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## CHAPTER 1 – GENERAL PROVISIONS

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### Use and Construction of Code of Ordinances

- 1.01** Title of Code; Citation
- 1.02** Principles of Construction
- 1.03** Conflict of Provisions
- 1.04** Separability of Provisions
- 1.05** Effective Date of Ordinances
- 1.06** Town Clerk to Maintain Copies of Documents Incorporated by Reference

### Use of Citation

- 1.07** Adoption and Content
- 1.08** Deposits/Bond
- 1.09** Issuance of Citation; Service; Procedures
- 1.10** General Penalty
- 1.11** Continued Violations
- 1.12** Relationship to Other Laws
- 1.13** Severability

### Use and Construction of Code of Ordinances

#### **Section 1.01 Title of Code; Citation.**

These collected Ordinances shall be known and referred to as the “Code of Ordinances, Town of Union, Rock County, Wisconsin.” References to the Code of Ordinances, Town of Union, Rock County, Wisconsin, shall be cited as follows (sample): “Section 1.10, Code of Ordinances, Town of Union, Rock County, Wisconsin.”

#### **Section 1.02 Principles of Construction.**

The following rules or meanings shall be applied in the construction and interpretation of ordinances codified in this Code of Ordinances unless such application would be clearly inconsistent with the plain meaning or intent of the ordinances:

- (a) **Acts by Agents.** When an ordinance requires an act be done by a person which may be legally performed by an authorized agent of that principal person, the requirement shall be construed to include all acts performed by such agents.
- (b) **Code and Code of Ordinances.** The words, “Codes,” “Code of Ordinances” and “Municipal Code” when used in any section of this Code shall refer to this Code of Ordinances of the Town of Union unless the context of the section clearly

- indicates otherwise.
- (c) **Computation of Time.** In computing any period of time prescribed or allowed by these Ordinances, the day of the act or event from which the period of time begins to run shall not be included, but the last day of the period shall be included, unless it is a Saturday, a Sunday or a legal holiday. If the period of time prescribed or allowed is less than seven (7) days, Saturdays, Sundays and legal holidays shall be excluded in the computation. As used in this Section, “legal holiday” means any statewide legal holiday specified by state law.
  - (d) **Fine.** The term “fine” shall be the equivalent of the word “forfeiture,” and vice versa.
  - (e) **Gender.** Use has been made of masculine pronouns in these Ordinances solely for the sake of brevity. Unless specifically stated to the contrary, this Code of Ordinances is gender neutral and words in these Ordinances referring to the masculine gender shall also be construed to apply to females, and vice versa.
  - (f) **General Rule.** All words and phrases shall be construed according to their plain meaning in common usage. However, words or phrases with a technical or special meaning shall be understood and construed according to that technical or special meaning if such is the intent of the Ordinances.
  - (g) **Joint Authority.** All words purporting to give a joint authority to three (3) or more Town officers or employees shall be construed as giving such authority to a majority of such officers or other persons.
  - (h) **Officers.** The term “officers” shall refer solely to local offices created by State statute.
  - (i) **Officials.** The term “officials” shall mean all Town officers and employees.
  - (j) **Person.** The word “person” shall mean any of the following entities: natural persons, corporations, partnerships, associations, limited liability companies, firms, bodies politic, joint venture, joint stock company, association, public or private corporation, the United States, the State of Wisconsin, including any unit or division thereof, any county, city, village, town, municipal utility, municipal power district or other governmental unit, cooperative, estate, trust, receiver, executor, administrator, any other fiduciary, any representative appointed by order of any court or otherwise acting on behalf of others, or any other entity of any kind which is capable of being sued (includes singular as well as plural).
  - (k) **Repeal.** When any ordinance having the effect of repealing a prior ordinance is itself repealed, such repeal shall not be construed to revive the prior ordinance or any part thereof, unless expressly so provided.
  - (l) **Singular and Plural.** Every word in these Ordinances referring to the singular number only shall also be construed to apply to several persons or things, and every word in these Ordinances referring to a plural number shall also be construed to apply to one (1) person or thing.
  - (m) **Tense.** The use of any verb in the present tense shall not preclude the interpretation of the verb in the future tense where appropriate.
  - (n) **Town.** The term “Town” shall mean the Town of Union, Rock County, Wisconsin.
  - (o) **Wisconsin Statutes.** The term “Wisconsin Statutes” and its abbreviation as “Wis. Stats.” shall mean, in these Ordinances, the Wisconsin Statutes as of the adoption

of this Code, as amended from time to time.

- (p) **Wisconsin Administrative Code.** The term “Wisconsin Administrative Code” and its abbreviation as “Wis. Adm. Code” shall mean the Wisconsin Administrative Code as of the adoption of this Code, as amended or renumbered from time to time.

**Section 1.03                    Conflict of Provisions.**

- (a) If the provisions of different chapters conflict with each other, the provisions of each individual chapter shall control all issues arising out of the events and persons intended to be governed by that chapter.
- (b) If the provisions of different sections of the same chapter conflict with each other, the provision which is more specific in its application to the events or persons raising the conflict shall control over the more general provision.

**Section 1.04                    Separability of Provisions.**

If any provision of this Code of Ordinances is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other provisions of these Ordinances.

**Section 1.05                    Effective Date of Ordinances.**

- (a) **Code.** The Code of Ordinances, Town of Union, Rock County, Wisconsin shall take effect as provided by state law.
- (b) **Subsequent Ordinances.** All Ordinances passed by the Town Board subsequent to the adoption of the Code of Ordinances, except when otherwise specifically provided, shall take effect the day after publication or posting or at a later date as expressly provided in the ordinance, resolution, motion or action.

*State Law Reference:*            Sec. 60.80 and 66.0103, Wis. Stats.

**Section 1.06                    Town Clerk to Maintain Copies of Documents Incorporated by Reference.**

Whenever any standard code, rule, regulation, statute or other written or printed matter is adopted by reference, it shall be deemed incorporated in this Code as if fully set forth herein and the Town Clerk shall maintain in his/her office a copy of any such material as adopted and as amended from time to time. Materials on file at the Town Clerk's office shall be considered public records open to reasonable examination by any person during the office hours of the Town Clerk subject to such restrictions on examination as the Town Clerk imposes for the preservation of the material.

## Use of Citation

### Section 1.07 Adoption and Content

- A. Pursuant to § 66.0113, Wis. Stats, The Board of Supervisors (“Board”) of the Town of Union, authorizes the use of citations to be issued for violations of Ordinances, including ordinances for which a statutory counterpart exists.
- B. A citation issued under (A) shall be in a form that provides the following:
1. The name and address of the alleged violator;
  2. The factual allegations describing the alleged violation;
  3. The time and place of the offense;
  4. The section of the Ordinance violated;
  5. A designation of the offense in a manner that can be readily understood by a person making a reasonable effort to do so;
  6. The time at which the alleged violator may appear in court;
  7. A statement that in essence informs the alleged violator of all the following:
    - a. That the alleged violator may make a cash deposit of a specified amount to be mailed to a specified official within a specified time;
    - b. That if the alleged violator makes a cash deposit, he or she need not appear in court unless subsequently summoned;
    - c. That if the alleged violator makes a cash deposit and does not appear in court, he or she either will be deemed to have tendered a plea of no contest and submitted to a forfeiture, plus costs, fees, and surcharges imposed under Chapter 814, Wis. Stats., not to exceed the amount of the deposit, or will be summoned into court to answer the complaint if the court does not accept the plea of no contest;
    - d. That if the alleged violator does not make a cash deposit and does not appear in court at the time specified, the court may issue a summons or a warrant for the defendant’s arrest or consider the nonappearance to be a plea of no contest and enter judgment under § 66.0113(3)(d), Wis. Stats., or the municipality may commence an action against the alleged violator to collect the forfeiture, plus costs, fees, and surcharges imposed under Chapter 814, Wis. Stats.;
    - e. That if the court finds that the violation involves an offense that prohibits conduct prohibited by State statute punishable by fine or imprisonment or both, the violation resulted in property damage or physical injury to a person other than the alleged violator, the court may summon the defendant into court to determine if restitution shall be ordered under § 800.093 (Municipal Court), Wis. Stats.;
    - f. A direction that if the alleged violator elects to make a cash deposit, the alleged violator shall sign an appropriate statement that accompanies the citation to indicate that he or she read the statement required under § 66.0113(1)(b)(7), Wis. Stats., and shall send the signed statement with the cash deposit;

- g. Any other information as may be deemed necessary.

**Section 1.08 Deposits/Bond**

- A. Establishment of deposit schedule. The municipal judge shall establish and submit to the Board for approval, in accordance with Wis. Stats. § 800.03(3), a schedule of deposits for violations of Town Ordinances, except traffic regulations which are governed by Wis. Stats. § 345.27, and boating violations which are governed by Wis. Stats. § 23.67. When approved by the Board, such deposit schedule shall be posted in the office of the municipal court clerk and the Town police departments, if any.
- B. Adoption of State Uniform Bond Schedule. The Board adopts the State of Wisconsin Uniform Bond Schedule, unless other forfeitures or remedies are set forth in Town of Union Ordinances. In any instance for which there is no specific forfeiture or penalty, the general penalties specified in Chapter 1.03 of this Code of Ordinances shall apply.
- C. Stipulations and deposit in lieu of court appearance. Persons cited for violations of Town Ordinances, resolutions or bylaws for which a deposit has been established under this section shall be permitted to make a stipulation of no contest and a deposit in lieu of court appearance as provided in Wis. Stats. §§ 800.03, 800.04 and 800.09.
- D. Cases where not permitted. Stipulations and deposits may not be permitted after initial appearance unless otherwise approved by the court.

**Section 1.09 Issuance of Citation; Service; Procedures**

- A. The Board may, from time to time, designate certain officials to issue citations with respect to those specific ordinances which are related to their official responsibilities. This subsection specifically grants to such officials, pursuant to any Board resolution, the authority to issue citations under the terms of this Chapter.
- B. Service of citations shall be made pursuant to the provisions of § 800.01, Wis. Stats.
- C. Procedures in § 66.0113(3) and Chapter 800, Wis. Stats., and any subsequent revisions relating to adjudication of Ordinance violations are incorporated by reference.

**Section 1.10 General Penalty**

Except as otherwise provided, any person who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty which shall be as follows:

- A. First Offense. Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than five dollars (\$5.00) nor more than five hundred dollars (\$500.00), together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution shall be

imprisoned in the County jail until such forfeiture and costs are paid, but not exceeding ninety (90) days.

- B. Second and Subsequent Offenses. Any person found guilty of violating any ordinance or part of an ordinance of this Code who has previously been convicted of a violation of the same ordinance within one (1) year shall, upon conviction thereof, forfeit not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00) for each such offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the County jail until such forfeiture and costs are paid but not exceeding six months.

### **Section 1.11 Continued Violations**

Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

### **Section 1.12 Relationship to Other Laws**

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

### **Section 1.13 Severability**

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

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## **Section 2.26 Town Plan Commission**

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The Town Board of the Town of Union, Rock County, Wisconsin, does ordain as follows:

(1) Title

This ordinance is entitled the **Town of Union Plan Commission Ordinance**.

(2) Purpose

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

(3) Authority; Establishment

The Town Board of the Town of Union, having been authorized by the Town meeting under sec. 60.10(2)(c), Wis. Stats., to exercise village powers, hereby exercises village powers under sec. 60.22(3), Wis. Stats., and establishes a seven (7) member Plan Commission under secs. 61.35 and 62.23, Wis. Stats. The Plan Commission shall be considered the "Town Planning Agency" under secs. 236.02(13) and 236.45, Wis. Stats., which authorize, but do not require, Town adoption of a subdivision or other land division ordinance.

**It is the intent of this Ordinance to replace and repeal all other Ordinances or rules inconsistent herewith and to hereby replace and remove the Town of Union Planning & Zoning Committee.**

(4) Membership

The **Plan Commission** shall consist of seven (7) Town of Union electors, three of which shall be citizen members who are not municipal officials. Citizen members shall be persons of recognized experience and qualifications.

(5) Appointments

The Town Board shall appoint the members of the Plan Commission and designate a Plan Commission Chairperson during the month of April to fill any expiring term. Any citizen appointed to the Plan Commission shall take and file the oath of office within five (5) days of notice of appointment, as provided under secs. 19.01 and 60.31, Wis. Stats.

(6) Terms of Office (With Member Terms Staggered)

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

- A. Initial Terms. If the initial appointments to the Plan Commission are made during April, the citizen members shall be appointed for staggered terms as follows: three (3) persons for a term that expires in one (1) year; two (2) persons for a term that expires in two (2) years; and two (2) persons for a term that expires in three (3) years. After the initial appointments, appointments shall be made for those expiring terms for three (3) years.
- B. Initial appointment for the Plan Commission will be made from members of the previously existing Town of Union Planning & Zoning Committee who have remaining years on their terms. Their length of term will be identical to the number of years remaining on their Planning & Zoning Committee term. Newly appointed members to the Plan Commission will fill the remaining openings with staggered terms listed above.

(7) Vacancies

A person who is appointed to fill a vacancy on the Plan Commission shall serve for the remainder of the

term.

(8) Compensation; Expenses

The Town Board of the Town of Union shall, by resolution adopted from time to time, set a per diem allowance for the members of the Plan Commission, as allowed under sec. 66.0501(2), Wis. Stats. In addition, the Town Board may reimburse reasonable costs and expenses, as allowed under sec. 60.321, Wis. Stats.

(9) Member Attendance

Any Plan Commission member not attending at least 75% of all scheduled meetings for a year may be removed from membership of the Plan Commission by resolution of the Town Board.

(10) Experts & Staff

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

(11) Rules; Records

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

Meeting minutes shall be maintained by the Secretary of the Plan Commission. All original documents shall be provided to and held by the Town Clerk.

(12) Chairperson & Officers

- A. Chairperson. The Plan Commission Chairperson shall be appointed by the Town Board and serve a term as provided in Section 2.25(5) and Section 2.25(6) of this ordinance. The Chairperson shall, subject to Town ordinances and Commission rules:
1. provide leadership to the Commission;
  2. set Commission meeting and hearing dates;
  3. provide notice of Commission meetings and hearings and set their agendas, personally or by his or her designee;
  4. preside at Commission meetings and hearings; and
  5. ensure that the laws are followed.
- B. Vice Chairperson. The Plan Commission may elect, by open vote or secret ballot under sec. 19.88(1), Wis. Stats., a Vice Chairperson to act in the place of the Chairperson when the Chairperson is absent or incapacitated for any cause.
- C. Secretary. The Plan Commission shall elect, by open vote or secret ballot under sec. 19.88(1), Wis. Stats., one of its members to serve as Secretary, or, with the approval of the Town Board, designate the Town Clerk or other Town officer or employee as Secretary.

(13) Commission Members as Local Public Officials

All members of the Plan Commission shall faithfully discharge their official duties to the best of their abilities, as provided in the oath of office, sec. 19.01, Wis. Stats., in accordance with, but not limited to, the provisions of the Wisconsin Statutes on:

Public Records, secs. 19.21-19.39; Code of Ethics for Local Government Officials, secs. 19.42, 19.58 & 19.59; Open Meetings, secs. 19.81-19.89; Misconduct in Office, sec. 946.12; and Private Interests in Public Contracts, sec. 946.13. Commission members shall further perform their duties in a fair and rational manner, and avoid arbitrary actions and conflicts of interest..

(14) General & Miscellaneous Powers

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



- A. Necessary to enable it to perform its functions and promote Town planning.
  - B. To make reports and recommendations relating to the plan and development of the Town to the Town Board, other public bodies, citizens, public utilities and organizations.
  - C. To recommend to the Town Board programs for public improvements and the financing of such improvements.
  - D. To receive from public officials, within a reasonable time, requested available information required for the Commission to do its work.
  - E. For itself, its members and employees, in the performance of their duties, to enter upon land, make examinations and surveys, and place and maintain necessary monuments and marks thereon. However, entry shall not be made upon private land, except to the extent that the private land is held open to the general public, without the permission of the landowner or tenant. If such permission has been refused, entry shall be made under the authority of an inspection warrant issued for cause under sec. 66.0119, Wis. Stats., or other court-issued warrant.
- (15) Town Master Planning & Comprehensive Planning: General Authority & Requirements
- A. The Plan Commission, under sec. 62.23(2), Wis. Stats., shall, except as provided in Section 2.25(15)B, have authority over the Zoning Ordinance originally adopted in May of 1979, and any amendments thereto or replacements thereof along with its accompanying maps, plats, charts and descriptive and explanatory matter.
  - B. The Plan Commission shall make and adopt a Comprehensive Plan under secs. 62.23 and 66.1001, Wis. Stats., which contains the elements specified in sec. 66.1001(2), Wis. Stats, and follows the procedures in sec. 66.1001(4), Wis. Stats.
  - C. Regardless of whether the Town has a Master Plan under sub. (1) of this section, or is developing one, the Plan Commission shall make and adopt a comprehensive plan under Section 2.25(15)A of this section and the comprehensive planning law, sec. 66.1001, Wis. Stats., within the time period directed by the Town Board, but not later than a time sufficient to allow the Town Board to review the plan and pass an ordinance adopting it to take effect on or before January 1, 2010, so that the Town comprehensive plan is in effect by the date on which any Town program or action affecting land use must be consistent with the Town comprehensive plan under sec. 66.1001(3), Wis. Stats.
  - D. In this section the requirement to “make” the plan means that the Plan Commission shall ensure that the plan is prepared, and oversee and coordinate the preparation of the plan, whether the work is performed for the Town by the Plan Commission, Town staff, another unit of government, the regional planning commission, a consultant, citizens, an advisory committee, or any other person, group or organization.
- (16) Procedure for Plan Commission Adoption & Recommendation of a Town Comprehensive Plan or Amendment

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

- A. Public participation verification. The Plan Commission shall verify that the Town Board has adopted written procedures designed to foster public participation in every stage of preparation of the comprehensive plan. These written procedures shall include open discussion, communication programs, information services and noticed public meetings. These written procedures shall further provide for wide distribution of proposed, alternative or amended elements of a comprehensive plan and shall provide an opportunity for written comments to be submitted by members of the public to the Town Board and for the Town Board to respond to such written comments.
- B. Resolution. The Plan Commission, under sec. 66.1001(4)(b), Wis. Stats., shall recommend its proposed comprehensive plan or amendment to the Town Board by adopting a resolution by a majority vote of the entire Plan Commission. The vote shall be recorded in the minutes of the Plan Commission. The resolution shall refer to maps and other descriptive materials that

relate to one or more elements of the comprehensive plan. The resolution adopting a comprehensive plan shall further recite that the requirements of the comprehensive planning law have been met, under sec. 66.1001, Wis. Stats., namely that:

1. the Town Board adopted written procedures to foster public participation and that such procedures allowed public participation at each stage of preparing the comprehensive plan;
  2. the plan contains the nine (9) specified elements and meets the requirements of those elements;
  3. the (specified) maps and (specified) other descriptive materials relate to the plan;
  4. the plan has been adopted by a majority vote of the entire Plan Commission, which the clerk or secretary is directed to record in the minutes; and
  5. the Plan Commission clerk or secretary is directed to send a copy of the comprehensive plan adopted by the Commission to the governmental units specified in sec. 66.1001(4), Wis. Stats., and Section 2.25(16)C of this section.
- C. Transmittal. One copy of the comprehensive plan or amendment adopted by the Plan Commission for recommendation to the Town Board shall be sent to:
1. Every governmental body that is located in whole or in part within the boundaries of the Town, including any school district, Town sanitary district, public inland lake protection and rehabilitation district or other special district.
  2. The clerk of every city, village, town, county and regional planning commission that is adjacent to the Town.
  3. The Wisconsin Land Council.
  4. After September 1, 2003, the Department of Administration.
  5. The regional planning commission in which the Town is located.
  6. The public library that serves the area in which the Town is located.

#### (17) Plan Implementation & Administration

1. Ordinance development. If directed by resolution or motion of the Town Board, the Plan Commission shall prepare the following:
  - a. Zoning. A proposed Town zoning ordinance under village powers, secs. 60.22(3), 61.35 and 62.23(7), Wis. Stats., a Town construction site erosion control and stormwater management zoning ordinance under sec. 60.627(6), Wis. Stats., a Town exclusive agricultural zoning ordinance under subch. V of ch. 91, Wis. Stats., and any other zoning ordinance within the Town's authority.
  - b. Official map. A proposed official map ordinance under sec. 62.23 (6), Wis. Stats.
  - c. Subdivisions. A proposed Town subdivision or other land division ordinance under sec. 236.45, Wis. Stats.
  - d. Other. Any other ordinance specified by the Town Board (Note: e.g., historic preservation, design review, site plan review).
2. Ordinance amendment. The Plan Commission, on its own motion, or at the direction of the Town Board by its resolution or motion, may prepare proposed amendments to the Town's ordinances relating to comprehensive planning and land use.
3. Non-regulatory programs. The Plan Commission, on its own motion, or at the direction of the Town Board by resolution or motion, may propose non-regulatory programs to implement the comprehensive plan, including programs relating to topics such as education, economic development and tourism promotion, preservation of natural resources through the acquisition of land or conservation easements, and capital improvement planning.
4. Program administration. The Plan Commission shall, pursuant to Town ordinances, have the following powers.
  - a. Zoning conditional use permits. The building inspector shall refer applications for conditional use permits under Town zoning to the Plan Commission for review and recommendation to the Town Board as provided under Section 16.03 of the Town of Union Zoning Ordinance.

- b. Subdivision review and other land divisions (excluding A1, A2 & A3 Conditional user permit land divisions). Proposed plats under ch. 236, Wis. Stats, and proposed subdivisions or other land divisions under the Town Land Division ordinance under sec. 236.45, Wis. Stats. and CHAPTER 16 - Land Division, of the Town ordinances shall be referred to the Plan Commission for review and recommendation to the Town Board.
  - c. Zoning Changes. The building inspector shall refer applications for zoning changes to the Plan Commission for review and recommendation to the Town Board as provided in the Town of Union's Land Division Ordinance.
  - d. A1, A2 & A3 Conditional Uses Permit Land Divisions. The building inspector shall refer applications for A1, A2 & A3 Conditional Use Permits to the Plan Commission to review and make a final decision to grant or deny. No Town Board action is required.
  - e. Temporary Use Permits. The building inspector shall refer applications for Temporary Use Permits as described in the Town Zoning Ordinance to the Plan Commission to review and make a final decision to grant or deny. No Town Board action is required.
  - f. Conditional Use Permits. The building inspector shall refer applications for all other types of Conditional Use Permit original requests and renewals to the Plan Commission to review and make a final decision to grant or deny. No Town Board action is required.
5. Consistency. Any ordinance, amendment or program proposed by the Plan Commission, and any Plan Commission approval, recommendation for approval or other action under Town ordinances or programs that implement the Town's comprehensive plan under secs. 62.23 and 66.1001, Wis. Stats, shall be consistent with that plan as of January 1, 2010. If any such Plan Commission action would not be consistent with the comprehensive plan, the Plan Commission shall use this as information to consider in updating the comprehensive plan.

(18) Referrals to the Plan Commission

- A. Required referrals under sec. 62.23(5), Wis. Stats. The following shall be referred to the Plan Commission for report and recommendation to the Town Board:
  - 1. The location and architectural design of any public building.
  - 2. The location of any statue or other memorial.
  - 3. The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any
    - a. street, alley or other public way;
    - b. park or playground;
    - c. airport;
    - d. area for parking vehicles; or
    - e. other memorial or public grounds.
  - 4. The location, extension, abandonment or authorization for any publicly or privately owned public utility.
  - 5. All plats under the Town's jurisdiction under ch. 236, Wis. Stats., including divisions under a Town subdivision or other land division ordinance adopted under sec. 236.45, Wis. Stats.
  - 6. The location, character and extent or acquisition, leasing or sale of lands for
    - a. public or semi-public housing;
    - b. slum clearance;
    - c. relief of congestion; or
    - d. vacation camps for children.
  - 7. The amendment or repeal of any ordinance adopted under sec. 62.23, Wis. Stats., including ordinances relating to: the Town Plan Commission; the Town master plan or the Town comprehensive plan under sec. 66.1001, Wis. Stats.; a Town official map; and

Town zoning under village powers.

- B. Required referrals under sections of the Wisconsin Statutes other than sec. 62.23(5), Wis. Stats. The following shall be referred to the Plan Commission for report and recommendation to the Town Board:
1. An application for initial licensure of a child welfare agency or group home under sec. 48.68(3), Wis. Stats.
  2. An application for initial licensure of a community-based residential facility under sec. 50.03(4), Wis. Stats.
  3. Proposed designation of a street, road or public way, or any part thereof, wholly within the jurisdiction of the Town, as a pedestrian mall under sec. 66.0905, Wis. Stats.
  4. Matters relating to the establishment or termination of an architectural conservancy district under sec 66.1007, Wis. Stats.
  5. Matters relating to the establishment of a reinvestment neighborhood required to be referred under sec. 66.1107, Wis. Stats.
  6. Matters relating to the establishment or termination of a business improvement district required to be referred under sec, 66.1109, Wis. Stats.
  7. A proposed housing project under sec. 66.1211(3), Wis. Stats.
  8. Matters relating to urban redevelopment and renewal in the Town required to be referred under subch. XIII of ch. 66, Wis. Stats.
  9. The adoption or amendment of a Town subdivision or other land division ordinance under sec. 236.45(4), Wis. Stats.
  10. Any other matter required by the Wisconsin Statutes to be referred to the Plan Commission.
- C. Required referrals under this ordinance. In addition to referrals required by the Wisconsin Statutes, the following matters shall be referred to the Plan Commission for report and recommendation to the Town Board:
1. Any proposal, under sec. 59.69, Wis. Stats., for the town to approve general county zoning so that it takes effect in the town, or to remain under general county zoning.
  2. Proposed regulations or amendments relating to historic preservation under sec. 60.64, Wis. Stats.
  3. A proposed driveway access ordinance or amendment.
  4. A proposed Town official map ordinance under sec. 62.23(6), Wis. Stats., or any other proposed Town ordinance under sec. 62.23, Wis. Stats., not specifically required by the Wisconsin Statutes to be referred to the commission.
  5. A proposed Town zoning ordinance or amendment adopted under authority separate from or supplemental to sec. 62.23, Wis. Stats., including a Town construction site erosion control and stormwater management zoning ordinance under sec. 60.627(6), Wis Stats., and a Town exclusive agricultural zoning ordinance under subch. V of ch. 91, Wis. Stats.
  6. A proposed extraterritorial zoning ordinance or a proposed amendment to an existing ordinance under sec. 62.23(7a), Wis. Stats.
  7. A proposed boundary change pursuant to an approved cooperative plan agreement under sec. 66.0307, Wis. Stats., or a proposed boundary agreement under sec. 66.0225, Wis. Stats., or other authority.
  8. A proposed zoning ordinance or amendment pursuant to an agreement in an approved cooperative plan under sec. 66.0307(7m), Wis. Stats.
  9. Any proposed contract, for the provision of information, or the preparation of a comprehensive plan, an element of a plan or an implementation measure, between the Town and the regional planning commission, under sec. 66.0309, Wis. Stats., another unit of government, a consultant or any other person or organization.
  10. A proposed ordinance, regulation or plan, or amendment to the foregoing, relating to a mobile home park under sec. 66.0435, Wis. Stats.
  11. A proposed agreement, or proposed modification to such agreement, to establish an airport affected area, under sec. 66.1009, Wis. Stats.

12. A proposed town airport zoning ordinance under sec. 114.136(2), Wis. Stats.
  13. A proposal to create environmental remediation tax incremental financing in the town under sec. 66.1106, Wis. Stats.
  14. A proposed county agricultural preservation plan or amendment, under subch. IV of ch. 91, Wis. Stats., referred by the county to the Town, or proposed Town agricultural preservation plan or amendment.
  15. Any other matter required by any Town ordinance or Town Board resolution or motion to be referred to the Plan Commission.
- D. Discretionary referrals. The Town Board, or other town officer or body with final approval authority or referral authorization under the Town ordinances, may refer any of the following to the Plan Commission for report and recommendation to the Town Board:
1. A proposed county development plan or comprehensive plan, proposed element of such a plan, or proposed amendment to such plan.
  2. A proposed county zoning ordinance or amendment.
  3. A proposed county subdivision or other land division ordinance under sec. 236.45, Wis. Stats., or amendment.
  4. An appeal or permit application under the county zoning ordinance to the county zoning board of adjustment, county planning body or other county body.
  5. A proposed intergovernmental cooperation agreement, under sec. 66.0301, Wis. Stats., or other statute, affecting land use, or a municipal revenue sharing agreement under sec. 66.0305, Wis. Stats.
  6. A proposed plat or other land division under the county subdivision or other land division ordinance under sec. 236.45, Wis. Stats.
  7. A proposed county plan, under sec. 236.46, Wis. Stats., or the proposed amendment or repeal of the ordinance adopting such plan, for a system of town arterial thoroughfares and minor streets, and the platting of lots surrounded by them.
  8. Any other matter deemed advisable for referral to the Plan Commission for report.
- E. Referral period. No final action may be taken by the Town Board or any other officer or body with final authority on a matter referred to the Plan Commission until the Commission has made its report, or thirty (30) days, or such longer period as stipulated by the Town Board, has passed since referral. The thirty (30) day period for referrals required by the Wisconsin Statutes may be shortened only if so authorized by statute. The thirty (30) day referral period, for matters subject to required or discretionary referral under the Town's ordinances, but not required to be referred under the Wisconsin Statutes, may be made subject by the Town Board to a referral period shorter or longer than the thirty (30) day referral period if deemed advisable.
- (19) Meetings. The Plan Commission shall establish an 11-month, monthly meeting schedule for the upcoming year ( e.g., January - November 2007) in September of the current year and present to the Town Board for their approval at the October meeting of the Town Board. No Plan Commission Meetings will be held in December unless required to take action on a previously heard application which would require action within a time period specified by the Town of Union's Land Division Ordinance. New requests will only be heard at regularly scheduled meetings. Special meetings may be called by the presiding officer or upon written request of two commission members. Notice of a special meeting shall be given by personal service to all members at least 24 hours.
- (20) Quorum. Four members shall constitute a quorum to transact any business and formulate its proper action thereon.
- (21) 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.
- (22) Amendments. The Town Board is the public body having authority thereon to change or amend

this Ordinance in accordance with the requirements sec. 66.23 Wis. Stats..

(23) Effective Date

Following passage by the Town Board, this ordinance shall take effect the day after the date of publication or posting as provided by sec. 60.80, Wis. Stats. ADOPTED this 11th day of April, 2006.

 (Town Board Chairperson)  
Kendall Schneider, Chairman

[Published / Posted] this 13 day of April, 20 06.

Attest:

 (Town Clerk)  
Linda O'Leary, Town Clerk

# AFFIDAVIT OF POSTING

## Town of Union Rock County, Wisconsin

I, Linda O'Leary, the Town Clerk of the Town of Union, Rock County, Wisconsin, attest and swear that the following action was posted pursuant to s. 60.80, stats:

### Town of Union Plan Commission Ordinance (Section 2.26)

I Attest and swear that the above noted action was posted as required in the following 3 places in the Town of Union, Rock County, Wisconsin on April 13, 2006:

Worthington Ag Parts, 14904 Bullard Rd. Evansville, WI 53536

Evansville Review, 8409 Hwy 14, Evansville, WI 53536

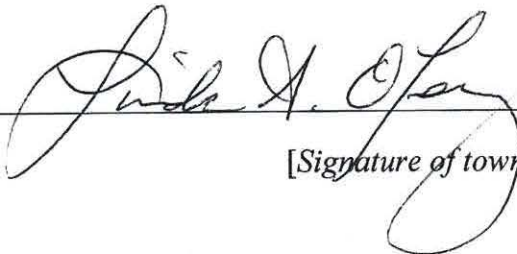
Landmark Services, 6631 N. Cty Rd M, Evansville, WI 53536

I further Attest and swear that the posting of this action occurred at the following times and dates:

<u>3:47</u> a.m. / <u>p.m.</u>	<u>4/13/06</u>	Worthington Ag Parts,
<u>3:35</u> a.m. / <u>p.m.</u>	<u>4/13/06</u>	Evansville Review
<u>4:04</u> a.m. / <u>p.m.</u>	<u>4/13/06</u>	Landmark Services

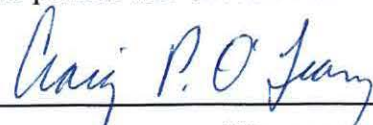
Finally, I attest and swear that I filed this affidavit in the records of the town clerk for the Town of Union on April 13, 2006.

Dated this 13 day of April 2006

  
[Signature of town clerk]

### NOTARY PUBLIC

Personally came before me this 13 day of April, 2006, the Town Clerk of the Town of Union, Rock County. To me known to be the person who executed and acknowledged the foregoing instrument.

  
[Signature of notary public]

Notary Public, State of Wisconsin

SEAL

My commission expires on 1-11-9.

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**Section 5.02 Alcohol Beverages:**  
**Fermented Malt Beverages, Intoxicating liquor and Wine Ordinance**

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ANY AND ALL ORDINANCES OR REGULATIONS OF THE TOWN OF UNION PREVIOUSLY ENACTED INVOLVING CH. 125 OF THE WISCONSIN STATUTES OR RELATED TO THE PROVISION THEREOF ARE HEREBY REPEALED, REVOKED AND ABROGATED AND IN PLACE THEREOF THIS ORDINANCE IS ADOPTED:

**(1) State Statutes Adopted**

The provisions of Chapter 125, Wis. Stats., are hereby adopted by reference and made a part of this Chapter as if fully set forth herein. Any act required to be performed or prohibited by an Statute incorporated herein by reference is required or prohibited by this Chapter unless amended or modified by the provisions of this Ordinance. Any future amendment, revisions or modifications of the Statutes incorporated herein are intended to be made a part of this Chapter in order to secure uniform statewide regulation of alcohol beverage control.

**(2) Definitions**

The definitions set forth in §125.02 Wis. Stats. or in other sections of Chapter 125 are incorporated by reference herein.

**(3) License Required**

No person, firm or corporation shall vend, sell, deal or traffic in or have in their possession with intent to vend, sell, deal or traffic in or, for the purpose of evading any law or ordinance, give away any intoxicating liquor or fermented malt beverage in any quantity whatever, or cause the same to be done, without having procured a license as provided in this Chapter nor without complying with all the provisions of this Chapter, and all statutes and regulations applicable thereto.

**(4) Classes of Licenses**

- A. **Retail "Class A" Intoxicating Liquor License:** A retail "Class A" intoxicating liquor license, when issued by the Town Clerk under the authority of the Town Board, shall permit its holder to sell, deal and traffic in intoxicating liquors only in original packages or containers and to be consumed off the premises so licensed.
- B. **Retail "Class B" Intoxicating Liquor License:** A retail "Class B" intoxicating liquor license, when issued by the Town Clerk under authority of the Town Board, shall permit its holder to sell, deal and traffic in intoxicating liquors to be consumed by the glass only on the premises so licensed and in the original package or container in multiples not to exceed four (4) liters at any one (1) time, to be consumed off the premises, except that wine may be sold in the original package or otherwise in any other quantity to be consumed off the premises.
- C. **Class "A" Fermented Malt Beverage Retailer's License:** A Class "A" retailer's fermented malt beverage license, when issued by the Town Clerk under the authority



- ii. Application: Application for such license shall be signed by the president or corresponding officer of the society or association making such application and shall be filed with the Town Clerk together with the appropriate license fee for each day for which the license is sought. The license shall specify the hours and dates of license validity. The application shall be filed a minimum of fifteen (15) days prior to the meeting of the Town Board at which the application will be considered for events of more than three (3) consecutive days. If the application is for a license to be used in a park, the applicant shall specify the main point of sale facility.

**G. Temporary "Class B" Wine License:**

- i. License: Notwithstanding Sec. 125.68(3), Wis. Stats., temporary "Class B" licenses may be issued to bona fide clubs, to county or local fair associations or agricultural societies, to churches, lodges or societies that have been in existence for at least six (6) months before the date of application and to posts of veterans' organizations authorizing the sale of wine containing not more than six percent (6%) alcohol by volume in an original package, container or bottle or by the glass if the wine is dispensed directly from an original package, container or bottle at a particular picnic or similar gathering, at a meeting of the post, or during a fair conducted by the fair association or agricultural society. No fee may be charged to a person who, at the same time, applies for a temporary Class "B" beer license under Sec. 125.26(6), Wis. Stats., r the same event.
- ii. Application: Application for such license shall be signed by the president or corresponding officer of the society or association making such application and shall be filed with the Town Clerk together with the appropriate license fee for each day for which the license is sought. The license shall specify the hours and dates of license validity. The application shall be filed a minimum of fifteen (15) days prior to the meeting of the Town Board at which the application will be considered for events of more than three (3) consecutive days. If the application is for a license to be used in a park, the applicant shall specify the main point of sale facility.

**H. Retail "Class C" License:**

- i. In this Subsection "barroom" means a room that is primarily used for the sale or consumption of alcohol beverages.
- ii. A "Class C" license authorizes the retail sale of wine by the glass or in an opened original container for consumption on the premises where sold.
- iii. A "Class C" license may be issued to a person qualified under Sec. 125.04(5), Wis. Stats., for a restaurant in which the sale of alcohol beverages accounts for less than fifty percent (50%) of gross receipts and which does not have a barroom if the municipality's quota prohibits the municipality from issuing a "Class B" license to that person. A "Class C" license may not be issued to a foreign corporation or a person acting as agent for or in the employ of another.
- iv. A "Class C" license shall particularly describe the premises for which it is issued.

**(5) License Fees:**

connecting entrances.

- B. **Corporations:** Such application shall be filed and sworn to by the applicant if an individual, by the president and secretary, of a corporation.
- C. **Publication:** The Town Clerk shall publish each application for a Class "A", Class "B", "Class A", "Class B" or "Class C" license. There is no publication requirement for temporary Class "B" picnic beer licenses under Sec. 125.51(10), Wis. Stats. The application shall be published once in the official Town newspaper, and the costs of publication shall be paid by the applicant at the time the application is filed, as determined under Sec. 985.08, Wis. Stats.
- D. **Amending Application:** Whenever anything occurs to change any fact set out in the application of any Licensee, such Licensee shall file with the issuing authority a notice in writing of such change within ten (10) days after the occurrence thereof.
- E. **Quota:** License quotas shall be as prescribed in Chapter 125, Wis. Stats.

(7) **Qualifications of Applicants and Premises:**

- A. **Residence Requirements:** A retail Class "A" or Class "B" fermented malt beverage or "Class A" or "Class B" intoxicating liquor license shall be granted only to persons who are citizens of the United States and who have been residents of the State of Wisconsin continuously for at least ninety (90) days prior to the date of application.
- B. **Applicant to have Malt Beverage License:** No retail "Class B" intoxicating liquor license shall be issued to any person who does not have or to whom is not issued a Class "B" retailer's license to sell fermented malt beverages.
- C. **Right to Premises:** No applicant will be considered unless they have the right to possession of the premises described in the application for the license period, by lease or by deed.
- D. **Age of Applicant:** Licenses related to alcohol beverages shall only be granted to persons who have attained the legal drinking age.
- E. **Corporate Restrictions:**
  - i. No license or permit may be issued to any corporation unless the corporation meets the qualifications under Sec. 125.04(a)1 and 4 and (b), Wis. Stats., unless the agent of the corporation appointed under Sec. 125.04(6) and the officers and directors of the corporation meet the qualifications of Sec. 125.04(a)1 and 3 and (b) and unless the agent of the corporation appointed under Sec. 125.04(6) meets the qualifications under Sec. 125-04(a)1 and (b) does not apply if the corporation has terminated its relationship with all of the individuals whose actions directly contributed to the conviction.
  - ii. Each corporate applicant shall file with its application for such license a statement by its officers showing the names and addresses of the persons who are stockholders together with the amount of stock held by such person or persons. It shall be the duty of each corporate applicant and Licensee to file with the Town Clerk a statement of transfers of stock within forty-eight (48) hours after such transfer of stock.
  - iii. Any license issued to a corporation may be revoked in the manner and under the procedure established in Sec. 125.12, Wis. Stats., when more than fifty percent (50%) of the stock interest, legal or beneficial, in such corporation is held by any person or persons not eligible for a license under this Chapter or

These officials shall furnish to the Town Clerk in writing, who shall forward to the Town Board, the information derived from such investigation accompanied by a recommendation as to whether a license should be granted or refused. No license shall be renewed without a re-inspection of the premises and report as original required.

**(10) Approval of Application:**

- A. No license shall be granted for operation on any premises or with any equipment for which taxes, assessments, forfeitures or other financial claims of the Town are delinquent and unpaid.
- B. No license shall be issued unless the premises conform to the sanitary, safety and health requirements of the State Building Code, and the regulations of the State Board of Health and locale Board of Health applicable to restaurants. The premises must be properly lighted and ventilated, must be equipped with separate sanitary toilet and lavatory facilities equipped with running water for each sex and must conform to all Ordinances of the Town.
- C. Consideration for the granting or denial of a license will be based on:
  - i. Arrest and conviction record of the applicant, subject to the limitations imposed by Secs. 111.321, 111.322, and 111.335, Wis. Stats.:
  - ii. The financial responsibility of the applicant;
  - iii. The appropriateness of the location and the premises where the licensed business is to be conducted; and
  - iv. Generally, the applicant's fitness for the trust to be reposed.
- D. An application may be denied based upon the applicant's arrest and conviction record if the applicant has been convicted of a felony (unless duly pardoned) or if the applicant has habitually been a law offender. For purposes of this licensing procedure, "habitually been a law offence" is generally considered to be an arrest or conviction of at least two (2) offenses which are substantially related to the licensed activity within the five (5) years immediately preceding the license application. Because a license is a privilege, the issuance of which is a right granted solely to the Town Board, the Town Board reserves the right to consider the severity, and the facts and circumstances of the offense when making the determination to grant, deny or not renew a license. Further, the Board, at its discretion, may, based upon an arrest or conviction record of two (2) or more offenses which are substantially related to the licensed activity within the five (5) years immediately preceding, act to suspend such license for a period of one (1) year or more.

**(11) Granting of License:**

- A. Opportunity shall be given by the governing body to any person to be heard for or against the granting of any license. Upon the approval of the applicant by the Town Board, the Town Clerk shall issue to the applicant a license, upon payment by the applicant of the license fee to the Town. The full license fee shall be charged or the whole or fraction of any year.
- B. If the Town Board denies the license, the applicant shall be notified in writing, by registered mail or personal service, of the reasons for the denial. The notice shall also inform the applicant of the opportunity to appear before the Town Board and to provide evidence as to why the denial should be reversed. Such written notice shall

- A. **Consent to Entry:** Every applicant procuring a license thereby consents to the entry of law enforcement authorities or duly authorized representatives of the Town at all reasonable hours for the purpose of inspection and search, and consents to the removal from said premises of all things and articles there had in violation of Town Ordinances or state laws, and consents to the introduction of such things and articles in evidence in any prosecution that may be brought for such offenses.
- B. **Employment of Minors:** No retail "Class B" or Class "B" licenses shall employ any underage person, as defined in the Wisconsin Statutes, but this shall not apply to hotels and restaurants. Family members may work on the licensed premises but are not permitted to sell or dispense alcoholic beverages.
- C. **Disorderly Conduct Prohibited:** Each licensed premises shall, at all times, be conducted in an orderly manner, and no disorderly, riotous or indecent conduct shall be allowed at any time on any licensed premises.
- D. **Licensed Operator on Premises:** There shall be upon premises operated under a "Class B", Class "B", or "Class C" license, at all times, the Licensee, members of the Licensee's immediate family who have attained the legal drinking age, and/or some person who shall have an operator's license and who shall be responsible for the acts of all persons serving as waiters, or in any other manner, any fermented malt beverages to customers. No person other than the Licensee shall serve fermented malt beverages in any place operated under a "Class B", Class "B", or "Class C" license unless they possess an operator's license, or there is a person with an operator's license upon said premises at the time of such service.
- E. **Health and Sanitation Regulations:** The rules and regulations of the State Board of Health governing sanitation in restaurants shall apply to all "Class B" liquor or "Class C" licenses issued under this Chapter. No "Class B" or "Class C" license shall be issued unless the premises to be licensed conform to such rules and regulations.
- F. **Restrictions Near Schools and Churches:** No retail Class "A", Class "B", "Class A" or "Class B" license shall be issued for premises, the main entrance of which is less than five hundred (500) feet from the main entrance of any established public school, parochial school, hospital or church. Such distance shall be measured by the shortest route along the highway from the closest point of the maintenance entrance of such school, church or hospital to the main entrance to such premises. This Subsection shall not apply to premises licensed as such on June 30, 1947, nor shall it apply to any premises licensed as such prior to the occupation of real property within five hundred (500) feet thereof by any school building, hospital building or church building.
- G. **Clubs:** No club shall sell or give away any intoxicating liquors except to bona fide members and guests invited by members.
- H. **Gambling Prohibited:** Except as authorized by state law, no gambling or game of chance of any sort shall be permitted in any form upon any premises licensed under this Chapter or the laws of the State of Wisconsin.
- I. **Credit Prohibited:** No retail Class "A", Class "B", "Class A", "Class B" or "Class C" liquor, wine or fermented malt beverage Licensee shall sell or offer for sale any alcohol beverage to any person or persons by extending credit, except hotel credit extended to a resident guest or a club to a bona fide member. It shall be unlawful for

- C. **Class "A" License for Sale of Intoxicating Liquors:** Between 9:00 p.m. and 8:00 a.m. no person shall sell intoxicating liquors upon any premises for which a Class A license has been issued for the sale of intoxicating liquors. The purpose of this Subsection is to prohibit all carry-out sales of intoxicating liquors.
- D. **Class "B" License for Sale of Intoxicating Liquors:** Between 9:00 p.m. and 8:00 a.m. no person shall sell intoxicating liquors upon any premises for which a Class "B" license for the sale of intoxicating liquors has been issued in an original unopened package, container or bottle to be consumed off the license premises. The purpose of this Subsection is to prohibit all carry-out sales of intoxicating liquors after 9:00 p.m.
- E. **Class "B" Licenses - On-Premises Consumption:**
- i. Premises for which a retail Class "B" liquor and fermented malt beverage license has been issued shall be closed between the hours of 2:00 a.m. and 6:00 a.m, Monday through Friday, and 2:30 a.m. and 6:00 a.m., Saturday and Sunday. There shall be no closing hours on January 1<sup>st</sup>.
  - ii. Hotels and restaurants, whose principal business is the furnishing of food or lodging to patrons shall be permitted to remain open for the conduct of their regular business but shall not sell liquor or malt beverages during the closing hours above.
  - iii. The licensee or permittee and one (1) employee shall be permitted to check out receipts, check the licensed premises for security and do minor cleaning during the closing times established above. For the purpose of this Section, entertainers shall not be included with the definition of employees. Under no circumstances shall the consumption of alcohol beverages be permitted after the designated closing time. Commercial janitorial service personnel shall be allowed to enter the licensed premises for the purpose of cleaning after closing hours. The premises shall be well lighted during cleanup. Prior approval must be requested and granted by the Town Board for any variance of the exigent circumstances.
- F. **Class "A" Retail Licensed Premises - Other Uses:** A premises used for purposes other than Class "A" sales must comply with the closing hours encumbered above if over fifty percent (50%) of the floor area of the premises are used for or devoted to intoxicating liquor and/or fermented malt beverage sales. Otherwise, such premises may remain open for whatever retail hours it chooses, but no sales of intoxicating liquors or fermented malt beverages shall take place during the closing hours encumbered herein.

**(17) Revocation and Suspension of licenses; Non-Renewal:**

- A. **Procedure:** Whenever the holder of any license under this Chapter violates any portion of this Chapter, proceedings for the revocation of such license may be instituted in the manner and under the procedure established by this Section.
- B. **Abandonment of Premises:** Any Licensee holding a license to sell alcohol beverages who abandons such business shall forfeit any right or preference they may have to the holding of or renewal of such license. Abandonment shall be sufficient grounds for revocation of any alcohol beverage license. The losing of the licensed premises for at least six (6) months shall be prima facie evidence of the

days each in duration.

**(18) Operator's License Required:**

- A. **Operator's Licenses; Class "A", Class "B" or "Class C" Premises:** Except as provided under Sec. 125.32(3)(b) and Sec. 125.07(3)(a)10, Wis. Stats., no premises operated under a Class "A", Class "B", or "Class C" license or permit may be open for business unless there is upon the premises the Licensee or permittee, the agent named in the license or permit if the Licensee or permittee is a corporation, or some person who has an operator's license and who is responsible for the acts of all persons serving any fermented malt beverages to customers. An operator's license issued in respect to a vessel under Sec. 125.27(2), Wis. Stats., is valid outside the municipality that issues it. For the purpose of this Section, any persons holding a manager's license under Sec. 125.18, Wis. Stats., or any member of the Licensee's or permittee's immediate family who has attained the age of eighteen (18), shall be considered the holder of an operator's license. No person, including a member of the Licensee's or permittee's immediate family, other than the Licensee, permittee or agent, may serve fermented malt beverages in any place operated under a Class "A", Class "B", or "Class C" license or permit unless they have an operator's license or is at least eighteen (18) years of age and is under the immediate supervision of the Licensee, permittee, agent or a person holding an operator's license, who is on the premises at the time of service.
- B. **Use by Another Prohibited:**
- i. No person may allow another to use their Class "A" or Class "B" license or permit to sell alcohol beverages.
  - ii. The license or permit of a person who violates Subsection (b)(1) above shall be revoked.
- C. **Exceptions:** The provisions of this Article shall not apply to the following persons:
- i. The holder of a Class "B" license or Class "C" license when they are serving or dispensing intoxicating liquor, fermented malt beverages or wine on the premises for which they hold such license.
  - ii. The spouse, son or daughter of a hold of a Class "B" license or Class "C" license who is living in the same household as the holder of the license and who is over eighteen (18) years of age and serving or dispensing intoxicating liquor, fermented malt beverages and wine on the premises for which the holder of the license has been issued is licensed.
  - iii. Waitresses and waiters provided that they are dispensing or serving intoxicating liquor, fermented malt beverages or wine at or across a bar.

**(19) Procedure Upon Application for Operator's License:**

- A. The Town Board may issue an operator's license, which license shall be granted only upon application in writing on forms to be obtained from the Town Clerk only to persons eighteen (18) years of age or older. Operator's licenses shall be operative only within the limits of the Town.
- B. The Town Board may issue an operator's license, which license shall be granted only upon application in writing on forms to be obtained from the Town Clerk. Prior to issuance off an operator's license, the investigating authority shall conduct an

technical and adult education district and that conforms to curriculum guidelines specified by the board of vocational, technical and adult education or a comparable training course that is approved by the educational approval board or unless the applicant fulfills one of the following requirements:

- i. The person is renewing an operator's license.
  - ii. Within the past two (2) years, the person held a Class "A", Class "B", "Class A", "Class B", or "Class C" license or permit or a manager's or operator's license.
  - iii. Within the past two (2) years, the person has completed such a training course.
- B. The Town Board may issue a provisional operator's license to a person who is enrolled in a training course under Subsection (1) above and shall revoke that license if the applicant fails successfully to complete the course in which they enroll.
- C. The training course required herein shall not apply to the following persons:
- i. A person who is renewing an operator's license.
  - ii. A person who, within the past two (2) years held a Class "A", Class "B", or "Class A" or "Class B" license or permit or a manager's or operator's license issued pursuant to Ch. 125, Wis. Stats.
  - iii. A person has completed a training course as described herein within the past two (2) years.

**(23) Display of License:**

Each license issued under the provisions of this Chapter shall be posted on the premises whenever the operator dispenses beverages or be in their possession, or carry a license card.

**(24) Revocation of Operator's License:**

Violation of any of the terms or provisions of the State law or of this Chapter relating to operator's licenses by any person holding such operator's license shall be cause for revocation of the license.

**(25) Outside Consumption:**

**A. Alcoholic Beverages in Public Areas:**

- i. Regulations: No person in the Town shall carry or expose to view, any open can, bottle or other container of malt beverages, intoxicating liquor or other alcoholic beverages or drink from the same on any sidewalk, street, alley, parking lot or other public place, without prior written approval of the Town Board. For purposes of this Section, "a public place" shall be construed to mean any location within which, at the time the person is apprehended, is open to access to persons not requiring specific permission of the owner to be at such location including, without exclusion by reason of enumeration, all parking lots serving commercial establishments. In no event, shall a private yard or driveway in a residentially zoned district be construed to be a "public place".
- ii. Private Property Held Out For Public Use: It shall be unlawful for any person to consume any alcohol beverages upon any private property held open for public use within the Town unless the property is specifically named as being part of a licensed premises.

- licensed premises consists or is a part.
- ii. An underage person who enters or is on a "Class A" or Class "A" premises for the purpose of purchasing other than alcohol beverages. An underage person so entering the premises may not remain on the premises after the purchase.
  - iii. Hotels, drug stores, grocery stores, bowling alleys, indoor golf simulator facilities, service stations, vessels, cars operated by any railroad, regularly established athletic fields, outdoor volleyball courts that are contiguous to a licensed premises, stadiums or public facilities as defined in Sec. 125.51(5)(b) 1.d, Wis. Stats., which are owned by a county or municipality, or centers for the visual, or performing arts.
  - iv. Ski chalets, golf courses and golf clubhouses, racetracks licensed under Chapter 562, Wis. Stats., curling clubs, private soccer clubs and private tennis clubs.
  - v. Premises operated under both a "Class B" or Class "B" license or permit and a restaurant permit where the principal business conducted is that of a restaurant. If the premises are operated under both a "Class B" or Class "B" license or permit and a restaurant permit, the principal business conducted is presumed to be the sale of alcohol beverages, but the presumption may be rebutted by competent evidence.
  - vi. Premises operating under both a "Class C" license and a restaurant permit.
  - vii. An underage person who enters or remains in a room on Class "B" or "Class B" licensed premises separate from any room where alcohol beverages are sold or served, if no alcohol beverages are furnished or consumed by any person in the room where the underage person is present and the presence of underage persons is authorized under this Subsection.
  - viii. A person who is at least eighteen (18) years of age and who is working under a contract with the licensee, permittee or corporate agent to provide entertainment for customers on the premises.
  - ix. An underage person who enters or remains on Class "B" or "Class B" licensed premises on a date specified by the licensee or permittee during times when no alcohol beverages are consumed, sold or given away. During those times, the licensee, the agent named in the license if the licensee is a corporation or limited liability company or a person who has an operator's license shall be on the premises unless all alcohol beverages are stored in a locked portion of the premises.

**(28) Underage Persons; Prohibitions; Penalties:**

- A. **Prohibitions:** Any underage person who does any of the following is guilty of a violation:
  - i. Procures or attempts to procure alcohol beverages from a licensee or permittee.
  - ii. Unless accompanied by a parent, guardian or spouse who has attained the legal drinking age, possesses or consumes alcohol beverages on licensed premises.
  - iii. Enters, knowingly attempts to enter or is on licensed premises.



# AFFADAVIT OF POSTING

## Town of Union Rock County, Wisconsin

I, Linda O'Leary, the Town Clerk of the Town of Union, Rock County, Wisconsin, attest and swear that the following action was posted pursuant to s. 60.80, stats:

**Town of Union Alcohol Beverages:  
Fermented Malt Beverages, Intoxicating liquor and Wine Ordinance  
Ordinance Section 5.02**

I Attest and swear that the above noted action was posted as required in the following 3 places in the Town of Union, Rock County, Wisconsin on July 11, 2006:

Worthington Ag Parts, 14904 Bullard Rd. Evansville, WI 53536

Evansville Review, 8409 Hwy 14, Evansville, WI 53536

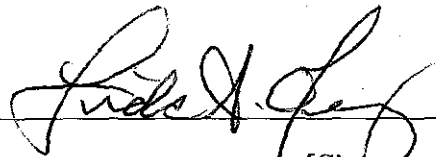
Landmark Services, 6631 N. Cty Rd M, Evansville, WI 53536

I further Attest and swear that the posting of this action occurred at the following times and dates:

12:05 a.m. / (p.m.) 7/11/06 Worthington Ag Parts,  
12:11 a.m. / (p.m.) 7/11/06 Evansville Review  
12:19 a.m. / (p.m.) 7/11/06 Landmark Services

Finally, I attest and swear that I filed this affidavit in the records of the town clerk for the Town of Union on July 11, 2006.

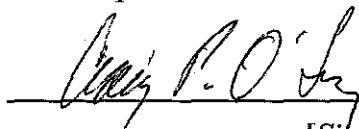
Dated this 6 day of July 2006



[Signature of town clerk]

### NOTARY PUBLIC

Personally came before me this 6 day of July, 2006, the Town Clerk of the Town of Union, Rock County. To me known to be the person who executed and acknowledged the foregoing instrument.



[Signature of notary public]

SEAL

Notary Public, State of Wisconsin

My commission expires on 1-1-9.

---

## Section 10.40 Establishing ATV/UTV Routes

---

### 10.40 ATV/UTV ROUTE ORDINANCE:

(1) **Purpose:**

The purpose of this ordinance ("Ordinance") is to establish all-terrain vehicle ("ATV") and utility terrain vehicle ("UTV") routes in the Town of Union, and to regulate the operation of ATV/UTVs within the Town of Union.

(2) **Authority:**

This Ordinance is adopted by the Town Board of the Town of Union pursuant to Sections 23.33(8), and 23.33(11)(a) and (am), and 350.18 of the Wisconsin Statutes.

(3) **Title and Effective Date:**

This Ordinance shall hereafter be known, cited, and referred to as the *Town of Union ATV/UTV Route Ordinance* and shall be effective immediately upon publication of due notice of the adoption of the Ordinance.

(4) **Adoption of State Law:**

Unless otherwise provided for in this Ordinance, the statutory provisions in Chapters 23, and 340 to 348, and 350 of the Wisconsin 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 statutes incorporated herein are made part of this Ordinance by reference to ensure uniform regulation of ATVs and UTVs within the State of Wisconsin.

(5) **Definitions:**

In this Ordinance:

- A. "ATV" has the meaning specified under Wis. Stat. § 340.01(2g)
- B. "UTV" has the meaning specified under Wis. Stat. § 23.33(1)(ng).
- C. "Town" means the Town of Union, Rock County, Wisconsin.
- D. "Town Board" means the Board of Supervisors for the Town of Union, Rock County, Wisconsin and includes any designee of the Board authorized to act for the Board.

(6) **Designated ATV/UTV Routes:**

Pursuant to Wis. Stat. § 23.33(11)(a), all roads under the jurisdiction of the Town of Union ("Town Roads") are designated ATV and UTV routes.

(7) **Route Signage:**

Under the direction of the Town, route signage for ATV/UTV routes shall be marked and paid for by the Western Rock County ATV Club, 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 the Western Rock County ATV Club or their successors.

**(8) Additional Restrictions:**

The following conditions and restrictions shall apply to designated ATV/UTV routes within the jurisdiction of the Town of Union:

- A. ATV/UTV operators shall observe posted speed limits.
- B. ATV/UTV operators shall operate only on the far right side of a Town Road.
- C. ATV/UTVs shall have operating headlights, taillights, and brake lights.
- D. ATVs/UTVs shall operate with headlights and taillights on at all times.
- E. Operators of ATV/UTVs must use turn signals from dusk to dawn.
- F. ATV/UTV operators shall yield the right-of-way to other vehicles, pedestrians, and electric personal assistive mobility devices using the roadway or shoulder.
- G. All designated ATV/UTV routes shall be closed between the hours of 10:00 p.m. to 5:30 a.m. every day.

**(9) 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.

**(10) Notifications:**

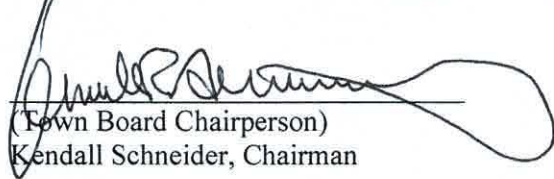
A copy of this Ordinance shall be sent by the Town of Union Clerk to the Evansville Police Department, Rock County Sheriff's Department, Wisconsin State Patrol, and the Wisconsin Department of Natural Resources.

**(11) Severability Clause:**

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 provisions or application, and to this end, the provisions of this Ordinance are severable.


**(12) Effective Date:** Following passage by the Town Board, this Ordinance shall take effect the day after the date of publication or posting as provided by sec. 60.80, Wis. Stats.

ADOPTED this 10 day of AUGUST, 2021.

  
(Town Board Chairperson)  
Kendall Schneider, Chairman

8/10/21  
Date

Attest:

  
(Town Clerk)  
Regina Riedel, Town Clerk

8.10.21  
Date

[Published / Posted] this 11<sup>TH</sup> day of AUGUST, 20 21.

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## CHAPTER 11 – OFFENSES AND NUISANCES

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### **11.01** Loud and Unnecessary Noise

#### **Section 11.01 Loud and Unnecessary Noise**

- A. It shall be unlawful for any person to make or assist in making any noise tending to unreasonably disturb the peace and quiet of persons in the vicinity thereof unless the making and continuing of the same cannot be prevented and is necessary for the protection or preservation of property or of the health, safety, life or limb of some person.
- B. It shall be unlawful for any person, firm, corporation, or other entity occupying or having charge of any building or premises, or any part thereof, to cause, suffer or allow any loud, excessive or unusual noise in the operation or use of any radio, stereo or other mechanical or electrical device, instrument or machine, which loud, excessive or unusual noise tends to unreasonably disturb the comfort, quiet or repose of persons therein or in the vicinity.

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## Chapter 12 Driveway Permit

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ANY AND ALL ORDINANCES OR REGULATIONS OF THE TOWN OF UNION PREVIOUSLY ENACTED REGARDING DRIVEWAY PERMITS OR RELATED TO THE PROVISION THEREOF ARE HEREBY REPEALED, REVOKED, AND ABROGATED AND IN PLACE THEREOF THIS ORDINANCE IS ADOPTED:

### 12 DRIVEWAY PERMIT ORDINANCE:

(1) **Purpose:**

The purpose of this driveway ordinance ("Ordinance") is to regulate the establishment, design, repair, construction, improvement, modification and reconstruction of driveways in the Town of Union.

(2) **Authority:**

This Ordinance is adopted under the authority of and in accordance with Wis. Stat. ss.60.22 (1) and (3), 66.0425, 86.021, 86.022, 86.05, 86.07, and 88.87(3).

(3) **Definitions:**

In this Ordinance:

- A. "Agricultural land" means any land within the Town that is currently being farmed, including cropland and pastureland, or land that is included in a government sponsored agricultural program.
- B. "Commercial driveway" means any private way, private road, or other avenue of private travel that runs through any part of a private parcel of land that connects or will connect with any Town road, and will provide service to a business, recreational site, or other use if approved by the Town Board.
- C. "Driveway" means a commercial driveway, field drive, or private driveway.
- D. "Field drive" is defined as a type of driveway that provides access from a Town road to Agricultural land or other adjacent vacant land. A field drive cannot be converted to a residential or commercial driveway without application and approval for a new Permit under this Ordinance.
- E. "Highway" means any way or thoroughfare, except a waterway, that is used for vehicular travel by the public.
- F. "Private driveway" means any private way, private road, or other means of private travel that runs through any part of a private parcel of land that connects or will connect with any Town road, and does or will provide service to a residence or other non-business use approved by the Town Board. A private driveway does not include a field drive.
- G. "Town" means the Town of Union, Rock County, Wisconsin.

H. "Town Board" means the Board of Supervisors for the Town of Union, Rock County, Wisconsin and includes any designee of the Board authorized to act for the Board.

**(4) Permit Required:**

- A. No person may establish or construct a driveway; or reconstruct, reroute, or alter any existing slope of any existing driveway or any Town highway or any other highway right-of-way in the Town without first obtaining a Town Driveway Permit ("Permit") from the Town Board.
- B. An applicant for a Town Driveway Permit must own or have a legal interest in and current legal access to the land to which the Permit will apply.
- C. Application fees will be doubled if any construction begins on any driveway prior to the issuance of a Town Driveway Permit. The Town, in its sole discretion, may also initiate enforcement action or other legal action.

**(5) Specifications:**

- A. **Specifications Applicable To All Driveways:** All driveways in the Town shall meet all of the following minimum requirements. No Permit shall be issued unless the information submitted as required by this Ordinance demonstrate compliance with the requirements of this Ordinance.
  - i. The following requirements apply to the portion of the driveway between the traveled portion of the highway and the outside limit of the highway right-of-way:
    - a. There must be adequate visibility of oncoming traffic at the point where the driveway meets the right of way, as follows:
      - I. For driveways located in a residential subdivision, an object three and one-half feet (3.5') high must be seen from the driveway at the edge of the traveled portion of the highway for a distance of two hundred feet (200') in each direction when viewed from a height of three and one-half feet (3.5').
      - II. For driveways not in a residential subdivision, an object three and one-half feet (3.5') high must be seen from the driveway at the edge of the traveled portion of the highway for a distance of three hundred feet (300') in each direction when viewed from a height of three and one-half feet (3.5').
    - b. The driveway horizontal approach angle at the edge of the traveled portion of the highway must be between 70 and 110 degrees.
    - c. The driveway must be constructed in a manner that prevents run-off or snow melt from flowing onto the traveled portion of the highway.
    - d. The portion of the driveway within the right-of-way shall have a maximum grade of five percent (5%).

- e. Each driveway shall have a culvert, which shall be appropriately sized. Culverts shall be at least as wide as the surface width of the private driveway or as otherwise determined by the Town Board. The owner must procure and install the culvert at his/her own expense. Culverts must be constructed of dual wall plastic or metal only.
  - f. The edge of the driveway, or the end of the culvert, whichever extends further, shall not be closer than five feet (5') to any adjacent property line unless the property upon which the driveway will be located is not sufficiently wide to meet this requirement or unless a variance is granted by the Town Board.
  - g. Each driveway must have a minimum of six feet (6') of gravel or blacktopped surface measured perpendicular from the travelled portion of the highway. The use of concrete within this portion of the driveway is prohibited.
- ii. The following requirements apply to the portion of the driveway not in the public right-of-way:
- a. The driveway shall have a finished surface at least twelve feet (12') in width. It shall have at least six inches (6") of three inch (3") rock on the roadbed covered with at least two inches (2") of three-quarter inch (3/4") gravel unless the Town Board grants a variance.
  - b. The overall minimum width (clearance) along the entire driveway shall be twenty-four feet (24').
  - c. There shall be a minimum sixteen feet (16') of height clearance along the entire driveway.
  - d. The maximum allowable grade of the entire driveway or any segment is thirteen percent (13%).
  - e. Ditches, driveway crowning, and culverts which provide acceptable drainage are required.
  - f. Curves in the driveway shall have an inside radius of not less than thirty-six feet (36').
  - g. Adequate erosion control measures shall be employed during construction. All disturbed ground and side banks shall be seeded promptly to control erosion.

**B. Specifications Applicable to Private Driveways:**

- i. The portion of a private driveway surface between the travelled portion of the highway and the outside limit of the highway right-of-way shall be a minimum of eighteen feet (18') wide and a maximum of twenty-four feet (24') wide.



- ii. A private driveway shall be at least one hundred fifty feet (150') from the traveled portion of an intersecting public highway, unless the Town Board issues a variance.
- iii. Only one (1) driveway is allowed for each parcel.
- iv. Private driveways longer than 500 feet shall include areas at least twenty-four feet (24') wide for a distance of at least forty feet (40') within every three hundred feet (300') of the driveway. At the end of the private driveway, a turn-around of at least a twenty-five foot (25') radius or other equivalent means as approved by the Town Board shall be provided.

**C. Specifications Applicable to Commercial Driveways and Field Drives:**

- i. The surface of the portion of the Commercial driveway or Field Drive between the traveled portion of the public highway and the outside limit of the public right-of-way shall be a minimum of fifty feet (50') wide if no culvert is required. If a culvert is required, the culvert shall be at least fifty feet (50') in length and the drive shall be at least forty six (46') in width.
- ii. A Commercial driveway or Field drive shall be at least one hundred feet (100') from the paved or traveled portion of an intersecting public highway, unless the Town Board issues a variance.

**D. Joint Driveways:**

- i. In addition to the requirements of this Ordinance, applicants for a joint driveway Permit must submit with their application a proposed Joint Driveway Agreement. Said agreement must be approved by the Town Board and after approval, recorded with the Rock County Register of Deeds. The Joint Driveway Agreement shall clearly establish responsibility for construction and maintenance of the joint driveway and restrictions on its use.
- ii. If a Joint Driveway Agreement is approved by the Town Board for a driveway serving more than one home, each new home having access shall have a separate Permit, i.e. when two (2) homes share a joint driveway, a Permit is required for each home, meaning two (2) Permits are required.
- iii. If a Joint Driveway Agreement is approved by the Town Board for a field drive serving more than one field, only one field drive Permit is required.

**(6) Application/Permit Provisions:**

- A. The applicant for a Town Driveway Permit shall submit to the Building Inspector a completed application form with the appropriate fee and with the following attachments:
  - i. Map. A map showing the project location and dimensions and the distance from property lines to the driveway. The map need not be prepared by a surveyor but shall be to scale and shall show dimensions and locations of improvements (if any).

- ii. Soil/Slope Analysis (if required by the Building Inspector).
  - iii. Copy of the legal documents showing title to the property.
  - iv. Construction Plan (if required by the Building Inspector).
  - v. Aerial Photo/Site Analysis (if required by the Building Inspector).
  - vi. The applicable refundable performance fee.
  - vii. Other Documents. The Town Board or its designee may require additional documents to be included with the Driveway Permit Application, including copies of other permits required by the County or State.
- B. The Town Board may approve, deny, or approve with conditions a Permit application.
- C. A Permit allows construction of the driveway for twelve (12) months from the date of issuance. A Permit expires if after twelve (12) months construction of the driveway has not begun. If the driveway has not been constructed by the time a Permit expires, a new application and fee must be submitted and approved.
- D. The applicant shall notify the Building Inspector within thirty (30) days after completion of driveway project authorized under a Permit.
- E. No building permit for any construction of buildings or other structures may be issued by the Town until the driveway has a minimum six inch (6") layer of three inch (3") rock according to the specifications of the Permit as issued under this Ordinance.
- F. The amount of the non-refundable application fee and the refundable performance fee for a Permit under this Ordinance shall be established by Resolution of the Town Board.
- G. The performance fee shall be refunded to the applicant upon the Town's determination that the driveway complies with this Ordinance and any applicable Permit conditions. If the driveway does not comply with this ordinance or any Permit conditions, the Town may use the performance fee to bring the driveway into compliance after notice to the property owner and reasonable time to allow the property owner to comply. An applicant for a Town Driveway Permit consents to the Town performing any necessary inspections and completing any work necessary to bring the driveway into compliance with this Ordinance and Permit conditions.

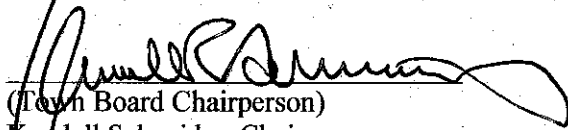
(7) **Penalty Provision:** Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this Ordinance shall, upon conviction, pay a forfeiture of not less than \$50 not more than \$400, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues shall be considered a separate offense under this Ordinance. In addition, the Town Board may seek injunctive relief from a court of record to enjoin further violations or seek any other available remedies.

(8) **Severability Clause:** 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 provisions or application, and to this end, the provisions of this Ordinance are severable.


(9) **Effective Date:** Following passage by the Town Board, this Ordinance shall take effect the day after the date of publication or posting as provided by sec. 60.80, Wis. Stats.

ADOPTED this 11<sup>th</sup> day of MARCH, 2021.

  
(Town Board Chairperson)  
Kendall Schneider, Chairman

~~11/11/21~~ 3.11.21  
Date

Attest:

  
(Town Clerk)  
Regina Riedel, Town Clerk

11 MARCH  
Date

[Published / Posted] this 12<sup>th</sup> day of MARCH, 20 21.

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## **CHAPTER 13 PARKS & TRAILS ORDINANCE**

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### **Section 13.01 Introduction**

(1) Authority

Whereas the Town Board of Union, Rock County, Wisconsin, has proceeded under authority granted Towns under §60.10, 60.11, 60.66 Wis. Stats. Therefore, the Town Board of Union, Wisconsin, does ordain as follows:

(2) Purpose

The purpose of this ordinance is to plan for the orderly planning and development of Town parks and trail system.

(3) Intent

It is the general intent of this ordinance to allow Town of Union residents input as to how parks and trails are developed. It is further intended to provide for the administration and enforcement of this ordinance and to provide penalties for its violation. The development of future parks and trails shall be made when sufficient Parks & Trails Funds are available and in a manner to minimize the tax burden on Town Residents.

