gazette*, the official newspaper of the Town of Rock.

  
Deborah Bennett, Town Clerk  
Town of Rock, Rock County, Wisconsin

Subscribed and sworn to before me  
this 7<sup>th</sup> day of September, 2004  
  
Notary Public, Rock County, Wisconsin  
My Commission: is permanent,

**TOWN OF ROCK  
ORDINANCE NO. 2007-01**

**AN ORDINANCE TO AMEND THE MOBILE HOME PARK  
ORDINANCE OF THE TOWN OF ROCK**

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

Ordinance No. 661 of the Code of Ordinances of the Town of Rock, Rock County, Wisconsin, including any and all previous amendments thereto, is hereby amended as follows:

**SECTION I. AMENDMENTS TO MOBILE HOME PARK ORDINANCE**

1. Section 17.1 of Ordinance No. 661 of the Code of Ordinances of the Town of Rock, Rock County, Wisconsin, entitled "Mobile Home Park Ordinance" shall be amended to read as follows:

"17.1 The annual license fee for a mobile home park license shall be \$100 for each 50 spaces or fraction thereof within each mobile home park within the limits of the Town of Rock, except that where the mobile home park lies in more than one municipality, the amount of the license fee shall be such fraction thereof as the number of spaces in the park in the Town of Rock bears to the entire number of spaces in the park. All mobile home park licenses shall expire on the 30<sup>th</sup> day of June of each year. Every application for a license to operate a mobile home park shall be accompanied by payment of the license fee made payable to the Town Treasurer. Before any license shall be granted, the Town Board, cooperating with the building inspector or constable of the Town, shall make or cause to be made an inspection of the premises for which a license has been applied for in order to determine whether the requirements of this Ordinance have or will be met by the applicant and further to determine the number of spaces in such mobile home park. No such license shall be granted until such inspection has been made."

2. Section 17.2 of Ordinance No. 661 of the Code of Ordinances of the Town of Rock, Rock County, Wisconsin, entitled the "Mobile Home Park Ordinance" is hereby created to read as follows:

"17.2 The annual license fee for a mobile home park license provided for in Section 17.1 above may be increased or decreased from time to time by resolution of the Town Board of the Town of Rock."

**SECTION II. MISCELLANEOUS PROVISIONS**

1. The several sections, subsections, paragraphs, and subparagraphs of this Ordinance are hereby declared to be severable. If any section, subsection, paragraph, or subparagraph of this Ordinance shall be declared by a decision of a court of competent

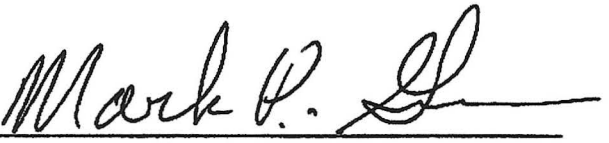


jurisdiction to be invalid, such decision shall not affect the validity of the other provisions of this Ordinance or of the section in which the invalid portion or paragraph may be a part.

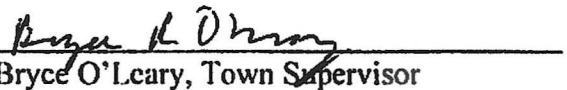
2. All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

3. This Amendment shall take effect and shall be in full force from and after its passage and posting as required by law.

This Ordinance is passed by the Town Board of the Town of Rock, Rock County, Wisconsin, this 5<sup>th</sup> day of March, 2007.



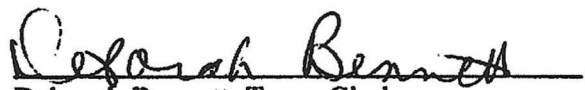
Mark Gunn, Town Chairperson



Bryce O'Leary, Town Supervisor

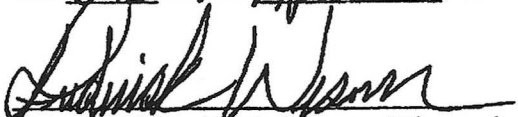
\_\_\_\_\_  
Tony Dubanowich, Town Supervisor

I hereby certify that the above Ordinance was adopted by the Town Board of the Town of Rock on the 5<sup>th</sup> day of March, 2007, and on the 8<sup>th</sup> day of March, 2007, copies of the above Ordinance were posted by me in three (3) public places in the Town of Rock, Rock County, Wisconsin.



Deborah Bennett, Town Clerk  
Town of Rock, Rock County, Wisconsin

Subscribed and sworn to before me  
this 7<sup>th</sup> day of April, 2007.



Notary Public, Rock County, Wisconsin

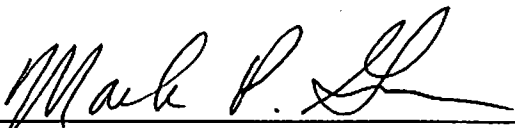
My Commission is permanent  
or expires: \_\_\_\_\_

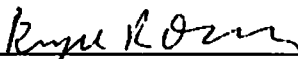
**TOWN OF ROCK  
ORDINANCE NO. 2007-04**

**AN ORDINANCE TO ESTABLISH A FEE FOR OPERATOR'S LICENSES**

Pursuant to and in accordance with the provisions of Section 125.17(3) of the Wisconsin Statutes (2003-04), the Town Board of the Town of Rock, Rock County, Wisconsin, does ordain that the fee for an operator's license within the Town of Rock shall be \$25 effective as of the date of the adoption of this Ordinance.

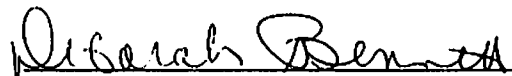
This Ordinance is passed by the Town Board of the Town of Rock, Rock County, Wisconsin, this 5<sup>th</sup> day of MARCH, 2007.

  
\_\_\_\_\_  
Mark Gunn, Town Chairperson

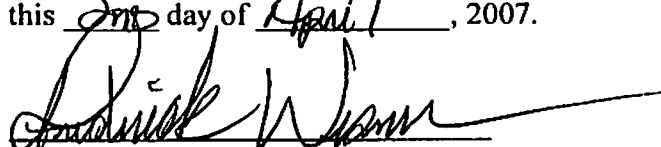
  
\_\_\_\_\_  
Bryce O'Leary, Town Supervisor

\_\_\_\_\_  
Tony Dubanowich, Town Supervisor

I hereby certify that the above Ordinance was adopted by the Town Board of the Town of Rock on the 5<sup>th</sup> day of March, 2007, and on the 8<sup>th</sup> day of March, 2007, copies of the above Ordinance were posted by me in three (3) public places in the Town of Rock, Rock County, Wisconsin.

  
\_\_\_\_\_  
Deborah Bennett, Town Clerk  
Town of Rock, Rock County, Wisconsin

Subscribed and sworn to before me  
this 2<sup>nd</sup> day of April, 2007.

  
\_\_\_\_\_  
Notary Public, Rock County, Wisconsin  
My Commission is permanent  
or expires: \_\_\_\_\_

TOWN OF ROCK  
ORDINANCE NO. 05

AMENDMENT TO OUTDOOR AND REFUSE BURNING  
ORDINANCE NO. 2008-06

AN ORDINANCE TO AMEND THE OUTDOOR AND REFUSE BURNING  
ORDINANCE OF THE TOWN OF ROCK.

RECITALS

1. The Town of Rock (the "Town") has previously adopted the Outdoor and Refuse Burning Ordinance #2008-06 (the "Ordinance"), which addresses air pollution and fire hazards related to open, outdoor, and refuse burning; and

2. It is the desire of the Town Board of the Town to no longer require an annual burning permit for a burn barrel or outdoor wood-fired furnace.

NOW, THEREFORE, the Town Board of the Town of Rock, County of Rock, State of Wisconsin, ordains as follows:

SECTION 1. Section 6.0 of the Ordinance is hereby deleted and replaced with the following:

**"6.0. Materials that may not be burned.** Unless a specific written approval has been obtained from the Department of Natural Resources and the Fire Department has first been notified of the burning, the following materials may not be burned in an open fire, incinerator, burn barrel, furnace, stove or any other indoor or outdoor incineration or heating device. No burning of any of the following materials is permitted without appropriate air pollution control devices and without a written copy of an approval by the Department of Natural Resources."

SECTION 2. Section 7.10 of the Ordinance is hereby deleted and replaced with the following:

**"7.10.** Open burning under subsections 7.5, 7.7, 7.8 and 7.16 shall be conducted only following notice to the Town Chair and the Fire Department."

SECTION 3. Section 8.5 of the Ordinance is hereby repealed in its entirety.

SECTION 4. Section 9.5 of the Ordinance is hereby repealed in its entirety.

SECTION 5. Section 11 of Ordinance #2008-06 entitled "Burning Permits" and any subsequent section referencing Section 11 and/or the requirement to procure a Burning Permit are hereby repealed.

SECTION 6. Section 14.4 is hereby added and shall be read as follows:

"14.4. When weather conditions warrant, the Town Chair or the Department of Natural Resources may declare a burning moratorium on all open burning and temporarily suspend open burning."

SECTION 7. The several sections of this Ordinance are hereby declared to be severable. If any section of this Ordinance shall be declared by a decision of a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other sections of this Ordinance.

SECTION 8. All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

SECTION 9. This ordinance shall take effect upon passage and posting as required by law.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 5<sup>th</sup> day of December, 2022.

TOWN OF ROCK

By: Mark P. Gunn  
Mark Gunn, Town Chairperson

By: Tony Dubanowich  
Tony Dubanowich, Town Supervisor

By: Peter Parker  
Peter Parker, Town Supervisor

**OUTDOOR AND REFUSE BURNING ORDINANCE  
FOR TOWN OF ROCK, ROCK COUNTY, WISCONSIN  
ORDINANCE NO. 2008-*06***

**SECTION 1: PURPOSE**

**1.0 Purpose.** This ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the Town of Rock due to the air pollution and fire hazards of open burning, outdoor burning and refuse burning.

**SECTION 2: APPLICABILITY**

**2.0 Applicability.** This ordinance applies to all outdoor burning and refuse burning within the Town of Rock.

**2.1.** This ordinance does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.

**2.2.** This ordinance does not apply to burning in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation unless the material being burned includes refuse as defined in Section 4 of this ordinance.

**2.3.** This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

**2.4.** This ordinance does not apply to the burning of waste oil in a heating device for energy recovery subject to the restrictions in Chapter NR 679, Wisconsin Administrative Code.

**2.5.** This ordinance does not apply to the burning of dead animals in incinerators which use fuel to generate heat for such burning.

**SECTION 3: SEVERABILITY**

**3.0 Severability.** Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

**SECTION 4: DEFINITIONS**

**4.0 Definitions.**

**4.1.** "Campfire" means a small outdoor fire intended for recreation or cooking, not including a fire intended for disposal of waste wood or refuse.



4.2. "Clean Wood" means natural wood which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.

4.3. "Confidential papers" means printed material containing personal identification or financial information that the owner wishes to destroy.

4.4. "Fire Department" means the municipal fire department which has contracted with the Town of Rock and has responsibility for the area in which burning occurs.

4.5. "Outdoor Burning" means open burning or burning in an outdoor wood-fired furnace.

4.6. "Open Burning" means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney.

4.7. "Outdoor Wood-fired Furnace" means a wood-fired furnace, stove or boiler that is not located within a building intended for habitation by humans or domestic animals.

4.8. "Refuse" means any waste material except clean wood.

4.9. "Town Chair" means the chairperson of the Town of Rock, or another person designated and authorized by the Town Chair to act in his absence.

4.10. "Zoning Officer" means the Zoning Officer of the Town of Rock appointed under the Town Zoning Ordinance.

## **SECTION 5: GENERAL PROHIBITION ON OPEN BURNING, OUTDOOR BURNING AND REFUSE BURNING**

5.0 General prohibition on outdoor burning and refuse burning. Open burning, outdoor burning and refuse burning are prohibited in the Town of Rock unless the burning is specifically permitted by this ordinance.

## **SECTION 6: MATERIALS THAT MAY NOT BE BURNED.**

6.0 Materials that may not be burned. Unless a specific written approval has been obtained from the Department of Natural Resources and the Fire Department has first been notified of the burning, the following materials may not be burned in an open fire, incinerator, burn barrel, furnace, stove or any other indoor or outdoor incineration or heating device. The Town of Rock will not issue a permit for burning any of the following materials without appropriate air pollution control devices and without a written copy of an approval by the Department of Natural Resources.

**6.1. Rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.**

**6.2. Waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to the restrictions in Chapter NR 679, Wisconsin Administrative Code.**

**6.3. Asphalt and products containing asphalt.**

**6.4. Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.**

**6.5. Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.**

**6.6. Rubber including tires and synthetic rubber-like products.**

**6.7. Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled in accordance with the recycling ordinance except as provided in Section 10 of this ordinance.**

## **SECTION 7: OPEN BURNING OF LEAVES, BRUSH, CLEAN WOOD AND OTHER VEGETATIVE DEBRIS**

**7.0 Materials that may be burned. Open burning of leaves, weeds, brush, stumps, clean wood, trees and other vegetative debris is allowed with the following provisions:**

**7.1. All allowed open burning shall be conducted in a safe nuisance free manner, when wind and weather conditions are such as to minimize adverse effects and not create a health hazard or a visibility hazard on roadways, railroads or airfields. Open burning shall be conducted in conformance with all local and state fire protection regulations.**

**7.2. Except for barbecue, gas and charcoal grills, no open burning shall be undertaken during periods when either the Town Chair or the Wisconsin Department of Natural Resources has issued a burning ban applicable to the area.**

**7.3. Open burning shall be conducted only on the property on which the materials were generated or at a facility approved by and in accordance with applicable regulations of the Department of Natural Resources.**

**7.4. Unless explicitly allowed elsewhere in this ordinance, a commercial enterprise other than an agricultural or silva-cultural operation may open burn only at a facility approved by and in accordance with applicable regulations of the Department of Natural Resources.**

**7.5. Open burning of weeds or brush on agricultural lands is allowed if conducted in accordance with other applicable provisions of this ordinance.**

**7.6. Fires set for forest, prairie or wildlife habitat management are allowed with the approval of the Department of Natural Resources.**

**7.7. Outdoor campfires and small bonfires for cooking, ceremonies or recreation are allowed provided that the fire is confined by a control device or structure such as a barrel, fire ring, or fire pit.**

**7.8. Burning of trees, limbs, stumps, brush or weeds for clearing or maintenance of rights-of-way is allowed if approved by the Town Chair and if in accordance with other provisions of this ordinance.**

**7.9. In emergency situations such as natural disasters burning that would otherwise be prohibited is allowed if specifically approved by the Department of Natural Resources.**

**7.10. Open burning under subsections 7.5, 7.7, 7.8 and 7.16 shall be conducted only following notice to the Town Chair and the Fire Department, and other open burning under this section shall be conducted only after first obtaining a burning permit under Section 11 of this Ordinance.**

**7.11. Open burning under this Section shall be conducted at a location at least 250 feet from the nearest building which is not on the same property.**

**7.12. Except for campfires and permitted bonfires, open burning shall be conducted only during daylight hours.**

**7.13. Open burning shall be constantly attended and supervised by a competent person of at least eighteen years of age until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.**

**7.14. No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream or water body.**

**7.15. Except for barbecue, gas and charcoal grills, no burning shall be undertaken within 25 feet from any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Town Chair.**

**7.16. Open burning of leaves (other than leaves attached to brush and trees) shall occur only in October, November and April unless the Town Chair expressly allows such burning to occur in other months.**

## **SECTION 8: BURN BARRELS**

**8.0 Burn barrels. A burn barrel may be used in the Town of Rock only in accordance with the following provisions:**



**8.1.** The burn barrel shall not be used to burn any of the prohibited materials listed in Section 6 of this ordinance and may only be used in accordance with the provisions of Section 7.