(4) Jurisdiction.

The jurisdiction of this ordinance shall include the parks in the Francis, Stoneridge and Golf Air subdivisions, the Wayne Disch Memorial Park, all future parks established by the Town of Union, and any trail system established by the Town of Union.

(5) Abrogation and Greater Restrictions

Upon adoption, this Ordinance shall immediately have the effect to replace and repeal the Park Advisory Committee Ordinance adopted July 1, 1985. This ordinance is not intended to repeal, abrogate, annul, impair, or interfere with any other 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.

(6) 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.

(7) 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.

(8) Title

This ordinance shall be known as, referred to, or cited as the Parks and Trails Ordinance.

(9) Effective Date

This ordinance shall be effective after a Public Hearing and adoption by the Town Board.

### **Section 13.02 Administration**

(1) Parks & Trails Committee

There is hereby established a Parks and Trails Committee.

**(8) Quorum**

Four members shall constitute a quorum to transact any business and formulate its proper action thereon.

**(9) Organization**

The committee may also formulate and recommend to the Town Board additional rules for operation and procedures.

**(10) Funding for Park and Trail Development**

- A. Funding for Parks and Trails in Union Township shall come from:
  - i. Funding from payments in-lieu-of parkland dedications. Monies received in lieu of dedicated land shall be held in a separate account entitled "Parks & Trails Fund". They may be expended for purchases of recreational land, recreational facilities or physical improvements which are consistent with adopted plans and for the maintenance of parks and trails from time to time.
  - ii. Existing Park & Recreation Fund Balance
  - iii. Grants, donations, and other contributions.
  - iv. Any fees or forfeitures generated by the use of town parks and trails.
- B. These monies shall be expended for park and trail development and improvement for parks and trails in the Township as prioritized by the Parks and Trails Committee and outlined in the Parks and Outdoor Recreation Plan as recommended to and adopted by the Town Board from time to time.
- C. Minimum requirements for Town Park and outdoor recreation plans are that; A township map indicate the size and location of existing and proposed geographic areas for Town Park and Recreation areas,
  - i. Capital improvements for each respective park be prioritized,
  - ii. The Town Board takes official action adopting the Park Plan.

**Section 13.03 Parks & Trails**

**(1) Park Hours**

- A. All parks shall be closed at 10:00 p.m. each day except as herein provided
- B. No person shall enter, frequent, or locate in any park between 10:00 p.m. and 6:00 a.m. except when public functions are being held in such park. Public functions shall include public meetings, picnics, or gatherings held pursuant to Section 13.03(1)C of this section. After all such occasions, no person shall remain in such park after the termination of such functions or occasions.
- C. Persons or organizations desiring to hold public meetings, picnics, or other public gatherings in any park which shall necessitate remaining in the park later than 10:00 p.m. shall apply for a permit for such function to the chairman of the Parks & Trails Committee or such other person as the Parks & Trails Committee may designate. Such application shall state the hour at which such function shall terminate and such other details as may be requested or required.

**(2) Park User Fees**

No individual, group of individuals, or organizations or corporations shall conduct, promote or sponsor any celebrations, exhibitions or event in any public park or part thereof in the Town, attendance to which is open to the public and which may be attended by 100 or more persons until such individual, group of individuals, organizations or corporation obtains a permit therefore from the Town. Application shall be made at least 30 days prior to the date proposed for such celebration, exhibition, or event on an application blank furnished by the Town and containing the information specified therein. The applicant shall simultaneously with the filing of such application deposit with the Town Clerk, the sum of \$150.00. If the area in which the celebration, exhibition or event is held is cleaned up without expense to the Town within 3 days after such celebration, exhibition or event has ended. Such \$125.00 of the fee shall be returned to said applicant. If such area is not cleaned up within such time, the \$125.00 shall be forfeited to the Town. Notwithstanding such forfeiture said applicant shall also be liable to the Town for any expense incurred by the Town in excess of such forfeiture in cleaning up such area in such park. The decision of the Town Board as to compliance by such applicant with this section shall be final. The \$25

Nothing in this Code shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

iii. Execution Against Defendants Property

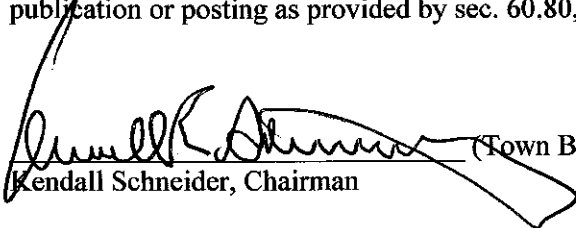
Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any court for violation of any ordinance of the Town, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for said forfeiture and costs.

**Section 13.04 Trails**

{This section left blank for later definition}

**Section 13.05 Effective Date**

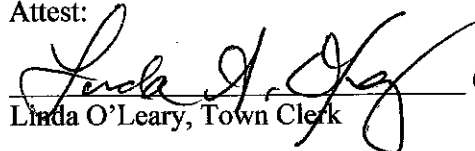
Following passage by the Town Board, this ordinance shall take effect the day after the date of publication or posting as provided by sec. 60.80, Wis. Stats. ADOPTED this 11th day of April, 2006.

  
Kendall Schneider, Chairman (Town Board Chairperson)

4/11/06  
Date

[Published Posted] this 13 day of April, 20 06

Attest:

  
Linda O'Leary, Town Clerk (Town Clerk)

4/13/06  
Date

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## **CHAPTER 15 – BUILDING CODE**

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### **TABLE OF CONTENTS**

<b>15.01 DEFINITIONS.....</b>	<b>3</b>
<b>15.02 CONSTRUCTION STANDARDS.....</b>	<b>4</b>
<b>15.03 BUILDING INSPECTOR.....</b>	<b>4</b>
<b>15.04 POWERS AND DUTIES OF THE BUILDING INSPECTOR.....</b>	<b>5</b>
<b>15.05 PERMITS.....</b>	<b>6</b>
<b>15.06 APPLICATIONS, PLANS AND SPECIFICATIONS.....</b>	<b>7</b>
<b>15.07 ISSUANCE OF PERMITS.....</b>	<b>8</b>
<b>15.08 PERMIT FEES.....</b>	<b>9</b>
<b>15.09 INSPECTIONS.....</b>	<b>10</b>
<b>15.10 CERTIFICATE OF USE AND OCCUPANCY.....</b>	<b>11</b>
<b>15.11 CONFORMANCE REQUIREMENTS FOR EXISTING BUILDINGS.....</b>	<b>12</b>
<b>15.12 UNSAFE OR UNSIGHTLY BUILDINGS.....</b>	<b>12</b>
<b>15.13 MOVING OF BUILDINGS.....</b>	<b>13</b>
<b>15.14 DEMOLITION OF BUILDINGS.....</b>	<b>14</b>
<b>15.15 APPEALS.....</b>	<b>14</b>
<b>15.16 VIOLATIONS AND PENALTIES.....</b>	<b>14</b>
<b>15.17 EFFECTIVE DATE.....</b>	<b>16</b>

## 15.00 GENERAL PROVISIONS

- (1) **Title.** These regulations shall be known as the "Town of Union Building Code," may be cited as such, and will be referred to hereinafter as the Building Code or "this code."
- (2) **Existing Ordinance Repealed.** The provisions of ordinance Town of Union Ordinance 95-5 adopted on 9/5/1995, Town of Union Ordinance 2001-01 adopted on 4/17/2001, and Town of Union Zoning Code section 17.19 adopted on 10/5/2006 are hereby repealed and replaced by this code.
- (3) **Content and Purpose.** This code provides certain minimum standards, provisions and requirements for safe and stable design, methods of construction and uses of materials in buildings and structures hereafter erected, constructed, enlarged, altered, repaired, moved, converted to other uses or demolished, and regulates the equipment, maintenance, use and occupancy of all such buildings and structures. The purpose of this code is to protect and foster the health, safety and well-being of persons occupying or using such buildings and the general public.
- (4) **Scope.** The provisions of this code shall apply to all buildings and structures, including but not limited to, one and two family dwellings, multifamily dwellings, commercial, industrial and agricultural buildings and other structures within the Town of Union with the exception of the following:
  - (a) Recreational vehicles and mobile homes. On-site additions, if permitted by the manufacturer, to recreational vehicles and mobile homes are not exempt.
  - (b) Historical buildings designated as such by the federal or state government.
  - (c) Temporary buildings used exclusively for construction purposes, not exceeding one story in height and not used as living quarters.
  - (d) Buildings owned by the federal government. Buildings owned by other than the federal government but leased to the federal government are not exempt.
- (5) **Application.** The provisions of this code shall apply to all new construction, all additions and alterations to existing buildings, all remodeling, repairs and maintenance of existing buildings, building use changes, buildings being moved from one location to another and to demolition of buildings.
- (6) **Responsibility.** This code shall be binding alike upon every owner of a building; every person in charge of or responsible for or who causes the construction, repair or alteration of any building or structure; and every professional engineer, architect or other person who shall prepare plans for the construction, alteration or addition to any building or structure in the Town.
- (7) **Relationship to Other Regulations.** This code shall not affect violations of any other ordinance, code or regulation prior to the effective date hereof, and any such violation shall be governed and shall continue to be punishable to the full extent of the law under the provisions of those ordinances, codes or regulations in effect at the time the violation was committed. The provisions of this code shall not be construed to prevent the enforcement of other ordinances or regulations of the Town or of the State of Wisconsin which prescribe standards other than are provided herein. In case of conflicts among such standards, the more restrictive standard shall apply.
- (8) **Matters Not Provided For.** Any requirement essential for structural, fire or sanitary safety of an existing or proposed building or structure, or essential for the safety of



the occupants thereof, and which is not specifically covered by this code, shall be determined by the Building Inspector.

- (9) **Workmanship.** All work performed under the scope of this code shall be conducted, executed and completed in a workmanlike and acceptable manner so as to secure the results intended by this code.
- (10) **Maintenance.** All buildings and structures and all parts thereof shall be maintained in a safe condition and all devices and safeguards which are required at the erection, alteration, addition, or repair of any building shall be maintained in good working order. This section shall not be construed as permitting the removal or non-maintenance of any existing devices or safeguards unless authorized in writing by the Building Inspector. Such maintenance requirements shall apply to all buildings now existing or hereafter erected.
- (11) **Liability for Damages.** This code shall not be construed as assuming any liability on the part of the Town for damages to anyone injured or for any property destroyed by a defect in any building or element.
- (12) **Code Availability.** A copy of this code shall be kept on file at the office of the Building Inspector and/or Town Clerk and shall be made available to the public for reference, inspection and purchase upon request during normal business hours. Copies of the Wisconsin Administrative Code referenced herein may be purchased from the Wisconsin Department of Administration, Document Sales and Distribution.
- (13) **Effective Date.** Except as otherwise indicated in the individual sections or subsections provisions of this ordinance are effective as to all structures and buildings constructed after April 14, 2010.

## 15.01 DEFINITIONS

Unless the context clearly requires otherwise, when used in this code the following terms shall have the following meanings:

- (1) **Alteration** means a substantial change or modification other than an addition or minor repair to a building or to systems (electrical, plumbing, and heating) within or on a building.
- (2) **Building Inspector** means the official in charge of the Town of Union Building Inspection and Building Code as described in Section 15.03(1) of this code or any person officially authorized by the Building Inspector or the by the Town of Union to carry out the administrative and enforcement functions prescribed in this Chapter 15.
- (3) **Building** means a structure for support, shelter or enclosure of persons and/or property, animals, including agricultural buildings, greenhouses and similar structures.
- (4) **Code** means this Chapter 15 of the General Code of Ordinances of the Town of Union.
- (5) **Maintenance** means the maintaining of existing buildings such as:
  - (a) Repairing of existing elements in the building such as replacing existing doors, windows with like sizes, and similar repairs of existing elements
  - (b) Replacing existing plumbing fixtures without moving such fixtures,
  - (c) Repairing existing electrical receptacles, light fixtures, and other minor repairs

- (d) Repairing existing heating and air conditioning equipment
- (6) **Minor Repair** means repairs of items presently installed, the estimated cost of which do not exceed the total sum of \$1000.00 and does not involve any structural or mechanical changes.
- (7) **Structure** means anything (building or object) constructed or erected having location on the ground.
- (8) **Town** means the “Town of Union”

## 15.02 CONSTRUCTION STANDARDS

- (1) **Adoption of State Codes.** The provisions of the following State of Wisconsin Codes and subsequent amendments and recodifications thereto are hereby adopted by reference and incorporated in this code as if fully set forth. Violations of the provisions hereby adopted shall be deemed a violation of this chapter and subject to enforcement and abatement procedures as set forth in Section 15.16 of this code.
  - (a) Uniform Dwelling Code, COMM 20-25, Wisconsin Administrative Code [excepting there from COMM 20.05(1) (3) (4) (5)].
  - (b) Commercial Building and Heating Ventilating and Air Conditioning Code, COMM 61-65, Wisconsin Administrative Code.
  - (c) Electrical Code, COMM 16, Volume 2, Wisconsin Administrative Code.
  - (d) Plumbing Code, COMM 81-86, Wisconsin Administrative Code
  - (e) Licensing, Certification and Registration, COMM 5, Wisconsin Administrative Code
  - (f) Historic Building Code, Chapter 70, Wisconsin Administrative Code.
  - (g) Existing Building Code, COMM 75-79, Wisconsin Administrative Code.
  - (h) Fire Prevention Code, COMM 14, Wisconsin Administrative Code
- (2) **Existing Buildings:** Areas and rooms of dwelling units which are remodeled shall comply with the adopted Code requirement as referenced in 15.02(1)
- (3) **Repeal of Conflicting Ordinances.** Any existing ordinances which are inconsistent with this section are hereby repealed to the extent of such inconsistencies.

## 15.03 BUILDING INSPECTOR

- (1) **Appointment.** The Building Inspector shall be appointed by the Town Board and shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the Town Board.
- (2) **Organization.** The Building Inspector and the Town Board shall appoint such number of officers, technical assistants, inspectors and other employees as shall be necessary for the administration and enforcement of this code.
- (3) **Qualifications.** The Building Inspector and all other Inspectors shall possess the necessary qualifications and inspector certifications as required by the State of Wisconsin to supervise the general construction of buildings and enforce the provisions of this code. All inspectors employed by the Town shall possess necessary Department of Commerce, Safety & Buildings Division Inspector certifications as mandated by law and other qualifications as required by the Building Inspector and the Township.

- (4) Restrictions on Employees.** All inspectors employed by the Town shall not be engaged in directly or indirectly connected with the furnishing of labor, materials or appliances for the construction, alteration or maintenance of any building within the Town, or the preparation of plans or of specifications thereof, unless that person is the owner of the building; nor shall such officer or employee engage in any work which conflicts with official duties or with the interest of the Town.
- (5) Relief from Personal Responsibilities.** The Building Inspector or other Inspectors charged with the enforcement of this code, while acting on behalf of the Town, shall not thereby be rendered liable personally, and the Inspector(s) are hereby relieved of all personal liability for any damage accruing to persons or property as a result of any act required or permitted in the discharge of official duties. Any suit instituted against any Inspector(s) because of an act performed by that person in the lawful discharge of duties and under the provisions of this code, shall be defended by the legal representative of the Town until the final termination of the proceedings. The Building Inspector or any subordinates shall not be liable for any costs in any action, suit or proceeding that is instituted in pursuance of the provisions of this code; and any Inspector, acting in good faith and without malice, shall be free of liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith.

#### **15.04 POWERS AND DUTIES OF THE BUILDING INSPECTOR**

- (1) State Statute Reference.** The Building Inspector shall be held to be the same officer as referred to in the Wisconsin Statutes as building inspector, and who shall have the same powers and duties. The Building Inspector shall enforce all the provisions of this code and all other State laws and Town ordinances relating to the construction, alteration, repair, removal, safety and use of buildings and permanent building equipment, except as otherwise specifically provided for by statutory requirements or as provided in this code. The Building Inspector shall have full power to pass upon any question arising under the provisions of this code subject to the conditions contained herein
- (2) Rule Making Authority.** The Building Inspector shall have the power as necessary in the interest of public health, safety and general welfare, to adopt and promulgate orders and directives, to interpret and implement the provisions of this code to secure the intent thereof, and to designate requirements applicable because of local climatic or other conditions; but such rules shall not have the effect of waiving structural or fire performance requirements specifically provided in this code.
- (3) Duties, Permits, Inspections and Correction Orders.**
- (a) The Building Inspector shall be responsible for the issuance of all permits required by this code and for the inspection of all work for which such permits have been issued.
  - (b) The Building Inspector shall enforce compliance with the provisions of this code and shall issue necessary notices and correction orders to insure compliance with all code requirements for the health, safety and general welfare of the public.

- (c) The Building Inspector shall administer and enforce all provisions of the Town Ordinances, specifically the Building and Zoning regulations of the Town.
- (4) Record Keeping.** The Building Inspector shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records so long as the building or structure to which they relate remains in existence unless otherwise provided by other regulation.

## 15.05 PERMITS

### **(1) Building Permits Required:**

- (a) No person shall erect or construct any building or structure whatsoever or add to, enlarge, move, improve, alter, extend, convert or demolish any building or structure or cause the same to be done or commence any work covered by this code on any building or structure without first obtaining a building permit therefore from the Building Inspector.
- (b) Permanently installed in-ground swimming pools.
- (c) Agricultural buildings
- (d) Towers, antennas and similar type structures

### **(2) Building permits not required:**

- (a) Minor repairs required for the maintenance and upkeep of any building which do not exceed a cost of \$1,000 and do not involve a change in use, do not affect the structural strength, fire hazard, exits, natural lighting or the replacement of a major piece of equipment.
- (b) Residential accessory buildings and storage sheds not used to house motor vehicles and 80 square feet or less in floor area, provided such buildings conform to all setback, yard and open space requirements in this Code and other Town Ordinances
- (c) Detached uncovered wood decks with floor surfaces less than 12 inches above adjacent grade level for the entire perimeter of the deck
- (d) Satellite dishes and antennas intended for private residential use.
- (e) Reroofing, residing and other similar nonstructural “maintenance”.

**(3) Compliance with Construction Standards.** Construction referred to in Section 15.05 (1) (a-e) above shall comply with all applicable code sections and construction standards regardless of building permit requirements.

**(4) Electrical Permits.** No person shall commence any electrical work covered by this code without first obtaining an electrical permit for such work from the Building Inspector. Maintenance and minor repairs of existing electrical equipment shall not require a permit.

**(5) Plumbing Permits.** No person shall commence any plumbing work covered by this code without first obtaining a plumbing permit therefore from the Building Inspector. Maintenance and minor repairs of existing plumbing system and associated fixtures shall not require a permit.

**(6) Heating Permits.** No person shall commence any heating, ventilating or air conditioning (HVAC) work covered by this code without first obtaining a heating

permit therefore from the Building Inspector. Maintenance and minor repair of existing HVAC equipment shall not require a permit

- (7) Waiver of Permits.** If, in his/her opinion, a proposed alteration to a building or equipment is insignificant, or the equipment or part is being replaced through normal maintenance, the Building Inspector may waive the requirement of a permit.

## **15.06 APPLICATIONS, PLANS AND SPECIFICATIONS**

- (1) Permit Applications.** Application for a permit shall be made by the owner of the building or structure or an authorized agent and shall be made in writing upon a blank form furnished by the Building Inspector. The permit application shall contain:

- (a) The name, mailing address and phone number of the owner of the building and land.
- (b) The name, mailing address and phone number of the engineer, architect, designer or contractor responsible for the work.
- (c) Copies of licenses of Contractors, when required to be licensed by the State of Wisconsin.
- (d) A general description of the proposed work, location of the proposed work, the use and occupancy of all parts of the building or structure.
- (e) Any other information as required by the Building Inspector to enforce the provisions of this Code.

- (2) Plans Required.** Building plans, site plans and specifications shall accompany every application for a permit and shall be filed in duplicate with the Building Inspector.

- (a) One and two family dwellings: All plans submitted shall be legible, drawn to the minimum scale of 1/4" to 1" for one and two family dwellings and include the information required by COMM 20.09(4) (5).
- (b) Commercial and Industrial Buildings covered by COMM 61.02: All plans shall contain sufficient information to determine compliance with this code and all other applicable regulations. All plans shall be prepared in accordance with the provisions in COMM 61.31 and of this code. Plans shall bear the name of the architect, engineer or designer who prepared them, if any, and shall be of sufficient clarity to clearly indicate the nature and character of the work proposed. All plans for projects involving buildings over 25,000 cubic feet and up to 50,000 cubic feet shall be designed and signed by a Wisconsin Registered Architect or Engineer and be subject to the requirements in COMM 61.31.

- (3) Review by Town Board, Plan Commission or other Agencies.** Building plans requiring review by the Town Board, Plan Commission or State agencies such as the Department of Commerce shall be reviewed and stamped "Approved" or "Conditionally Approved" by said departments or agencies prior to submittal for permits required by this Code.

- (4) Quality of Materials.** When the quality of materials is essential for conformity to this code, specific information shall be given on plans submitted to establish such quality; and this code shall not be cited, or the term "legal" or its equivalent be used, as a substitute for specific information.

- (5) **Waiver of Plans.** The Building Inspector may waive the requirement for the filing of plans when the work involved is of a minor nature, when plans would not sufficiently show the nature and character of the work, or when the work is adequately described on the permit application. A detailed written description of all work proposed, may also be substituted for building plans, at the discretion of the Building Inspector.
- (6) **Amendments to Plans.** Subject to the limitations described in Section 15.06 (7) of this code, amendments to a plan, application or other record accompanying the same shall be filed at any time before completion of the work for which the permit is sought or issued. Such amendments are subject to the same review and approval process as the original plans and shall be deemed part of the original application.
- (7) **Time Limitations.** An application for a permit for any proposed work shall be deemed to have been abandoned six months after the date of filing unless such application has been diligently prosecuted or a permit shall have been issued; except that the Building Inspector may grant one or more extensions of time for additional periods not exceeding 90 days each if there is reasonable cause.

## 15.07 ISSUANCE OF PERMITS

- (1) **Plan Review and Permit Issuance.** The Building Inspector shall examine all applications for permits, plans and amendments thereto within a reasonable time after filing. If the application, plans and specifications are in substantial conformity to the requirements of this code, with all applicable ordinances of the Town, including, but not limited to the Zoning requirements and with all laws and lawful orders of the State, the Building Inspector shall, upon receipt of the required fee(s), issue a permit for said work and shall sign, date and stamp the plans "Approved" or "Conditionally Approved."
- (2) **Approved Plans.** One set of approved plans and specifications shall be retained by the Building Inspector and one set of approved plans and specifications shall be returned to the applicant, which set shall be kept at the job site at all times until the work authorized thereby is completed and shall be made available for inspection by any Township Inspector. Such approved plans and specifications shall not be changed, altered or modified in any respect which involves any of the laws, ordinances or administrative rules referred to above, or which involves the safety of the building or its occupants, except with the consent of the Building Inspector.
- (3) **Building Permit Card.** With every building permit issued, the Building Inspector shall issue to the applicant an appropriate card properly filled out as evidence of permit issuance and the applicant shall post the card in a conspicuous place on the job site. The card shall be unobstructed from public view and shall remain posted until all the work covered under the permit is completed.
- (4) **Permit Expiration.** A permit issued under the authority of this code shall have lapsed and be void unless building operations are commenced within 6 months from the date the permit was issued and shall be completed within 24 months from the date the permit was issued. When projects are not completed and not issued a Certificate of Occupancy within the 24 months, a new building permit shall be required, fees shall be based on the fee schedule existing at this 24 month timeframe and shall be computed the same as the original permit for the project. Any exterior portion of a

building project which is visible to the public and which is not completed within the allotted 24 month period shall constitute a public nuisance. It is unlawful for a person to commence but fail to complete all repairs during the time in which the permit is valid.

- (5) Permit to Start Construction.** The Building Inspector or designated appointee is authorized to issue a "Permit to Start Construction" for the construction of foundations or any other part of the building or structure before the plans and specifications for the entire building or structure have been submitted, but work on any building shall not be commenced unless Department approval has been granted or a permit has been issued. The holder of a "Permit to Start Construction" shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.
- (6) Permit Suspension or Revocation.** The Building Inspector may suspend or revoke a permit or approval issued under the provisions of this code where the Building Inspector or authorized official is denied access to the premises, where the applicant has willfully refused to correct a violation of the provisions of this code, or in case of any false statement or misrepresentation of fact in the application or in the plans on which the permit or approval is based. No construction activity shall take place on a job site after suspension or revocation of the permit, except such work as the Building Inspector shall order be done as a condition precedent to the issuance of a new permit, or which the Building Inspector may authorize as reasonably necessary to protect work already completed on the job site, existing property, adjoining property and the general public.
- (7) Permit Authority.** The issuance or granting of a permit or approval of plans or specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this code. No permit presuming to give the authority to violate or fail to comply with the provisions of this code shall be valid, except insofar as the work or use which it authorizes is lawful. If errors shall, subsequent to the issuance of the permit, be discovered in the application, plans, specifications or execution of the work, the Building Inspector may require the correction of said errors in the application, plans, specifications or construction.

## **15.08 PERMIT FEES**

- (1) Fee Schedule.** A fee schedule for all permits issued by the Building Inspector shall be as set forth in the Fee Schedule. The fee schedule shall be kept on file in the Town Clerk's office and shall be referred to as the "Building Inspection Permit Fee Schedule." The Building Inspection Permit Fee Schedule shall be considered a supplement to this code and shall be made available for reference and public inspection during normal business hours. The fee schedule shall be approved by resolution of the Town Board.
- (2) Payment of Fees.** Permit fees shall be paid by the applicant prior to permit issuance. The Building Inspector and/or Town Treasurer shall collect all permit fees, and keep an accurate account of all fees collected.
- (3) Delinquent Permit Penalty.** Permit fees shall be doubled if any work is commenced prior to permit issuance.

- (4) **Waiver of Permit Fees.** Permit fees may be waived for buildings and structures owned by the Town if such waiver is granted by the Town Board.

## 15.09 INSPECTIONS

- (1) **Inspections Required.** Buildings shall be inspected at such times and in such manner as may be necessary to secure compliance with the laws, ordinances, rules and orders applicable thereto. The Building Inspector shall determine the number and types of inspections to be completed for each building project, but in no case shall any electrical, plumbing or heating installations be enclosed or any structural portion of any part of any building or structure be covered or concealed prior to completion of required inspections and approval by the Building Inspector except as specifically provided for in 15.09 (2) of this code. After inspection the Building Inspector may issue a certificate of compliance, or prescribe any changes necessary to such compliance, upon making of which changes the certificate may be issued. After the issuance of such certificate, no structural part of such building shall be changed.
- (2) **Requests for Inspections.** The permit applicant or an authorized representative shall notify the Building Inspector after the completion of each phase of construction and shall request all inspections orally or in writing. The Building Inspector shall make every reasonable attempt to complete all requested inspections in a timely manner. Work shall not proceed until required inspections have been completed and approval has been granted by the Building Inspector, however, construction may proceed if an inspection is not completed within two business days after proper notification has been received unless otherwise agreed upon by the Building Inspector and the applicant.
- (3) **Inspection Types.** In general, the following inspections shall be completed for all building projects whenever applicable:
- (a) Building Sewer Inspection - To be completed after building sewer is installed, while the water or air test is on, but before being covered or concealed.
  - (b) Footing Inspection - To be completed after forms and required reinforcing are in place but before concrete is poured.
  - (c) Foundation Inspection - To be completed after forms are removed but before backfilling. Drain tiles (when required) shall be in place and foundation waterproofing and insulation shall be applied.
  - (d) Rough Inspection - To be completed for all electrical, plumbing and heating, ventilating and air conditioning installations and all general construction and framing work. Inspections shall be completed after all rough work is finished but before it is covered or concealed.
  - (e) Insulation/Energy Inspection - To be completed after insulation and vapor barrier are in place but before they are covered or concealed.
  - (f) Final Occupancy Inspection - To be completed for all electrical, plumbing and heating, ventilating and air conditioning installations and all general construction work after all work is finished but before use or occupancy of the building or part thereof.
- (4) **Notification of Inspection Results.** The Building Inspector shall inform the permit applicant and/or property owner of the results of all inspections completed.



Notification of inspection results shall be in the form of a written notice posted in a conspicuous place at the job site, a written inspection report mailed to the applicant and/or property owner, or verbal communication between the inspector and the applicant, property owner, an authorized representative or other responsible party.

- (5) Stop Work Order.** Upon notice from the Building Inspector that work on any building or structure is being prosecuted contrary to the provisions of this code or in an unsafe or dangerous manner, such work may be ordered immediately stopped. The Stop Work Order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work; and shall state the conditions under which work will be permitted to resume. Any person who shall continue any work in or about the building or structure after having been served with a Stop Work Order, except such work as that person is directed to perform to remove a violation or unsafe conditions, shall be deemed guilty of a violation of this code and shall be subject to penalties and forfeitures as described in 15.16 of this code.
- (6) Right of Entry.** The Building Inspector or any other Inspector(s) employed by the Town may, at all reasonable times in performance of his or her duties, enter upon any public or private premises and make inspections thereof to determine compliance with the provisions of this code and may require production of the permit for any building, permanent building equipment, electrical, plumbing, heating, ventilating or air conditioning work. In carrying out this authority, the Building Inspector or any other Inspector(s) employed by the Town shall comply with the provisions of Wis. Stat. §66.0119, if applicable.
- (7) Inspection Disclaimer.** Inspection findings are intended to report conditions of apparent noncompliance with code standards that are readily apparent at the time of inspection. The inspection does not involve a detailed examination of the mechanical systems or the closed structural and non-structural elements of the building or premises. No guarantee or warranty of the premises, operation, use, or the durability of equipment or materials is expressed or implied.

## 15.10 CERTIFICATE OF USE AND OCCUPANCY

- (1) New Buildings.** No building or structure hereafter erected shall be used or occupied in whole or in part until a Certificate of Use and Occupancy shall have been issued by the Building Inspector.
- (2) Buildings Altered.** No portion of any building or structure hereafter altered, enlarged, moved, improved or converted from one use to another, shall be used or occupied until a Certificate of Use and Occupancy shall have been issued by the Building Inspector.
- (3) Existing Buildings.** Upon written request from the owner of an existing building, the Building Inspector shall issue a Certificate of Occupancy provided there are no violations of law or orders of the Building Inspector pending and it is established that the alleged use of the building has heretofore legally existed. Nothing in this code shall require the removal, alterations, or abandonment of or prevent the continuance of the use and occupancy of a lawfully existing building unless such use is deemed to endanger public safety and welfare.

- (4) Temporary Occupancy.** Upon request of the holder of a permit, the Building Inspector may issue a temporary Certificate of Occupancy for a building or structure, or part thereof, provided such portion or portions may be occupied safely prior to full completion of the building without endangering life or public welfare.

### **15.11 CONFORMANCE REQUIREMENTS FOR EXISTING BUILDINGS**

- (1) Major Alterations and Repairs.** The requirements specified in this section shall apply to all existing buildings which do not conform to the requirements of this code for new buildings. If alterations or repairs are made to any existing building, where deemed practicable by the Building Inspector, the entire building shall be made to conform to the requirements specified herein for new buildings.
- (2) Change of Use or Occupancy.** If the existing use or occupancy of any existing building or structure is changed to a use or occupancy which would not be permitted in a similar building hereafter erected, the entire building shall be made to conform to the requirements specified herein for new building; provided, the use or occupancy of only a portion or portions of the buildings need to be made to comply with such requirements, and provided further that the Building Inspector may approve any such change in the use or occupancy of any existing building or structure, even though such building is not made fully to conform to the requirements of this code, if, in his/her judgment, such a change in use or occupancy of the existing building or structure will not extend or increase any non-conformity or hazard of the building and provided further that such use or occupancy conforms to the provisions of the Zoning Code, of the Town of Union general ordinances as shown by the approval of the Plan Commission and as shown by the stamp of approval of the Fire Chief or Assistant Fire Chief.
- (3) Structural Alterations and Repairs.** Every alteration or repair to any structural part or portion of any existing building or structure shall, when deemed necessary for the safety of the occupants in the opinion of the Building Inspector, be made to conform to the requirements of this code.

### **15.12 UNSAFE OR UNSIGHTLY BUILDINGS**

- (1) Order to Comply and Notice.** Whenever the Building Inspector finds that any building or structure, or any part thereof, is dangerous to life, or adjoining property, by lack of maintenance, defective construction, overloaded floors, decay, lack of guards against fire, general dilapidation or other cause, he/she shall order the owner or responsible tenant thereof to cause the same to be made safe or to be removed, as in the judgment of the Building Inspector may be necessary. The owner or responsible tenant of such building or structure shall thereupon immediately cause the same to be made safe, or to be removed, as ordered.
- (2) Emergency Measures.** Where the public safety requires immediate action, the Building Inspector may enter upon premises with such assistance as may be necessary, and cause the building or structure to be made safe or to be removed, and the expense of such work may be recovered by the Town in an action against the owner or tenant.

### 15.13 MOVING OF BUILDINGS

- (1) **Permit Required.** A permit shall be obtained from the Building Inspector prior to the moving of any building or structure within or into the Town.
- (2) **Compliance.** Buildings or structures moved within or into the Town shall comply with the provisions of this code for new buildings and structures where deemed practical by the Building Inspector.
- (3) **Conformance with Existing Buildings.** The building or structure to be moved shall conform to the existing buildings in the area in which it is to be moved as determined by the Plan Commission.
- (4) **Unsafe or Unfit Buildings.** No building or structure shall be moved within or into the Town if deemed by the Building Inspector structurally unsafe.
- (5) **Bond Required.** Before a permit to move any building or structure is issued by the Building Inspector, the party applying therefore shall give a bond in the sum of \$10,000 with good and sufficient sureties to be approved by the Building Inspector, Town Board and Town Attorney, conditioned, among other things, that such party will save and indemnify judgments, costs and expenses which may in any way accrue against the Town and keep the Town harmless against all liabilities, judgments, costs and expenses in consequence of granting such permit. All Town roads which will be used for the move shall be inspected by the Road Commissioner and/or Town Board Designee before such move occurs and the same person shall inspect the Town roads after the move is completed to assess any damage. There shall be an escrow account set up before a moving permit shall be issued in the amount of \$450.00 per mile to cover any costs for this inspection. The actual cost of the road inspection will be removed from the escrow account by the Town Clerk and the remainder shall be returned to the applicant of the moving permit.
- (6) **Conditions of Approval.** Every permit to move a building or structure shall state all conditions to be complied with, designate the route to be taken, and limit of time for removal.
- (7) **Regulations for Buildings in Transit.** The removal of a building shall be continuous during all hours of the day and day by day, and at night if the Building Inspector so orders, until completed, with the least possible obstruction to thoroughfares. Lighted lanterns shall be kept in conspicuous places at each end of the building during the night. The route and time of moving shall be approved, in writing, by the Rock County Sheriff Department.
- (8) **Damage to Streets and Highways.** Every person receiving a permit to move a building or structure shall within one day after reaching its destination, report the fact to the Building Inspector who shall report the same to the Road Commissioner and/or Town Board designee who shall thereupon inspect the streets and highways over which the building was moved, or cause the same to be done, and ascertain their condition. If the removal of the building or structure has caused any damage to the streets or highways over which moved, the building mover shall forthwith place them in as good repair as they were before the permit was granted. Upon failure of the building mover to do so within ten days thereafter, to the satisfaction of the Road Commissioner and/or Town Board designee, the Town shall order the repair of the

damage done to such streets and highways and hold sureties of the bond given by the building mover responsible for the payment of same.

#### **15.14 DEMOLITION OF BUILDINGS**

- (1) Permit Required.** A permit shall be obtained from the Building Inspector prior to the razing or demolition of any building or structure in the Town.
- (2) Barricade Required.** A snow fence or other approved barricade shall be provided around the site as soon as any portion of the building or structure is removed and shall remain during razing operations.
- (3) Service Connections.** Before a building or structure may be demolished or removed, the owner or agent shall notify all utilities having service connections within the structure such as water, gas, sewer and other connections. All service connections and appurtenant equipment, such as meters and regulators, shall be removed or sealed and plugged in a safe manner. All public utilities shall be terminated at the right of way, curb line, property line or at a location acceptable to the serving Utility and the Building Inspector.
- (4) Restoration of Site.** Whenever a building or structure is razed or demolished hereunder, all debris and materials resulting from such demolition shall be removed from the premises, all basements and other excavations and depressions revealed or caused by such demolition shall be filled in, using soils, sand, rock, etc. similar to the surrounding area, to the general grade of the premises, and all surfacing on such premises shall be removed unless intended to be used in connection with the proposed use of the premises. All appurtenant structures on the premises no longer useful for the intended use of the premises shall likewise be razed or demolished and the resulting debris removed from the premises. All resulting vacant areas shall be seeded or planted as required by the Building Inspector.

#### **15.15 APPEALS**

- (1) Appealable Matters.** Any person aggrieved by an order, ruling or decision of the Building Inspector has a right of administrative appeal to the Town Board of Adjustment.
- (2) Procedure.** The procedure for administrative appeals under this code shall follow the provisions of the Town of Union Zoning Code section 17.21 (5), which are incorporated and adopted herein by reference. Such appeals shall be filed with the Town Clerk within 60 days of receiving an order, ruling or decision from the Building Inspector.

#### **15.16 VIOLATIONS AND PENALTIES**

- (1) Unlawful Acts.** No person, firm or corporation shall in the Town erect, construct, alter, extend, repair, remove, demolish, use or occupy any building or structure or equipment regulated by this code, or cause, permit or suffer the same to be done, in conflict with or in violation of any of the provisions of this Code or fail to timely comply with any lawful order issued hereunder.

**(2) Notice of Violation and Order.**

- (a) The Building Inspector shall serve a written notice of violation, noncompliance and order on any person responsible for the erection, construction, alteration, extension, repair, removal, demolition, use or occupancy of a building or structure in violation of the provisions of this Code, or in violation of a detail statement or a plan approved there under, or in violation of a permit or certificate issued under the provisions of this Code. Such notice or order shall direct the discontinuance of the illegal action or condition and the abatement of the violation. A stop work order may be served on the owner or the owners' representative and a copy thereof posted at the construction site, such stop work order shall not be removed except by the Building Inspector after satisfactory evidence has been provided that the cited violation(s) has been corrected. Any person removing the stop work order from the construction site shall be in violation of this Ordinance.
- (b) The Building Inspector may also suspend or revoke any permit for any building or structure on any property on which such noncompliance is discovered in accordance with section 15.07 (6) of this code.
- (c) After written notification of the violation, the violation shall be corrected within the time, not to exceed 30 days, given by the Building Inspector. Extensions may be granted, in extraordinary circumstances where such violations have been substantially repaired, by the Building Inspector, but not to exceed an additional 30 days.
- (d) Each day a violation continues shall constitute a separate offense of each violation cited by the Building Inspector.

**(3) Prosecution.** If a notice of violation and order is not complied with promptly, the Building Inspector may request the Town Attorney to institute the appropriate proceeding at law or in equity to correct or abate such violation or require the removal or termination of the unlawful use of the building or structure in violation of the provisions of this code or of the notice or order made pursuant thereto. In any court action or legal proceeding, the fact that a permit was issued shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the Building Inspector constitute a defense.

**(4) Injunctions and Restraining Orders.** As a substitute for, or in addition to, forfeiture actions, the Town Attorney may, on behalf of the Town, seek enforcement of any and all parts of this code by court actions seeking an injunction or restraining order against the person responsible for the violation for the purpose of ordering that person to do one or more, of the following:

- (a) Restrain, correct or remove the violation or refrain from any further execution of work.
- (b) Restrain or correct the erection, installation or alteration of such building or structure.
- (c) Require the removal of work in violation of the provisions of this code.
- (d) Prevent the occupation or use of the building or structure or part thereof erected, constructed, installed or altered in violation of, or not in compliance with, with the provisions of this code, or in violation of a plan or specification under which an approval, permit or certificate was issued.

**(5) Penalty.** Any person who fails to comply with any of the provisions of this Chapter shall, upon conviction thereof, be subject to a forfeiture of not less than \$100.00, nor more than \$500.00 per violation, plus the costs of prosecution. In default of payment of such forfeiture and costs where no showing of indigency is made, such person shall be imprisoned in the County jail until such forfeiture and costs are paid, but not exceeding 90 days. Each day a violation continues shall constitute a separate offense of each violation cited by the Building Inspector.

**15.17 EFFECTIVE DATE**

This code is effective upon publication or posting. The Town Clerk shall properly post or publish this ordinance as required under §60.80, Wis. stats.

Adopted this 4th day of March, 2010 by the Town Board of the Town of Union, Rock County, Wisconsin.

[Signature of Town Chairman]

\_\_\_\_\_  
Kendall Schneider  
Date  
Town Board Chairman

Posted this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Published this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

[Signature of Town Clerk]

\_\_\_\_\_  
Regina Ylvisaker  
Town Clerk

## CHAPTER 15.02

### TOWN OF UNION ELECTRICAL CODE

15.02.010	Town of Union Electrical Code
15.02.020	Electrical Inspector
15.02.030	Electrical Inspections
15.02.040	Permits
15.02.050	Electrical Licenses and Contractor Data Information
15.02.060	Electrical Construction Requirements
15.02.070	Street Lighting and Traffic Lights
15.02.080	Invalidity
15.02.090	Liability of Town of Union
15.02.100	Appeals
15.02.110	Penalty

#### **Section 15.02.010 – TOWN OF UNION ELECTRICAL CODE.**

The Town of Union Electrical Code (2019) on file in pamphlet form with the Town Clerk is hereby adopted and by reference and otherwise made a part of this chapter and ordinance. Every act, requirement, condition, obligation, regulation, standard, prohibition, rule, provision, and mandate set forth therein shall have the same force and effect as if fully set forth herein. Every act required or prohibited therein shall be required or prohibited by this chapter. This section adopts such modifications, changes and amendments thereto as may be made from time to time.

#### **Section 15.02.020 - ELECTRICAL INSPECTOR - CREATION OF OFFICE - TERM - SALARY**

**A.** There is hereby created the office of Electrical Inspector. Such inspector shall be appointed by the Town Board and shall hold office until removed by the Town Board or until his successor shall have been duly appointed and qualified. He shall receive such salary as prescribed and approved by the Town Board.

**B. Qualifications-Powers and Duties.**

The person appointed to fill the office of the Electrical Inspector shall be a State of Wisconsin licensed Commercial Electrical Inspector.

**C.** It shall be unlawful for the Electrical Inspector to engage in the business of the installation or maintenance of electrical wiring and appliances, either directly or indirectly and he shall have no financial interest in any concern engaged in such business in the Town of Union at any time while holding office of Electrical Inspector.

**D.** It shall be the duty of the Electrical Inspector to see that all electrical light, power and all other electrical apparatus connected with the same, are in strict conformity with provisions of this ordinance, the National Electric Code, and the Wisconsin State Electrical Code, issued by the Department of Safety and Professional Services (DSPS), under authority of the State Statutes.

**E.** Said Electrical Inspector shall have the right, during reasonable hours to enter any public or private buildings in the discharge of his official duties, or for the purpose of making any inspections or test of the electrical wires and appliances contained therein, and shall have the authority to cause the turning off of all electrical currents and to cut or disconnect, in cases of emergency, any wire where such electrical currents are dangerous to life or property or may interfere with the work of the Fire Department.

### **Section 15.02.030 - INSPECTIONS**

**A.** It shall be unlawful to connect up the equipment of any building, to any electrical supply lines or to turn on the current, unless a certificate of inspection has been issued by the Electrical Inspector, and it shall be the duty of the electrical utility supplying electrical service to any building to secure a copy of the certificate of inspection from the Electrical Inspector, before supplying service to such building.

**B.** Upon the completion of the construction and installation of the electrical wiring and equipment of any building, including fire alarm systems, and other such emergency and life safety systems, it shall be the duty of the person, firm or corporation doing the same, to notify the Electrical Inspector, who shall inspect the installation. If the installation is found to be in compliance with the provisions of this chapter, the Inspector shall issue a certificate of inspection authorizing connection to the electrical service and the turning on of the current. If the Electrical Inspector, at the time of the inspection, finds any fault with the electrical wiring or equipment, the Inspector shall notify the person, firm or corporation of such fault. All electrical wiring and equipment which is to be concealed, shall be inspected before concealment and no other craft shall cover up or conceal such wires unless the installation has been inspected and approved by the Electrical Inspector. The licensed Electrician and/or licensed Electrical Contractor shall provide any necessary equipment to perform the inspection.

**C.** Persons, firms or corporations associated with crafts other than electrical and functioning in their trades shall in no way alter the approved installation of any electrical equipment by the placement of materials or equipment in too close proximity, by concealment, by making ~~u~~ inaccessible, or in any way affecting the approved installation so as to make it in violation of this code.

**D.** Before a certificate of occupancy will be issued by the Building Inspector, it shall be the duty of the person, firm or corporation doing the installation of the electrical system to call the electrical inspector for a final inspection and to have all work conform to this code.

**E.** It shall be the duty of the State of Wisconsin Licensed Electrical Contractor which has obtained the electrical permit to contact the Electrical Inspector for all inspections, including the final inspection. The Licensed Electrical Contractor and/or the Licensed Master Electrician on record for the Contractor shall meet the Electrical Inspector for inspections when requested.

**F.** When electrical wiring and equipment is removed from a building for demolition purposes, the Licensed Electrician shall call for inspection when such wiring has been removed and all remaining wiring is installed in a safe condition.



**G. Procedures when unsafe or illegal electrical equipment is discovered.**

1. Notice to Owner; Failure to Comply. When the Electrical Inspector finds any electrical equipment to be unsafe or dangerous to persons or property, the person owning or using such electrical equipment shall be notified in writing by the Electrical Inspector to remove or cause to be removed or to make any changes or repairs as determined by the Electrical Inspector so as to restore such electrical equipment to a safe condition. Failure to comply with such notice within the time specified in such notice shall be sufficient cause for the Electrical Inspector to disconnect or order the discontinuance of electrical service to said electrical equipment or to cause the arrest and/or cause issuance of a citation to such person owning or using such electrical equipment.

2. In Emergency Situations, the Electrical Inspector shall have the authority to immediately disconnect or cause the removal or disconnection of any such electrical equipment in any of the following instances:

a. In any case of emergency, affecting the safety of persons or property, or where electrical equipment interferes with the work of the Fire Department.

b. Where electrical equipment is not installed in conformity with the regulations of this Chapter and in the professional opinion of the Electrical Inspector poses an immediate safety or fire risk.

3. Inspector to Attach Official Notice to Disconnect Equipment. When the Electrical Inspector disconnects or causes to be disconnected electric current from electrical equipment, the Inspector shall attach an official notice, tag, lock or seal to such electrical equipment to prevent the use of electricity. It shall be unlawful for any unauthorized person to detach such official notice, tag, lock, seal or to break open, change, remove, destroy, tear, alter, mutilate, cover, or otherwise deface any such official notice, tag, lock or seal.

**H.** Electrical Inspections required to be completed after normal business hours, such as, but not limited to emergencies, electrical service changes, and emergency lighting inspections will be assessed a special inspection fee determined by the adopted fee schedule. This fee shall be paid in full before the final electrical inspection will be approved and occupancy may occur.

**Section 15.02.040 - PERMITS**

**A.** Before any electrical wires or electrical apparatus shall be installed for lighting or power purposes, including fire alarm, and other such emergency and life safety systems, or any electrical construction work done, except minor repair work, an electrical permit therefore shall be obtained from the Electrical Inspector by a State of Wisconsin licensed Electrical Contractor as defined in SPS 305. The licensed Electrical Contractor shall be or shall employ a State of Wisconsin Licensed Master Electrician or a Residential Licensed Master Electrician as defined in SPS 305. Permits obtained by industrial facilities exempted by the State of Wisconsin are required to obtain permits as outlined within this

Code section, the permit is allowed to be obtained by the facility owner and signed by the employee responsible for the wiring.

1. The electrical permit application shall describe in detail the proposed installation or work and give the location of the premises where same is to be placed. No permit shall be issued unless satisfactory proof is furnished to the Electrical Inspector upon his request, that the applicant has been employed to perform the work or installation and will be responsible for the performance thereof in the manner required by the City ordinance or by the State laws; nor unless proof be submitted that the applicant has paid to the Electrical Inspector the fees herein required.

2. Any electrical wiring qualifying as “minor electrical work” as defined in section 15.03.060 B. shall not require an electrical permit.

B. A permit shall also be required for the installation of any outlet and any electrical wiring for use on any circuit including wiring for low voltage wiring (50 volts and below) for control of heating, ventilating, cooling, lighting, signal and communication equipment, excepting signal systems, operated by, and/or in conjunction with communications systems installed and maintained by a public utility. A State Electrical license is not required to obtain these low voltage permits.

C. Demolition or removal of electrical wiring and equipment, such as panelboards, transformers, luminaries, conduits, wires and similar electrical equipment within buildings shall require an electrical permit. Wiring shall always be left in a safe condition, with all wiring enclosed in proper enclosures.

D. In cases of emergency, work may be started before the permit has been issued, provided the Electrical Inspector is notified the same day such work is started. If the emergency occurs on a weekend, holiday or after normal weekday business hours (7AM to 4PM), the Electrical Inspector shall be notified the next business day.

E. Electrical permits shall expire 24 months after the date of issuance of the permit. If such permit expires, a new permit shall be issued at the regular fee rate.

F. City of Janesville Electrical permits shall be signed by the State of Wisconsin Licensed Electrical Contractor and by the licensed Master Electrician of record for the Contractor if different.

## **Section 15.02.050 – LICENSES AND PERMIT APPLICATION REQUIREMENTS**

A. State of Wisconsin Licensed Electrical Contractors shall submit the following information to the Town of Union with the electrical permit application. Electrical permits shall not be issued unless such information is submitted. The information shall be submitted by the applicant of the Electrical permit.

1. Copy of State of Wisconsin Electrical Contractor license.
2. Mailing and street address of the State of Wisconsin Licensed Electrical Contractor.
3. Phone number(s), fax number and e-mail address of the State of Wisconsin Licensed Electrical Contractor.
4. Name of the State of Wisconsin Master Electrician employed by the Licensed Electrical Contractor.
5. Copy of the State of Wisconsin Master Electrician license.

6. Mailing and street address of the State of Wisconsin Master Electrician.
7. Phone number(s), fax number and e-mail address of the State Wisconsin Master Electrician.
8. No person shall be listed as the State of Wisconsin Master Electrician for an electrical permit who is not physically supervising any person or Company found to violate said requirement shall be subject to the penalty provisions of Section 15.03.110 of this Code.

**B.** All persons installing wiring within the Town of Union shall be properly licensed by the State of Wisconsin Master, Journeyman, Registered Electrician or other electrical licensed categories as defined in SPS 305. These licensed persons shall comply with the regulations set forth by SPS 305 for their respective electrical licenses.

**C.** Unlicensed persons performing electrical wiring, whether or not for compensation, shall be in violation of this section and subject to the penalties set forth in section 15.03.120 of this chapter.

#### **Section 15.02.060 - ELECTRICAL CONSTRUCTION REQUIREMENTS**

**A.** The current National Electrical Code (NEC), as adopted by the State Electrical Code, Department of Safety and Professional Services, Chapter SPS 316 and SPS 305 of the Wisconsin Administrative code, which changes and alterations are hereby adopted, is hereby adopted by reference. A copy of the current NEC and a copy of the Wisconsin Administrative Code SPS Chapter 316 and 305 are kept on file with the Electrical Inspector.

**B.** Minor electrical work shall be defined as, repairing for the purpose of maintaining the existing electrical system only, such as replacing an existing light fixture, a receptacle, a motor, a lighting ballast and similar such item which are broken or not functioning properly . Minor repair work does not include such items as replacing existing conduits, replacing multiple lights, receptacles or switches, relocating of electrical devices and similar type electrical wiring.

**C.** Where electrical services are upgraded or service equipment is replaced, the following work will be required:

1. All grounding shall be brought up to existing code requirements according to the current NEC, State Electrical Code, and the rules in this chapter.
2. All wiring in the basement must be brought up to existing electrical codes as stated in (a) above. Any wiring that is visible and is a safety hazard shall be corrected according to all current electrical codes.

**G.** Mobile Home Parks. Wiring from the utility company to the mobile home panel board shall be the responsibility of the mobile home park owner. All wiring, except inside the mobile home, shall be done by a licensed electrician and shall be the responsibility of the park owner.

**J.** All electrical wiring and equipment shall be in compliance with this Code when installed, whether such electrical wiring and equipment is energized or de-energized.

**Section 15.02.080 - INVALIDITY OF PART**

If any section, subsection, paragraph, clause or provisions of this code shall be adjudged invalid, such adjudication shall apply only to the provisions so adjudged, and the rest of this code shall remain valid and effective.

**Section 15.02.090 - LIABILITY OF TOWN OF UNION**

This ordinance shall not be construed to relieve or lessen the responsibility or liability of any party owning, operating, controlling or installing any electrical equipment for damages to anyone injured or any property destroyed by any defect herein nor shall the City be held as assuming any such liability by reason of the inspection authorized herein or certificate of inspection herein provided.

**Section 15.02.100 - APPEALS**

All appeals for variance of the NEC & SPS Chapter 316 shall be made to the State of Wisconsin. Any variance to Chapter 15 of the Code of Ordinances of the Town of Union shall be made to the Town of Union Board of Adjustment.

**Section 15.02.110 - PENALTY**

**A.** Any person, firm or corporation, or any officer of any corporation, who violates or causes to be violated any provision of the building code or any order issued under the provisions of the building code shall, upon conviction thereof, be fined not less than one hundred (\$100) dollars, nor more than five hundred (\$500) dollars, together with the costs of prosecution and in default of payment thereof shall be committed to the Rock County Jail for a term of not less than five (5) days nor more than sixty (60) days.

**B.** It shall be the responsibility of the offender to abate the violations as expeditiously as possible.

**C.** Each and every day that a violation continues constitutes a separate offense.

**D.** The Town of Union, in addition to the above penalties, may institute injunction, mandamus, abatement or any other appropriate action or proceeding to prevent, enjoin, abate or remove the violation, and/or the common council may revoke any license or permit.

**E.** If, in any action, a permit was issued, it shall not constitute a defense, or shall any error, oversight, or dereliction of duty on the part of the Electrical Inspector constitute a defense.

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## CHAPTER 16 - LAND DIVISION ORDINANCE

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### 1 Title, Purpose and Intent

The Title of this Ordinance is the Town of Union Land Division Ordinance. The purpose of this Ordinance is to regulate and control the division of land within the limits of the Town of Union, Rock County, Wisconsin, in order to accomplish all of the following purposes:

- (1) Guide the future growth and development of the township in accordance with the Town's adopted Comprehensive Plan;
- (2) Preserve the rural character of the Town through the permanent preservation of meaningful open space and sensitive natural resources;
- (3) Promote the rural and agricultural character, scenic vistas, and natural beauty of the Town of Union;
- (4) Protect and restore environmentally sensitive areas and biological diversity, minimize disturbance to existing vegetation, and manage environmental corridors;
- (5) Use ecological planning principles in the design, construction and long-term management of conservation developments;
- (6) Provide for the conservation of the agriculturally important lands in the Town of Union by minimizing conflicting land uses;
- (7) Ensure that appropriate conservation lands will be identified, protected and restored during the development design process to meet future community needs for stormwater management, floodwater, storage, and ground water recharge;
- (8) Provide commonly owned open space areas for passive and/or active recreational use by residents of the development and, where specified, the larger community;
- (9) Promote the public health, safety, and general welfare of the Town of Union;
- (10) Supplement county, state, and federal land division controls to implement any Town Comprehensive Plan, master plan, or other land use plans;
- (11) Minimize the public impact resulting from the division of large tracts into smaller parcels of land in the Town of Union;
- (12) Promote the planned and orderly layout and use of the land in the Town of Union;
- (13) Encourage the most appropriate use of the land throughout the Town of Union;
- (14) Facilitate the adequate provision of transportation, water, sewage, health, education, recreation, and other public requirements in the Town of Union;
- (15) Provide the best possible environment for human habitation in the Town of Union;
- (16) Enforce the goals and policies set forth in the Town Comprehensive Plan, master plan, or other land use plans;
- (17) Ensure that the design of the street system will not have a negative long-term effect on neighborhood quality, traffic flow, and safety in the Town of Union;
- (18) Realize goals, objectives, policies, and development standards set forth in plans, codes, and ordinances adopted by the Town of Union;
- (19) Secure safety from fire, flooding, and other dangers in the Town of Union;
- (20) Avoid the inefficient and uneconomical extension of governmental services in the Town of Union;
- (21) Conserve the value of prime agricultural soils in the Town of Union;
- (22) Regulate the development of condominium projects;
- (23) Insure accurate legal descriptions;
- (24) Provide for administration and enforcement of this Ordinance by the Town Board;

The intent is to regulate the division of land so as to promote safe and orderly traffic flow; to further the orderly layout and appropriate use of land; to facilitate adequate provision of transportation, water and sewer (including private systems), schools, parks and other public requirements; to ensure adequate legal description and proper survey monumentation of land divisions; to provide for the administration and

enforcement of this ordinance; to provide penalties for its violation; and in general to facilitate enforcement of community development standards as set forth in the Town's Comprehensive Plan enacted pursuant to §66.1001, Wis. Statutes.

## **2 Interpretation**

- (1) **Abrogation and Greater Restrictions.** Nothing in this ordinance is intended to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.
- (2) **Minimum Requirements.** In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, 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.

## **3 Authority**

This Ordinance was adopted under the statutory authority granted pursuant to the Village Powers of the Town of Union, to §60.10 (2) (c), 60.22 (3), 61.34 (1), 236.03, and 236.45, Wis. Stats. This Ordinance was adopted by the Town Board after its receipt of a formal written recommendation of this Ordinance dated October 5, 2006 from the Town Planning Agency under §61.35, 62.23 and 236.45 (2), Wis. Stats, which for the Town of Union is the Town of Union Plan Commission.

## **4 Adoption of Ordinance**

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

## **5 Definitions**

In this Ordinance, the following definitions shall apply:

- (1) **Agricultural Use** as provided in §91.01 (1), Wis. Stats., means beekeeping; commercial feed lots; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint, and seed crops; raising of fruits, nuts, and berries; sod farming, placing land in federal programs in return for payments in kind, owning land, at least thirty five (35) acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; participating in the milk conservation reserve program under 7 USC 1446(d); and vegetable raising.
- (2) **Alley** means a public right-of-way that normally affords a secondary means of vehicular access to abutting property.
- (3) **Applicant** shall mean any person or entity which submits an application to the Town for a development approval.
- (4) **Arterial street** A principal arterial serves longer intra-urban type trips and traffic traveling through urban areas and includes interstate highways, other freeways and other principal arterials. A minor arterial provides intra-community continuity and service to trips of moderate length, with more emphasis on land access than principal arterials. The minor arterial interconnects the arterial system and provides system connections to rural collectors.
- (5) **Block** means an area of land within a subdivision that is entirely bounded by a combination of streets, exterior boundary lines of the subdivision, and streams or water bodies.
- (6) **Development** means any man-made change to improved or unimproved real property, the use of any principal structure or land, or any other activity that requires issuance of a building permit.
- (7) **Building permit** means the permit required for new construction and additions pursuant to the Town of Union Building Code.
- (8) **Certified Survey or Certified Survey Map** means a certified survey prepared by a registered land surveyor in accordance with §236.34, Wis. Stats., and in full compliance with the applicable provisions of this Ordinance. A Certified Survey Map has the same legal force and effect as a land division plat.

- (9) Cluster development means development from a land division in which dwellings and other buildings are grouped densely on only a portion of a development parcel, in contrast to conventional practice, which distributes development evenly across the entirety of a parcel, in order to accomplish any of the following:
- A. Preserve by deed restriction, including conservation easement, restrictive covenant and development rights transfers, the majority of the land division parcel for present or future agricultural use or conservation; and
  - B. Create, maintain, or expand protective barriers contiguous with lakes, wetlands, and other natural resources in the Town of Union.
- (10) Collector Street means a street that collects and distributes internal traffic within an urban area such as a residential neighborhood, between arterial and local streets. It provides access to abutting property.
- (11) Comprehensive Plan means a Comprehensive Plan prepared by the Town, pursuant to Wis. Stats. §66.1001 and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.
- (12) Condominium means vacant lots or a building or a group of buildings in which units are owned individually and the building common areas and facilities are owned by all owners on a proportional undivided basis. A condominium is a legal form of ownership and not a specific building type or style.
- (13) Conservation Easement as provided in §700.40, Wis. Stats., means a holder's nonpossessory interest in real property imposing any limitation or affirmative obligation the purpose of which includes retaining or protecting natural, scenic or open space values of real property, assuring the availability of real property for agricultural, forest, recreational or open space use, protecting natural resources, maintaining or enhancing air or water quality, preserving a burial site, as defined in §157.70 (1) (b), Wis. Stats., or preserving the historical, architectural, archaeological or cultural aspects of real property.
- (14) Conservation Subdivision means a housing development from land division in a rural setting that is characterized by compact lots and common open space, and where the natural features of land are maintained by the greatest extent possible.
- (15) Cul-de-sac means a minor street having only one end open to traffic and the other end being terminated in a vehicular turnaround.
- (16) Deed restriction means a restriction on the use of a property set forth in a deed or other instrument of conveyance, including, but not limited to, a restrictive covenant, conservation easement, transfer of development rights, or any restriction placed on undeveloped land as a condition for the division or development of the undeveloped land.
- (17) Developer's Agreement means an agreement by which the local municipality and/or County and the subdivider agree in reasonable detail to all of those matters which the provisions of these regulations permit to be covered by the developers agreement. The developers agreement shall not take effect unless and until an irrevocable Letter of Credit or other appropriate surety has been issued to the local municipality and/or the County.
- (18) Development approval shall mean the review and approval by the Town of a certified survey map, preliminary plat, final plat, development or subdivider's agreement and the acceptance of public improvements in connection with any of the foregoing.
- (19) Final Plat means a map prepared in accordance with requirements of Chapter 236 of the Wisconsin State Statutes and this Ordinance for the purpose of precisely dividing larger parcels into lots and used in conveying these lots.
- (20) Frontage street means a local street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.
- (21) Improvement, Public means any sanitary sewer, storm sewer, open channel, curb and gutter, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, bicycle path, trail, planting strip, or other facility for which the Town may ultimately assume the responsibility for maintenance and operation.
- (22) Land divider means any person, partnership, corporation, or other legal entity that has an ownership or other legal interest in the subject land that the land is being divided or is proposed to be divided, resulting in a land division.

- (23) Land division means the division of a lot, outlot, parcel, or tract of land by the owner of the land, or the owner's agent, for the purpose of sale or for development when the act of division creates two or more parcels or building sites, inclusive of the original remnant parcel, by a division or by successive divisions of any part of the original property within a period of 5 years, including any land division by or for a Conservation Subdivision, a Cluster Development, a Subdivision, a Minor Land division, a Condominium, Condominium Plat, Replat, and Certified Survey Map, and any other land division. Any residual parcel resulting from any division of land shall be included in the land division if said parcel is less than the minimum size allowed by the parcel's zoning classification in the Zoning Ordinance.
- (24) Land Division Application includes the written application form information, aerial photo and sketch map and other items as specified by this ordinance.
- (25) Land Use Plan means the Town of Union Comprehensive Plan, concerning issues of land use in the Town, adopted by the Town of Union, including any subsequent amendment, but does not include any Town Comprehensive Plan adopted under §66.1001, Wis. stats.
- (26) Local street means a street designed to provide access to abutting property and leading into collector streets, but which is not designed to carry through traffic from outside the neighborhood in which it is located.
- (27) Lot means a parcel of not less than 40,000 square feet or greater, but less than three (3) acres, which is created by a land division, with the designated parcel, tract, or area of land established by land division plat, Certified Survey Map, or as otherwise permitted by law to be conveyed, used, developed, or built upon as a unit.
- (28) Major thoroughfare or major street means a street used or intended to be used primarily for fast or heavy through traffic. Major thoroughfares shall include freeways, expressways, and other highways and parkways, as well as arterial streets.
- (29) Master plan means the plan, concerning issues of land in the town, adopted pursuant to §62.23, Wis. stats.
- (30) Minor Land Division means any division of land other than a Subdivision. The minimum land division under this Ordinance shall comply with the standard design and improvement requirements in and the Certified Survey requirements in .
- (31) Minor Streets are streets used or intended to be used primarily for slow, non-through traffic.
- (32) Natural resource means air, land, water, groundwater, drinking water supplies, wildlife, fish, biota, and other such resources, belonging to, managed by, appertaining to, or otherwise controlled by the United States, State of Wisconsin, or the Town.
- (33) Navigable Waters means any body of water, which is navigable under the laws of the State.
- (34) Outlot means a parcel of land other than a lot or block so designated on a land division plat or Certified Survey Map.
- (35) Parcel means contiguous lands under the control of a land divider not separated by streets, highways, navigable rivers, or railroad rights-of-way.
- (36) Pedestrian Ways are defined as public pedestrian access other than sidewalks along public streets.
- (37) Protective covenants mean contracts entered into between private parties or between private parties and public bodies pursuant to Wis. Stats. §236.293, that constitute a restriction on the use of all private or platted property within a land division created by a certified survey map or subdivision for the benefit of the public or property owners and to provide protection against undesirable aspects of development that would tend to impair stability of values or otherwise.
- (38) Replat means the process of changing the map or plat which changes the boundaries of a recorded Subdivision Plat, Minor Land Division, Certified Survey Map, or other land division or part thereof. The division of a large block, lot, or outlot within a recorded subdivision plat or certified survey which changes the exterior boundaries of said lot, block, or outlot is a replat.
- (39) Restrictive Covenant means a deed restriction on the use of the land usually set forth in the deed. A restrictive covenant runs with the land and is binding upon subsequent owners of the property.
- (40) Residential development means any development approved for residential use.
- (41) Site means the land on which development takes place.
- (42) Subdivider means any person or entity or any agent thereof dividing or proposing to divide land resulting in a subdivision plat, certified survey map, or replat.



- (43) Sketch Plan means a conceptual layout of a proposed development on a topographic map, which is submitted for formal review and as further defined by this ordinance.
- (44) Subdivision means the division of a lot, as defined by §236.02(12) Wis Stats therein, by the owner, subdivider, or his successor in title, for the purpose of transfer of ownership or building development where the division creates more than four (4) lots less than 1.5 acres in five (5) years or where the land division creates more than five (5) parcels or building sites of any size within five (5) years.
- (45) Town means the Town of Union, Rock County, Wisconsin.
- (46) Town Board means the Board of Supervisors for the Town of Union, Rock County, Wisconsin and includes designees of the board authorized to act for the board.
- (47) Town Clerk means the clerk of the Town of Union, Rock County, Wisconsin.
- (48) Town Comprehensive Plan means a Comprehensive Plan adopted by the Town Board of the Town of Union under §66.1001 Wis Stats.
- (49) Town Plan Commission means the Town of Union Plan Commission appointed by the Town Board of the Town of Union, Rock County, Wisconsin.
- (50) Wetland means an area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophilic vegetation and that has soils indicative of wet conditions.
- (51) Wis. Stats. means the Wisconsin Statutes, including successor provisions to cited statutes.

## 6 Exemptions

- (1) The provisions of this Ordinance, as it applies to land divisions of tracts of land in the Town of Union into less than 5 parcels, shall not apply to any of the following:
  - A. Transfers in interest in land by will or pursuant to court order.
  - B. Leases for a term of not more than 10 years, mortgages, or easements.
  - C. The sale or exchange of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum size required by these regulations, the applicable Zoning Code or other applicable laws or ordinances.
- (2) All of the following specific uses and activities are exempt from this ordinance:
  - A. Cemetery plats made under §157.07, Wis. stats.
  - B. Assessor's plats made under §70.27, Wis. stats.

## 7 Coverage/Compliance

- (1) This Ordinance applies to all lands in the Town of Union. The Town Board shall be responsible to administer this Ordinance unless it designates other authority.
- (2) **No person, unless exempt under this ordinance, shall divide or create a land division of any land in the boundaries of the Town of Union (regardless of the size of the land division) without the approval of the Town of Union board and subject to the requirements of this ordinance.** No land division, including any Cluster Development, Conservation Subdivision, a Subdivision, a Certified Survey Map, Condominium Plat, Replat or Minor Land Division, shall be entitled to be recorded in the Office of the Register of Deeds for Rock County unless the final land division, plat, or map as approved by the Town Board or its designee is in full compliance and consistent with all of the following:
  - A. All requirements of this Ordinance; when provisions of this Ordinance impose greater restrictions than paragraphs B. through H. below, it is intended that the provisions of this Ordinance shall apply.
  - B. Chapter 236, Wis. stats.
  - C. The Town of Union Comprehensive Plan adopted under §66.1001, Wis. stats., or other Town Land Use Plan or any component thereof.
  - D. The applicable Town of Union ordinances and zoning regulations, building code, sanitary code, erosion control regulations, and other land division regulations, and any other applicable Rock County ordinances and regulations.
  - E. State Department of Natural Resources administrative rules on wetlands, shorelands, sewers, septic systems, and pollution abatement.
  - F. All applicable State and local sanitary codes.

- G. All State Department of Transportation and County of Rock Highway Department Administrative rules relating to safety of access and the preservation of the public interest and investment in the highway system, if the land owned and controlled by the land divider abuts on a state or county trunk highway or town road.
- H. All applicable extraterritorial, comprehensive, and master plans, extraterritorial zoning or plat review ordinances, or official maps adopted pursuant to §62.23, State stats., and any other applicable Town of Union, Rock County, or extraterritorial authority ordinances and regulations.
- (3) Permit fees shall be established annually in January or thereafter by resolution of the Town Board prior to any new land division plat approvals and Certified Survey map approvals and prior to any person commencing any form of construction or installation of any building in the Town of Union.
  - (4) No land shall be divided or any land division occur if any parcel, or lot created to be by the land division is smaller than 40,000 square feet.
  - (5) No land shall be divided or any land division occur in the Town of Union without specific written approval by the Town Board and review by the Plan Commission.**
  - (6) Any parcel in the Town of Union, which shall be divided by a land division regardless of the lot size or number of lots created, which is located wholly or partially within a Shoreland Zoning District or a Floodplain District, shall require, at minimum, a Certified Survey Map to be recorded in the Rock County Register of Deeds Office with approval by the Town Board or its designee under this Ordinance prior to recording.
  - (7) Any parcel in the Town of Union, which shall be divided and cause a land division regardless of the lot, outlot, or parcel size or number of lots, outlots, or parcels created, shall comply with §59.692, §281.31, §236.45 Wis Stats, Chapter 703 Wis Stats, and any appropriate State Administrative Code provisions.
  - (8) All visible structures, fences, navigable waters, and public streets and public roads shall be shown to scale on any Certified Survey Map from any land division to be recorded..
  - (9) Any outlots created on a Certified Survey Map shall be accompanied with a specific statement of purpose or use of the outlot.
  - (10) No person shall construct upon, convey, record, or place survey monuments, conduct surveys, layout parcels, lots, or outlots, or create plats or maps on any land in the Town of Union in violation of this Ordinance or the Wisconsin Statutes.
  - (11) No person shall request, nor be issued by the Town Board, a driveway permit, building permit, or any other permit or license authorizing any construction, installation, or improvement on any land within the Town of Union, except land subject to a land division that was of record as of the effective date of this Ordinance, until the provisions and requirements of this Ordinance have been fully met by the land divider. The Town Board may institute the appropriate action or proceedings to enjoin violations of this Ordinance.
  - (12) All land division approvals required by the State Department of Administration or its successor Department for specific land divisions, including any Subdivisions, Minor Land Divisions, or Certified Surveys shall be obtained prior to final approval by the Town Board or its designees.
  - (13) All land division, plats, or Certified Survey Maps, upon receipt of final approval by the Town Board or its designees, shall be recorded within 120 days in the Office of the Register of Deeds at the cost of the land divider. Final plat approval shall comply for recording with §236.21 and §236.25 Wis Stats.
  - (14) No persons shall make, record, or replat of any land division, except as provided under §70.27(1) Wis Stats if it alters acres dedicated to the public without proper court action to vacate such plat, map, or part thereof.
  - (15) A condominium plat prepared by a land surveyor registered in Wisconsin is required for all condominium plats, or any amendments or expansions thereof. The land divider shall comply in all respects with the requirements of §703.11 Wis Stats and the following:
    - A. Density: Adequate open space should be provided so that the average density and intensity of land use shall be no greater than that permitted for the Town of Union and/or County zoning district in which it is located.
    - B. Submittal: The land divider shall submit the proposed site plan, use, and location, existing and proposed structures, neighboring land and water uses, parking areas, driveway locations,

highway access, traffic generation according to Institute of Traffic Engineers standards, traffic circulation, drainage, waste disposal, water supply systems, and the effects the proposed uses, structures, improvements, and operation have upon the area, including flood damage protection, water quality, shoreland cover, natural beauty, and wildlife habitat.

- C. Review and Approval: The Town of Union shall approve the plat provided the proposed uses and structures are in accordance with the purpose and intent of this Ordinance and are found not to be hazardous, harmful, offensive, or otherwise adverse to the environmental corridor, wetlands, floodplain, shoreland cover, drainage, street and highway system, or park and open space element of the Town of Union Comprehensive Plan.
- (16) Where other governing authorities, including the State, the County, or any extraterritorial municipal body has the statutory or ordinance authority to approve or to object to any proposed land division and the requirements are conflicting, the land divider and the land division shall comply with the most restrictive requirements.

## **8 Specific Compliance Provisions**

- (1) All parcels, lots, or outlots that will be proposed to be divided for land division purposes under this Ordinance that are bisected or divided by a public road, public street, public trail, or a navigable water shall be divided along these natural or constructed features.
- (2) No land shall be issued a land division approval if the Town Board of the Town of Union determines that any proposed land division plat, or Certified Survey Map will materially interfere with existing agricultural uses or will conflict with other goals, objectives, and policies as set forth in the Town Comprehensive Plan, master plan, or other land use plan. In addition, the land division approval must be determined to be, by the Town Board, consistent with the Town Comprehensive Plan, if any, and if any other land division plat approval or Certified Survey Map approval to the land applies, the most restrictive requirements to the land apply. The land division minimum lot size requirements in this Ordinance apply rather than any other applicable municipal zoning regulations related to minimum lot sizes.
- (3) No land shall be issued a land division approval for a purpose that poses a significant threat to the quality or quantity of groundwater in the Town of Union.
- (4) No land shall be issued a land division approval if it is held unsuitable by the Town Board for its proposed use for reason of flooding, inadequate drainage, inadequate roadways, dangerous or hazardous land conditions, adverse soil or rock formation, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal or maintenance capabilities, impairment of wildlife habitat and scenic vistas, improper utilization of prime farm soils, undue costs and inefficiencies in the provision of Town of Union governmental and public services, or any other feature likely to be harmful to the health, safety, or welfare of current or future residents of the Town of Union, or likely to cause a public nuisance in the Town of Union. The Town Plan Commission may require any proposed land divider to furnish maps, data, and other information as may be necessary to determine land suitability.
- (5) No person shall be issued any land division approval by the Town Board until the appropriate application fees have been paid to the Town Treasurer.
- (6) No person shall be issued any land division approval by the Town of Union who has failed to properly and fully complete and submit to the Town Board the application form developed and provided by the Town of Union.
- (7) No person shall sell any parcel of land, lot, or outlot of 40,000 square feet or less in size in the Town of Union if it abuts on a road which has not been accepted as a public road unless the seller informs the land purchaser in writing of the fact that the road is not a public road and is not required to be maintained by the Town of Union or the County of Rock. Notice must be provided by certified mail.
- (8) No person shall be issued a final land division approval by the Town Board until the land divider makes or installs all public improvements including signage deemed necessary by the Town Board or until the land divider executes a surety bond or other security acceptable to the Town Board to insure that the land divider will make these public improvements within a time established by the Town Board.

- (9) No person shall be issued a final land division approval by the Town Board until the land divider submits and obtains approval of the proposed land division plat or proposed certified survey map to the following approving authorities which may include but not limited to Rock County Planning & Development and the City of Evansville.
- (10) No person shall be issued a final land division plat approval by the Town Board until the land divider agrees in writing that the land divider will be responsible for the cost of any necessary alteration of any existing utilities that by virtue of the land division, lie within the public right-of-way.
- (11) The land divider of all subdivisions requiring new roads is responsible for the maintenance (including snow plowing) of subdivision gravel roads and roadbeds prior to pavement until the road is officially accepted by the Town Board.
- (12) No person shall be issued a final land division plat approval by the Town Board unless all public improvements required by the Town Board within the land division plat area or Certified Survey Map area, meet the requirements established in writing by the Town Board.
- (13) The Town of Union shall not be responsible, with respect to any final land division for any public improvements, and shall not be responsible to accept any dedicated streets, roads, or other public areas and other public improvements until the Town Board, by resolution, accepts or approves such dedicated public improvements with or without conditions.
- (14) No person shall be issued a final land division approval by the Town Board unless any proposed Town of Union roads have been specifically accepted for dedication approved by the Town Board. The applicant shall finish all shoulders and road ditches, if any, install all necessary culverts and signage at intersections and, if required by the Town Board, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and standard specifications approved by the Town of Union Plan Commission, as recommended by the Town of Union Engineer. No person shall be issued a final land division approval by the Town Board unless any natural gas, water, sewer, electrical power, cable and telephone facilities are installed in such manner as to make adequate service available to each parcel, lot, or outlot in the proposed land division. No such electricity, cable, or telephone service shall be located on overhead poles. In addition, plans indicating the proposed location of any new or replacement natural gas, sewer, water, electric, cable, and telephone facilities required to serve the land division shall be noticed to and approved by the Town Board.
- (15) No person, unless specifically waived in writing by the Town Board, shall be issued a final land division approval by the Town Board unless required curb and gutter with concrete sidewalk, as required by the Town Board, are installed with the plans and standard specifications for such structures approved by the Town Board upon recommendation of the Town of Union Plan Commission. The cost of all curb, gutter, and sidewalk shall be borne by the land divider.
- (16) No person, unless specifically waived in writing by the Town Board, shall be issued a final land division approval by the Town Board unless proper community or cluster group sewage and water systems, that are required by the Town Board, are timely installed by the land divider at the cost of the land divider, and are then by Developer's Agreement to be owned, operated, and to be maintained by the Town of Union or a Town of Union Special Purpose District such as a Sanitary District or Utility District. Community sewer and water systems shall be designed to Town of Union Engineering standards with respect to pipe materials, sizes, and grades, manhole designs and space-up, and adequate pumping and storage stations and configurations and designed to facilitate connection to any public sanitary sewage system and public water surplus when connection to such systems for approval becomes available and advisable for the land divider. Water systems shall include installation of hydrants for fire protection.
- (17) No person shall, unless specifically waived in writing by the Town Board, shall be issued a final land division approval by the Town Board unless formal dedication of parks, open spaces, or sites for other public uses have been made, as required by the Town Board at no cost to the Town of Union.
- (18) No residual parcel resulting from any division of land shall be less than the minimum size allowed by the zoning classification in the Town of Union Zoning Ordinance.

## **9 Fees and Escrow**

- (1) All Land Division Applications and any other appropriate approval requests shall be accompanied by an application fee. The fee shall be established by the Town Board by Resolution or as set forth in the Town of Union fee schedule.
- (2) All reasonable costs incurred by the Town Board or its agents to properly review each Land Division Application shall be the responsibility of the land divider who shall timely pay or reimburse the Town of Union for all reasonable or projected engineering, inspection, legal, and administrative costs incurred by the Town of Union in reviewing the proposed land division plats and maps. The Town Board may require that all or a portion of the known costs of application approval and variance review be paid in advance.
- (3) Fees for Review and Administration.
  - A. Fees Required. Every applicant shall pay, in addition to any applicable application fee, all of the following fees. Any such fees not paid to the Town as provided in sub. (8) shall be paid by the applicant within thirty (30) days of the date of an invoice from the Town. In the event fees are not paid in a timely manner, the Town shall not be required to take any further action with respect to the development approval. Non-payment of fees shall be deemed sufficient cause for rejection of the application.
  - B. Engineering Fee. The applicant shall pay a fee equal to the actual cost to the Town for all engineering work incurred by the Town in connection with the development approval, including any required inspections. The applicant shall pay a fee equal to the actual cost to the Town for engineering services deemed necessary by the Town to ensure that the design and construction of the required improvements is in compliance with the plans, specifications and ordinances of the Town or any other governmental authority with jurisdiction over the improvement.
  - C. Administrative Review Fees. The applicant shall pay a fee equal to the cost of any Town administrative, legal or financial work that may be undertaken by the Town in connection with the development approval. Administrative costs shall include the cost of Town employees' time while engaged in activities related to the development approval request based on the hourly or set rate as established by the fee schedule.
  - D. Traffic Impact Analysis. In any case where the Town Engineer or Plan Commission determines that the proposed development within a land division is likely to cause a significant impact on traffic on streets or highways beyond the proposed land division, the applicant shall pay the fees of a traffic engineer to be retained by the Town to complete and present a Traffic Impact Analysis following Wisconsin Department of Transportation guidelines. An estimate of the fees as determined by the Town Engineer shall be paid into the escrow account established under sub. (4) within 10 days after notice of the determination by the Town Engineer. If the required escrow deposit is not made, the application may be denied. Where the report of the analysis concludes that the proposed development will cause off-site public roads, intersections, or interchanges to function below Level of Service C, as defined by the Institute of Transportation Engineers, the Town may deny the application, require a size or density reduction in the proposed development, or require that the developer construct and/or pay for required off-site improvements.
- (4) Fee Escrows. Except as provided in , at such time as the applicant submits an application for a development approval, the applicant shall deposit with the Town, in escrow, the escrow amount established from time to time by the Town Board by ordinance or resolution. No application shall be deemed complete until the required escrow deposit is made.
- (5) ESCROW Replacement In the event that escrow deposit falls below twenty-five percent (25%) of the original amount required to be deposited, the Town Board shall have the option to require the applicant to restore the escrow balance to the original amount required hereunder.
- (6) ESCROW Refunds. In the event that funds remain in escrow over and above the Town's fees after withdrawal, approval or final denial of the application, or otherwise as provided in , the remaining balance shall be refunded to the applicant. Notwithstanding the foregoing, the applicant may elect to apply any remaining balance to any escrow deposit required as part of a subsequent application for a development approval for the same project.
- (7) ESCROW Interest. The escrow account shall not bear interest for the benefit of the applicant.

- (8) Withdrawals from Escrow. The Town Clerk/Treasurer shall draw upon the escrowed funds to reimburse the Town for the fees it has incurred in reviewing the development approval on a monthly basis.
- (9) Accounting. An accounting of all fees incurred by the Town and the status of the escrow shall also be provided to the applicant within thirty (30) days after each withdrawal. Any dispute with respect to the propriety or amount of any withdrawal shall be subject to appeal to the Town Board within thirty (30) days after the date of the accounting showing the withdrawal.
- (10) Default. In the event that the subdivider defaults in restoring the escrow account, the Town shall not be required to act further upon the request. Failure to replenish the escrow account shall be sufficient cause to reject the application for development approval.
- (11) Exception. No escrow deposit shall be required if the fees required by are guaranteed by the applicant, with adequate security, pursuant to a subdivider's or development agreement with the Town. At the time of execution of such an agreement, the Clerk/Treasurer shall refund any remaining escrow balance to the applicant.

## **10 Cluster Development**

- (1) In order to further the goals and policies of the Town Comprehensive Plan, master plan, or land use plan, assuming all other provisions of this ordinance are met, the Town Board will consider plans for land divisions that provide for a cluster development or conservation subdivision. At the discretion of the Town Board, deed restrictions, including restrictive covenants, or conservation easements, or both, may be required for such plans that include the cluster development or conservation subdivision.

## **11 Land Division Application Submittal**

- (1) Any land divider who divides or proposes to divide for land division purposes, land located in the Town of Union that will create a land division, including a Cluster Development, Subdivision, Certified Survey Map, Condominium Plat, Minor Land Division, Replat, or revision of an existing land division shall, prior to any submittal of any Preliminary Plat or map information, must submit a Land Division Application Form to the Town Building Inspector. The Land Division Application Form is available from the Building Inspector.

### **A. Land Division Application Form and Attachments**

The Land Division Application requires the following form information and attachments as specified below and application fee.

- i. The name, address and phone number of the owner of the property and that of the land divider.
- ii. The location and size of the property and the type of land division that is to be requested.
- iii. The names and addresses of all landowners within a 1000' foot radius of the outer edges of the parcel being divided including those parcels within this radius of neighboring counties and other municipalities
- iv. A statement of intended use.
- v. The name, address and phone numbers of the surveyor who will be doing the survey work.
- vi. The name, address and phone numbers of the engineer who will perform the public improvements design.
- vii. The present use of the land.
- viii. The number and size of projected parcels, lots, or outlots upon a final land division.
- ix. Existing zoning and other land use controls on parcels within 1000 foot radius of the outer edges of the proposed land division.
- x. Description of parcel location including fire number and roads bordering property.
- xi. The estimated timetable for final development.
- xii. Existing and proposed zoning of parcel and parcels to be created.
- xiii. Parcel number
- xiv. Aerial photo of parcel and land within 1000 feet of its border or Global Information System Satellite Photo.

- xv. Sketch map as specified below. (This provision does not apply to a correction instrument, except if the affidavit in the correction instrument would change the areas dedicated to the public or restricted for the public benefit, then the Town Board must approve such change.)

**B. Sketch Map Specifications**

As part of all Land Division Applications, the land divider shall submit to the Building Inspector a sketch map no smaller in scale than 1 inch = 200 feet or other appropriate larger scale. More than one attached sheet may be used but no sheet may be larger than 8 1/2" x 14" inches. Sketch maps for subdivisions may be larger as long as 14 copies are provided in addition to a map no larger than 8 1/2" x 14" for reproduction purposes. Each submission shall include all contiguously owned land except the sketch map need not show more than 20 times the area of the intended certified survey. The sketch map shall show all of the following:

- i. A north arrow, the date, the scale, and a reference to a section corner.
- ii. Lengths and angles of existing and proposed property lines.
- iii. Location of adjacent properties within 1,000 feet.
- iv. The approximate dimensions and areas of the parcels, lots, outlots, and easements.
- v. The location and type of existing and proposed buildings, fences, and structures and their uses, including any Cluster Development or Conservation Subdivision areas.
- vi. The location and name of all existing drainage ditches, water wells, sewerage systems, water courses, lakes, navigable waters, ponds, dry wells, drain fields, pipes, culverts, tile lines, and parks and other features pertinent to the land division.
- vii. The location of existing and proposed roads, highways, developments, navigable rivers, trails, and driveways and distances to the nearest adjoining highways, roads, or driveways on all sides of the proposed site.
- viii. Zoning classification and other land use controls of adjacent properties within 1,000 feet.
- ix. The location of general land cover types, such as woodlands, wetlands, agricultural, etc.
- x. The location of any slopes of 12% or greater.
- xi. The setback of building lines required by any approving agency.
- xii. The uses of the land adjacent to the property and any existing roads, easements and restrictions of record, public accesses to navigable water, dedicated areas and utilities on/or adjacent to the land.
- xiii. Any floodplain limits
- xiv. The entire area contiguous to the plat owned or controlled by the owner or land divider.
- xv. Owners names of adjacent properties within 1,000 feet.

**C. Site Assessment Checklist**

The applicant shall submit a completed Site Assessment Checklist as developed and approved by the Plan Commission with the application unless this requirement is waived by the Plan Commission. This checklist identifies development factors associated with the Town of Union Comprehensive Plan.

**D. Land Use Scoring Sheets**

The applicant shall submit a completed Land Use Scoring Sheet as developed and approved by the Plan Commission with the application unless this requirement is waived by the Plan Commission. This scoring sheet is used by the Plan Commission and Town Board to aid in the study of the project's feasibility.

**E. Property Owners Association Legal Documents**

The applicant shall submit a draft copy of the legal documents establishing a property owner's association and its rules with the application unless this requirement is waived by the Plan Commission.

**F. Traffic Impact Analysis**

The applicant shall submit a written document identifying the potential impact of the land division and development on adjacent and connector roads with the application unless this

requirement is waived by the Plan Commission. The Plan Commission or Town Board may require a formal traffic impact study based upon Institute of Traffic Engineers standards. The study shall be transmitted for review and comment by the Town Plan Commission prior to action on the preliminary plat or map. See .

#### **G. Covenants**

In any case where the subdivider proposes to provide for the private maintenance or protection of any common open space, storm water management facility, drainageway, private road or other required public or private improvement, the Plan Commission may require submission of a draft of protective covenants or other agreements by which the subdivider intends to assure the perpetual and proper maintenance of, and otherwise protect, the proposed improvements. In all cases where the requirements of this ordinance are proposed to be satisfied or guaranteed by private covenants or restrictions, such covenants or restrictions shall contain provisions prohibiting the repeal or amendment of such covenants or restrictions without approval of the Town Board, and shall be expressly made enforceable by the Town Board. Unless the form of such covenants or restrictions is specified by the Town Board, the adequacy thereof shall be determined by the Town Engineer. All required deed restrictions and protective covenants shall be recorded prior to, or concurrently with, the final plat or certified survey map. The violation of any covenant or restriction required as a condition of approval of a land division shall be deemed a violation of this ordinance.

#### **H. Property Owners' Association**

Whenever a subdivider proposes that any common open space, storm water management facilities, drainageway, private road or other required development component is to be privately managed by a property owners' association, the Town Plan Commission may require submission of a draft of the legal instruments and rules for proposed property owners associations at the time of submission of a proposed plat or certified survey map. If the Town Board approves the private maintenance of required development components by such an association, the organizational documents creating such organization shall be filed prior to, or concurrent with, the recording of the final plat or certified survey map and appropriate protective covenants or a binding agreement between the Town and the association assuring such management shall be recorded with the plat or map. The covenants shall be subject to the review and approval of the Town of Union attorney.

### **(2) Submittal Process**

The applicant shall submit the completed **Land Division Application Form** and attachments to the Building Inspector for review of completeness. When the Building Inspector determines the application is complete, the applicant shall submit the application fee to the Town Treasurer. The applicant may then submit 14 copies of the Land Division Application Form and attachments, and the fee payment receipt to the Town Clerk. The Town Clerk shall establish the Plan Commission meeting date upon which the Plan Commission will conduct a public hearing on the application according to the Plan Commission meeting calendar. The Town Clerk will notify by mail all landowners of parcels within 1000 ft of the property in question and post a class 2 notice of the public hearing.

The Town Clerk shall notify all Plan Commission members of the meeting and provide copies of the Land Division Application Form and attachments to them. See Wisconsin State Statute §236 for a timeline for the Plan Commission to review the application.

### **(3) Approval Process**

The Plan Commission shall hold a public hearing on the land division application after publication of a Class 2 notice thereof. If required for the type of land division request being made, the Plan Commission will provide a recommendation to the Town Board who will make the final decision. The Commission's recommendation shall be to approve, approve with conditions, or reject the land division and shall include the reasons for rejection or the imposition of conditions.



The land divider or the land divider's designee shall attend the meeting and present the proposed Land Division, preliminary plat or map documents, and sketch map to the Town Plan Commission for its consideration. Failure of the land divider or designee to attend the meeting or to provide a complete Land Division Application may be used as grounds for the Town Plan Commission to recommend denial of the requested land division.

See and for the approval process for each type of Land Division: Minor Land Divisions and Subdivision Land Divisions.

## **12 Minor Land Divisions**

Any division of land, no matter the size, other than a Subdivision as defined herein, shall be surveyed and a Certified Survey Map (CSM) shall be prepared and recorded as provided in §236.34 Wis Stats.

- (1) Any Minor Land Division shall meet the design standards noted in .
- (2) Prior to the filing of an application, the land divider may ask the Town Plan Commission at a Town Plan Commission Meeting for assistance in understanding the Town Ordinances, Comprehensive Plan and application process. No option of a project will be provided by Plan Commission members prior to having received a completed Land Division Application.
- (3) Application. The land divider shall submit a Land Division Application along with the information as noted in and following the submittal process described in . The application shall be reviewed by the Plan Commission to establish conformity and consistency with surrounding existing or proposed developments; adjacent or future highways; schools; other planned public developments; analysis of soil types; topography; erosion control and storm water management; access to any abutting street or highway conformance with this Ordinance, Chapter 236 Wis Stats, the Town of Union Comprehensive Plan, Established Street and Highway Width Maps, Official Maps, and generally for the effect the land division would have on the development of surrounding property. If any lots, parcels, or outlots to be divided are not served by municipal sanitary sewer, soil borings must be submitted for approval in accordance with the State Department of Commerce Administrative Rules.
- (4) The Plan Commission will conduct a public hearing and make a recommendation to the Town Board for approval, conditional approval, or denial, or request additional information necessary to make a decision. If additional information is requested, the applicant will return to another monthly Plan Commission meeting to have the Commission review the new documentation and make a recommendation to the board.
- (5) The Town Board will proceed to review the application and make a decision to deny, approve or conditionally approve the request. See Chapter 2, Section 2.2 for final approval regarding land divisions under conditional use permits for A1, A2, and A3 property.
- (6) If preliminary approval of a Certified Survey Map is granted by the Town Board or its designee, the land divider may proceed to have drawn a Final Certified Survey Map in accordance with §236.34 Wis Stats. The land divider shall be required to dedicate any road right-of-way the Town of Union or the County deems necessary and shall be required to build the highway to the appropriate Highway Standards. All other requirements established by this Ordinance, where applicable, shall be complied with by the land divider. The cash escrow or letter of credit and any Developer's Agreement requirements regarding public and private improvements, as set out in this Ordinance, are applicable to Minor Land Divisions and Certified Survey Maps.
- (7) Prior to the request for approval of the Final Certified Survey Map and as condition of the final approval of the Certified Survey Map, by the Town Board or its designee, the land divider shall seek to obtain a Resolution from the Town Board specifically stating what, if any, public benefit restrictions have been placed on the Certified Survey Map approval by the Town Board under §236.293 and §236.45 Wis Stats and by any Developer's Agreement and Developer's Schedule. These restrictions may include but are not limited to the submission to and approval by the Town Board of construction plans and a time schedule regarding any and all public and private highways and other improvements and a formal guarantee regarding any and all private and public improvements.

- (8) Final CSM Approval. The Town Board or its designee shall review the Final CSM for conformance with the preliminary CSM, satisfaction of all conditions of approval, and the conformity of the CSM with the requirements of this ordinance and all other applicable ordinances, rules, regulations and Comprehensive Plan or land use plan provisions. The Town Board shall approve, approve conditionally or reject such map within 60 days from the date of filing of the application for approval unless the time is extended by agreement with the subdivider. The failure of the Town Board to act within such 60 day period or any extension thereof shall constitute approval of the map, provided, however, that if the Board fails to act because the subdivider has violated the escrow deposit requirements of §1.08, the map shall be deemed rejected. If the map is rejected or conditionally approved, the reasons for rejection or conditions on approval shall be stated in the minutes of the meeting and a written statement forwarded to the land divider. If the Final CSM is approved, the Town Clerk/Treasurer shall so certify on the face of the original map and return the map to the land divider. If the map is conditionally approved, the Clerk/Treasurer shall certify the approval only upon satisfaction of any conditions precedent to the approval.
- (9) Recordation. The subdivider shall record the map with the Rock County Register of Deeds within ninety (90) days of the date of its last approval and within 24 months of the date of the Final CSM approval. The failure to record the map within such time shall render the Town Board's approval and certification void.
- (10) A copy of the Certified Survey Map as recorded in the Register of Deeds Office shall be filed with the Town Clerk within five (5) days of the recording. Two copies of a list of lots and corresponding addresses assigned by Rock County shall also be provided to the clerk.

### **13 Certified Survey Map**

- (1) The Town of Union requires a Certified Survey Map be prepared by a land surveyor registered in the State of Wisconsin for all land divisions except Subdivisions which a Certified Plat Map.
- (2) Prior to submittal of any Preliminary map or any Certified Survey Map, the land divider shall have submitted to the Town Clerk the Land Division Application noted in .
- (3) All required Certified Survey Maps shall comply in all respects with §236.10 Wis Stats, §236.34, Wis. stats., where applicable, and State survey standards. The Town of Union shall comply with the ninety (90) day requirement in §236.34 Wis Stats for final approval, final approval on condition, or rejection by the Town Board or its designee, as the approving authority for the final Certified Survey Map.
- (4) The Certified Survey Map shall, at minimum, show correctly on its face, in addition to the information required by § 236.24, Wis. Stats., all of the following:
  - A. All existing buildings, fences, water courses, tile lines, wetlands, lakes, navigable waters, ponds, drainage ditches, waste disposal systems, and other features pertinent to the property division, including the location of water wells, dry wells, drain fields, pipes, culverts, and existing easements, public streets, and any adjoining parks, cemeteries, public roads, streets, subdivisions, ponds, streams, lakes, flowages, wetlands, railroad rights of way, and easements, and public roads.
  - B. The building envelope and its distance to 2 property lines, if a building location were required and approved by the Town Board.
  - C. The area of parcels, outlots, and lots in acres.
  - D. The date of the map.
  - E. The graphic scale of the map and north arrow.
  - F. The entire area contiguous to the plat owned or controlled by the owner or land divider with the following exception:
    - i. When the land division lies within one or more quarter of a quarter sections whereby the exterior boundary of the parent parcel follows the quarter of a quarter section lines and is owned in its entirety by the land divider, then only the separated area is required to be shown on the CSM.
  - G. Any floodplain limits.
  - H. Note of reference to all deed restrictions, agreements and covenants.
- (5) The Certified Survey Map shall include in its certification, in addition to the information required by §236.34, Wis. stats., all of the following:

- A. A legal description of the parcel including mother parcel number(s); the surveyor's name, address, and signature; a statement from the surveyor that the surveyor has fully complied with all the provisions of this ordinance.
  - B. The owner's name, address, and signature.
  - C. Signature lines and dates for approval by the Town Chairperson and Town Clerk and if applicable, a signature line and date for the Town Engineer.
- (6) The Certified Survey Map is entitled to final approval by the Town Board or the Town Plan Commission, if so designated, only if the Certified Survey Map, together with all required information, is submitted within twelve (12) months of the Land Division Application submitted to the Town Clerk and it substantially conforms and is consistent with to all of the following:
- A. The Land Division Application and sketch map as determined complete and the preliminary documents submitted by the land divider.
  - B. Any and all conditions of approval established by the Town Board, pursuant to this Ordinance.
  - C. The adopted Town Comprehensive Plan or other applicable Town, County, or municipal land use plans and Ordinances, including any Town, County, or other applicable municipal zoning or plat review Ordinances.
  - D. All appropriate requirements for Certified Survey Maps and Minor Subdivisions as noted in this Ordinance.

### **1 Subdivision Preliminary Plat Approval, Conditional Approval, Rejection**

In the situation of Subdivisions, the land divider must provide a Subdivision Preliminary Plat prepared by a land surveyor registered in the State of Wisconsin for approval. Prior to the submittal of the Subdivision Preliminary Plat or other Preliminary plat document, the land divider shall have submitted the Land Division Application noted in .

- (1) Pre-Application. Prior to the filing of an application for approval of a preliminary subdivision plat map, the subdivider may consult with Town Staff and the Plan Commission in order to obtain their advice and assistance in interpreting the town's ordinances, application process and Comprehensive Plan. No Plan Commission member will provide opinion of a project prior to a public meeting accepting a completed project application.
- (2) Application. The land divider shall submit a Land Division Application along with the information as noted in and following the submittal process described in . The application shall be reviewed by the Plan Commission to establish conformity and consistency with surrounding existing or proposed developments; adjacent or future highways; schools; other planned public developments; analysis of soil types; topography; erosion control and storm water management; access to any abutting street or highway conformance with this Ordinance, Chapter 236 Wis Stats, the Town of Union Comprehensive Plan, Established Street and Highway Width Maps, Official Maps, and generally for the effect the land division would have on the development of surrounding property. If any lots, parcels, or outlots to be divided are not served by municipal sanitary sewer, soil borings must be submitted for approval in accordance with the State Department of Commerce Administrative Rules. Other items may be required as per the application form.
- (3) Plan Commission Public Hearing. The Town Plan Commission shall hold a public hearing on the application after publication of a Class 2 notice thereof for conformance and consistency with §236.11 Wis Stats, §236.12 Wis Stats, and this Ordinance, any Town Comprehensive Plan, any land use plan, or master plan and all other applicable Town of Union Ordinances, rules, regulations, and plans. The Town Plan Commission may also review applicable County, State, and Federal laws, ordinances, rules, regulations, and plans for consistency and conformity that may affect the proposed Subdivision. The Commission shall review the map for conformance with applicable ordinances and statutes, shall consider all public comments received and all recommendations from Town committees and shall forward its recommendation to the Town Board for final action. Or the Plan Commission may request from the applicant additional information which it deems necessary to make an informed decision or request professional review, e.g., town engineer, town attorney. This additional information shall be heard at another monthly meeting of the Plan Commission. The Commission shall recommend approval, conditional approval or denial of the proposed subdivision and shall include the reasons for rejection or the imposition of conditions or denial. Note: The land

divider is responsible for providing copies of the Subdivision Preliminary Plat map to the ambulance service provider and the fire district staff for their comments and recommendations on the plat.

- A. A **Subdivision Preliminary Plat** shall be required for all proposed Subdivisions and shall be based upon a survey by a registered land surveyor and the plat prepared on paper of good quality at a map scale of not more than two hundred (200) feet to the inch or other appropriate scale and shall show correctly and completely on its face the following information:
- i. Title or name under which the proposed Subdivision is to be recorded. Such title shall not be the same or similar to a previously approved and recorded plat, unless it is an addition to a previously recorded plat and is so stated on the plat;
  - ii. Property location of the proposed Subdivision by: government lot, quarter-section, township, range, County, and State.;
  - iii. A sketch showing the general location of the Subdivision within the U.S. Public Land Survey section;
  - iv. Date, Graphic Scale, and North Arrow;
  - v. Names, addresses, and telephone numbers of the owner, land divider, and land surveyor preparing the plat;
  - vi. The entire area contiguous to the proposed plat owned or controlled by the land divider shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development. Property owned or controlled by the land divider or developer adjacent to the proposed development must also be shown even if across jurisdictional lines. The Town Board or its designee may waive this requirement where it is deemed unnecessary to fulfill the purposes and intent of the Ordinance and severe hardship would result from the strict application. Property owned or controlled by the developer adjacent to the proposed development must also be shown even if across jurisdictional lines;
  - vii. Length and bearing of the exterior boundaries of the proposed Subdivision and the total acreage encompassed thereby;
  - viii. Existing and proposed contours at vertical intervals of not more than two (2) feet where the slope of the found surface is less than 10%, and of not more than five (5) feet where the slope of the ground surface is 10% or more. Elevations shall be marked on such contours based on National Geodetic Vertical Datum of 1929 (mean sea level). Draining patterns and watershed boundaries shall be delineated to help determine peak runoff for specified storm events;
  - ix. All vision triangles shall be clearly shown on arterial and collector roads designed in accordance with current AASHTO Policy on Geometric Design;
  - x. Water elevations of adjoining lakes and streams at the date of the survey and approximate high and low water elevations, all referred to mean sea level (1929) datum;
  - xi. Floodplain limits and the contour line lying a vertical distance of two (2) feet above the elevation of the 100 year recurrence interval flood, or where such data is not available, five (5) feet above the elevation of the maximum flood of records;
  - xii. Location, right-of-way, width, and names of all existing roads, highways, alleys, trails, or other public ways, easements, railroad and utility right-of-way and all section and quarter-section lines within the exterior boundaries of the plat or immediately adjacent thereto;
  - xiii. Type, width, and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally established centerline elevations, all to mean sea level (1929 datum);
  - xiv. Location and names of any adjacent Subdivisions, Minor Land Divisions, Certified Survey lots, unplatted and unsurveyed parcels, outlots, lots, parks, and cemeteries, and owners of record of abutting unplatted and unsurveyed lands;
  - xv. Locations of all existing property boundary lines, structures, drives, lakes, streams, navigable waters, and watercourses, wetlands, rock outcrops, wooded area, railroad tracks, and other similar significant natural or man-made features within the tract being subdivided or immediately adjacent thereto;

- xvi. Location, width, and names of all proposed streets, roads, highways, and public rights-of-way such as alleys and easements;
- xvii. Approximate dimensions of all lots, outlots, and parcels together with proposed lot, outlots, parcels, and block numbers. All lots shall be consecutively numbered;
- xviii. A description of the types of proposed uses of all lots created by the subdivision.
- xix. Location and approximate dimensions and size of any sites to be reserved or dedicated for parks, neighborhood park, drainage ways, trails, or other public uses or which are to be used for group housing, shopping centers, church sites, or other private uses not requiring lotting; if these parcels are outlots on the development proposal, the ownership and purpose shall be stated on the face of the plat;
- xx. The location of all access points to public ways, a reference to any prior Town approval granted for such access points and any restrictions imposed as a condition to such approval.
- xxi. Approximate centerline radii of all curves;
- xxii. Existing zoning on and adjacent to the proposed Subdivision;
- xxiii. Any proposed lake and stream access with a small drawing clearly indicating the location for the proposed Subdivision in relation to the access;
- xxiv. Any proposed lake and stream improvements or relocation;
- xxv. Soil type, slope and boundaries as shown on the detailed operational soil survey maps prepared by the U.S. Soil Conservation Service;
- xxvi. All Department of Natural Resources designated wetlands, and any field verified wetlands designated by a public agency.
- xxvii. The surveyor or engineer preparing the Subdivision Preliminary Plat shall certify on the face of the plat it is a correct representation of the proposed Subdivision and physical features and that he fully complies with the provisions of this Ordinance;
- xxviii. All environmental corridors and isolated natural areas as mapped by State, regional, or local agencies.
- xxix. Easements shall be shown and shall be limited to utility easements, drainage easements, conservation easements, access easements, and service easements. Easements shall not be used for conveyance of streets, pedestrian right-of-way, parks, or school lands, or other public lands requiring dedication. On all drainage easements it shall state on the face of the document that the Town Board shall own title and bear responsibility for maintenance of the easement. The Town Board shall have the authority to assess the costs of maintaining those easements to all benefitting landowners in the development;
- xxx. Any wildlife habitat areas in addition to threatened or endangered species;
- xxxi. The school district(s) in which the development is located should be noted on the face of the preliminary plat;
- xxxii. Characteristics of vegetation;
- xxxiii. Historic and cultural features;
- xxxiv. Scenic vistas.
- xxxv. On the face of two separate copies of the proposed plats to be filed with the Clerk/Treasurer, shall be show all building setback lines required by the applicable Zoning Code. If rezoning is pending, only the setback lines required by the proposed district regulations for each lot shall be shown.

- B. In addition to the other items listed in , the Town of Union may
  - i. After determining from a review of the Preliminary Plat that the soil, slope, vegetation, and drainage characteristics of the site are such as to require substantial cutting, clearing, grading, and other earthmoving operations in the development of the Subdivision or otherwise entail an erosion and stormwater hazard, may require the land divider to provide erosion and sediment control and stormwater management plans;

- ii. Require a detailed statement as to whether and how the proposed development is consistent with the Town of Union Comprehensive Plan or the Town of Union Master Plan;
- C. Town Board Review. Unless the timeline is extended by agreement with the land divider, the Town Board or the Town Plan Commission, if so designated, shall, within ninety (90) days of the date of receipt by the Town Clerk of a complete proposed Preliminary Plat, deem the Subdivision Preliminary Plat complete, grant preliminary approval of, grant conditional approval of, or reject the Subdivision plat as proposed. One (1) copy of the Subdivision Preliminary Plat shall thereupon be returned to the land divider with the date and action endorsed thereon. If approved conditionally or rejected, the conditions for approval or reasons for rejection shall be stated in the minutes of the meeting and a letter setting forth the conditions of approval or the reasons for rejection shall be sent to the land divider. Reasons for conditional approval or rejection may include nonconformance or inconsistency with this Ordinance, the Town Comprehensive Plan, Master Plan, or other Land Use Plan, nonconformance or inconsistency with Town of Union Ordinances, rules, regulations, or plans, and nonconformance with applicable County, municipal, State, or Federal laws, ordinances, rules, regulations, or plans. One copy of the Subdivision Preliminary Plat shall be filed with the Town Clerk for the Town of Union records.
- D. In the event of a rejection of the proposed Subdivision Preliminary Plat by the Town Board, the Town Board or Town Plan Commission shall recite in writing the particular facts upon which it bases its conclusion for rejection, including incompleteness of Land Division Application or that the land is not suitable for the proposed land division. The Town Plan Commission shall afford the land divider an opportunity to review any Town Board's decision of unsuitability and present evidence refuting the determination, if so desired. Thereafter, the Town Plan Commission may recommend that the Town Board affirm, modify, or withdraw its prior determination of unsuitability. The Town Board may affirm, modify, or override the Town Plan Commission decision or recommendation. The Town Board shall recite in writing findings for any decision to modify or override the Town Plan Commission's decision or recommendation.
- E. If either the Town Board or the Town Plan Commission denies two consecutive Subdivision Preliminary Plats for the same parcel, no subsequent re-application for a Subdivision approval of that parcel will be accepted, received, or considered by the Town Board or Town Plan Commission within one (1) year of the second denial.
- F. The Town Board may delegate by Resolution its proposed Subdivision preliminary plat approval to the Town Plan Commission for all or part of the approval.

## **2 Subdivision Final Plat Approval**

- (1) Technical Review. Prior to the filing of an application for approval of a Final Subdivision Plat, the land divider shall meet with the Town Engineer and/or Town Board in order to obtain their advice and assistance. This consultation shall be informal and is intended to inform the land divider of the consistency of the final Subdivision Final Plat with the conditions of approval of the preliminary map. The applicant shall file an application for final certified survey map approval, the appropriate fees and 14 copies of the Subdivision Final Plat in the office of the Clerk/Treasurer.
- (2) Review by Town Engineer or Town Board. The Town Engineer or Town Board shall review the map for conformance with the approved Subdivision Preliminary Plat and the satisfaction of any conditions to such approval, and the conformity of the map to the requirements of this ordinance and all other applicable ordinances, rules, regulations and Comprehensive Plan or land use plan provisions. The Town Board shall, within 30 days from the date of filing of the map or the first available Board meeting date after publication, recommend approval, conditional approval or rejection of the map, and shall transmit the map along with its recommendations to the Town Board. The Commission shall specify the reasons for any proposed rejection.
- (3) Town Board Approval. The Town Board shall approve, approve conditionally or reject such map within 60 days from the date of filing of the application for approval unless the time is extended by agreement with the subdivider. The failure of the Town Board to act within such 60 day period or

any extension thereof shall constitute approval of the map, provided, however, that if the Board fails to act because the subdivider has violated the escrow deposit requirements of §1.08, the map shall be deemed rejected. If the map is rejected or conditionally approved, the reasons for rejection or conditions on approval shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider. If the map is approved, the Town Clerk/Treasurer shall so certify on the face of the original map and return the map to the subdivider. If the map is conditionally approved, the Clerk/Treasurer shall certify the approval only upon satisfaction of any conditions precedent to the approval.

- (4) Recordation. The subdivider shall record the Final Plan Map with the Rock County Register of Deeds within ninety (90) days of the date of its last approval and within 24 months of the date of the Subdivision Final Plat map approval. The failure to record the map within such time shall render the Town Board's approval and certification void.
- (5) The Subdivision Final Plat shall comply fully with § 236.11, 236.12, 236.20, 236.21, and 236.25 Wis. stats, in its Subdivision final plat.
- (6) The Town of Union requires that an updated abstract of title certified to date of submission, or, at the option of the applicant, a policy of title insurance or a certificate of title from an abstract company for examination in order for the Town Board or its designees to ascertain that all parties in interest have signed the owner's certificate on any plat.
- (7) A copy of the Subdivision Final Plat as recorded in the Register of Deeds Office shall be filed with the Town Clerk within five (5) days of the recording. Two copies of a list of lots and corresponding addresses assigned by Rock County shall also be provided to the town clerk..
- (8) Prior to any request for any Subdivision Final Plat approval and recording of the plat or map, the land divider shall seek and obtain from the Town Board a Resolution from the Town of Union specifically stating that the Town of Union accepts from the land divider all lands shown on the plat as dedicated to the Town of Union for the public, including street or road dedications.
- (9) Prior to any request for the final Subdivision approval and recording of the Subdivision plat, the land divider shall seek and obtain a Resolution from the Town of Union specifically stating what, if any, public benefit restrictions or conditions have been placed on the platted land by the Town of Union under §236.293, Wis. Stats and by any Developer's Agreement and Developer's Schedule. The Town Board, by resolution, may later waive these restrictions or conditions.
- (10) The Town Board may delegate by Resolution its Final Subdivision plat approval to the Town Engineer or Town Plan Commission.
- (11) The Town Board or its designee shall approve or reject the Subdivision Final Plat within sixty (60) days of its submission to the Town Clerk unless extension of the time is mutually agreed in writing. Appropriate notices shall be provided as noted in §236.11(2) Wis Stats.

### **3 Design Standards**

All land divisions and public improvements shall meet the following design standards:

#### **(7) Streets and Road Standards**

All proposed streets in any subdivision or other land division shall be designed and constructed as provided in this section.

##### **A. Street Arrangement**

- i. **General Provisions.** Street layouts shall conform to the arrangement, width and location as shown in the neighborhood development plans contained in the Town's land use plan or Comprehensive Plan. In areas for which such plans have not been completed, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to existing and proposed utilities, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas. The subdivision or land division shall be designed so as to provide each lot with satisfactory access to a public street.

- ii. **Collector Streets.** Collector streets shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the arterial street and highway system and shall be properly oriented to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the major streets into which they feed.
- iii. **Minor Streets.** Minor streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems where such sewers are proposed, and to require the minimum street area necessary to provide safe and convenient access to abutting property. Minor public streets or roads shall be so laid out so as to discourage their use by through traffic.
- iv. **Proposed Streets.** Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Town Board, such extension is not necessary or desirable for the coordination of the layout of the subdivision or land division or for the advantageous development of the adjacent tracts. Public roads and public streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit.
- v. **Reserve Strips.** Reserve strips shall not be provided on any plat to control access to streets or alleys, except where control of such strips is granted to the Town under conditions approved by the Town Board.
- vi. **Alleys.** Alleys are not allowed.
- vii. **Street Names.** Street names shall not duplicate or be similar to the names of any other existing street in the Town and existing street names shall be projected to extensions of the same street wherever possible. All proposed street names shall be subject to approval by the Town Board in its discretion.

**(8) Limited Access Highway and Railroad Rights of Way**

Whenever a proposed subdivision or land division contains or is adjacent to a limited access highway or railroad right of way, the design shall provide the following treatment:

- A. When lots within a proposed commercial subdivision or land division back upon the right of way of an existing or proposed limited access highway or a railroad right of way, a planting strip at least 30 feet in depth shall be provided adjacent to the highway or railroad. Such planting strip shall be a part of the platted lots, but shall be in addition to the required minimum lot depth. Planting strips shall be labeled on the face of the plat with the following restriction: "This strip reserved for the planting of trees and shrubs. No structures are permitted."
- B. When lots within a proposed residential subdivision or land division back upon the right of way of an existing or proposed limited access highway or railroad right of way, a low-maintenance landscaped berm shall be designed and constructed at the subdivider's expense according to plans approved by the Town Plan Commission. Required landscaping berms shall extend at least five (5) feet above the elevation of the centerline of the adjacent right of way and not less than thirty (30) feet in width along the entire frontage adjacent to such right of way. Landscaping berms may be resquired at the Plan Commission's discretion.
- C. Streets parallel to a limited access highway or railroad right of way, at the point of their intersection with a major street and highway or collector street which crosses said railroad or highway, shall be located at a minimum distance of 250 feet from said highway or railroad right of way.
- D. Minor streets parallel to railroad rights of way shall be located such that the centerline not less than fifty feet (50') from such right of way. Minor streets in residential areas which are parallel to arterial streets or controlled access highways shall be located such that the rights of way are separated by not less than 150 feet.

**(9) Street Design Standards**

The minimum right of way and roadway width of all proposed streets and alleys shall be as specified by the Comprehensive Plan or Town Land Use Plan. If no width is specified therein, the minimum widths shall be as follows:



- A. **Street Widths.** The following minimum widths shall be provided for all streets. The specified width shall be increased as determined by the Town Plan Commission if on-street bike lanes are shown as part of the Town Comprehensive Plan or land use plan. R.O.W. Width Type of Street To Be Dedicated Pavement Width Arterial Streets 80+ feet 40-56 feet Collector Streets 66 to 70 feet 36-40 feet Minor Streets 60 to 66 feet 32-36 feet Alleys 20 feet 10 to 20 feet Pedestrian Ways 10 feet 8 feet
- B. **Cul-de-sacs.** Cul-de-sac streets shall not be allowed except when necessitated by exceptional topography, to minimize environmental impact or other limiting factors of good design as approved by the Town Plan Commission. When allowed, cul-de-sac streets shall terminate in a circular turn-around having a minimum right of way radius of 70 feet and a minimum inside curb radius of 45 feet and shall not exceed 500 feet in length, unless approved by the Plan Commission.
- C. **Temporary Dead-ends or Cul-de-sacs.** Temporary dead-ends or cul-de-sacs shall be permitted where a street intersects with the boundary of a plat or certified survey map or the boundary of a planned phase of development within a subdivision. Temporary dead-ends or cul-de-sacs shall not serve more than twenty-four (24) lots and shall meet all of the following standards: 1. A temporary turnaround is required if the street serves more than one lot on either side of the street. 2. A temporary "T" turnaround is required if the distance from the centerline of the nearest street intersection to the farthest lot line of the last lot of the applicable construction phase is 400 feet or less. The "T" turnaround shall have a minimum width of 24 feet, a minimum transverse length of 60 feet, a minimum radius of 10 feet and be surfaced with 2 inches of bituminous asphalt over a 10 inch stone base. 3. Either a temporary "T" or temporary circular turnaround shall be required as determined by the Town Engineer when the closed end of a dead-end street is not visible from the nearest intersection or when the distance from the centerline of the nearest intersecting street to the farthest lot line of the last lot in the construction phase is greater than 400 feet. A temporary "T" turnaround shall be constructed as specified in par. (c)2. Circular turnarounds shall have a minimum radius of 40 feet and be surfaced with 2 inches of bituminous asphalt over a 10 inch stone base.
- D. **Street Grades.** Street grades shall be established wherever practicable so as to avoid excessive grading, the excessive removal of ground cover the tree growth, and general leveling of the topography. Unless a greater grade is determined necessary by the Town Engineer due to exceptional topography, the maximum centerline grade of any street or public way shall not exceed the following: 1. Collector Streets. 6-8% 2. Minor Streets, Alleys and Frontage Streets. 10% 3. Pedestrian Ways. 12:1 unless landings of acceptable design are provided. Conformance with ADA requirements is required unless accessibility cannot reasonably be achieved, in which case proper signage shall be provided. The grade of a street shall in no case exceed 12% or be less than 1/2 of one percent (0.5%).
- E. **Half Streets.** Where an existing dedicated or platted half street is adjacent to the tract being divided, the other half of the street shall be dedicated by the subdivider. The platting of half streets shall not be permitted unless determined necessary by the Town Board to avoid an unreasonable hardship.

#### (10) Street Intersections

- A. Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit, and all intersections shall be designed to provide adequate visibility and safety for motorists, bicyclists and pedestrians using such streets.
- B. The number of streets converging at one intersection shall not exceed 2 unless otherwise approved by the Town Board.
- C. The number of intersections along arterial streets shall be held to the minimum practicable consistent with circulation needs and safety requirements. The distance between such intersections shall not be less than 600 feet unless necessitated by exceptional topography or other limiting factors of good design.

- D. Property lines at street intersections shall be rounded with a minimum radius of 15 feet or of a greater radius when deemed necessary by the Town Plan Commission to provide for safe and efficient traffic movements.
- E. Minor streets need not continue across arterial or collector streets, but if the centerline of two minor streets approach the major streets from opposite sides within 150 feet of each other, measured along the centerline of the arterial or collector street, then the location shall be adjusted such that the alignment across the major or collector street is continuous, and a jog is avoided.
- F. Where a land division abuts or contains an existing or proposed arterial highway, the Town Board shall require a frontage road, non-access reservation along the real of the property contiguous to such highway, or such other treatment as may be necessary to insure safe, efficient, traffic flow and adequate protections of residential properties.

**(11) Blocks**

- A. **General Provisions.** The widths, lengths and shapes of blocks shall be suited to the planned use of the land, the applicable zoning requirements, the need for convenient access, control and safety of street traffic and the limitations and opportunities of topography.
- B. **Length.** Blocks in residential areas shall not be less than 400 feet nor more than 2000 feet in length unless necessitated by exceptional topography or other limiting factors of good design.
- C. **Pedestrian Ways.** Pedestrian ways not less than 10 feet in width may be required near the center and entirely across any block over 900 feet in length where deemed reasonably necessary by the Town Plan Commission to provide adequate pedestrian circulation or access to schools, parks, playgrounds, shopping center, churches or transportation facilities.
- D. **Width.** Blocks shall have sufficient width to provide for 2 tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic. The width of lots or parcels reserved or laid out shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions for such use.

**(12) Lots**

- A. **General Provisions.** The size, shape and orientation of lots shall comply with all of the dimensional standards set forth in the applicable Zoning Code and shall be appropriate for the location of the land division and for the type of development and use contemplated. The lots shall be designed to provide an aesthetically pleasing building site and a proper architectural setting for the buildings contemplated. In areas which are not served by public sanitary sewers, lots shall be of sufficient size and configuration to allow for two separate septic drain fields, unless such lots will be served by a common sewerage treatment system located on another lot as provided in §4.06(9)(b). The clustering of building sites and lots is encouraged where feasible to maximize the area of the contiguous open space adjacent to developed areas.
- B. **Side Lot Lines.** Side lot lines shall be as nearly as possible to right angles to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them.
- C. **Double Frontage and Reverse Frontage Lots.** Double frontage and reverse frontage lots shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.
- D. **Access.** All parcels, outlots, or lots shall have frontage on a public street or public road unless the Town Board shall approve the use of private streets for such access. Private streets shall not be permitted unless adequate provisions are made for permanent public street access to and from all units to be served by such street and for adequate maintenance and repair of the improvements within the right of way of such street. In any case where more than one lot or occupancy unit is served by a private street, the Town shall have full regulatory authority to control of traffic and parking on and adjacent thereto to the same extent as if the street were dedicated to the public.
- E. **Walkways.** To provide adequate access and circulation to playgrounds, schools, shopping centers, or other community facilities, the Town Board may require that land divisions provide for walkways either along public streets and public roads or through the center of developments and/or between developments.

- F. **Remnants.** All remnants of lots which do not meet the minimum size for lots as required by the applicable Zoning Code after a larger tract is subdivided shall be added to adjacent lots unless other provisions are made and approved by the Town Board to convert such remnants into usable parcels.

**(13) Easements.**

- A. **Utility Easements.** The subdivider shall provide utility easements of widths deemed adequate by the Town Engineer for the intended purpose where necessary or advisable for electric power and communication poles, wires and conduits; storm and sanitary sewers; and gas, water and other utility lines.
- B. **Drainage Easements.** Where a subdivision or land division is traversed by a watercourse, drainageway channel or stream, or low area, an adequate easement or drainage right of way shall be provided substantially conforming to the lines of such watercourse; and parallel streets or parkways may be required in connection therewith. Where necessary, storm water drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate a 100-year frequency storm event. Design details for drainage facilities shall be subject to review and approval by the Town Engineer.

- (14) Public Sites and Open Spaces.** In the design of the plat or certified survey map, suitable sites of adequate area for future schools, parks, playgrounds, drainageways and other public purposes shall be reserved if designated in the Town Comprehensive Plan or land use plan. Such areas shall be designated on the plat or map. If not so designated, the location of such sites shall assure, to the extent practicable, the preservation of scenic and historic sites, stands of fine trees, marshes, lakes and ponds, watercourse, watersheds and ravines.

**(15) Required Improvements.**

- A. **Survey Monuments.** The subdivider shall install survey monuments placed in accordance with the requirements of §236.15, Wis. Stats., and as may be required by the Town Board. The Town Board may waive the requirement for placing monuments required pursuant to §236.15(1)(b)(d) for a reasonable time on the condition that the subdivider provide a letter of credit, surety bond or other adequate security to ensure that such monuments will be placed within the time required by the Board.
- B. **Grading.** After the installation of temporary block corner monuments by the subdivider and establishment of street grades by the Town Engineer, the subdivider shall grade the full width of the right of way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the Town Board. The subdivider shall grade the roadbeds in the street rights of way to subgrade.
- C. **Roadway Surfacing.** After the installation of all utility and storm water drainage improvements, the subdivider shall provide for surfacing all roadways in streets proposed to be dedicated to the widths prescribed by this ordinance and the Comprehensive Plan or land use plan of the Town. Said surfacing shall be done in accordance with plans and standard specifications approved by the Town, and by the Rock County Highway Department where County approval is required.
- D. **Curb and Gutter.** The subdivider shall provide concrete curb and gutter at all street intersections in accordance with plans and specifications if required.
- E. **Bicycle and Pedestrian Trails.** In all cases where the Town's Comprehensive Plan or land use plan includes a bicycle or pedestrian trail within a land division, the subdivider shall grade and surface the trail and dedicate the trail to the public. Plans and specifications for the improvement of the trail shall be established by the Town Plan Commission.
- F. **Pavement Markings and Regulatory Signs.** The subdivider shall provide regulatory traffic signs and all markings of traffic lanes, bicycle lanes, restricted parking areas, crosswalks and other regulatory pavement markings as determined by the Town Plan Commission or Town Board. Regulatory traffic signs shall be designed and located according to the USDOT Federal Highway Administration Manual on Uniform Traffic Control Devices.

- G. **Street Name Signs.** The subdivider shall provide pole mounted street name signs of the style and size specified by the Town Plan Commission. Street name signs shall be mounted at all street intersections. The Town Plan Commission may approve the mounting of street name signs above regulatory signs whenever deemed appropriate by the committee.
- H. **Sanitary Sewerage.**
- i. **Public Sanitary Sewers.** In all developments proposed for public sanitary sewer service in the Town's comprehensive plan or land use plan, the subdivider shall provide sanitary sewers in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision. The size, type and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and specifications approved by the Town Plan Commission.
  - ii. **Private Sanitary Systems.** In those areas not served by public sanitary sewer service, private sanitary sewer systems shall be provided in compliance with all applicable county and state regulations. The use of common sewage treatment and disposal systems is encouraged, provided, however, that such systems shall be jointly owned and maintained by all of the owners of the lots served by such system. Joint ownership may be provided by recorded covenants or agreements or the creation of a homeowners association or other entity of which all lot owners are required to be members, and all such documents shall be subject to the approval of the Town Board as a condition to approval of the use of a common sewage treatment and disposal system.
- I. **Storm Water Drainage Facilities**
- i. **General Requirements.** The subdivider shall provide storm water drainage facilities which may include curb and gutter, catch basins and inlets, storm sewers, road ditches and open channels or other improvements necessary to comply with the provisions of the Rock County Ordinances regulating stormwater management. The storm events used in the design shall be the 10-year frequency storm event for storm sewers and a 100-year frequency storm event for overland drainage and detention pond design. Storm water drainage facilities shall be so designed as to present no unreasonable hazard to life or property, and the size, type and installation of all storm water drains and sewers proposed to be constructed shall be in accordance with the plans and specifications approved by the Town Engineer..
  - ii. **Grading.** The Subdivider shall prepare a Grading Plan to be submitted with the Erosion Control Plan that includes the following: i. Spot elevations shown at all lot corners, high points, and at 100 maximum intervals, with drainage arrows representing the intended flow path shown along all lot lines. The finished ground elevations shall be shown as-built at all lot corners following the completion of construction. This plan shall be approved by the Town prior to the issuance of building permits. Copies of the as-built plan shall be provided to the Building Inspector and Town Engineer for their use during building construction. ii. Where the use of swales is proposed, they shall have a minimum of 1% slope, unless otherwise approved by the Town Engineer.
  - iii. **Detention Basins.** All detention basins must be designed and installed in compliance with the Rock County stormwater management ordinances.
  - iv. **Landscape Approvals.** Every detention basin, road ditch or open channel required or approved under this subsection shall be adequately landscaped in accordance with plans approved by the Town Board. The subdivider shall provide for the planting of grasses, wild flowers, other vegetation or any combination thereof as the Town Board determines reasonable and necessary to promote the function, maintenance and aesthetic characteristics of such facilities.
- J. **Public Water Supply Facilities**
- i. **Public Water Supply.** In all developments proposed for public water service in the Town's comprehensive plan or land use plan, the subdivider shall provider shall provide water mains in such a manner as to make adequate water service available to each lot within the subdivision. The size, type and installation of all public water mains proposed to be constructed shall be in accordance with plans and specifications approved by the Town Engineer, Town Plan Commission and Town Board.

- ii. **Private Water Supplies.** In those areas not served by public water service, private water supply systems shall be provided in compliance with all applicable Town and state regulations. The use of shared or community wells is encouraged. Plans for shared or community wells shall include a wellhead protection plan with adequate separation distances for the zone of influence and sources of pollution.
- K. **Fire Hydrants.** In and adjacent to developments to be served by a public water supply, the subdivider shall provide fire hydrants where determined reasonably necessary to provide appropriate fire protection by the Town Engineer. The manufacturer and model of fire hydrants shall be determined by the Town Engineer.
- L. **Other Utilities.** No telephone service lines, and no electrical distribution lines rated for less than 40,000 volts, shall be located on overhead poles except where underground installation is impossible due to exceptional topography or other physical barrier. Plans indicating the proposed location of all gas, electrical power and telephone distribution and transmission lines required to service the land division shall be approved by the Town Board and such plan shall be filed with the Clerk/Treasurer.
- M. **Landscape Plantings.** The subdivider shall prepare a landscaping plan providing for the planting of prairie grasses, wildflowers or other low maintenance vegetation within the public right-of-way along all streets with or adjacent to the land division. The plan shall be approved by the Parks and Trails Committee which shall consider the following:
  - i. The extent to which any landscape plantings are likely to interfere with visibility at intersections or other locations where traffic or pedestrian safety may be compromised;
  - ii. The extent to which proposed plant species will require maintenance by the Town;
  - iii. The suitability of proposed plant species for the locations proposed with respect to soil conditions, exposure to road maintenance chemicals, propensity to deposit leaves, twigs, seed pods or other material onto the roadway, motorist safety or other relevant factors;
  - iv. The location of any public utility easements or facilities in relation to the proposed plantings;
  - v. Aesthetics;
  - vi. Any other factor which relates to the public health, safety or welfare.

#### **14 Park, Trails and Public Land Dedications**

(1) **General Provisions.** The requirements of this section are established to ensure that adequate parks, trails open spaces, and sites for other public uses are properly located and preserved as the Town grows. They have also been established to ensure that the cost of providing the park and recreation sites and facilities necessary to serve the additional people brought into the community by land development may be equitably apportioned on the basis of additional needs created by development. This section shall apply to all lands proposed for residential development.

#### **(2) Park, Trail & Recreational Land Dedication**

- A. **Dedication of Sites.** Where feasible and compatible with the Town of Union Comprehensive Plan, the subdivider shall provide and dedicate to the public adequate land to provide for park, trail, recreation, school and open space needs of the land development within the town. The location of such land to be dedicated shall be determined by the Plan Commission.
- B. **Dedication of Parks, Playgrounds, Trails, Recreation and Open Spaces.** The subdivider shall dedicate sufficient land area to provide adequate park, trail, playground, recreation and open space to the meet the needs created by and to be provided for the land division, subdivision or comprehensive town development. The minimum dedication shall be:
  - i. Five (5) percent of the total acreage intended to be used for commercial or industrial uses;
  - ii. Five (5) percent of the total acreage intended to be used for single-family and two-family dwelling units;
  - iii. Ten (10) percent of the total acreage intended to be used for multi-family dwellings.
- C. **Combination of Residential Uses.** Where a combination of residential uses is intended, the minimum dedication shall be the sum obtained by adding five (5) percent of the acreage

intended for single-family and two-family dwellings and ten (10) percent of the acreage intended for multi-family dwellings. Where a definite commitment is made to the town by the developer with respect to those portions of the total acreage intended for single-family, duplex and multi-family dwellings, the dedication shall be based upon the maximum dedications which the zoning classification of the parcel will permit.

- D. In general, land reserved for recreation purposes shall have an area of at least two acres. Where the amount of land to be dedicated is less than two acres, the Town Plan Commission may require that the recreation area be located at a suitable place on the edge of the proposed land division, subdivision or certified survey so that additional land may be added at such time that the adjacent land is subdivided. In no case shall an area of less than one acre be reserved for recreational purposes if it will be impractical or impossible to secure additional lands in order to increase its area.
  - E. Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, playfield, trail, or for other recreation purposes and shall be relatively level and dry. A recreation site shall have a total frontage on one or more streets of at least two hundred (200) feet and no other dimension of the site shall be less than two hundred (200) feet.
  - F. Limitations. A subdivider shall not be required to dedicate more than one-third of the total area of the plat to meet the objectives of this section.
  - G. Suitability of Lands. The Town Plan Commission shall have sole authority to determine the suitability and adequacy of park lands proposed for dedication. Drainageways, wetlands or areas reserved for streets shall not be considered as satisfying land dedication requirements.
  - H. Access to Dedicated land. All dedicated land shall have frontage on a public street and shall have unrestricted public access.
  - I. Designated Park Lands. Whenever a proposed public playground, park, trail or similar recreational facility (other than streets or drainage ways) designated in the Comprehensive Plan of the Town is embraced, in whole or in part, in a tract of land to be subdivided, those proposed public lands as lie within the land division shall be made a part of the plat or certified survey map and shall be dedicated to the public by the subdivider and credited toward the requirements of par. (b).
  - J. The land divider is responsible for all costs of the survey and deed transfer associated with transferring the land to the Township.
- (3) **Other Land Dedications.** Whenever a tract of land to be subdivided embraces all or any part of an arterial street, drainageway or other public way which has been designated in the comprehensive plan or land use plan of the Town, that portion of the public way as lies within the proposed plat or certified survey map shall be made a part of the plat or map and dedicated to the public by the subdivider.

## 15 Development Requirements

### (1) Development Regulations

- A. **Commencement.** No building permit shall be issued, and no construction or installation of improvements shall commence, in a proposed subdivision or land division until the final plat or certified survey map has been approved by the Town Board and a subdivider's agreement has been approved pursuant to §60.02, except that a subdivider's agreement shall not be required for a land division by certified survey map which does not require any public improvements.
- B. **Plans.** The following plans and accompanying construction specifications shall be approved by the Town Board and Town Engineer before authorization of construction or installation of improvements.
  - i. Street plans and profiles showing existing and proposed grades, elevations and cross sections of required improvements.
  - ii. Where the land division is proposed in the Town Comprehensive Plan or land use plan to be served by public sanitary sewers, sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.
  - iii. Storm water management plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.

- iv. Where the land division is proposed in the Town Comprehensive Plan or land use plan to be served by public water service, water main plans and profiles showing the locations, sizes, elevations and materials of required facilities.
  - v. Erosion and sedimentation control plans meeting the requirements of the Rock County erosion control ordinance.
  - vi. Planting plans showing locations and species of any required grasses, and the locations, ages, calipers and species of all required trees.
  - vii. Additional special plans or information, as determined reasonably necessary by the Town Engineer.
- C. **Protecting Existing Flora.** The subdivider shall make every effort to protect and retain all existing trees, shrubbery, vines and grasses not actually lying in public roadways, drainageways, building foundation sites, private driveways, septic drain fields, paths and trails. Such vegetation shall be protected and preserved during construction in accordance with sound conservation practices, including the preservation of trees by well islands or retaining walls whenever abutting grades are altered.
- D. **Culvert Requirements.** The subdivider shall show all driveway culvert locations. A Town driveway permit must be obtained before installation of any culvert for storm water management purposes and shall comply with the standards set forth therein. Culverts shall be installed prior to any construction activity occurring on the site.
- E. **Inspection.** Prior to commencing any work within the subdivision or land division, the subdivider shall make arrangements with the Town Engineer to provide for adequate inspection. The Town Board shall approve all completed work prior to acceptance of the improvements or release of sureties.

**(2) Subdivider's Agreement**

- A. **Agreement Required.** The subdivider shall, prior to the commencement of work on any improvements in an approved subdivision or on lands divided by certified survey map if such development includes any public improvements, enter into a subdivision agreement with the Town of Union. Said agreement shall be in a form approved by the Town Board and shall bind the subdivider to comply with the requirements of this Code and any specification, plans or conditions imposed or approved pursuant thereto.
- B. A subdivider's agreement required pursuant to sub. (1) shall include provisions for the following:
- i. Specifying the public improvements required for the land division and requiring their construction according to approved plans and specifications;
  - ii. Providing adequate supervision and regulation of construction schedules and methods;
  - iii. Outlining the requirements for acceptance of public improvements by the Town;
  - iv. Requiring that contractors engaged in work on public improvements be adequately insured for liability including workers' compensation liability and assuring that such insurance coverage will indemnify the Town in the event of a claim;
  - v. Assuring that the subdivider and all contractors agree to indemnify the Town for any liability arising out of the construction of public improvements;
  - vi. Providing for guarantees by the subdivider of all public improvements for not less than one (1) year following final acceptance by the Town, and an additional one (1) year after each replacement of any guaranteed work;
  - vii. Providing for the payment of required fees and the dedication of required lands and improvements;
  - viii. Providing for the reimbursement of the Town for staff time, professional consultant's fees and other costs incurred in connection with the development of the property to the extent not paid from any escrow.
  - ix. Providing for a letter of credit or other surety to guaranty completion of the public improvements and the other obligations of the subdivider under the agreement or this Code;

- x. Requiring the subdivider to provide "as built" plans in formats compatible with the Town's record management systems; "As built" information shall include the horizontal and vertical locations of all public infrastructure including but not limited to any sanitary sewer system or water distribution system infrastructure included within the development, stormwater management systems, regulatory signs, street name signs, and street lighting. This information shall be submitted in AutoCAD and ArcViewGIS compatible formats using Rock County Coordinate system and National Geodetic Vertical Datus (NGDV) of 1929. Hard copies shall also be provided to the Clerk/Treasurer.
- xi. Requiring the subdivider's compliance with all other Town ordinances, conditions of approval and other applicable regulations;
- xii. Such other provisions as deemed necessary or appropriate by the Town Board to carry out the intent of this ordinance and other provisions of Town ordinances applicable to the development.

**(3) Conservation Subdivisions**

- A. **Conservation Subdivisions Preferred.** Where the proposed subdivision includes topographic or other natural features that merit preservation or the subdivider proposes preservation of Common Open Space of 35% or more of the net acreage for the Parent Parcel a Conservation Subdivision complying with the provisions of this subsection shall be the preferred method of subdivision. The subdivider may be entitled to development yield bonuses for complying with additional design standards provided below.
- B. **Definitions.** In this subsection, the following terms shall have the designated meaning:
  - i. **Base Development Yield.** The number of dwelling units authorized by the Plan Commission for the Conservation Subdivision, not including any dwelling units authorized as a result of a development yield bonus.
  - ii. **Common Open Space.** Undeveloped land within a Conservation Subdivision that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the development, or for the preservation, restoration and management of historical, agricultural or environmentally sensitive features. Common Open Space shall not be part of individual residential lots. It shall be substantially free of structures, but may contain historical structures and archaeological sites including Indian mounds and/or such recreational facilities for residents as indicated on the approved development plan. It shall be restored and managed, as appropriate, and a Stewardship Plan shall be prepared for the open space.
  - iii. **Common Facilities.** Those facilities which are designated, dedicated, reserved, restricted or otherwise set aside for the use and enjoyment by residents of the development.
  - iv. **Condominium.** A community association combining individual unit ownership with shared use or ownership of common property or facilities, established in accordance with the requirements of the Condominium Ownership Act, Chapter 703 of the Wisconsin Statutes. A condominium is a legal form of ownership of real estate and not a specific building type or style.
  - v. **Conservation Easement.** A non-possessory interest in real property designed to protect natural, scenic and open space values in perpetuity as defined in Wis. Stats. §700.40 (Uniform Conservation Easement Act) and Section 170(h) of the Internal Revenue Code.
  - vi. **Conservation Subdivision.** A development in which dwelling units are concentrated and/or clustered in specific areas in order to allow other portions of the development to be preserved for common open space, including restoration and management of historical, agricultural or environmentally sensitive features.
  - vii. **Density Factor.** The number of dwelling units permitted per acre according to the Town's land use plan, applicable neighborhood plans, the Town's ordinances, and applicable zoning regulations.
  - viii. **Development Envelopes.** Areas within which pavement and buildings will be located.
  - ix. **Ecological Restoration.** To protect, enhance, recreate or remediate functional and healthy plant and animal communities. Ecological restoration is accomplished by implementing a Stewardship Plan for uplands, wetland areas, and aquatic resource areas, which include



- specific remedial and management activities for sustainable maintenance of each of these areas and the planting of those varieties of plants that are indigenous to the area.
- x. **Floodplains.** Those lands, including the floodplains, floodways, and channels, subject to inundation by the 100-year recurrence interval flood or, where such data are not available, the maximum flood of record.
  - xi. **Homeowners' Association.** A community association, incorporated or not incorporated, combining individual home ownership with shared use or ownership of common property or Common Facilities.
  - xii. **Net Density.** The number of dwelling units permitted in the Conservation Subdivision prior to calculating and adding any Development Yield Bonus under section 7.03(4). This number is obtained by performing the following calculation:
    - a. Derive the net acreage for the Parent Parcel by subtracting from the gross acreage of the Parent Parcel the acreage consisting of the following: existing street rights-of-way, restrictive utilities rights-of-way, floodplains, wetlands, woodlands, slopes greater than 12%, navigable streams, ponds and lakes;
    - b. Determine the Density Factor as permitted for the Parent Parcel from the Town land use plan and zoning requirements applicable to the Parent Parcel, taking into account the Town preference, if any is indicated on the land use plan, for a Density Factor consistent with the surrounding neighborhood;
    - c. Multiply the net acreage result under par. (a) times the applicable Density Factor under par. (b) to obtain the Net Density for the Parent Parcel.
  - xiii. **Non-profit Conservation Organization.** Any charitable corporation, charitable association or charitable trust (such as a land trust), the purposes or powers of which include retaining or protecting the natural, scenic or open space values of real property, assuring the availability of real property for agricultural, forest, recreational or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological or cultural aspects of real property.
  - xiv. **Parent Parcel.** The existing parcel of record, as of the effective date of this Ordinance.
  - xv. **Primary Environmental Corridor.** A concentration of significant natural resources at least 400 acres in area, at least two miles in length, and at least 200 feet in width.
  - xvi. **Professional Ecological Service.** An individual or firm with professional qualifications to prepare and implement an ecological Stewardship Plan for upland, wetland areas, and aquatic resource areas, including specific remedial and management activities for sustainable management of each of these areas and the planting of those variety of plants that are indigenous to the area.
  - xvii. **Secondary Environmental Corridor.** A concentration of significant natural resources at least 100 acres in area and at least one mile in length, provided that where such corridors serve to link primary environmental corridors, no minimum area or length criteria apply.
  - xviii. **Stewardship Plan.** A comprehensive management plan for the long term enhancement and sustainability of natural ecosystems (uplands - including forests, prairies, meadows, wetlands, shorelands, lakes, river systems and similar ecosystems). Such plans shall include but not be limited to management goals, monitoring schedules, identification and description of measures to be taken should degradation of the system(s) be noted, and programs for the removal and control of invasive vegetation species.
  - xix. **Woodlands.** Upland areas at least one acre in extent covered by deciduous or coniferous trees.
  - xx. **Yield Plan.** The Subdivider's plan for the number of units for a parcel.
- C. **Conservation Subdivision Requirements.** In addition to the requirements of Subchapter 3 the subdivider shall provide the following:
- i. **Inventory and Mapping of Existing Resources.** The Subdivider shall include the following mapped at a scale of no less than one inch = 200 feet or other appropriate scale:
    - a. Topographic contours at 2-foot intervals.