**8.2.** The burn barrel shall be located at least 250 feet from the nearest building that is not on the same property as the burn barrel.

**8.3.** The burn barrel shall have vent holes above the ash line for combustion air and shall be covered with a heavy wire screen.

**8.4.** The burn barrel shall not serve a commercial enterprise.

**8.5.** The owner of the burn barrel shall obtain an annual permit from the Zoning Officer in accordance with Section 11 of this ordinance.

## **SECTION 9: OUTDOOR WOOD-FIRED FURNACES**

**9.0** Outdoor wood-fired furnaces. An outdoor wood-fired furnace may be installed and used in the Town of Rock only in accordance with the following provisions:

**9.1.** The outdoor wood-fired furnace shall be installed and used only in an area zoned for agricultural use.

**9.2.** The outdoor wood-fired furnace shall not be used to burn any of the prohibited materials listed in Section 6 of this ordinance.

**9.3.** The outdoor wood-fired furnace shall be located at least 300 feet from the nearest building which is not on the same property as the outdoor wood-fired furnace.

**9.4.** The outdoor wood-fired furnace shall have a chimney that extends at least 15 feet above the ground surface. If there are any residences within 500 feet of the outdoor wood-fired furnace, the chimney shall also extend to a point at least two (2) feet higher than the height of the peaks of roofs of all such residences. The Zoning Officer may approve a lesser height on a case-by-case basis if necessary to comply with manufacturer's recommendations and if the smoke from the lower chimney height does not create a nuisance for neighbors. If smoke from a furnace chimney begins to cause a nuisance for a neighbor, a permit previously issued for such furnace may be revoked.

**9.5.** The owner of the outdoor wood-fired furnace shall obtain an annual permit from the Zoning Officer in accordance with Section 11 of this ordinance if the furnace is located within 500 feet of a residence which is not on the same property as the outdoor wood-fired furnace.

**9.6.** Notwithstanding the other provisions of this section, outdoor wood-fired furnaces in existence at the time of adoption of this ordinance may continue to be operated, provided that they comply with subparagraph 9.4 and are operated in compliance with subparagraph 9.2.

9.7. In addition to wood, outdoor wood-fired furnaces may be used to burn corn and switch grass.

## **SECTION 10: EXEMPTION FOR BURNING CERTAIN PAPERS**

### **10.0 Exemption for burning certain papers.**

10.1. Notwithstanding Subsection 6.07 of this ordinance, paper and cardboard products may be used as a starter fuel for a fire that is allowed under this ordinance.

10.2. Small quantities of confidential papers from a residence may be burned if necessary to prevent the theft of financial records, identification or other confidential information.

10.3. Confidential papers from a commercial enterprise shall be shredded or destroyed in a manner other than burning.

10.4. A fire set for burning of a small quantity of confidential papers shall be subject to and comply with Subsections 7.1 through 7.3, 7.7, and 7.11 through 7.15 of this ordinance.

## **SECTION 11: BURNING PERMITS**

### **11.0 Burning Permits.**

11.1. No person shall start or maintain any open burning without a burning permit issued by the Zoning Officer, except open burning under subsections 7.5, 7.7, 7.8 and 7.16 is allowed without a permit, provided that notice is first given to the Town Chair and the Fire Department.

11.2. An outdoor campfire does not require a permit provided that the fire complies with all other applicable provisions of this ordinance.

11.3. The owner or occupant of the property shall obtain an annual burning permit for each burn barrel or outdoor wood-fired furnace (if the furnace is located within 500 feet of a residence not located on the same property as the furnace) before using the burn barrel or outdoor wood-fired furnace. The fee for each annual burning permit shall be \$25 or such other fee as may be created by resolution of the Town Board. An annual permit expires on December 31 of each year.

11.4. When weather conditions warrant, the Town Chair or the Department of Natural Resources may declare a burning moratorium on all open burning and temporarily suspend previously issued burning permits for open burning.

11.5. A burning permit issued under this section shall require compliance with all applicable provisions of this ordinance and any additional special restrictions deemed necessary to protect public health and safety.

**11.6. Any violation of the conditions of a burning permit shall be deemed a violation of this ordinance. Any violation of this ordinance or the burning permit shall void the permit.**

## **SECTION 12: LIABILITY**

**12.0 Liability.** A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

## **SECTION 13: RIGHT OF ENTRY AND INSPECTION**

**13.0 Right of entry and inspection.** The Town Chair, the Zoning Officer or any authorized officer, agent, employee or representative of the Town of Rock who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance. If the owner or occupant of the premises denies access to the property for this purpose, a special inspection warrant may be obtained in accordance with sections 66.122 and 66.123, Wis. Stats.

## **SECTION 14: ENFORCEMENT AND PENALTIES**

**14.0 Enforcement and penalties.**

**14.1.** The Town Board, the Town Chair and the Zoning Officer are authorized to enforce the provisions of this ordinance.

**14.2.** The penalty for violation of any portion of this ordinance shall be a forfeiture of not less than \$50 or more than \$500 plus the cost of prosecution. Penalties are doubled for second and subsequent offenses.

**14.3.** Section III of the Town of Rock citation ordinance, Ordinance No. 2008-01, is hereby amended to include a provision allowing issuance of a citation for violation of this Ordinance, with the cash deposit to be based upon a violation penalty of \$250 for first offense and \$500 for second and subsequent offenses, a penalty surcharge of \$60 for first offense and \$120 for second and subsequent offenses, jail surcharge of \$10, crime laboratories and drug law enforcement surcharge of \$7, and total deposit of \$327 for first offense and \$637 for second and subsequent offenses.

## **SECTION 15: EFFECTIVE DATE**

**15.0 Effective Date.** This ordinance shall take effect and be in full force from and after its passage and publication as provided by law.

**[THE REMAINDER OF THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK]**

This Ordinance is adopted by the Town Board of the Town of Rock, Rock County, Wisconsin, this 8<sup>th</sup> day of September, 2008.

  
Mark Gunn, Town Chairperson

  
Bryce O'Leary, Town Supervisor


  
Dean Connell, Town Supervisor

**CERTIFICATE**

I hereby certify that the above Ordinance was adopted by the Town Board of the Town of Rock on the 8<sup>th</sup> day of Sept, 2008, and that on the 3<sup>rd</sup> day of Sept, 2008, a copy of the Ordinance was published in the Janesville Gazette, the official newspaper of the Town of Rock.

  
Deborah Bennett, Town Clerk  
Town of Rock, Rock County, Wisconsin

Subscribed and sworn to before me  
this 6<sup>th</sup> day of October, 2008.

  
Notary Public, Rock County, State of WI  
My commission is permanent or  
expires: \_\_\_\_\_

**TOWN OF ROCK**

**ORDINANCE NO. 2005-01**

**AN ORDINANCE TO REGULATE THE STOPPING, STANDING, OR PARKING OF MOTOR VEHICLES.**

**THE TOWN BOARD OF THE TOWN OF ROCK, ROCK COUNTY, STATE OF WISCONSIN, ORDAINS AS FOLLOWS:**

**ORDINANCE NO. 2005-01 OF THE CODE OF ORDINANCES OF THE TOWN OF ROCK, COUNTY OF ROCK, STATE OF WISCONSIN, IS HEREBY CREATED TO READ AS FOLLOWS:**

**SECTION I. Parking Prohibited Zones.**

**Pursuant to and in accordance with Sec. 349.13 Wis. Stats., no person shall park any motor vehicle, whether attended or unattended, on the north side of West Beloit-Rock Town Line Road from Prairie Avenue to Riverside Drive, a/k/a U.S. Highway 51.**

**SECTION II. Penalties.**

**Any person convicted of a violation of this ordinance is subject to a fine of not less than One Hundred Dollars (\$100.00) nor more than Three Hundred Dollars (\$300.00) together with costs of prosecution. Each day a violation exists or continues shall constitute a separate offense. In default of payment, the violator shall be imprisoned in the county jail until such fine and costs are paid, such imprisonment not to exceed ninety (90) days.**

**SECTION III. Severability.**

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

**SECTION IV. Effective Date.**

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

**The foregoing Ordinance was adopted at a regular meeting of the Town Board of the Town of Rock on December 5, 2005.**

Mark P. Gunn  
Mark Gunn, Town Chairperson

Bryce R O'Leary  
Bryce O'Leary, Town Supervisor

Tony Dubanowich  
Tony Dubanowich, Town Supervisor

Attest:  
Deborah Bennett  
Deborah Bennett, Town Clerk

**CERTIFICATE**

I hereby certify that the above ordinance was adopted by the Town Board of the Town of Rock on the 5<sup>th</sup> day of December, 2005, and that on the 17<sup>th</sup> day of December, 2005, a copy of the above ordinance was published in the *Janesville Gazette*, the official newspaper of the Town of Rock.

Deborah Bennett  
Deborah Bennett, Town Clerk  
Town of Rock, Rock County, Wisconsin

Subscribed and sworn to before me  
this 20 day of January, 2006  
[Signature]  
Notary Public, Rock County, Wisconsin  
My Commission: is permanent.

TOWN OF ROCK

ORDINANCE NO. 2019-03

MANDATORY RECYCLING ORDINANCE

AN ORDINANCE TO AMEND AND FULLY RESTATE THE TOWN OF ROCK ORDINANCE 93-1, MANDATORY RECYCLING ORDINANCE, WHICH MANDATES RECYCLING AND TO SPECIFY AND ENFORCE THE TOWN OF ROCK'S SOLID WASTE MANAGEMENT PROGRAM, WHICH ORDINANCE IS ENACTED PURSUANT TO SECTION 287.09(3)(b) OF THE WISCONSIN STATUTES.

THE TOWN BOARD OF THE TOWN OF ROCK, ROCK COUNTY, WISCONSIN, DOES ORDAIN AS FOLLOWS:

THE TOWN OF ROCK, ROCK COUNTY, WISCONSIN HEREBY ORDAINS AS FOLLOWS:

1. **Title.** This ordinance shall be entitled the "Mandatory Recycling Ordinance for the Town of Rock, Rock County, Wisconsin."

2. **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 Section 287.11 of the Wisconsin Statutes and Chapter NR544 of the Wisconsin Administrative Code.

3. **Statutory Authority.** This ordinance is adopted as authorized under Section 287.09(3)(b) of the Wisconsin Statutes.

4. **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.

5. **Interpretation.** In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this ordinance is required by Wisconsin Statutes, or by a standard in Chapter NR544 of the Wisconsin Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR544 standards in effect on the date of the adoption of this ordinance, or in effect on the date of the most recent text amendment to this ordinance.

6. **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.

7. **Applicability.** The requirements of this ordinance apply to all persons within the Town of Rock.
8. **Administration.** The provisions of this ordinance shall be administered by the Town Board of the Town of Rock.
9. **Effective Date.** The provisions of this ordinance shall take effect UPON PUBLICATION AS REQUIRED BY LAW.
10. **Definitions.** For the purposes of this ordinance:
  - A. "Bi-metal container" means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.
  - B. "Container board" means corrugated paperboard used in the manufacturing of shipping containers and related products.
  - C. "Foam polystyrene packaging" means packaging made primarily from foam polystyrene that satisfies one of the following criteria:
    - (1) is designed for serving food or beverages.
    - (2) consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
    - (3) consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
  - D. "Glass container" means bottles, jars and other similar containers but shall exclude drinking glasses, window panes, pyrex or any other similar glass item.
  - E. "HDPE" means high density polyethylene, labeled by the SPI Code #2.
  - F. "LDPE" means low density polyethylene, labeled by the SPI Code #4.
  - G. "Magazines" means magazines and other materials printed on similar paper.
  - H. "Major appliance" means a residential or commercial air conditioner, boiler, clothes dryer, clothes washer, dehumidifier, dishwasher, freezer, furnace, microwave oven, oven, refrigerator, stove or water heater.



- I. "Multiple-family dwelling" means a property containing five or more residential units, including those which are occupied seasonally.
- J. "Newspaper" means a newspaper and other materials printed on newsprint.
- K. "Non-residential facilities and properties" means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple-family dwellings.
- L. "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.
- M. "Other resins or multiple resins" means plastic resins labeled by the SPI Code #7.
- N. "Person" includes any individual, corporation, partnership, association, local governmental unit, as defined in Section 66.0131(1)(a) of the Wisconsin Statutes, state agency or authority or federal agency.
- O. "PETE" or "PET" means polyethylene terephthalate, labeled by the SPI Code #1.
- P. "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.
- Q. "Post consumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Section 291.01(7) of the Wisconsin Statutes, waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in Section 289.01(17), of the Wisconsin Statutes.
- R. "PP" means polypropylene, labeled by the SPI Code #5.
- S. "PS" means polystyrene, labeled by the SPI Code #6.
- T. "PVC" means polyvinyl chloride, labeled by the SPI Code #3.
- U. "Recyclable materials" includes major appliances; yard waste; aluminum containers; corrugated paper or other container board; glass containers; magazines; newspaper; office paper; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, steel containers; waste tires; and bi-metal containers.