- b. United States Department of Agriculture, Natural Resource Conservation Service soil type locations and identification of soil type characteristics such as agricultural capability, depth to bedrock and water table, suitability for wastewater disposal systems and identification of hydric soils (wetland soils). Type and stability of bedrock shall also be noted, particularly in Karst areas and areas with high potential for ground water contamination due to fractured bedrock or the presence of arsenic and mercury.
- c. Hydrologic characteristics, including surface water bodies, floodplains, groundwater recharge and discharge areas (using existing data from local, state and federal sources; i.e., no new field work is required), wetlands, natural swales, drainage ways, and slopes of 12% or greater.
- d. Land cover on the site, according to general cover type (pasture, woodland, etc.), and stand-alone trees with a caliper of more than 12 inches measured four feet off the ground. The inventory shall include comments on the health and condition of the vegetation. Woodlands shall be classified as deciduous, coniferous, or mixed. Use Wisconsin land or comparable cover type classifications and do on-site cover type analysis.
- e. Known critical habitat areas for rare, threatened or endangered species.
- f. Views of the site, including views onto the site from surrounding roads, public areas and elevated areas, including photographs with a map indicating the location where the photographs were taken.
- g. Mapping of offsite adjacent ecological, hydrological, recreational and cultural resources.
- h. Unique geological resources, such as rock outcrops and glacial features.
- ii. **Development Yield Analysis.** The Subdivider shall submit a development yield analysis, including a Yield Plan. The development yield analysis may reflect the Base Development Yield and any development yield bonus(es) which may be applicable. For those areas that are subject to a range of permitted density as set forth on the Town's Land Use Plan, the Development Yield shall not exceed the maximum allowable density permitted under the plan for that area.
- iii. **Base Development Yield.** The number of residential units for a parcel shall be determined by the Net Density of the Parent Parcel.
- iv. **Development Yield Bonus.** The Base Development Yield may, at the discretion of the Town, be increased by the addition of a development yield bonus or bonuses if the development complies with one or more of the following standards. The maximum bonus permitted is 25%. The standards are as follows:
  - a. Creating a funding mechanism which will generate sufficient annual revenue to cover the restoration and management costs of the Common Open Space areas, including taxes, insurance, management and enforcement.
  - b. Encouraging public trail connection by linking new trails along the outer boundaries of the development to existing local or regional public recreational trails, parks, primary or secondary environmental corridors, or other recreational facilities.
  - c. Providing for connection of internal open spaces, whenever possible, and connection with existing or potential open space lands or adjoining parcels outside of the development.
  - d. Providing for more than 75% of the lots within a neighborhood to abut significant open space on at least one side.
  - e. Preserving in its entirety any portion of a primary or secondary environmental corridor which is within the subdivision.
- v. **Site Analysis and Concept Plan.** Using the inventory, the development yield, and applying the design standards specified in this Ordinance, the Subdivider shall submit a concept plan including at least the information set forth below at a scale of no less than one inch = 200 feet or other appropriate scale. The concept plan shall be submitted as an overlay to the inventory map.

- a. Open space areas indicating which areas are to remain undeveloped, areas for interior open space, and trail location.
- b. Boundaries of areas to be developed and proposed general street and lot layout.
- c. Number and type (i.e., single-family, multi-family) of housing units proposed.
- d. Proposed methods for and location of water supply, stormwater management (e.g., best management practices) and sewage treatment.
- e. Inventory of preserved and disturbed natural features and prominent views.
- f. Preliminary Development Envelopes showing areas for lawns, pavement, buildings, and grading.
- g. Proposed methods for ownership and management of open space.
- h. Formal open spaces indicating parks, easements, trail routing and drainage easements.
- i. Integration of Ecological Restoration, buffers, and Stormwater Treatment Train.
- vi. **General Location Map.** The Subdivider shall submit a map showing the general outlines of existing buildings, land use, and natural features such as water bodies or wooded areas, roads and property boundaries within 500 feet of the tract. This information may be presented on an aerial photograph at a scale of no less than 1 inch: 400 feet.
- vii. **Performance Standards.**
  - a. General Considerations.
    - i. Conservation Subdivisions shall identify a conservation theme or themes. Their themes shall be identified at the time of the initial application. Conservation themes may include, but are not limited to, forest stewardship, water quality preservation and enhancement, farmland preservation, natural habitat restoration, view shed preservation, archaeological and historic properties preservation, integration of ecological resources or passive recreational uses in development.
    - ii. The residential lot shall be large enough to accommodate a house and two-car garage. House design shall minimize the visible obtrusiveness of the garage from the street view, including, but not limited, to the use of set-back or side-entry design garages, where possible.
  - D. Conservation Subdivisions shall preserve, restore (if needed), and/or create environmentally sensitive areas such as wetlands, natural habitats for rare, threatened and endangered species, woodlands, shorelands, prairies, meadows, primary or secondary environmental corridors, parklands and viewsheds and establish plans and the means to restore (if needed), manage and maintain such areas.
  - E. Common Open Space shall, to the extent practicable, include open space areas in addition to water bodies, ponds, or mapped wetlands that have been identified.
  - F. Lighting design shall take into account surrounding properties and shall minimize the visual impact of the lighting on those properties to the extent possible. As a condition of approval of a subdivision, the Subdivider shall be liable for all costs of procurement and installation of street lights to service the subdivision. The number and placement of the street lights shall be at the discretion of the Town Board.
  - G. Additional Residential Lot Requirements.
    - i. Areas to be served by sanitary sewer shall be zoned in a Residence District or for a Planned Development (PUD) per the Rock County Code of Ordinances in accordance with the Town Comprehensive Plan, the approved Yield Plan and the Subdivider's Agreement.
    - ii. Areas not served by sanitary sewer shall be zoned in a Residence or, Rural Home District or a PUD per the Rock County Code of Ordinances in accordance with the Town Comprehensive Plan, the approved Yield Plan and the Subdividers Agreement.
    - iii. All areas shall comply with the following:
  - H. Wherever practicable, lots shall have access from interior local streets. However, any existing farmstead that is to be preserved that has a driveway, as part of the historic landscape and that does not access a local street, shall be preserved; and a farmstead that requires a driveway that does not access a local street will be allowed.

- I. Lots shall be configured to minimize the amount of impervious surface including road length and width required for the subdivision.
  - J. Development Envelopes shall be configured to minimize loss of woodlands. However, when the objective is to preserve prime farmland soils and large areas of contiguous land suitable for agricultural use, dwellings may be located within woodlands, provided that no more than 20 percent of a single lot is cleared for the construction of a dwelling, driveway, garage, storage building, well, and private on-site waste treatment system.
  - K. If agricultural uses are being maintained, lots shall be configured in a manner that maximizes the usable area remaining for such agricultural uses with appropriate buffers between agricultural uses and residential structures.
  - L. At least 75% of the lots within a neighborhood shall abut Common Open Space on at least one side. A local street may separate lots from the Common Open Space.
  - M. Lots shall be adjacent to or around one or more of the following: i. A central green or square; and/or ii. A physical amenity such as a meadow, a stand of trees, a stream or other water body, or some other natural or restored feature.
  - N. To the extent possible, Development Envelopes shall be screened from peripheral public roads or other visually prominent areas and shall not be located on ridges or hilltops.
  - O. A 30 foot area of native vegetation shall be maintained around open water areas, unless a specific common beach or grassed area is identified and approved by the Town Board.
  - P. Stormwater management shall comply with the following standards:
    - i. The use of curb and gutter shall be minimized and the use of open swales shall be maximized.
    - ii. Roof down spouts shall drain to porous surfaces.
    - iii. Peak discharges during the 2 and 10 year storm events shall be no greater than the corresponding discharges under predeveloped conditions.
    - iv. The development shall have stormwater management practices and facilities designed to capture at least 80% of the post-development sediment load on an annual basis.
    - v. Landscape plantings shall be used to increase infiltration and decrease runoff where soil conditions are suitable and building foundation problems or sanitary sewer infiltration problems will not be created.
    - vi. Natural open drainage systems shall be preserved and incorporated into the stormwater management system of the subdivision where permitted by the Department of Natural Resources guidelines.
  - Q. Additional Residential Dwellings Siting Standards.
    - i. Residential dwellings shall be located to minimize negative impacts on the natural, scenic and cultural resources of the site and conflicts between incompatible uses.
    - ii. Residential dwellings shall avoid encroaching on rare plant communities, high quality sites, or endangered species identified by the Department of Natural Resources.
    - iii. Whenever possible, Common Open Space shall connect with existing or potential Common Open Space lands on adjoining parcels and local or regional recreational trails.
    - iv. Residential dwellings shall be sited to achieve the following goals, to the extent practicable.
      - a. Minimize impacts to prime farmland soils and large tracts of land in agricultural use, and avoid interference with normal agricultural practices.
      - b. Minimize disturbance to woodlands, wetlands, grasslands, primary or secondary environmental corridors, mature trees or other significant native vegetation.
      - c. Prevent downstream impacts due to runoff through adequate on-site stormwater management practices.
      - d. Protect scenic views of open land from adjacent roads. Visual impact shall be minimized through use of landscaping or other features. Protect archaeological sites and existing historic buildings or incorporate them through adaptive reuse.
  - R. Landscaping around groupings of dwellings may be necessary to reduce off site views of residences.
- (4) Open Space Design.

- A. Common Open Space. Common Open Space shall be designated as part of the development. The minimum required Common Open Space is 35% of the gross acreage. The Common Open Space shall be owned and managed under one of the alternatives approved by the Town below.
  - B. Common Open Space Conservation Ranking (in order of significance). The areas to be preserved shall be identified on a case-by-case basis in an effort to conserve and provide the best opportunities to restore and enlarge the best quality natural features of each particular site.
    - i. First priority will be given to intact natural communities, rare, threatened and endangered species, primary or secondary environmental corridors, natural and restored prairies, significant historic and archaeological properties, and slopes of 12% or greater.
    - ii. Second priority will be given to areas providing some plant and wildlife habitat and Common Open Space values.
    - iii. Third priority will be given to areas providing little habitat but providing viewshed, recreation, or a sense of Common Open Space.
- d. The following areas or structures may be located within the Common Open Space area and shall be counted toward the overall Common Open Space percentage required:
- i. Parking areas for access to and use of the Common Open Space developed at a scale limited to the potential users of the Common Open Space.
  - ii. Privately-held buildings or structures provided they are accessory to the use of the Common Open Space.
  - iii. Shared septic systems and shared potable water systems located on Common Open Space.
  - iv. Road rights-of-way shall not be counted toward the required minimum Common Open Space.
  - v. That portion of Common Open Space designed to provide plant and animal habitat shall be kept as intact as possible. Trails shall be designed to avoid fragmenting these areas.
  - vi. Accessible Common Open Space in upland areas shall be available for recreational uses such as trails, play fields, or community gardens but shall be designed in a manner that avoids adversely impacting archaeological sites.
  - vii. A pathway system connecting Common Open Space areas accessible to neighborhood residents and connecting these areas to neighborhood streets and to planned or developed trails on adjacent parcels shall, if applicable, be identified in the plan.

**(5) Ownership and Maintenance of Common Open Space and Common Facilities.**

- A. The designated Common Open Space and/or Common Facilities may be owned and managed by one or a combination of the following:
  - i. A Homeowners' Association;
  - ii. A Condominium Association established in accordance with the Condominium Ownership Act, Chapter 703 of the Wisconsin Statutes;
  - iii. A Non-Profit Conservation Organization;
  - iv. The Town or another governmental body empowered to hold an interest in real property;
  - or
  - v. An individual who will use the land for Common Open Space purposes as provided by a Conservation Easement.
- B. Conservation Easement. Common Open Space and/or Common Facilities shall be subject to a conservation easement conveyed to a qualified holder.
- C. Homeowners' Association. A Homeowners' Association shall be established if the Common Open Space and/or Common Facilities are proposed to be owned by a Homeowners' Association. Membership in the association is mandatory for all purchasers of homes in the development and their successors. The Homeowners' Association bylaws, guaranteeing continuing management of the Common Open Space and/or other Common Facilities, and the declaration of covenants, conditions and restrictions of the Homeowners' Association shall be submitted for approval to the Town as part of the information required for the preliminary plat. The declaration of covenants, conditions and restrictions shall be recorded with the Office of the Register of Deeds for Rock County as a condition to recording the plat. The Homeowners' Association bylaws or the declaration of covenants, conditions and restrictions of the Homeowners' Association shall contain the following information:
  - i. The legal description of the proposed Common Open Space;
  - ii. A description of Common Facilities;

- iii. The restrictions placed upon the use and enjoyment of the Common Open Space and/or Common Facilities;
  - iv. Persons or entities entitled to enforce the restrictions, which shall include the Town;
  - v. A mechanism to assess and enforce the common expenses for the Common Open Space and/or Common Facilities including upkeep and management expenses, real estate taxes and liability insurance premiums;
  - vi. A mechanism to implement restoration, maintenance and management of the Common Open Space and/or Common Facilities;
  - vii. A mechanism for resolving disputes among the owners or association members;
  - viii. The conditions and timing of the transfer of ownership and control of Common Open Space and/or Common Facilities to the Association;
  - ix. A requirement that any termination, amendment or other modification to the bylaws, covenants, conditions or restrictions which relates to the maintenance or use of the Common Open Space or Common Facilities be approved by the Town Board in order to be effective.
  - x. Any other matter the Subdivider deems appropriate.
- D. Condominium Association. If the Common Open Space and/or Common Facilities are to be held under the Condominium Ownership Act, Chapter 703 of the Wisconsin Statutes, the condominium instruments shall identify the restrictions placed upon the use and enjoyment of the Common Open Space and/or Common Facilities. The condominium instruments shall be submitted for approval to the Town as part of the information required for the preliminary plat. All Common Open Space and Common Facilities shall be held as a “common element” as defined in section 703.02(2) of the Wisconsin Statutes.
- E. Non-Profit Conservation Organization. If the Common Open Space and/or Common Facilities are to be held by a Non-Profit Conservation Organization, the organization must be acceptable to the Town. The conveyance to the Non-Profit Conservation Organization must contain appropriate provisions for reversion or succession to a subsequent Non-Profit Conservation Organization or other acceptable entity in the event that the organization becomes unwilling or unable to uphold the terms of the conveyance.
- F. Public Dedication of Common Open Space. The Town may accept the dedication of a Conservation Easement or fee title to the Common Open Space and/or Common Facilities, provided: 1. The Common Open Space and/or Common Facilities are as accessible to the residents of the Town as they are to owners within the subdivision. 2. The Town agrees to and has access to maintain and manage the Common Open Space and/or Common Facilities.
- G. Separate Ownership. An individual may hold fee title to the land while a Non-Profit Conservation Organization or other qualified organization holds a Conservation Easement prescribing the acceptable uses and obligations for the Common Open Space and/or Common Facilities.
- H. Stewardship Plan. Every Conservation Subdivision must include a plan that provides a means to properly manage the Common Open Space in perpetuity, and the long-term means to properly manage and maintain all Common Facilities. The plan shall be approved by the Town prior to final plat approval. The plan shall do the following:
- i. Designate the ownership of the Common Open Space and/or Common Facilities.
  - ii. Establish necessary regular and periodic operation and management responsibilities.
  - iii. Estimate staffing needs, insurance requirements, and other associated costs and define the means for funding the same on an on-going basis.
  - iv. Include a land Stewardship Plan specifically focusing on the long-term management of Common Open Space lands. The land Stewardship Plan shall include a narrative, based on the site analysis describing:
    - a. Existing conditions including all natural, cultural, historic, and scenic elements in the landscape.
    - b. The proposed end state for each Common Open Space area; and the measures proposed for achieving the end state.

- c. Proposed restoration measures, including: measures for correcting increasingly destructive conditions, such as erosion; and measures for restoring historic features and habitats or ecosystems.
  - d. The operations needed for managing the stability of the resources, including but not limited to: mowing schedules; weed control; planting schedules; and clearing and cleanup. At the Town's discretion, the applicant may be required to place in escrow sufficient funds for the management and operation costs of the Common Open Spaces and/or Common Facilities for a maximum of one year.
- I. If ownership is vested in a Homeowner's Association or a Condominium Association, then the Association must contract with a competent contractor, such as a Professional Ecological Service, as approved by the Town to oversee and sustain the plan. The Town's approval shall not be unreasonably withheld.
  - J. In the event that the organization established to own and manage the Common Open Space and/or Common Facilities, or any successor organization, fails to manage all or any portion of the Common Open Space and/or Common Facilities in reasonable order and condition in accordance with the management plan and all applicable laws, rules, and regulations, the Town may serve written notice upon such organization and upon the residents and owners of the Common Open Space and/or Common Facilities, setting forth the manner in which the organization has failed to manage the Common Open Space and/or Common Facilities in reasonable condition. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the organization, or any successor organization, shall be considered in violation of this Ordinance, in which case the bond, if any, may be forfeited, and any permits may be revoked or suspended. The Town may enter the premises and take corrective action.
  - K. The costs of corrective action by the Town shall be charged, against the properties within the subdivision as a special charge pursuant to §66.0627, Wis. Stats. or through any other method allowed by law and shall become a lien on said properties. .
  - L. Stewardship Plans may be amended by the owner with the approval of the Town Board.
  - M. The Town may contract with an independent individual, organization, or business, for a periodic assessment of the Common Open Spaces and/or Common Facilities of the development to ensure compliance with the Stewardship Plans. The cost for this periodic assessment of the Common Open Spaces and/or Common Facilities shall be charged against the properties within the subdivision as a special charge pursuant to §66.0627, Wis. Stats. or through any other method allowed by law and shall become a lien on said properties if not paid

## **16 Planned Developments.**

- (1) **Waiver or Modification of Requirements and Standards.** The requirements and standards of this chapter may be waived or modified by the Town for planned developments providing such proposed developments shall be planned as a unit, shall be appropriate to the site and location, shall be of sufficient size to permit the unified development of the area, shall not conflict with other laws or requirements or with the purpose or intent of this chapter, and shall be approved by the Town Board. In addition, continued provision, maintenance and use of open space, recreation areas, services and amenities shall be assured in a manner acceptable to the Town.
- (2) **Coverage.** It is the intent of this section to permit, in addition to other types of planned development, cluster or conservation subdivisions and planned unit developments with owner-occupied housing and with privately-owned common property comprising a major element of the development.

## **17 Easements**

- (1) The Town Board for any land division shall require rear or side outlot, parcel, or lot line utility easements at locations and of widths deemed adequate by the Town Board, but in no case less than 16 feet which may be shared equally by adjoining lots.
- (2) The Town Board shall require that easements or drainageways of widths sufficient to accommodate storm water run-off be provided where a land division area includes a segment or segments of water courses, drainageways, channels, or streams.

- (3) Private access easements for ingress and egress within any land division area shall be in accordance with the driveway construction specifications described in the Driveway and Highway Access Permit Ordinance; excluding easements for lake access already granted.

## **18 Costs of Application Review**

- (1) All Land Division Applications and any other appropriate approval requests shall be accompanied by an application fee. The fee shall be established by the Town Board by Resolution or as set forth in the Town of Union fee schedule.
- (2) All reasonable costs incurred by the Town Board or its agents to properly review each Land Division Application shall be the responsibility of the land divider who shall timely pay or reimburse the Town of Union for all reasonable or projected engineering, inspection, legal, and administrative costs incurred by the Town of Union in reviewing the proposed land division plats and maps. The Town Board may require that all or a portion of the known costs of application approval and variance review be paid in advance.

## **19 Variances**

- (1) The Town Board of Adjustment may grant variances because of exceptional or undue hardship from the provisions of this Ordinance, after a public hearing with a Class I notice of the hearing with written notice by U.S. mail to owners of adjoining lands. The findings of the Board of Adjustment in recommending or permitting any variance shall be, at minimum, that the variance will not violate the purpose of this Ordinance or provisions of Chapter 236 Wis Stats, and that because of the unique topographic or other conditions of the land involved, literal application of this Ordinance will cause an undue hardship to the land divider.
- (2) The requirement of filing and recording the land division plat shall not be waived by the Town Board.

## **20 Violations**

- (1) Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, forfeit not less than \$100, plus any additional applicable costs incurred by the town for each offense. Each day a violation exists or continues shall constitute a separate offense. Violations and concomitant penalties shall include the following:
  - A. Recordation improperly made carries penalties as provided in §236.30, Wis. stats.
  - B. Conveyance of lots, outlots, and parcels in unrecorded plats carries penalties as provided in §236.31, Wis. stats.
  - C. Monuments disturbed or not placed carries penalties as provided in s. 236.32, Wis. stats.
- (2) No person shall sell land in the Town of Union in lots unless the lots, parcels, and outlots have been lawfully approved pursuant to the terms of this ordinance or any predecessor procedure. The unlawful sale of unapproved or unauthorized parcels, outlots, or lots is deemed to be a public nuisance, which may be enjoined by a Court of record.
- (3) The provisions of the Town of Union Citation Ordinance shall apply.
- (4) It shall be unlawful to build upon, divide, convey, record, or monument any land in violation of this ordinance or the Wisconsin Statutes and no person shall be issued a building permit by the Town authorizing the building on, or improvement of, any subdivision, land division or replat with the jurisdiction of this ordinance not of record as of the effective date of this ordinance until the provisions and requirements of this ordinance have been fully met. The Town may institute appropriate action or proceedings to enjoin violations of this ordinance or the applicable Wisconsin Statutes.

## **21 Penalties**

- (1) Any person partnership, corporation, or other legal entity that fails to comply with the provisions of the Ordinance shall, upon conviction, be subject to penalties and forfeitures as provided in secs. 236.340, 236.31, 236.32, 236.335 and 236.35 of the Wisconsin Statutes. Each day that the violation continues to exist shall constitute a separate offense.
- (2) The term sub-divider, when incorporated by reference herein from Chapter 236 of the Wisconsin Statutes, shall mean land divider as defined in this Ordinance.



- (3) No person shall sell land in lots unless the lots have been lawfully approved pursuant to the terms of the Ordinance or any predecessor procedure. The unlawful sale of lots is deemed to be a public nuisance which may be enjoined by a court of record within this ordinance.

**22 Severability**

- (1) If any provision of this Ordinance is invalid or unconstitutional, or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the provisions or applications of the Ordinance, which can be given effect without the invalid or unconstitutional provision or application.

**23 Disclaimer**

- (1) Multiple Jurisdictions. All persons reviewing the provisions of this Ordinance should be aware that the Town of Union is only one of a number of governmental bodies that may have jurisdiction over proposed land divisions or development. The Town of Union cannot make any representations on behalf of any other governmental body. No land division may be made unless all required approvals have been given.
- (2) Binding Acts. No statement or action by any official, employee, agent, or committee of the Town of Union should be construed or taken as a binding act of the Town except a resolution, motion, or ordinance that has been adopted by the Town of Union's Town Board at a lawfully conducted Town Board meeting, or by the Town electorate at a duly constituted Annual or Special Town Meeting. This includes, but is not limited to, interpretation of the Ordinance.
- (3) Compliance Assurance. The Town of Union expressly states that it has no responsibility whatsoever for assuring that land and/or buildings sold in the Town are in compliance with any ordinances, regulations, or rules. The Town also assumes no responsibility for assuring the suitability of any property whose subdivision has been approved by the Town Board.

**24 Effective Date**

This Ordinance is effective on publication or posting.  
The town clerk shall properly post or publish this ordinance as required under §60.80, Wis Stats.  
Adopted this \_\_\_\_ day of \_\_\_\_\_ 20\_\_.

[Signature of Town Chairman]

\_\_\_\_\_  
Kendall Schneider

Date

Town Board Chairman

Posted this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Attest: [Signature of town clerk]

\_\_\_\_\_  
Linda O'Leary

Date

Town Board Clerk

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## CHAPTER 17 - ZONING

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ANY AND ALL ORDINANCES OR REGULATIONS OF THE TOWN OF UNION PREVIOUSLY ENACTED REGARDING ZONING OR RELATED TO THE PROVISION THEREOF ARE HEREBY REPEALED, REVOKED AND ABROGATED AND IN PLACE THEREOF THIS ORDINANCE IS ADOPTED.

### Section 17.01 INTRODUCTION

**(1) Authority.**

Whereas the Town Board of Union, Wisconsin, has proceeded under the provisions of Section 60.61 and 60.62 of the Wisconsin Statutes and whereas these regulations are adopted under the authority granted by Sections 60.61 and 60.62 and 60.65 of the Wisconsin Statutes. Therefore, the Town Board of Union, Wisconsin, does ordain as follows:

**(2) Purpose.**

The purpose of this Ordinance is to promote the comfort, health, safety, morals, prosperity, aesthetics, and general welfare of this community, and to be eligible for the State of Wisconsin Farmland Preservation Program.

**(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.

**(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, and agreements, or permits previously adopted or issued pursuant to laws. However, wherever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

**(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.

**(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.

**(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 certain zoning ordinances dated Nov. 30, 1965 and May 7, 1979 and their amendments and certain District Map dated Nov. 30, 1965 and Development Map dated May 7, 1979 and its amendments. This Ordinance shall now refer to the Town of Union Comprehensive Plan and the Town of Union Official Zoning map dated October 5, 2006.

**(8) Title.**

This Ordinance shall be known as, referred to, or cited as the "Town of Union Zoning Ordinance."

## Section 17.02 GENERAL PROVISIONS

### (1) Jurisdiction.

The jurisdiction of this Ordinance shall include all lands and waters in the Town of Union, Rock County, Wisconsin and be under the zoning jurisdiction of the Town of Union Board and Plan Commission.

### (2) Compliance.

No land or water shall hereafter be used without full compliance with the provisions of this Ordinance and all other applicable local, county and state regulations. The duty of the Building Inspector shall be to investigate all complaints, give notice of violations, and to enforce this Ordinance. The Building Inspector 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 Building Inspector is refused entry, he may apply for, obtain and execute a special inspection warrant for said premises pursuant to §66.0119, Wis. Stats. The Building Inspector may set time-limits and conditions for the correction of violations.

### (3) Use Restrictions.

The following use restrictions and regulations shall apply:

- A. Permitted Uses. Only those principal uses specified, their essential services and uses listed in this Ordinance shall be permitted in each district.
- B. 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 unless it is an allowed conditional use and permission (conditional use permit) is granted by the Plan Commission.
- C. A-1, A-2, A-3, and A-4 Conditional Uses and their accessory uses are considered as special uses requiring review, public hearing, recommendation by the Plan Commission to the Town Board approval, conditional approval or denial, and approval by the Town Board and issuance of a conditional use permit in accordance with 17.18 of this Ordinance. Zoning Conditional Uses excluding A-1, A-2, A-3, and A-4 Conditional Uses and their accessory uses are considered as special uses requiring review, public hearing, recommendation by the Plan Commission to the Town Board approval, conditional approval or denial, and approval by the Town Board and issuance of a conditional use permit in accordance with Section 17.18 of this Ordinance.
- D. 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 Plan Commission.
- E. Performance Standards listed in this Ordinance shall be complied with by all uses in all districts.
- F. Soil Restrictions. Certain soil types in the Town, as shown on the operational soil survey maps prepared by the USDA-Natural Resources 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 USDA-Natural Resources 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 Town or the applicant.

**(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 fifty dollars (\$50) nor more than five hundred dollars (\$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.

**(5) Violations**

It shall be unlawful to construct or use any structure, land, or water in violation of any of the provisions of this Ordinance. In case of any violation, the Town Board, the Building Inspector, the Town Plan Commission, or any neighboring property owner who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this Ordinance or cause a structure to be vacated or removed.

**(6) 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.

## **Section 17.03 ADMINISTRATION**

### **(1) Town of Union Plan Commission**

The Town Board, Plan Commission and Building Inspector shall have the role of enforcing this Ordinance. The Plan Commission shall have the following powers:

- A. To review and recommend to the Town Board the approval, conditional approval or denial of requests for conditional use permits.
- B. To review and recommend to the Town Board approval, conditional approval or denial of requests for A-1, A-2, A-3, and A-4 Conditional Use Permit Land Divisions.
- C. To review and approve, conditionally approve or deny requests 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 Plan Commission and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this Ordinance shall be required.
- D. To review and recommend to the Town Board the approval, conditional approval or denial of land division preliminary CSMs and final CSMs and preliminary and final Subdivision Plats. Conditions of approval may be attached to preliminary or final approval.
- E. To review and recommend to the Town Board the approval, conditional approval or denial of applications for zoning changes.
- F. To review and recommend to the Town Board the approval, conditional approval or denial of all other types of Conditional Use Permit requests and renewals.
- G. To review and approve, conditionally approve, or deny all Site Plan Reviews for the siting of residences on a lot.

### **(2) Building Inspector**

The Building Inspector shall be responsible for reviewing and enforcing the zoning code within the Town of Union.

There is herewith created the office of Building Inspector, which office may be a full-time or part-time position, as the Town Board in its discretion shall determine. The Building Inspector shall be appointed by the Town Board and shall hold office until replaced by the Town Board. His duties shall be to administer, supervise, and literally enforce the provisions of the Town Zoning Ordinance. His compensation shall be determined by the Town Board.

The Building Inspector shall make a monthly report of his activities to the Town Board.

The Building Inspector shall:

- A. Assist the applicant in preparing applications for driveway permits, building permits, land divisions, conditional use permits, zoning changes, site plan review, and variances.
- B. Advise the applicant as to the provisions of the Town Zoning and Land Division Ordinance.
- C. Prepare building permits and driveway permits.
- D. Inspect each project for which a building permit and driveway permit has been applied for or granted; report violations; and provide this information to the Plan Commission and/or Town Board.
- E. The Building Inspector may issue building permits which are within strict compliance with the requirements of this Ordinance. If the parcel is zoned agricultural and was created after 1/1/2014 a site plan review must be approved by the Plan Commission before a building permit can issued. Whenever there is a question other than the literal requirements of this Ordinance, it is to be brought directly to the Plan Commission Chairman.

## Section 17.04 DEFINITIONS

### (1) Usage

- A. 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.
- B. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense, words used in the plural number include the singular; the word "herein" means "in these regulations"; the work "regulations" means "these regulations."
- C. 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."

### (2) Words and Terms Defined

- **Accessory Building** Any building except the principal building on a lot. In the case of a house and detached garage on a lot, the accessory building is the garage.
- **Accessory Structure** A structure constructed on a mobile home lot apart from the basic mobile home unit, including awnings, cabanas, storage cabinets (or sheds).
- **Accessory Use** Any of the following land uses on a farm:
  - a. A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use;
  - b. An activity or business operation that is an integral part of, or incidental to, an agricultural use;
  - c. A farm residence;
  - d. A business, activity, or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of a farm, that requires no buildings, structures, or improvements other than those described in (a) or (c), that employs no more than four (4) full-time employees annually, and that does not impair or limit the current or future agricultural use of the farm or of other protected farmland;
  - e. Any other use that the department, by rule, identifies as an accessory use.
- **Agricultural Use** Any of the following activities conducted for the purpose of producing an income or livelihood:
  - a. Crop or forage production
  - b. Keeping livestock
  - c. Beekeeping
  - d. Nursery, sod or Christmas tree production
  - e. Floriculture
  - f. Aquaculture
  - g. Fur farming
  - h. Forest management
  - i. Enrolling land in a federal agricultural commodity payment program, or a federal or state agricultural land conservation payment program.
  - j. Any other use that the department, by rule, identifies as an agricultural use
- **Agriculture-related Use** Any of the following:



- a. An agricultural equipment dealership, facility providing agricultural supplies, facility for storing or processing agricultural products, or facility for processing agricultural wastes or by-products received directly from farms.

- b. Any other use that the department, by rule, identifies as an agriculture-related use
- **Airport Not Open to the Public** Any airport on privately owned land used solely by the property owner.
- **Airport Open to the Public** Any airport, whether publicly or privately owned, which is open for use by the general public without the necessity of obtaining prior use approval.
- **Alley** A street or thoroughfare less than twenty one (21) feet wide and affording only secondary access to abutting properties.
- **Animal Unit** A unit of measure used to determine the total number of single animal types or combination of animal types which are fed, confined, maintained or stabled in a livestock facility. For purposes of this Ordinance, animal unit equivalents are based on s. NR 243(3) as it existed on April 27, 2003, or subsequent amendments. For animals not listed, the number of animal units shall be defined as the average weight of the animal divided by one thousand (1,000) pounds. The number of “animal units” kept at a livestock facility means the largest number of “animal units” that will be at the livestock facility on at least 90 days in any 12-month period.

Livestock Type		Animal Unit Factor
<b>Dairy Cattle</b>	Milking and Dry Cows	1.4
	Heifers (800 lbs. to 1200 lbs.)	1.1
	Heifers (400 lbs. to 800 lbs.)	0.6
	Calves (up to 400 lbs.)	0.2
<b>Beef</b>	Steers or Cows (600 lbs. to market)	1.0
	Calves (less than 600 lbs.)	0.5
	Bulls(each)	1.4
<b>Swine</b>	Pigs (55 lbs. to market)	0.4
	Pigs (up to 55 lbs.)	0.1
	Sows (each)	0.4
	Boars (each)	0.5
<b>Poultry</b>	Layers (each)	0.01
	Broilers (each)	0.005
	Broilers – continuous overflow watering	0.01
	Layers or Broilers - liquid manure system	0.033
	Ducks – wet lot (each)	0.2
	Ducks - dry lot (each)	0.01
	Turkeys (each)	0.018
<b>Sheep(each)</b>		0.1
<b>Goats (each)</b>		0.1
*Number of units is based on an average weight per growing cycle.		

- **Applicant** The owner of the land or his representative. Consent shall be required in writing from the legal owner of the premises.
- **Arterial Roads & Highways** Serve inter-community travel within and outside the area and provide a high level of urban mobility with little variation in operating conditions and form a continuous system with other arterials.
- **ATCP 51** The DATCP Administrative Rule that local units of government must adopt to comply with the implementation of Wisconsin’s Livestock Facility Siting Law, §93.90, Wis. Stats.

- **Automotive Vehicle** A vehicle that is self-propelled except a snowmobile unless specifically referred to as a motor vehicle herein.

- **Base Farm Tract** Either all contiguous parcels in a farmland preservation zoning district that are part of a single farm on January 1, 2014, regardless of any subsequent changes in the size of the farm or any other tract that DATCP by rule defines as a “base farm tract.”
- **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 (3) or more persons not members of the owner's family.
- **Bond** Any form of security including cash deposit, surety bond, collateral, property, or instrument of credit in the amount and form satisfactory to governing body. All bonds shall be approved by the Town Board wherever a bond is required by these regulations.
- **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 foundation, whichever is less.
- **Collector Roads & Highways** Serve intermediate to long trips within an area, collect and distribute traffic to and from local roads and adjacent land within the areas, provide fair mobility and form a generally continuous pattern when combined with the arterial system.
- **Committee** The Plan Commission.
- **Common Area** An area or space designed for joint use of tenants or owners residing in a Planned Unit Development.
- **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.
- **Community Living Arrangement** Means any of the following facilities licensed or operated, or permitted under the authority of the Wisconsin Department of Health and Social Services: child welfare agencies under §48.60, group foster homes for children under §48.02(7) and community- based residential facilities under §50.01 of Wisconsin Statutes; but does not include day care centers, nursing homes, general hospitals, special hospitals, prisons and jails.
- **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.
- **Contiguous Acres** Adjacent, adjoining, or have a common boundary. Some acreage that is not adjoining may be considered contiguous, for example, when land is divided by a public road, irrigation canal, or river. Contiguous properties may span more than one county.
- **Department of Agriculture, Trade and Consumer Protection** State of Wisconsin cabinet-

level agency. Also referred to as “department” and “DATCP.”

- **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. Consent shall be required from the legal owner of the premises.
- **Development Guide** The Town's Development Plan (segment of the County Development Plan) (§59.97, Wis. Stats.) or the incorporated municipality's Master Plan (§62.23 Wis. Stats.).
- **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 detached building designed for, or occupied exclusively by, one (1) family or household.
- **Dwelling, Two-Family** A detached or semi-detached building designed for, or occupied exclusively by, two (2) families or households.
- **Dwelling, Multiple-Family** A building or portion thereof designed for, or occupied by, three (3) or more families or households.
- **Earthwork** The moving of more than two (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.
- **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 facility, is not an “expansion” unless the operator increased 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.

- **Farm Residence** Any of the following structures that is located on a farm:
  - a. A single family or duplex residence that is the only residential structure on the farm or is occupied by any of the following:
    - 1. An owner or operator of the farm.
    - 2. A parent or child of an owner or operator of the farm.
    - 3. An individual who earns more than fifty (50) percent of his or her gross income from the farm.
  - b. A migrant labor camp that is certified under §103.92 Wis. Stats.
  
- **Farmland Preservation Agreement** Any of the following agreements between an owner of land and the department under which the owner agrees to restrict the use of land in return for tax credits:
  - a. A farmland preservation agreement or transition area agreement entered into under §91.13, 2007 Wis. Stats., or §91.14, 2007 Wis. Stats.
  - b. An agreement entered into under §91.60(1), Wis. Stats.
  
- **Farmland Preservation Area** An area that is planned primarily for agricultural use or agriculture-related use, or both, and that is one of the following:
  - a. Identified as an agricultural preservation area or transition area in a farmland preservation plan described in §91.12(1), Wis. Stats.
  - b. Identified under §91.10(1)(d) in a farmland preservation plan described in §91.12(2), Wis. Stats.
  
- **Farmland Preservation Plan** a plan for the preservation or farmland in a county, including an agricultural preservation plan under subch. IV of ch. 91, 2007 Wis. State Stats.
  
- **Flood Plain** The land adjacent to a body of water which is subject to periodic overflow therefrom.
  
- **Floodway** The channel of a stream and such adjacent portions of the floodplain as are required to accommodate flood flows.
  
- **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 grade 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 accessory building or space for the storage only of not more than three (3) motor vehicles per dwelling unit.
  
- **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.
  
- **High Density** Those residential zoning districts in which the density is greater than one (1)

dwelling unit per eight thousand five hundred (8,500) square feet.

- **Hobby Farm** A use of the land that is primarily residential in nature but may include the raising of livestock primarily for recreational purposes which do not have substantial food and fiber



economic value. A “hobby farm” shall consist of less than ten (10) animal units of traditional production animals and less than ten (10) total animals of non-traditional production animals which include but are not limited to deer, horses, llamas and minks.

- **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 hk not exceed two hundred fifty (250) pounds, or four (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 (1) or more turning lanes for travel between intersecting roads or highways.
- **Large Farm Animal** Any horse, head of cattle, pony, sheep, goat, or hog.
- **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** Cattle, swine, poultry, sheep and/or goats.
- **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 on which the facility is located, but it does NOT include a parcel used only for pasture or as a winter grazing area. Related livestock facilities are considered a single “livestock facility,” except a livestock operator may elect to treat facilities for a separate species as a separate livestock facility.
- **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 & Highways** Serve primarily to provide direct access to adjacent land, provide for short distance travel within the area, and provide access to the Collector and Arterial systems. Through traffic movement on locals is generally discouraged.
- **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 (2) 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 twelve thousand (12,000) and forty thousand (40,000) square feet per dwelling unit.
- **Manufactured-Home (HUD)** Single-family detached housing built to the National Manufactured Housing Construction and Safety Standards Act of 1974 and includes structures known as manufactured homes or mobile homes. A factory-built, single-family structure that is manufactured under the authority of 42 U.S.C. Sec. 5401, the National Manufactured Construction and Safety Standards Act, is transportable in one (1) or more sections, is built on a permanent chassis, and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit other than for the purpose of delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame; and includes any additions, attachments, annexes, foundations and appurtenances. A manufactured home (HUD) does not comply with the State One and Two-Family Dwelling Code (Subchapter II of Chapter 101, Wisconsin Statutes) or with the Manufactured Building Code (Subchapter III of Chapter 101, Wisconsin Statutes.)
- **Manufactured Building (UDC)** A manufactured building is also known as a manufactured home UDC. Any structure of component thereof which is intended for use as a dwelling and; (1) is of closed construction and fabricated or assembled on site or off site in manufacturing facilities for installation construction, or assembly and installation, at the building site; or (2) is a building of open construction which is made or assembled in manufacturing facilities away from the building site for installation, connection or assembly and installation on the building site and for which certification is sought by the manufacturer. A manufactured building does not mean any manufactured home (HUD) or mobile home. A manufactured building is a dwelling unit that complies with Subchapter III of Chapter 101, Wisconsin Statutes, and shall have been inspected and certified by Department of Commerce, Safety and Buildings Division as complying with Subchapter III and shall display the compliance insignia issued by the Department of Commerce, Safety & Buildings Division.
- **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 eight thousand five hundred (8,500) and twelve thousand (12,000) square feet per dwelling unit.

- **Migrant Labor Contractor** Any person who, for a fee or other consideration, on behalf of another person, recruits, solicits, hires or furnishes migrant workers, excluding members of the contractor's immediate family, for employment in the State of Wisconsin. Migrant labor contractor shall not include an employer or any full-time regular employees of an employer who engages in any such activity for the purpose of supplying workers solely for the employer's own operation.
- **Migrant labor housing** The site and all structures maintained as living quarters by, for or under the control and supervision of any person for: 1. Any migrant worker; or 2. Any other person who is not related by blood, marriage, or adoption to his or her employer and who occasionally or habitually leaves an established place of residence to travel to another locality to accept seasonal employment in the planting, cultivating, raising, harvesting, handling, drying, packing, packaging, processing, freezing, grading, or storing of any agricultural or horticultural commodity in its unmanufactured state.
- **Migrant worker** Any person who temporarily leaves a principal place of residence outside of this state and comes to the State of Wisconsin for not more than ten (10) months in a year to accept seasonal employment in the planting, cultivating, raising, harvesting, handling, drying, packing, packaging, processing, freezing, grading, or storing of any agricultural or horticultural commodity in its unmanufactured state.
- **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 transportable, factory-built home, designed to be used as a year-round residential dwelling and built prior to the enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976. Equipped and used primarily for sleeping, eating and living quarters, or is intended to be used and includes any additions, attachments, annexes, foundations and appurtenances. See §66.058 Wis. Stats.
- **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 (2) 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' except that a mobile home subdivision shall not be deemed a mobile home park.
- **Mobile Home Stand** That part of an individual lot which has been reserved for the placement of one (1) 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.
- **Motel** A series of attached, semi-attached, or detached sleeping units for the accommodation of transient guests.

- **New Livestock Facility** A livestock facility used for the first time, or for the first time in at least 5 years, as defined in NR 151.095(4)(d).
- **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 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 enactment of this Ordinance or amendments thereto, but which use or occupancy does not conform to the provisions of this Ordinance or any amendments thereto.
- **Nondependent Mobile Home** A mobile home which has complete bathroom facilities.
- **NR 151 Agricultural Performance Standards and Prohibitions** As defined in Subchapter II of Ch. NR 151.
- **Ordinance** Any legislative action, however nominated, 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 or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land.
- **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.
- **Permit** A written building permit or certification issued by the Building Inspector permitting the construction, alteration and/or extension of a building under the provisions of this Ordinance.
- **Permitted Use** Uses listed under this heading are permitted as of right. This means that an applicant for a building permit must be given a permit if he meets the other requirements of the Ordinance, e.g. yards, setbacks, and so forth.
- **Person** Any individual, firm, trust, partnership, public or private association or corporation.
- **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.
- **Rooming House** A building other than a hotel where lodging only is provided for compensation from three (3) or more persons not members of the owner's family.
- **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.

- **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.
- **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.
- **Storage** A space for storing personal and non-business property or goods. Vehicles being stored are not permitted to be used daily.
- **Story** That portion of a building included between the surface of the floor next above it or the space between the floor and the ceiling next above it, if there be no floor 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 (2) opposite exterior walls are not more than four (4) feet above the floor of such story.
- **Street** All property dedicated or intended for public or private street purposes or subject to public easements twenty-one (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 re-subdivision. 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.
- **Tourist Camp or Court** A tract of land of at least one (1) acre upon which two (2) or more camp cottages are located or where temporary accommodations are provided for two (2) or more trailers or house cars, open to the public either free or for a fee.
- **Trailer Space** A parcel of land in a travel trailer parking area for the placement of a single trailer and the exclusive use of its occupants.
- **Travel Trailer** A vehicular, portable unit designed as a temporary living unit for travel, recreation and vacation, which may take one of the following forms, or a similar form: (a) a unit built on a chassis, having a body width not exceeding eight feet and body length not exceeding thirty two (32) feet; (b) a unit designed to be mounted on a truck-chassis (c) a unit constructed as an integral part of a self-propelled vehicle; or (d) a canvas, folding unit mounted on wheels.
- **Travel Trailer Park** A parcel of land in which two or more spaces are occupied, or intended for occupancy (not over seven (7) days), by travel trailers for transient dwelling purposes.
- **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.
- **Variance** Is authority granted to the owner to use his property in a manner which is prohibited by the Zoning Ordinance. A departure from the terms of the Zoning Ordinance where it is shown that unique physical circumstances applying to a land parcel causes a hardship to the owner, and that the condition permitted by the departure still will be in fundamental harmony with surrounding uses. (a) Area Variance: Is one which does not involve a use, which is prohibited by the Zoning Ordinance. Area variances involve matters such as setback lines, frontage requirements, height limitations, lot size restrictions, density, density regulations, and yard requirements. (b) Use Variance: Is one which permits a use of land other than that which is prescribed by the Zoning Ordinance. It is primarily a grant to erect, alter or use a structure for a permitted use in a manner other than that prescribed by the Ordinance. A Use Variance shall not be granted under this Ordinance.
- **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.

- **Waterline** The shortest straight line at the waterfront end of a stream lot that lies wholly within the lot, provided that not less than seventy five (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.
- **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 lot line and the nearest part of the principal buildings 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.



## Section 17.05 ZONING DISTRICTS

### (1) Establishment

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

- a. Agricultural District (A-1)
- b. Agricultural District (A-2)
- c. Agricultural District (A-3)
- d. Agricultural District (A-4)
- e. Local Business District (B-1)
- f. Commercial Highway Interchange District (CHI)
- g. Lowland Conservancy District (C-1)
- h. Highland Conservation District (C-2)
- i. Rural Residential District (R-R)
- j. Planned Unit Development District (PUD)
- k. Mobile Home Park District (MHP)
- l. Special Purpose District (SP)
- m. Light Industrial District (M-1)

### (2) Zoning Map and District Boundaries

The boundaries of such districts are hereby established as shown as the underlay on a map entitled "Official Zoning Map, Town of Union, Wisconsin", as adopted on October 5, 2006 with this Ordinance and as amended thereafter by the Rock County Department of Planning and Development. Such map accompanies and is made a part of this Ordinance. Such boundaries shall be construed to follow: Town and corporate limit lines; U.S. Public Land Survey Lines; lot or property lines; soil mapping Unit lines; topographic lines; center lines of streets, roads, highways, alleys, easements, and railroad right-of-way lines or such lines extended; unless otherwise noted on the Zoning Map. Said map shall be kept on file in the office of the Town Clerk and a copy attached hereto is correct only as of the day of passage of this Ordinance. The Town Clerk shall keep a revised version of said map reflecting any and all changes of zoning boundaries.

### (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.

- A. **Erection of More than One Principal Structure on a Lot.** In any district no more than one (1) permitted or conditional use structure may be erected on a single lot except in the B-1, 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. Mobile homes (manufactured homes) only when in a mobile home park.
- B. **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.
- C. **Structures to Have Access.** Every residential building hereafter erected or moved shall be on a lot adjacent to a public street 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. All driveways must be in compliance with the Town of Union Driveway Ordinance.

- D. **Parking and Storage of Certain Vehicles.** Automotive vehicles or trailers of any kind or type which are unlicensed and/or inoperable shall not be parked or stored on any property other than in completely enclosed buildings.
- E. **Livestock Facilities Permits Required.** Under the following conditions a livestock facilities permit is required:
1. A new livestock facility of at least ten (10) animal units is proposed for a lot or a site on a lot where a livestock facility does not exist at the time of application for a permit, nor at which site a livestock facility existed on October 1, 2002;
  2. Expansion of an existing livestock facility is proposed;
  3. An existing livestock facility voluntarily seeks to be permitted;
  4. An existing permitted livestock facility is to be restocked after being abandoned, or unused for sixty (60) or more consecutive months;
  5. A livestock facility permitted prior to the effective date of this Ordinance expands or seeks to expand beyond the number of animal units allowed by the pre-existing permit.
- F. A setback less than the setback required by this Ordinance may be permitted where there are at least five (5) existing main buildings existing as of May 16, 1979 (the original effective date 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 main building on one side and the required setback. Such setback shall be granted by a permit from the Plan Commission and shall not require a special exception or variance.
- G. In Commercial or Industrial Districts, sufficient space for loading or unloading of vehicles shall be provided off the highway in connection with any commercial or industrial use so that the highway shall at all times be free and unobstructed to the passage of traffic.
- H. Where a lot has an area less than the minimum number of square feet per family required for the district in which it is located and was of record as of May 16, 1979 (the original effective date of this Ordinance), such lot may be occupied by one (1) family.
- I. 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 to which the vacated land reverts.
- J. 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 such situations 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.
- K. No overhead power, telephone or telegraph lines shall be erected within one-half mile of any boundary of the site of any airport, landing field, or landing and takeoff strip.
- L. Community living arrangements shall be permitted without restriction as to the number of facilities so long as the total capacity of all the community living arrangements does not exceed twenty five (25) or one percent (1%) of the Town's population, whichever is greater.
- M. No community living arrangement may be established after March 27, 1978 which is located within two thousand five hundred (2,500) feet of any other such facility. Two (2) community living arrangements may be adjacent if authorized by the Town Board and if both comprise essential components of a single program.
- N. Mobile homes and manufactured homes (HUD code) are only allowed in the Mobile Home Park District (MHP) or by conditional use as permitted under the corresponding land zoning district.

## **Section 17.06 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 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, and to be eligible for the State of Wisconsin Farmland Preservation Program. Agricultural soils are predominant in this district. Development and land divisions are strongly discouraged in order to protect the community's agricultural base and farming efficiency.

### **(2) Permitted Uses.**

The following uses are permitted in this district:

- A. Agricultural use, as defined in Section 17.04 (2) of this Ordinance, provided that no buildings for the housing of livestock or non-traditional production animals shall be located within one hundred (100) feet of any boundary of a residential or commercial lot, with the exception of a livestock facility as defined in Section 17.04 of this Ordinance or uses provided that such permitted uses shall not include the use of Manure Irrigation Distribution Systems unless a conditional use permit is obtained as described in Section 17.18 of this Ordinance. No barbed wire fences shall be located forward of the front yard setback or building line, whichever is greater.
- B. Up to two (2) unlighted signs not larger than sixty four (64) square feet each advertising items for sale produced under the "accessory use" or "agricultural use" definitions in Section 17.04(2) of this Ordinance.
- C. Accessory uses as defined in Section 17.04 (2) of this Ordinance.
- D. One farm residence.
- E. A transportation, utility, communication, or other use that is required under State or federal law to be located in a specific place or that is authorized to be located in a specific place under State or federal law that preempts the requirement of a special use permit for that use.
- F. Undeveloped natural resource and open space areas.
- G. Hobby Farms: all farms with less than ten (10) animal units of traditional production animals as defined under the definition of animal units, qualify as a farm residence, or existed prior to January 1, 2014; and are found within the A-1 and A-2 zoning districts will not need a conditional use permit. All farms with less than ten (10) total non-traditional production animals, as defined under the definition of hobby farms and existed prior to January 1, 2014, will not need a conditional use permit.

### **(3) Conditional Use**

A conditional use in this district is to permit the following uses only after public hearings and final approval of the Town Board. The Plan Commission will review the applicable facts pertaining to the proposed conditional use and will recommend to the Town Board approval of conditional use only after finding that its inclusion in this district possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, is consistent with the Town of Union Comprehensive Plan and are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.

- A. Transportation, communication, pipeline, electric transmission, utility, or drainage uses, if 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 site of the use, from agricultural use or open space use.
  - iv. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
  - v. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
- B. Governmental, institutional, religious, or nonprofit community uses, if 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 site of the use, from agricultural use or open space use.
  - iv. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
  - v. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
- C. Nonmetallic mineral extraction, if all of the following apply:
  - i. The operation complies with subch. 1 of Ch. 295, Wis. Stats., and rules promulgated under that subchapter, with applicable provisions of local ordinances under §295.13, Wis. Stats., or §295.14 (including all applicable provisions of this Ordinance), and with any applicable requirements of the Department of Transportation concerning the restoration of nonmetallic mining sites.
  - 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 site of the use, from agricultural use or open space use.
  - v. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
  - vi. Land will be restored to agricultural use, consistent with any required locally approved reclamation plan, when extraction is completed as required in §91.46(6)(f), Wis. Stats.
- D. Oil and gas exploration or production that is licensed by the Department of Natural Resources under subch. 11 of Ch. 295, Wis. Stats.

- E. Veterinary services primarily serving livestock; commercial or wholesale greenhouses; holding pens; confinement operations; and other agricultural-related uses that may cause additional traffic, noxious odors, or noise.
- F. Water storage facilities, gas and electric utility uses not requiring authorization under §196.491 Wis. Stats., provided they are enclosed by an eight (8) foot or more protective fence and meet the requirements found in §91.46 (4), Wis. Stats.
- G. Creameries, milk condenseries, cheese factories, and pea vineries, provided, however that same are not located or operated nearer than five hundred (500) feet to any dwelling.
- H. Supportive agribusiness activities to include grain elevators; seed, fertilizer, and farm chemical sales; commercial feedlots; feed mills; and similar activities provided they are adjacent to Arterial or Collector roads.
- I. Livestock facilities housing five hundred (500) or more animal units of cattle, swine, poultry, sheep or goats, pursuant to the requirements of §93.90, Wis. Stats. and Ch. ATCP 51 of the Wisconsin Administrative Code. This Ordinance hereby adopts and incorporates by reference the definitions, standards, and application requirements in ATCP 51. To the extent that other provisions in this Ordinance conflict with the provisions in ATCP 51, the Town will follow the provisions of ATCP 51 in issuing conditional use permits for livestock facilities.

All new livestock facilities housing four hundred ninety nine (499) or fewer animal units and greater than ten (10) animal units must meet the Agricultural Performance Standards and Prohibitions prior to populating the site with animals as identified in Ch. NR 151 of the Wisconsin Administrative Code, pursuant to requirements of §281.16, Wis. Stats. All expanding livestock facilities, when the expansion is greater than 20% of the existing animal units present on October 1, 2002 and will remain with a composite of four hundred ninety nine (499) or fewer animal units, must at a minimum meet the Agricultural Performance Standards and Prohibitions prior to populating the site with animals as identified in Ch. NR 151 of the Wisconsin Administrative Code, pursuant to requirements of §281.16, Wis. Stats. This requirement is only applicable to the proposed expansion component.

The Rock County Land Conservation Department will review all documents submitted to the Town for review and verify that all performance standards and prohibitions are met and will provide a findings of fact report to the Town Board.

- J. Residential units located in a farmland preservation district that do not qualify as a farm residence, and meet the definition of “non-farm residence” as stated in §91.46(2), Wis. Stats.
- K. Application of liquid manure by the use of Manure Irrigation Distribution Systems.
- L. Storage of non-agriculture items in existing buildings or new buildings in the immediate vicinity of existing buildings of the parcel.
- M. Seasonal migrant labor housing, on the same or adjacent site and accessory to the farm/agricultural use being served, if the following conditions are met and requirements included in the Conditional Use Permit:
  - i. The conditional use shall be reviewed annually by the Plan Commission for the first two (2) years of operation following issuance to ensure that approval conditions are being met and additional conditions are not needed.
  - ii. The conditional use is only valid while there is a business or agribusiness use occurring on the parcel requiring migrant workers. When the seasonal use is discontinued for a period of three (3) consecutive years, all permanent housing structures/facilities shall be repurposed and all temporary housing structures/facilities shall be removed from the property.

- iii. When the seasonal use is discontinued for a period of three (3) consecutive years, the conditional use shall lapse and the landowner will be required to reapply for the conditional use permit to resume utilizing the site as migrant worker housing.
- iv. Violations to approval conditions may result in revocation of the conditional use permit upon a hearing held by the Town of Union Plan Commission and such other relief as provided in this Chapter, in law, and/or in equity.
- v. Seasonal Migrant Labor Housing Standards
  - a. Migrant labor facilities and housing must meet all provisions of Chapter DWD 301, Department of Workforce Development, published under Wis. Stats. §35.93, as from time to time amended or renumbered.
  - b. The facility, and each room within it, cannot exceed the number of tenants specified in the conditional use permit. There shall be an inspection of the facilities by Town of Union inspection staff if there are complaints about the number of individuals in the facility or its rooms.
- vi. Site Specifics
  - a. Seasonal migrant labor housing may only be established on the same or adjacent site and accessory to the industrial use being served.
  - b. Site plan review shall be conducted in accordance with Section 17.20 of this Chapter.
  - c. The required parking ratio for migrant labor housing is one (1) parking stall per five (5) migrant workers.
  - d. All permanent loading facilities and trash/recyclable storage areas shall be completely screened from view by an opaque vertical wall or fence that is a minimum of five feet (5') in height or greater as necessary to adequately screen the trash enclosure(s). Said wall or fence shall be constructed of the same or complementary materials as the building that it serves. Loading and trash storage area shall be designed in consultation with professional service providers in order to accommodate all desired functions within the screened area. Loading and trash storage areas shall be proximal to the building they serve in order to provide convenience in access for employees using such facilities.
  - e. Each housing structure and common use facility within the migrant labor housing development shall be connected to water and sewer services.

The following Conditional Uses are not permitted in any Agricultural Zoning Districts:

- Camping grounds open to the public with buildings or structures.
- Golf courses both public and private.
- Hunting and fishing clubs.
- Commercial outdoor recreation to include miniature golf, amusement parks, drive-in theaters and racetracks.

**(4) Requirements for Permitted and Conditional Uses**

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

Minimum Lot Size .....	35 acres
Maximum Building Height .....	35 ft.
Minimum Front Yard Setback:	
From Centerline of Local Roads.....	100 ft.
From Centerline of Collector Roads .....	110 ft.

From Centerline of Arterials .....	150 ft.
Refer to Section 17.23 for road classifications and other requirements.	
Minimum Rear Yard Setback .....	50 ft.
Minimum Side Yard Setback:	
Principal Buildings .....	20 ft. on each side
Accessory Buildings .....	10 ft. on each side
Minimum Lot Width at Building Line.....	100 ft.

**(5) Rezoning Land In Farmland Preservation Zoning District**

The Town of Union may rezone land out of Farmland Preservation Zoning District if it meets the following in addition to the requirements of Section 17.21 of this Ordinance:

- 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 applicable Comprehensive Plan.
- C. The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.
- D. The rezoning is substantially consistent with the County certified farmland preservation plan.

The Plan Commission shall hold a public hearing on the rezone application after publication of a Class 2 notice thereof. If no additional information is deemed necessary, the Plan Commission will make a recommendation to the Town Board to approve, approve with conditions, or reject the rezone. The Town Board will make the final decision. Written reasons shall be documented in the Clerk’s minutes for rejection or the imposition of conditions.

Any political subdivision shall, by March 1 of each year, provide to DATCP and the County a report of the number of acres that the political subdivision has rezoned out of a farmland preservation zoning district under sub. (5) during the previous year and a map that clearly shows the location of those acres.

Existing farm dwelling and related farm structures that have been constructed prior to January 1, 2014 may be separated from the farm plot. The remaining portion of the original parcel shall conform to the standard of the A-1 District and the new parcel with the existing farm dwelling and related farm structures shall be rezoned either A-3 or A-4.

## **Section 17.07 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 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 that are generally best suited for smaller farm units, and to be eligible for the State of Wisconsin Farmland Preservation Program.

### **(2) Permitted Uses**

The following uses are permitted in this district:

- A. Agricultural use, as defined in Section 17.04 (2) of this Ordinance, provided that no buildings for the housing of livestock or non-traditional production animals shall be located within one hundred (100) feet of any boundary of a residential or commercial lot, with the exception of a livestock facility as defined in Section 17.04 of this Ordinance or uses provided that such permitted uses shall not include the use of Manure Irrigation Distribution Systems unless a conditional use permit is obtained as described in Section 17.18 of this Ordinance. No barbed wire fences shall be located forward of the front yard setback or building line, whichever is greater.
- B. Up to two (2) unlighted signs not larger than sixty four (64) square feet each advertising items for sale, produced under the “accessory use” or “agricultural use” definitions in Section 17.04(2) of this Ordinance.
  - i. Accessory uses as defined in Section 17.04 (2) of this Ordinance.
  - ii. One (1) farm residence.
  - iii. A transportation, utility, communication, or other use that is required under State or federal law to be located in a specific place or that is authorized to be located in a specific place under State or federal law that preempts the requirement of a special use permit for that use.
  - iv. Undeveloped natural resource and open space areas.
  - v. Hobby Farms: all farms with less than ten (10) animal units of traditional production animals as defined under the definition of animal units, qualify as a farm residence, or if it existed prior to January 1, 2014; and are found within the A-1 and A-2 zoning districts will not need a conditional use permit. All farms with less than ten (10) total non-traditional production animals, as defined under the definition of hobby farms, will not need a conditional use permit.

### **(3) Conditional Uses**

A conditional use in this district is to permit the following uses only after public hearings and final approval of the Town Board. The Plan Commission will review the applicable facts pertaining to the proposed conditional use and will recommend to the Town Board approval of the conditional use only after finding that its inclusion in this district possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, is consistent with the Town of Union Comprehensive Plan and are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.

- A. Transportation, communication, pipeline, electric transmission, utility, or drainage uses, if 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 site of the use, from agricultural use or open space use.
  - iv. Land will be restored to agricultural use, consistent with any required locally approved reclamation plan, when extraction is completed as required in §91.46(6)(f), Wis. Stats.
  - v. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
- B. Governmental, institutional, religious, or nonprofit community uses, if 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 site of the use, from agricultural use or open space use.
  - iv. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
  - v. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
- C. Nonmetallic mineral extraction, if all of the following apply:
  - i. The operation complies with subch. 1 of Ch. 295, Wis. Stats., and rules promulgated under that subchapter, with applicable provisions of local ordinances under §295.13, Wis. Stats., or §295.14 (including all applicable provisions of this Ordinance), and with any applicable requirements of the Department of Transportation concerning the restoration of nonmetallic mining sites.
  - 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 site of the use, from agricultural use or open space use.
  - v. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
  - vi. Land will be restored to agricultural use, consistent with any required locally approved reclamation plan, when extraction is completed as required in §91.46(6)(f), Wis. Stats.
- D. Oil and gas exploration or production that is licensed by the Department of Natural Resources under subch. 11 of Ch. 295, Wis. Stats.
- E. Veterinary services primarily serving livestock; commercial or wholesale greenhouses; holding pens; confinement operations; and other agricultural-related uses that may cause additional traffic, noxious odors, or noise.
- F. Water storage facilities, gas and electric utility uses not requiring authorization under §196.491 Wis. Stats., provided they are enclosed by an eight (8) foot or more protective fence and meet the requirements found in §91.46 (4), Wis. Stats.
- G. Creameries, milk condenseries, cheese factories, and pea vineries, provided, however that same

are not located or operated nearer than five hundred (500) feet to any dwelling.

- H. Supportive agribusiness activities to include grain elevators; seed, fertilizer, and farm chemical sales; commercial feedlots; feed mills; and similar activities provided they are adjacent to Arterial or Collector roads.
- I. Storage of non-agriculture items in existing buildings or new buildings in the immediate vicinity of existing buildings of the parcel.
- J. Livestock facilities housing five hundred (500) or more animal units of cattle, swine, poultry, sheep or goats, pursuant to the requirements of §93.90, Wis. Stats. and Ch. ATCP 51 of the Wisconsin Administrative Code. This Ordinance hereby adopts and incorporates by reference the definitions, standards, and application requirements in ATCP 51. To the extent that other provisions in this Ordinance conflict with the provisions in ATCP 51, the Town will follow the provisions of ATCP 51 in issuing conditional use permits for livestock facilities.

All new livestock facilities housing four hundred ninety nine (499) or fewer animal units and greater than ten (10) animal units must meet the Agricultural Performance Standards and Prohibitions prior to populating the site with animals as identified in Ch. NR 151 of the Wisconsin Administrative Code, pursuant to requirements of §281.16, Wis. Stats. All expanding livestock facilities, when the expansion is greater than 20% of the existing animal units present on October 1, 2002 and will remain with a composite of four hundred ninety nine (499) or fewer animal units, must at a minimum meet the Agricultural Performance Standards and Prohibitions prior to populating the site with animals as identified in Ch. NR 151 of the Wisconsin Administrative Code, pursuant to requirements of §281.16, Wis. Stats. This requirement is only applicable to the proposed expansion component.

The Rock County Land Conservation Department will review all documents submitted to the Town for review and verify that all performance standards and prohibitions are met and will provide a findings of fact report to the Town Board.

- K. Residential units located in a farmland preservation district that do not qualify as a farm residence, and meet the definition of “non-farm residence” as stated in §91.46(2), Wis. Stats.
- L. Application of liquid manure by the use of Manure Irrigation Distribution Systems.
- M. Seasonal migrant labor housing, on the same or adjacent site and accessory to the farm/agricultural use being served, if the following conditions are met and requirements included in the Conditional Use Permit:
  - i. The conditional use shall be reviewed annually by the Plan Commission for the first two (2) years of operation following issuance to ensure that approval conditions are being met and additional conditions are not needed.
  - ii. The conditional use is only valid while there is a business or agribusiness use occurring on the parcel requiring migrant workers. When the seasonal use is discontinued for a period of three (3) consecutive years, all permanent housing structures/facilities shall be repurposed and all temporary housing structures/facilities shall be removed from the property.
  - iii. When the seasonal use is discontinued for a period of three (3) consecutive years, the conditional use shall lapse and the landowner will be required to reapply for the conditional use permit to resume utilizing the site as migrant worker housing.
  - iv. Violations to approval conditions may result in revocation of the conditional use permit upon a hearing held by the Town of Union Plan Commission and such other relief as provided in this Chapter, in law, and/or in equity.
  - v. Seasonal Migrant Labor Housing Standards

- a. Migrant labor facilities and housing must meet all provisions of Chapter DWD 301, Department of Workforce Development, published under Wis. Stats. §35.93, as from time to time amended or renumbered.
- b. The facility, and each room within it, cannot exceed the number of tenants specified in the conditional use permit. There shall be an inspection of the facilities by Town of Union inspection staff if there are complaints about the number of individuals in the facility or its rooms.
- vi. Site Specifics
  - a. Seasonal migrant labor housing may only be established on the same or adjacent site and accessory to the industrial use being served.
  - b. Site plan review shall be conducted in accordance with Section 17.20 of this Chapter.
  - c. The required parking ratio for migrant labor housing is one (1) parking stall per five (5) migrant workers.
  - d. All permanent loading facilities and trash/recyclable storage areas shall be completely screened from view by an opaque vertical wall or fence that is a minimum of five feet (5') in height or greater as necessary to adequately screen the trash enclosure(s). Said wall or fence shall be constructed of the same or complementary materials as the building that it serves. Loading and trash storage area shall be designed in consultation with professional service providers in order to accommodate all desired functions within the screened area. Loading and trash storage areas shall be proximal to the building they serve in order to provide convenience in access for employees using such facilities.
  - e. Each housing structure and common use facility within the migrant labor housing development shall be connected to water and sewer services.

The following Conditional Uses are not permitted in any Agricultural Zoning Districts:

- Camping grounds open to the public with buildings or structures.
- Golf courses both public and private.
- Hunting and fishing clubs.
- Commercial outdoor recreation to include miniature golf, amusement parks, drive-in theaters and racetracks.

**(4) Requirements for Permitted and Conditional Uses**

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

Minimum Lot Size .....	10 acres
Maximum Lot Size .....	less than 35 acres
Maximum Building Height .....	35 ft.
Minimum Front Yard Setback:	
From Centerline of Local Roads.....	100 ft.
From Centerline of Collector Roads .....	110 ft.
From Centerline of Arterials .....	150 ft.
Refer to Section 17.23 for road classifications and other requirements.	
Minimum Rear Yard Setback .....	50 ft.
Minimum Side Yard Setback:	
Principal Buildings .....	20 ft. on each side
Accessory Buildings .....	10 ft. on each side

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

**(5) Rezoning Land In Farmland Preservation Zoning District**

The Town of Union may rezone land out of Farmland Preservation Zoning District if it meets the following in addition to the requirements of Section 17.21 of this Ordinance:

- 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 applicable Comprehensive Plan.
- C. The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.
- D. The rezoning is substantially consistent with the County certified farmland preservation plan.

The Plan Commission shall hold a public hearing on the rezone application after publication of a Class 2 notice thereof. If no additional information is deemed necessary, the Plan Commission will make a recommendation to the Town Board to approve, approve with conditions, or reject the rezone. The Town Board will make the final decision. Written reasons shall be documented in the Clerk’s minutes for rejection or the imposition of conditions.

Any political subdivision shall, by March 1 of each year, provide to DATCP and the County a report of the number of acres that the political subdivision has rezoned out of a farmland preservation zoning district under sub. (5) during the previous year and a map that clearly shows the location of those acres.

Existing farm dwelling and related farm structures that have been constructed prior to January 1, 2014 may be separated from the farm plot. The remaining portion of the original parcel shall conform to the standard of the A-2 District and the new parcel with the existing farm dwelling and related farm structures shall be rezoned either A-3 or A-4.

## **Section 17.08 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 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. The A-3 District is to consist of soils which are not prime agricultural soils.

### **(2) Permitted Uses**

The following uses are permitted in this district:

- A. One (1) single family dwelling per base farm tract. Additional residential dwellings require an approved Site Plan Review.
- B. Agricultural use, as defined in Section 17.04 (2) of this Ordinance, provided that no buildings for the housing of livestock or non-traditional production animals shall be located within one hundred (100) feet of any boundary of a residential or commercial lot, with the exception of a livestock facility as defined in Section 17.04 of this Ordinance or uses provided that such permitted uses shall not include the use of Center Pivot Manure Distribution Systems. No barbed wire 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 (2) unlighted signs not larger than eight (8) square feet each advertising such sale.
- D. Gardening, including truck gardens, nurseries and greenhouses, but not including the raising or keeping of poultry, livestock, or fur bearing animals, including rabbits, except as otherwise herein provided.
- E. Governmental buildings, except sewage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance machinery.
- F. Public parks, playgrounds, recreational and community center buildings and grounds.
- G. Graded schools, churches and their affiliated uses.
- H. Public buildings, except sewage plants, garbage incinerators, landfills, warehouses, garages, shops and storage areas.
- I. Water storage facilities and their accessory structures.
- J. 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 four (4) accessory buildings eighty (80) square feet or larger in size, requiring a building permit, per lot. There shall be no more than six (6) buildings less than eighty (80) square feet in size per lot.
- K. Uses customarily incident to any of the above uses; provided that no such use generates traffic 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 hearings and final approval of the Town Board. The Plan Commission will review the applicable facts pertaining to the proposed conditional use and will recommend to the Town Board approval of conditional use only after finding that its inclusion in this district possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, is consistent with the Town of Union Comprehensive Plan and are therefore permitted only subject to the fulfillment of

conditions which effectively insure that no such problems will be created.

- 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. Institutions of a charitable nature, hospitals, clinics and sanitariums. Libraries, museums and community buildings, private clubs and fraternities, except those whose principal activity is a service customarily carried on as a business, and except also riding clubs.
- D. Commercial or wholesale greenhouses, holding pens, confinement operations and other agricultural uses that may cause noxious odors or noise provided that written permission be obtained from the Town Board on the recommendation of the Plan Commission.
- E. Storage of non-agriculture items in existing buildings or new buildings in the immediate vicinity of existing buildings of the parcel.
- F. On-the-farm retail sales of products raised and processed on the farm, i.e., dairy products, meat processing, etc. as allowed by DATCP rules. May have one (1) lighted sign, no more than twenty four (24) square feet, lit only during business hours.
- G. Nonmetallic mineral extraction, if all of the following apply:
  - i. The operation complies with subch. 1 of Ch. 295, Wis. Stats., and rules promulgated under that subchapter, with applicable provisions of local ordinances under §295.13, Wis. Stats., or §295.14 (including all applicable provisions of this Ordinance), and with any applicable requirements of the Department of Transportation concerning the restoration of nonmetallic mining sites.
  - ii. The use and its location 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 site of the use, from agricultural use or open space use.
  - iv. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
  - v. Land will be restored to agricultural use, consistent with any required locally approved reclamation plan.

**(4) Requirements for Permitted and Conditional Uses**

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

Minimum Lot Size .....	3 acres
Maximum Lot Size .....	less than 10 acres
Maximum Building Height .....	35 ft.
Minimum Front Yard Setback:	
From Centerline of Local Roads.....	100 ft.
From Centerline of Collector Roads .....	110 ft.
From Centerline of Arterials .....	150 ft.
Refer to Section 17.23 for road classifications and other requirements.	
Minimum Rear Yard Setback .....	50 ft.
Minimum Side Yard Setback:	
Principal Buildings .....	20 ft. on each side
Accessory Buildings .....	10 ft. on each side

Minimum Lot Width at Building Line.....100 ft.  
Animals per Acre ..... One (1) animal unit per acre.  
Additional animals per acre require a Conditional Use Permit.