- V. "Solid waste" has the meaning specified in Section 289.01(33) of the Wisconsin Statutes.
- W. "Solid waste facility" has the meaning specified in Section 289.01(35) of the Wisconsin Statutes.
- X. "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.
- Y. "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.
- Z. "Yard waste" means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material no greater than six inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

11. **Separation of Recyclable Materials.** Occupants of single family and two to four unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following materials from post consumer waste in accordance with the provisions set forth in Sections 14 and 15 of this ordinance:

- A. Lead acid batteries.
- B. Major appliances.
- C. Waste oil.
- D. Yard waste.
- E. Aluminum containers.
- F. Bi-metal containers.
- G. Corrugated paper or other container board.
- H. Glass containers.
- I. Magazines.
- J. Newspaper.
- K. Office paper.
- L. Rigid plastic containers made of PETE, HDPE, PVC, LDPE, and PP, .

- M. Steel containers.
- N. Waste tires.

12. **Separation Requirements Exempted.** The separation requirements of Section 11 of this ordinance do not apply to the following:

- A. Occupants of single family and two to four unit residences, multiple-family dwellings and non-residential facilities and properties that send their post consumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in Section 11 of this ordinance from solid waste in as pure of form as is technically feasible.
- B. Solid waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
- C. A recyclable material specified in Section 11 E through O of this ordinance for which a variance has been granted by the Department of Natural Resources under Section 287.11(2)(m) of the Wisconsin Statutes or Section NR544.14 of the Wisconsin Administrative Code.

13. **Care of Separated Recyclable Materials.** To the greatest extent practicable, the recyclable materials separated in accordance with Section 11 of this ordinance shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including 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.

14. **Management of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste.** Occupants of single family and two to four 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:

- A. Lead acid batteries shall be managed as follows:
  - (1) All occupants with car and truck lead acid batteries or with lead acid batteries with damaged casings shall take such lead acid batteries to an area retail business that sells vehicle batteries or to the appropriate disposal area at the Rock County Landfill or as otherwise directed by the Town of Rock.
- B. Major appliances shall be managed as follows:
  - (1) Occupants of single family and two to four unit residences, multiple-family dwellings and non-residential facilities and

properties who are service recipients under the Town of Rock's Roadside Recycling and Refuse Collection Program shall arrange for the collection of major appliances by the Town's designated hauler; and

- (2) All other occupants shall arrange for the collection of such items by a licensed hauler or shall take such items to the appropriate area of the Rock County Landfill.
- C. Waste oil shall be managed as follows:
- (1) All occupants shall arrange for the collection of waste oil by a licensed hauler or shall take such waste oil to a licensed waste oil collection site or as otherwise directed by the Town of Rock.
- D. Yard waste shall be managed as follows:
- (1) All occupants of properties within the Town of Rock shall keep yard waste out of the trash and shall either take the material to the composting site at the Rock County Landfill or shall manage it on-site.

15. **Preparation and Collection of Recyclable Materials.** Except as otherwise directed by the Town Board of the Town of Rock, occupants of single family and two to four unit residences, multiple-family dwellings and non-residential facilities and properties who are service recipients under the Town of Rock's Roadside Recycling and Refuse Collection Program shall do the following for the preparation and collection of the separated materials specified in Section 11 E through O of this ordinance:

- A. Aluminum containers shall be rinsed free of product residue, placed in the approved recycling cart and placed upon the curb on the day designated for collection.
- B. Bi-metal containers shall be rinsed free of product residue, placed in the approved recycling cart and placed upon the curb on the day designated for collection.
- C. Corrugated cardboard and, beginning on January 1, 1995, all other corrugated paper or other container board, shall be free of debris, flattened, cut into squares not greater than 2' x 2', and placed in the approved recycling cart and placed upon the curb on the day designated for collection.
- D.

- E. Clear, brown and green glass containers and, beginning on January 1, 1995 all other glass containers, shall be rinsed free of product residue with all caps removed and discarded. The glass containers shall be placed in the approved recycling cart and placed upon the curb on the day designated for collection.
- F. Beginning on January 1, 1995, magazines shall be free of debris and placed in the approved recycling cart and placed upon the curb on the day designated for collection.
- G. Newspaper shall be free of debris and placed in the approved recycling cart and placed upon the curb on the day designated for collection.
- H. Beginning on January 1, 1995, office paper shall be free of debris and stacked or contained in an open paper bag or an open corrugated cardboard box, placed in the approved recycling cart and placed upon the curb on the day designated for collection.
- I. Rigid plastic containers shall be prepared and collected as follows:
  - (1) Plastic containers made of PETE shall be rinsed free of product residue and caps shall be placed back on containers. The containers shall be placed in the approved recycling cart and placed upon the curb on the day designated for collection.
  - (2) Plastic containers made of HDPE shall be rinsed free of product residue and caps shall be placed back on containers. The containers shall be placed in the approved recycling cart and placed upon the curb on the day designated for collection.
  - (3) Beginning on January 1, 1995, plastic containers made of PVC shall be rinsed free of product residue and caps shall be removed and discarded. The containers shall be placed in the approved recycling cart and placed upon the curb on the day designated for collection.
  - (4) Beginning on January 1, 1995, plastic containers made of LDPE shall be rinsed free of product residue and caps shall be removed and discarded. The containers shall be placed in the approved recycling cart and placed upon the curb on the day designated for collection.
  - (5) Beginning on January 1, 1995, plastic containers made of PP shall be rinsed free of product residue and caps shall be removed and discarded. The containers shall be placed in the approved recycling cart and placed upon the curb on the day designated for collection.



collection.

(6)

- J. Beginning on January 1, 1995, steel containers shall be rinsed free of product residue, placed in the approved recycling cart and placed upon the curb on the day designated for collection.
- K. Waste tires shall be placed upon the curb on the day designated for collection adjacent to the approved recycling cart or as otherwise directed by the Town of Rock.

**16. Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings.**

- A. Owners or designated agents of multiple-family dwellings which are not service recipients under the Town of Rock's Roadside Recycling and Refuse Collection Program shall do all of the following to recycle the materials specified in Section 11 E through O of this Ordinance:
  - (1) Provide adequate, separate containers for the recyclable materials.
  - (2) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
  - (3) Provide for the collection of recyclable materials separate from the solid waste by the tenants and the delivery of the recyclable materials to a recycling facility.
  - (4) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare recyclable 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.
- B. The requirements specified in A 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 Section 11 E through O of this ordinance from solid waste in as pure a form as is technically feasible.

**17. Responsibility of Owners or Designated Agents of Non-Residential Facilities and Properties.**

- A. Owners or designated agents of non-residential facilities and properties which are not service recipients under the Town of Rock's Roadside Recycling

and Refuse Collection Program shall do all of the following to recycle the materials specified in Section 11 E through O of this ordinance:

- (1) Provide adequate, separate containers for the recyclable materials.
- (2) Notify in writing, at least semi-annually all users, tenants and occupants of the properties about the established recycling program
- (3) Provide for the collection of recyclable materials separated from the solid waste by the users, tenants and occupants and the delivery of the recyclable materials to a recycling facility.
- (4) Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare recyclable 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.

- B. The requirements specified in A do not apply to the owners or designated agents of non-residential facilities and properties if the post consumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in Section 11 E through O of this ordinance from solid waste in as pure a form as is technically feasible.

**18. Prohibitions on Disposal of Recyclable Materials Separated for Recycling.**

No person may dispose of in a solid waste disposal facility or burn in any solid waste treatment facility any of the materials specified in Section 11 E through O of this ordinance which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

**19. Anti-scavaging or Unlawful Removal of Recyclables.** It shall be unlawful for any person, unless under contract with or licensed by the municipality, to collect or remove any recyclable material that has been deposited or placed at the curb or in a container adjacent to a home or non-residential building for the purposes of collection for recycling.

**20. No Dumping.**

- A. It shall be unlawful for any person to dispose of or dump garbage in any street, alley or other public place within the Town of Rock or in any receptacles or private property without the owner's consent unless it is placed in bags or containers in the manner and at the times specified by this ordinance.

Program shall place solid waste and recycling at the mailbox adjacent to the premises owned or occupied by the person. Materials shall be placed out for collection according to the scheduled days established by the Town of Rock.

35. **Special Materials.** Service recipients under the Town of Rock's Roadside Recycling and Refuse Collection Program shall contact the designated hauler when they have couches and bulky items and arrangements for collections will be made. Small quantities of building materials (lumber, plaster board, etc.) from household remodeling or repair shall be accepted by the designated hauler if placed in standard garbage cans and if the weight per container does not exceed 50 pounds. All lumber must be cut in lengths not exceeding four feet. Loose building materials shall not be subject to collection by the designated hauler.

36. **Provide Space for Recycling.** A person in the Town of Rock owning or occupying a new building or a building that is remodeled or expand by 50% or more in floor area, shall provide a designated area for the separation, temporary storage and collection of solid waste and recyclables either within or adjacent to the building.

37. **Enforcement.**

- A. For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Town of Rock may inspect recyclable materials separated for recycling, post consumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multi-family dwellings and non-residential facilities and properties, and any records related 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 Rock who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper or interfere with such an inspection.
- B. Any person who violates a provision of this ordinance may be issued a citation by the Building Inspector or any Town Board member of the Town of Rock to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.
- C. Penalties for violating this ordinance may be assessed as follows:
  - (1) Any person who violates Section 18 of this ordinance may be required to forfeit \$50.00 for a first violation, \$200.00 for a second violation, and not more than \$2,000.00 for a third or subsequent violation.



- (2) Any person who violates a provision of this ordinance, except Section 18, may be required to forfeit not less than \$10.00 nor more than \$1,000.00 for each violation.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 4<sup>th</sup> day of March 2019.

TOWN OF ROCK

By: Mark P. Gunn  
Mark Gunn, Town Chairperson

By: Tony Dubanowich  
Tony Dubanowich, Town Supervisor

By: Pete Parker  
Pete Parker, Town Supervisor

## SUMMARY OF ORDINANCE FOR PUBLICATION

Pursuant to Wis. Stat. § 60.80 (5), Notice is hereby given of the passage of Town of Rock Ordinance No. 19-0<sup>3</sup> by the Town Board on March 4, 2019. Said Ordinance is summarized as follows:

- 1- The Ordinance amends and fully restates the Town of Rock Mandatory Recycling Ordinance, Ordinance No. 93-1, governing the definition, separation, and care of Recyclable Materials.
- 2- The Ordinance establishes regulations governing:
  - a) which materials shall be considered recyclable and therefore must be separated from post consumer waste;
  - b) disposal of lead acid batteries, major appliances, waste oil and yard waste;
  - c) preparation of recyclable materials;
  - d) responsibilities of owners of multiple-family dwellings and non-residential facilities and properties;
  - e) licensing, permits, and restrictions of Haulers;
  - f) fees for service recipients in the Town of Rock;
  - g) enforcement, and fines for violation of the Ordinance.

The full text of the Ordinance may be obtained or viewed at no charge by contacting the Town Clerk, Deborah Bennett, 5102 S. County Road D, Afton, WI 53501, telephone number 608-362-0598, or via email at [dbennett4185@hughes.net](mailto:dbennett4185@hughes.net).

**CERTIFICATION**

I hereby certify that the above Ordinance Number 2019-03 was adopted by the Town Board of the Town of Rock on the 4<sup>th</sup> day of March, 2019, and that on the 5<sup>th</sup> day of March, 2019, copies of the above ordinance were posted by me in three places in the Town of Rock, Rock County, Wisconsin, as follows:

Afton Post Office  
Rock Town Hall  
BMO Harris Bank, Center Ave

Deborah Bennett  
Deborah Bennett, Town Clerk/Treasurer  
Town of Rock, Rock County, Wisconsin

Subscribed and sworn to before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Notary Public, Rock County, Wisconsin  
My Commission is permanent  
or expires: \_\_\_\_\_

**ORDINANCE REDUCING SPEED LIMITS  
TOWN OF ROCK, ROCK COUNTY, WISCONSIN  
ORDINANCE NO. 2008 - 04**

AN ORDINANCE REDUCING SPEED LIMITS ON ROCKPORT ROAD AND WEST B-R TOWNLINER ROAD.

The Town Board of the Town of Rock, Rock County, Wisconsin, ordains as follows:

**SECTION 1:**

The speed limit on Rockport Road from the city limits of the city of Janesville west to Hayner Road is hereby established at 45 miles per hour.

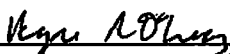
**SECTION 2:**

The speed limit for West Beloit-Rock Townline Road from County Road D east to County Road G is hereby established at 45 miles per hour.

**SECTION 3:**

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


  
\_\_\_\_\_  
Mark Gunn, Town Chairperson

  
\_\_\_\_\_  
Bryce O'Leary, Town Supervisor

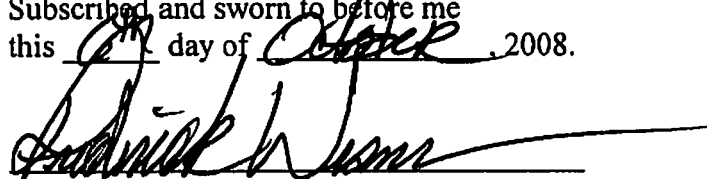
  
\_\_\_\_\_  
Dean Connell, Town Supervisor

**CERTIFICATE**

I hereby certify that the above Ordinance No. 2008-04 was adopted by the Town Board of the Town of Rock on the ~~8<sup>th</sup>~~ day of ~~September~~, 2008, and that on the ~~9<sup>th</sup>~~ day of ~~September~~, 2008, a copy of the above Ordinance was posted in three places in the Town as follows:

  
Deborah Bennett, Town Clerk  
Town of Rock, Rock County, Wisconsin

Subscribed and sworn to before me  
this ~~8<sup>th</sup>~~ day of ~~October~~, 2008.

  
Notary Public, Rock County, State of WI  
My commission is permanent or  
expires: \_\_\_\_\_

TOWN OF ROCK  
ORDINANCE NO. 2021 - 09

AN ORDINANCE TO REPEAL ORDINANCE NO. 811, AN ORDINANCE TO CONTROL THE TRANSPORTATION AND DUMPING OF GARBAGE, RUBBISH, SLUDGE, OFFAL, SEWAGE OR OTHER REFUSE WITHIN THE TOWN OF ROCK (THE "SLUDGE ORDINANCE").

THE TOWN BOARD OF THE TOWN OF ROCK, COUNTY OF ROCK, STATE OF WISCONSIN, ORDAINS AS FOLLOWS:

**SECTION 1:** The Sludge Ordinance is hereby repealed.

**SECTION 2:** This ordinance shall be in full force and effect from and after its passage and posting as provided by law.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 1<sup>st</sup> day of November, 2021.

TOWN OF ROCK

By: Mark P. Gunn  
Mark Gunn, Town Chairperson

By: Tony Dubanowich  
Tony Dubanowich, Town Supervisor

By: Pete Parker  
Pete Parker, Town Supervisor

CERTIFICATION

I hereby certify that the above Ordinance Number 2021-09 was adopted by the Town Board of the Town of Rock on the 1<sup>st</sup> day of November, 2021 and that on the 8<sup>th</sup> day of December, 2021, copies of the above ordinance were posted by me in three places in the Town of Rock, Rock County, Wisconsin, as follows:

Rock Town Hall

Alton Post Office

1<sup>st</sup> National Bank, Center Ave

Deborah Bennett  
Deborah Bennett, Town Clerk/Treasurer  
Town of Rock, Rock County, Wisconsin

Subscribed and sworn to before me this 3<sup>rd</sup> day of January, 2021.



[Signature]  
Notary Public, Rock County, Wisconsin  
My Commission is permanent  
or expires: \_\_\_\_\_

*File  
Signed & Noted.*

TOWN OF ROCK

ORDINANCE NO. 811

AN ORDINANCE TO REGULATE THE TRANSPORTATION AND DUMPING OF GARBAGE, RUBBISH, SLUDGE, OFFAL, SEWAGE OR OTHER REFUSE.

WHEREAS, Garbage, rubbish, sludge, offal, sewage and other refuse has been transported on highways within and dumped on lands within the Town of Rock, Rock County, Wisconsin, and may in the future be transported through or dumped on lands within said township, and

WHEREAS, The misapplication or uncontrolled transportation or dumping of garbage, rubbish, sludge, offal, sewage or other refuse can interfere with the enjoyment of and reduce the value of private property; create safety or health hazards to the residents of the township; interfere with the comfort and well-being of the public; and constitute a public nuisance; and

WHEREAS, Adequate protection of the public health, safety and welfare requires that the transportation and dumping of garbage, rubbish, sludge, offal, sewage or other refuse be regulated; now, therefore,

THE TOWN BOARD OF THE TOWN OF ROCK, ROCK COUNTY, STATE OF WISCONSIN, ORDAINS AS FOLLOWS:

ORDINANCE NO. 811 OF THE CODE OF ORDINANCES OF THE TOWN OF ROCK, ROCK COUNTY, STATE OF WISCONSIN, IS HEREBY CREATED TO READ AS FOLLOWS:

AN ORDINANCE TO CONTROL THE TRANSPORTATION AND DUMPING OF GARBAGE, RUBBISH, SLUDGE, OFFAL, SEWAGE OR OTHER REFUSE WITHIN THE TOWN OF ROCK.

SECTION ONE, PERMIT REQUIRED

No person, firm or corporation, including municipal corporation, shall transport any garbage, rubbish, sludge, offal, sewage or other refuse into or within the Town of Rock for the purpose of dumping or otherwise disposing of the same until such person, firm, corporation or municipality has first secured a permit to do so from the Town Board.

No person, firm, corporation or municipality shall place or dump or allow to be placed or dumped any garbage, rubbish, sludge, offal, sewage or other refuse on land owned by them, and lying within the Town of Rock, without first securing a permit to do so



from the Town Board.

**SECTION TWO, APPLICATION FOR PERMIT**

Application for a permit to transport or dump garbage, rubbish, sludge, offal, sewage or other refuse within the Town of Rock, as required in the Section immediately above, shall be made to the Town Board of the Town of Rock. Such application shall be in triplicate and must contain the following information:

1. A description of the material to be transported or dumped.
2. The date or dates on which the material will be transported or dumped.
3. The quantity of material to be transported or dumped.
4. The description of the roads over which it will be transported and/or the lands on which it will be dumped.
5. If the permit is for dumping or placing the material on lands within the Township, the quantity which has already been placed on said lands in the previous twelve-month period and the dates on which the material was placed on said lands must be indicated.
6. If the permit is for dumping or placing the material on lands within the Township, the manner in which the material will be applied or placed on said lands must be indicated.
7. If the permit is for dumping or placing the material on lands within the Township, the names and addresses of the owners of all properties lying within 200 feet of the land on which the material is to be dumped or placed.

**SECTION THREE, REGULATION OF TRANSPORTATION AND DUMPING**

No garbage, rubbish, sludge, offal, sewage or other refuse may be transported within the town for the purpose of dumping or dumped on lands within the town except in accordance with a permit granted by the Town Board. The Town Board shall issue said permit in accordance with the following regulations:

1. No permit shall be granted for the dumping of sludge or treated sewage until after the applicant has obtained a site approval permit from the State of Wisconsin, Department of Natural Resources pursuant to Sec. 147.02 Wis. Stats. (1979-80).

2. No permit shall be granted for the placing or dumping of sludge, offal or sewage if the quantity to be dumped on the land in question shall be greater than one "acre/inch" for a twelve-month period or the needs of the crop growing or to be grown on the land during the twelve-month period, whichever is less.
3. No permit shall be granted for the dumping of untreated sewage.
4. No permit shall be granted for the dumping of sludge or treated sewage in excess of ~~250~~ <sup>10,000</sup> gallons per acre over a 24-hour period.
5. No permit shall be granted for the dumping of sludge or treated sewage on land where sludge or sewage has been dumped in the six-month period immediately preceding said dumping, however, nothing herein contained shall prevent a permit from being granted permitting the reapplication of sludge or treated sewage on the land covered by the permit within 6 months of the initial application of sludge or treated sewage to the land pursuant to such permit provided such reapplication does not exceed the needs of the crop growing or to be grown.
6. No permit shall be granted for the dumping of sludge or treated sewage on soil that is not approved by the State of Wisconsin, Department of Natural Resources and the Rock County Sanitarian as being a type of soil that will readily assimilate the sludge or treated sewage.
7. No permit shall be granted for the dumping of sludge or treated sewage during rainy weather or where the soil to which the sewage or sludge is to be applied is water-logged or frozen.
8. No permit for dumping sludge or treated sewage shall be granted where the lands to which it is to be applied are drainage ways, undrained areas or ponded areas.
9. No permit for the dumping of sludge or treated sewage shall be granted without restricting said dumping by prohibiting any dumping within one thousand (1,000) feet from any building occupied or used by humans and within five hundred (500) feet from any roads or highways within the township.
10. No garbage, rubbish, sludge, offal, sewage or other refuse shall be transported within the township unless in vehicles so designed as to prevent the dropping of any of said materials on the highways or roadways within the township. Any material controlled by this ordinance which is dropped on a highway must be removed within four hours of the time

that notice is given to the person, firm, corporation or municipality holding the permit for transportation or dumping. The Town Board may not issue a permit for dumping or transportation under this ordinance to any person, firm, corporation or municipality who has not complied with the removal order set forth herein.

11. No person, firm, corporation or municipality shall dump any garbage, rubbish or other refuse within the Town of Rock except in municipally owned or operated disposal grounds which use the sanitary land fill method or incineration, conducted in a sanitary manner satisfactory to the State Board of Health and Department of Natural Resources and on a site approved by the Town Board and the Department of Natural Resources.

#### SECTION FOUR, NOTICE AND PUBLIC HEARING

Before issuing a permit hereunder, the Town Board shall hold a public hearing. Notice of such public hearing specifying the time, place, and matters to come before the Town Board shall be given, as a Class 2 notice as referred to in Chapter 985 of the Wisconsin Statutes. In addition, if the hearing is in connection with an application for a permit for the dumping of sludge, offal or treated sewage on land within the Town of Rock, the Town Clerk shall notify in writing all property owners within 200 feet of the land in question of the hearing at least five (5) days prior thereto.

#### SECTION FIVE, PERMIT FEE

The applicant, upon filing of his application with the Town Board, shall pay a fee to the Town Treasurer in accordance with the following schedule:

1. Permit Fee-----\$100.00 or actual cost of public notice and other associated fees, whichever is greater.

#### SECTION SIX, PENALTIES

Any person, firm, corporation or municipality who shall violate any provision of this ordinance shall be fined by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) or by imprisonment in the County Jail for not more than six months or by both such fine and imprisonment. This penalty section does not prevent the Town of Rock from seeking injunctive relief at any time.

**SECTION SEVEN, EXCEPTIONS**

This ordinance shall not apply to transportation or dumping of animal manure produced by livestock owned by landowner or farm operator in connection with a farming or agricultural operation, or garbage or rubbish dumped in municipally owned or operated disposal grounds.

**SECTION EIGHT, VALIDITY**

If any provision of this ordinance, or subdivision thereunder, shall be declared to be unlawful or unconstitutional at any time, it shall be deemed separable from the balance of the ordinance and shall not affect the lawfulness or constitutionality of the remaining sections or sub-paragraphs.

**SECTION NINE, WHEN EFFECTIVE**

This ordinance shall take effect and be enforced from and after its passage and ~~publication~~ posting.

Dated at Afton, Wisconsin, this 8 day of Sept, 1981.

TOWN BOARD OF THE TOWN OF ROCK

BY: John H. Lee  
Town Chairman

Richard M. O'Leary  
Town Supervisor

Larren H. Scott  
Town Supervisor

Attest:

Virginia Shelly  
Town Clerk

CERTIFICATE

I hereby certify that the above ordinance was adopted by the Town Board of the Town of Rock on the 8th day of September, 1981, and that on the 21<sup>st</sup> day of September, 1981, copies of the above ordinance were posted by me in three (3) public places located in the Town of Rock.

Virginia Skelly  
Virginia Skelly, Town Clerk  
Town of Rock  
Rock County, Wisconsin

Subscribed and sworn to before me  
this 21<sup>st</sup> day of September, 1981.

Rudolph Wanner  
Notary Public  
Rock County, Wisconsin  
My commission is permanent.

*File*

**TOWN OF ROCK**

**ORDINANCE NUMBER 86 1**

**AN ORDINANCE TO PROMOTE THE HEALTH, SAFETY, AND GENERAL WELFARE OF THE TOWNSPEOPLE OF THE TOWN OF ROCK, ROCK COUNTY, WISCONSIN, ENACTED PURSUANT TO THE ENABLING PROVISIONS OF THE WISCONSIN STATUTES. THE TOWN BOARD OF THE TOWN OF ROCK, ROCK COUNTY, WISCONSIN, DOES ORDAIN AS FOLLOWS:**

**SECTION I. AMENDMENTS TO SLUDGE ORDINANCE.**

1. Paragraph 9 of Section 3 of ordinance number 811 (sludge ordinance) of the Town of Rock adopted on September 8, 1981, and any and all amendments thereto is hereby amended to read as follows:

9. No permit for the dumping of sludge or treated sewage shall be granted without restricting said dumping by prohibiting any dumping within one thousand (1,000) feet from any building occupied or used by humans or one thousand (1,000) feet from any well, whichever is greater, one hundred (100) feet from adjoining property lines, one hundred (100) feet from any roads or highways within the township, and two hundred (200) feet from any streams, ponds and other channelized waterways.

2. A new paragraph to be numbered as paragraph 12 of Section 3 of ordinance number 811 (sludge ordinance) of the Town of Rock is hereby created to be inserted in the ordinance immediately following paragraph 11 of Section 3 and is to read as follows:

12. All permits for the dumping of sludge or treated sewage shall require that such sludge or treated sewage be applied only by means of subsurface injection by specialized equipment to be provided by the wastewater utility.

**SECTION II. MISCELLANEOUS PROVISIONS.**

1. The several sections, subsections and paragraphs of this ordinance are hereby declared to be severable. If any section, subsection, paragraph or a subparagraph of this ordinance shall be declared by a decision of a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other provisions of the ordinance, or of the section in which the invalid portion or paragraph may be a part.



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

3. This amendment shall take effect and shall be in full force from and after its passage and posting as provided by law.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 6th day of October, 1986.

John H. Lee  
John H. Lee, Town Chairman

Richard M. O'Leary  
Richard M. O'Leary, Town Supervisor

Ronald J. Combs  
Ronald J. Combs, Town Supervisor

I hereby certify that the above ordinance was adopted by the Town Board of the Town of Rock on the 6th day of October, 1986, and that on the ~~6th~~ 4th day of November, 1986, copies of the above ordinance were posted by me in three (3) public places in the Town of Rock.

Virginia Skelly  
Virginia Skelly  
Town Clerk, Town of Rock, Rock County, Wis.

Subscribed and sworn to before me this ~~6th~~ 4th day of November, 1986.

Ludwick Whaner  
Notary Public, Rock County, Wis.  
My commission: is permanent

Rock

AN ORDINANCE TO ASSIGN TOWN ROAD NAMES

The town board of the Town of Rock, Rock County, Wisconsin, does ordain as follows:

Section 1. Road Names. In accordance with s. 81.01 (11) of the Wisconsin Statutes (created by Chapter 381, Laws of 1975), which requires the assignment of names for each road under the town's jurisdiction, the road names as shown on the attached plat are hereby assigned.

Section 2. Effective Date. This ordinance shall take effect upon passage and publication as provided by law.