**Section 17.09 AGRICULTURAL DISTRICT FOUR A-4**

**(1) Purpose and Intent of Agricultural District Four (A-4).**

The purpose of the A-4 District is to provide a mixture of low density residential and agricultural land uses which are consistent with the goals and objectives of the Development Plan. This district is designed to permit utilization of relatively small land parcels in predominantly agricultural areas for rural residential use.

**(2) Permitted Uses**

The following uses are permitted in this district:

- A. One (1) single family dwelling per base farm tract. Additional residential dwellings require an approved Site Plan Review.
- B. Agricultural use, as defined in Section 17.04 (2) of this Ordinance, provided that no buildings for the housing of livestock or non-traditional production animals shall be located within one hundred (100) feet of any boundary of a residential or commercial lot, with the exception of a livestock facility as defined in Section 17.04 of this Ordinance or uses provided that such permitted uses shall not include the use of Center Pivot Manure Distribution Systems. No barbed wire 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 (2) unlighted signs not larger than eight (8) square feet each advertising such sale.
- D. Gardening, including truck gardens, nurseries and greenhouses, but not including the raising or keeping of poultry, livestock, or fur bearing animals, including rabbits, except as otherwise herein provided.
- E. Governmental buildings, except sewage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance machinery.
- F. Public parks, playgrounds, recreational and community center buildings and grounds.
- G. Graded schools, churches and their affiliated uses.
- H. Public buildings, except sewage plants, garbage incinerators, landfills, warehouses, garages, shops and storage areas.
- I. Water storage facilities and their accessory structures.
- J. 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.
- K. Uses customarily incident to any of the above uses; provided that no such use generates traffic 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 hearings and final approval of the Town Board. The Plan Commission will review the applicable facts pertaining to the proposed conditional use and will recommend to the Town Board approval of conditional use only after finding that its inclusion in this district possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, is consistent with the Town of Union Comprehensive Plan and are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.

- 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. Institutions of a charitable nature, hospitals, clinics and sanitariums. Libraries, museums and community buildings, private clubs and fraternities, except those whose principal activity is a service customarily carried on as a business, and except also riding clubs.
- D. Commercial or wholesale greenhouses, holding pens, confinement operations and other agricultural uses that may cause noxious odors or noise provided that written permission be obtained from the Town Board on the recommendation of the Plan Commission.
- E. Storage of non-agriculture items in existing buildings or new buildings in the immediate vicinity of existing buildings of the parcel.
- F. On-the-farm retail sales of products raised and processed on the farm, i.e., dairy products, meat processing, etc. as allowed by DATCP rules. May have one (1) lighted sign, no more than twenty four (24) square feet, lit only during business hours.

(4) **Requirements for Permitted and Conditional Uses**

Within the A-4 District the following standards shall apply:

Minimum Lot Size .....	1 acre
Maximum Lot Size .....	less than 3 acres
Maximum Building Height .....	35 ft.
Minimum Front Yard Setback:	
From Centerline of Local Roads.....	100 ft.
From Centerline of Collector Roads .....	110 ft.
From Centerline of Arterials .....	150 ft.
Refer to Section 17.23 of this Ordinance for road classifications, and other requirements.	
Minimum Rear Yard Setback:	
Principal Buildings .....	25 ft.
Accessory Buildings .....	10 ft.
Minimum Side Yard Setback:	
Principal Buildings .....	15 ft. on each side
Accessory Buildings .....	5 ft. on each side
Minimum Lot Width at Building Line.....	100 ft.
Maximum Lot Coverage Ratio of All Buildings .....	Not to exceed 15% of total lot size
Animals per Acre .....	One (1) animal unit per acre.

Additional animals per acre require a Conditional Use Permit.

**Section 17.09 LOCAL BUSINESS DISTRICT (B-1)**

**(1) Purpose and Intent of Local Business District B-1**

The purpose of the B-1 District is to provide a means of obtaining the commercial goals and objectives of the 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: grocery; hardware; clothing and apparel stores; drug and beverage stores; bakeries; magazine and tobacco stores; coffee shops; laundry and dry cleaners; gift shops; gas stations; parking areas and similar retail establishments normally found in neighborhood shopping centers.
- B. Professional offices for physicians, dentists, attorneys, real estate, insurance sales, and similar professional offices in which services are offered to the general public on the premises.
- C. Personal services to include barbershops, beauty salons, tailor shops, and coin operated laundromats.
- D. Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, and playgrounds.
- E. Auto and farm implement dealers, sales and repair; small engine sales and repair.

**(3) Conditional Uses**

A conditional use in this district is to permit the following uses only after public hearings and final approval of the Town Board. The Plan Commission will review the applicable facts pertaining to the proposed conditional use and will recommend to the Town Board approval of conditional use only after finding that its inclusion in this district possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, is consistent with the Town of Union Comprehensive Plan and are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.

- A. Single family residences but only in conjunction with and accessory to another permitted use for residential quarters for the owner, proprietor, commercial tenant, employee, or caretaker located in the same building as the business.
- B. Fraternal lodges and buildings, nursing and retirement homes, nursery and day care centers, restaurants, and taverns.
- C. All public utility facilities, sewage treatment facilities.
- D. Animal hospitals and clinics, excluding open kennels and exercise yards.
- E. Flea markets
- F. Maximum building floor area of twenty thousand (20,000) square feet.

**(4) Requirements for Permitted and Conditional Uses**

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

Minimum Lot Area .....	40,000 sq. ft.
Maximum Building Height .....	35 ft.
Minimum Frontage on Public Road.....	50 ft.
Maximum Floor Area .....	15,000 sq. ft.
Parking Requirements.....	One 300 sq. ft. parking space for each 300 sq. ft. of building

Minimum Front Yard Setback:

From Centerline of Local Roads.....	100 ft.
From Centerline of Collector Roads .....	110 ft.
From Centerline of Arterials .....	150 ft.

Refer to Section 17.23 for road classifications and other requirements.

Minimum Rear Yard Setback .....	25 ft.
Minimum Side Yard Setback:	
Principal Buildings .....	15 ft.
Accessory Buildings .....	5 ft.
Width of lot at building line.....	100 ft.

**Section 17.10 COMMERCIAL HIGHWAY INTERCHANGE DISTRICT (CHI)**

**(1) Purpose and Intent of Commercial Highway Interchange District (CHI)**

The purpose of the CHI District is to provide a means of obtaining the commercial and transportation goals and objectives of the Comprehensive Plan. The CHI District is to provide facilities to serve the traveling public at locations along federal and state highway routes. This district is intended to provide and protect sites that are suited to highway service development from haphazard development that could destroy the best use of such sites for their unique business functions.

**(2) Permitted Uses**

The following uses are permitted uses in this district:

- A. Gasoline service stations; provided further that all gasoline pumps, storage tanks, and accessory equipment must be located at least one hundred (100) feet from any existing or officially proposed street line.
- B. Automobile repair shops, including shops for general mechanical repairs and repair of tires but not including establishments for rebuilding, retreading, recapping, vulcanizing, or manufacturing tires, and not including establishments for painting automobiles or major automobile body or engine repair.
- C. Leasing of passenger automobiles, limousines or trucks, without drivers; or of truck trailers or utility trailers.
- D. Establishment engaged in the daily or extended term rental or leasing for use off the premises of mobile homes, campers, or recreational vehicles.
- E. Hotels, motor hotels, motels, tourist courts, tourist rooms, etc.
- F. Restaurants, taverns, lunch rooms, and other eating places, including drive-in type establishments.
- G. Commercial parking lots, parking garages, parking structures.
- H. Tourist-oriented retail shops, including souvenir shops, gift shops, and flea markets.
- I. Residential use only when an integral part of the commercial building.

**(3) Conditional Use**

A conditional use in this district is to permit the following uses only after public hearings and final approval of the Town Board. The Plan Commission will review the applicable facts pertaining to the proposed conditional use and will recommend to the Town Board approval of conditional use only after finding that its inclusion in this district possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, is consistent with the Town of Union Comprehensive Plan and are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.

- A. Seasonal roadside stands for the sale of vegetables, fruit, or other farm products, but not other types of products or merchandise.
- B. Wholesale merchandise establishments.
- C. Warehouses.
- D. Motor carrier facilities.
- E. Travel Trailer Parks, specifically, parcels of land in which two (2) or more spaces are occupied, or intended for occupancy, by travel trailers or “campers” and for transient dwelling purposes only. This provision shall include by reference the definitions of “Travel Trailer Park” and “Travel Trailer” set forth in this Ordinance.

**(5) Requirements for Permitted and Conditional Uses.**

Within the CHI District the following standards shall apply:

Minimum Lot Area ..... 3 acres  
Maximum Building Height .....35 ft.



Minimum Front Yard Setback .....	50 ft.
Minimum Rear Yard Setback .....	50 ft.
Minimum Side Yard Setback .....	15 ft.
Minimum Lot Width at Building Line.....	100 ft.
Minimum Lot Frontage on Public Road .....	50 ft.
Truck Unloading Area .....	Sufficient space so that no streets or alleys need be blocked.
Off-Street Parking, Public Gathering .....	1 space per 3 seats if applicable or 1 space per 300 sq. ft. of building.
Maximum Lot Coverage Ratio of All Buildings to Lot Size:.....	5 (lot) to 1 (building)
Site Design.....	using the information in this Ordinance as a guideline

- A. Natural Features such as drainage areas, wet soils, and steep slopes shall be designed into the site plan.
- B. Not less than twenty (20) percent of the area of each parcel as it existed when first covered by this ordinance shall be permanently reserved for grass, flowers, shrubs, cover plants, trees, or equivalent aesthetic treatment (green area) within the area between the front of the principal building and the front yard line. Driveways or parking lots shall not qualify for such a green area but ponds or fountains shall qualify as a green area.
- C. Access or Frontage Roads. -- As a prerequisite to issuing a Building Permit, any area which comes under the CHI District shall have an Interior Road Network dedicated to the public which will provide adequate access for future lots to the public road system.
- D. No permits shall be granted for access points located within one thousand (1,000) feet of the most remote end of taper of any existing, or proposed entrance or exit ramp of an interchange, or at intervals of less than six hundred (600) feet thereafter. Access points along opposite sides of intersecting highways shall be located either directly opposite each other or directly opposite a median strip crossover, or separated by at least three hundred (300) feet of lateral distance along the highway centerline.
- E. Truck parking areas shall be separated from automobile parking areas. The road network shall be designed to separate automobile and truck traffic.
- F. All front yard setbacks are to also refer to Section 17.23 of this Ordinance for setbacks on Federal, State and County roads.

## **Section 17.11    LOWLAND CONSERVANCY OVERLAY DISTRICT C-1**

### **(1)    Purpose and Intent**

The purpose of the Lowland Conservancy (C-1) Overlay District is to provide a means of obtaining the goals and objectives of the Development Guide. The Conservancy Overlay District (C-1) is designed to protect the public health, safety, and general welfare of the citizens of the community; private and public property from the hazards of flood water inundation or high ground water; and to protect the community from costs which are incurred when development occurs in lowland areas. The intent of this district is to conserve areas which are subject to flood hazard for open space uses, agricultural uses, recreational uses and other uses which do not require construction of extensive buildings in lowland areas.

Because this district is an overlay district, any area affected by it will also be a part of another zoning district. The boundaries of the C-1 District as well as the underlying zoning district are as shown on the Zoning Map. If there is any question as to the underlying zoning district, the Plan Commission should be consulted.

Within this overlay district only the following shall be allowed as permitted or conditional uses. Requirements for permitted and conditional uses shall be the same as for the underlying zoning district

### **(2)    Permitted Uses**

The following uses of land are permitted in this district:

- A. Agricultural uses to include crop and pasture land when conducted in accordance with Rock County's Land Conservation Standards or State Standards, not including the erection of buildings or structures.
- B. Harvesting of wild crops, such as wild rice, marsh hay, ferns, moss, berries, tree fruits and tree seeds.
- C. Forestry and the management of forests.
- D. Wildlife preserves.
- E. The management of wildlife, including waterfowl, fish, and other similar lowland animals, and nonresidential buildings used solely in conjunction with such activities.
- F. Hunting, fishing, trapping, piers, and docks.
- G. Public and private parks, picnic areas, and similar uses.
- H. Hiking trails and bridle paths.
- I. Preservation of areas of scenic, historic, or scientific value.
- J. Watershed conservation areas.
- K. Uses similar and customarily incident to any of the above uses.

### **(3)    Conditional Uses**

A conditional use in this district is to permit the following uses only after public hearings and final approval of the Town Board. The Plan Commission will review the applicable facts pertaining to the proposed conditional use and will recommend to the Town Board approval of conditional use only after finding that its inclusion in this district possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, is consistent with the Town of Union Comprehensive Plan and are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created. Any approved uses

shall be in accordance with USDA-NRCS, Rock County Land Conservation Department, and/or the state of WI standards.

- A. Dams, reservoirs, or ponds, water storage and primary facilities, provided they meet the requirements found in §91.46(4) and/or §91.46(5) Wis. Stats, as applicable.

- B. Power plants deriving their power from the flow of water, and transmission lines and other facilities accessory thereto, provided they meet the requirements found in §91.46(4) and/or §91.46(5) Wis. Stats, as applicable.
- C. Utilities such as, but not restricted to telephone, telegraph, power, or other transmission lines, provided they meet the requirements found in §91.46(4) and/or §91.46(5) Wis. Stats, as applicable.
- D. Relocation of any watercourse.
- E. Filling, drainage or dredging of wetlands, provided that this shall conform to any Shorelands Zoning Ordinance enacted by Rock County pursuant to §59.971 Wis. Stats., “Zoning of Shorelands on Navigable Waters”, as well as the requirements found in §91.46(4) and/or §91.46(5) Wis. Stats, as applicable.
- F. Removal of the top soil, which consists of the earth’s surface, containing rock and mineral particles mixed with organic matter, in addition to the removal of peat.
- G. Camping grounds open to the public with no buildings or structures.
- H. Sewage disposal plants, provided they meet the requirements found in §91.46(4) and/or §91.46(5) Wis. Stats, as applicable.
- I. Agricultural accessory buildings when conforming to Federal, County, and/or State Standards and guidelines.

The following Conditional Uses are not permitted in any Agricultural Zoning Districts:

- Camping grounds open to the public with buildings or structures.
- Golf courses both public and private.
- Hunting and fishing clubs.
- Commercial outdoor recreation to include miniature golf, amusement parks, drive-in theaters and racetracks.

(4) **Requirements for Permitted and Conditional Uses**

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

No minimum Lot Area except in A-1 District where minimum is .....	35 acres
Maximum Building Height .....	35 ft.
Minimum Front Yard Setback .....	50 ft.
All front yard setbacks are to also refer to Section 17.23 of this Ordinance for setbacks on Federal, State and County roads.	
Minimum Rear Yard Setback .....	75 ft.
Minimum Side Yard Setback.....	15 ft.
Minimum Lot Frontage on Public Road .....	50 ft.
Minimum Lot Width at Building Line .....	100 ft.
Off-street parking, public gathering.....	1 space per 5 seats if applicable or
.....	1 space per 200 sq. ft. of building

## **Section 17.12 HIGHLAND CONSERVATION DISTRICT TWO C-2**

### **(1) Purpose and Intent of Highland Conservation District Two (C-2)**

The purpose of the C-2 District is to provide a means of obtaining the natural resource and the recreation goals and objectives of the Comprehensive Plan. The C-2 District is to provide for the preservation, protection, enhancement, and restoration of significant woodlands, scenic areas, sub-marginal farm land and areas that have slopes in excess of 20%, limit erosion and sedimentation; to promote and maintain the natural beauty of the area while seeking to assure the preservation and protection of areas that have significant topography, natural watersheds, ground and surface water, potential recreation sites, wildlife habitat, and other natural resource characteristics that contribute to the environmental quality.

### **(2) Permitted Uses**

The following uses are permitted uses in this District:

- A. Forest and woodland crop management.
- B. Farming and related agricultural uses when conducted in accordance with USDA-NRCS, County Land Conservation Department and or State Standards.
- C. Installation of soil and water conservation structures.
- D. Parks and recreational areas; arboretums, and botanical gardens.
- E. Forest preservation, wildlife reservations, and conservation projects.
- F. Other recreation activities that do not require structure or earth movement.

### **(3) Conditional Use**

A conditional use in this district is to permit the following uses only after public hearings and final approval of the Town Board. The Plan Commission will review the applicable facts pertaining to the proposed conditional use and will recommend to the Town Board approval of conditional use only after finding that its inclusion in this district possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, is consistent with the Town of Union Comprehensive Plan and are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.

- A. Hunting and fishing clubs, including trap and skeet shooting facilities, target ranges and gun clubs when such activities are located one hundred (100) feet from the boundaries of the property involved.
- B. Horse stables, riding clubs, and fairgrounds.
- C. Private and public golf courses and country clubs.
- D. Earth movements involving site disturbing in excess of one (1) acre not related to farming activity.
- E. Stream course changing, waterway construction or enlargement, dams, and changing of natural drainage ways.
- F. One (1) single family dwelling.
- G. Ski hills, ski trails
- H. Hunting and fishing clubs.
- I. Recreation camps.
- J. Public or private campgrounds.
- K. Animal hospitals, shelters and kennels.
- L. Telephone, telegraph and electric transmission lines, buildings or structures and similar public utility facilities.

- M. Radio, television, and communication transmitters or relay towers and facilities.
- N. Rifle ranges, skeet shooting clubs, and other activity features.

(4) **Requirements for Permitted and Conditional Uses**

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

Minimum Lot Area .....	10 acres
Maximum Building Height .....	35 ft.
Front Yard Setback	
From Centerline of Local Roads .....	100 ft.
From Centerline of Collector Roads .....	110 ft.
From Centerline of Arterials.....	150 ft.
All front yard setbacks are to also refer to Section 17.23 of this Chapter for setbacks on Federal, State and County roads	
Minimum Rear Yard Setback.....	25 ft.
Minimum Side Yard Setback .....	15 ft.
Minimum Lot Width at Building Line.....	100 ft.
Minimum Lot Frontage on Public Road .....	50 ft.
Off-Street Parking, Public Gathering .....	1 space per 5 seats if applicable, 1 space per 200 sq. ft. of building, or 1 space per 5 anticipated users at maximum usage of facility.

## **Section 17.13 RURAL RESIDENTIAL DISTRICT R-R**

### **(1) Purpose and Intent of R-R District**

The purpose of the R-R District is to provide a means of obtaining the residential goals and objectives of the Comprehensive Plan. The R-R District is to provide a quiet, pleasant and relatively spacious living area protected from traffic hazards and the intrusion of incompatible land uses. The intent of the R-R District is to provide for rural residential development on soils that are compatible for on-site disposal of sewage effluent, will substantially support a residential structure, and will not infringe on prime agricultural soils. No land shall be rezoned to the R-R District unless such zoning is consistent with the Comprehensive Plan. If the Comprehensive Plan does not show future residential use for the land in question, the Town Board shall first consider the advisability of changing the Comprehensive Plan before acting on the re-zoning request.

### **(2) Permitted Uses**

The following uses are permitted in this District:

- A. One (1) single family dwelling. One (1) private garage for each residential lot.
- B. Gardening, including truck gardens, nurseries, greenhouse and the keeping of small animals to include up to ten (10) rabbits, ten (10) chickens, three (3) dogs, or three (3) cats.
- C. Governmental buildings, except sewage disposal plants, garbage incinerators and buildings for the repair or storage of road building or maintenance machinery.
- D. Public parks, playgrounds, recreational and community center buildings and grounds.
- E. Graded schools, churches and their affiliated uses.
- F. Public buildings, except sewage plants, garbage incinerators, landfills, warehouses, garages, shops and storage areas.
- G. Water-storage facilities and their accessory structures.
- 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 nor any accessory building may be larger in area than the living area of the residential dwelling. There shall be no more than two (2) accessory buildings per lot.
- I. 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.
- J. Community living arrangement which has a maximum capacity of eight (8) people being served by the program provided it is located at least two thousand five hundred (2,500) feet from any other such facility.

### **(3) Conditional Use**

A conditional use in this district is to permit the following uses only after public hearings and final approval of the Town Board. The Plan Commission will review the applicable facts pertaining to the proposed conditional use and will recommend to the Town Board approval of conditional use only after finding that its inclusion in this district possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, is consistent with the Town of Union Comprehensive Plan and are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.

- A. Subdivision plats are to be reviewed and recommended for approval, denial, or conditional approval to the Town Board.
- B. 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.



- C. 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.

- D. Public buildings such as colleges and universities including private music, dancing, business schools, vocational schools, but not to include sewerage plants, garbage incinerators, warehouses, garages, or storage areas.
- E. Institutions of a charitable or philanthropic nature, hospitals, clinics and sanitariums. Libraries, museums and community buildings, private clubs and fraternities, except those whose principal activity is a service customarily carried on as a business, and except also riding clubs.
- F. Telephone, telegraph and electric transmission lines, buildings or structures.
- G. Two-family dwellings (duplexes), nursing homes and hospitals.
- H. Community living arrangement having a capacity for nine to fifteen (9-15) persons being served by the program provided that it is located at least two thousand five hundred (2,500) feet from any other facility and that the design of the structure and landscaping is compatible with the surrounding neighborhood.
- I. Community living arrangement having a capacity for sixteen (16) or more persons provided that it is located at least two thousand five hundred (2,500) feet from any other such facility, and that it is adequately designed and landscaped to be in keeping with the neighborhood and to prevent an institutional setting.

**(4) Requirements for Permitted and Conditional Uses**

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

Minimum Lot Size .....	40,000 sq. ft.
Maximum Lot Size .....	less than 3
acres Minimum Lot Area Per Two Family Dwelling .....	55,000
sq. ft. Maximum Building Height .....	35 ft.
Minimum Front Yard Setback	
From Centerline of existing Local Road .....	100 ft.
From Centerline of existing Collector Road .....	110 ft.
From Centerline of Arterial Road .....	150 ft.
From R.O.W. if within a subdivision and not on an existing road. ....	50 ft.
All front yard setbacks are to also refer to Section 17.23 of this Chapter for setbacks on Federal, State and County roads	
Minimum Rear Yard Setback .....	25 ft.
Minimum Side Yard Setback .....	15 ft.
Accessory Buildings Side Yard Setback.....	5 ft.
Accessory Building Minimum Rear Yard Setback.....	10 ft.
Minimum Lot Width at Building Line.....	100 ft.
Minimum Lot Frontage on Public Road .....	70 ft.
Minimum Floor Area Per Family .....	1,400 sq. ft.
Off-Street parking, Residential .....	2 spaces per family
Off-Street Parking, Public Gathering .....	1 space per 5 seats if applicable, or 1 space per 200 sq. ft. of building
Maximum Lot Coverage Ratio of All Buildings .....	Not to exceed 12.5% of total lot
Two Family Dwelling Ratio .....	Not more than one - two (1-2) family dwelling per four (4)- single family dwellings, or not more than one - two (1-2) family dwelling per four (4) acres of land under a single ownership within the District.
Maximum Accessory building Height .....	35 ft. or not to exceed the height

of the principal building.

## **Section 17.14 PLANNED UNIT DEVELOPMENT (PUD) DISTRICT**

### **(1) Description**

The Planned Unit Development (PUD) is an area with a minimum contiguous acreage of five (5) acres or more to be developed as a single entity according to a plan, containing one or more residential clusters, limited commercial clusters, or planned residential developments, and one or more public, quasi-public, agricultural and/or conservation areas. The basic principle of the PUD is that property rights usually include private area or lot and access to commonly owned property which is usually owned by a property owners association, or covered by easements which provide common use among property owners.

### **(2) Purpose and Intent of Planning Unit Development**

The PUD is established herein to provide a regulatory framework designed to encourage and promote improved environmental design by allowing for greater freedom, imagination and flexibility in the development of land while ensuring substantial compliance with the basic intent of the Zoning Ordinance and the general plan for community development. To this intent it allows diversification and variation in the relationship of uses, structures, open spaces and heights of structures in developments conceived and implemented as comprehensive and cohesive unified projects. It is further intended to encourage more rational and economic development with relation to public services, and to encourage and facilitate preservation of open land.

### **(3) Lot Area, Lot Width, Height, Floor Area Ratio, yard and Usable Open Space Requirements**

- A. In the PUD the requirements of the respective zoning district may be relaxed at the discretion of the Plan Commission. In no case shall the maximum number of units per square foot in relation to the total development be more than one (1) unit per forty thousand (40,000) sq. ft.
- B. A minimum of five (5) acres of land shall be developed as a unit.
- C. Any PUD allowed in a certified Farmland Preservation District must be subject to density restrictions that are at least as restrictive as §91.46 Wis. Stats.

### **(4) Off-Street Parking**

In the PUD district, off-street parking facilities shall be provided in accordance with applicable zoning district regulations, and such requirements as are made a part of an approved recorded precise development plan shall be, along with the recorded plan itself, construed to be and enforced as a part of this Chapter.

### **(5) Criteria For Approval**

As a basis for determining the acceptability of a PUD application, the following criteria shall be applied to the precise development plan for such District with specific consideration as to whether or not it is consistent with the spirit and intent of this Chapter, has been prepared with competent professional advice and guidance, and produces significant benefits in terms of environmental design.

- A. Character and Intensity of Land Use. In a PUD, the uses proposed and their intensity and arrangement on the site shall be of a visual and operational character which:
  - (i) Is compatible with the physical nature of the site with particular concern for preservation of natural features, tree growth and open space.
  - (ii) Would produce an attractive environment of sustained aesthetic and ecological desirability, economic stability and functional practicality compatible with the general development plans for the area as established by the community.
  - (iii) Would not adversely affect the anticipated provision for school or other municipal services.

(iv) Would not create traffic or parking demands incompatible with the existing or proposed facilities to serve it.

B. Economic Feasibility and Impact.

- (i) The proponents of a PUD application shall provide evidence satisfactory to the Plan Commission of its economic feasibility, of available adequate financing, and that it would not adversely affect the economic prosperity of the community or the values of surrounding properties.
- C. Engineering Design Standards. The width of street right-of-way, width and location of street or other paving, outdoor lighting, location of sewer and water lines, provision for storm water drainage or other similar environmental engineering consideration shall be based upon determination as to the appropriate standards necessary to implement the specific function in the specific situation; provided, however, that in no case shall standards be less than those necessary to insure the public safety and welfare as determined by the Plan Commission.
- D. Preservation and Maintenance of Open Space. In a PUD area, adequate provision shall be made for the permanent preservation and maintenance of common open space either by private reservation or dedication of private land.
  - (i) In the case of private reservation, the open area to be reserved shall be protected against building development by conveying to the public as part of the conditions for project approval an open space easement over such open areas restricting the area against any future building or use except as is consistent with that of providing landscaped open space for the aesthetic and recreational benefit of the development. Buildings or uses for limited commercial, recreational or cultural purposes compatible with the open space objective may be permitted only where specifically authorized as part of the development plan or subsequently, with the express approval of the Town Board following approval of building site and operational plans by the Plan Commission.
  - (ii) The care and maintenance of such open space reservation shall be assured by establishment of appropriate management organization for the project. The manner of assuring maintenance and assessing such cost to individual properties shall be included in any contractual agreement and shall be included in the title to each property.
  - (iii) Ownership and tax liability of private open space reservation shall be established and made a part of the conditions of the plan approval.
- E. Implementation Schedule. The proponents of a PUD District shall submit a reasonable schedule for the implementation of the development to the satisfaction of the Plan Commission including suitable provisions for assurance that each phase could be brought to completion in a manner which would not result in adverse effect upon the community as a result of termination at that point.

**(6) Procedure**

The procedure for obtaining a PUD shall be as required for any other conditional use under this Ordinance, except that in addition thereto, the conditional use may only be considered in conjunction with the development plan, and shall be subject to the following additional requirements:

A. General Development Plan.

The applicant shall file with County Planner and the Plan Commission a general development plan which shall include the following information:

- (i) A statement describing the general character of the intended development.
- (ii) An accurate map of the project area including its relationship to surrounding properties and existing topography and key features using two (2) foot contour interval.
- (iii) A plan of the proposed project showing at least the following information in sufficient detail to make possible the evaluation of the criteria for approval:
  - (a) The pattern of proposed land use including shape, size and arrangement of proposed use areas, density and environmental character.

- (b) The pattern of public and private streets.
- (c) The location, size and character of recreational and open space areas reserved or dedicated for public uses such as schools, parks, greenways, etc.
- (d) A utility feasibility study.

- (iv) Appropriate statistical data on the size of the development, ratio of various land uses percentages of multifamily units by number of bedrooms, economic analysis of the development, expected staging, and any other plans or data pertinent to evaluation by the community under the criteria of this section.
- (v) General outline of intended organizational structure related to property owner's association, deed restrictions and private provision of common services.

(7) **Referral and Hearing.**

- A. Within sixty (60) days after completion of the filing of the petition for approval of a preliminary proposal, the Plan Commission shall schedule the required public hearing.
- B. Approval of the conditional use and related preliminary proposal shall establish the basic right of use for the area in conformity with the plan as approved, which shall be recorded as an integral component of the district regulations, but such plan shall be conditioned upon approval of a specific implementation plan, and shall not make permissible any of the uses as proposed until a specific implementation plan is submitted and approved for all or a portion of the general development plan.

(8) **Final Plan**

A specific and detailed plan for implementation of all or a part of a proposed PUD must be submitted within one (1) year after receiving preliminary approval from the Plan Commission. If a final plan has not been submitted within said time, which the Plan Commission determines to be a reasonable phase of the total plan, the area shall revert back to the original zoning district without PUD classification. The specific implementation plan shall be submitted to the Plan Commission and shall include the following detailed construction and engineering plans and related detailed documents and schedules:

- A. An accurate map of the area (at a scale of 1" = 100 ft.) covered by the plan including the relationship to the total general development plan.
- B. The pattern of public and private roads, driveways, walkways and parking facilities.
- C. Detailed lot layout and subdivision plat where required.
- D. The arrangement of building groups, other than single family residences, and their architectural character.
- E. Sanitary sewer and water mains.
- F. Grading plan and storm drainage system.
- G. The location and treatment of open space areas and recreational or other special amenities.
- H. The location and description of any areas to be dedicated to the public.
- I. General landscape treatment.
- J. Proof of financing capability.
- K. Analysis of economic impact upon the community.
- L. A development schedule indicating:
  - (i) the approximate date when construction of the project can be expected to begin;
  - (ii) the stages in which the project will be built and the approximate date when construction of each stage can be expected to begin;
  - (iii) the anticipated rate of development;
  - (iv) the approximate date when the development of each of the stages will be completed;
  - (v) the area and location of common open space that will be provided at each stage.
- M. Agreements, bylaws, provisions or covenants which govern the organizational structure, use, maintenance and continued protection of the planned community development and any of its common services, common open areas or other facilities.



N. Any other plans, documents or schedules requested by the community.

(9) **Approval of the Final Plan.**

A. Following a review of the specific implementation plan, the Plan Commission shall recommend to the Town Board that it be approved as submitted, approved with modification, or disapproved.

- B. Upon receipt of the Plan Commission's recommendation, the Board may approve the plan and authorize the development to proceed accordingly, or disapprove the plan and send it back to the Plan Commission for further negotiation with the developer.
- C. In the event of approval of the specific implementation plan, the building, site and operational plans for the development, as approved, as well as all other commitments and contractual agreements with regard to project value, character and other factors pertinent to an assurance that the proposed development will be carried out basically as presented in the official submittal plans, shall be recorded by the developer within a reasonable period of time. This shall be accomplished prior to the issuance of any building permit.
- D. Any subsequent change or addition to the plans or use shall first be submitted for approval to the Plan Commission and if, in the opinion of the Committee, such change or addition constitutes a substantial alteration of the original plan, the procedure provided above, and in this subsection shall be required.

**Section 17.15 MOBILE HOME PARK (MHP) DISTRICT**

**(1) Purpose and Intent of the MHP District**

The purpose of the MHP District is to provide a means of obtaining the residential goals and objectives of the Development Guide. The intent of the MHP District is to provide for the location of mobile home parks and travel trailer camps, and establish regulations governing their construction and use for the health and well-being of the residents of the community.

**(2) Conditional Uses**

A conditional use in this District is to permit the following uses only after public hearings and final approval of the Town Board. The Plan Commission will review the applicable facts pertaining to the proposed conditional use and will recommend to the Town Board approval of conditional use only after finding that its inclusion in this district possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, is consistent with the Town of Union Comprehensive Plan and are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.

Conditional uses which may be considered are:

- A. Mobile Home parks
- B. Travel Trailer Camps

**(3) Procedures and Applications**

**A. Approvals Required**

No person shall construct, expand or operate a mobile home park or travel trailer camp within the Town unless he holds a valid license issued annually by the Town Clerk.

The Town Clerk shall issue an initial license only after the following actions have taken place:

- (i) The land has been zoned Mobile Home Park by the Town Board.
- (ii) The applicant has followed the prescribed procedures and completed the application form and submitted it to the Town Clerk together with the required fees.
- (iii) The Plan Commission has reviewed and made a recommendation on the conditional use permit.
- (iv) The Town Board has granted the conditional use permit and the license.

**B. Fees and Expiration Date (per §66.0435 Wis. Stats.).**

**(i) Fee Schedule**

Final Plan review .....	\$25.00
Initial Mobile Home Park License Fee .....	\$100.00 for each 50 spaces or fraction thereof
Initial Travel Trailer Camp License Fee .....	\$100.00 for each 50 spaces or fraction thereof
Annual Mobile Home Park .....	\$100.00 for each 50 spaces or fraction thereof
Annual Travel Trailer Camp license fee .....	\$100.00 for each 50 spaces or fraction thereof
Mobile Home Park license transfer fee .....	\$10.00

**(ii) Expiration.**

All licenses shall expire on the 30th day of June of each year and shall be renewed annually. There shall be no prorating of fees. The conditional use permit shall expire after

one year unless substantial work has been started pursuant thereto.

C. Initial License Application

- (i) Application for an initial license shall be made to the Town Clerk on an initial license application form. Such application form shall be for a conditional use permit and the initial

license. Fees as provided in 17.15 (3)(B)(i) above are required prior to taking action on each of the approval steps listed herein.

(ii) Preliminary Plan. The applicant shall apply for preliminary plan approval to the Plan Commission. Such applicant shall submit six (6) copies of the preliminary plan. Such preliminary plan shall be drawn on a topographic map with a scale of at least one (1) inch equals two hundred (200) feet showing two (2) foot contours, the area, location, and proposed layout of lots, roadways, buffer strips, and park areas. Approval by the Plan Commission shall be in concept only which will enable the applicant to prepare the final plan.

(iii) Final Plan

a. Requirements of Final Plan

Upon approval by the Plan Commission of the preliminary plan, the applicant shall submit to the Committee the plan review fee as specified in Section 17.15 (3)(B)(i) of this Chapter and eight (8) copies of the general development plan which shall include:

1. Two (2) prints of a certified survey map or subdivision plat of the property showing existing features of the property.
2. A complete plan of the park or camp drawn to a scale of not less than one hundred (100) feet per inch.
3. The number, location and dimensions of all mobile home or travel trailer lots.
4. The location and width of roadways, walkways, easements, setback lines, planting strips and recreation areas.
5. The location of automobile parking areas and service buildings, if provided.
6. The location and size of utility service lines for water, storm and sanitary sewers, electrical, telephone, fuel and if provided, cable television service.
7. Plans and specifications of all buildings and other improvements constructed or to be constructed within the park or camp, including a detailed sketch of a typical mobile home or travel trailer lot.

(iv) Public Hearing and Decision

Upon submission of the final plan to the Plan Commission, the Committee shall set a public hearing on the final plan, shall give notice by publishing a class 1 notice according to Ch.

985 of Wis. Statutes, shall notify in writing the owners of land within one thousand (1,000) feet and the clerk of any municipality within one thousand (1,000) feet. After hearing any interested party, and any staff report, recommendation or information, the Committee shall make a recommendation and report to the Town Board concerning such plan after determining the following:

- a. That the uses, values, and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by the establishment, maintenance or operation of the intended park or camp.
- b. That adequate utilities, access roads, drainage, and other necessary site improvements have been or are being provided.
- c. That adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public interest.

(v) Approval of Town Board

After receiving the recommendation of the Plan Commission, the Town Board shall consider the request for a conditional use permit and initial license. The Town Board may hold a public hearing after publishing a class 1 notice. The Town Board shall decide whether or not to grant the conditional use permit and initial license within sixty (60) days

of receiving the recommendation of the Plan Commission. If the Town Board authorizes the Town Clerk to issue the conditional use permit and license, such permit and license shall be issued only upon payment of the required fee.

(vi) Procedure after Permit Granted

Upon approval of a conditional use permit, the owners of the land shall cause to be recorded with the Register of Deeds for Rock County, Wisconsin a certified survey map or plat (per Ch. 236 Wis. Stats.) of the gross land area including the final approved plans and the deeding to the Town those lands and easements called for in the plans submitted to the Plan Commission and Town Board and containing a statement that the land is to be developed pursuant to the approved conditional use permit. Such recording shall not be deemed to constitute a subdivision of land and lots shown on the plat shall not be able to be sold. Upon the submission of proof of such recording to the Town Clerk, the Clerk shall issue the initial license allowing said owners or their successors to develop the land according to the conditional use permit and recorded plans. Construction pursuant to such permit shall commence within one (1) year of the date of the license issuance or the license shall become null and void.

D. Annual License Application

The applicant shall apply to the Town Clerk each year and the annual license shall be subject to the approval of the Town Board. The application for such annual license shall be accompanied by a fee as set forth in Section 17.15 (3)(B)(i) of this Ordinance. Before any license shall be granted, the Town Board cooperating with the Building Inspector of the Town, shall make or cause to be made an inspection of the premises to be licensed in order to determine whether the requirements of this Ordinance have been or will be met. No license shall be issued until such inspection has been made.

Each application for a license (both initial and annual) shall include the following information:

- (i) Name and address of the applicant.
- (ii) Name and address of the owner of the premises.
- (iii) Name and address of the proprietor or manager of the mobile home park or travel trailer camp.
- (iv) Location and legal description of the mobile home park or travel trailer camp.
- (v) Copy of current Rock County Health Department Environmental Health Division Mobile Home Park Permit
- (vi) Copy of current Wisconsin Department of Commerce Manufactured Home Community License application and License
- (vii) A Survey map of the Property prepared by a duly licensed land surveyor that shows the following:
  - a. A proper and complete legal description of the property, and the total number of acres in the property.
  - b. Existing features of the property.
  - c. Boundaries of the property.
  - d. A complete plan of the park or camp drawn to a scale of not less than one hundred (100) feet per inch.
  - e. The number, location and dimensions of all mobile home or travel trailer lots.
  - f. The location and width of roadways, walkways, easements, setback lines, planting strips and recreation areas.
  - g. The location of automobile parking areas and service buildings, if provided.
  - h. The location and size of utility service lines for water, storm and sanitary sewers, electrical, telephone, fuel and if provided, cable television service.
  - i. Plans and specifications of all buildings and other improvements constructed or to be constructed within the park or camp, including a detailed sketch of a typical mobile home or travel trailer lot.

- j. All dedicated public streets providing access to the property.
- E. Transfer of License



A transfer of license shall be applied for and may be approved by the Town Board in the same manner as an application for an annual license. The fee for such license transfer shall be \$10.00.

4. **Administration**

A. Building Inspector.

It shall be the responsibility of the Building Inspector to enforce the provisions of this ordinance by authorizing and directing inspections to be made of all mobile home parks and travel trailer camps.

B. Violations.

Whenever the Building Inspector determines violations of pertinent regulations exist, he shall notify the licensee or permittee of such alleged violations. Such notice shall:

- (i) Be in writing.
- (ii) Include a statement of the violations enumerated.
- (iii) Allow a reasonable time for the performance of any act it requires to correct such violations but not to exceed ninety (90) days.

C. Revocation of License.

Upon failure to comply with such violation notice or upon complaint by any citizen of the Town, the license for such park or camp is subject to revocation by the Town Board as provided in §66.0435(2) Wis. Stats. unless the alleged violation is corrected within the period specified by Town Board.

D. Emergency Order

Whenever the Building Inspector finds that an emergency exists which requires immediate action to protect the public health, safety and/or welfare, 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. Said order shall be in writing, shall be notwithstanding any other provisions of this Ordinance, and shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately or be subject to the revocation of the mobile home park license.

E. Monthly Parking Fee.

There is imposed on each occupied mobile home located in the Town of Union a monthly parking fee as determined in accordance with §66.0435 Wis. Stats. Said fee shall be paid to the Town Treasurer on or before the 10th day of the month following the month for which such fee is due.

- (i) Occupants or owners of mobile homes parked outside of a mobile home park shall remit such fees directly to the Town Treasurer.
- (ii) The licensee of a mobile home park shall collect said fees from each occupied mobile home within the park and shall remit such fees to the Town Treasurer.
- (iii) Owners of occupied mobile homes, upon receipt of notice from the Town Clerk of their liability for the monthly parking fee, shall remit to the Town Clerk a cash deposit of \$25.00 to guarantee payment of such fees when due to the Town Treasurer.
- (iv) It shall be the full and complete responsibility of the licensee of a mobile home park to collect such cash deposits from each occupied mobile home therein and remit such deposits to the Town Clerk.
- (v) Upon receipt of a notice from the owner or licensee that the occupied mobile home has been or is about to be removed from the Town, the Town Clerk shall direct the Town Treasurer to apply said cash deposit to reduce any monthly parking fees for which said owner is liable

- and to refund the balance, if any, to said owner.
- F. Duty of License Holder
- (i) Every person, firm or corporation operating a mobile home park or travel trailer camp shall maintain a register in which there shall be registered the following information:

- a. For Mobile Home Parks:
  - i. Lot designation
  - ii. Occupants' name
  - iii. Description of the car and mobile home, including make and license numbers
  - iv. Date of arrival and departure
  - v. Monthly Parking Fee
- b. For Travel Trailer Camps:
  - i. Name and home address of each of the parties entering and using said camp
  - ii. Description of the car and travel trailer, including make and license numbers.
  - iii. Date of arrival and departure

Said register shall at all times be available to the Town Board or Building Inspector.

- (ii) Licensees of mobile home parks and owners of land on which are parked any occupied mobile homes shall furnish information to the Town Clerk and Town Assessor on such homes added to their park or land within five (5) days of the arrival of such mobile home. This shall be on forms furnished by the Town Clerk in accordance with §66.0435(3)(c)(2) Wis. Stats.
- (iii) It shall be the full and complete responsibility of the licensee of a mobile home park to collect the monthly parking fee from each occupied mobile home therein and to remit such fees to the Town Treasurer.
- (iv) The Licensee of a mobile home park shall collect the cash deposits as required in Section 17.15 (4)(E)(iii) of this Chapter and remit deposits to the Town Clerk.

G. Restrictions on Occupancy of Mobile Homes

No mobile home shall be occupied for dwelling purposes unless it is properly placed on a mobile home lot and connected to water, sewerage, electrical and other utilities and complies with all provisions of this ordinance.

(9) **General Provisions**

A. Applicability.

Every mobile home park and every travel trailer camp built or added to after the effective date of this Chapter shall conform to and be governed by the provisions of this Ordinance. No mobile home park shall be allowed in any district except the Mobile Home Park District. No travel trailer camp shall be allowed in any zoning district except when specified in the Conditional Use section of the zoning district. Every mobile home park or travel trailer camp shall first have an approved conditional use permit prior to being licensed.

B. Classification shall be of two types:

- (i) Mobile Home Park
- (ii) Travel Trailer Camps

It shall be unlawful to permit a mobile home or travel trailer to be located in a park or camp unless it is placed in a designated stand in a licensed park or camp.

C. Parking of mobile homes and travel trailers

- (i) Only one (1) mobile home or travel trailer shall be placed on a lot unless otherwise approved in the final plans except that an unoccupied travel trailer may be parked behind the setback line of the owners' yard to the rear of the principal building.
- (ii) Each mobile home and travel trailer lot shall abut upon a roadway within an approved park or camp.

D. Non-Residential Uses

No part of any park or camp shall be used for non-residential purposes, except such uses as are required for the direct servicing and well-being of park or camp residents or for the

- management and maintenance of the park or camp, and are approved by the Town Board.
- E. Signing  
No signs shall be permitted except the following:

- (i) One (1) non-flashing identification ground mounted sign or a wall sign stating only the name of park may be permitted provided the sign does not project into the public way.
- (ii) One (1) ground or on-premise wall sign per street frontage may be permitted for travel trailer camps.
- (iii) Any necessary regulatory signs such as street name signs, and entrance and exit signs, etc. Signs and their installation shall comply with all other applicable codes and regulations.

**(10) Standards**

**A. Park and Camp Size**

**(i) Mobile Home Parks**

Minimum Acreage ..... 8 acres  
 Maximum Density ..... 5.0 units per gross land acres

**(ii) Travel trailer camps**

Minimum Acreage ..... 6 acres  
 Maximum Density ..... 7.0 units per gross land acre

**B. Minimum Number of Lots**

There shall be a minimum of twenty-five (25) mobile home lots completed and ready for occupancy before first occupancy is permitted.

**C. Length of Residential Occupancy**

No lot shall be rented for residential use of a mobile home in any such mobile home park except for periods of thirty (30) days or more.

**D. Compliance with Code Standards**

No mobile home shall be admitted in any mobile home court unless it can be demonstrated that it meets the requirements of American-Standards for Installation in Mobile Homes of Electrical, Heating, and Plumbing Systems or M.H.M.A. (Mobile Homes Manufacturers Association) Mobile Home Standards for Plumbing, Heating and Electrical systems.

**E. Minimum Lot Width and Setback Standards**

<b>(1). Setback Standards</b>	<b>Mobile Home Courts</b>		
	<b>Mobile Home</b>	<b>Accessory Structures</b>	<b>Trailer</b>
Front setback	25 ft.	25 ft.	25 ft.
Side setback	10 ft.	5 ft.	10 ft.
Rear setback	10 ft.	5 ft.	10 ft.
Corner street side yard	10 ft.	10 ft.	10 ft.
Yard abutting open areas	10 ft.	10 ft.	
From any public street	50 ft.	50 ft.	
From mobile home		5 ft.	

All yard setbacks are to also refer to Section 17.23 of this Chapter for setbacks on Federal, State, and County roads.

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<b>2) Minimum lot width except irregular shaped lots may be approved with lesser frontage where necessary</b>		
	<b>Mobile Home</b>	<b>Travel Trailers</b>
single wide	50 ft.	30 ft.
double wide	60 ft.	

<b>3) Minimum lot area</b>		
	<b>Mobile Home</b>	<b>Travel Trailers</b>
single wide	6,000 sq. ft.	4,000 sq. ft.
double wide	7,200 sq. ft.	

**F. Parking**

1. At least two (2) off-street hard surfaced parking spaces shall be provided for each mobile home lot. The size of each space must be at least nine (9) ft. by twenty (20) ft.
2. At least one (1) off-street parking space shall be provided on or for each travel trailer lot. The size of each space must be at least nine (9) ft. by twenty (20) ft.
3. Street parking on both sides of the street shall be permitted if the roadway width is at least

- thirty six (36) feet wide. Street parking shall be permitted on one designated side only if the roadway width is at least thirty (30) feet wide.
- G. Screening There shall be provided a screening buffer strip along the boundary of the mobile home park or travel trailer camp where it abuts a residence district. Such screening shall be at least five (5) feet in width and five (5) feet in height. Such strip shall be a densely planted hedge or shrubbery so as to effectively cause a visual barrier and still allow a breeze to pass.
  - H. Recreation Requirements Recreation facilities such as playgrounds, swimming pools or tot lots shall be provided to meet the needs of the clientele the park is designed to serve. Not less than ten percent (10%) of the total gross park area shall be devoted to recreational facilities and open space. Recreational facilities shall be convenient to the project center.
  - I. Tenant Storage One (1) storage building accessory to a mobile home will be permitted on a mobile home lot provided that the storage building does not exceed one hundred forty (140) square feet in floor area nor exceed fourteen (14) feet in height. Such storage building shall be fully enclosed and located on the mobile home lot. All storage buildings in the mobile home park shall be uniform in size.
  - J. Fuel Supply All fuel shall be distributed to individual lots by an underground distribution system from a common underground fuel storage facility installed in conformity with the rules and regulations of the Department of Industry, Labor and Human Relations of Wisconsin.
  - K. Additions and Alterations
    - 1. Permit Required. A permit issued by the Building Inspector shall be required before commencement of any construction on a mobile home lot or any structural addition or alteration to the exterior of a mobile home. A permit is also required for construction of all storage buildings. No permit is required for addition of steps, awnings, skirting, windows, or doors, as defined below.
    - 2. Size of Expansion. No addition to a mobile home shall be greater than the area in square feet of the existing mobile home. No addition or alteration to the mobile home shall exceed in height the height of the existing mobile home, and all such alterations or additions shall be factory built.

3. Conform to Setbacks. Any addition to a mobile home shall be deemed a part of the mobile home and shall have the same setbacks as the existing mobile home.
  4. Skirting Required. Vented skirting of non-flammable material for mobile homes is required. Areas enclosed by such skirting shall be maintained so as not to provide a harborage for rodents or create a fire hazard. It is recommended that insulation be provided inside the skirting to prevent the freezing of pipes.
- L. Utilities. Utilities shall be installed underground and shall meet County and State of Wisconsin Statutes and Codes.
- M. Electrical Requirements.
1. Each mobile home and travel trailer lot shall be connected to the park or camp electrical wiring system by underground cable and by approved receptacle, disconnecting means, and over current protective equipment. The minimum service per each mobile home lot shall be 120-240 volts AC, 100 amperes.
  2. Adequate lights shall be provided in mobile home parks and travel trailer camps to illuminate streets, driveways, and walkways, for the safe movement of vehicles and pedestrians at night. A minimum of one foot candle shall be provided for safe pedestrian and vehicle movement.
- N. Sewer Service. All mobile home parks shall be served by private sewer. Each mobile home lot shall be equipped with at least a three (3) inch sewer connection so located as to provide a suitable connection from the home with a continuous grade, not subject to surface drainage. Travel trailer camps shall provide facilities for the disposal of sanitary wastes as set forth in the State of Wisconsin Administrative Standards.
- O. Water. Public water shall be provided by separate lateral at each mobile home lot. Travel trailers shall be served by the common water system where possible. Provisions shall be made to supply water within fifty (50) feet of each travel trailer lot.
- P. Fire Protection. Fire hydrants shall be located within five hundred (500) feet of any mobile home or service building.
- Q. Mobile Home Stand, Patio, and Tie Downs
1. A mobile home stand shall be continuous four (4) inch concrete single slab or an approved alternate of the size of the mobile home which it is to support.
  2. The mobile home stand shall be provided with six (6) anchors and tie-downs such as cast-in- place concrete "dead man" eyelets embedded in concrete foundations or arrowhead anchors or other devices securing the mobile home. Anchors and tie-downs shall be placed at least at each corner of the mobile home stand and at the middle of each side, and each shall be able to sustain a minimum tensile strength of two thousand eight hundred (2,800) pounds. The mobile home shall be attached to the anchoring devices.
  3. Each mobile home lot shall be provided with an outdoor living and service area. Such area should be improved as necessary to assure reasonable privacy and comfort. The minimum area should be not less than three hundred (300) square feet with a least dimension of fifteen (15) feet.
- R. Roadways
1. All roadways created by a mobile home court shall be hard surfaced according to standards established by the County Highway Department.
  2. The minimum pavement width of roadways shall be twenty two (22) feet. The minimum pavement diameter of cul-de-sacs shall be forty (40) feet.
  3. The alignment and gradient shall be properly adapted to topography, to safe movement of types of traffic anticipated and to satisfactory control of surface water and groundwater.
  4. The names of roadways within the park shall not duplicate names of streets within Rock



- County.
- S. Lot Markers The limits of each mobile home and travel trailer lot shall be clearly marked on the ground by permanent flush stakes, markers or other suitable means. Each mobile home in a mobile home park and each travel trailer lot in a travel trailer camp shall be clearly marked in a

uniform manner with a number or designation for fire and police services and such numbers shall be filed with the appropriate authorities by the licensee.

- T. Fences and Hedges Fences and hedges may be permitted in a mobile home park or travel trailer camp provided they do not exceed a height of three (3) feet in the front yard or corner side yard and six (6) feet in height in all other yards.
- U. Garbage and Rubbish Storage Areas. Garbage and rubbish shall be stored in flytight, watertight, approved containers stored within a completely enclosed building or may be permitted outside the building provided that such storage area is effectively screened from view.
- V. Service Building for Travel Trailer Camps. There shall be at least one (1) service building in any travel trailer camp to provide sanitation and laundry facilities.
  - 1. Location, Construction and Maintenance. Service buildings, easily accessible to all travel trailer lots shall be made of permanent construction in accordance with Rock County and State of Wisconsin Codes. The service building shall maintain a minimum temperature of 60 degrees F. whenever the camp is open for business.
  - 2. Plumbing and Electrical Facilities. Plumbing and electrical facilities in service buildings shall be as set forth in State of Wisconsin Administrative Standards.
- W. Every mobile home park and travel trailer camp shall be so located and maintained as to appear attractive and to be kept in a clean and sanitary manner in all respects, and all equipment shall be kept in a state of good repair.
- X. Condition of soil, ground water level, drainage and topography shall not create hazards to the property, health, or safety of occupants of the mobile home park. The site shall not be exposed to objectionable noise, odors or other adverse influences, and no portion subject to flooding, subsidence, or erosion shall be used for any purpose which would expose persons or property within or without the park to hazards.
- Y. Exposed ground surfaces in all parts of the mobile home park shall be paved or covered with stone screenings or other solid material or protected with a vegetative growth that is capable of preventing soil erosion and eliminating objectionable dust.

**Section 17.16 SPECIAL PURPOSE DISTRICT (SP)**

**1. Purpose and Intent of Special Purpose Districts (SP)**

The purpose of this district is to provide a means of obtaining the goals and objectives of the Development Guide. 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; those for which it is desirable to have a limited number of a given land use within the community.

**2. Conditional Uses**

A conditional use in this district is to permit the following uses only after public hearings and final approval of the Town Board. The Plan Commission will review the applicable facts pertaining to the proposed conditional use and will recommend to the Town Board approval of conditional use only after finding that its inclusion in this district possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, is consistent with the Town of Union Comprehensive Plan and are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created..

The Board 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.

- 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 materials. *Facilities for the production, mining, processing or storage of sand or gravel are specifically excluded from this section.*
- C. Airports open to the public, hangars, or accessory structures.
- D. Cemeteries when they comply with the provisions of §157.06, Wis. Stats.
- E. Race tracks.
- F. Sewerage treatment facilities.
- G. Accessory structures required by the principal use.
- H. Junkyards and automobile salvage yards.

**3. Requirements for Conditional Uses**

Within the SP District the following standards shall apply:

Minimum Lot Area .....	5 acres
Minimum Front Yard Setback	
From Centerline of existing Local Road .....	100 ft.
From Centerline of existing Collector Road .....	110 ft.
From Centerline of Arterial Road .....	150 ft.
All front yard setbacks are to also refer to Section 17.23 of this Chapter for setbacks on Federal, State and County roads	
Minimum Side Yard Setback.....	20 ft.

Minimum Rear Yard Setback ..... 25 ft.  
Maximum Slope Ratio ..... 3:1  
Off-Street Parking..... 1 space per 5 seats if applicable,  
or 1 space per 5 anticipated uses at maximum usage of facility

Abandonment Procedures – Minimum Operations

Slope

3:1

Cover..... 5” top soil, fast growing grass, or other suitable vegetation.

Erosion control as needed.

## **Section 17.17 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 community's Development Guide. The intent in having this district is to provide for industrial areas where adequate transportation facilities, topographic conditions, and utilities are available for industry. This district is to facilitate the establishment of light industrial areas which are consistent with the community's Development Plan which considers the economic production and distribution of goods manufactured in the community as in relation to regional and national competitions.

### **(2) Permitted Uses**

The following uses are permitted in this district:

- A. Public or private offices or office buildings.
- B. Truck, bus, or rail terminals.
- C. Warehousing, or wholesaling of manufactured goods, except that live animals, explosives, or flammable gases or liquids or toxic materials shall require a conditional use permit issued by the Plan Commission.
- D. Public utility facilities.
- E. Police, fire and postal stations.
- F. Automotive upholstery and body repair shops, laundries and dry cleaning plants, not including personal and individual drop-off and pick-up service.
- G. Commercial bakeries, greenhouses, printing and publishing.
- H. Distributors and food locker plants.
- I. Retail sales and service facilities, such as retail outlet stores, surplus goods stores, and restaurants and food service facilities, when established in conjunction with a permitted manufacturing or processing facility.
- J. Radio, television, and communication transmitting or relay towers and facilities.
- K. Railroad switching yards.
- L. Accessory buildings, uses, and activities customarily incidental to the permitted uses. Accessory use may include a septic tank and field system, when approved by the County Plan Commission which shall not exceed five thousand (5,000) gallons per day flow, serving an individual building or use. The provisions of Wisconsin Administrative Code NR214 shall be complied with at all times.

### **(3) Conditional Use**

A conditional use in this district is to permit the following uses only after public hearings and final approval of the Town Board. The Plan Commission will review the applicable facts pertaining to the proposed conditional use and will recommend to the Town Board approval of conditional use only after finding that its inclusion in this district possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, is consistent with the Town of Union Comprehensive Plan and are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.

- A. Living quarters for watchman or caretaker.
- B. Farm machinery plants and machine shops.
- C. Manufacture, fabrication, packing, packaging, and assembly of products utilizing as a primary resource furs, glass, metal, paper, leather, plaster, plastics, textiles, and wood.

- D. Research laboratories, and facilities.
- E. Manufacturing or processing of explosives.
- F. Terminal facilities for flammable gases or liquids.
- G. Warehousing, storage, or wholesaling of live animals, explosives, or flammable gases or liquids.

- H. Manufacture and bottling of nonalcoholic beverages.
- I. Storage and sale of machinery and equipment.
- J. Manufacture, fabrication, processing, packing, and packaging of confections, cosmetics, electrical appliances, electronic devices; instruments; jewelry, pharmaceuticals, tobacco; toiletries; and food, except cabbage, fish, and fish products, meat and meat products, and pea vining.
- K. Building contractor.
- L. Commercial service facility, sewerage disposal plants, and public utilities.

**(4) Requirements for Conditional and Permitted Uses.**

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

- Maximum Building Height ..... 35 ft.
- Minimum Lot Area ..... 40,000 sq. ft.
- Minimum Front Yard Setback ..... 50 feet  
(75 feet if parking is permitted in front yard)

All front yard setbacks are to also refer to Section 17.23 of this Chapter for setbacks on Federal, State and County roads.

- Minimum Rear Yard Setback .....40 ft.  
(50 feet when abutting a residential area)
- Minimum Side Yard Setback..... 20 ft.  
(50 feet when abutting a residential

area) Minimum Average Lot Width .....  
100 ft.

Minimum Parking Provided..... 1 space per 2 employees  
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 ten feet by forty feet and having a height, clear of all obstructions, of fourteen feet, according to the following schedule:

Gross Floor Area	Number of Loading Spaces
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
96,1000 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 Plan Commission may permit the required loading spaces to remain undeveloped until it decides that they are needed.

Not more than forty (40) percent of the lot containing any use permitted in this district may be used for open storage of raw material, or any other material. Such storage shall be effectively screened from non-industrial uses or districts by a solid wall or fence, or a planted hedge or shrubbery.



## **Section 17.18 CONDITIONAL USE PERMITS**

### **(1) General Provisions**

Any use listed as a conditional use in this Ordinance shall be permitted only upon application to the Building Inspector and issuance of a Conditional Use Permit by the Town Board. 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.

### **(2) Required Information**

Any land divider who requests a conditional use permit shall submit a Conditional Use Permit Application Form to the Town Building Inspector. The Conditional Use Permit Application Form is available from the Building Inspector. (Note, if the Conditional Use Permit includes an A-1, A-2, A-3, or A-4 land division and rezoning, applicants must use and follow the instructions applying for a Land Division as described in Chapter 16, Land Division Ordinance. The Conditional Use Permit Land Division Applications for A-1, A-2, A-3, and A-4 parcels are heard by the Plan Commission, which makes a recommendation to the Town Board. The Town Board makes the final decision regarding issuance of Conditional Use Permits.

### **(3) Conditional Use Permit Application Form and Sketch Map**

#### **A. Conditional Use Permit Application Form (Non-Animal Related CUP)**

The Conditional Use Permit Application requires the following form information and attachments as specified below and application fee.

- (i) The name, address and phone number of the owner of the property and that of the land divider.
- (ii) The location and size of the property and the type of land division that is to be requested.
- (iii) The names and addresses of all landowners within a one thousand (1,000) foot radius of the outer edges of the parcel being divided including those parcels within this radius of neighboring counties and other municipalities
- (iv) A statement of intended use.
- (v) The name, address and phone numbers of the surveyor who will be doing the survey work.
- (vi) The name, address and phone numbers of the engineer who will perform the public improvements design.
- (vii) The present use of the land.
- (viii) The number and size of projected parcels, lots, or outlots upon a final land division.
- (ix) Existing zoning and other land use controls on parcels within one thousand (1,000) foot radius of the outer edges of the proposed land division.
- (x) Description of parcel location including fire number and roads bordering property.
- (xi) The estimated timetable for final development.
- (xii) Existing and proposed zoning of parcel and parcels to be created.
- (xiii) Parcel number.
- (xiv) Aerial photo of parcel and land within one thousand (1,000) feet of its border or Global Information System Satellite Photo (if requested).
- (xv) Sketch map as specified below. (This provision does not apply to a correction instrument, except if the affidavit in the correction instrument would change the areas

dedicated to the public or restricted for the public benefit, then the Town Board must approve such change.)

- B. Conditional Use Permit Application Form for Livestock Facilities with equal to or greater than 500 Animal Units.** The application materials can be found at the Wisconsin Department of Agriculture, Trade and Consumer Protection website. The appropriate fee must be submitted with the application.
- C. Conditional Use Permit Application Form for Livestock Facilities with equal to or less than 499 animal units and greater than 10 animal units.** See Appendix A. All attachments as specified in the application form must be submitted with the appropriate application fees with the application.
- D. Conditional Use Permit Application Form for all other farms.** See Appendix B. The appropriate fee must be submitted with the application.
- E. Conditional Use Application Form for Manure Irrigation Distribution Systems.** See Appendix C. The appropriate fee must be submitted with the application.

**F. Sketch Map Specifications**

As part of all Conditional Use Permit Applications, the applicant shall submit to the Building Inspector a sketch map no smaller in scale than 1 inch = 200 feet or other appropriate larger scale. More than one attached sheet may be used but no sheet may be larger than 8 1/2" x 14" inches. Each submission shall include all contiguously owned land except the sketch map need not show more than twenty (20) times the area of the intended certified survey. The sketch map shall show all of the following:

- (i) A north arrow, the date, the scale, and a reference to a section corner.
- (ii) Lengths and angles of existing and proposed property lines.
- (iii) Location of adjacent properties within one thousand (1,000) feet.
- (iv) The approximate dimensions and areas of the parcels, lots, outlots, and easements.
- (v) The location and type of existing and proposed buildings, fences, and structures and their uses.
- (vi) The location and name of all existing drainage ditches, water wells, sewerage systems, water courses, lakes, navigable waters, ponds, dry wells, drain fields, pipes, culverts, tile lines, and parks and other features pertinent to the land division.
- (vii) The location of existing and proposed roads, highways, developments, navigable rivers, trails, and driveways and distances to the nearest adjoining highways, roads, or driveways on all sides of the proposed site.
- (viii) Zoning classification and other land use controls of adjacent properties within one thousand (1,000) feet.
- (ix) The location of general land cover types, such as woodlands, wetlands, agricultural, etc.
- (x) The location of any slopes of 12% or greater.
- (xi) The setback of building lines required by any approving agency.
- (xii) The uses of the land adjacent to the property and any existing roads, easements and restrictions of record, public accesses to navigable water, dedicated areas and utilities on/or adjacent to the land.
- (xiii) Any floodplain limits.
- (xiv) The entire area contiguous to the plat owned or controlled by the owner or land divider.
- (xv) Owners names of adjacent properties within one thousand (1,000) feet.

#### (4) Submittal Process

##### **A. Non-Animal related CUP Application Process:**

The applicant shall submit the completed Conditional Use Permit Application Form to the Building Inspector for review of completeness. When the Building Inspector determines the application is complete, the applicant shall submit the application fee to the Town Treasurer. The applicant may then submit ten (10) copies of the Conditional Use Permit Application Form and attachments, and the fee payment receipt to the Town Clerk. The Town Clerk shall establish the Plan Commission meeting date upon which the Plan Commission will conduct a public hearing on the application according to the Plan Commission meeting calendar. The Town Clerk will notify by mail all landowners of parcels within one thousand (1,000) ft. of the property in question and post a class 2 notice of the public hearing.

The Town Clerk shall notify all Plan Commission members of the meeting and provide copies of the Conditional Use Permit Application Form and attachments to them. See Ch. 236 Wis. Stats. for a timeline for the Plan Commission to review the application.

##### **B. Animal and Manure Irrigation related CUP Application Process (Non ATCP 51).**

Please note that any application for an Animal Livestock Facility with greater than or equal to 500 Animal Units must follow the process identified in ATCP 51. The information identified below only pertains to Non – ATCP 51 applications. The Town will follow the most recent copy of the process in ATCP 51 when considering an application for livestock facilities with equal to or greater than five hundred (500) Animal Units.

###### **(i) Application.**

**(a) General:** If Town approval is required for a new or expanded livestock facility, Other Farm, or a Manure Irrigation Distribution System, a person seeking local approval shall complete and file with the Town the appropriate application form shown in the Appendices. The application shall include all of the information required by aforementioned application form and attached worksheets, including any authorized modifications made by the Town under sub. (1)(b). The information contained in the application shall be credible and consistent.

**(b) Modifications.** The Town may not alter the application form shown in the Appendix A or Appendix B, but may require any additional information needed to determine compliance with Chapter 17 standards.

**(c) Additional Copies.** The Town requires the applicant to submit four (4) duplicate copies of the original application under sub. (1)(a). Each duplicate copy shall include all of the worksheets, maps and other attachments included in the application. Only two copies of the engineering design calculations, specifications, and drawings must be included.

**(d) Fees.** The Town charges an application fee established by local ordinance, to defray the costs to review and process an application under sub. (1)(a) and sub (1)(c). Please refer to the Fee Schedule in the Appendices for proper fee.

**(e) Review Process.** The Town will forward one (1) copy of the documents required as part of the application in sub. (1)(a) to the Rock County Land Conservation Department for the required review of all documents submitted as part of the application. Within thirty (30) days of receipt of the application documents, the Land Conservation will report **Finding of Facts** to the Town. This report will be submitted in a written form.

**(f) Complete Application.** Within forty five (45) days after the Town receives an application under sub. (1)(a), the Town shall notify the applicant whether the application contains everything required under subs. (1)(a) to (1)(d). If the application is not complete, the notice shall specifically describe what else is needed. Within fourteen (14) days after the applicant has provided everything required under subs. (1)(a) to (1)(d), the political subdivision shall notify

the applicant that the application is complete. A notice of completeness does not constitute an approval of the proposed facility.

**(g) Notice to Adjacent Property Owners.** Within fourteen (14) days after the Town issues a notice under sub. (1)(f), the Town shall mail a completed written copy of the notice to the recorded owner of each parcel of land that is adjacent to the proposed facility. The Town shall mail the notice by first class mail. The Town may recover from the applicant, under sub. (1)(d), its reasonable cost to prepare and mail notices under this subsection. The sum of the costs charged to the applicant may not exceed the maximum amount specified in sub. (1)(d).

**(ii) Timely Action on Application.**

**(a) General.** Except as provided in sub (2)(b), the Town shall grant or deny an application under Chapter 17 within 90 days after the Town gives notice that the application is complete.

**(b) Time Extension.** The Town may extend the time limit in sub. (2)(a) for good cause, including any of the following:

1. The Town needs additional information to act on the application.
2. The applicant materially modifies the application or agrees to an extension.

**(c) Written Notice.** The Town shall give an applicant written notice of any extension under par. (2)(b). The notice shall state the reason for the extension, and shall specify the extended deadline date by which the Town will act on the application.

**(d) Public Hearing.** The Town shall schedule a public hearing on the application within ninety (90) days after issuing notice of a complete application.

**(iii) Granting or Denying an Application.**

**(a) Granting an Application.** Except as provided in sub. (3)(b), the Town shall grant an application under this Chapter if all of the following apply:

1. The application complies with this Chapter.
2. The application contains sufficient credible information to show, in the absence of clear and convincing information to the contrary, that the proposed facility meets or is exempt from:
  - a. the performance standards and prohibitions as identified in NR 151.
  - b. the minimum performance standards for manure irrigation distribution system operations, as identified on the application.

To the extent that a standard or prohibition under NR 151 or any applicable Wisconsin state administrative code, vests discretion, the Town may exercise that discretion.

**(b) Denying an Application.** The Town may deny an application under this Chapter if any of the following apply:

1. The application fails to meet the standard for approval under sub. (3)(a).
2. The Town finds, based on other clear and convincing information in the record, that the proposed facility or fails to comply with an applicable standard or prohibition.

**(c) Written Decision.**

1. The Town shall issue its decision under sub. (3)(a) or (3)(b) in writing. The decision shall be based on written findings of fact included in the decision. The findings of fact shall be supported by evidence in the record.
2. If the Town grants an application for local approval, the Town shall issue the local approval to the applicant in writing. The local approval shall include a duplicate copy of the approved application, marked "approved." The duplicate copy shall include all of the worksheets, maps and other attachments included in the application, except that no copies of the engineering design calculations, specifications, and drawing will be included.

**(iv) Terms of Approval.**

An approval under sub.(3)(a) is conditioned on the operator's compliance with all applicable performance standards and prohibitions as identified in NR 151; other Administrative codes applicable to Center Pivot Systems and representations made in the application for approval. The Town has the authority to do any of the following:

**(a)** Monitor compliance.

**(b)** Withdraw an approval, or seek other redress provided by law, if any of the following apply:

1. The operator materially misrepresented relevant information in the application for local approval.
2. The operator, without authorization from the Town, fails to honor relevant commitments made in the application for approval. The Town may not withhold authorization, for reasonable changes that maintain compliance with the NR 151 Performance Standards and Prohibitions.
3. The facility fails to comply with applicable standards.

**(v) Record of Decision–Making.** The Town shall keep a complete written record of its decision–making related to an application. The Town shall keep the record for at least seven (7) years following its decision. The record shall include all of the following:

**(a)** The application and all subsequent additions or amendments to the application.

**(b)** A copy of any notice and copies of any other notices or correspondence that the Town issues in relation to the application.

**(c)** A record of any public hearing related to the application. The record may be in the form of an electronic recording, a transcript prepared from an electronic recording, or a direct transcript prepared by a court reporter or stenographer. The record shall also include any documents or evidence submitted by hearing participants.

**(d)** Copies of any correspondence or evidentiary material that the Town considered in relation to the application.

**(e)** Minutes of any board or committee meeting held to consider or act on the application.

**(f)** The written decision as identified in section (3)(c) of this document.

**(g)** Other documents that the Town prepared to document its decision or decision–making process.

**(h)** A copy of any local ordinance cited in the decision.

**(vi) Lapsed Permits**

The Town may treat a conditional use permit for a facility as lapsed and withdraw the permit if the permit holder fails to do all of the following within two (2) years after issuance of the permit:

**(a)** Begin populating the new or expanded livestock facility.

**(b)** Begin construction of the facility.

**(5) Approval Process**

The Plan Commission shall hold a public hearing on the conditional use permit application after publication of a class 2 notice thereof. If no additional information is deemed necessary, the Plan Commission will make a recommendation to the Town Board to approve, approve with conditions, or reject the conditional use permit. Written reasons shall be documented in the Clerk's minutes for rejection or the imposition of conditions.

The applicant or the applicant's designee shall attend the meeting and present the proposed Conditional Use Permit Application to the Plan Commission. Failure of the applicant or its designee

to attend the meeting or to provide a complete Conditional Use Permit Application may be used as grounds for the Plan Commission to recommend rejection of the conditional use permit.

The Town Clerk will issue a written conditional use permit. Note the permit may require a review and renewal period in which case the applicant will need to return to the Plan Commission for their review of how the conditional use is working and whether or not to extend the approval of the permit.