Signed John H. Lee  
Town Chairman

Dated 4-4-77

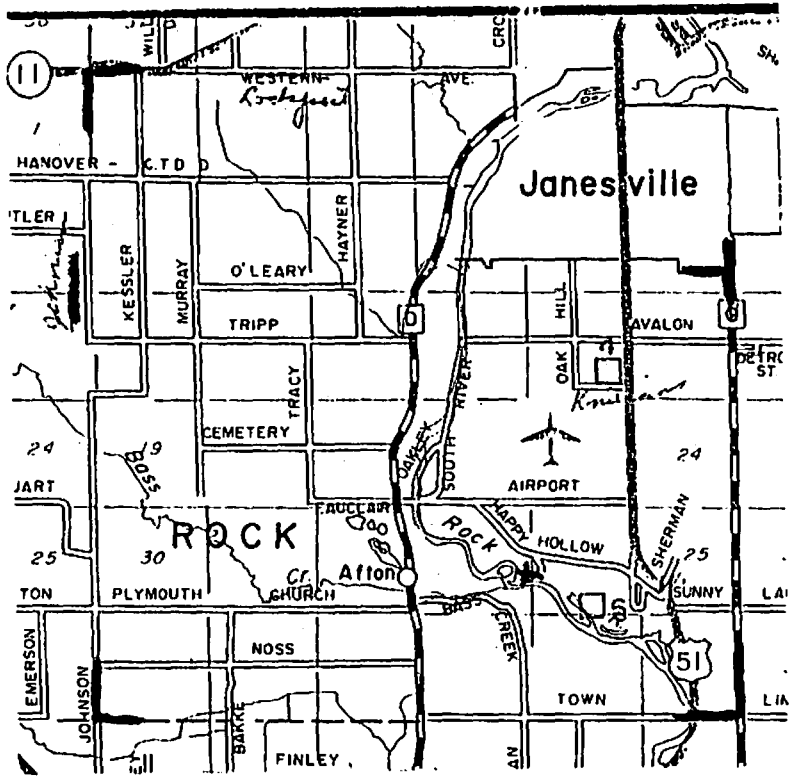
~~Printed~~  
Published 4-21-77

Attest Virginia Shelly

Town Clerk

Date 4-20-77





**TOWN OF ROCK**  
**ORDINANCE NO. 2004-04**

**ORDINANCE TO RENAME AS SOUTH RIVER ROAD THE PORTION  
OF WEST EAU CLAIRE ROAD EAST OF COUNTY HIGHWAY D  
IN THE TOWN OF ROCK, ROCK COUNTY, WISCONSIN**

An ordinance to rename as South River Road the portion of West Eau Claire Road that runs easterly from County Highway D before bifurcating into West Happy Hollow Road and South River Road, in the Town of Rock, Rock County, Wisconsin, enacted pursuant to Sections 60.23(17), and 81.01(11) of the Wisconsin Statutes (2001-02).

THE TOWN BOARD OF THE TOWN OF ROCK, ROCK COUNTY, WISCONSIN  
DOES HEREBY ORDAIN AS FOLLOWS:

ORDINANCE NO. 2004-04 OF THE CODE OF ORDINANCES OF THE  
TOWN OF ROCK, ROCK COUNTY, WISCONSIN, IS HEREBY CREATED TO READ AS  
FOLLOWS:

1. **Title.** This ordinance shall be entitled the “Ordinance to Rename As South River Road the Portion of West Eau Claire Road East of County Highway D in the Town of Rock, Rock County, Wisconsin.”
2. **Purpose.** The purpose of this ordinance is to rename as South River Road the portion of West Eau Claire Road that runs easterly from County Highway D before bifurcating into West Happy Hollow Road and South River Road.
3. **Statutory Authority.** This ordinance is adopted as authorized under Sections 60.23(17) and 81.01(11) of the Wisconsin Statutes (2001-02).

4. **Severability.** The several sections, subsections, paragraphs, and subparagraphs of this Ordinance are hereby declared to be severable. If any section, subsection, paragraph or subparagraph of this Ordinance shall be declared by a decision of a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the other provisions of the Ordinance, or of the section in which the invalid portion or paragraph may be a part.
5. **Conflicting Ordinances.** All ordinances or parts of ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.
6. **Effective Date.** This Ordinance shall take effect and shall be in full force from and after its passage and posting as provided by law.

IN WITNESS WHEREOF, we have hereunto set our hands and seals this 7th day of June, 2004.

TOWN OF ROCK

By: Mark Gunn  
Mark Gunn, Town Chairperson

By: Bryce O'Leary  
Bryce O'Leary, Town Supervisor

By: Mark Potzin  
Mark Potzin, Town Supervisor

CERTIFICATION

I hereby certify that the above Ordinance was adopted by the Town Board of the Town of Rock on the 7th day of June, 2004, and that on the 9th day of June, 2004, copies of the above Ordinance were posted by me in three (3) public places in the Town of Rock.

Deborah Bennett  
Deborah Bennett, Town Clerk  
Town of Rock, Rock County, Wisconsin

Subscribed and sworn to before me  
this 9th day of June, 2004.

[Signature]

Notary Public, Rock County, Wis.

My Commission is permanent  
or expires: \_\_\_\_\_

ORDINANCE REGULATING SCHOOL BUS WARNING LIGHTS  
WITHIN THE TOWN OF ROCK, ROCK COUNTY, WISCONSIN

THE TOWN BOARD OF THE TOWN OF ROCK, pursuant to the power vested in it under Section 61.34 of the Statutes of the State of Wisconsin as granted to said Town Board pursuant to Section 60.29 (21), does hereby enact the following Ordinance, under the specific authority set forth in Section 349.21 of the Wisconsin Statutes (1977).

RESOLVED, That there are locations within the Town of Rock in residence or business districts where pupils or other authorized passengers are loaded or unloaded onto school buses where, although a sidewalk and curb may be laid on both sides of the road, there are no traffic signals at such locations and such persons must cross the street or highway before being loaded or after being unloaded, and it is in the best interests of the safety and welfare of said passengers being loaded or unloaded that the school bus operators use the flashing red warning lights in said residence or business districts within the Town of Rock;

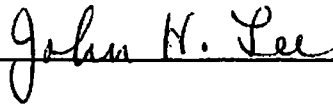
NOW, THEREFORE, in consideration of the above and pursuant to the authority vested in the Town Board of the Town of Rock by the Statutes of the State of Wisconsin;

IT IS HEREBY ORDAINED that the operator of all school buses equipped with flashing red warning lights as specified in Section 347.25(2) of the Wisconsin Statutes shall activate such lights at least one hundred feet (100') before stopping to load or unload

pupils or other authorized passengers, and shall not extinguish such lights until loading or unloading is completed and persons who must cross the highway are safely across. Where the curb and sidewalk are laid on one side of the road only, the operator shall use the flashing red warning lights when loading or unloading passengers from either side. Where the curb and sidewalk are laid on both sides of the road and the loading or unloading is done in a residence or business district, the operator shall use the flashing red warning lights when loading or unloading passengers from either side. It is the intent of this ordinance that the flashing red warning lights be used at all times and in all locations within the Town of Rock when a school bus is being used on the highways and roadways within said township for the purposes of the actual transportation of pupils or other authorized passengers to and from a school or a school approved activity.

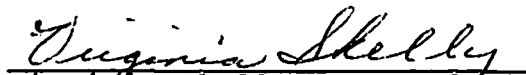
This Ordinance shall become effective immediately upon passage by the Town Board of the Town of Rock.

Enacted this 7th day of March, 1977.



Town Chairman

ATTEST:

  
Virginia Skelly, Town Clerk

TOWN OF ROCK

ORDINANCE NO. 2021-03

AMENDMENT TO ZONING ORDINANCE

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE TOWN OF ROCK BY ADDING SECTION 4.17 REGARDING THE USE AND PLACEMENT OF SHIPPING CONTAINERS ON CERTAIN PARCELS IN THE TOWN OF ROCK

RECITALS

A. Due to changes in international economics, semi-trailers, PODS, and corrugated metal containers, which have been historically used for shipping (collectively, "Shipping Containers"), have become an economical alternative for property owners looking to increase storage quickly and easily.

B. The Town Board of the Town of Rock (the "Town") is aware of the increasing prevalence of Shipping Containers being placed on parcels within the Town, and pursuant to its zoning powers, desires to regulate their placement and use.

NOW, THEREFORE, THE TOWN BOARD OF THE TOWN OF ROCK, COUNTY OF ROCK, STATE OF WISCONSIN, HEREBY ORDAINS AS FOLLOWS:

SECTION 1: Section 4.17 shall be added to the Town of Rock Zoning Ordinance and shall read as follows:

4.17 Shipping Containers

(1) Placement and Restrictions

(A) Shipping Containers may be permanently installed as Accessory Structures on any parcel zoned A-FP, A-1, or A-2 so long as the same are not used for human occupancy.

(B) No Shipping Container may be permanently installed on any parcel of land zoned R-1, R-2, or A-3. One (1) Shipping Container may be placed on parcels zoned R-1, R-2, or R-3 on a temporary basis not to exceed 90 days, so long as the Shipping Container is not used for human occupancy.

(C) A Shipping Container may be installed on any parcel zoned B-1, B-2, MHP, SP, M-1, M-2, and IN as an Accessory Structure upon the issuance of a conditional use permit. A Shipping Container may be placed on parcels zoned B-

1, B-2, MHP, SP, M-1, M-2 and IN without a conditional use permit on a temporary basis not to exceed 90 days, so long as the Shipping Container is not used for human occupancy.

(D) Any Shipping Container located on a parcel shall solely be for the sole use of the owner or occupant of said parcel, and in no event shall Shipping Containers be leased out as temporary storage to a party who does not otherwise have a property interest in the parcel upon which the Shipping Container is located.

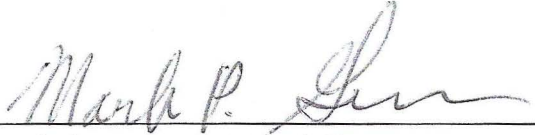
(E) Shipping Containers shall not to be stacked, permanently or temporarily, one upon another. Each Shipping Container must be securely placed on the ground with any and all necessary footings.

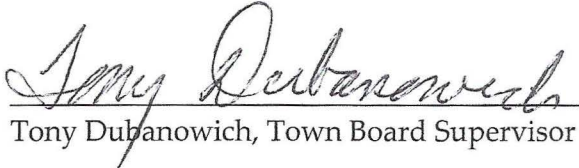
SECTION 2: Section 15.2 shall be amended to include the following:

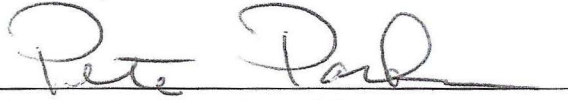
Shipping Container. Any pre-fabricated object originally designed and historically used for transport of material goods, including but not limited to semi-trailers, PODS, and corrugated metal containers.

SECTION 3: This amendment and the additions described herein shall take effect and be in force from and after the day after passage and publication as required by law.

Dated this 5<sup>th</sup> day of July, 2021.

  
Mark Gunn, Town Board Chairperson

  
Tony Dubanowich, Town Board Supervisor

  
Pete Parker, Town Board Supervisor



CERTIFICATION

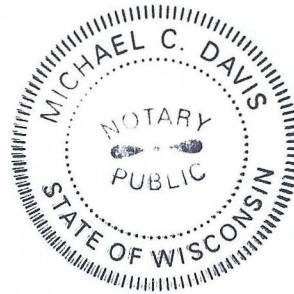
I hereby certify that the above Ordinance Number 2021-03 was adopted by the Town Board of the Town of Rock on the 5<sup>th</sup> day of June, 2021 and that on the 1<sup>st</sup> day of July, 2021, copies of the above ordinance were posted by me in three places in the Town of Rock, Rock County, Wisconsin, as follows:

Rock Town Hall  
Alton Post Office  
1<sup>st</sup> National Bank Center Ave

Deborah Bennett  
Deborah Bennett, Town Clerk/Treasurer  
Town of Rock, Rock County, Wisconsin

Subscribed and sworn to before me this  
2<sup>nd</sup> day of August, 2021.

[Signature]  
Notary Public, Rock County, Wisconsin  
My Commission is permanent  
or expires:       



**TOWN OF ROCK**

**ORDINANCE NO. 2002-01**

**SHOOTING ORDINANCE**

**AN ORDINANCE TO AMEND ORDINANCE NO. 955 DATED OCTOBER 2, 1995, REGULATING SHOOTING IN THE TOWN OF ROCK, ROCK COUNTY, WISCONSIN.**

**THE TOWN BOARD OF THE TOWN OF ROCK, ROCK COUNTY, WISCONSIN, DOES ORDAIN AS FOLLOWS:**

**ORDINANCE NUMBER 2002-01 OF THE CODE OF ORDINANCES OF THE TOWN OF ROCK, ROCK COUNTY, WISCONSIN, IS HEREBY CREATED TO READ AS FOLLOWS:**

1. Ordinance Number 955 entitled Shooting Ordinance is hereby repealed and in lieu thereof this Ordinance Number 2002-01 is created and adopted.

2. No person shall fire or discharge, attempt to fire or discharge, or cause to be fired or discharged any weapon within the municipal limits of the Town of Rock. The word weapon as used in this ordinance includes without limitation any pistol, rifle, shotgun or other firearm, crossbow, bow and arrow or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.

3. The following are exceptions to paragraph 2 of this ordinance:

- A. When such weapon is being used by a police officer in the lawful performance of his duty.
- B. When such weapon is necessary to protect the person or property of the one carrying such weapon or the person or property of another, provided such weapon does not constitute a concealed weapon within the definition of Section 941.23 of the Wisconsin Statutes.
- C. When such weapon is used upon a licensed target practice range.
- D. When such weapon is a shotgun with scatter shot or fine shot loads, such weapon may be used for hunting purposes upon agriculturally zoned property within the Town of Rock during legal hunting season provided such weapon is not fired or discharged, attempted to be fired or discharged or caused to be fired or discharged within three hundred (300) feet from any permanent or occupied dwelling and two hundred (200) feet from any public highway.

- E. When such weapon is a bow and arrow, such weapon may be used for hunting purposes upon agriculturally zoned property within the Town of Rock during legal hunting season provided such weapon is not discharged, attempted to be discharged or caused to be discharged within three hundred (300) feet from any permanent or occupied dwelling and two hundred (200) feet from any public highway.
- F. When such weapon is a shotgun loaded with a single slug or a single ball or any rifle or handgun, such weapon may be used for hunting purposes upon agriculturally zoned property within the Town of Rock during legal hunting season provided such weapon is not fired or discharged, attempted to be fired or discharged or caused to be fired or discharged within three hundred (300) feet from any permanent or occupied dwelling and two hundred (200) feet from any public highway.
- G. When such weapon is a shotgun with scatter shot or fine shot loads, such weapon may be used for hunting migratory water fowl on that portion of the Rock River or the banks thereof lying between the Janesville City Limits and Townline Road within the municipal limits of the Town of Rock during legal hunting season provided such weapon is not fired or discharged, attempted to be fired or discharged or caused to be fired or discharged within three hundred (300) feet from any permanent or occupied dwelling and two hundred (200) feet from any public highway.
- H. When such a weapon is a shotgun with scatter shot or fine shot loads, such weapon may be used for hunting purposes upon a "game bird and animal farm" licensed pursuant to Wis. Stats. §29.867 provided such weapon is not fired or discharged, attempted to be fired or discharged or caused to be fired or discharged within three hundred (300) feet from any permanent or occupied dwelling, two hundred (200) feet from any public highway, or three hundred (300) feet from any public or private parkland.

4. Reference to the term "person", "anyone", or like reference shall be deemed to refer to a person, a sole proprietorship, a partnership, a limited liability company, a corporation or any other entity and also a responsible partner or a responsible member or a responsible officer or a responsible managing agent of any sole proprietorship, partnership, limited liability company, corporation or other entity unless the context clearly indicates otherwise.

5. This ordinance shall not eliminate supervised, controlled shooting in areas designated by the Town Board of the Town of Rock, Rock County, Wisconsin, and any person desiring to have supervised, controlled shooting areas may make application for such to the Town Clerk of the Town of Rock, subject to the approval of the Town Board of the Town of Rock, Rock County, Wisconsin.


6. Written permission shall be obtained by the person shooting from the landowner or his agent for any shooting in the Town of Rock, Rock County, Wisconsin.

7. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

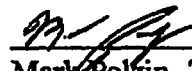
8. Any person who shall violate any of the provisions of this ordinance shall forfeit and pay to the Town of Rock, Rock County, Wisconsin, a forfeiture of not less than \$20.00 nor more than \$200.00 for each offense, together with the costs of prosecution of such offense. Imprisonment in the county jail may be ordered only for failure to pay the forfeiture that may be imposed. If imprisonment is ordered for failure to pay the forfeiture, it shall be limited to one day of confinement for each \$5.00 of forfeiture or fraction thereof.

9. This ordinance shall take effect and shall be in full force from and after its passage and publication as provided by law.

DATED this 1<sup>st</sup> day of July, 2002.

  
Richard M. O'Leary, Town Chairperson

  
James Connell, Town Supervisor

  
Mark Polzin, Town Supervisor

Attest:

  
Deborah Bennett, Town Clerk

CERTIFICATE

I hereby certify that the above ordinance was adopted by the Town Board of the Town of Rock on the 10<sup>th</sup> day of July, 2002, and that on the 13<sup>th</sup> day of July, 2002, a copy of the above ordinance was published in The Janesville Gazette, the official newspaper of the Town of Rock.

Deborah Bennett  
Deborah Bennett, Town Clerk  
Town of Rock, Rock County, Wisconsin

Subscribed and sworn to before me  
this 5<sup>th</sup> day of August, 2002.

[Signature]  
Notary Public, Rock County, Wis.  
My Commission: 12 September

**TOWN OF ROCK  
ORDINANCE NO. 94(5)**

**A SOLE ORDINANCE TO REGULATE BOATING UPON THE WATERS OF ROCK RIVER  
AND PRESCRIBING PENALTIES FOR VIOLATION THEREOF.**

**The Town Board of the Town of Rock, Rock County, Wisconsin do ordain as follows:**

**SECTION I.**

**Applicability and Enforcement**

- A. The provisions of this Ordinance shall apply to the waters of Rock River.
- B. This ordinance shall be enforced by officers of the Rock County Sheriffs Department. All costs of enforcement shall be borne by Rock County.

**SECTION II.**

**Intent**

The intent of this ordinance is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with the public rights and interests, and the capability of the water resources.

**SECTION III.**

**State Boating and Safety Laws Adopted**

State boating laws as found in ss. 30.50 to 30.71, Wis. Stats., are adopted by reference.

**SECTION IV.**

**Definitions**

- A. "Slow-No-Wake" means that speed at which a boat moves as slowly as possible while still maintaining steering control.

**SECTION V.**

**Controlled Area**

- A. No person shall operate a boat faster than slow-no-wake in the waters of Rock River beginning 100 feet south (downstream) of the Island below Bass Creek Inlet and ending 100 feet north (upstream) of the Bass Creek Cut.

B. No person shall operate a boat faster than slow-no-wake in the waters of Rock River beginning at Townline Bridge to a point 600 feet north (upstream) from the north edge of Townline Bridge.

## SECTION VI.

### Posting Requirements

The Town of Rock shall place and maintain a copy of this ordinance at all public access points within the jurisdiction of the Town.

## SECTION VII.

### Regulatory Waterway Markers

Buoys or other appropriate regulatory waterway markers shall be placed at each end of the slow-no-wake controlled area on an annual basis from on or before April 15 to on or after October 15. Such buoys or other appropriate markers shall be provided, placed, maintained and removed by the Rock River First organization at no cost to the Town of Rock.

## SECTION VIII.

### Penalties

Wisconsin state boating penalties as found in s. 30.80, Wis. Stats., are adopted by reference.

## SECTION IX.

### Severability

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

SECTION X.

Effective Date

This ordinance shall become effective upon passage and the day after publication.

Passed this 3RD day of January, ~~1994~~ <sup>1995</sup>.

TOWN OF ROCK

By: Richard M. O'Leary  
Town Chairman

Attest:

Norah A. Bennett  
Town Clerk

peggy\docs\rockord.934



File  
Original

TOWN OF ROCK  
ORDINANCE NO. 831

AN ORDINANCE TO REGULATE THE KEEPING OF WILD ANIMALS  
AND REPTILES WITHIN THE TOWN OF ROCK, ROCK COUNTY, WISCONSIN.

WHEREAS, in the Town of Rock, Rock County, Wisconsin, wild animals and reptiles are or may be kept or maintained in such a way as to constitute a nuisance by reason of the interference with the use and enjoyment of the property of surrounding property owners; and

WHEREAS, such interference with the use and enjoyment of surrounding property is dangerous to the safety and health of children as well as adults and interferes with the comforts and well being of the public; and

WHEREAS, adequate protection of the public health, safety and welfare requires that such conditions be regulated, abated or prohibited;

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

Ordinance No. 831 of the Code of Ordinance of the Town of Rock is hereby created to read as follows:

CONTROL OF THE KEEPING AND MAINTENANCE OF WILD ANIMALS  
AND REPTILES

SECTION 1 - REGULATION:

It shall be unlawful to own, keep, have control of or exercise custody over in any way a wild animal or reptile, snake or similar creature within the Town of Rock. Wild animal is defined by Section 29.01 (1) of the Wisconsin Statutes (1981-82), and it is the intention of this ordinance to adopt that definition which reads that "wild animal" means any mammal, bird, fish or other creature of a wild nature endowed with sensation and the power of voluntary action.

SECTION 2 - EXEMPTIONS:

This ordinance shall not apply to the following:

- A. House pets, provided the pet is confined within the home or is tied up, securely penned or securely held by a leash.
- B. Pet stores.

- C. Pets customarily purchased at pet stores, provided the pets are confined wholly within the home or are tied up, securely penned or securely held by a leash and are readily domesticated.
- D. Domestic farm animals under the common law or under the Wisconsin Statutes provided the animals are confined as required under the common law or under the Wisconsin Statutes.

### SECTION 3 - INTERPRETATION OF THIS ORDINANCE

This ordinance shall be interpreted to provide for the health and public safety of persons within the Town of Rock, and shall be construed to prohibit the keeping within the Town of Rock, whether confined or not, of any animal, reptile, bird or other creature that is not readily domesticated, or poses a threat to the neighborhood and others if the confined creature should break out of confinement.

### SECTION 4 - PERSONS AFFECTED BY THIS ORDINANCE:

This regulation applies within the territorial limits of the Town of Rock.

### SECTION 5 - TEMPORARY PERMIT:

If special circumstances arise which would justify the issuance of a temporary permit by the Town Board to keep a wild animal or reptile as defined in this ordinance within the Town for a limited period of time, the Town Board upon application duly made in writing, may by resolution grant such temporary permit.

### SECTION 6 - REFERENCES:

References to the term "person", "anyone", or like references shall be deemed to refer to a person, a sole proprietorship, a partnership, a corporation and also a responsible member or a responsible officer or a responsible managing agent of any single proprietorship, partnership or corporation unless the context clearly indicates otherwise.

### SECTION 7 - SEVERABILITY AND CONFLICT:

If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason

held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 8 - PENALTY:

Any person violating this ordinance shall be fined not less than \$50.00 nor more than \$500.00 for each offense. Imprisonment in the county jail can be ordered only for failure to pay the fine that may be imposed. If imprisonment is ordered for failure to pay the fine, it shall be limited to 1 day of confinement for each \$10.00 of fine or fraction thereof.

SECTION 9 - EFFECTIVE DATE:

In accordance with Wisconsin Statute 61.50(1), this ordinance shall take effect and may be enforced from and after its passage and posting.

Dated at Afton, Wisconsin, this 4<sup>th</sup> day of April,  
1983.

TOWN BOARD OF THE TOWN OF ROCK

By: John N. Lee  
Town Chairman

By: Richard M. O'Leary  
Town Supervisor

By: Lorren K. Scott  
Town Supervisor

ATTEST:

Virginia Shelly  
Town Clerk

CERTIFICATE

I hereby certify that the above ordinance was adopted by the Town Board of the Town of Rock on the 4<sup>th</sup> day of April, 1983, and that on the 3<sup>rd</sup> day of May, 1983, copies of the above ordinance were posted by me in three (3) public places located in the Town of Rock.

Virginia Skelly  
Virginia Skelly  
Town Clerk, Town of Rock  
Rock County, Wisconsin

Subscribed and sworn to before me this 5<sup>th</sup> day of May, 1983.

Andrick W. Wanner  
Notary Public

Rock County, Wisconsin

My commission: is permanent

wild animal

TOWN OF ROCK  
ORDINANCE NO. 2008-03

**SMALL WIND ENERGY SYSTEM ORDINANCE**

1. Title. This ordinance may be referred to as the Town of Rock Small Wind Energy System Ordinance.
2. Authority. This ordinance is adopted pursuant to authority granted by Sections 60.62 and 62.23(7) of the Wisconsin Statutes.
3. Purpose. The purpose of this ordinance is to:
  - A. Oversee the permitting of Small Wind Energy Systems; and
  - B. Preserve and protect public health and safety without significantly increasing the cost or decreasing the efficiency of a Small Wind Energy System.
4. Definitions. In this ordinance:
  - A. "Administrator" means the Town of Rock Zoning Officer.
  - B. "Board" means the Town of Rock Board of Supervisors.
  - C. "Meteorological Tower" (Met Tower) is defined to include the tower, base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment, anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.
  - D. "Owner" shall mean the individual or entity that intends to own and operate the Small Wind Energy System in accordance with this ordinance.
  - E. "Rotor Diameter" means the cross sectional dimension of the circle swept by the rotating blades.
  - F. "Small Wind Energy System" means a Wind Energy System that has:
    - (1) a nameplate capacity of 100 kilowatts or less;
    - (2) a Total Height of 170 feet or less;
    - (3) a Rotor Diameter of 60 feet or less; and
    - (4) is used to:

- (a) offset consumption of utility energy or back feed electricity to the utility; or
    - (b) provide a source of electricity in locations without pre-existing utility service.
  - G. "Total Height" means the vertical distance from ground level to the tip of a Wind Generator blade when the tip is at its highest point.
  - H. "Tower" means the monopole, freestanding, or guyed structure that supports a Wind Generator.
  - I. "Wind Energy System" means equipment that converts and then stores or transfers energy from the wind into usual forms of energy (as defined by Wis. Stat. § 66.0403(1)(m)). This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries, or other component used in the system.
  - J. "Wind Generator" means blades and associated mechanical and electrical conversion components mounted on top of the Tower.
5. Standards. A Small Wind Energy System shall be permitted subject to the following requirements:
- A. Set Backs. A Tower for a Small Wind Energy System shall be set back a distance equal to its Total Height from:
    - (1) any public road right-of-way, unless written permission is granted by the governmental entity with jurisdiction over the road;
    - (2) any overhead utility lines, unless written permission is granted by the affected utility; and
    - (3) all property lines, unless written permission from all owners of property within a distance from the tower equal to the tower's Total Height is obtained under subsection 5K of this ordinance.
  - B. Blade Clearance. The vertical distance from ground level to the tip of a Wind Generator blade when the blade is at its lowest point shall be at least 30 feet.
  - C. Access.
    - (1) All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
    - (2) The Tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of 8 feet above the ground.

- D. **Electrical Wires.** All electrical wires associated with a Small Wind Energy System, other than wires necessary to connect the Wind Generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires shall be located underground.
- E. **Lighting.** A Tower and Wind Generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.
- F. **Appearance, Color, and Finish.** The Wind Generator and Tower shall remain painted or finished the color or finish that was originally applied by the manufacturer, unless otherwise approved in the Tower Permit.
- G. **Signs.** All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification, on a Wind Generator, Tower, building, or other structure associated with a Small Wind Energy System visible from any public road shall be prohibited.
- H. **Code Compliance.** A Small Wind Energy System including a tower shall comply with all applicable state construction and electrical codes and the National Electrical Code.
- I. **Utility Notification and Interconnection.** Small Wind Energy Systems that connect to the electric utility shall comply with the Public Service Commission of Wisconsin's Rule 119, "Rules for Interconnecting Distributed Generation Facilities."
- J. **Met Towers.** Met Towers shall be permitted under the same standards, permit requirements, restoration requirements, and permit procedures as a Small Wind Energy System.
- K. **Permission from Adjacent Property Owners.** In the event any tower is to be located within a distance from the property line that is less than its Total Height, such tower may not be placed unless a written agreement is made with the affected property owner and delivered to the Administrator. Such written agreement shall include an agreement by the owner of the property on which the tower is to be placed to indemnify the property owner giving permission from any and all losses and damages resulting from malfunctioning or destruction of the tower. Such agreement shall further include an agreement from the affected property owner that no structure, other than a fence, shall be constructed within a distance from the tower equal to the its Total Height. The Administrator, in his or her discretion, may further require the completion of a survey determining the area located within the distance equal to the Total Height of the tower.
- L. **Health and Safety.** If, in the reasonable discretion of the Administrator, the construction of a Small Wind Energy System in a particular location or in a particular manner will unreasonably endanger the health and safety of persons in the Town, the Administrator may refuse to issue a Tower Permit as described in Section 6 of this Ordinance. The Administrator shall not deny the issuance of a Tower Permit under this subsection, however, unless the particular location or the

particular manner of installation creates a health and safety issue unique to the property, and the Administrator shall not deny the issuance of a permit for aesthetic reasons. Mere proximity to residences or objections from residents shall not be a sufficient basis for denial of a Tower Permit. The Town Board may overrule any decision of the Administrator to grant or deny a permit under this subsection.