**(6) Standards Applicable to All Conditional Uses**

**A.** In evaluating a Conditional Use Permit application, the Plan Commission shall consider the following factors:

- (i) The location, nature, and size of the proposed use.
- (ii) The size of the site in relation to it.
- (iii) The location of the site with respect to existing or future roads giving access to it.
- (iv) Its compatibility with existing uses on land adjacent thereto.
- (v) Its compatibility with the future land use map and Comprehensive Plan.
- (vi) Existing topography, drainage, soils types, and vegetative cover.
- (vii) Its relationship to the public interest, the purpose and intent of this Ordinance and substantial justice to all parties concerned.
- (viii) The potential for conflict with agricultural use.
- (ix) The need of the proposed use for a location in an agricultural area.
- (x) Compatibility with existing or permitted uses on adjacent lands.
- (xi) The productivity of the lands involved.
- (xii) The location of the proposed use so as to reduce to a minimum the amount of productive agricultural land converted.
- (xiii) The need for public services created by the proposed use.
- (xiv) The availability of adequate public services and the ability of affected local units of government to provide them without an unreasonable burden.
- (xv) The effect of the proposed use on water or air quality, soil erosion, and rare or irreplaceable natural resources.

**B. Standards Applicable to Conditional Uses for Animal Units greater than or equal to 500 Animal Units in A-1 and A-2 areas.**

In accessing a Conditional Use Permit application for a Livestock Facility with greater than or equal to five hundred (500) animal units as defined in the definitions of this ordinance, the Plan Commission will consider the following factors:

- (i) All animal waste management facilities and waste management plans designed as part of the application must be submitted to and approved by the Rock County Land Conservation Department as part of the Rock County Animal Waste Management Ordinance.
- (ii) An Erosion Control and Storm Water Management plan must be submitted to and approved by the Rock County Land Conservation Department as part of the Rock County Construction Site Erosion Control Ordinance and the Rock County Storm Water Management Ordinance.
- (iii) A statement as to the maximum number of animal units, categorized as defined in the definition section of this ordinance that will be housed at the facility at one time.
- (iv) The Rock County Planning and Development Agency has reviewed the site and confirms that the proposed facility is not located in a Shoreland and Wetland Zoning.
- (v) All standards identified in ATCP 51.12 through ATCP 51.20 will be met.
- (vi) All applicable property line and road setbacks have or will be met.

- (vii) All other applicable laws, being federal, state, county or town are observed.
- (viii) All ATCP 51 application materials have been deemed complete as required in ATCP 51.

**C. Standards Applicable to Conditional Uses for Animal Units Less Than 500 Animal Units in A-1 and A-2 areas.**

In accessing a Conditional Use Permit application for a Livestock Facility with less than five hundred (500) animal units and greater than ten (10) animal units as defined in the definitions of this ordinance, the Plan Commission will consider the following factors.

- (i) All animal waste management facilities and waste management plans designed as part of the application must be submitted to and approved by the Rock County Land Conservation Department as part of the Rock County Animal Waste Management Ordinance.
- (ii) An Erosion Control and Storm Water Management plan must be submitted to and approved by the Rock County Land Conservation Department as part of the Rock County Construction Site Erosion Control Ordinance and the Rock County Storm Water Management Ordinance.
- (iii) A statement as to the maximum number of animal units, categorized as defined in the definition section of this ordinance that will be housed at the facility at one time.
- (iv) The Rock County Planning and Development Agency has reviewed the site and confirms that the proposed facility is not located in a Shoreland and Wetland Zoning.
- (v) All NR 151 performance standards and prohibitions conditions have been met or exceeded.
- (vi) All applicable property line and road setbacks have or will be met.
- (vii) All other applicable laws, being federal, state, county or town are observed.
- (viii) All other applicable laws, being federal, state, county or town are observed.
- (ix) All required application materials have been deemed complete.

**D. Standards Applicable to Conditional Uses for Other New Farms which house Animals in A-1 and A-2 areas.**

In accessing a Conditional Use Permit application for a Livestock Facility with less than five hundred (500) animal units and greater than ten (10) animal units as defined in the definitions of this ordinance, the Plan Commission will consider the following factors:

- (i) All animal waste management facilities and waste management plans designed as part of the application must be submitted to and approved by the Rock County Land Conservation Department as part of the Rock County Animal Waste Management Ordinance.
- (ii) An Erosion Control and Storm Water Management plan must be submitted to and approved by the Rock County Land Conservation Department as part of the Rock County Construction Site Erosion Control Ordinance and the Rock County Storm Water Management Ordinance.
- (iii) A statement as to the maximum number of animal units, categorized as defined in the definition section of this ordinance that will be housed at the facility at one time.
- (iv) The Rock County Planning and Development Agency has reviewed the site and confirms that the proposed facility is not located in a Shoreland and Wetland Zoning.
- (v) All NR 151 performance standards and prohibitions conditions have been met or exceeded.
- (vi) All applicable property line and road setbacks have or will be met.
- (vii) All other applicable laws, being federal, state, county or town are observed.
- (ix) All required application materials have been deemed complete.

**E. Standards Applicable to Conditional Uses for Manure Irrigation Practices in A-1 and A-2 areas.**

In accessing a Conditional Use Permit application for a Manure Irrigation Practice defined in the definitions of this ordinance, the Plan Commission will consider the following factors.

- (i) All liquid animal waste byproducts (manure) shall be analyzed by a DATCP certified lab prior

- to any application to determine limiting nutrient (nitrogen or phosphorus).
- (ii) The system may not under any condition, deliver any limiting nutrient (N-P) in excess of the crop needs identified in the nutrient management plan for any given year.
- (iii) No end guns are allowed on any proposed center pivot irrigation system.
- (iv) Only low pressure nozzles on drop tubes are to be used to reduce odor and drift.
- (v) Drop tubes shall be as close to ground surface as practicable.
- (vi) Droplet size must be greater than 200  $\mu\text{m}$  mean diameter to minimize aerosolization and drift.
- (vii) Applications are limited from late morning through early afternoon as odors disperse better when temperatures are rising.
- (viii) All wind conditions must be monitored - Shut down pivot system when wind direction can impact neighbors.
- (ix) Must follow NR 445 Standards - Hazardous Air Pollutants.
- (x) No more than ten thousand (10,000) gallons per acre day may occur.
- (xi) Assure no runoff or ponding occurs during application period and twenty four (24) hours after application has been completed.
- (xii) The Center Pivot Irrigation area may not include any floodplain (NR 116), wetland, surface water quality management area or direct conduits to groundwater (NR 243).
- (xiii) All applications will only occur during period when biological processes are most active in the soil; June through late August.
- (xiv) The system shall not be run the day of or day after a rain event or until the soils are not considered saturated, as defined in NR 243.
- (xv) An Emergency Response Plan shall be included with the application.
- (xvi) Groundwater Monitoring Wells shall be installed if applicable.
- (xvii) All application materials have been reviewed by the Rock County Land Conservation Department and the Plan Commission has received findings of fact.
- (xviii) Under no conditions will a traveling gun manure application system be approved.

**F. Standards Applicable to Conditional Uses for excess animal units in A-3 and A-4 areas.**

In assessing a Conditional Use Permit application in the A-3 and A-4 Districts, the Plan Commission shall also consider the following factors.

- (i) Support (lack of concern/complaints) from surrounding landowners.
- (ii) Adequate facilities for housing and feeding animals.
- (iii) Adequate manure removal/distribution plan. Signed agreements for manure management and compliance with Rock County Manure Storage Ordinance.
- (iv) Favorable past animal management performance and/or managerial plan.
- (v) Compatibility with existing or permitted uses of adjacent lands.
- (vi) Water Retention Plan that meets or exceeds DNR guidelines for water retention plan.
- (vii) The availability of alternative locations.
- (viii) The need for public services created by the proposed use.
- (ix) The availability of adequate public services and the ability of affected local units of government to provide them without an unreasonable burden.
- (x) The effect of the proposed use on water or air quality, soil erosion, and rare or irreplaceable natural resources.
- (xi) Must meet NR 151 performance standards and prohibitions for new or expanding facilities.

**(7) Conditions Attached to Conditional Use Permit**

Upon consideration of the factors listed above, the Plan Commission may recommend to the Town Board attaching such conditions, in addition to those otherwise specifically listed, that it deems



necessary in furthering the purposes of this Chapter. Violation of any of these conditions shall be deemed a violation of this Chapter.

**(8) Notice and Public Hearing**

Before issuing a Conditional Use Permit, the both the Plan Commission and Town Board shall hold public hearings. Notice of such public hearings specifying the time, place, and matters to come before the Committee shall be given as a class 2 notice as referred to in Ch. 985 Wis. Stats.

**(9) Conditional Use Permit Fee**

The applicant, upon filing of his application, shall pay a fee to the Treasurer in accordance with the Fee Schedule established by the Town Board.

## **Section 17.19 BUILDING PERMITS**

### **(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 this Chapter and it has been signed, 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.

### **(2) Building Permits**

- A. Cases where Building Permit is required.
  - (i) Where any building or other structure is erected, moved or structurally altered so as to change its use or increase its floor area.
  - (ii) Where any land use is substantially altered.
  - (iii) Where fifty (50) percent or more of the fair market value of a structure is destroyed and it is being repaired or altered.
- B. Cases where Building Permit is not required.
  - (i) For any accessory building costing two hundred dollars (\$200) or less, provided such building conforms to all the setback, yard and open space requirements of this Ordinance.
  - (ii) For any improvements or alterations to an existing building in the amount of two hundred dollars (\$200) or less which shall not effect a structural change in use or encroach upon any yard or open space.
  - (iii) For any maintenance repairs that do not involve a change to the structure.

### **(3) Application for Building Permit**

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

- (i) An accurate map of the property, in duplicate, and properly dimensioned showing:
  - (ii) The boundaries of the property involved.
  - (iii) The location of the centerline of any abutting streets or highways.
  - (iv) The location on the lot of any existing buildings, proposed additions or proposed new buildings, including the measured distances between such buildings, and from the lot lines, and from the centerline of any abutting streets or highways to the nearest portion of such building.
  - (v) The high water line of any stream or lake on which the property abuts.
- B. 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 §62.20 of the Wisconsin Administrative Code which are hereby made by reference a part of this Chapter. 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.
  - C. For parcels created after 1/1/2014 an approved Site Plan Review.

### **(4) Building Permit Fee**

The applicant, upon filing the Building Permit with the Building Inspector, shall pay a fee to the Treasurer in accordance with the Building Permit Fees set by the Town Board in the Town of Union Fee Schedule.

## **Section 17.20 SITE PLAN REVIEW**

### **(1) Site Plan Review**

- A. Cases where Site Plan Review is required:
  - (i) Where the agricultural parcel was created after January 1, 2014.
  - (ii) Where there is not an existing approved Site Plan Review for building on the parcel.
  - (iii) Building is a residential dwelling.
- B. Cases where Site Plan Review is not required:
  - (i) For any land not zoned as agriculture.
  - (ii) Parcels that did not have a residence before January 1, 2014
  - (iii) Construction of any non-residential structure.

### **(2) Site Plan Review Contents**

- A. All the following information shall be included in the Site Plan Review:
  - (i) Lot is consistent with proposed Plat of Survey (POS) or Certified Survey Map (CSM)
  - (ii) Conservation easement areas
  - (iii) Environmentally sensitive areas
    - Floodplain
    - Ground water protection areas
    - Hydric Soil
    - Kettles and Depressional Topography
    - Natural areas
    - Shallow Bedrock
    - Shoreland
    - Steep Slopes, 12% or greater
    - Wetlands
    - Wetland Buffers
  - (iv) Building envelope area
  - (v) Minimum required front, rear, and side yard setbacks
  - (vi) Private onsite wastewater treatment systems (POWTS) area
  - (vii) POWTS replacement area
  - (viii) Driveway access from road right of way to building area
  - (ix) Road intersection vision easement area
  - (x) Existing structures
  - (xi) Drainage easements
  - (xii) Utility easement
- B. Additional Residential Site Review Guidelines:
  - (i) The building a residence on the parcel in a farmland preservation zoning district are consistent with the purposes of the district.
  - (ii) The proposed residence and its location in a farmland preservation zoning district area reasonable and appropriate, or are specifically approved under state or federal law.
  - (iii) The adding a residence to the parcel will minimize conversion of land at and around the parcel from agricultural use or open space use.
  - (iv) The proposed residence does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.

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

**(3) Site Plan Review Fee**

The applicant, upon filing the Site Plan Review with the Clerk, shall pay a fee to the Treasurer in accordance with the Site Plan Review Fees set by the Town Board in the Town of Union Fee Schedule.

**Section 17.21 STANDARDS FOR EVALUATING CONDITIONAL USES, CHANGING ZONING DISTRICTS AND GRANTING VARIANCES**

The following information may be used by the Plan Commission, 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 Plan Commission, Town Board or Board of Adjustment to address problems which are not direct conflicts of the interest of this Chapter. The following guidelines are not all inclusive.

**(1) Site Design and Physical Characteristics**

- A. Existing topography, drainage patterns and vegetative cover and the suitability of the proposed use in this regard.
- B. Availability of water, sewer, rail and other services and utility requirements of the proposed site.
- C. Where public sewers are not available, the percolation characteristics of the soil.
- D. Adequacy of the proposed internal circulation system, including safety considerations.
- E. Access to sites from the internal circulation system.
- F. The costs of providing various public services.
- G. Appearance --how will the area look?

**(2) Site Location Relative to the Public Road Network**

- A. Convenient access to a public road network --safety of access points.
- B. Visibility from the proposed road and the need for visibility.
- C. Location to provide access primarily by right-hand turning movements.

**(3) Land Use**

- A. Compatibility with existing or proposed uses in the area.
- B. Relation to any existing land use plan.
- C. Relation to existing or proposed development at nearby interchanges.

**(4) Traffic Generation**

- A. 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.
- B. Amount of traffic generated relative to existing and anticipated ultimate generated traffic in the area.
- C. Expected composition of site-generated traffic by vehicle types.
- D. Effect of site-generated traffic on the operation of the area.
- E. Safety and convenience to future users.

**(5) Community Effect**

- A. Immediate and long-range tax base.
- B. Access to market or service area.
- C. Relation to scenic or recreation values.
- D. Relation to the public interest, the purpose and intent of this Chapter, and substantial justice to all parties concerned.
- E. Compliance with the Comprehensive Plan's Goals and Objectives.

**(6) Other Relevant Factors**

- A. See Performance Standards in Section 17.26 of this Chapter.

- B. The Board is not authorized to grant a variance from the State requirements related to livestock facility siting. The Board may reduce the general setbacks as provided in §93.90 Wis. Stats. and in ATCP Chapter 51 of the WI Admin. Code.
- C. Additional impacts.

## Section 17.22 BOARD OF ADJUSTMENT

### (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 Chapter.

### (2) Membership

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

- A. Terms shall be for staggered three (3) year periods.
- B. Chairman shall be designated by the Board of Adjustment.
- C. 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.
- D. An Alternate Member may be appointed by the Town Chairman 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.
- E. No member shall be a Town Board member, Plan Commission member or the Building Inspector.
- F. Secretary shall be the Town Clerk.
- G. Official Oaths shall be taken by all members in accordance with §19.01 Wis. Stats. within ten (10) days of receiving notice of their appointment.
- H. Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.
- I. Compensation shall be as determined by the Town Board.
- J. The Building Inspector shall attend all meetings for the purpose of providing technical assistance when requested by the Board of Adjustment.

### (3) Organization

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

- A. Meetings shall be held at the call of the Chairman and shall be open to the public.
- B. 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 finding of facts. 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.
- C. The Concurring Vote of two (2) members of the Board shall be necessary to exercise the powers enumerated in Section 17.21 (4) A, B, C, D and E of this Chapter.

### (4) Powers

The Board of Adjustment shall have the following powers:

- A. Errors To hear and decide appeals where it is alleged there is error in any order, requirement or final decision made by the Plan Commission or its delegates in the enforcement of codes, regulations or ordinances under their jurisdiction.
- B. Variances To hear and grant appeals for variances as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of the Chapter shall be observed and the public safety, welfare, and justice secured. Use variances shall not be granted, nor shall a

variance be granted where the conditions exist as a result of a self-imposed hardship.

- C. Interpretations To hear and decide application for interpretations of the codes, regulations, ordinances and the boundaries of the zoning districts after the Plan Commission has made a review and recommendations.



- D. Permits The Board may reverse, affirm wholly or partly, modify the requirements appealed from, and may direct the issue of a permit.
- E. Assistance The Board may request assistance from other Town and county officials, departments, commissions, boards, the Town Building Inspector and Town Engineer.
- F. Oaths The Chairman shall administer oaths and may compel the attendance of witnesses.

**(5) Appeals and Applications**

Appeals from the decision of the Building Inspector concerning the literal enforcement of this Chapter 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 sixty (60) days after the date of written notice of the decision or order of the Building Inspector. Applications 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 the following:

- A. Name and Address of the appellant or applicant and all abutting and opposite property owners of record, and owners within one thousand (1,000) feet.
- B. Plat of Survey prepared by a registered land surveyor showing all of the information required under Section 17.19 of this Chapter for a Building Permit.
- C. Additional Information required by the Town Plan Commission, Board of Adjustment, or Building Inspector.
- D. Fee Receipt from the Town Treasurer in the amount established in the Town of Union Fees Schedule.
- E. Appeals and Application for property located in a Historic District shall also require the review and recommendation of the Historic District Committee.

**(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 3 notice under Chapter 985 of the Wisconsin Statutes, and shall give due notice to the parties in interest, the Building Inspector and the Town Plan Commission. At the hearing the appellant or applicant shall appear in person, by agent, or by attorney.

**(7) Findings**

No variance to the provisions of this Chapter 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.

- A. 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 Chapter should be changed.
- B. Absence of Detriment. That 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 Chapter or the public interest.
- C. Findings of Fact. The decision of the Board shall be accompanied by findings of fact and conclusions of law.

**(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 and Town Plan Commission.

- A. Conditions may be placed upon any Building Permit ordered or authorized by the Board.
- B. Variances granted or building permits directed by the Board shall expire within six (6) months unless substantial work has commenced pursuant to such grant.

**(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 sixty (60) days after the filing of the decision in the office of the Town Clerk.

## Section 17.23 HIGHWAY SETBACK LINES & ROADSIDE REGULATIONS

### (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:

#### A. Arterial Highways

- (i) The setback line for arterial highways shall be one hundred fifty (150) feet from the centerline of the highway or one hundred (100) feet from the right-of-way line, whichever is greater.
- (ii) Frontage roads to arterial highways shall be considered as local roads for the purpose of determining the setback along said service roads.
- (iii) Minimum road right-of-way shall be one hundred (100) feet.

#### B. Collector Roads The setback for collector roads shall be one hundred ten (110) feet from the centerline or fifty (50) feet from the right-of-way line, whichever is greater. Minimum road right-of-way shall be seventy (70) feet

#### C. Local Roads All local roads shall have a minimum setback of one hundred (100) feet from the centerline or fifty (50) feet from the right-of-way line, whichever is greater. Minimum road right-of-way shall be seventy (70) feet.

#### D. Lesser Setbacks Lesser setbacks may be permitted by the Plan Commission 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.

#### E. 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.

### (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 center lines and a line connecting points on said centerline at a specified distance from their point of intersection, in the manner illustrated in Section 17.23 of this Chapter 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:

- A. 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.
- B. 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 C. below.
- C. 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 sixty (60) feet or greater, the center lines of the pavements shall be used separately, in the manner illustrated in Section 17.23 of this Chapter, 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 center lines to the aforesaid points on the center lines 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 (2 ½) feet above the average elevation of the streets at the aforesaid points on their respective center lines, if it substantially obstructs the view across the triangle.

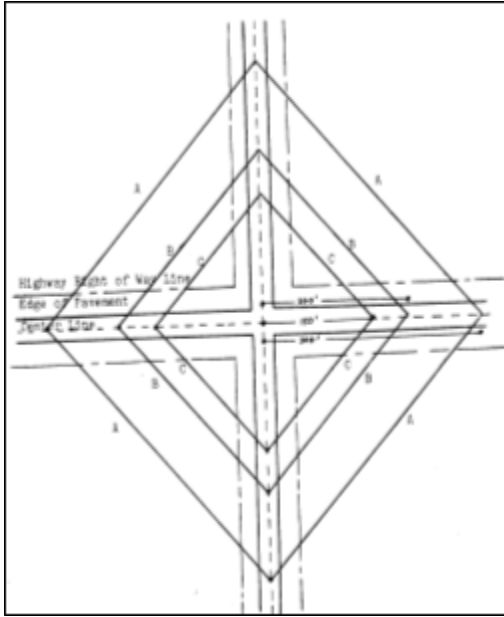
In situations where trees of large diameter, large numbers of trees, or some combination of these are present, this provision shall be construed to mean that a sufficient number of trees shall be removed so as to render an object such as a motor vehicle clearly visible across the clear vision triangle 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.

**(3) Objects Permitted Within Setback lines and Vision Triangles**

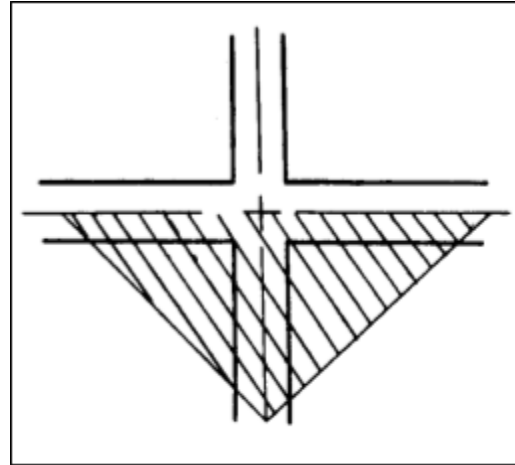
- A. Open fences.
- B. Telephone, telegraph and power transmissions poles, lines and portable equipment that is readily removable in its entirety.
- C. The planting and harvesting of field crops, shrubbery and trees, except that no trees or shrubbery shall be planted within a vision clearance triangle so as to obstruct the view.

**(4) Access Control**

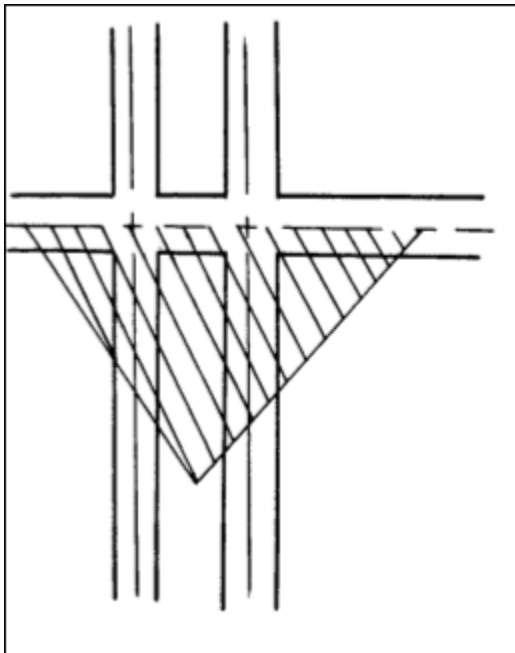
The Plan Commission may require that common access be provided to any lots created by a division of land. Access points shall not be within four hundred seventy (470) feet of each other (measured from center to center of each access point).



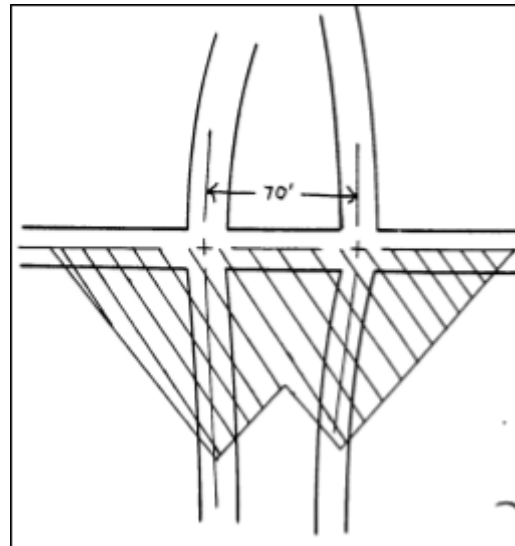
**Figure 1** Basic Illustration of Clear Vision Triangles



**Figure 22** Undivided Pavement



**Figure 3** Divided Pavement Not Widely Separated



**Figure 4** Divided Pavement Widely Separated

## **Section 17.24 NONCONFORMING USES, STRUCTURES, AND LOTS**

### **(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 Chapter may be continued although the use does not conform with the provisions of this Chapter; however:

- A. Only That Portion of the 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 Chapter.
- B. Total Lifetime Structural Repairs or alterations shall not exceed fifty (50) percent of the current fair market value of the structure unless it is permanently changed to conform to the use provisions of this Ordinance.
- C. 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.
- D. Licenses. This Chapter 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 Chapter.
- E. Conformance with State Statutes. Any regulation of non-conforming uses in a Farmland Preservation district must follow the requirements of §60.61 Wis. Stats.

### **(2) Abolishment or Replacement**

If such 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 Chapter. When a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy, or other calamity, to the extent of more than fifty (50) percent of its fair market value, it may be restored with the approval of the Board of Adjustment.

### **(3) Existing Nonconforming Structures**

The lawful nonconforming structure existing at the time of the adoption or amendment of this Chapter 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 Chapter; however, it may be extended, enlarged, reconstructed, moved, or structurally altered with the approval of the Board of Adjustment.

### **(4) Changes and Substitutions**

Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the Board of Adjustment has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Plan Commission.

### **(5) Substandard Lots**

In any residential or agricultural 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 Chapter.

- A. All the district requirements shall be complied with insofar as practical but shall not be less than the following:

Minimum Lot Size

Width ..... 50 ft.

Area ..... 7,500 sq. ft. except in shoreland area

Yard Setbacks

Minimum Front Yard Setback ..... 35 ft.

the second street yard on corner lots shall not be less than 10 ft.

All front yard setbacks are to also refer to Section 17.23 of this

Chapter for setbacks on Federal, State and County roads

Minimum Rear Yard Setback ..... 20 ft.

Minimum Side Yard Setback..... 10 percent of the frontage, but not less than 5 ft.

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

## **Section 17.25 CHANGES AND AMENDMENTS**

### **(1) Authority**

Whenever the public necessity, convenience, general welfare or good zoning practice require, the Town Board may, by ordinance, change the district boundaries or amend, change or supplement the regulations established by this Chapter when the amendment is consistent with the Comprehensive Plan and Future Land Use Map.

Such Change or Amendment shall require the review and recommendation of the Plan Commission.

### **(2) Initiation**

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

### **(3) Petitions**

Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Building Inspector, describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, and specify the proposed use.

### **(4) Recommendations**

The Plan Commission 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 in writing to the Town Board.

### **(5) Hearings**

The Town Clerk shall notify all property owners within one thousand (1,000) feet of the land in question and after publishing a class 2 notice under Chapter 985 of the Wisconsin Statutes, listing the time, place, and the changes or amendments proposed. The Plan Commission and Town Board shall hold a public hearing upon each recommendation. The Town Board shall also give at least ten (10) days prior written notice to the Clerk of the municipality within one thousand (1,000) feet of any land to be affected by the proposed change or amendment.

### **(6) Town Board's Action**

Following such hearings and after careful consideration of the Town Plan Commission recommendations, the Town Board shall vote on the passage of the proposed change or amendment.

### **(7) Protest to Proposed Change**

A proposed amendment, supplement or change to the Chapter 17, Zoning must be adopted by not less than a 2/3 vote of the Town Board if a protest against the proposed amendment, supplement or change is presented to the Town Board prior to or at the public hearing under subd. 1 and:

- A. The protest is signed and acknowledged by the owners of at least 50% of the area proposed to be altered; or
- B. The protest is signed and acknowledged by the abutting owners of at least 50% of the total perimeter of the area proposed to be altered that is included within three hundred (300) feet of the parcel or parcels to be rezoned.



## Section 17.26 PERFORMANCE STANDARDS

### (1) Compliance

This Chapter permits specific uses in specific districts; and these 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.

### (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.

### (3) Fire and Explosive Hazards

All activities involving the manufacturing, utilization, processing, or storage of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire-fighting 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

### (4) Glare and Heat

No activity shall emit glare or heat that is visible or measurable outside its premises except activities in the M-1 Light 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.

### (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.

### (6) Odors \* (\*Does not apply in Agricultural Districts)

No activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious, or unhealthful outside their premises. The guide for determining odor measurement and control shall be NR 154.18, Wisconsin Administrative Code. Agriculture odors associated with normal agricultural activities are exempted from this section.

**(7) 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.

**(8) Vibration**

No activity in any district except the M-1 Light Industrial District shall emit vibrations which are discernible without instruments outside its premises. No activity in an M-1 Light Industrial District shall emit vibrations which exceed the following displacement measured with a three-component measuring system:

<b>Frequency (Cycles Per Second)</b>	<b>Outside the Premises</b>	<b>Outside the District</b>
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

**(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 shore 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 17.27 SIGNS

### (1) Permit Required

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a building permit, except those signs permitted under Sections 17.06 (2), 17.07 (2), 17.08 (2) and 17.09 (2) of this Chapter, and without being in conformity with the provisions of this Chapter, §84.30 Wis. Stats., and Chapter HY 19 of the Wisconsin Administrative Code. The sign shall also meet all the structural requirements of local and state building codes.

### (2) Signs Permitted in All Districts Without a Zoning Permit

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

- A. 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
- B. 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 all sides for any one farm.
- C. Real Estate Signs not to exceed sixteen (16) square feet in display area which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located.
- D. 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.
- E. Bulletin Boards of public, charitable, or religious institutions not to exceed sixteen (16) square feet in display area located on the premises.
- F. 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.
- G. Official Signs such as traffic control, parking restrictions, information, and notices.
- H. Signs for political candidates which shall not be larger than sixteen (16) square feet provided that they are put up no earlier than thirty (30) days before the election and removed within five (5) days after the election.
- I. Temporary Signs or banners when authorized by the Plan Commission.

### (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:

- A. Wall Signs placed against the exterior wall of a building will not extend more than twelve (12) inches from the wall, and will not extend above the roof line. The maximum area of all wall signs shall not exceed an area equal to three (3) square feet for each lineal front foot of building.

- B. Projecting Signs fastened to, suspended from, or supported by structures shall not exceed one hundred (100) square feet in display area on all sides for any one premises; shall not extend more

than six (6) feet in any required yard; shall not be less than ten (10) feet from all lot lines; shall not extend 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 an alley.

- C. On-Premise Ground Signs in the CHI District shall be limited to one (1) sign for each individual business premises and advertise the business name, services offered, or products sold on the premises, 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, and shall have a maximum height of thirty (30) feet.
- D. On-Premise Ground Signs in Other Business and Industrial Districts shall be limited to one (1) sign for each individual business premises and advertise the business name, services offered or products sold, shall not exceed sixty (60) square feet in display area on any one side nor one hundred twenty (120) square feet in display area on all sides for any one premises, shall have a maximum height of thirty (30) feet, and shall be at least fifty (50) feet from the boundary of any residential district.

Two (2) of the above signs shall be permitted for each business or industrial use. The total sign area for both signs shall not exceed the greatest maximum area allowed.

- E. Window Signs shall be placed only on the inside of commercial buildings and shall not exceed twenty-five (25) percent of the glass area of the pane upon which the sign is displayed.
- F. Off-Premise Ground Signs shall require a conditional use permit from the Plan Commission. Such signs shall not be located within fifty (50) feet of the existing or proposed right-of-way of any state or county trunk highway or any Town road measured horizontally along a line perpendicular to the center of the highway; shall not be located within one thousand (1,000) feet of any other off-premise ground sign located on the same side of the road; shall not exceed thirty (30) feet in height; 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; shall conform to all yard and setback requirements of the district in which it is located; and shall not be located within five hundred (500) feet of a residential district.

**(4) 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.

**(5) 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 nonconforming use or structure and the provisions of Section 17.24 of this Ordinance shall apply.

**(6) Bonds**

Every applicant for a zoning permit for a sign shall, before the permit is granted, execute a surety bond in the sum to be fixed by the Building Inspector, but not to exceed twenty-five thousand dollars (\$25,000); and it shall be of a form and type approved by the Town Attorney; indemnifying the municipality against all loss, cost damages or expense incurred or sustained by or recovered against

the municipality by reason of the erection, construction, or maintenance of such sign. A liability insurance policy issued by an insurance company authorized to do business in the State of Wisconsin, and conforming to the requirements of this section, may be permitted by the Town Attorney in lieu of a bond.

**(7) Moveable or Temporary Signs**

No moveable or temporary signs shall be permitted. This prohibition shall include signs mounted on trucks, trailers, or other objects which are not permanently affixed to the real estate. Any motor vehicle used on a regular basis for a bona-fide business purpose other than advertising is excepted from the above prohibition.

**(8) Lighting of Signs**

Illuminated signs are permitted when the lighting is one sustained impulse. No blinking lights or group of lights shall be allowed as part of a sign after the effective date of this Chapter.

**(9) Roof-mounted Signs**

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

**(10) 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:

- A. Architectural, historic, or scenic areas whose special and unique characteristics or whose natural beauty requires special sign regulations to insure that all signs used within the area are compatible with each other and with the area.
- B. Integrated centers of intensive business areas over five (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.

**(11) Permit Fees**

Fees for sign permits must be paid according to the Town of Union Fee Schedule.







**APPENDIX A**

**APPLICATION FOR CONDITIONAL USE PERMIT -**

**NEW LIVESTOCK FACILITIES WITH 499 OR LESS ANIMAL UNITS OR AN EXPANSION OF 20% OR GREATER THAT WILL RESULT IN LESS THAN 499 ANIMAL UNITS.**

<b>1. Legal Name of Applicant (Business Entity):</b>			
<b>2. Type of Business Entity:</b> check one			
<input type="checkbox"/> Individual	<input type="checkbox"/> Corporation	<input type="checkbox"/> Partnership	<input type="checkbox"/> Cooperative
<input type="checkbox"/> LLC	<input type="checkbox"/> Trust		
<input type="checkbox"/> Other Describe:			
<b>3. Other names, if any, under which applicant does business (list all):</b>			
<b>4. Contact Individual:</b>		Name:	
Phone:		E-mail:	
<b>5. Business Address:</b>			
Street Address:			
City/Village/Town:			
County:			
State:			
Zip:			
<b>6. Principal Owners or Officers (list if applicant is an entity other than an individual):</b>			
Name:		Title:	Phone:
Address:	City:	State:	Zip:
Name:		Title:	Phone:
Address:	City:	State:	Zip:
Name:		Title:	Phone:
Address:	City:	State:	Zip:

Name:		Title:	Phone:
Address:	City:	State:	Zip:

**Application (continued)**

**7. Description of Proposed Livestock Facility**

Check one:  New Livestock Facility     Expanded Livestock Facility

Address of Proposed Livestock Facility:

Address:	City:	State:	Zip:
Town # T- -N	Range # R - -E	Section #	¼ Section #

**8. Total Animal Units**

Enter total animal units from **worksheet 1**:

**Total Animal Units:** \_\_\_\_\_. This is the maximum livestock facility size for which the applicant requests approval at this time.

**9. Site Map of Livestock Facility**

Attach a scale map or aerial photo of the proposed livestock facility site. The map or photo shall be appropriately

sized and marked, so that it clearly and legibly shows all of the following:

- All existing and proposed livestock structures. Label each livestock structure to show structure type, and whether existing or proposed.
- The area lying within 1,000 ft. of any of the livestock structures. Show all existing buildings, property lines, roadways, navigable waters, and known karst features within that area.
- Topographic lines, at 2 ft. elevation intervals, for the area within 300 feet of the livestock structures.
- Map scale and north direction indicator.

**10. Location of Livestock Structures**

The applicant certifies that:

- All livestock structures comply with applicable property line and road setbacks as identified in the zoning ordinance.
- All waste storage structures comply with setbacks in zoning ordinance.
- All livestock structures comply with applicable local shoreland, wetland, and floodplain zoning ordinances (copies available from Town or County P&D) government).
- Wells comply with the Wisconsin well code (NR 811 and 812). New or substantially altered livestock structures are separated from existing wells (including neighbors' wells) by setback

distances required in NR 811 and 812.

**Application (continued)**

### **11. Other Laws**

The following laws, among others, may apply to the operation of a livestock facility. Local approval of a livestock facility siting application is NOT based on these laws. However, violations may have other legal consequences:

- Soil conservation and nonpoint pollution laws (contact the land conservation department). Livestock facilities that have 500 or more animal units, must follow the DATCP 51 approval process. Livestock facilities that have 1000 or more animal units or that discharge pollutants directly to waters of the state, must also obtain a WPDES permit from DNR.
- Pesticide and agricultural chemical laws administered by DATCP.
- Animal disease control laws administered by DATCP.
- Animal mortality laws administered by DATCP.
- Vehicle weight limits and state prohibitions against spilling waste on roads.
- Food safety and animal health licenses administered by DATCP. All livestock operations must register, and some (such as dairy farms) must hold a state license.
- Air pollution control regulations administered by DNR.
- Building, electrical, plumbing and sanitation codes administered by the Wisconsin Department of Commerce. A local authority may disapprove a proposed livestock facility that violates a conforming local code.
- Construction site erosion control laws administered by DNR.
- Local erosion control and stormwater management ordinances.
- Petroleum storage laws administered by the Wisconsin Department of Commerce.
- High capacity well regulations administered by DNR.

### **12. Worksheets**

Complete worksheets as required (follow instructions on each worksheet) and attach to application.

**Worksheet 1 – Animal Units.**

**Worksheet 2 – Waste and Nutrient Management.** If you hold a WPDES permit from DNR for the same proposed livestock facility (for an equal or greater number of animal units), check the appropriate box on this worksheet, and submit a copy of the permit with this application.

**Worksheet 3 – Waste Storage Facilities.** If you hold a WPDES permit from DNR for the same proposed livestock facility (for an equal or greater number of animal units), check the appropriate box on this worksheet, and submit a copy of the permit with this application.

**Worksheet 4 – Runoff Management.** If you hold a WPDES permit from DNR for the same proposed livestock facility (for an equal or greater number of animal units), check the appropriate box on this worksheet, and submit a copy of the permit with this application.

**Application (continued)**

**Authorized Signature:**

**I certify that the information contained in this application (including worksheets and all attachments) is complete and accurate to the best of my knowledge.**

\_\_\_\_\_  
**Signature of Applicant or Authorized Representative**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Print Name**

\_\_\_\_\_  
**Title**

**For Office Use Only:**

**Application #:**

**Date Application Received:**

**Date Completeness Determined:**

**Date Notice Sent to Applicant:**

**Date Notice Sent to Adjacent Landowners:**

**Decision Date:**

**Approved or Disapproved:**

**Date Appeal Filed (if any):**

**OTHER INFORMATION:**

**APPENDIX B  
APPLICATION FOR CONDITIONAL USE PERMIT - OTHER FARMS**

<b>1. Legal Name of Applicant (Business Entity):</b>			
<b>2. Type of Business Entity:</b> check one			
<input type="checkbox"/> Individual	<input type="checkbox"/> Corporation	<input type="checkbox"/> Partnership	<input type="checkbox"/> Cooperative
<input type="checkbox"/> LLC	<input type="checkbox"/> Trust		
<input type="checkbox"/> Other Describe:			
<b>3. Other names, if any, under which applicant does business (list all):</b>			
<b>4. Contact Individual:</b>		Name:	
Phone:		E-mail:	
<b>5. Business Address:</b>			
Street Address:			
City/Village/Town:			
County:			
State:			
Zip:			
<b>6. Principal Owners or Officers (list if applicant is an entity other than an individual):</b>			
Name:		Title:	Phone:
Address:	City:	State:	Zip:
Name:		Title:	Phone:
Address:	City:	State:	Zip:
Name:		Title:	Phone:
Address:	City:	State:	Zip:
Name:		Title:	Phone:
Address:	City:	State:	Zip:



**7. Description of Proposed Facility**

Check one:  New Facility                       Expanded Facility

Address of Proposed Facility:

Address:	City:	State:	Zip:
Town # T- -N	Range # R - -E	Section #	¼ Section #

**8. Total Units**

Enter total number of animals from **Worksheet 1A:**

**Total Animals:** \_\_\_\_\_. This is the maximum total number of animals for which the applicant requests approval at this time.

**9. Site Map of Facility**

Attach a scale map or aerial photo of the proposed facility site. The map or photo shall be appropriately sized and marked, so that it clearly and legibly shows all of the following:

- All existing and proposed animal housing structures. Label each structure to show structure type, and whether existing or proposed.
- The area lying within 1,000 ft. of any of the structures. Show all existing buildings, property lines, roadways, navigable waters, and known karst features within that area.
- Topographic lines, at 2 ft. elevation intervals, for the area within 300 feet of the livestock structures.
- Map scale and north direction indicator.

**10. Location of Structures**

The applicant certifies that:

- All animal structures comply with applicable property line and road setbacks as identified in the zoning ordinance.
- All waste storage structures comply with setbacks in zoning ordinance.
- All structures comply with applicable local shoreland, wetland, and floodplain zoning ordinances (copies available from the Town or the County Planning and Development Agency).
- Wells comply with the Wisconsin well code (NR 811 and 812). New or substantially altered livestock structures are separated from existing wells (including neighbors' wells) by setback distances required in NR 811 and 812.

## 11. Other Laws

The following laws, among others, may apply to the operation of a livestock facility. Local approval of a livestock facility siting application is NOT based on these laws. However, violations may have other legal consequences:

- Soil conservation and nonpoint pollution laws (contact the land conservation department). Livestock facilities that have 500 or more animal units, must follow the DATCP 51 approval process. Livestock facilities that have 1000 or more animal units or that discharge pollutants directly to waters of the state, must also obtain a WPDES permit from DNR.
- Pesticide and agricultural chemical laws administered by DATCP.
- Animal disease control laws administered by DATCP.
- Animal mortality laws administered by DATCP.
- Vehicle weight limits and state prohibitions against spilling waste on roads.
- Food safety and animal health licenses administered by DATCP. All livestock operations must register, and some (such as dairy farms) must hold a state license.
- Air pollution control regulations administered by DNR.
- Building, electrical, plumbing and sanitation codes administered by the Wisconsin Department of Commerce. A local authority may disapprove a proposed livestock facility that violates a conforming local code.
- Construction site erosion control laws administered by DNR.
- Local erosion control and stormwater management ordinances.
- Petroleum storage laws administered by the Wisconsin Department of Commerce.
- High capacity well regulations administered by DNR.

## 12. Worksheets

Complete worksheets as required (follow instructions on each worksheet) and attach to application.

### **Worksheet 1A – Animal Numbers.**

**Worksheet 2 A– Waste and Nutrient Management.** If you hold a WPDES permit from DNR for the same proposed livestock facility (for an equal or greater number of animal units), check the appropriate box on this worksheet, and submit a copy of the permit with this application.

**Worksheet 3A – Waste Storage Facilities.** If you hold a WPDES permit from DNR for the same proposed livestock facility (for an equal or greater number of animal units), check the appropriate box on this worksheet, and submit a copy of the permit with this application.

**Worksheet 4A – Runoff Management.** If you hold a WPDES permit from DNR for the same proposed livestock facility (for an equal or greater number of animal units), check the appropriate box on this worksheet, and submit a copy of the permit with this application.

**Authorized Signature:**

**I certify that the information contained in this application (including worksheets and all attachments) is complete and accurate to the best of my knowledge.**

\_\_\_\_\_  
**Signature of Applicant or Authorized Representative**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Print Name**

\_\_\_\_\_  
**Title**

**For Office Use Only:**

**Application #:**

**Date Application Received:**

**Date Completeness Determined:**

**Date Notice Sent to Applicant:**

**Date Notice Sent to Adjacent Landowners:**

**Decision Date:**

**Approved or Disapproved:**

**Date Appeal Filed (if any):**

**OTHER INFORMATION:**

**APPENDIX C  
 APPLICATION FOR CONDITIONAL USE PERMIT –  
 MANURE IRRIGATION SYSTEMS FOR APPLICATION OF LIQUID ANIMAL WASTE  
 BYPRODUCTS**

<b>1. Legal Name of Applicant</b> (Business Entity):			
<b>2. Type of Business Entity:</b> check one			
<input type="checkbox"/> Individual	<input type="checkbox"/> Corporation	<input type="checkbox"/> Partnership	<input type="checkbox"/> Cooperative
<input type="checkbox"/> LLC	<input type="checkbox"/> Trust		
<input type="checkbox"/> Other Describe:			
<b>3. Other names,</b> if any, under which applicant does business (list all):			
<b>4. Contact Individual:</b>		Name:	
Phone:		E-mail:	
<b>5. Business Address:</b>			
Street Address:			
City/Village/Town:			
County:			
State:			
Zip:			
<b>6. Principal Owners or Officers</b> (list if applicant is an entity other than an individual):			
Name:		Title:	Phone:
Address:	City:	State:	Zip:
Name:		Title:	Phone:
Address:	City:	State:	Zip:
Name:		Title:	Phone:
Address:	City:	State:	Zip:
Name:		Title:	Phone:
Address:	City:	State:	Zip:

**7. Description of Irrigation System Proposed:**

**8. Provide a list for all Properties where proposed irrigation systems will be operated.**

a. Legal Name of Property Owner:

Address:	City:	State:	Zip:
Town # T- -N	Range # R - -E	Section #	¼ Section #

**if additional space is needed please refer to last page of application.**

**9. Site Map of Facility where manure byproducts will originate.**

Attach an aerial photo of all proposed irrigation sites. The photo shall be appropriately sized and marked, so that it clearly and legibly shows all of the following:

- All existing and proposed animal housing structures. Label each structure to show structure type, and whether existing or proposed.
- The area lying within 1,000 ft. of any of the structures. Show all existing buildings, property lines, roadways, navigable waters, and known karst features within that area.
- Topographic lines, at 2 ft. elevation intervals, for the area within 300 feet of the livestock structures.
- Map scale and north direction indicator.

**10. Site Map(s) of all proposed irrigation systems.**

Attach aerial photos of all proposed irrigation sites. The photo shall be appropriately sized and marked, so that it clearly and legibly shows all of the following:

- All existing inhabited dwellings. Label each dwelling with owner's name.
- Indicate on the map the approximate location of well that services dwelling.
- Indicate on the map the set back lines from the nearest point of proposed irrigation edge to each dwelling and any potable well. (can not be closer than 250 to a well and 500 feet to an inhabited dwelling)
- Topographic map showing 2 ft. elevation intervals for all areas of proposed irrigation, and all dwellings and wells within 1000 feet of irrigation edge.
- Map scale and north direction indicator.
- Location of all monitoring wells.

**11. Minimum Standards for Irrigation Water Management Plan:**

- All liquid animal waste byproducts (manure) shall be analyzed by a WDATCP certified lab prior to any application to determine limiting nutrient. (Nitrogen or Phosphorus).
- The system may not under any condition, deliver any limiting nutrient (N-P) in excess of the crop identified in the nutrient management plan for any given year.
- No end guns are allowed on any proposed center pivot irrigation system.
- Only low pressure nozzles on drop tubes are to be used to reduce odor and drift.
- Drop tubes shall be as close to ground surface as practicable.
- Droplet size must be greater than 200 µm mean diameter to minimize aerosolization and drift.
- Applications are limited from late morning through early afternoon as odors disperse better when temperatures are rising.
- Monitor Wind Conditions - Shut down pivot system when wind direction can impact neighbors.
- Must follow NR 445 Standards - Hazardous Air Pollutants.
- No more than 10,000 gallons per acre day may occur.
- Assure no runoff or ponding occurs during application period and 24 hours after application has been completed.
- The Center Pivot Irrigation area may not include any floodplain (NR 116), wetland, surface water quality management area or direct conduits to groundwater (NR 243).
- All applications will only occur during period when biological processes are most active in the soil; June through late August.
- The system shall not be run the day of or day after a rain event or until the soils are not considered saturated, as defined in NR 243.
- An Emergency Response Plan shall be included with the application.
- Groundwater Monitoring Wells shall be installed.

**NOTE:** The Planning and Zoning Committee may add additional conditions or restrictions on a case-by-case basis regarding limitations, monitoring and/or operations.

**12. Other Laws**

The following laws, among others, may apply to the operation of an Irrigation system for application of Animal waste byproducts.

Local approval of this application is NOT based on these laws. However, violations may have other legal consequences:

- Soil conservation and nonpoint pollution laws (contact the land conservation department). Livestock facilities that have 500 or more animal units must follow the DATCP 51 approval process. Livestock facilities that have 1000 or more animal units or that discharge pollutants directly to waters of the state, must also obtain a WPDES permit from DNR.
- Local erosion control and storm water management ordinances.
- Construction site erosion control laws administered by County
- Rock County Animal Waste Management Ordinance.
- Pesticide and agricultural chemical laws administered by DATCP.
- Animal disease control laws administered by DATCP.
- Vehicle weight limits and state prohibitions against spilling waste on roads.
- Food safety and animal health licenses administered by DATCP. All livestock operations must register, and some (such as dairy farms) must hold a state license.
- Air pollution control regulations administered by DNR.
- Building, electrical, plumbing and sanitation codes administered by the Wisconsin Department of Commerce. A local authority may disapprove a proposed livestock facility that violates a conforming local code.
- Petroleum storage laws administered by the Wisconsin Department of Commerce.
- High capacity well regulations administered by DNR.

**Authorized Signature:**

**I certify that the information contained in this application (including worksheets and all attachments) is complete and accurate to the best of my knowledge.**

\_\_\_\_\_  
**Signature of Applicant or Authorized Representative**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Print Name**

\_\_\_\_\_  
**Title**



<b>Application (continued)</b>	
<b>For Office Use Only:</b>	
<b>Application #:</b>	
<b>Date Application Received:</b>	
<b>Date Completeness Determined:</b>	
<b>Date Notice Sent to Applicant:</b>	
<b>Date Notice Sent to Adjacent Landowners:</b>	
<b>Decision Date:</b>	
<b>Approved or Disapproved:</b>	
<b>Date Appeal Filed (if any):</b>	
<b>OTHER INFORMATION:</b>	

**Continued from item 8**

Legal Name of Property Owner:			
Address:		City:	State: Zip:
Town # T- -N	Range # R - -E	Section #	¼ Section #
Legal Name of Property Owner:			
Address:		City:	State: Zip:
Town # T- -N	Range # R - -E	Section #	¼ Section #
Legal Name of Property Owner:			
Address:		City:	State: Zip:
Town # T- -N	Range # R - -E	Section #	¼ Section #
Legal Name of Property Owner:			
Address:		City:	State: Zip:
Town # T- -N	Range # R - -E	Section #	¼ Section #
Legal Name of Property Owner:			
Address:		City:	State: Zip:
Town # T- -N	Range # R - -E	Section #	¼ Section #
Legal Name of Property Owner:			
Address:		City:	State: Zip:
Town # T- -N	Range # R - -E	Section #	¼ Section #
Legal Name of Property Owner:			
Address:		City:	State: Zip:
Town # T- -N	Range # R - -E	Section #	¼ Section #
Legal Name of Property Owner:			
Address:		City:	State: Zip:
Town # T- -N	Range # R - -E	Section #	¼ Section #
Legal Name of Property Owner:			
Address:		City:	State: Zip:
Town # T- -N	Range # R - -E	Section #	¼ Section #

Town # T- -N	Range # R - -E	Section #	¼ Section #
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**Instructions:** Use this worksheet to determine the number of animal units for which you request approval. You may request approval for a number that is large enough to accommodate current and potential future expansions. If the town approves the requested number of animal units, that is the maximum number that you may keep for 90 days or more in any 12-month period. You may not exceed that number without additional approval(s).

To complete this worksheet:

1. Identify each type of livestock that you might keep at the proposed facility. Enter the maximum number of animals of each type that you might keep for at least 90 days in any 12-month period.
2. Multiply the number of animals of each type by the relevant Animal Unit Factor to obtain animal units of each type.
3. Sum the animal units for all livestock types to obtain the Total Animal Units for which you request approval.

	Livestock Type	Animal Unit Factor	Animal Units For Proposed Facility	
<b>DAIRY CATTLE</b>	Milking and Dry Cows	1.4	1.4 X	=
	Heifers (800 lbs. to 1200 lbs.)	1.1	1.1 X	=
	Heifers (400 lbs. to 800 lbs.)	0.6	0.6 X	=
	Calves (up to 400 lbs.)	0.2	0.2 X	=
<b>BEEF</b>	Steers or Cows (600 lbs. to market)	1.0	1.0 X	=
	Calves (less than 600 lbs.)	0.5	0.5 X	=
	Bulls(each)	1.4	1.4 X	=
<b>SWINE</b>	Pigs (55 lbs. to market)	0.4	0.4 X	=
	Pigs (up to 55 lbs.)	0.1	0.1 X	=
	Sows (each)	0.4	0.4 X	=
	Boars (each)	0.5	0.5 X	=
<b>POULTRY</b>	Layers (each)	0.01	0.01 X	=
	Broilers (each)	0.005	0.005X	=
	Broilers – continuous overflow watering	0.01	0.1 X	=
	Layers or Broilers - liquid manure system	0.033	0.033 X	=
	Ducks – wet lot (each)	0.2	0.2 X	=
	Ducks - dry lot (each)	0.01	0.01 X	=
	Turkeys (each)	0.018	0.018 X	=
<b>SHEEP (each)</b>		0.1	0.1X	=
<b>GOATS (each)</b>		0.1	0.1X	=
<b>Total Number of Animal Units for this application</b>			=	

**APPENDIX D**

## **WORKSHEET 1 – ANIMAL UNITS**

**APPENDIX E  
WORKSHEET 1A – ANIMALS**

**Instructions:** Use this worksheet to determine the number of animals for which you request approval. You may request approval for a number that is large enough to accommodate current and potential future expansions. If the town approves the requested number of animals that is the maximum number that you may keep for 90 days or more in any 12-month period. You may not exceed that number without additional approval(s).

To complete this worksheet:

1. Identify each type of animals that you might keep at the proposed farm. Enter the maximum number of animals of each type that you might keep for at least 90 days in any 12-month period.
2. Sum the animals for all types to obtain the Total Animals for which you request approval.

ANIMALS		Total Animals Proposed	
<b>EQUINE</b>	HORSES	1.0	X =
	PONIES	1.0	X =
	DONKEY	1.0	X =
	MULE	1.0	X =
<b>CAMELIDS</b>	CAMEL	1.0	X =
	ALPACA	1.0	X =
	LLAMA	1.0	X =
<b>BISON</b>	BUFFALO	1.0	X =
	YAK	1.0	X =
<b>CERVIDAE</b>	DEER	1.0	X =
	ELK	1.0	X =
	REINDEER	1.0	X =
<b>CAPTIVE GAME BIRDS</b>	PHEASANTS	1.0	X =
	PARTRIDGES	1.0	X =
	QUAILS	1.0	X =
<b>FUR BEARING ANIMALS</b>	FOX	1.0	X =
	MINK	1.0	X =
	RABBITS	1.0	X =
	OTHER	1.0	X =
<b>RATITES (Flightless Birds)</b>	OSTRICH	1.0	X =
	EMU	1.0	X =
	OTHER	1.0	X =
<b>OTHER ANIMALS NOT LISTS (please describe)</b>		1.0	X =
<b>TOTAL NUMBER OF ANIMALS</b>			=

**APPENDIX F -  
WORKSHEET 2 - Nutrient Management (590)**

Name of Qualified Planner:	Planners Business Name, Address and Phone #:	
Check Qualifications: <input type="checkbox"/> 1. NAICC-CPCC <input type="checkbox"/> 2. ASA-CCA <input type="checkbox"/> 3. ASA – Professional Agronomist <input type="checkbox"/> 4. SSSA – Soil Scientist <input type="checkbox"/> 5. DATCP – Approved - Course <input type="checkbox"/> 6 Other DACTP approved credentials:	Cropland Areas Owned included:	Name of Farm Operator:
	Rented Farm Acres included: Landowner Names and Acreage;	

Use the following checklist as guidance to review and certify 590 nutrient management plans. An electronic copy of the SNAP+ database (where available) shall be submitted upon request to facilitate completion of the plan review.

The following SNAP+ reports (where available) shall be submitted with the 590 checklist: Compliance Check, Field Crop Report, Field Data and 590 Assessment, Manure tracking (where applicable).

<b>Signed Checklist Present:</b>	
	urrent version of the 590 checklist signed by a qualified nutrient management planner. Current checklist link below: <a href="http://datcp.wi.gov/Farms/Nutrient_Management/Planning/index.aspx">http://datcp.wi.gov/Farms/Nutrient_Management/Planning/index.aspx</a>
<b>Planner Credentials:</b>	
	anner signing the checklist has been verified as a “qualified” 590 Nutrient Management Planner (circle the applicable credential). Professional Agronomist (CCA, ARPACS), NRCS Certified Conservation Planner, Farmer Training Graduate, OTHER (approved by ARC/State Agronomist).
<b>Eligible Acreage Criteria:</b>	
	oss-reference 590 plan fields/acreage with the NRCS contracted tract(s)/fields. The financial assistance payment is limited to the total acres verified to meet the 590 practice standard and the smaller of: The total acreage reported by the planner _____ Acres or The total acreage by tract(s) contracted _____ Acres.
<b>Plan Narrative Criteria – Verify the following:</b>	
	The plan contains a detailed introductory narrative describing implementation of the nutrient management plan on the overall farm operation. The narrative shall include a summary of crops by total acres grown, typical crop rotation(s), tillage practices by crop and a summary of any nutrient sources applied other than commercial fertilizer. For livestock farms the livestock type, number, size classes, typical manure land application schedule and application method shall be addressed.
	The narrative addresses planning factors that may affect nutrient recommendations such as prior year drought, premature hay death, emergency winter application of manure or failure of an initial crop planting due to flooding, crusting etc
	The use of a single Phosphorus management strategy: (Circle one) <div style="display: flex; justify-content: space-around;"> <span>Phosphorus Index</span> <span>Soil Test Phosphorus</span> </div>

	Deficiencies in the plan and known by the planner were documented in the narrative and a strategy provided to address the deficiency during the development of the next annual plan update.
<b>Soil Test Criteria – Verify the following:</b>	
	The soil tests were conducted by a DATCP certified lab.
	A minimum of one composite soil sample per 5 acres.
<b>Nutrient Management (590) checklist</b>	
	The soil test analysis was conducted within the last 4 years. Note: For initial plans, soil test print-outs from the lab shall be included.
<b>Where Gleaning/Pasturing of Livestock Occurs – Verify the following:</b>	
	When nutrients are mechanically applied the rate, timing and form is recorded in the nutrient management plan, based on soil test recommendations and complies with the 590 practice standard.
	When nutrients are deposited by grazing animals an estimate of nutrients deposited as manure within a field are credited and do not exceed N and P requirements for the crop. The 590 plan shall include an assessment of animal units per acre, over the entire grazing season. Pastures stocked at greater than 1 AU/acre must have a nutrient management plan and a calculated PI. The location of feeding areas and the duration of feeding on each site must be documented in the plan.
<b>Plant Tissue Analysis Criteria - Verify the following:</b>	
	DATCP approved laboratory used.
	Nutrient application recommendations (rate, timing, form) were based on a UW recommendation for the plant tissue analysis results. When UW recommendations are not available cite the basis for the nutrient application recommendation.
	The actual nutrient applications were done according to the tissue analysis recommendation.
<b>Crop Management and Nutrient Application Criteria for Each Field – Verify the following:</b>	
	Documentation of current and prior year crops and projected yield goals per crop. Planned yield goals substantially above regional averages must be supported by prior year yield data.
	The presence of a record of planned nutrient application recommendations and documentation of an “actual” applied rate for all major nutrients by form and source.
	Lime applications are planned to maintain soil pH within the range for optimal nutrient uptake for the most PH sensitive crop in the rotation OR the narrative documents that client has decided that liming to achieve optimum pH is not desired
	Potassium (K) nutrient applications are planned to maintain levels in the optimum range OR the plan narrative documents that the client has decided fertilizing to achieve optimum K levels is not desired.
<b>Nitrogen (N) application rates (select all applicable responses below): – Verify the following:</b>	
	The agronomical predominant soil map unit was selected to reflect the relative productivity of the entire field.
	N starter fertilizer applied at rates greater than 20lbs./ac. for corn or 40lbs./ac. potatoes was included in the total N annual recommendation.
	N application rates did not exceed the N requirements of the crop to be grown by more than 20% when legumes, manures or other organic sources are used to meet the entire N requirements of the crop
	When commercial or a combination of commercial plus organic sources of N are applied the total N applied did not exceed the annual N requirements of non-legume or legume crops based on the guidelines outlined in UW Publication A-2809 <i>Nutrient Application Guidelines for Field, Vegetable, and Fruit Crops in Wisconsin—Chapter 6.</i>
	Supplemental in-season N applications during the growing season in excess of the UW recommendation were based on pre-side dress soil nitrate test, tissue analysis or OTHER documentation.
	The appropriate legume credits were applied to the Nitrogen recommendations.
<b>Phosphorous Management Strategy Criteria</b>	

	Identify fields that have soil test P levels in the “non-responsive” range for the highest P demanding crop in the rotation and verify that commercial P fertilizer applications were limited to 20 lbs/ac. of P205 starter fertilizer annually for corn or UW starter fertilizer recommendations for other crops.
<b>Nutrient Management (590) checklist</b>	
	Verify the following where a Phosphorous Index P management strategy has been adopted (select the appropriate response below): <input type="checkbox"/> The PI calculated by SNAP+ does not exceed 6 (or a lower value established as the plan target). <input type="checkbox"/> The field slope, slope below the field and distance to surface water used to calculate the PI have been reviewed and verified as valid (remote sensing or in field verification).
	Verify the following when the Soil test P strategy is used: <input type="checkbox"/> Less than 50 ppm soil test P - nutrient application rates does not exceed the total P corrective fertilizer r recommendation for the crop rotation and the N needs of the following crop or the N removal for the following legume crop. <input type="checkbox"/> 50-100 ppm soil test P - P application does not exceed the total crop P removal for crops to be grown over the rotation (maximum length of 8 years). <input type="checkbox"/> Greater than 100 ppm soil test P - no P applications, unless required by the highest P demanding crop in the rotation. When P applications occur, the application rate shall be 25% less than the cumulative annual crop removal over the planned rotation (maximum length of 8 years). <input type="checkbox"/> For land with potatoes in the rotation, total P applications shall not exceed crop removal over a maximum rotation length of 8 years when soil tests are in the optimum, high, or excessively high range for potatoes.
<b>Manure Management Criteria – Verify the following:</b>	
	Organic nutrient sources other than manure applied to fields were analyzed for nutrient content and properly credited in the plan.
	Liquid manure applied within a Surface Water Quality Management Area on non-frozen soils does not exceed the soil infiltration rate based on soil surface texture class and surface residue cover per field.
	Documentation of the manure type (solid/slurry/liquid), nutrient analysis results by source as applied, application methods, rates, locations, timing and method of incorporation are documented for livestock operations.
	First year available manure nutrient credits were appropriately applied to crop nutrient recommendations based on manure analysis by an approved DATCP lab. (UW approved book values may be used for development of an initial plan).
	Calibration of manure/organic nutrient source application equipment is documented in the plan.
	An estimate of the quantity of manure generated annually is included in the plan and that estimates of manure production and application volumes are relatively comparable. Significant differences or removal of manure from the farm not documented in the land application plan shall be addressed in the plan narrative
<b>Soil Erosion Control Criteria – Verify the following</b>	
	Concentrated flow channels are vegetated. A review of aerial photos, soil and topographic maps shall be conducted to determine areas where concentrated flow channels are likely to occur.
	Soil loss estimates for the “entire declared” rotation for each field are at tolerable levels or below for the <b>dominant critical</b> erosion planning soil map unit. Documentation shall include computation results utilizing SNAP + /RUSLE2 or WEPS planning tools. Review the tillage and residue management by crop to validate the soil loss calculation.
<b>Plan Map Criteria</b>	
	Field boundaries for crop field maps, nutrient application restriction maps and soil maps shall be clearly defined and consistent between maps. Field acreage and field identification number shall be clearly labeled and consistent. A map key explaining symbols, coloration or other features displayed on the maps shall be included.
	Verify that a cross reference list is provided when soil test record and/or nutrient management plan map field numbers do not match the NRCS conservation plan and/or Financial Assistance contract maps.



	Restriction maps shall clearly identify sensitive features including Surface Water Quality Management Areas, wells, highly permeable soils, high water table soils, shallow soils over bedrock, concentrated flow channels, slopes with winter spreading restrictions, non-farmed wetlands, direct conduits to groundwater (sinkholes, non-metallic mines, tile inlets).
<b>Nutrient Management (590) checklist</b>	
<b>General Nutrient Management Restrictions/Prohibitions</b>	
	Verify that the following general nutrient application restrictions/prohibitions were addressed when writing the plan and identified on a reference map to prevent inappropriate application of nutrients (select <b>ALL</b> that apply):
	<input type="checkbox"/> Fields exceeding tolerable soil loss (T) <input type="checkbox"/> Surface water, established concentrated flow channels, non-harvested permanent vegetative buffers, non-farmed wetlands, sinkholes, nonmetallic mines and wells.
	<input type="checkbox"/> Manure applications within 50 feet of a potable drinking water well <input type="checkbox"/> Areas contributing runoff within 200 feet upslope of direct conduits to groundwater such as a well, sinkhole, fractured bedrock at the surface, tile inlet, or nonmetallic mine (nutrients applied within these areas must be effectively incorporated within 72 hours). <input type="checkbox"/> Land where vegetation is not removed mechanically or by grazing (except to provide nutrients for establishment and maintenance).
<b>Frozen or Snow-covered Soils Nutrient Application Restrictions:</b>	
	Rates did not exceed the P removal of the following growing season's crop when manure was applied or 7,000 gallons per acre when liquid manure was applied.
	No commercial nutrients applied on slopes greater than 9%. Manure application is allowed on slopes up to 12% if the field is contoured or contour strip cropped. <b>Restriction Map required.</b>
	Nutrients were not applied within a Surface Water Quality Management Area or to locally identified areas as contributing nutrients to direct conduits to groundwater or surface water as a result of runoff. <b>Restriction Map required.</b>
	No commercial N or P sources applied except to pastures or winter grains. The pasture/winter grain exclusion DOES NOT apply to areas covered by additional site specific nutrient application restrictions (SWQMA/direct conduit to groundwater).
	Verify nutrient application on non-frozen soil within a Surface Water Quality Management Area includes at least one of the following supporting practices (select <b>ALL</b> that apply):
	<input type="checkbox"/> Established vegetative buffers <input type="checkbox"/> 30% or more residue or vegetative cover <input type="checkbox"/> Nutrients are incorporated within 72 hours <input type="checkbox"/> Cover crop applied
	Areas With an Identified Risk of Delivery of Nutrients to Groundwater (high permeability soils, soils with < 20 inches to bedrock, soils with <12 inches to apparent water table, fields within 1000 feet of a municipal well. <b>Restriction Map required.</b>
	Verify on irrigated fields the use of <b>ONE</b> of the following management strategies:
	<input type="checkbox"/> Split or delay N application to apply a majority of crop N requirement after crop establishment. <input type="checkbox"/> On irrigated fields use a nitrification inhibitor with ammonium forms of N was used.
	Verify no fall commercial N sources applied except for establishment of fall seeded crops. The fall seeded crop exclusion DOES NOT apply to areas covered by additional site specific nutrient application restrictions. Allowed commercial nutrient applications shall be restricted to 30 lbs./ac. of available N per acre. <b>NOTE:</b> Sources of Nitrogen that are associated with a corrective application of commercial Phosphorous fertilizer (MAP/DAP) are exempted from this requirement if; the Phosphorus application rate is done according to a current soil test and the planner verifies in the plan narrative that NON- ammonium based Phosphorus fertilizer formulations were

	unavailable). All fall nitrogen fertilizer applications <b>MUST</b> be credited toward the following years crop requirement.
--	--

<b>Nutrient Management (590) checklist</b>	
	<p>Verify when manure is applied in late summer or fall to meet the fertility needs of next year's crop and <b>soil temperatures are greater than 50 degrees F, ONE</b> of the following strategies was implemented:</p> <p><input type="checkbox"/> Nitrification inhibitor with liquid manure and a maximum N rate of 120 pounds available N per acre was applied.</p> <p><input type="checkbox"/> Applications of manure occurred after September 15 and a maximum available N rate of 90 pounds per acre was applied.</p> <p><input type="checkbox"/> Fields with perennial crops or fall-seeded crops and a maximum N application rate of 120 pounds of available N per acre or the crop N requirement, whichever is less was applied.</p>
	<p>Verify when manure is applied in the fall when <b>soil temperatures are 50 degrees F or less</b>, no more than 120 pounds per acre of available N or the crop N requirement of the following year crop, whichever is less, was applied.</p>
<p><b>Authorized Signature:</b>  I certify that the 590 Nutrient Management plan has been developed and implemented or will be implemented in accordance with the criteria of the 590 Nutrient Management standard, the technical note guidance and meets the documentation requirements in this checklist.</p>	
<p>_____</p> <p><b>Signature of Applicant or Authorized Representative</b> <span style="float: right;"><b>Date</b></span></p>	

**APPENDIX F -  
WORKSHEET 2 - Nutrient Management (590)**

Attach a Completed Nutrient Management Plan and a Nutrient Management Plan Checklist to application if applicable.

Current version of the 590 checklist signed by a qualified nutrient management planner. Current checklist link: [http://datcp.wi.gov/Farms/Nutrient\\_Management/Planning/index.aspx](http://datcp.wi.gov/Farms/Nutrient_Management/Planning/index.aspx)

Current version of the 590 standard and technical note link: <http://www.snapplus.net/standard.php>

**Authorized Signature:**

I certify that the 590 Nutrient Management plan has been developed and implemented or will be implemented in accordance with the criteria of the 590 Nutrient Management standard, the technical note guidance and meets the documentation requirements in the checklist.

\_\_\_\_\_  
**Signature of Applicant or Authorized Representative**

\_\_\_\_\_  
**Date**



**Instructions:** This worksheet must be signed by a registered professional engineer or certified agricultural engineering practitioner. This worksheet must identify every waste storage facility in the proposed livestock facility (including storage structures and transfer systems).

You are NOT required to complete this worksheet if you already hold a WPDES permit for the proposed livestock facility (for the same or greater number of animal units). Simply check the following box, sign at the bottom of this page, and include a copy of the WPDES permit with your application.

I have enclosed a copy of my WPDES permit in place of Worksheet 2

**New or Substantially Altered Facilities:** Design specifications for the following new or substantially altered waste storage facilities must comply with the **Rock County Animal Waste Storage Ordinance**. Applications for a permit under this ordinance maybe obtained from the Rock County Land Conservation Department. [Identify each facility and attach design specifications for each facility.]

**Existing Facilities Retained:** The following waste storage facilities will continue in use without being altered. Each facility meets one of the following:

- The facility (list each facility) was constructed in accordance with the Rock County Animal Waste Storage Ordinance and shows no apparent signs of structural failure or significant leakage.
- The facility (list each facility) was constructed prior to 2001 (adoption of the Rock County Animal Waste Storage Ordinance) and in accordance with NRCS technical standards that existed at the time of construction, is in good condition and repair and shows no apparent signs of structural failure or significant leakage.
- The facility (list each facility) was constructed prior to 2001 (adoption of the Rock County Animal Waste Storage Ordinance) and not in accordance with NRCS technical standards that existed at the time of construction, a plan to update the facility, in accordance with the Rock County Animal Waste Management Ordinance is attached to the application.

**Facilities To Be Abandoned:** The existing waste storage facility(s) will be closed according to a closure plan that complies with the **Rock County Animal Waste Storage Ordinance**. [Attach closure plan for each facility.]

**Total Storage Capacity:** The waste storage facilities in the proposed livestock facility have a combined useable storage capacity of \_\_\_\_\_ gallons or tons (cannot include required “freeboard” in useable capacity).

Signatures:

\_\_\_\_\_  
Print Name of Engineer (include WI License No.) or Certified Agricultural Engineering Practitioner

\_\_\_\_\_  
Signature of Engineer or Practitioner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Firm and Address

## APPENDIX G

## WORKSHEET 3 – ANIMAL WASTE STORAGE FACILITIES

### APPENDIX H

#### WORKSHEET 4 – RUNOFF MANAGEMENT

**Instructions:** This worksheet must be signed by a registered professional engineer or certified agricultural engineering practitioner (you must also sign). Signers attest to statements in this worksheet. You are responsible for compliance.