6. Permit Requirements.

- A. Tower Permit. A Tower Permit shall be required for the installation of a Small Wind Energy System. No separate building permit or Zoning Permit shall be required.
- B. Documents. The Tower Permit application shall be accompanied by a plot plan which includes the following:
  - (1) property lines and physical dimensions of the property;
  - (2) location, dimension, and types of existing major structures on the property;
  - (3) location of the proposed Tower;
  - (4) the right-of-way of any public road that is contiguous with the property;
  - (5) any overhead utility lines;
  - (6) Wind Energy System specifications, including manufacturer and model, Rotor Diameter, Tower Height, tower type (freestanding or guyed);
  - (7) Tower foundation blueprints or drawings; and
  - (8) Tower blueprints or drawings.
- C. Fees. The application for a Tower Permit for a Small Wind Energy System must be accompanied by a \$250 filing fee.
- D. Expiration. A Tower Permit issued pursuant to this ordinance shall expire if:
  - (1) the Small Wind Energy System is not installed and functioning within 24 months from the date the permit is issued; or
  - (2) the Small Wind Energy System is out of service or otherwise unused for a continuous 12-month period.

7. Abandonment.

- A. A Small Wind Energy System that is out of service for a continuous 12-month period will be deemed to have been abandoned. The Administrator may issue a Notice of Abandonment to the Owner of a Small Wind Energy System that is



deemed to have been abandoned. The Owner shall have the right to respond to the Notice of Abandonment within 30 days from Notice receipt date. The Administrator shall withdraw the Notice of Abandonment and notify the Owner that the Notice has been withdrawn if the Owner provides information that demonstrates the Small Wind Energy System has not been abandoned.

- B. If the Small Wind Energy System is determined to be abandoned, the Owner of a Small Wind Energy System shall remove the Wind Generator from the Tower at the Owner's sole expense within 3 months of receipt of the Notice of Abandonment. If the Owner fails to remove the Wind Generator from the Tower, the Administrator may pursue a legal action to have the Wind Generator removed at the Owner's expense.

8. Tower Permit Procedure.

- A. An Owner shall submit an application to the Administrator for a Tower Permit for a Small Wind Energy System. The application must be on a form approved by the Administrator and must be accompanied by two copies of the plot plan identified in 6.B. above.
- B. The Administrator shall issue a permit or deny the application within one month of the date on which the application is received.
- C. The Administrator shall issue a Tower Permit for a Small Wind Energy System if the application materials show that the proposed Small Wind Energy System meets the requirements of this ordinance.
- D. If the application is approved, the Administrator will return one signed copy of the application with the Tower Permit and retain the other copy with the application.
- E. If the application is rejected, the Administrator will notify the applicant in writing and provide a written statement of the reason why the application was rejected. The applicant may appeal the Administrator's decision pursuant to Chapter 68 of the Wisconsin Statutes. The applicant may reapply if the deficiencies specified by the Administrator are resolved.
- F. The Owner shall conspicuously post the Tower Permit on the premises so as to be visible to the public at all times until construction or installation of the Small Wind Energy System is complete.

9. Violations. It is unlawful for any person to construct, install, or operate a Small Wind Energy System that is not in compliance with this ordinance or with any condition contained in a ~~Building~~ <sup>Building</sup> permit issued pursuant to this ordinance. Small Wind Energy Systems installed prior to the adoption of this ordinance are exempt.

10. Administration and Enforcement.

- A. This ordinance shall be administered by the Administrator or other official as designated.

- B. The Administrator may enter any property for which a Tower Permit has been issued under this ordinance to conduct an inspection to determine whether the conditions stated in the permit have been met.
  - C. The Administrator may issue orders to abate any violation of this ordinance.
  - D. The Administrator may issue a citation for any violation of this ordinance.
  - E. The Administrator may refer any violation of this ordinance to legal counsel for enforcement.
11. Penalties.
- A. Any person who fails to comply with any provision of this ordinance or a Tower Permit issued pursuant to this ordinance shall be subject to enforcement and penalties pursuant to the provisions of Sections 2.4 and 2.5 of the Town of Rock Zoning Ordinance.
  - B. Nothing in this section shall be construed to prevent the Town Board from using any other lawful means to enforce this ordinance.
12. Severability. The provisions of this ordinance are severable, and the invalidity of any section, subdivision, paragraph, or other part of this ordinance shall not affect the validity or effectiveness of the remainder of the ordinance.
13. Effective Date. This ordinance shall take effect and shall be in full force from and after its passage and publication as provided by law.

DATED this 2nd day of June, 2008.

**TOWN OF ROCK**

By: Mark P. Gunn  
Mark Gunn, Town Chairperson

By: Bryce R. O'Leary  
Bryce O'Leary, Town Supervisor

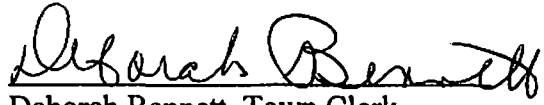
By: Dean Connell  
Dean Connell, Town Supervisor

Attest:

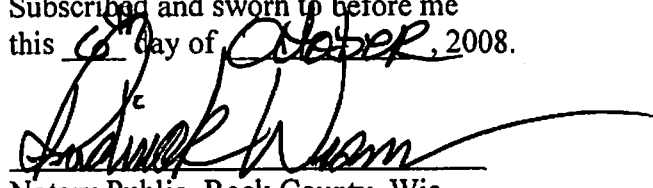
Deborah Bennett  
Deborah Bennett, Town Clerk

CERTIFICATE

I hereby certify that the above ordinance was adopted by the Town Board of the Town of Rock on the 2<sup>nd</sup> day of June, 2008, and that on the 10<sup>th</sup> day of June, 2008, a copy of the above ordinance was published in The Janesville Gazette, the official newspaper of the Town of Rock.

  
Deborah Bennett, Town Clerk  
Town of Rock, Rock County, Wisconsin

Subscribed and sworn to before me  
this 6<sup>th</sup> day of October, 2008.

  
Notary Public, Rock County, Wis.  
My Commission is permanent  
or expires: \_\_\_\_\_

**Town of Rock**  
**Rock County, Wisconsin**  
[www.tn.rock.wi.gov](http://www.tn.rock.wi.gov)

RESOLUTION FOR ELECTORS TO ADOPT THE TOWN TAX LEVY  
SPECIAL TOWN MEETING OF THE TOWN ELECTORS  
Town of Rock, Rock County

Whereas S60.10(1)(a) of Wis. Statutes authorizes the Town electors of a town to adopt the town tax levy at a town meeting of the electors.

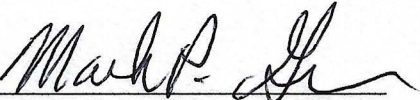
Whereas a special town meeting of the town electors has been called and noticed to approve the 2022 total tax levy to be collected in 2023 pursuant to s. 60.10(1)(a) of Wis. Statutes.

THEREFORE, the special town meeting of the Town of Rock, Rock County, Wisconsin by a majority vote of the eligible electors duly assembled and voting on this fifth day of December 2022, hereby resolves and orders as follows:

1. The town electors of the Town of Rock, Rock County, Wisconsin adopt the tow tax levy for 2022 to be collected in 2023 in the amount of \$382,246.00.
2. The Town Clerk shall properly post or publish this resolution as required by law under s. 60.10(1)(a) of Wis. Statutes within 30 days of adoption.

Adopted this fifth day of December 2022, at a Special Town Meeting.

Number of town electors 8  
Number of town electors notice nay 0  
Number of abstaining or not voting 0

  
Mark P. Gunn-Town Chairperson

Attest by:   
Clerk/Treasurer

**TOWN OF ROCK  
RESOLUTION NO. 2023-03**

*A resolution of Town of Rock adopting the 2023 Rock County Hazard Mitigation Plan.*

**WHEREAS**, the Town of Rock recognizes the threat that natural hazards pose to people and property within Town of Rock; and

**WHEREAS**, Rock County Emergency Management has prepared a multi-hazard mitigation plan, thereby known as the 2023 Rock County Hazard Mitigation Plan in accordance with federal laws, including the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended; the National Flood Insurance Act of 1968, as amended; and the National Dam Safety Program Act, as amended; and

**WHEREAS**, the Town of Rock participated jointly in the planning process with Rock County and the other local units of government within the County; and

**WHEREAS**, the 2023 Rock County Hazard Mitigation Plan identifies mitigation goals and actions to reduce or eliminate long-term risk to people and property in Town of Rock from the impacts of future hazards and disasters; and

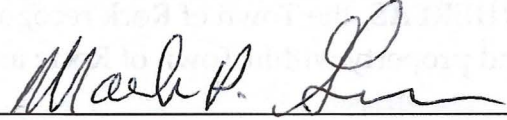
**WHEREAS**, adoption by the Town of Rock demonstrates its commitment to hazard mitigation and achieving the goals outlined in the 2023 Rock County Hazard Mitigation Plan; and

**WHEREAS**, an updated hazard mitigation plan is required by FEMA as a condition of future grant funding for migration projects.

**NOW, THEREFORE, BE IT RESOLVED THAT** the Town Board of the Town of Rock adopts the 2023 Rock County Hazard Mitigation Plan as an official countywide mitigation plan.

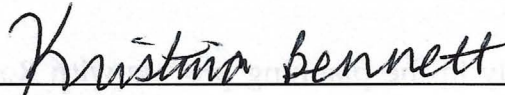
Adopted at the regular Town Board meeting of the Town of Rock this 1<sup>st</sup> day of May, 2023.

APPROVED:



Mark Gunn, Town Chairman

ATTEST:



Kristina Bennett, Town Clerk



**TOWN OF ROCK**  
**RESOLUTION NO. 2022 -08**

*A resolution authorizing the Town of Rock Clerk/Treasurer to act on its behalf to submit an application for financial assistance to the Department of Natural Resources.*

**WHEREAS**, the Town of Rock hereby requests financial assistance under Sections 287.23 and 287.24 of the Wisconsin Statutes and Chapters NR 542 and 544 of the Wisconsin Administrative Code, for the purpose of planning, constructing or operating a recycling program with one or more components specified in Section 287.11(2)(a) to (h) of the Wisconsin Statutes.

**NOW, THEREFORE, BE IT RESOLVED**, that Town of Rock hereby authorizes Kristina Bennett, the Town of Rock Clerk/Treasurer, to act on its behalf to submit an application to the Department of Natural Resources for financial assistance under Sections 287.23 and 287.24 of the Wisconsin Statutes and Chapters NR 542, 544 of the Wisconsin Administrative Code; sign any and all necessary documents; and submit a final report.

Adopted at the regular Town Board meeting of the Town of Rock on this 7<sup>th</sup> day of November, 2022.

APPROVED

By: Mark Gunn  
Mark Gunn, Town Chairperson

ATTEST:

Kristina Bennett  
Kristina Bennett, Clerk/Treasurer

RESOLUTION OF THE TOWN BOARD  
OF THE TOWN OF ROCK

WHEREAS, Section 60.22 of 1983 Wisconsin Act 532 requires that the Town Board determine the jurisdiction and duties of the town constable; and

WHEREAS, the Town of Rock has a town constable and the Town Board has determined that the town constable has served a useful purpose for the Town of Rock and believe it is in the best interests of the people of the Town of Rock that the position of town constable continue on and after January 1, 1985, the effective date of 1983 Wisconsin Act 532;

NOW, THEREFORE, on motion duly made, seconded and unanimously adopted, the Town Board of the Town of Rock does hereby resolve as follows:

BE IT RESOLVED that effective as of January 1, 1985, the jurisdiction and duties of the town constable shall include and be limited to the following:

1. The investigation of any and all violations of the ordinances of the Town of Rock at the direction of the Town Board.
2. The reporting to the Town Board and/or the building inspector of the Town of Rock of all violations or suspected violations of ordinances of the Town of Rock.
3. The investigation of alleged violations of the ordinances of the Town of Rock upon the complaint of residents of the Town of Rock and the reporting of all such complaints to the Town Board of the Town of Rock.
4. The reporting of any and all violations or suspected violations of the Wisconsin Statutes and/or the ordinances of the County of Rock to the Rock County Sheriff's Department.
5. The reporting of accidents occurring within the Town of Rock to the appropriate authorities.
6. Responding to reports of accidents within the Town of Rock to assist in the investigation of the accident,



traffic control, and other steps required for the safety of the public at large.

7. Securing animals running at large and to dispose of such animals as appropriate.
8. Assisting other law enforcement agencies upon such law enforcement agency's specific request for assistance in investigating accidents and/or traffic or ordinance violations, traffic control and the rendering of such other mutual aid as is required for the safety of the public at large.

Dated this 30<sup>th</sup> day of November, 1984.

TOWN OF ROCK

BY: John H. Lee  
John H. Lee, Town Chairman

BY: Richard O'Leary  
Richard O'Leary, Town Supervisor

BY: Ronald Combs  
Ronald Combs, Town Supervisor

Attest:

Virginia Skelly  
Virginia Skelly, Town Clerk

TOWN OF ROCK  
COUNTY OF ROCK  
STATE OF WISCONSIN

RESOLUTION NO. 2012-01


RESOLUTION TO ESTABLISH LAND DIVISION FEES


The Town Board of the Town of Rock, Rock County, Wisconsin, hereby adopts the following resolution:

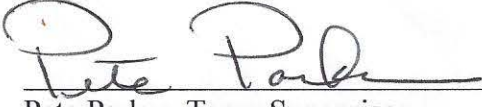
**BE IT RESOLVED** that the Fee for an Adjacent Land Sale or Transfer pursuant to Section 5 of the Town of Rock Land Division and Development Ordinance is hereby established to be \$ 150.00, plus the amount of any out-of-pocket expenses incurred by the Town of Rock for review of the proposed adjacent land sale or transfer by third party professionals (e.g., surveyor, engineer, land use planner, etc.).

**BE IT FURTHER RESOLVED** that the Fee for a Lot Combination pursuant to Section 6 of the Town of Rock Land Division and Development Ordinance is hereby established to be \$ 150.00, plus the amount of any out-of-pocket expenses incurred by the Town of Rock for review of the proposed lot combination by third party professionals (e.g., surveyor, engineer, land use planner, etc.).

This resolution is adopted by the Town Board of the Town of Rock, Rock County, Wisconsin, this 4<sup>th</sup> day of September, 2012.