You are NOT required to complete this worksheet if you already hold a WPDES permit for the proposed livestock facility (for the same or greater number of animal units). Simply check the following box, sign at the bottom of this page, and include a copy of the WPDES permit with your application.

Enclosed is a copy of my WPDES permit in place of Worksheet 5.

#### ANIMAL LOTS

**1. New or Substantially Altered Animal Lots:** All new or substantially altered animal lots will be constructed according to the attached design specifications that comply with NRCS Technical Guide Standard 635 (January, 2002). [Identify animal lots and attach design specifications for each animal lot.]

**2. Existing Animal Lots Near Surface Waters:** The following animal lots are located within 300 feet of a stream or 1,000 feet of a lake. According to the BARNY runoff model, each of these animal lots has (or with minor alterations will have) predicted average annual phosphorus runoff of less than 5 lbs. per year (measured at the end of the treatment area). Runoff does not discharge to any direct conduit to groundwater. [Identify animal lots and minor alterations if any.]

**3. Other Existing Animal Lots:** The following animal lots are NOT located within 300 feet of a stream<sup>2</sup> or 1,000 feet of a lake. According to the BARNY runoff model, each animal lot has (or with minor alterations<sup>3</sup> will have), a treatment area that reduces phosphorus runoff to an average of less than 15 lbs. per year (measured at the end of the treatment area). Runoff does not discharge to any direct conduit to groundwater. [Identify animal lots and minor alterations if any.]

#### FEED STORAGE

**1. General.** The operator agrees to manage feed storage to prevent significant discharge of leachate or polluted runoff to waters of the state.

**2. Existing Feed Storage (High Moisture Feed).** Existing paved areas and bunkers that may be used to store or handle high moisture feed (70% or higher moisture content) will meet the following standards:

- a) Surface water runoff will be diverted from entering the paved area or bunker. <sup>4</sup>
- b) Surface discharge of leachate will be collected before it leaves any paved area or bunker, if the paved area covers more than one acre. Collected leachate will be stored and disposed of in a manner that prevents discharge to waters of the state.

**3. New or Substantially Altered Feed Storage Structures (High Moisture Feed):** New or substantially altered feed storage structures (buildings, silos, bunkers or paved areas) used to store or handle high moisture feed (70% or higher moisture content) will be designed, constructed and maintained to the following standards [attach design specifications]:

- a) Surface water runoff will be diverted from entering the feed storage structure. <sup>1</sup>
- b) Surface discharge of leachate will be collected before it leaves the feed storage structure. <sup>2</sup>
- c) The top of the feed storage structure floor will be at least 3 vertical feet from groundwater and bedrock. <sup>3</sup>
- d) Any feed storage structure with an area greater than 10,000 sq. ft. will have a subsurface drainage system

to collect leachate that may leak through the structure floor. The subsurface drainage system must consist of drainfill material below the surface material, a tile drainage network designed to collect the leachate and deliver it to storage, and a subliner. The tile drainage network must, at a minimum, be installed at the perimeter of the structure only on the down gradient side(s). The sub-liner must, at a minimum, consist of one of the following:

**Worksheet 4 - Continued**

- \_ Two feet of soil, either in place or installed, having a minimum of 50% fine soil particles (that pass a #200 soil sieve).
  - \_ Two feet of soil, either in place or installed, having a minimum of 30% fine soil particles (that pass a #200 soil sieve) and a minimum PI (plasticity index) of 7.
  - \_ A 40 mil liner of HDPE, EPDM or PVC.
  - \_ A geosynthetic clay liner.
- e) Collected leachate will be stored and disposed of in a manner that prevents discharge to waters of the state. 2

**PROHIBITION STANDARDS**

The livestock facility will be designed, constructed and maintained to do all of the following:

1. Divert runoff from contact with animal lots, waste storage facilities, paved feed storage areas or manure piles within 300 ft. of a stream or 1,000 ft. of a lake.
2. No unconfined manure pile (>175 cu. ft) within 300 ft. of a stream or 1,000 ft. of a lake.
3. Prevent any overflow of waste storage facilities.
4. Restrict livestock access to waters of the state, as necessary to maintain adequate vegetative cover on banks adjoining the water (this does not apply to properly designed, installed and maintained livestock or farm equipment crossings).

Professional Engineer's Embossed Seal	<div style="display: flex; justify-content: space-between; border-bottom: 1px solid black; margin-bottom: 10px;"> <span>Signature of Applicant or Authorized Representative</span> <span>Date</span> </div> <div style="border-bottom: 1px solid black; margin-bottom: 10px; padding-bottom: 5px;">             Print Name of Engineer (include WI License No.) or Certified Practitioner         </div> <div style="display: flex; justify-content: space-between; border-bottom: 1px solid black; margin-bottom: 10px;"> <span>Signature of Engineer or Practitioner</span> <span>Date</span> </div> <div style="border-bottom: 1px solid black; margin-bottom: 10px; padding-bottom: 5px;">             Name of Firm and Address         </div>
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- 1 Runoff may be diverted by means of earthen diversions, curbs, walls, gutters, waterways or other practices, as appropriate.
- 2 Use safe methods to dispose of collected leachate. For example, leachate may be transferred to waste storage and then applied to land at agronomic rates.
- 3 A tile system or curtain drain may be used to intercept lateral groundwater seepage, as necessary, to achieve the required distance to groundwater.



**APPENDIX I**

**LIVESTOCK FACILITIES FEE SCHEDULE**

<b>Animal Units</b>	<b>Permit Fee</b>	<b>Public Hearing Fee</b>
>10 - 49	\$	
50 -149	\$	
150 - 499	\$	
500 - 999	\$1,000.00 (max)	NA
>1000	\$1,000.00 (max)	NA

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## **CHAPTER 18 - TOWN OF UNION COMPREHENSIVE PLAN ORDINANCE**

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### **Town of Union Comprehensive Plan Ordinance State of Wisconsin, Town of Union, Rock County**

#### **Section 18.01 TITLE/PURPOSE**

The title of this ordinance is the Town of Union Comprehensive Plan Ordinance. The purpose of this ordinance is for the Town of Union to lawfully adopt a comprehensive plan as required under s. 66.1001 (4) (c), Wis. stats.

#### **Section 18.02 AUTHORITY**

The town board of the Town of Union has authority under its village powers under s. 60.22, Wis. stats., its power to appoint a town plan commission under ss. 60.62 (4) and 62.23 (1), Wis. stats., and under s. 66.1001 (4), Wis. stats., to adopt this ordinance. The comprehensive plan of the Town of Union must be in compliance with s. 66.1001 (4) (c), Wis. stats., in order for the town board to adopt this ordinance.

#### **Section 18.03 ADOPTION OF ORDINANCE**

The town board of the Town of Union, by this ordinance, adopted on proper notice with a quorum and roll call vote by a majority of the town board present and voting, provides the authority for the Town of Union to adopt its comprehensive plan under s. 66.1001 (4), Wis. stats., and provides the authority for the town board to order its publication.

#### **Section 18.04 PUBLIC PARTICIPATION**

The town board of the Town of Union has adopted written procedures designed to foster public participation in every stage of the preparation of a comprehensive plan as required by s. 66.1001 (4) (a), Wis. stats.

#### **Section 18.05 TOWN PLAN COMMISSION RECOMMENDATION**

The Plan Commission of the Town of Union, by a majority vote of the entire commission, recorded in its official minutes, has adopted a resolution recommending to the town board the adoption of the Town of Union Comprehensive Plan, which contains all of the elements specified in s. 66.1001 (2), Wis. stats.

#### **Section 18.06 PUBLIC HEARING**

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

#### **Section 18.07 ADOPTION OF TOWN COMPREHENSIVE PLAN**

The town board of the Town of Union, by the enactment of this ordinance, formally adopts the document entitled Town of Union Comprehensive Plan Ordinance under pursuant to s. 66.1001 (4) (c), Wis. stats. It does so with the following understanding and reinforcement of the Town Plan Commission's resolution language in recommending the Town Comprehensive Plan.

**Whereby**, the Plan Commission of the Town of Union has noted that the Township of

Union has historically been an agricultural community; and

**Whereby**, the Comprehensive Plan and Future Land Use Map offers a road map that seeks to retain the township's rural character and to limit growth as much as possible; and

**Whereby**, a town resident survey showed most residents favor limited growth; and

**Whereby**, the following items demonstrate practical and compelling reasons for the Town of Union Board to control growth in the Town of Union

1. Union township is a small community with limited government resources, there are no full-time employees of the township. Planning is done by part-time supervisors and volunteers. The township is so small in population that it doesn't even have a town hall. Without reasonable limits to growth, the capacity of our volunteers and supervisors to plan could become overwhelmed.
2. Growth will necessitate road improvements. The Town has no road crew or equipment; road maintenance is contacted out to Rock County, and major road work is bid to private companies. Limiting and directing growth will allow building and improving roads in an orderly manner without undue disruption to traffic or out-of-proportion increases in taxes for roadwork.
3. Fire protection and ambulance service (EMS) are handled by volunteers. Police service is handled by the Rock County Sheriff's Department with some limited service from Evansville Police Department. Growth should be limited and directed so that these emergency services remain adequate for the population.
4. The majority of children from the Town of Union attend schools in the Evansville School District. Growth needs to be planned so that the schools are adequate for the educational needs and controlled so that there are no catastrophic tax increases to pay for them.
5. Park maintenance is done by volunteers and some contract employees. Growth needs to be orderly so that the park system can be adequately maintained.
6. Water and sewage. Currently 99% of homes are served by private wells and septic systems. Growth needs to be directed since the possibility exists for a regional sewage system in the northwest part of the township in the foreseeable future.
7. Sustainable growth. The plan calls for approximately 3% growth per year. Construction does have an economic impact on the Township. With controlled growth, this economic impact can be sustained instead of occurring in a boom/bust manner.

**Therefore**, the Town of Union, hereby adopts the Town of Union Comprehensive Plan dated October 5<sup>th</sup> along with its maps (as listed below) as its guide for efficient, purposeful, affordable, and orderly growth.

Map #1 Current Land Use  
Map #2 Transportation

October 5, 2006  
October 5, 2006

Map #3	Rock County Bicycle and Pedestrian Routes and Trails Plan	October 5, 2006
Map #4	Rock County ice Age Trail Corridor Plan	October 5, 2006
Map #6	Transportation Plan Map City of Evansville	October 5, 2006
Map #7	Snowmobile Trail Plan	October 5, 2006
Map #8	Rural Functional Systems Rock CO.	October 5, 2006
Map #9	Utilities	October 5, 2006
Map #10	Community Facilities	October 5, 2006
Map #11	School and Fire Districts	October 5, 2006
Map #12	Soil capability	October 5, 2006
Map #13	Relative Corn Yields by Soil Type	October 5, 2006
Map #14	Geologic Features	October 5, 2006
Map #15	Drainage Basins	October 5, 2006
Map #16	Environmentally Significant Areas	October 5, 2006
Map #17	Historic Sites	October 5, 2006
Map #18	Scenic Drives and Views Plan	October 5, 2006
Map #19	Future Land Use Map	October 5, 2006
Map #20	Extraterritorial Jurisdictions	October 5, 2006
Map #21	Physical Features	October 5, 2006

**Section 18.08 SEVERABILITY**

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

**Section 18.09 EFFECTIVE DATE**

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

Adopted this 5th day of October, 2006.

[Signature of Town Chairman]

*Kendall Schneider*      10/5/06

---

Kendall Schneider      Date  
Town Board Chairman

Posted this 6 day of October, 2005.

Attest: [Signature of town clerk]

*Linda O'Leary*      10/6/06

---

Linda O'Leary      Date  
Town Board Clerk

# AFFDAVIT OF POSTING

## Town of Union Rock County, Wisconsin

I, Linda O'Leary, the Town Clerk of the Town of Union, Rock County, Wisconsin, attest and swear that the following action was posted pursuant to s. 60.80, stats:

**Chapter 16 Land Division Ordinance**

**Chapter 17 Zoning Ordinance**

**Chapter 18 Town of Union Comprehensive Plan**

**Chapter 19 Town of Union Adoption of Rock County Storm Water Management Ordinance (Chapter 28)**

I Attest and swear that the above noted action was posted as required in the following 3 places in the Town of Union, Rock County, Wisconsin on October 6, 2006:

Worthington Ag Parts, 14904 Bullard Rd. Evansville, WI 53536

Evansville Review, 8409 Hwy 14, Evansville, WI 53536

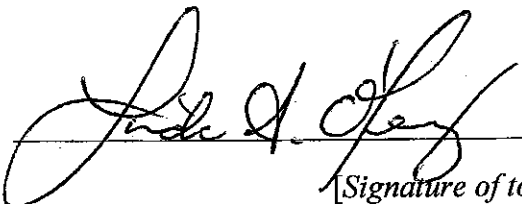
Landmark Services, 6631 N. Cty Rd M, Evansville, WI 53536

I further Attest and swear that the posting of this action occurred at the following times and dates:

3:05 a.m. / (p.m.) 10/6/06 Worthington Ag Parts,  
3:11 a.m. / (p.m.) 10/6/06 Evansville Review  
2:48 a.m. / (p.m.) 10/6/06 Landmark Services

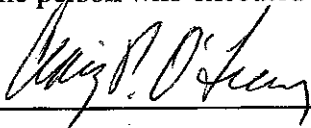
Finally, I attest and swear that I filed this affidavit in the records of the town clerk for the Town of Union on October, 6, 2006

Dated this 6 day of October 2006

  
[Signature of town clerk]

### NOTARY PUBLIC

Personally came before me this 6 day of October, 2006, the Town Clerk of the Town of Union, Rock County. To me known to be the person who executed and acknowledged the foregoing instrument.

  
[Signature of notary public]

SEAL

Notary Public, State of Wisconsin

My commission expires on 1-11-9

---

## **CHAPTER 19 - TOWN OF UNION ADOPTION OF ROCK COUNTY STORM WATER MANAGEMENT ORDINANCE (CHAPTER 28)**

---

### **State of Wisconsin, Town of Union, Rock County**

#### **Section 19.01 TITLE**

The title of this ordinance is the Town of Union Adoption of Rock County Storm Water Management Ordinance (Chapter 28).

#### **Section 19.02 AUTHORITY**

This ordinance is adopted under authority granted by secs. 60.627, Wisconsin State Statutes.

#### **Section 19.03 FINDINGS OF FACT**

The Town of Union finds that uncontrolled, post-construction runoff from land development activity has a significant impact upon water resources and the health, safety, and general welfare of the community, and diminishes the public enjoyment and use of natural resources.

Specifically, uncontrolled post-construction runoff can:

- (A) Degrade physical stream habitat by increasing stream bank erosion and stream bed scour, diminishing groundwater recharge and stream base flows and increasing stream temperature;
- (B) Diminish the capacity of lakes and streams to support fish, aquatic life, recreational, and water supply uses by increasing pollutant loading of sediment, suspended solids, nutrients, heavy metals, bacteria, pathogens and other urban pollutants;
- (C) Alter wetland communities by changing wetland hydrology and increasing pollutant loads;
- (D) Reduce the quality of groundwater by increasing pollutant loading;
- (E) Threaten public health, safety, property, and general welfare by increasing major flood peaks and volumes and overtaxing storm sewers, drainage ways, and other minor drainage facilities;
- (F) Undermine floodplain management efforts by increasing the incidence levels of flooding.

The Town of Union Board finds that properly planned, implemented, and maintained storm water control best management practices (BMPs) can significantly reduce these impacts.

#### **Section 19.04 PURPOSE AND INTENT**

(1) **PURPOSE.** The general purpose of this ordinance is to promote the health, safety, and general welfare of the people, preserve the natural resources, and protect the quality of the waters in the Town of Union, to the extent practicable. Specific purposes are to:

- (A) Prevent and control the adverse effects of storm water; prevent and control soil erosion; prevent and control water pollution; protect spawning grounds, fish and aquatic life; preserve ground cover and scenic beauty; promote sound economic growth; control the exceeding of the safe capacity of existing drainage facilities and receiving water bodies; prevent undue channel erosion; control increases in scouring and transportation of particulate matter; and prevent conditions that endanger

- downstream property.
- (B) Foster consistent, statewide application of post-construction performance standards developed by the DNR under sec. 281.16 (2), Wisconsin State Statutes.
  - (C) Promote cooperation between Rock County and the Town of Union to manage storm water in an effective, cost-efficient, and equitable manner.
- (2) INTENT. The intent of this ordinance is to establish long-term, post-construction runoff management requirements that require the use of BMPs to reduce the amount of post-construction storm water and associated pollutants reaching waters of the state or adjacent property. It is intended that permit holders be able to choose the most cost-effective BMPs meeting the performance standards required under this ordinance. This ordinance is not intended to limit activity or division of land permitted under the applicable zoning and land division ordinances.

**Section 19.05 ADOPTION OF ORDINANCE**

The town board of the Town of Union, by this ordinance, adopted on proper notice with a quorum and roll call vote by a majority of the town board present and voting, provides the authority for the Town of Union to adopt the Rock County Stormwater Management Ordinance (Chapter 28) dated January 8, 2004 as its authority and governance over Town of Union stormwater management issues.

**Section 19.06 SEVERABILITY**

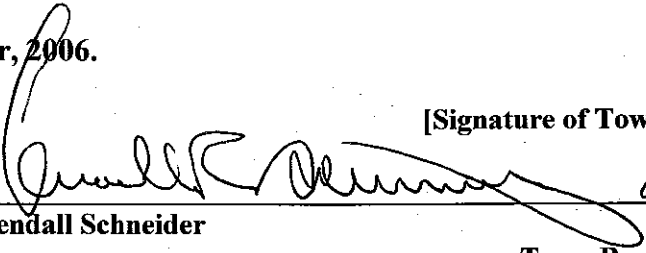
If any provision of this ordinance or of its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision of application, and to this end, the provisions of this ordinance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

**Section 19.07 EFFECTIVE DATE**

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

Adopted this 5th day of October, 2006.

[Signature of Town Chairman]

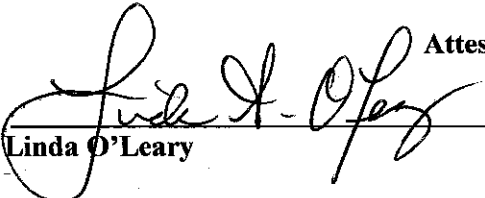


Kendall Schneider

10/5/06  
Date  
Town Board Chairman

Posted this 6 day of OCTOBER 20 06

Attest: [Signature of town clerk]



Linda O'Leary

10/6/06  
Date  
Town Board Clerk

# AFFADAVIT OF POSTING

## Town of Union Rock County, Wisconsin

I, Linda O'Leary, the Town Clerk of the Town of Union, Rock County, Wisconsin, attest and swear that the following action was posted pursuant to s. 60.80, stats:

**Chapter 16 Land Division Ordinance**

**Chapter 17 Zoning Ordinance**

**Chapter 18 Town of Union Comprehensive Plan**

**Chapter 19 Town of Union Adoption of Rock County Storm Water Management Ordinance (Chapter 28)**

I Attest and swear that the above noted action was posted as required in the following 3 places in the Town of Union, Rock County, Wisconsin on October 6, 2006:

Worthington Ag Parts, 14904 Bullard Rd. Evansville, WI 53536

Evansville Review, 8409 Hwy 14, Evansville, WI 53536

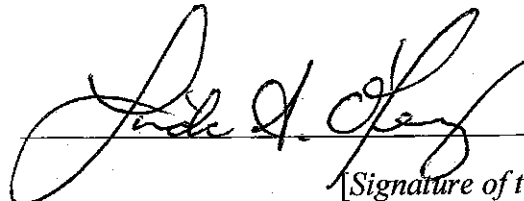
Landmark Services, 6631 N. Cty Rd M, Evansville, WI 53536

I further Attest and swear that the posting of this action occurred at the following times and dates:

3:05 a.m. (p.m.) 10/6/06 Worthington Ag Parts,  
3:11 a.m. (p.m.) 10/6/06 Evansville Review  
2:48 a.m. (p.m.) 10/6/06 Landmark Services

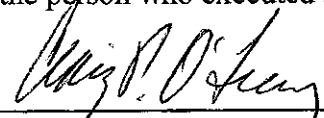
Finally, I attest and swear that I filed this affidavit in the records of the town clerk for the Town of Union on October 6, 2006

Dated this 6 day of October 2006

  
[Signature of town clerk]

### NOTARY PUBLIC

Personally came before me this 6 day of October, 2006, the Town Clerk of the Town of Union, Rock County. To me known to be the person who executed and acknowledged the foregoing instrument.

  
[Signature of notary public]

SEAL

Notary Public, State of Wisconsin

My commission expires on 1-11-9



**INTERGOVERNMENTAL AGREEMENT BETWEEN  
CITY OF EVANSVILLE AND THE TOWN OF UNION**

**THIS AGREEMENT**, made and entered into this 11<sup>th</sup> day of June, 2020 by and between the City of Evansville ("The City") and the Town of Union ("the Town"), both Wisconsin municipal corporations located in Rock County, Wisconsin.

**Witnesseth**

**Whereas**, the City of Evansville and the Town of Union are duly incorporated municipalities pursuant to Wisconsin State Statutes; and

**Whereas**, section 66.0301 of the Wisconsin Statutes allows municipalities to enter into intergovernmental agreements; and

**Whereas**, the City provides sewer, water, and electrical services through its public utility; and

**Whereas**, the services referenced above are provided to certain properties located within the Town boundaries; and

**Whereas**, there are occasions where property owners located within the Town boundaries are delinquent in paying for the services referenced above; and

**Whereas**, the City's ability to collect from delinquent property owners located within the Town boundaries is limited; and

**Whereas**, levying special charges pursuant to section 66.0809 of the Wisconsin Statutes is an effective means for a municipality to collect delinquent accounts; and

**Whereas**, the City does not have the power or authority to level special charges outside of its corporate boundaries; and

**Whereas**, the Town of Union recognizes the importance and benefit to its residents of the sewer, water, and/or electrical services provided by the City;

**Now, therefore**, in consideration of the mutual promises and agreements set forth herein, the receipt and sufficiency of which are mutually acknowledged, the City and the Town agree as follows:

1. The recitals set forth above are incorporated herein by reference as if set forth fully herein.
2. The parties have entered into this Agreement under the authority of Wisconsin State Statute 66.0301.
3. In the event that property owners in the Town who receive sewer, water and/or electrical services from the City fail or refuse to pay for those services in a timely fashion, the Town agrees to assist in the City's collection process by levying a special charge against any such properties upon request of the City.

4. The City will provide the Town with a list of delinquent accounts for which special charges should be levied. That information shall include, but not be limited to, the property computer number, the property address, the Rock County special code, and the amount to be levied as a special charge against the properties.
5. The City will provide whatever additional information is requested by the Town in order to effectuate this Agreement.
6. When the City requests that special charges be levied and provides the information required, the Town of Union will place a special charge against the applicable property in the amount requested by the City.
7. If the Town receives and collects monies as a result of the special charges levied pursuant to this Agreement, the Town will remit said payments to the City within five business days of the regularly scheduled settlement dates of January 15, February 20, and August 20.
8. Any interest collected by the Town under this Agreement shall be retained by the Town.
9. The Town shall provide the City access to its records in order to monitor and confirm the implementation of this Agreement.
10. The City agrees to indemnify, defend and hold harmless the Town, its officers, agents and employees, from any and all claims, actions, liability, or costs including attorney's fees and other costs of defense, arising out of or in any way related to the sole negligence of the City, its agents, employees and officers. The Town agrees to indemnify, defend, and hold harmless the City, its officers, agents and employees, from any and all claims, actions, liability, or costs, including attorney's fees and other costs of defense, arising out of or in any way related to the sole negligence of the Town, its agents, employees and officers.
11. The term of this Agreement shall commence on the date first set forth above and shall continue until terminated by either party. Either party may terminate this Agreement by giving not less than 90 days written advance notice to the other party, and specifying the date of termination. This Agreement shall thereafter terminate on the specified date of termination. Either party may terminate this Agreement for any reason.
12. Miscellaneous.
  - a. The enforceability of this Agreement shall not be affected by changes in elected officials in either the City or the Town.
  - b. In the event of any conflict between the terms of this Agreement and any ordinance, regulation, resolution or order issued by the City or the Town, the provisions of this Agreement shall be given precedence.
  - c. If any term, covenant, condition or provision of this Agreement shall be construed to be illegal, invalid or unenforceable, such term, covenant, condition or provision shall be deemed stricken and deleted herefrom to the same extent and effect as if

never incorporated herein, but all other terms, covenants, conditions or provisions of this Agreement shall continue in full force and effect.

- d. The language of this Agreement shall, in all cases, be construed according to its ordinary meaning, and not strictly construed for or against the City or the Town.
- e. The parties agree that they shall not litigate the provisions of this Agreement, except upon breach by the other party.
- f. This Agreement shall be construed according to the laws of the State of Wisconsin.
- g. The failure of the City or the Town to require strict performance of any provision of this Agreement shall not constitute a waiver of the provision or of any of the parties' rights under this Agreement. Rights and obligations under this Agreement may only be waived or modified in writing. Waiver of one right, or release of one obligation, shall not constitute a waiver or release of any other rights or obligations.
- h. Any notice required by this Agreement shall be given as follows:

City of Evansville  
Attention: Mayor Bill Hurtley  
or his successor  
31 S. Madison Street  
P.O. Box 529  
Evansville, WI 53536

Town of Union  
Attention: Kendall Schneider  
or his successor  
15531 W. Green Bay Road  
Evansville, WI 53536

- i. This Agreement represents the entire Agreement between the parties, and supersedes all prior negotiations, representations or agreements with regard to the issues addressed in this Agreement.
- j. This Agreement is intended to be solely between the City and the Town. Nothing in this Agreement accords any third party, any legal or equitable rights whatsoever which may be enforced by any non-party to this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused the execution of this Agreement on the day and year first above stated by authority of their respective governing bodies effective of this date first above written.

CITY OF EVANSVILLE

By: Bill Hartley  
Bill Hartley, Mayor

Attest: Judy Walton  
Judy Walton, Clerk

TOWN OF UNION

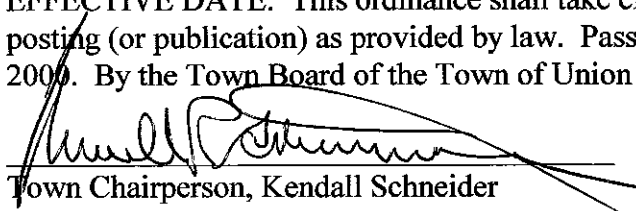
By: Kendall Schneider  
Kendall Schneider Town Chair

Attest: Regina ~~Hickner~~  
Regina ~~Hickner~~, Clerk  
R1DEL

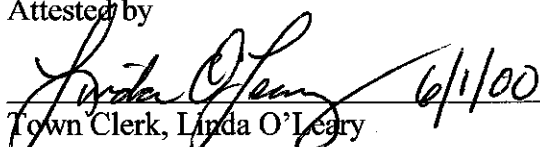
# TOWN OF UNION ORDINANCE 2000-1

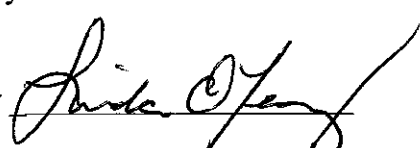
The Town Board of the Town of Union, Rock County does ordain as follows:

1. **ADOPTION.** This ordinance adopts by reference Wisconsin Statute Sec. 70.47 (7)(af). Income and expense information provided by property owner to an assessor for the purposes of establishing the valuation for assessment purposes by the income method of valuation shall be confidential and not a public record open to inspection or copying under Sec. 19.35 (1) of Wis. Statutes.
2. **EXCEPTIONS.** An officer may make disclosure of such information under the following circumstances:
  1. The assessor has access to such information in the performance of his/her duties;
  2. The Board of Review may review such information when needed, in its opinion, to decide upon a contested assessment;
  3. Another person or body has the right to review such information due to the intimate relationship to the duties of an office or as set by law;
  4. The officer is complying with a court order;
  5. The person providing the income and expense information has contested the assessment level at either the Board of Review or by filing a claim for excessive assessment under Sec. 74.37, in which case the base records are open and public.
3. **SEVERABILITY.** The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.
4. **EFFECTIVE DATE.** This ordinance shall take effect immediately upon passage and posting (or publication) as provided by law. Passed on the 1<sup>st</sup> day of June, 2000. By the Town Board of the Town of Union

  
Town Chairperson, Kendall Schneider

Attested by

  
Town Clerk, Linda O'Leary

Posted on 6/27/00 at: Worthington Tractor Parts  
Eager Free Public Library  
Union Co-op  
Evansville Review  
By Clerk Linda O'Leary 

**TOWN OF UNION  
ORDINANCE 2000-2**

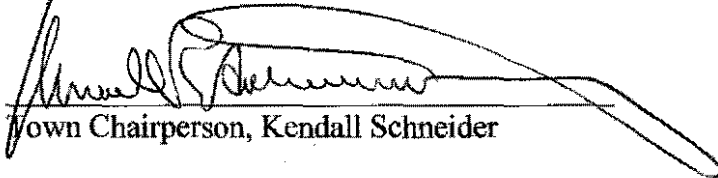
Whereas, 1997 Wis. Act 237 has amended the procedures for Board of Review procedures commencing in the Year 2000;

Whereas, one of the changes to Sec. 70.47 of Wis. Statutes authorizes the removal of board of review members for individual cases under specific circumstances;

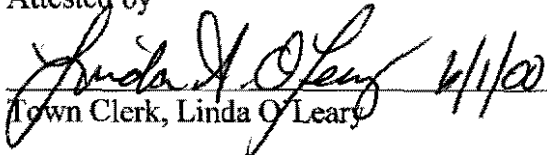
Whereas, Sec. 70.47 (6m) (c) authorizes the appointment of alternate members to serve on the board of review when standing members are removed from individual cases;

Now, therefore, the Town of Union, Rock County does ordain as follows:

1. **ADOPTION.** Pursuant to Section 70.47 (6m)(c) and Sec. 70.46 (1) of Wis. Statutes the town board hereby provides for the appointment of alternates to serve on the town board of review in the event a standing board member of the board of review is removed or unable to serve for any reason.
2. **APPOINTMENTS.** The following electors of the Town of Union are hereby names as alternates in the order indicated to serve as alternate board of review members:  
Alternate 1: Donald Krajeck  
Alternate 2: Paul Hagen
3. **EFFECTIVE DATE.** The appointments made in this ordinance are for the Year 2000 Board of Review proceedings and effective upon posting (or publication) as provided by law. Passed on the 15<sup>th</sup> day of June, 2000 by the town board of the Town of Union.

  
Town Chairperson, Kendall Schneider

Attested by

  
Town Clerk, Linda O'Leary

Posted on 6/27/00 at: Worthington Tractor Parts  
Eager Free Public Library  
Union Co-op  
Evansville Review  
By Clerk Linda O'Leary



**TOWN OF UNION**  
**ORDINANCE NO. 949**

The Town Board of the Town of Union, Rock County, Wisconsin, does hereby ordain a building code for one- and two-family dwellings as follows:

**CONTENTS**

- 1.1 Authority
  - 1.2 Purpose
  - 1.3 Scope
  - 1.4 Adoption of Wisconsin Uniform Dwelling Code
  - 1.5 Building Inspector
  - 1.6 Building Permit Required
  - 1.7 Building Permit Fees
  - 1.8 Penalties
  - 1.9 Severability
  - 1.10 Effective Date
- 
- 1.1 **AUTHORITY.** These regulations are adopted under the authority granted by Section 101.65 of the Wisconsin Statutes.
  - 1.2 **PURPOSE.** The purpose of this ordinance is to promote the general health, safety and welfare.
  - 1.3 **SCOPE.** The scope of this ordinance includes the construction and inspection of one- and two-family dwellings built since June 1, 1980, the construction and inspection of one- and two-family dwellings built before June 1, 1980 and additions to all existing one- and two-family dwellings.
  - 1.4 **WISCONSIN UNIFORM DWELLING CODE ADOPTED.** The Wisconsin Uniform Dwelling Code, Chapters ILHR 20-25, inclusive, of the Wisconsin Administrative Code, and all amendments thereto, is adopted and incorporated by reference and shall apply to all buildings within the scope of this ordinance.
  - 1.5 **BUILDING INSPECTOR.** There is hereby created the position of Building Inspector, who shall administer and enforce this ordinance and shall be certified by DILHR, as specified by Section 101.66(2) of the Wisconsin Statutes, in the category of Uniform Dwelling Code Construction Inspector.
  - 1.6 **BUILDING PERMIT REQUIRED.** No person shall make any structural alterations, alter in excess of \$1,000.00 value in any twelve month period, build, or add onto any building within the scope of this ordinance without first obtaining a building permit for such work from the building inspector. Any structural changes or major changes to

mechanical systems that involve extensions shall require permits. Restoration or repair of an installation to its previous code compliant condition as determined by the building inspector is exempted from permit requirements. Residing, finishing of interior surfaces and installation of cabinetry shall be included in the foregoing permit requirements. Reroofing shall be exempt from permit requirements.

- 1.7 BUILDING PERMIT FEE. The building permit fee shall be determined by resolution of the Town Board of the Town of Union. In the event any person shall commence any work which requires a permit hereunder prior to such person obtaining the required permit, the building permit fee established by resolution of the Town Board shall be doubled.
- 1.8 PENALTIES. The enforcement of this ordinance and all other laws and ordinances relating to building shall be by means of the withholding or revocation of building permits, imposition of forfeitures and/or injunctive action. Any person violating any of the provisions of this ordinance or of the code hereby adopted, shall upon conviction be subject to a forfeiture of not less than \$25.00 nor more than \$1,000.00, together with the costs of prosecution and, in default of payment thereof, shall be imprisoned for a period of not less than one day or more than six 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. If in any action, a permit was issued, it shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the building inspector constitute a defense.
- 1.9 SEVERABILITY. If any section, clause, provision or portion of this ordinance or Wisconsin Administrative Code Chapters ILHR 20-25, inclusive, is judged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected thereby.
- 1.10 EFFECTIVE DATE. This ordinance shall take effect and shall be in full force from and after its passage and publication as provided by law.

Adopted this 6th day of October, 1994.

Attest: Karen George  
Karen George, Town Clerk

Wayne E. Disch 10-06-94  
Wayne Disch, Town Chairperson

Published: 10/7/94

\\peggy\docs\union.ord

ORDINANCE AMENDMENT

Page 14, 3C, Conditional Use in the A-1 District and page 18, 3C Conditional Use in the A-2 District to read as follows:

FARM DWELLINGS AND RELATED FARM RESIDENCES OR STRUCTURES WHICH EXISTED PRIOR TO ADOPTION OF THIS ORDINANCE MAY BE SEPARATED FROM A LARGER FARM PARCEL, PROVIDED THAT THE PARCEL CREATED CONFORMS WITH ALL REGULATIONS SET FORTH IN THE RURAL RESIDENTIAL DISTRICT IF LESS THAN THREE (3) ACRES, OR THE REGULATIONS SET FORTH IN THE A-3 DISTRICT IF OVER THREE (3) ACRES, PROVIDED THE PARCEL DOES NOT EXCEED FIVE (5) ACRES. THE REMAINING LAND TO CONFORM TO THE REQUIREMENTS OF THE DISTRICT AND CANNOT BE FURTHER DEVELOPED UNLESS IT COMPLIES WITH THE UNION TOWNSHIP DEVELOPMENT PLAN.

ADOPTED THIS 4<sup>th</sup> DAY OF May 1995  
AT A MEETING OF THE TOWN OF UNION BOARD

Karen L. George  
Karen L. George, Clerk

5/5/95  
\*Posted Date

- \* Union Co-op
- \* Evansville Review
- \* Evansville Tractor Parts



**TOWN OF UNION**  
**Ordinance Amendment**  
**01-2001**

The Town Board of the Town of Union, Rock County does ordain as follows:

**Amendments to the Town of Union Zoning Ordinance**

**6.4 Building Permit Fee**

The applicant, upon filing the Building Permit with the Building Inspector, shall pay a fee to the Treasurer in accordance with the following schedule:

- |     |   |  |
|-----|---|--|
| (1) | Farm Buildings excluding residential farm house ..... | -\$40 minimum or<br>\$2 per \$1,000, whichever is greater. |
| (2) | All other Buildings .....                             | \$40 minimum or<br>\$5 per \$1,000 whichever is greater.   |
| (3) | New Residential Homes .....                           | \$640.00   |
| (4) | Right-of-way permit fee for Residential Lots .....    | \$350.00   |

**Ordinance Amendment**  
**02-2001**

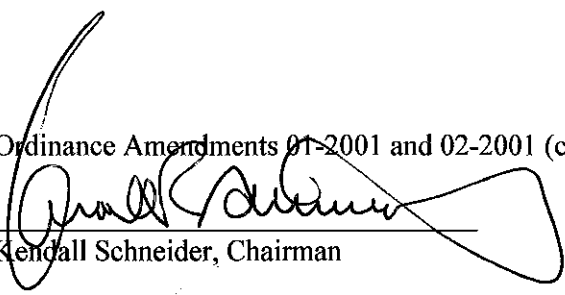
**Amendments to the Town of Union Building Inspection Ordinance 95-5**

- 1.3 SCOPE.** This ordinance applies to the construction of all one- and two-family dwellings and other detached residential outbuildings on which construction commences after the date of adoption, and to all additions and alterations to existing buildings if such additions and alterations are commenced after the date of adoption. Agricultural buildings and structures are also included under the scope of this Ordinance, but are not required to comply with the State of Wisconsin uniform Dwelling Code, COMM.20-25.
- 1.4 WISCONSIN UNIFORM DWELLING CODE ADOPTED.** The Wisconsin Uniform Dwelling Code, Chapters COMM (Department of Commerce) 20-25, inclusive, of the Wisconsin Administrative Code, and all amendments thereto, is adopted and incorporated by reference and shall apply to all buildings within the scope of this ordinance.
- 1.6 BUILDING PERMIT REQUIRED.** No person shall make any structural alterations, build, or add on to any building within the scope of this ordinance without first obtaining a building permit for such work from the building inspector. Any structural changes or major changes to mechanical systems that involve extensions shall require permits. Restoration or repair of an installation to its previous code compliant condition as determined by the building inspector is exempted from permit requirements. Residing, refinishing, reroofing and construction of a detached storage building less than 100 square feet shall be exempt from permit requirements.

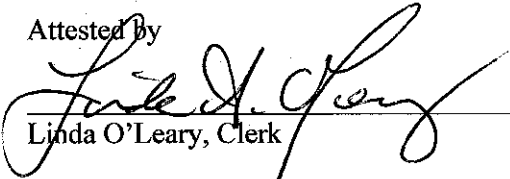
**Effective Date**

These ordinance amendments shall be effective one day after its posting (or publication) as provided by law. Passed on the 17<sup>th</sup> day of April, 2001. Posted on April 26, 2001 and published on May 9, 2001 by the Town Board of the Town of Union.

Ordinance Amendments 01-2001 and 02-2001 (continued)

  
Kendall Schneider, Chairman

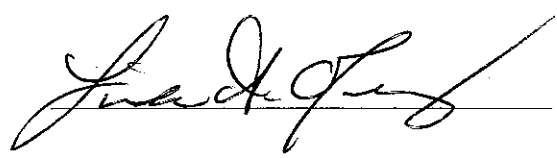
Attested by

  
Linda O'Leary, Clerk

Approved by Town Board: April 17, 2001

Posted: April 26, 2001 by Clerk O'Leary

Evansville Tractor Parts

  
✓

Union Co-op

✓

Evansville Review

✓

Published in Evansville Review: May 2, 2001

**TOWN OF UNION**  
**Proposed Ordinance Amendments**  
**03-2001**

With the intent to have a voting quorum available to act on applications to the Planning & Zoning Committee, the Town of Union seeks to add an alternate position to the Planning and Zoning Committee. The Town Board will conduct a public hearing to discuss and act upon this proposed amendment on June 7, 2001 at the monthly meeting of the board held at the Eager Free Public Library, 39 W. Main Street, Evansville, WI 53536.

The Town Board of the Town of Union, Rock County does ordain as follows:

**Amendments to the Town of Union Zoning Ordinance**

**3.0 ADMINISTRATION**

**3.2 How Constituted**


The Town Planning & Zoning Committee shall consist of five (5) members plus one (1) alternate member. One member may be a Town Board member who shall not be Chairman. The Town Board shall appoint three (3) or four (4) citizen members who upon creation of the Committee shall be appointed for one (1), two (2) and three (3) year terms. The Building Inspector shall be a member but shall not be Chairman. The Planning & Zoning Committee shall elect its Chairman from the citizen members. The alternate member must be a citizen member and will only vote at times when a quorum is not available from the core group of five members.

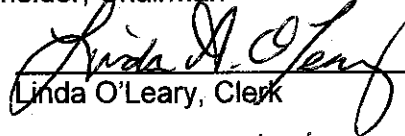
**3.3 Terms of Office**

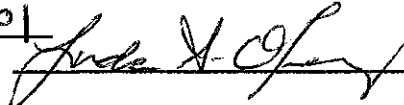
The four citizen members shall initially serve for terms of one, two and three years, respectively from the succeeding 1st day of May, and thereafter annually during April one or more of the members shall be appointed for a term of three (3) years. The term of the Town Board member shall be one (1) year. The alternate's term is three (3) years and will be appointed at the April meeting of the Town Board.

**Effective Date**

These ordinance amendments shall be effective one day after its posting (or publication) as provided by law. Passed on the 7<sup>th</sup> day of June, 2001 by the Town Board of the Town of Union

  
Kendall Schneider, Chairman

Attested by:   
Linda O'Leary, Clerk

Approved by Town Board: 6/7/2001  
Posted: June 8, 2001 by Clerk O'Leary 

Evansville Tractor Parts \_\_\_\_\_  
Union Co-op \_\_\_\_\_  
Evansville Review \_\_\_\_\_

Published in Evansville Review: June 13, 2001

ORDINANCE NO. 2004-06

The Town Board of the Town of Union does ordain that Ordinance No. 2004-06 entitled "An Ordinance Temporarily Prohibiting the Division and Subdivision of Land Within the Town of Union" be and the same hereby is created to read as follows:

**ORDINANCE NO 2004-06**  
**An Ordinance Temporarily Prohibiting The Division And Subdivision Of Land Within The Town Of Union**

**SECTION 1: DEFINITIONS**

As used in this Ordinance, the following words and phrases shall have the designated meaning set forth herein:

1.01 Subdivision. A division of a lot, parcel, or tract of land where the act of division creates: Five or more lots, parcels or building sites of 15 acres each or less in area; or Five or more lots, parcels or building sites of 15 acres each or less in area by successive divisions within a period of five years.

1.02 Land Division. A division of a lot, parcel or tract of land where the act of division creates:  
Four or less parcels or building sites of 15 acres each or less in area; or  
Four or less parcels or building sites of 15 acres each or less in area by successive divisions within a period of five years.

1.03 Certified Survey Map. A map for the division of land prepared in accordance with the requirements of Section 236.34 of the Wisconsin Statutes.

**SECTION 2: FINDINGS**

The Town Board of the Town of Union makes the following findings:

2.01 The Town of Union is committed to the preparation and adoption of an updated Comprehensive Plan pursuant to Wisconsin Statute Section 66.1001 for the beneficial use and harmonious development of land within the Town of Union and is further committed to the preparation and adoption of such ordinances as may be necessary to implement said updated Comprehensive Plan.

2.02 The purpose of the proposed updated Comprehensive Plan and implementing ordinances is to provide for the beneficial and harmonious division and development of land within the

Town of Union which will, in accordance with existing and future needs, best promote the public health, safety and general welfare of the community by: furthering the orderly layout and use of land; securing safety from fire, panic and other dangers; providing adequate light and open spaces; preventing the overcrowding of land; avoiding undue concentrations of population; facilitating adequate provision for transportation, water, sewerage, schools, parks, playgrounds and other public requirements; facilitating the subdivision of larger tracts into smaller tracts of land; preserving critical natural resources and historical areas; giving reasonable consideration to the character of the Town of Union with a view toward protecting and enhancing the farm economy of the Town and still providing for a variety of orderly development within the Town; providing the best possible environment for human habitation; and encouraging the most appropriate use of land throughout the Town of Union.

2.03 The Town of Union desires to insure the continuing integrity of the planning process itself in connection with the preparation of the updated Comprehensive Plan Guide, as well as subsequent planning following adoption of an updated Plan and such ordinances as may be necessary to implement such guide.

2.04 The Town of Union desires to promote public participation through the means of fostering discussion and debate over planning issues and to provide sufficient time for the consideration of alternatives and any other available information relating to the preparation of an updated Comprehensive Plan and any ordinances necessary to implement such Plan.

2.05 The Town of Union faces planning issues and challenges due to a high rate of residential development which may be addressed by effective land use planning, including the adoption of an updated Town's Comprehensive Plan. Rapid, unregulated development may result in increases in Town services and property taxes necessitated thereby and a decrease in agricultural land uses in the Town. The planning process required to update and adopt a Comprehensive Plan in accordance with Wisconsin Statute 66.1001 is time consuming and technical in nature, and consideration of land division proposals in the interim may frustrate the planning process and compromise its integrity.

2.06 Following consideration of these objectives and findings at a public hearing of the Planning and Zoning Committee, and based upon the recommendation of said Committee, the Town Board determines that it is necessary to implement a temporary moratorium on the division and subdivision of land within the Town of Union during the development and adoption of an updated Comprehensive Plan. Said moratorium is necessary to prevent disorderly development of land from causing irreparable injury to the Town of Union and its residents during the period needed to develop an updated Comprehensive Plan and any ordinances necessary to implement such Plan.

### **SECTION 3: PROHIBITED DIVISIONS OF LAND**

Until this Ordinance expires or is repealed, the subdivision of land or division of land by certified survey map or plat within the Town of Union is prohibited. This ordinance take effect for any land division or subdivision requests submitted to the Town after the date of publication of this

ordinance, August 9, 2004, and shall terminate upon the Town's completion and adoption of its Comprehensive Plan pursuant to Wisconsin Statute Section 66.1001, unless earlier terminated by the Town Board. During said moratorium period, no certified survey map, subdivision plat, or other land division application or petition shall be received or approved for any development of residential property.

**SECTION 4: INCONSISTENT ORDINANCES VOIDED**

All ordinances or provisions of ordinances inconsistent with or contravening the provisions of this ordinance are hereby voided temporarily and shall have no legal force or effect during the period that this ordinance is in effect.

**SECTION 5: SEPARABILITY**

If any section, subsection, sentence, clause, phrase, or portion of this ordinance for any reason is 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 6: EFFECTIVE DATE AND PERIOD OF PROHIBITION**

This Ordinance shall take effect upon passage and publication or posting as required by law and shall be in effect until adoption by the Town Board of a Comprehensive Plan pursuant to Wisconsin Statutes section 66.1001, unless sooner repealed by action of the Town Board.

The foregoing ordinance was duly adopted by the Town Board of the Town of Union at a regular meeting held on August 5, 2004.

TOWN OF UNION

By: 

Kendall Schneider  
Town Board Chair

By: 

Linda O'Leary  
Town Clerk

Adopted: August 5, 2004  
Posted: August 9, 2004  
Published: August 10, 2004

ORDINANCE NO. 2004-07

The Town Board of the Town of Union does ordain that Ordinance No. 2004-07 entitled "An Ordinance Adopting Various Wisconsin Statutes and Administrative Regulations and Establishing Penalties" be and the same hereby is created to read as follows:

**ORDINANCE NO. 2004-07**  
**An Ordinance Adopting Various Wisconsin Statutes And Administrative Regulations And Establishing Penalties**

**SECTION 1: OFFENSES AGAINST PUBLIC PEACE AND GOOD ORDER WITHIN THE TOWNSHIP OF UNION**

**Section 1-1: Adoption of State Law**

Statutory provisions describing, defining and prohibiting conduct in the following sections and subsections of the state statutes and cross references to other sections and subsections of the state statutes are hereby adopted by reference and made a part of this section with the same force and effect as if fully set forth in this section; provided that the penalty for commission of such offenses under this section shall be limited to those enumerated under section 1-3:

Wis. Stats. § 29.601(3)(a)	Deleterious substances
Wis. Stats. § 134.66(2)(a), (4)	Restriction on sale or gift of cigarettes or tobacco products
Wis. Stats. § 175.25	Storage of junked automobiles
Wis. Stats. § 254.76	Causing fires by careless smoking
Wis. Stats. § 287.81	Littering
Wis. Stats. § 938.02(3m)	Definitions
Wis. Stats. § 939.22	Words and phrases defined
Wis. Stats. § 940.19(1)	Battery
Wis. Stats. § 941.10	Negligent handling of burning materials
Wis. Stats. § 941.12(2), (3)	Interfering with firefighting
Wis. Stats. § 941.13	False alarms
Wis. Stats. § 941.20(1)	Endangering safety by use of dangerous weapons
Wis. Stats. § 941.23	Carrying concealed weapon
Wis. Stats. § 941.24	Possession of switchblade knife

Wis. Stats. § 943.01(1)	Damage to property
Wis. Stats. § 943.13	Trespass to land
Wis. Stats. § 943.14	Criminal trespass to dwellings
Wis. Stats. § 943.20(1)	Theft (value under \$2,500.00)
Wis. Stats. § 943.24	Issue of worthless checks (value under \$2,500.00)
Wis. Stats. § 943.50	Retail theft (value under \$2,500.00)
Wis. Stats. § 944.20	Lewd and lascivious behavior
Wis. Stats. § 944.23	Making lewd, obscene or indecent drawings
Wis. Stats. § 944.30	Prostitution
Wis. Stats. § 944.31	Patronizing prostitutes
Wis. Stats. § 944.33(1)	Pandering
Wis. Stats. § 945.01	Definitions
Wis. Stats. § 945.02	Gambling
Wis. Stats. § 945.03	Commercial gambling
Wis. Stats. § 945.04	Permitting premises to be used for commercial gambling
Wis. Stats. § 946.40	Refusing to aid officer
Wis. Stats. § 946.41	Resisting or obstructing officer
Wis. Stats. § 946.42(1)	Escape
Wis. Stats. § 946.70	Impersonating peace officer
Wis. Stats. § 946.72(2)	Tampering with public notices
Wis. Stats. § 947.01	Disorderly conduct
Wis. Stats. § 947.013	Harassment
Wis. Stats. § 947.06	Unlawful assemblies and their suppression
Wis. Stats. § 948.01	Definitions
Wis. Stats. § 948.40	Contributing to the delinquency of a child
Wis. Stats. § 948.45	Contributing to truancy
Wis. Stats. § 948.51	Hazing
Wis. Stats. §§ 951.01--951.15	Crimes against animals

### Section 1-2: Penalties

Except as otherwise provided in this chapter, any person who shall violate any provision of this chapter shall be subject to a penalty as provided in section 1-3. In addition to any penalty imposed for violation of Wis. Stats. § 943.01(1), any person who shall cause physical damage to or destroy any public property shall be liable for the costs of replacing or repairing such damaged or destroyed property. The parent of any unemancipated minor child who violates Wis. Stats. § 943.01(1) may also be held liable for the cost of repairing or replacing such damaged or destroyed property in accordance with Wis. Stats. § 895.035.



### **Section 1-3: General penalty**

*Established.* Unless otherwise provided in this Code, any person who shall violate any of the provisions of the Code shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:

*First offense.* Any person found guilty of violating any provision of this Code may, upon conviction thereof, be ordered to forfeit not less than \$5.00 and not more than \$1,000.00, plus applicable costs, surcharges, penalty assessments and fees, and in default of payment of such forfeiture and costs of prosecution may be incarcerated in the county jail until the forfeiture and costs are paid, but not exceeding 90 days for each separate offense; provided, however, that imprisonment under this subsection shall be imposed only in accordance with the provisions of Wis. Stats. §§ 800.09 and 800.095.

*Second offense.* Any person found guilty of violating any provision of this Code who shall previously have been convicted of a violation of the same ordinance within one year shall, upon conviction thereof, forfeit not less than \$10.00 and not more than \$2,000.00 for each such offense, plus applicable costs, surcharges, penalty assessments and fees, and in default of payment of such forfeiture and costs shall be incarcerated in the county jail until the forfeiture and costs of prosecution are paid, but not exceeding 90 days; provided, however, that imprisonment under this subsection shall be imposed only in accordance with the provisions of Wis. Stats. §§ 800.09 and 800.095.

*Continued violations.* Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the city from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

*Execution against defendant's property.* Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any court for violation of any ordinance of the Town, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.

*Payment of costs of notices.* Costs of prosecution shall include a fee for each notice or letter, as established by the council from time to time by resolution and as set forth in appendix A, for prosecution of ordinance violations that require or use notices sent by any department or agency of the town. The city/town department or agency sending a notice shall advise in the notice to the recipient of this cost and add it to the forfeiture amount due.

**State law references:** Penalty for violation of ordinances, Wis. Stats. § 66.115; bail generally, Wis. Stats. § 66.114; outstanding unpaid forfeitures, Wis. Stats. § 66.117; actions for violations of municipal ordinances, Wis. Stats. § 66.12; fines and costs in municipal court, Wis. Stats. § 814.65.

## **SECTION 2: UNDERAGE DRINKING**

**Section 2-1: Adoption of state law**

The provisions of Wis. Stats. ch. 125 defining, describing and regulating the sale, procurement, dispensing, consumption and transfer of alcohol beverages, including provisions relating to underage persons, are adopted and made a part of this section by reference. Violation of any such provisions shall constitute a violation of this section.

**Section 2-2: Consumption in public place**

No person shall drink or carry for the purpose of immediate consumption in any container an alcohol beverage upon the streets, sidewalks, parks, public parking lots, public buildings or public school property within the town of Union.

**Section 2-3: Penalties**

Penalties for violations by or relating to sale, procurement, dispensing or transfer to underage persons shall strictly conform to the penalties imposed for violations of identical offenses defined and described in Wis. Stats. ch. 125, adopted in this section.

**SECTION 3: POSSESSION OF DRUGS AND/OR DRUG PARAPHERNALIA**

**Section 3-1: Adoption of state law**

The provisions of Wis. Stats. §§ 961.571 and 961.572 are hereby adopted by reference in their entirety, including any amendments thereto as may be adopted from time to time.

**Section 3-2: Definitions**

All words and phrases of this section shall be defined as set forth in Wis. Stats. Chapter 961.

**Section 3-3: Marijuana and cannabis**

*Purpose.* The people of the city specifically determine that the regulations contained in this section concerning marijuana and cannabis are necessary to serve the public interest by providing just and equitable legal treatment of the citizens of this community and to preserve the respect of such citizens for law, its process and its administration

*Definitions.* In this section, unless the context requires otherwise, the following terms shall have the following meanings

*Cannabis* means the resin extracted from any part of the plant *Cannabis sativa* L., or any other nonfibrous extract from any part of the plant containing delta-9-tetrahydrocannabinol.

*Casually possess* means the possession of not more than 25 grams of a substance containing cannabis or marijuana.

*Marijuana* means all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; and every compound, manufacture, sale, derivative, mixture or preparation of the plant or its seeds. It does not include cannabis or any other compound, manufacture, sale, derivative, mixture or preparation of the mature stalks, fiber, oil or cake or the sterilized seed of the plant

which is incapable of germination.

*Practitioner* means:

A physician, dentist, veterinarian, podiatrist, scientific investigator or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in this state.

A pharmacy, hospital or other institution licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or administer a controlled substance in the course of professional practice or research in this state.

*Public place* means a place which is in public ownership or a place to which the public has access, distinguished from a private place.

Casually possess marijuana or cannabis, unless such marijuana or cannabis was obtained directly from or pursuant to a valid prescription or order of a practitioner while acting in the course of his professional practice.

Knowingly possess or produce the Cannabis sativa L. plant

*Penalties.* A violation of subsection (c) of this section shall be subject to the following forfeiture as provided in section 1-3.

**Section 3-4: Use or possession of Drug Paraphernalia Prohibited**

No person under the age of 17 years shall use, or possess with the primary intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance in violation of Wis. Stats. ch. 961.

**Section 3-5: Possession**

No person shall possess, keep, or maintain any narcotic drugs, marijuana, stimulant, depressant, hallucinogenic drugs, or any substance defined as a controlled substance in the Uniform Controlled Substances Act, Wis. Stats. Chapter 961 unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his/her professional practice, or except as otherwise authorized by Wis. Stats. Chapter 961.

**Section 3-6: Penalties**

A person who violates this section is subject to a forfeiture of not less than \$5.00 and not more than \$1,000.00, together with the costs of the prosecution

**SECTION 4: PURCHASE OR POSSESSION OF TOBACCO PRODUCTS**

**Section 4-1: Definitions**

The following words, terms and phrases, when used in this division, shall have the meanings

ascribed to them in this section, except where the context clearly indicates a different meaning:

*Cigarette* means any roll of tobacco wrapped in paper or any substance other than tobacco.

*Tobacco products* means cigars, cheroots, stogies, periques, and granulated, plug cut, crimp cut, ready-rubbed and other smoking tobacco; snuff, flower, cavendish, plug shorts, twist tobacco, fine cut and other chewing tobaccos; shorts, refuse scraps, clippings, cuttings and sweepings of tobacco; and any other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking

#### **Section 4-2: Seizure of products involved in violation**

A law enforcement officer shall seize any cigarette or tobacco product involved in any violation of section 4 committed in his presence.

#### **Section 4-3: Prohibited acts**

Except as provided in section 4-4, no person under the age of 18 shall do any of the following;

1. Buy or attempt to buy any cigarette or tobacco product.
2. Falsely represent his age for the purpose of receiving any cigarette or tobacco product.
3. Possess any cigarette or tobacco product.

#### **Section 4-4: Exceptions**

A minor may purchase or possess cigarettes or tobacco products for the sole purpose of resale in the course of employment during his working hours if employed by a retailer licensed under Wis. Stats. § 134.65(1).

#### **Section 4-5: Penalties**

Any minor who shall violate any provision of this division shall be subject to a forfeiture not greater than \$50.00, together with the costs of prosecution, or community service as ordered by the municipal court, or both

### **SECTION 5: CURFEW**

#### **Section 5-1: Curfew established; hours; exceptions**

- (a) No child under the age of 18 years shall loiter, idle or remain upon any street, alley or other public place in the township between 11:00 p.m. and 6:00 a.m., unless such child is accompanied by his parent or guardian or other adult person having legal custody of such child
- (b) ~~This section shall not apply to a child:~~
  - (1) Performing an errand as directed by his parent or guardian or person having lawful

custody.

- (2) Who is on his own premises or the areas immediately adjacent thereto.
  - (3) Whose employment makes it necessary to be upon the streets, alleys, public places or any motor vehicle after such hour.
  - (4) Returning home from a supervised school, church or civic function.
  - (5) Traveling in interstate commerce.
- (c) The exceptions in subsection (b) of this section, however, shall not permit a child to unnecessarily loiter about the streets, alleys or public places or be in a parked motor vehicle on the public streets.

**Section 5-2: Detention of minors by police**

A child believed to be violating the provisions of this division may be taken to the police department or the county sheriff's department for proper identification. Every law enforcement officer while on duty may detain any child violating section 5-1 until such time as the parent, guardian or person having legal custody of the child shall be immediately notified, and the person so notified shall as soon as reasonably possible thereafter report to the police station or sheriff's office for the purpose of taking the child into custody and shall sign a release for him

**Section 5-3: Warning to parents on first violation**

The first time a child is detained by law enforcement officers as provided in section 5-2, a parent, guardian or person having legal custody shall be advised as to the provisions of this division, and any violation of this division occurring thereafter by this child or any other child under such person's custody shall result in a penalty being imposed as provided in this division.

**Section 5-4: Parental responsibility**

No parent, guardian or other person having legal custody of a child under the age of 18 years shall permit or suffer such child to loiter, idle or remain upon any street, alley or other public place in the city between 11:00 p.m. and 6:00 a.m., unless such child is accompanied by his parent, guardian or other adult person having legal custody of such child

**Section 5-5: Penalties**

- (a) Any parent, guardian or person having legal custody of a child described in section 5-1 who has been warned in the manner provided in section 5-3 and who thereafter violates any of the provisions of this division shall be subject to penalty as provided in section 1-3.
- b) Any child who violates this division after being detained and released under section 5-2 shall be dealt with under Wis. Stats. ch. 938

**SECTION 6: TRAFFIC**

**Section 6-1: Adoption of state law**

An ordinance to regulate vehicular traffic in the Town of Union, Rock County, Wisconsin. The Town Board of the Town of Union Rock County, Wisconsin, do ordain as follows:

**PROVISIONS OF STATE LAW ADOPTED BY REFERENCE**

- (a) *State traffic laws.* Except as otherwise specifically provided in this Code, the statutory provisions in Wis. Stats. chs. 340--348, as amended, describing and defining regulations with respect to vehicles and traffic, exclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment, are hereby adopted and by reference made a part of this Code as if fully set forth in this section. Any act required to be performed or prohibited by any statute incorporated in this section by reference is required or prohibited by this Code. Any future amendments, revisions or modifications of the statutes incorporated in this section are intended to be made part of this Code in order to secure uniform statewide regulation of traffic on the highways, streets and alleys of the state
- (b) *State standards for motor vehicle equipment.* The administrative provisions describing and defining standards for motor vehicle equipment in Wis. Admin. Code ch. TRANS 305, exclusive of any provisions therein relating to the penalties to be imposed, are hereby adopted by reference and made a part of this chapter as if fully set forth in this section

Sections of Chapters 340-348 adopted by reference shall include but not be limited to the following:

340.01 — — —	Words and Phrases Defined
341.03(1)	Vehicles Operated After Registration Suspended or Revoked
341.04 (1)(2)	Non Registration of Vehicles
341.15(1-3)	Display of Registration
341.16	Issuance of Plates
341.61	Lending Registration to Unauthorized Person
341.63(3)	Fail to Return Registration Plates
342.06(3)	Fail to state use as Taxi cab on title
342.15(1-6)	Fail to transfer Interest in Vehicle
342.23	Fail to deliver title to secured party
342.30	
342.31	
342.34	Anti Theft and Anti Fraud Provisions
343.01	Words and Phrases
343.05(3)	Operate without valid drivers license
343.10	Occupational License and Restrictions
343.305	Implied Consent

343.22	Fail to Notify DMV of address Change
343.35	Fail to surrender license
343.44	Operating while suspended, cancelled or disqualified
343.45-343.46	Unlawful Practices Relative to Driver's License
343.50	Unlawful Use of ID Card
343.60-343.72	Licensing of Drivers Schools and Instructors
343.73	Penalties
344.01	Words and Phrases Defined
344.45-344.51	Financial Responsibilities Provisions and Violations
345.01	Words and Phrases Defined
345.17-345.55	Rules Relating to Civil and Criminal Liability
346.01	Words and Phrases Defined
346.02	Applicability of Chapter
346.03	Applicability of rules of the road to Authorized Emergency Vehicles
346.04 (1-2)	Fail to Obey officer/sign/signal
346.05-346.16	Driving, Meeting and Overtaking and Passing
346.17	Penalties for Violation 346.04 to 346.16
346.18-346.21	Right of Way
346.22	Penalties for Violation 346.18-346.22
346.23-346.29	Driver's and Pedestrians
346.30	Penalties for Violating 346.23 to 346.29
346.31-346.35	Turning and Stopping and Required Signals
346.36	Penalties for Violating 346.23-346.35
346.37-346.42	Traffic Signs, Signals and markings
346.43	Penalties for Violating 346.23-346.35
346.44-346.485	Required Stops
346.49	Penalties for Violating 346.23-346.485
346.505-346.55	Restrictions on Stopping and Parking
346.56	Penalties for Violation 346.505-346.55
346.57(2)(3)(4a-c)	Speed Restrictions
346.57(4d-h)(4g-m)(5-6)-346.595	Speed Restrictions and 65 mph zones
346.60	Penalties for Violating 346.57(a-c)(4d-h)(4g-m)(5)(6)
346.61	Reckless Driving and Operating Under Influence
346.62(1)-(3)	Reckless Driving
346.63(1)(2)(2m)(5a)(7a)	Operating Under Influence/Absolute Sobriety Operating Commercial Motor Vehicle Under Influence
346.65	Penalties for Operating Under Influence
346.66	Applicability of Sections Relating to Accidents and Accident Reporting
346.68-346-69	Duty Upon Striking Unattended Vehicle/Property Adjacent to Highway
346.70(1)(2)(3)(4)(5)	

346.71, 346.72, 346.73	Duty to Report Accident
346.77-346.81	Bicycles and Play Vehicles
346.82	Penalties for Violating 346.77 to 346.81
346.87-346.945	Miscellaneous Rules
346.95	Penalties for Violating 346.87-346.945
347.01-347.05	General Provisions
347.06-347.29	Lighting Equipment
347.30	Penalties for Violating 347.06-347.29
347.35-347.49	Other Equipment
347.50	Penalty for Violating 346.35-347.49
348.01-.348.02	Size, Weight and Load Provisions
348.05-348.10	Size and Load
348.11	Penalty for Violating Size and Load Limitations
348.15-348.20	Weight
348.21	Penalty for Violating Weight Limitations
348.25-.48.28	Permits

**Section 6-2: Other laws Adopted**

There are also hereby adopted by reference the following sections of the Wisconsin statutes but the prosecution of such offenses under this ordinance shall be as provided in chapter 340 to 348 of the Wisconsin statutes and the penalty for violation thereof shall be limited for a forfeiture as provided in Section (3) of this Resolution.

941.01(1)	Negligent Operating of vehicle off Highway
947.04	Drinking in Common Carriers
Trans 305	Equipment and Vehicle Standards on Highway

**Section 6-3: Penalties.**

The penalty for violation of any provision of this ordinance shall be a forfeiture as hereinafter provided together with the costs of prosecution imposed in 345.20 to 345.53.

**Section 6-4: Enforcement**

Enforcement: This ordinance shall be enforced in accordance with the provisions of sec. 345.20 to 345.53, Ch. 299 and 66.12 of the Wisconsin Statutes.

**SECTION 7: STOP SIGN & SPEED LIMITS**

**Section 7-1: Resolution 2004-02:**

The Town of Union Board hereby resolves that the following Union Township stop signs and speed limits Identified in Resolution 2004-02 shall be enforceable by the City of Evansville



Police Department under the Intergovernmental Agreement between the Town of Union, Rock County, Wisconsin, and the City of Evansville, Rock County Wisconsin, Concerning a Municipal Court and Activities of the Evansville Police Officers Within Union Township.

**SECTION 8: SNOWMOBILES AND ALL TERRAIN VEHICLES**

**Section 8-1: Adoption of state law**

**Authority:** Pursuant Wis. Stats. § 23.33 (11) & NR 64 Wisconsin Administrative Code, the statutory provisions describing and defining regulations with respect to snowmobiles Wis. Stats. § 350, & All Terrain Vehicles (ATV's) Wis. Stats. § 23.33, in the following enumerated sections of the state statutes are hereby adopted by reference and made part of this section as if fully set forth in this section. Acts required to be performed or prohibited by such statutes are required or prohibited by this section.

**Section 8-2. Snowmobiles**

Wis. Stats. § 350.02	Definitions
Wis. Stats. § 350.03	Right-of-way
Wis. Stats. § 350.04	Snowmobile races, derbies and routes
Wis. Stats. § 350.045	Public utility exemption
Wis. Stats. § 350.047	Local ordinance to be filed
Wis. Stats. § 350.05	Operation by youthful operators restricted
Wis. Stats. § 350.07	Driving animals
Wis. Stats. § 350.11	Penalties
Wis. Stats. § 350.12	Registration of snowmobiles; trail use stickers
Wis. Stats. § 350.13	Uniform trail signs and standards
Wis. Stats. § 350.135	Interference with uniform trail signs and standards prohibited
Wis. Stats. § 350.15	Accidents and accident reports
Wis. Stats. § 350.155	Coroners and medical examiners to report; required blood specimen
Wis. Stats. § 350.17	Enforcement
Wis. Stats. § 350.18	Local ordinances
Wis. Stats. § 350.19	Liability of landowners
Wis. Stats. § 350.99	Parties to a violation

**Section 8-3: Restrictions on operation**

Except as otherwise provided in this article, no person shall operate a snowmobile within the town of Union as follows:

*Operation on street or right-of-way.* Upon or across any highway, street, sidewalk, or alley, or the area between the sidewalk and curblines where a sidewalk exists, or the public right-of-way

adjoining and adjacent to any street where there is no sidewalk, other than to drive directly across such highway, street, sidewalk, alley, or public right-of-way, and then only after stopping and yielding the right-of-way to all pedestrians and vehicles.

*Operation in parks.* Upon or across any township Park without the consent of the Town Board or its duly authorized agent.

*Operation on other public property.* Upon or across any public property without the consent of the Town Board or governing board of the agency owning the public property. Snowmobiles or all terrain vehicles are prohibited from operation in any cemetery.

*Exceptions:* This provision(s) shall not apply to any recognized county trails or private property where permission has been granted by the owner. Approval of a snowmobile way/trail shall be contingent upon such way being marked in substantial conformity with the requirements of Wis. Admin. Code ch. NR 50.10, and upon the continued maintenance of such markings.

**Section 8-4: All Terrain Vehicles (ATV)**

Wis. Stats. § 23.33(2)(a)	Operate ATV without valid registration
Wis. Stats. § 22.33(2)(a)	Give permission to operate ATV without valid registration
Wis. Stats. § 23.33(2m)(a-c)	Unlawful rental of ATV
Wis. Stats. § 23.33(3)(a-h)	(a) Careless manner (c) private property w/out consent (e) Transport loaded/uncased firearm; strung or uncased bow (f) drive or pursue any animal (g) Within 150 feet of dwelling at a speed exceeding 10 mph (h) On frozen surface of public waters within 100 feet of person/fishing shanty exceeding 10 mph
Wis. Stats. § 23.33(3g)	Operate/Ride an ATV without headgear. Applies to persons under age 18
Wis. Stats. § 23.33(4)(a)-(e)	Illegal operation of ATV on/in vicinity of Highways
Wis. Stats. § 23.33(4c)(a)1	Operate ATV while Intoxicated. 1 <sup>st</sup> offense
Wis. Stats. § 23.33(4c)(a)2	Operate ATV with PAC of .08 but less than .10
Wis. Stats. § 23.33(4c)(a)2	Operate ATV with PAC of .10 or above
Wis. Stats. § 23.33(4c)(a)3	Absolute Sobriety violations by persons under 19 years of age
Wis. Stats. § 23.33(4p)(e)	Refuse to take test, intoxicated operation of

	ATV: If under 19 years of age
Wis. Stats. § 23.33(6)(a-e)	Equipment Violations
Wis. Stats. § 23.33(7)(a)	Fail to report All terrain Vehicle Accident
Wis. Stats. § 23.33(8)(f)	Interfere with signs
Wis. Stats. § 23.33(12)(b)	Failure to stop for law enforcement

**SECTION 9: SEPARABILITY**

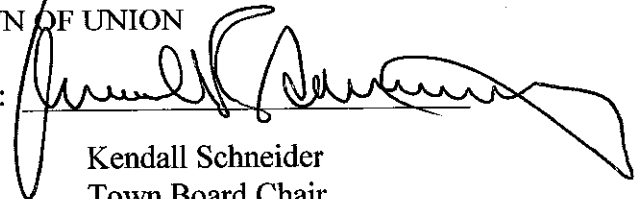
If any section, subsection, sentence, clause, phrase, or portion of this ordinance for any reason is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**SECTION 10: EFFECTIVE DATE AND PERIOD OF PROHIBITION**

This Ordinance shall take effect upon passage and publication or posting as required by law. The foregoing ordinance was duly adopted by the Town Board of the Town of Union at a regular meeting held on October 7, 2004.

TOWN OF UNION

By:

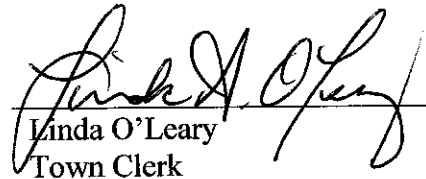


Kendall Schneider  
Town Board Chair

Adopted: October 7, 2004

Posted: October 11, 2004

By:



Linda O'Leary  
Town Clerk

Published: Sept 7, 2004  
Notice of Public Inspection

ORDINANCE NO. 2004-10

The Town Board of the Town of Union does ordain that Ordinance No. 2004-10 entitled "An Ordinance Regarding the Enforcement of Traffic Laws and Town of Union Ordinances" be and the same hereby is created to read as follows:

**ORDINANCE NO. 2004-10**  
**An Ordinance Regarding The Enforcement Of**  
**Traffic Laws And Town Of Union Ordinances**

**SECTION 1:**

All traffic laws and local ordinances described in Ordinance #2004-07 shall be enforceable by officers of the City of Evansville Police Department pursuant to any intergovernmental agreement executed between the Town of Union and the City of Evansville.