  
\_\_\_\_\_  
Mark Gunn, Town Chairperson

  
\_\_\_\_\_  
Dean Connell, Town Supervisor

  
\_\_\_\_\_  
Pete Parker, Town Supervisor

**CERTIFICATION**

I hereby certify that the above resolution was adopted by the Town Board of the Town of Rock on the 4<sup>th</sup> day of September, 2012, and on the 5<sup>th</sup> day of September, 2012, copies of the above resolution were posted by me in three (3) public places in the Town of Rock, Rock County, Wisconsin.



Deborah Bennett, Town Clerk  
Town of Rock, Rock County, Wisconsin

Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Notary Public, Rock County, Wisconsin  
My Commission is permanent  
or expires: \_\_\_\_\_

111e

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF ROCK ADOPTING  
THE TOWN OF ROCK PARK AND OUTDOOR RECREATION PLAN

WHEREAS, Section 15.31(4) of the Rock County Land Division Regulations dated April 8, 1982, require that a township adopt a park and outdoor recreation plan in order to receive money-in-lieu of dedicated lands; and

WHEREAS, it is the desire of the Town of Rock to receive such money-in-lieu of lands whenever such monies are required to be paid by developers of land divisions within the boundaries of the Town of Rock; and

WHEREAS, this plan will satisfy the minimum requirements for town park and outdoor recreation plans set forth in Section 15.31(4)(c) of the Rock County Land Division Regulations dated April 8, 1982;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Rock hereby adopts the Town of Rock Park and Outdoor Recreation Plan, a true and correct copy of which is attached hereto as Exhibit "1" and incorporated herein as though fully set forth;

BE IT FURTHER RESOLVED that all money-in-lieu of dedicated lands received by the Town of Rock shall be held in a separate account entitled Town of Rock Park and Outdoor Recreation Areas and shall be expended for purchases of recreational land, recreational facilities or physical improvements which are consistent with the attached Town of Rock Park and Outdoor Recreation Plan or any amendments thereto.

Dated this 6th day of July, 1982.

TOWN OF ROCK:

By: John H. Lee  
John H. Lee, Town Chairman

By: Richard O'Leary  
Richard O'Leary, Town Supervisor

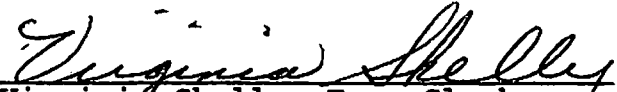
By: Lorren K. Scott  
Lorren Scott, Town Supervisor

CERTIFICATION

This is to certify that this resolution is a true and

and correct copy of the original as passed by the Town Board of the Town of Rock at a meeting of said Board held in the Town Hall at Afton, Wisconsin, on Tuesday, July 6, 1982.

Given under my hand and official seal of the Town of Rock, Rock County, Wisconsin, this 6th day of July, 1982.

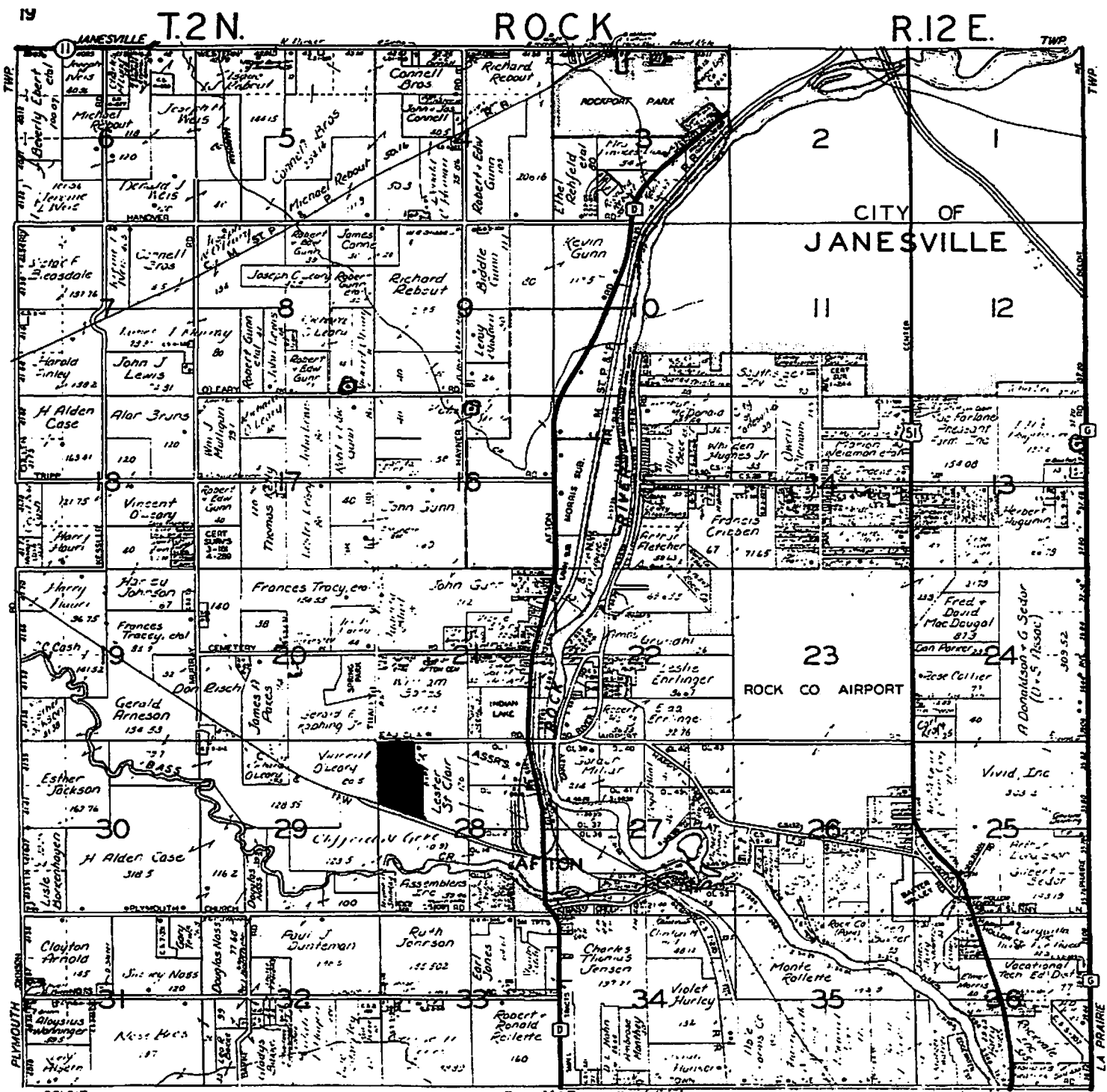
  
Virginia Skelly, Town Clerk

TOWN OF ROCK  
PARK AND OUTDOOR RECREATION PLAN

1. PURPOSE. The purpose of this plan, hereinafter designated The Town of Rock County Park and Outdoor Recreation Plan, is to identify present and future town park sites and to establish and prioritize proposed capital improvements for said park sites so as to qualify the Town of Rock to receive money-in-lieu of park land pursuant to Section 15.31(4) of the Rock County Land Division Regulations dated April 8, 1982.

2. TOWN PARK SITES. A map of the Town of Rock indicating the size and location of existing and proposed geographic areas for town park and recreation areas is attached hereto as Exhibit "A" and incorporated herein as though fully set forth and is hereby expressly made a part of the Town of Rock Park and Outdoor Recreation Plan.

3. PROPOSED IMPROVEMENTS. A list of capital improvements for the existing and proposed town park and recreation areas designated on Exhibit "A" is attached hereto as Exhibit "B" and incorporated herein as though fully set forth and is hereby expressly made a part of the Town of Rock Park and Outdoor Recreation Plan.



- Existing site
- ▨ Proposed site

Prioritized List of Proposed Capital  
Improvements for Rock Township Park

1. Permanent restroom facilities.
2. Bike trails.
3. Tennis Courts.
4. Hiking trails.
5. Horseback trails.
6. Snowmobile trails.
7. Baseball diamonds and related facilities.
8. Picnic areas and related facilities.
9. Cross Country ski trails.
10. Park Pavilion.
11. Facilities and related equipment for forestry projects and training programs for Boy Scouts, Girl Scouts and similar organizations.
12. Mini-golf range.



R E S O L U T I O N

Town of Rock, Rock County, Wisconsin

WHEREAS, the Town of Rock adopted a street address system whereby all residences and places of business are each assigned an address number, and

WHEREAS, the adopted system numbers all north-south roads from State Trunk Highway 11 west of Janesville, Wisconsin, as base line zero, and numbers all east-west roads from Prairie Road on the east line of Rock Township as base line zero, and

WHEREAS, the system will not function if a road name is the duplicate of any road or street name in the Janesville area, nor will it function properly without a directional prefix to some road names.

NOW THEREFORE BE IT RESOLVED, that the following road names be changed and adopted for legal mailing addresses:

No.	Old Road Name	New Road Name	Section	From	To
1	Kessler Rd.	Lowry Rd.	18-19	Plymouth Twp.	Kessler Rd.
2	Cullen Rd.	Johnson Rd.	7-18	Tripp Rd.	Hanover Rd.
3	Kessler Rd.	Johnson Rd.	19-30-31	Beloit Twp.	N. Line Section 19
4	Town Line Rd.	W. Town Line Rd.	34-35-36	La Prairie Twp.	Afton Rd.
5	Bass Creek Rd.	Dugan Rd.	27	Beloit Twp.	Bass Creek Rd.
6	Unnamed	Bass Creek Rd.	28	Afton Rd.	To West
7	Unnamed	Bass Creek Rd.	26-27	Dugan Rd.	To East
8	Airport Rd.	Happy Hollow Rd.	22-27	Happy Hollow Rd.	S. River Rd.
9	Unnamed	Ehrlinger Rd.	22	S. River Rd.	To East
10	Avalon Rd.	W. Avalon Rd.	13-14-15	LaPrairie Twp.	Rock River
11	Unnamed	Merdon Rd.	14	W. Avalon Rd.	To South
12	Oakhill Ave.	Knilians Rd.	14	South U.S.H. 51	S. Oakhill Ave.
13	U.S.H. 51	South U.S.H. 51	13-24-25-36	Janesville	Beloit Twp.
14	Unnamed	Driftwood Dr.	25-26	South U.S.H. 51	Happy Hollow Rd.
15	Wood Lane	Baxterwood Lane	25	Happy Hollow Rd.	Baxter Lane
16	Wedgewood Dr.	W. Sunny La.	25-26-35-36	Baxter La.	To West
17	Sunny La.	W. Sunny La.	25-36	LaPrairie Twp.	South U.S.H. 51
18	Prairie Rd.	C.T.H. "G"	13-24-25-36	Janesville	Beloit Twp.
1-7-74	- - - - -	Seventh St.	28	Afton Rd	To West

Adopted this 12<sup>th</sup> day of August, 1971.

ATTEST: \_\_\_\_\_ APPROVED \_\_\_\_\_

Virginia Skelly  
Town Clerk  
Town of Rock

John H. Lee  
Town Chairman  
Town of Rock

**TOWN OF ROCK  
RESOLUTION NO: 2008-02**

**RESOLUTION FOR INSTALLATION OF STORM WATER CULVERT**

The Town Board of the Town of Rock, Rock County, Wisconsin, hereby adopts the following resolution:

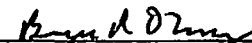
**BE IT RESOLVED** by the Town Board of the Town of Rock, Rock County, Wisconsin that:

- (1) The Town of Rock shall cause the installation of storm water culverts at the following addresses: 3319 West Bass Creek Road; 3734 West Bass Creek Road; 3327 West Bass Creek Road; and 3309 West Bass Creek Road, in the Town of Rock, Rock County, Wisconsin.
- (2) The actual cost of such installation shall be charged as a special charge to the property served pursuant to Wis. Stat. § 66.0627.
- (3) All special charges shall be due and payable with the 2009 tax bills. Any charge not paid when due shall become a lien upon the property assessed as of the date of the delinquency and shall be extended on the next tax roll as delinquent tax against the property.
- (4) The Town Clerk shall mail a copy of this resolution to the owner of each parcel charged for the cost of the storm water culvert installation whose post office is known or can with reasonable diligence be ascertained, together with a statement of the amount charged against the particular parcel.

This resolution is adopted by the Town Board of the Town of Rock, Rock County, Wisconsin, this 3rd day of November, 2008.

TOWN OF ROCK

BY:   
Mark Gunn, Town Chairperson

BY:   
Bryce O'Leary, Town Supervisor

BY:   
Dean Connell, Town Supervisor

I hereby certify that the above resolution was adopted by the Town Board of the Town of Rock on the 3<sup>rd</sup> day of November, 2008, and on the \_\_\_\_\_ day of November, 2008, copies of the above resolution were posted by me in three (3) public places in the Town of Rock, Rock County, Wisconsin.

\_\_\_\_\_  
Deborah Bennett, Town Clerk  
Town of Rock, Rock County, Wisconsin

Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Notary Public, Rock County, Wisconsin  
My Commission is permanent  
or expires: \_\_\_\_\_

**TOWN OF ROCK**

**TOWN MEETING DIRECTIVE**


Pursuant to Section 60.10(1)(c)2. of the Wisconsin Statutes, the Annual Town Meeting of the Town of Rock, Rock County, Wisconsin, directs that all candidates in the Town of Rock for elective town offices be nominated at a nonpartisan primary election under Section 8.05(3)(a) of the Wisconsin Statutes.

ADOPTED this 13<sup>th</sup> day of April, 2010.

**CERTIFICATION**

I hereby certify that the above directive was adopted by the majority of the electors voting at the annual town meeting convened on the 13<sup>th</sup> day of April, 2010, and that on the 14<sup>th</sup> day of April, 2010, a copy of the above resolution was posted in three places in the Town of Rock as follows:

1. 5102 South County Road D, Afton, Wisconsin
2. Afton Post Office, Afton, Wisconsin
3. M&I Bank, U.S. Highway 51, Janesville, Wisconsin

  
Deborah Bennett, Town Clerk  
Town of Rock, Rock County, Wisconsin

Subscribed and sworn to before me this  
\_\_\_\_\_ day of May, 2010.

\_\_\_\_\_  
Notary Public, Rock County, Wisconsin  
My commission is permanent  
or expires: \_\_\_\_\_