**SECTION 2:**

This Ordinance shall take effect upon passage and publication or posting as required by law and shall expire upon the termination of the intergovernmental agreement between the Town of Union and City of Evansville.

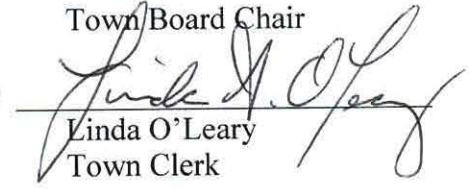
The foregoing ordinance was duly adopted by the Town Board of the Town of Union at a regular meeting held on October 7, 2004.

TOWN OF UNION

By:

  
Kendall Schneider  
Town Board Chair

By:

  
Linda O'Leary  
Town Clerk

Adopted: Oct 7, 2004

Posted: Oct 11, 2004

Published: Sept 7, 2004  
for public inspection

**ORDINANCE AMENDMENT NO 2004-13**  
**An Ordinance Amending Ordinance #2004-06 Which Temporarily Prohibits**  
**The Division And Subdivision Of Land Within The Town Of Union**

Whereas the Town Board of the Town of Union, Rock County, Wisconsin on August 5, 2004 passed Ordinance #2004-06 which temporarily prohibits the division and subdivision of land within the Town of Union,

And whereas the Town Board of the Town of Union, Rock County, Wisconsin has officially formed a Smart Growth Committee pursuant to Wisconsin State Statute §66.1001 and applied for a Comprehensive Planning Grant from the State of Wisconsin,

Now, therefore, the Town Board of the Town of Union, Rock County, Wisconsin amends Ordinance #2004-06 to incorporate a planned end date for the moratorium with the option to extend said end date by six months if deemed necessary by the Town Board as follows:

**SECTION 3: PROHIBITED DIVISIONS OF LAND**

Until this Ordinance expires or is repealed, the subdivision of land or division of land by certified survey map or plat within the Town of Union is prohibited. This ordinance takes effect for any land division or subdivision requests submitted to the Town after the date of publication of this ordinance, August 9, 2004, and shall terminate *as stipulated in Section 6 of this Ordinance Amendment.* ~~upon the Town's completion and adoption of its Comprehensive Plan pursuant to Wisconsin Statute Section 66.1001, unless earlier terminated by the Town Board.~~ During said moratorium period, no certified survey map, subdivision plat, or other land division application or petition shall be received or approved for any development of residential property.

**SECTION 6: EFFECTIVE DATE AND PERIOD OF PROHIBITION**

~~This Ordinance shall take effect upon passage and publication or posting as required by law and shall be in effect until adoption by the Town Board of a Comprehensive Plan pursuant to Wisconsin Statutes section 66.1001, unless sooner repealed by action of the Town Board.~~

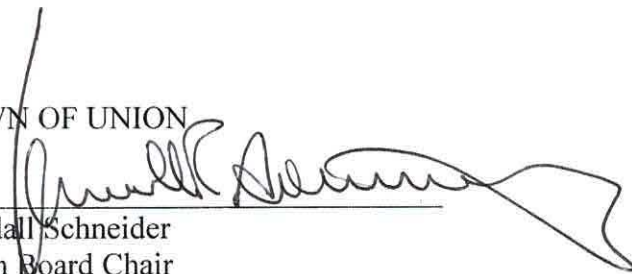
*This Ordinance, #2004-06, shall take effect upon passage and publication or posting as required by law and shall be in effect until the adoption of a Comprehensive Plan pursuant to Wisconsin Statutes section 66.1001 by the Town Board on ~~January 5, 2006~~, unless sooner repealed by action of the Town Board.*


*If the Comprehensive Plan is not completed and adopted by ~~January 5, 2006~~, the Town Board of the Town of Union shall extend said end date of the ordinance prohibiting the division and subdivision of land within the Town of Union by six months or less via motion by the Town Board at a monthly meeting on or before ~~January 5, 2006.~~*

*Jo February 2, 2006  
March*

The foregoing ordinance amendment was duly adopted by the Town Board of the Town of Union at a regular meeting held on November 11, 2004 and shall take effect upon proper posting and publication.

TOWN OF UNION

By:   
Kendall Schneider  
Town Board Chair

By:   
Linda O'Leary  
Town Clerk

Adopted: November 11, 2004

Posted: \_\_\_\_\_

Published: \_\_\_\_\_

**ORDINANCE NO. 2005-01**  
**An Ordinance Establishing Fire Protection Charges**

Whereas, 1983 Wisconsin Act 532 authorizes Towns to charge property owners a portion or all of the costs of fire protection;

Whereas, it is in the public interest of the Town of Union to charge the costs of such protection to property to owners;

Now Therefore, the Town Board of Supervisors of the Town of Union, does ordain as follows:

**SECTION 1: State Authority**

Pursuant to Section 60.55, 60.555, and 60.557 of Wisconsin Stats., the Town of Union, Rock County hereby establishes the following policy and procedure for the payment of fire costs incurred by the Town of Union.

**SECTION 2: Liability for Fire Protection Costs**

The property owners of real estate within the Town of Union for which fire protection is provided shall be responsible for the costs of the fire calls made to their property based upon the following schedule:

**Fire calls by Evansville Fire District**

\$400 per call or as otherwise adjusted downward by Evansville Fire District Board of Trustees.

**Fire calls by Brooklyn Fire & EMS Protection District**

\$0 per call.

**SECTION 3: Liability for Fire Calls from Fire Departments Other than Authorized Fire Departments**

~~Option #1:~~ It is the policy of the Town of Union to contract with the fire departments listed in Section 2 above. Any property owner requesting fire protection directly from any fire department other than listed in Section 2, shall be responsible for the full costs billed to the town from the fire call from any authorized fire department. This section shall not apply to the costs of any other department responding at the request of an authorized department under mutual aid.

**SECTION 4: Billing and Payment Procedure**

The costs of fire calls as outlined above shall be billed by the responding fire district to the property owner and paid to the fire district within the terms identified on the bill. The failure to pay the bill within the allowable days will result in interest being charged at the rate of 1½% percent per month from the date of the bill. Those bills remaining outstanding, including interest, for more than 90 days as of November 1, of any year shall become a lien against the real estate from which fire protection was provided and shall be placed on the tax roll as a delinquent, special charge pursuant to Section 66.60 of Wisconsin Statutes.

**SECTION 5: Separability of Provisions**

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

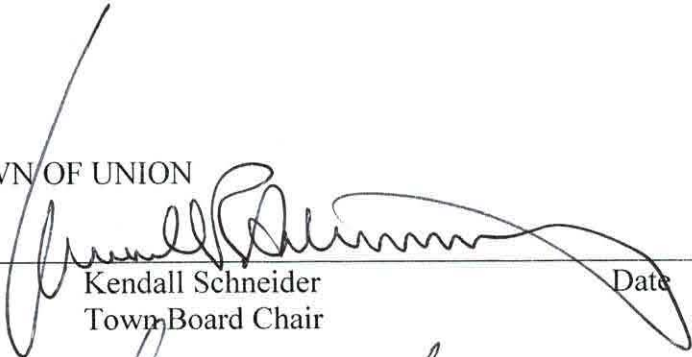
**SECTION 6: Effective Date**

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

Adopted this 7th day of July, 2005 by the Town Board of Supervisors of the Town of Union, Rock County.

TOWN OF UNION

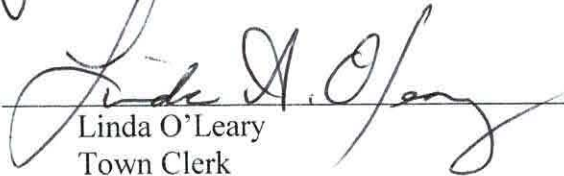
By:



Kendall Schneider  
Town Board Chair

Date

By:



Linda O'Leary  
Town Clerk

7-7-05  
Date

Adopted: July 7, 2005  
Posted: July 9, 2005  
Published: \_\_\_\_\_



**TOWN OF UNION**  
**ORDINANCE #2005-02**  
**Ordinance for the Destruction of Obsolete Public Records**

**Sections:**

- 1.01 Financial records**
- 1.02 Revenue Records.**
- 1.03 Administration Records.**
- 1.04 Voting Registration Records.**
- 1.05 Engineering & Public Works Records.**
- 1.06 Other records.**
- 1.07 Historical Society Notification**
- 1.08 When authorized.**
- 1.09 Separability of Provisions.**
- 1.10 Effective Date**

**1.01 Financial records.** Town officers may destroy the following non-utility records of which they are the legal custodians and which are considered obsolete, after completion of any required audit by the Bureau of Municipal Audit or an auditor licensed under Chapter 442 of the Wisconsin Statutes, but not less than seven years after payment or receipt of any sum involved in the particular transaction, unless a shorter period has been fixed by the State Public Records Board pursuant to s. 16.61 (3) (e), and then after such shorter period:

(a) **SOURCE DOCUMENTS:** Source documents initiate financial transactions. Accounts payable are most often created when a town purchases goods or services from an outside vendor. The vendor furnishes the clerk with a *purchase invoice* as a bill of sale detailing charges. The clerk reviews the invoice and presents it to the board for authorization to pay. A check is issued for payment once the claim has been approved. A check stub is attached to the invoice as evidence of payment.

Accounts receivable are amounts owed to the municipality for goods and services provided. Billings for such accounts are generated by various town offices in several forms: accounts receivable invoices, tax statements, or fee payments, or municipal court judgments. *Accounts receivable invoices* are prepared by the clerk. Upon receipt of payment on these invoices, the treasurer issues a *receipt* in at least three copies, retaining one copy, giving one to the remitter, forwarding a copy to the clerk. Collections of considerable volume, such as property taxes or utility billings, may be recorded or summarized on *collection blotters*.

(b) **ACCOUNTS PAYABLE:**

**Purchase invoices & Proof of Payment Check Stubs**

Retain 7 years and destroy provided record has been audited if required by state law.

(c) **ACCOUNTS RECEIVABLE:**

**Accounts receivable invoices.**

Retain 7 years and destroy provided record has been audited (if required by state law).

**Receipts.**

Retain 7 years and destroy provided record has been audited (if required by state law).

**Collection blotters.**

Retain 1 year after any audit required by state law and destroy.

**(d) BOOKS OF ORIGINAL ENTRY:** The books of original entry are the *receipt journal*, the *voucher/order register*, and the *general journal*. The last records non-cash and other transactions which cannot be entered in either of the first two books. *Journal vouchers* may be prepared to provide supporting data for the general journal. In appropriation accounting systems, the *appropriations journal* is a record of original entry for amounts budgeted for revenue and expenditures. Such entries may be supported by *appropriation journal vouchers*.

**Receipt journal**

Retain 15 years and destroy.

**Voucher/order register.**

Retain 15 years and destroy.

**General journal.**

Retain 15 years and destroy.

**Journal voucher.**

Retain 15 years and destroy.

**Appropriation journal.**

Retain 15 years and destroy.

**Appropriation journal voucher.**

Retain 15 years and destroy.

**(e) POSTED LEDGER:** Transactions recorded in the receipt journal, the voucher/order register, and the general journal usually are posted in summary form to the *general ledger*. The posted accounts permit comparison of the town's current financial condition with its budgetary allocations. In accounting systems using appropriations journals, transactions for these books are posted to a separate appropriations section of the general ledger. The general ledger is so structured that it is possible to trace transactions back to the books of original entry and to the source document. *Trial balances*, prepared at the end of each month, insure that the debits and credits balance in the general ledger as they do in the various journals.

**General ledger.**

Retain 15 years and transfer to the State Historical Society for preservation with authority to weed.

**Trial balance**

Retain until audited and destroy.

**(f) TREASURER'S & CLERK'S RECORDS:** Proper accounting procedures are necessary to insure accountability and accuracy in financial transactions. To record daily receipts and disbursements, the treasurer enters cash receipts and order checks in the *cashbook*. Monthly *bank reconciliations* are prepared to insure that general ledger cash balances agree with *bank statements* from financial institutions holding the Town of Union's funds. During this reconciliation process *cancelled order checks and lists of outstanding checks* are compared to the municipality's own *check register*. *Duplicate deposit tickets and bank credit/debit notices* are likewise compared to municipal receipts and other adjustments. The treasurer is responsible for the maintenance of the municipality's *investment records*. These include investment invoices, statements, authorizations, and receipts.

**Cashbook.**

Retain 15 years and destroy.

**Bank reconciliations.**

Retain 7 years and destroy.

**Bank statements.**

Retain 7 years and destroy.

**Cancelled order checks.**

Retain 7 years and destroy.

**Lists of outstanding checks.**

Retain 7 years and destroy.

**Check register.**

Retain 7 years and destroy.

**Duplicate deposit tickets.**

Retain 1 year after audit and destroy.

**Bank credit/debit notices.**

Retain 1 year after audit and destroy.

**Investment records.**

Retain 7 years and destroy.

(g) **PAYROLL:** The municipal payroll is compiled from a variety of records documenting the earnings and deductions for each employee. Such *payroll support records* include time cards and monthly payroll spreadsheets. Each employee also files the *Employee's Withholding Allowance Certificate* (IRS Form W-4) and the *Employee's Wisconsin Withholding Exemption Certificate* in order that the proper amount of income tax is withheld. From these sources, the *employee earning record* is prepared listing personal data such as date of birth, marital status, and the number and type of deductions, and work data such as the date of hire, rate of pay and the total pay for each pay period. These separate documents for each employee may be combined in a single employee payroll file. From this information, payroll checks are issued.

Employers prepare a variety of records documenting wages paid and taxes and other deductions withheld. At the end of each year, prior to January 31, the employer must provide each employee with three copies of the *Wage and Tax Statement* (IRS Form W-2) detailing wages earned and taxes withheld. Municipalities must remit to the Wisconsin Department of Revenue on a regular basis, usually quarterly or monthly, state income taxes withheld from wages and an accompanying *Report of Wisconsin Income Tax Withheld*. At the end of each year, these reports are summarized on the *Employer's Annual Reconciliation of Wisconsin Income Tax Withheld from Wages* along with a copy of the employee's W-2 (or comparable state form WT-9). Wages withheld for federal income tax are deposited in an authorized commercial bank with an accompanying Federal Deposit Tax Form 501. The deposit portion of this form is not returned to the municipality, but is used to credit its tax account. *Tax deposit stubs* are maintained as the local record of deposit. Quarterly totals of all federal taxes withheld are reported by all municipalities on the *Quarterly Report of Federal Income Tax Withheld* and yearly totals are reported on the *Annual Report of Federal Income Tax Withheld*. Municipalities participating in the federal-state agreement for the OASDHI program must submit quarterly reports of wages and deductions on the *State's Quarterly Report of Wages Paid*. Municipalities receive premium due notices from private carriers providing group insurance plans to municipal employees, including worker's compensation insurance.

**Payroll support records.**

Retain 2 years and destroy provided the records have been audited (if required by state law).

**Employee's Withholding Allowance Certificate. (IRS form W-4.)**

Retain 5 years after being superseded and destroy.

**Employee's Wisconsin Withholding Exemption Certificate. (Dept. of Revenue form WT-4.)**

Retain 5 years after being superseded and destroy.

**Employee earning records.**

Retain 5 years and destroy.

**Payroll distribution record.**

Retain 5 years and destroy provided record has been audited (if required by state law).

**Wage and Tax Statement. (IRS form W-Z.)**

Retain 5 years and destroy provided record has been audited (if required by state law).

**Wage and Tax Statement. (Dept. of Revenue form WT-9.)**

Retain 5 years and destroy provided record has been audited (if required by state law).

**Report of Wisconsin Income Tax Withheld. (Dept. of Revenue form WT-6.)**

Retain 5 years and destroy provided record has been audited (if required by state law).

**Employer's Annual Reconciliation of Wisconsin Income Tax Withheld from Wages. (Dept. of Revenue form WT-7.)**

Retain 5 years and destroy provided record has been audited (if required by state law).

**Federal Deposit Tax Stubs. (IRS form 501.)**

Retain 5 years and destroy provided record has been audited (if required by state law)..

**Quarterly Report of Federal Income Tax Withheld. (IRS form 941E.)**

Retain 5 years and destroy provided record has been audited (if required by state law).

**Annual Report of Federal Income Tax Withheld. (IRS form W-3.)**

Retain 5 years and destroy.

**State's Quarterly Report of Wages Paid. (HEW form OAR-S3.)**

Retain 5 years and destroy provided record has been audited (if required by state law).

**Premium due notices.**

Retain 5 years and destroy provided record has been audited (if required by state law).

(h) **PURCHASING:** The clerk is responsible for the creation and maintenance of an *inventory* of municipal property identifying the property owned, its location, and condition. The town board may receive bids for services requested. Contracts are issued to successful bidders.

**Bids, successful.**

Retain 7 years after the contract has expired and destroy

**Bids, unsuccessful.**

Retain 1 year after audit (if required by state law) and destroy.

**Inventory of property.**

Retain until superseded and destroy.

(i) **BUDGETS AND AUDITS:** Municipalities are required to prepare an annual budget providing a "complete financial plan for the ensuing year." The board prepares a budget worksheet of expenses and anticipated revenues. In all other cases, the municipal budget must be completed by the third Monday in December when the annual statement of taxes is submitted to the Department of Revenue. The *final budget* must be approved by the town board and signed by the chairman before adoption. Municipal *audit reports* are an independent auditor's evaluation of the municipality's financial statements. Audits are an essential element of financial control and accountability and are conducted upon request by the state bureau of municipal audit or by a private firm. Audit requirements are established by state law.

**Budget worksheets.**

Retain 3 years and destroy.

**Final budget.**

Retain permanently.

**Audit reports.**

Retain permanently or transfer to the State Historical Society for preservation with authority to weed.

**1.02 Revenue Records.** Town officers may destroy the following revenue records of which they are the legal custodians and which are considered obsolete, after completion of any required audit by the Bureau of Municipal Audit or an auditor licensed under Chapter 442 of the Wisconsin Statutes, but not less than seven years after payment or receipt of any sum involved in the particular transaction, unless a shorter period has been fixed by the State Public Records Board pursuant to s. 16.61 (3) (e), and then after such shorter period:

(a) **PROPERTY ASSESSMENT:** *Assessment is the assigning of value to real and personal property for the purpose of taxation. Uniform assessment is required to meet the state constitutional mandate that taxation be uniform. To insure this, state, county, and local assessors are regulated by state statute. The administration of these statutes is directed by the Department of Revenue.*

**Real Property:** *The assessor creates the Master Property Record Folder which details the appraisal of real property, including residential, mercantile, and agricultural property as well as residual and other special purpose land. The manufacturing assessment section of the state Department of Revenue creates and maintains all records pertaining to manufacturing properties. The Master Property Record Folder is based on the field inspections of the assessor. An index to owners provides access to the Master Property Record Folders which are usually arranged by key or parcel number. The assessor also maintains copies of the Wisconsin Real Estate Transfer Returns, deeds, and building permit applications in order to update the Master Property Record Folders. The assessor maintains files of cadastral maps, including plats, certified surveys, and assessor's plats to clarify and define the boundaries of the parcels. Aerial photographs may be used to verify the maps. Certain classes of property are exempt from real estate property taxes. Owners may claim this exemption by filing a Tax Exemption Report with the assessor who determines eligibility allowed by law. The assessor is required to complete and mail a Notice of Increased Assessment to each real property owner whose assessment has increased by \$100 or more over the previous year's assessment. The assessor also completes and forwards to the Department of Revenue the Certificate of ORAP Valuations for lands newly certified under the ORAP program by the Department of Natural Resources. This certificate is the basis for state compensation for loss of taxes otherwise provided by the exempt property. Yearly changes in the Master Property Record Folder are summarized on the Assessor's Final Report Supplement. These summary figures are then posted to the Assessor's Final Report which is then forwarded to the district equalization supervisors of the Department of Revenue. From these sources, the local assessor prepares a preliminary real property assessment roll which is delivered to the local clerk by the first Monday in May. Corrections ordered by the board of review are incorporated by the clerk into the assessment roll. The clerk then prepares a Statement of Assessment and binds it into the assessment roll. The clerk also completes and returns the partially preprinted Statement of Assessment received from the Department of Revenue. The clerk receives back from the Department of Revenue by October 15 the Final Statement of Assessment which includes manufacturing property values. At the same time, the clerk also receives from them the manufacturing property assessment roll. With these additions, the final real property assessment roll is complete.*

**Master Property Record Folders.**

*Retain 5 years beyond the life of the structure and then transfer to the State Historical Society for preservation with authority to weed.*

**Index to owners.**

Retain until superseded and destroy.

**Wisconsin Real Estate Transfer Returns.**

Retain 5 years after the information has been transferred to the Master Property Record Folder and destroy. "The returns . . . shall be deemed privileged information . ." (s. 77.23, Stats.)

**Deeds (copies).**

Retain for 1 year after the information has been transferred to the Master Property Record Folder and destroy.

**Building permit applications (copies).**

Retain for 1 year after the information has been transferred to the Master Property Record and destroy.

**Plats.**

Retain permanently.

**Certified surveys.**

Retain permanently.

**Assessor's plats.**

Retain permanently.

**Aerial photographs.**

Retain until superseded and destroy.

**Tax Exemption Reports.**

Retain for 10 years and destroy.

**Notice of Increased Assessment.**

Retain 5 years and destroy. Where the assessment has been appealed, retain 7 years after the final action of the board of review or the completion of the appeal and destroy.

**Certificate of ORAP Valuations. (PC-219.)**

Retain 10 years and destroy.

**Assessor's Final Report Supplement.**

Retain 5 years and destroy.

**Assessor's Final Report.**

Retain 5 years and destroy.

**Statement of Assessment. (PA-521.)**

This preliminary statement is prepared by the local clerk and bound into the assessment roll. It does not include manufacturing assessments. Retain for the life of the assessment roll.

**Final Statement of Assessment. (PA-521C.)**

This statement is prepared by the Department of Revenue and returned to the municipality. It includes manufacturing assessment. Retain permanently or transfer to the State Historical Society for preservation with authority to weed.

**Final real property assessment roll.**

Retain 15 years and destroy provided "no assessment rolls containing forest crop acreage may be destroyed without prior approval of the secretary of revenue." (s. 19.21(5) (a), Stats.)

**Personal Property:** The assessor may require persons, firms, or corporations to complete and submit

confidential personal property returns detailing the quantity and value of taxable property. These include the occupational tax returns which are submitted by grain elevator and warehouse operators, scrap iron dealers, and coal dock and crude oil refinery operators. All others, except farmers, must file the standard Merchants', Professions' Statement of Property. The assessor prepares the Personal Property Worksheet/Farmers & Personal Property Not Used for the Production of Income for agricultural property since farmers are not required to file a return. The assessor is aided in identifying the location and value of inventory by the Report of Inventory Location (Form 10). Merchants file this form with their Wisconsin state income tax returns. One copy is forwarded to the local assessor by the Department of Revenue. Similarly, the assessor receives a List of Beekeepers prepared by the department of agriculture. A personal property tax exemption is allowed the owners of certain goods which are considered to be in transit as of January 1 each year and which are stored in public warehouses or wharves. Merchandise shipped into Wisconsin and stored in its original package in a licensed commercial storage warehouse is exempted. Goods produced or manufactured in Wisconsin and stored in such a warehouse are exempt if they are intended for shipment outside of Wisconsin, if they are shipped in the same package in which they were stored, and if they have not been in storage for more than one year. The owner must submit a Request for Exemption of Merchandise in Storage to the assessor to receive such an exemption. In addition, the owner is required to file annually a Statement of Merchandise Exempted for the previous year, detailing which goods were shipped under the conditions of the exemption and which, if any, were not. Goods not in conformance are liable to taxation as omitted property. The various personal property returns are summarized on the Assessor's Personal Property Summary Work Sheets which accompany the Assessor's Final Report. These two documents are forwarded to the district equalization supervisors of the Department of Revenue. From these source documents, the assessor prepares a preliminary personal property assessment roll. The roll, along with the real estate assessment roll, is transferred to the clerk by the first Monday in May. All sworn statements and valuations of personal property are transferred at the same time. The two rolls are now considered a single record. Completion of the assessment process is described in the section on real property assessment.

**Occupational tax returns.**

Retain for 5 years and destroy.

**Merchants', Professions' Statement of Property.**

Retain 5 years and destroy.

**Personal Property Worksheets/Farmers & Personal Property Not Used for the Production of Income.**

Retain 5 years and destroy.

**Report of Inventory Location (Form 10).**

Retain 5 years and destroy, This record contains privileged information. (s. 71.11(44), Stats.)

**List of Beekeepers.**

Retain 3 years and destroy.

**Request for Exemption of Merchandise in Storage.**

Retain 3 years and destroy.

**Statement of Merchandise Exempted.**

Retain 3 years and destroy.

**Assessor's Personal Property Summary Worksheet.**

Retain 5 years and destroy.

**Assessor's Final Report.**

Retain 5 years and destroy.

**Final personal property assessment roll.**

Retain 15 years and destroy provided "no assessment roll containing forest crop acreage may be destroyed

without prior approval of the secretary of revenue." (s. 19.21(5)(a), Stats.)

**(b) BOARD OF REVIEW:** The board of review corrects "all apparent errors in description or computation" on the assessment roll, "adds all omitted property," and "may raise or lower the assessment of any property." The latter may only be done following the hearing of objections to the assessment. Taxpayers may object to the amount or valuation of property by filing a Form of Objection to Property Assessment with the clerk of the board. Such objections must be filed prior to the adjournment of the board but no later than five days following its first meeting during which it acts on the assessments in the completed assessment roll. The board meets on the second Monday in May to consider and pass on all objections. The clerk keeps the minute book. In addition, the proceedings of the board of review must be kept in full by a stenographer or a recording device. Such notes must be transcribed in the case of a court appeal. Notices of the determination of the board of review are sent to property owners appealing their assessments to the board prior to the sine die adjournment of the board.

**Form of Objection to Property Assessment and supporting documentation.**

Retain 7 years after the final action of the board of review or the completion of appeal and destroy. (s. 70.47 (8) (f), Stats.)

**Minute book.**

Retain 7 years and then transfer to the State Historical Society for preservation with authority to weed. (s. 70.47 (8) (f), Stats.)

**Proceedings of the board of review on audio tapes or as stenographic notes including any transcriptions thereof.**

Retain 7 years after the final action of the board of review or the completion of appeal and destroy. (s. 70.47 (8) (f), Stats.)

**Notice of determinations of the board of review.**

Retain 7 years after the final action of the board of review or the completion of appeal and destroy.

**(c) SPECIAL ASSESSMENTS:** Special assessments are levied against property to defray the cost of municipal improvements such as construction, installation, or repair of streets, sidewalks, curbs and gutters, street lights, sewers, water mains, parks and greenbelts. Such projects are initiated by a preliminary resolution of the governing body, describing the purpose of the project, the limits of the assessment district, and the number of installments in which payments may be made. The resolution further directs the municipal engineer to prepare a report on the proposed project, including plans, specifications, cost estimates, and property affected. The preliminary resolution and report are filed with the clerk for public inspection prior to a hearing before the governing body. Property owners may forego the public hearing by signing a waiver of special assessments notice and hearing under s. 66.60. The governing body's final resolution authorizes the special assessments and sets schedules for payments. Special assessments also may be levied by metropolitan sewerage districts, sanitary districts, public inland lake protection and rehabilitation districts, and drainage districts. The district clerk or commission forwards the certified special assessment roll to the municipal clerk. The municipal clerk reports all new special assessments on the Statement of New Special Assessments by June 1 of the following year to the Department of Revenue for the calculation of state property tax relief credits. The municipality collects its own special assessments and those of the extraterritorial districts. Satisfaction may be required in a single payment or in installments. Delinquent payments and annual installments are entered onto the tax roll for collection. A special assessments payment register is maintained to record the receipt of scheduled installment payments.

**Preliminary resolution.**

Retain 2 years and destroy provided a copy of the report is on file with the public works project records.

**Report on special assessment project.**

Retain 2 years and destroy provided a copy of the report is on file with the public works project records.

**Waiver of special assessment notice and hearing.**

Retain 1 year and destroy, or retain 1 year after the final resolution is approved and destroy.



**Final resolution.**

Retain permanently.

**Certified special assessment roll.**

Retain until all assessments are collected or for 7 years, whichever is longer.

**Statement of new special assessments. PC-506.**

Retain 5 years and destroy provided record has been audited.

**Special assessment payment register.**

Retain until all assessments are collected or for 7 years, whichever is longer.

**(d) TAX CALCULATION:** Municipalities collect their own taxes and charges against real and personal property and those of the county, school district, and extraterritorial districts within whose boundaries they lie. The governing body of the county, school district, or extraterritorial district determines the level of their taxes and charges. This levy is apportioned among the various municipalities based on the relative equalized valuation of each municipality. The valuations are certified by the Departments of Revenue and Public Instruction or determined by the county equalization committee. The clerk receives the tax levy certification of the school district clerk and certificates of apportionment from the county clerk, from the secretary of the vocational, technical, and adult education district board, from the clerks of the sanitary districts and public inland lake rehabilitation districts, and from the town chairman acting for town utility districts. To these levies, the clerk adds the municipal tax levy based on spending authorized by the municipal budget as reduced by state shared revenue, tax base loss supplement, and exempt manufacturing machinery and equipment aid payments. The clerk has already received during the previous October the shared revenues original estimate, a preliminary calculation. The first payment of the shared revenues to the treasurer and the explanatory notice to clerk-preliminary distribution are mailed in July. The shared revenues revised estimates mailed in October to the clerk anticipates the distribution in November of the final payment to the treasurer and accompanying notice to clerk-final distribution. The clerk also receives during the previous October original estimates for the shared revenue supplement, tax base loss supplement, and exempt manufacturing machinery and equipment aid payments. Distribution of these payments is made to the treasurer and the accompanying notice to clerk-final distribution is mailed in November for shared revenue supplements and in April for the other two programs. The final municipal levy must conform to statutory limits as verified on the final worksheet for determining allowable levy which is submitted to the Department of Revenue. Individual property tax bills are further reduced by the general property tax credits which are calculated from information taken from the municipality's statement of taxes, statement of new special assessments, and statement of sewer service charges. As notification, municipalities receive in November a general property tax credit certification and explanation, showing credits to be paid in the following February and March. The clerk of each taxation district then compiles the real property and personal property tax roll by adding to the assessment roll the total taxes and charges to be collected as well as the offsetting property tax credits.

**Tax levy certification of the school district clerk. (PI-1508.)**

Retain 3 years and destroy provided the record has been audited (if required by state law).

**Certificates of apportionment.**

Retain 3 years and destroy provided the record has been audited. s. 60.756 (1), Stats., requires this for towns.

**State shared aid payment notices.**

Notices of payments made under s. 79.03, state shared revenue account; s. 79.16, state shared revenue account supplement; s. 79.20, tax base loss supplement; and 70.996, exempt manufacturing machinery and equipment aid. Includes original and revised estimates and notices of preliminary and final distribution, where applicable. Retain 6 years and destroy provided record has been audited. (s. 14.58 (10), Stats.)

**Final worksheet for determining allowable levy. (SL-202.)**

Retain 5 years and destroy provided record has been audited (if required by state law).

**Statement of taxes. (PA-632A.)**

*Retain final copy permanently or transfer to the State Historical Society for preservation with authority to weed.*

**Statement of new special assessments. (PC-506.)**

*Retain 5 years and destroy provided record has been audited (if required by state law).*

**Statement of sewer service charges. (PC-503 and PC-504.)**

*Retain 5 years and destroy provided record has been audited (if required by state law).*

**General property tax credit certification. (PC-201.)**

*Retain 5 years and destroy provided the records have been audited (if required by state law).*

**Explanation of property tax credit certification. (PC-201A.)**

*Retain 5 years and destroy provided the records have been audited (if required by state law).*

**Real property tax roll.**

*This record is transferred to the county treasurer.*

**Personal property tax roll.**

*Retain 15 years and transfer to the State Historical Society for preservation with authority to weed if postponed or delinquent taxes are not transferred to the county treasurer.*

**(e) TAX COLLECTION:** *Individual tax statements are prepared and sent to property owners. When real estate taxes are paid directly by a bank or a savings and loan institution from an escrow account, tax statements are sent directly to that institution as shown on the escrow account list. Personal property and real property taxes are due on the last day of February. Real property taxes, however, may be paid in two installments. The first is due to the local treasurer on January 31 unless the governing body has set a later date, which may be no later than the last day of February. The second payment is due to the county treasurer by July 31. Municipalities also have power to provide by ordinance for the payment of real property taxes in three or more installments. The final payment must be received by the town, village, or town treasurer no later than July 31. Upon payment of taxes, the treasurer issues a receipt. This information is duplicated in the receipt stub book. The portion of the tax statement which is returned with the payment may be substituted for the receipt stub and payment then is recorded on the tax roll. Each payment also is listed on the tax collection blotter which is totalled daily and posted to the receipt journal. Local treasurers forward the tax roll to the county treasurer by March 15 in municipalities where taxes may be paid in three or more installments. A statement of taxes remaining unpaid accompanies the tax roll, distinguishing postponed real property, delinquent real property, and delinquent personal property taxes. The county treasurer then assumes responsibility for the collection of those taxes. When the transfer is made on March 15, the county treasurer issues a tax settlement receipt to the municipal treasurer. At the same time, they jointly complete the municipal treasurer's settlement which is sent to the department of revenue. When transfer is made on August 15, the municipal treasurer makes a preliminary settlement of taxes already paid on the 15th of February and the 15th of each succeeding month. The municipal treasurer's settlement is then completed following the August 15 transfer. Municipalities may retain the personal property tax roll for their own collection of delinquent taxes.*

**Escrow account list.**

*Retain until superseded and destroy.*

**Receipts.**

*For cities and villages, retain 7 years and destroy provided record has been audited. For towns, retain 15 years and destroy. (60.756(12), Stats.)*

**Receipt stub book.**

*Retain 7 years and destroy provided record has been audited.*

**Tax collection blotters.**

*Retain until audited and destroy.*

**Statement of taxes remaining unpaid.**

*Retain with the tax roll.*

**Tax settlement receipt. (PC-502)**

*Retain 5 years and destroy provided record has been audited.*

**Municipal treasurer's settlement. (PC-501)**

*Retain 5 years and destroy provided record has been audited.*

**Personal property tax roll.**

*Retain 15 years and transfer to the State Historical Society for preservation with authority to weed.*

**1.03 Administration Records.** Town officers may destroy the following administration records of which they are the legal custodians and which are considered obsolete, after completion of any required audit by the Bureau of Municipal Audit or an auditor licensed under Chapter 442 of the Wisconsin Statutes, but not less than seven years after payment or receipt of any sum involved in the particular transaction, unless a shorter period has been fixed by the State Public Records Board pursuant to s. 16.61 (3) (e), and then after such shorter period:

(a) **TOWN BOARD:** *The town board is responsible for the "management and control of the town property, finances, highways, navigable waters, and the public service . . ." and meets in open session at least once a month to consider the business of the township. The board's agenda may include consideration of petitions, ordinances, resolutions, correspondence, claims against the town, budgets, the reports of its committees and municipal officers, and other business. The original copy of papers relating to these matters is maintained by the town clerk in the board's records file. The clerk may also prepare indexes to these records. A complete record of the board's proceedings is kept by the clerk who enters it in a journal, called the minute book. The clerk may also record the proceedings on audio tapes. Original copies of ordinances and resolutions are filed separately from the minutes and subject files. In addition, ordinances are entered in the bound ordinance book. Board proceedings must be published in the official newspaper. The publisher provides the clerk an affidavit of publication to which is attached a copy of the published notice or published proceeding as proof of publication. Towns are governed by an annual town meeting of the electors held on the first or second Tuesday in April and by special town meetings which are convened as needed. Supervisors of the town, elected at the annual meeting, constitute the town board and have charge of all affairs not designated to other officials. The annual town meeting may grant to the town board by resolution the same powers as those exercised by village boards. The Town of Union has "village board powers".*

**Town Board records file and indexes.**

*Retain for 7 years and destroy provided permanently valuable records are permanently retained or transferred to the State Historical Society for preservation. Permanently valuable records are those of continuing legal value; those which document the creation, modification, and initial implementation of municipal policies; and those containing unique and significant information about the local government and its citizens. Such records may include, but are not limited to, minutes of the council or board, its committees and commissions, and selected reports, studies, decisions, petitions, and correspondence.*

**Minute book.**

*Retain permanently or transfer to the Historical Society for preservation with authority to weed.*

**Audio tapes.**

*Retain for 1 year and destroy or erase the tapes.*

**Ordinances.**

*Retain permanently or transfer to the Historical Society for preservation with authority to weed.*

**Resolutions.**

*Retain permanently or transfer to the Historical Society for preservation with authority to weed.*

**Ordinance book.**

Retain permanently or transfer to the Historical Society for preservation with authority to weed.

**Affidavits of publication.**

Retain for 3 years and destroy provided affidavits of publication of ordinances are maintained permanently in the ordinance book.

**REAL PROPERTY TITLES:** Municipalities have the right to acquire real property for public benefit through gift, purchase, or condemnation. Title documents for such property are held by the clerk. Deeds, both quit claim and warranty, are the principal instruments of conveyance. Before real property may be conveyed, however, there must be assurance that the grantor's claim to title is valid. Opinions and abstracts or certificates of title, which reflect the present condition of the title, and title insurance policies, which protect the municipality from "hidden defects" in the title, accompany the deed. Title may also be transferred through the filing and acceptance of a plat by the municipality. Municipalities may acquire the right to use of property rather than outright ownership. Easements grant to the municipality the privilege of use of land belonging to another for such purposes as the location of sewer mains, roadways, and electrical lines. Municipalities may either lease property to another party or rent property for their own use. In either case, the agreement is formalized in a lease. A vacation or alteration of portions of a plat dedicated to public use may be authorized by the circuit court.

**Deeds.**

Retain permanently.

**Opinions of title.**

Retain permanently.

**Abstracts and certificates of title.**

Retain permanently.

**Title insurance policies.**

Retain permanently.

**Plats.**

Retain permanently.

**Easements.**

Retain permanently.

**Leases.**

Retain 7 years after termination of the lease and destroy.

**Vacation or alteration of plat.**

Retain permanently.

**(b) LICENSES AND PERMITS:** Licenses and permits are issued by municipal offices in accordance with state statute and municipal ordinance. The distinction between functions regulated by license and those regulated by permit is not entirely consistent. As a general rule, however, licenses regulate continuing operations, such as the conduct of trades and occupations, while permits are granted for temporary functions, conferring rights and privileges not ordinarily allowed. Building inspection departments issue permits for building construction, erection of signs, and installation of heating, electrical, and plumbing systems. Public health departments issue retail dairy product licenses and permits for the handling and sale of food, for the installation of septic systems, and for open air burning. Licenses and permits issued by municipal offices other than the clerk's, such as those in the above examples, are discussed in the chapters of this manual for those offices. The municipal clerk issues most licenses and permits. Those issued under statutory authority include licenses for wholesale and retail sale of intoxicating liquors and malt beverages and bartenders' licenses. Also issued under statutory authority are licenses for the sale of soda water, non-intoxicating liquors and cigarettes, for holding of auctions and close-out sales, and for the

operation of taxicabs, and permits for the use of fireworks. Municipalities are empowered to regulate other activities through the issuance of licenses and permits as provided by local ordinance. Such activities may include the operation of dance halls, bowling alleys, and pool halls. Also issued under municipal authority are occupational licenses for auto wreckers, home improvement contractors, junk dealers, pawn brokers, and snow plow operators. In all cases a similar procedure is followed in the issuance of licenses and permits. Application is made to the municipal clerk. In some cases, such as liquor and bartenders' licenses, prior approval of the police and fire department may be required as well as approval of the governing body. The license is granted upon approval of the application and payment of a fee for which a receipt is issued. As proof of issuance of the license, the clerk retains a copy of the application and/or the license stub. Rejected applications containing the reason for denial may also be retained. Dog licenses are issued by the municipal treasurer who submits a Monthly Report of Dog Licenses to County Clerk.

**Applications accepted and rejected.**

Retain all liquor and beer related license applications 4 years and destroy. Retain all other applications 3 years and destroy. (s. 66.055, Stats.)

**Receipts.**

Retain 7 years and destroy.

**License stubs.**

Retain all liquor and beer related license stubs 4 years and destroy. Retain all other stubs 3 years and destroy. (s. 66.055, Stats.)

**Monthly Report of Dog Licenses to County Clerk.**

Retain 3 years and destroy. (s. 60.755(9), Stats.)

(c) **MUNICIPAL BORROWING:** Municipalities may borrow money for public purposes, utilizing either long or short term obligations, in accordance with regulations as set forth in the Wisconsin Statutes. General obligation issues, be they bonds, notes, or loans from the State Trust Fund are issued on the basis of the general credit of the municipality, and are supported by an irrevocable tax levy. Public improvement bonds are issued to finance the cost of any revenue producing public improvement, the revenue being derived from the public improvement being pledged to the debt service on such issue. Contractor's certificates, general obligation - local improvement bonds, and special assessment B bonds may be issued to finance the cost of special assessment, the proceeds from special assessments being applied to retire the debt. Mortgage revenue bonds and mortgage certificates may be issued to finance the cost of a municipally owned utility, the debt service to be paid from revenues of the utility. Finally, tax incremental bonds may be issued to finance the rehabilitation of blighted areas. Although statutory requirements for these borrowing mechanisms vary, the records created to document them fall into two categories: authorization records and payment records. The clerk maintains a single file documenting every step taken in the course of authorizing and incurring indebtedness, called the bond procedure record. This record may contain authorizing resolutions, referendum results, bids, negotiation records and contracts with trust companies, and a lawyer's statement certifying that the bonding procedure followed satisfies legal requirements. Payment records document the settlement of these various certificates of indebtedness. The clerk or other designated official is responsible for maintaining the bond payment register recording all bonds as they are issued and payments of interest and principal as they are made. Though bonds generally are negotiable and payable to the bearer, ownership may be registered either as to the principal or principal and interest in the bond register. As payments are made, the relevant bonds, coupons, promissory notes, or other evidences of indebtedness are returned to the municipality. When the fiscal agent has been authorized to destroy such instruments, the municipalities are furnished a certificate of destruction.

**Bond procedure record.**

Retain 7 years after the bond issue has expired and destroy.

**Bond register.**

Retain 7 years after the bond issue has expired and destroy.

**Bond payment register.**

*Retain 7 years after the bond issue has expired or following payment of all outstanding matured bonds/notes/coupons, whichever is later, and destroy.*

**Cancelled bonds, coupons, and promissory notes.**

*Retain until audited and destroy.*

**Certificates of destruction.**

*Retain 7 years after the bond issue has expired or following payment of all outstanding matured bonds/notes/coupons, whichever is later, and destroy.*

(d) **FIDELITY BONDS:** *To insure the faithful discharge of duties and to protect municipalities against unlawful actions, certain officials are required by statute to post fidelity bonds through a surety company. Municipalities may also require other officials or employees to post such bonds. It is the duty of the clerk to record certain information about the bonds in a fidelity bond book. All elected or appointed municipal officers are required to take and file in writing, within ten days after receiving notice of election or appointment, an official oath. Oaths of all municipal officers are filed with the respective municipal clerks except for the clerks' oaths which are filed with the municipal treasurers.*

**Fidelity bond.**

*Retain 5 years after the bond has expired and destroy.*

**Fidelity bond book.**

*Retain 5 years after the last bond entered has expired and destroy.*

**Oath of office.**

*Retain 5 years after the term of service covered by the oath has ended and destroy.*

(e) **LEGAL OPINIONS:** *Statutes require that the town attorney "shall when requested by town officers, give written legal opinions which shall be filed with the clerk." These legal opinions are in answer to specific questions regarding the interpretation and application of statutes and town ordinances. They remain on record as precedents for future reference.*

**Legal opinions.**

*Retain permanently.*

**1.04 Voting Registration Records.** Town officers may destroy the following administration records of which they are the legal custodians and which are considered obsolete, after completion of any required audit by the Bureau of Municipal Audit or an auditor licensed under Chapter 442 of the Wisconsin Statutes, but not less than seven years after payment or receipt of any sum involved in the particular transaction, unless a shorter period has been fixed by the State Public Records Board pursuant to s. 16.61 (3) (e), and then after such shorter period:

(a) **VOTER REGISTRATION RECORDS:** *Where voter registration is required, the clerk compiles and revises a registry list using the various registration cards filed with the clerk. Registration is possible also at the polls. The registry list is updated by the clerk following each general election. A separate cancelled registration card file also is maintained. Where voter registration is not required, the names of those voting are entered on a poll list. If any contest of the election is pending at the expiration of the suggested retention periods, the relevant records should not be destroyed until the contest is finally settled. (s. 7.23 (2), Stats.) Appropriate forms of the State Election Board are cited.*

**Registry list.**

*Retain 90 days after the first spring or general election succeeding the election in which the list was used and destroy. (s. 7.23(1)(e), Stats.)*

**Active registration cards. EB-178 and 179.**

Retain in the active file as long as current.

**Cancelled registration cards.**

Retain 4 years after cancellation and destroy. (s. 7.23(1)(c), Stats.)

**Poll list.**

Retain 90 days after the first spring or general election succeeding the election in which the list was created and destroy provided lists created for federal elections are retained 22 months and destroyed. (s. 7.23(1)(e) and (f), Stats.)

**(b) NOMINATION RECORDS:** Nomination papers, signed by a requisite number of electors, are submitted to the clerk for each candidate for town office. Candidates for municipal public office are nominated through a non-partisan primary held on the third Tuesday in February. If the number of candidates for any town office does not exceed twice the number to be elected, no primary is held. Towns and villages may substitute a caucus for the nomination of candidates. Following the caucus balloting, the caucus chair and teller forward to the clerk a certificate listing the candidates nominated.

**Nomination papers. (EB-160)**

Retain 90 days after the election and destroy. (s. 7.23(1)(g), Stats.)

**Certificate listing candidates nominated by caucus.**

Retain 90 days after the election and destroy.

**(c) CAMPAIGN RECORDS:** Candidates for local elective office, their personal campaign committees, and certain other individuals and organizations are required to file an election campaign registration statement with the clerk. The clerk typically maintains a file for each registrant consisting of the registration statement and any election campaign financial reports required.

**Election campaign registration statements. (EB-1)**

Retain 6 years and destroy. (7.23(1)(d), Stats.)

**Election campaign financial reports. (EB-2)**

Retain 6 years and destroy. (7.23(1)(d), Stats.)

**(d) ELECTION RECORDS AND SUPPLIES:** Prior to all elections, clerks are required to publish or post various election notices relating to procedures and referenda questions. Operation of each polling place is the responsibility of appointed election clerks, inspectors, and ballot clerks where paper ballots are used. On the day of the election, the clerk delivers to the election inspectors absentee ballots which have been filed in the clerk's office in response to a written application for absentee ballot. When a voter arrives at the polling place, two election clerks enter the voter's name on duplicate poll lists. Where the municipality requires voter registration, the clerks instead check the voter's name on the duplicate registry lists. After the election, inspectors canvass the ballots or the voting recorder of the voting machine and enter the results on a tally sheet. One copy of the tally sheet with the election inspectors' statement attached, a copy of the registry or poll list, and the inspectors' statement and challenged ballots are forwarded to the county clerk. The municipal clerk also receives copies of each of these statements along with the sealed ballots and all other materials used at the polling place. The municipal board of canvassers reviews the original returns, compiles a tabular summary, and certifies the election of officers as shown on the Statement of the Municipal Board of Canvassers. In municipalities with one ward, only the initial canvass, conducted by the election inspectors, is required.

**Election notices in cities and villages.**

Retain 90 days after the election and destroy. (7.23(1)(g), Stats.)

**Election notices in towns.**

Retain 1 year after the date of the election and destroy. If the election is contested, retain 1 year after the

contest has been settled and destroy. (60.756( 8), Stats.)

**Applications for absentee ballots. (EB-175)**

Retain 90 days and destroy provided applications for federal elections are retained 22 months and destroyed. (7.23(l)(f) and (g), Stats.)

**Paper ballots and voting machine recorders.**

Retain 90 days after the election and destroy. Voting machine recorders may be reactivated 14 days following a primary or 60 days following a spring or general election.

**Tally sheets.**

Retain 90 days after the election and destroy. (7.23(l)(g), Stats.)

**Inspectors statement of defective and challenged ballots. (EB-104)**

Retain 90 days after the election and destroy. (7.23(l)(g), Stats.)

**Statement of the municipal board of canvassers.**

Retain permanently.

**1.05 Engineering & Public Works Records.** Town officers may destroy the following engineering & public works records of which they are the legal custodians and which are considered obsolete, after completion of any required audit by the Bureau of Municipal Audit or an auditor licensed under Chapter 442 of the Wisconsin Statutes, but not less than seven years after payment or receipt of any sum involved in the particular transaction, unless a shorter period has been fixed by the State Public Records Board pursuant to s. 16.61 (3) (e), and then after such shorter period:

**(a) ENGINEERING SERVICES**

**Maps and Plans:** Engineers conduct land surveys to obtain data relating to town property or specific public works projects. Surveying records include field notes, benchmark books, and section corner monument logs. Using this field data and aerial photographs, engineers draft maps and plans to meet diverse informational needs. Town maps may show road locations or surfaces, zoning information, parks, flood plains, soils, or parcel boundaries. Water, storm, and sanitary sewer main maps, along with profile and grade books for streets, sidewalks, and mains, are especially important to developers and excavation crews who need to know the location, depth, slope, size and composition of these underground systems. Excavation plans of private utilities are filed with the engineer to supplement these system maps. Access to these records is often provided through an index to maps. The engineering division maintains copies of preliminary and final subdivision plats filed with the town clerk by prospective developers. The engineer drafts annexation plats for the town. Copies of the plat and accompanying certificate describing the area annexed are also filed with various other agencies as required by law. Assessor's plats are prepared at the direction of the town council by the engineer or private surveyors to rectify discrepancies in the description of property boundaries. Structure plans for municipal buildings and bridges prepared by private contractors are also filed with the engineer for purposes of maintenance and general reference.

**Field notes.**

Retain permanently.

**Benchmark books.**

Retain permanently.

**Section corner monument logs.**

Retain permanently.

**Aerial photographs.**



*Retain until superseded and destroy.*

**Town maps.**

*Retain permanently.*

**Water, storm, and sanitary sewer main maps.**

*Retain permanently.*

**Profile and grade books.**

*Retain permanently.*

**Excavation plans of private utilities.**

*Retain permanently.*

**Index to maps.**

*Retain permanently.*

**Preliminary subdivision plats.**

*Retain until superseded by the final plat and destroy.*

**Final subdivision plats.**

*Retain permanently.*

**Annexation plats.**

*Retain permanently.*

**Assessor's plats.**

*Retain permanently.*

**Structure plans for municipal buildings and bridges.**

*Retain for life of the structure and transfer to the State Historical Society for preservation with authority to weed.*

**(b) ADMINISTRATION AND RELATED RECORDS** *The engineering division prepares annual reports of its activities and accomplishments for the board of public works and the town council. The division retains minutes of the meetings of the plan commission, the board of public works, and the board of appeals. All contain information relevant and supplemental to engineering duties. The engineer is an ex-officio member of the former two boards. The numerous and varied administrative responsibilities of the division are reflected in the records maintained. Among these duties is the assignment of house address numbers. The house number and address change file provides an official control and reference source for town addresses. Copies of street vacations and dedications may also be kept on file as a reference tool. The engineering division is also responsible for issuing permits for unusual uses of town streets. Citizens' petitions for streets and sewer systems, first presented to the town council, are filed with the engineering division. Public works projects financed through special assessments require that the engineer prepare special assessment calculations as the basis for levying the appropriate taxes. These calculations are forwarded to the assessor who enters the individual assessments on the assessment roll. Closed circuit TV monitoring of the sewer system produces the TV sewer inspection report which indicates problems such as cracked or broken pipes, improper alignment, or loose lateral connections. The state provides partial support for the maintenance and construction of local roads and streets. State highway aids program records are compiled to document the level of road use and the amount of local funds spent on repairs as the basis for state payments.*

**Annual reports.**

*Retain permanently or transfer to the State Historical Society for preservation with authority to weed.*

**Records of the board of public works.**

*Includes minutes of the meetings of the board and supporting documents submitted to the board. Retain permanently or transfer to the State Historical Society for preservation with authority to weed.*

**Records of the plan commission.**

*Includes minutes of the meetings of the commission and supporting documents submitted to the commission.*

*Retain permanently or transfer to the State Historical Society for preservation with authority to weed.*

**Records of the zoning board of appeals.**

*Includes minutes of the meetings of the board and supporting documents submitted to the board. Retain permanently.*

**House number and address change file.**

*Retain permanently.*

**Street vacations and dedications, copies.**

*Retain for active reference life and destroy.*

**Permits.**

*Includes permits for the excavation of streets by private utility companies. Retain 3 years and destroy.*

**Petitions for street and sewer systems.**

*Retain 2 years and destroy.*

**Special assessment calculations.**

*Retain 2 years and destroy.*

**TV sewer inspection records.**

*Retain until superseded and destroy.*

**State highway aids program records.**

*Retain 7 years and destroy provided the record has been audited.*

**(c) PUBLIC WORKS PROJECTS CONTRACTS:** *Municipalities may contract for outside services for "construction, repair, remodeling [and] improvements of any kind whatsoever." Town projects estimated to exceed \$5,000 must be let to the lowest responsible bidder. The board of public works prepares plans, specifications, and contract forms and files them with the clerk for inspection by prospective bidders. A notice to contractors, published in the newspaper, advertises for bids and specifies the need for a certified check or bid bond to accompany bids submitted. A bidder's proof of responsibility, a confidential sworn document assuring the municipality that the contractor has the "financial ability, equipment, and experience in the work prescribed in said contract," may also be required. Bids are submitted on forms provided by the municipality. Bidders may be required to attach an affidavit of organization and authority indicating whether the contractor is a corporation, partnership, or sole trader. Bids are opened and read in public on a date specified in the original notice. Bid tabulations are compiled to determine the lowest bid. The successful bidder is required to execute a performance bond equal to the amount of the contract bid in which a percentage of payment is withheld as the work progresses. Final payment to the contractor is made when the work is completed and accepted. The final contract is signed by the mayor and clerk after approval by the town attorney.*

**Notice to contractors.**

*Retain in the contract file 7 years after completion of the project and destroy. For unsuccessful bidders, retain 2 years and destroy.*

**Certified check.**

*Retain until the contract has been signed and return to bidder.*

**Bid bond.**

*Retain in the contract file 7 years after completion of the project and destroy. For unsuccessful bidders, retain 2 years and destroy.*

**Bidder's proof of responsibility.**

Retain in the contract file 7 years after completion of the project and destroy. For unsuccessful bidders, retain 2 years and destroy.

**Bids.**

Retain in the contract file 7 years after completion of the project and destroy. For unsuccessful bidders, retain 2 years and destroy.

**Affidavit of organization and authority.**

Retain in the contract file 7 years after completion of the project and destroy. For unsuccessful bidders, retain 2 years and destroy.

**Bid tabulations.**

Retain 2 years and destroy.

**Performance bond.**

Retain in the contract file 7 years after completion of the project and destroy.

**Contract.**

Retain in the contract file 7 years after completion of the project and destroy.

**Project Records:** The engineering department has administrative and technical control over public works projects. Documentation relating to ongoing projects is gathered in the master project file. This working file is the central repository for reports, drawings, specifications, additional estimates, copies of approved contracts, and other records pertaining to the project. Usually filed separately from the master project file itself are the blueprints illustrating the proposed plan of construction. As-built tracings are drawn as the project is completed to depict the final work; they may differ considerably from the original drawings.

**Master project files.**

Retain 20 years and destroy provided the files of architecturally or culturally significant projects are offered to the State Historical Society.

**Blueprints.**

Retain until superseded by the as-built tracings and destroy.

**As-built tracings.**

Retain for the life of the project and destroy provided the tracings of architecturally or culturally significant projects are offered to the State Historical Society.

(d) **STREETS AND HIGHWAYS:** The streets division is the operating arm of the public works program. The streets operations files are a group of record series documenting the performance of tasks for which the division is responsible. This may include solid waste management, street cleaning, street repair, snow removal, and garbage collection. Documents in these files describe daily, weekly, and monthly operations and may include foremen's reports, collection statistics, cost sheets, billings, and mileage reports. Two files having particularly long-term value are street and sidewalk maintenance and repair records and tree planting, inspection, trimming and removal records. Street operations may result from either a scheduled program of maintenance, repair, or improvement or from citizen complaints.

**Street operations file.**

Retain 2 years after created or superseded and destroy.

**Street and sidewalk maintenance and repair records.**

Retain 25 years and destroy.

**Tree planting, inspection, trimming, and removal records.**

Retain 25 years and destroy.

**Street Equipment And Supplies Control:** *The streets division maintains a large and costly inventory of equipment and supplies and must monitor the flow of its stock to avoid depletions and anticipate future budgetary needs. Stock control records include a variety of documents that register incoming purchases and record supplies as they leave the stockroom. Related to these are fuel usage reports controlling the inventory of petroleum, oil, and lubricants. Equipment purchase, maintenance and use are documented in the heavy equipment and vehicle inventory ledgers, vehicles maintenance and repair histories, vehicle expense reports and the vehicle use records.*

**Stock control records.**

*Retain 2 years and destroy provided the record has been audited.*

**Fuel usage reports.**

*Retain 2 years and destroy provided the record has been audited.*

**Heavy equipment and vehicle inventory ledger.**

*Retain for the life of the equipment and/or vehicle or until the inventory ledger is superseded and destroy.*

**Vehicle maintenance histories.**

*Retain for the life of the vehicle and destroy.*

**Vehicle expense reports.**

*Retain for the life of the vehicle and destroy.*

**Vehicle usage reports.**

*Retain 2 years and destroy provided the record has been audited.*

**Street Administration:** *While all divisions keep payroll support records, they are especially important in the streets division not only for the creation of the payroll but also in the allocation of employee time to various projects for planning and budget preparation. Purchasing records, including purchase requisitions, purchase orders, invoices, and vouchers are numerous in the streets division which may do its own purchasing. The division may also receive citizen complaints about streets, sidewalks or related street services which are logged in a complaint ledger. Monthly and annual reports of the division document its activities and accomplishments.*

**Payroll support records.**

*Retain 2 years and destroy.*

**Purchasing records.**

*Retain 7 years and destroy provided the record has been audited.*

**Complaint ledger.**

*Retain 2 years and destroy.*

**Monthly reports.**

*Retain 3 years and destroy.*

**Annual reports.**

*Retain permanently or transfer to the State Historical Society for preservation with authority to weed.*

**(e) PARKS**

**Park Planning:** *The master park plan, one element of the town's total plan, shows present holdings, possible acquisitions, and proposed projects. It forms the foundation for future park development and is supplemented by plats and aerial photographs.*

**Master park plan.**

*Retain permanently or transfer to the State Historical Society for preservation with authority to weed.*

**Plats.**

*Retain permanently or transfer to the State Historical Society for preservation with authority to weed.*

**Aerial photographs.**

*Retain permanently or transfer to the State Historical Society for preservation with authority to weed.*

**Park Operations And Maintenance:** *The park maintenance supervisor's daily report of work completed summarizes progress made on a particular job, noting the time required, employees assigned and vehicles used. This information can be used for payroll purposes, operations planning, or for inclusion in periodic reports.*

**Supervisor's daily report of work completed.**

*Retain 2 years and destroy.*

**(f) PARK ADMINISTRATION:** *Payroll support records are used to record the allocation of employee hours to assigned jobs as well as for payroll creation. Reservations for park facilities may be offered for certain parks. Reservation requests are submitted to the department along with any necessary fee and are checked against the master reservation book for confirmation. Supervision of municipal parks rests with the board of park commissioners or, if the town has none, with the board of public works. Minutes of the meetings of the appropriate board document the acquisition, maintenance, and general management of town parks.*

**Payroll support records.**

*Retain 2 years and destroy provided record has been audited.*

**Reservation requests.**

*Retain 30 days and destroy. If payment receipts are attached, retain 7 years and destroy provided record has been audited.*

**Master reservation book.**

*Retain 2 years and destroy.*

**Records of the board of park commissioners.**

*Includes minutes of the meetings of the board and supporting documents submitted to the board. Retain permanently or transfer to the State Historical Society for preservation with authority to weed.*

**(g) BUILDING PERMITS AND INSPECTIONS:** *The division of building inspection oversees the construction and alteration of commercial and residential buildings within the municipality, the installation of plumbing, electrical, ventilation, heating, and air conditioning systems, the erection of signs, and compliance with zoning restrictions. Regulations follow state codes as well as local codes which may vary from town to town. Code compliance inspection reports are the basic working document of the division. They are completed during field investigations to determine if buildings and system installations comply with the specifications of the appropriate codes. Reports are completed during scheduled inspections of buildings being built or altered. When inspections have been completed, a certificate of occupancy is issued to the owner declaring that the work has been completed according to the plans and specifications and that the building may be occupied for its intended use. Reports may also be completed in response to complaints of violations or in the routine inspection of existing structures following official notification of the owner or agent. Owners are subsequently notified of conditions which require correction. Continued non-compliance will result in litigation. In such cases, the inspector may retain copies of the relevant town attorney's case files. Copies of quarter-section maps aid in the location of inspection sites. The inspection address file is arranged by address and is used heavily as a summary reference to work previously performed. It contains a capsule history of permits issued and contractors who performed the work, and identifies owners. Department of industry, labor, and human relations energy calculation worksheets must be completed for all new one and two-family dwellings. They are used to calculate furnace size and construction materials and methods. State approved commercial building plans are a prerequisite for issuance of permits in the construction or alteration of certain commercial and residential buildings and structures. Building plans are usually submitted in such cases to the Department of Industry, Labor, and Human Relations for examination and approval. Twenty-seven cities are*

certified to make such review themselves with plans submitted directly to the town's building inspection department. *Applications* and accompanying plans for building, plumbing, electrical, ventilation, heating, and air conditioning permits are submitted for plan review. Upon approval, *permits* are issued after the payment of the required fee for which a *receipt* is issued. Permits are logged by number in the *permit ledger* which includes summary information on each permit. Unsuccessful permit applications may be appealed to the appropriate board of appeals. Results of such appeals are documented in the *minutes* of that board's meetings. To provide supplemental information for their daily work, building inspectors may keep copies of the *minutes* of the meetings of the plan commission and the zoning board of appeals. The latter documents decisions regarding zoning regulations and variances.

**Applications and permits.**

Retain permanently.

**Code compliance inspection reports.**

Retain permanently. —

**Inspection address file.**

Retain permanently.

**Certificates of occupancy.**

Retain until superseded and destroy.

**Energy calculation worksheets.**

Retain 3 years and destroy.

**State approved commercial building plans.**

Retain 4 years and destroy. Plans for new structures and significant remodeling should be transferred to the State Historical Society for preservation with authority to weed.

**Permit fee receipts.**

Retain 7 years and destroy provided record has been audited.

**Permit ledger.**

Retain 7 years and destroy.

**Town attorney's case file, copy.**

Retain 1 year after the case has been closed and destroy.

**Quarter section maps, copies.**

Retain until superseded and destroy.

**Records of the building board of appeals.**

Includes minutes of the meetings of the board and supporting documents submitted to the board. Retain permanently. Retain office reference copies 5 years and destroy.

**Records of the zoning board of appeals.**

Includes minutes of the meetings of the board and supporting documents submitted to the board. Retain permanently. Retain office reference copies 5 years and destroy.

**Records of the plan commission.**

Includes minutes of the meetings of the commission and supporting documents submitted to the commission. Retain permanently or transfer to the State Historical Society for preservation with authority to weed.

**1.06 Other records.** Town officers may destroy the following other records of which they are the legal custodian and which are considered obsolete, but not less than 7 years after the record was

effective unless another period has been set by statute, and then after such a period, or unless a 94 shorter period has been fixed by the state Public Records Board pursuant to s. 16.61(3) ( 3 ) and then after such a shorter period:

(a) Town Annual Newsletter

**1.07 Historical Society notification.** Prior to the destruction of any public record described in sections 1.01 (a), (b), or (c), at least sixty days' notice in writing shall be given the State Historical Society of Wisconsin.

**1.08 When authorized.** This ordinance shall not be construed to authorize the destruction of any public record after a period less than prescribed by statute or state administrative regulations.

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

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

Adopted this 4th day of August, 2005 by the Town Board of Supervisors of the Town of Union, Rock County.

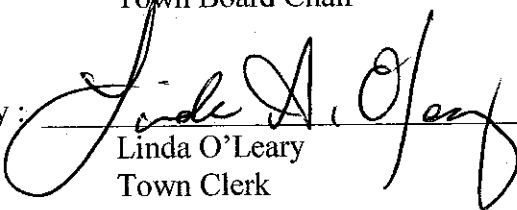
TOWN OF UNION

By:

  
Kendall Schneider  
Town Board Chair

8/04/05  
Date

By:

  
Linda O'Leary  
Town Clerk

8/04/05  
Date

Adopted: 8/4/2005

Posted: 8/5/2005

Published: \_\_\_\_\_

## ORDINANCE AMENDMENT NO 2006-01

### An Ordinance Amending Ordinance #2004-06 and Amendment #2004-13 Which Temporarily Prohibits The Division And Subdivision Of Land Within The Town Of Union

Whereas the Town Board of the Town of Union, Rock County, Wisconsin on August 5, 2004 passed Ordinance #2004-06 which temporarily prohibits the division and subdivision of land within the Town of Union,

And whereas the Town Board amended Ordinance #2004-06 to incorporate an end date for the prohibition of the division and subdivision of land within the Town of Union,

And whereas the Town Board of the Town of Union, Rock County, Wisconsin is within 60 days of adopting the Comprehensive Plan and ordinances related to land division and zoning,

Now, therefore, the Town Board of the Town of Union, Rock County, Wisconsin amends Ordinance #2004-06 and Amendment #2004-13 to revise the planned end date as follows:

#### SECTION 6: EFFECTIVE DATE AND PERIOD OF PROHIBITION

*This Ordinance, #2004-06, shall take effect upon passage and publication or posting as required by law and shall be in effect until the day after the adoption of a Comprehensive Plan pursuant to Wisconsin Statutes section 66.1001 by the Town Board on ~~March 2, 2006~~ October 6, 2006, unless sooner repealed by action of the Town Board.*

*If the Comprehensive Plan is not completed and adopted by March 2, 2006, the Town Board of the Town of Union shall extend said end date of the ordinance prohibiting the division and subdivision of land within the Town of Union by six months or less via motion by the Town Board at a monthly meeting on or before March 2, 2006.*

The foregoing ordinance amendment was duly adopted by the Town Board of the Town of Union at a special meeting held on August 31, 2006 and shall take effect upon proper posting and publication.

TOWN OF UNION

By: 

Kendall Schneider

Town Board Chair

By: 

Linda O'Leary

Town Clerk

Adopted: August 31, 2006

Posted: Sept 1, 2006

Published: \_\_\_\_\_



**ORDINANCE NO. 2007-01  
TOWN OF UNION  
ROCK COUNTY, WISCONSIN**

**AN ORDINANCE TO IMPOSE A TEMPORARY STAY ON CONSTRUCTION  
OF LARGE WIND ENERGY SYSTEMS IN THE TOWN OF UNION**

RECITALS

1. A “wind energy system” is an electricity generating facility consisting of one or more wind turbines under common ownership or operating control, and includes substations, MET Towers, cables/wires and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customer(s). A “wind turbine” is a wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator. A “large wind energy system” is a wind energy system with turbines exceeding 170 feet in height and 100 kilowatts in nameplate capacity.
2. There is an interest in establishing large wind energy systems in the Town of Union.
3. There exist potential health and safety issues related to the construction of large wind energy systems including, but not limited to, electrical connections, electric and magnetic fields, tower failure (falling turbines), tower climbing, falling ice, blade throw, flicker or shadow flicker, and noise.
4. The Town currently lacks regulations to adequately establish public health and safety standards and a review and permitting process for large wind energy systems.
5. The Town Board has been authorized under Wis. Stat. § 60.10(2)(c) to exercise powers conferred on Village Boards, and also has the authority to adopt zoning regulations under Wis. Stat. §§ 60.61 and 60.62 and 61.35.
6. The Town is beginning the process of developing and adopting an ordinance that will provide a review and permitting process and health and safety standards for large wind energy systems, and intends to adopt an ordinance that complies with Wis. Stat. § 66.0401.

7. A temporary stay on the construction of large wind energy systems will provide the Town with the opportunity to develop and adopt the ordinance. This temporary stay provided by this ordinance will expire at 11:59 p.m. on August 9, 2007, and is intended to provide an initial temporary stay allowing the Town Plan Commission and Town Board to hold public hearings on July 26 and August 2, 2007, and more accurately estimate the amount of time needed to develop appropriate permanent regulations. The Town may adopt another temporary stay to succeed this ordinance, after holding public hearings and considering the amount of time needed to develop permanent regulations.
8. If there is no temporary stay, wind energy projects lacking adequate public health and safety protections may be built before the Town can enact appropriate permanent regulations, because landowners or others may rush their wind energy projects in order to gain approval or proceed with construction before the Town can adopt its permanent regulations.
9. The Town Board believes that the adoption of a temporary stay will promote the public health and safety of people in the Town.

NOW THEREFORE, based on the above recitals and pursuant to Article XI, section 1 of the Wisconsin Constitution, sections 60.22(3), 61.34, 60.61 and 60.62 of the Wisconsin Statutes, and any and all other sources of authority that authorize the adoption of this ordinance, the Town Board of the Town of Union, Rock County, Wisconsin, does hereby ordain as follows:

*SECTION 1.* Temporary Wind Energy System Stay

There is hereby established a temporary stay on the construction of large wind energy systems in the Town. During the temporary stay provided by this ordinance it shall be unlawful to install or construct any large wind energy system or part thereof, and the Town shall not accept or process any applications relating to the proposed construction of any large wind energy system.

*SECTION 2.* Duration.

This temporary stay shall expire at 11:59 p.m. on August 9, 2007.

*SECTION 3.* Inconsistent Ordinances Voided.

All ordinances or provisions of ordinances inconsistent with or contravening the provisions of this Ordinance are hereby temporarily voided and shall have no legal force or effect during the period that this Ordinance is in effect.

*SECTION 4.*            Scope.

The temporary stay provided by this Ordinance shall apply throughout the Town.

*SECTION 5.*            Severability

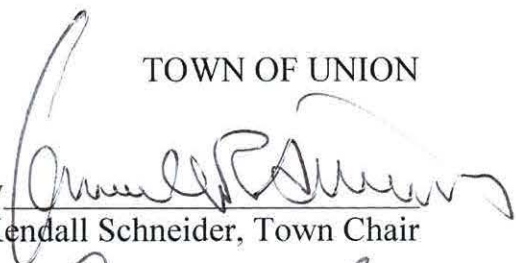
If any section or part of this Ordinance is adjudged to be unconstitutional, unlawful, or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

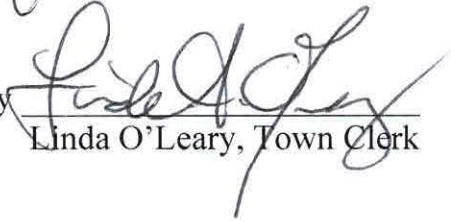
*SECTION 6.*            Effective Date.

This Ordinance shall become effective upon adoption and publication or posting, as provided by law.

The above and foregoing Ordinance was duly adopted by the Town Board of the Town of Union at a special meeting held on June 28, 2007 by a vote of 3 in favor, 0 opposed and 0 not voting.

TOWN OF UNION

By   
Kendall Schneider, Town Chair

By   
Linda O'Leary, Town Clerk

Approved: 6/28/07  
Posted: 6/30/07  
Published: \_\_\_\_\_

**ORDINANCE NO. 2007-02**  
**TOWN OF UNION**  
**ROCK COUNTY, WISCONSIN**

**AN ORDINANCE TO IMPOSE A TEMPORARY STAY ON CONSTRUCTION  
OF LARGE WIND ENERGY SYSTEMS IN THE TOWN OF UNION**

RECITALS

1. A “wind energy system” is an electricity generating facility consisting of one or more wind turbines under common ownership or operating control, and includes substations, MET Towers, cables/wires and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customer(s). A “wind turbine” is a wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator. A “large wind energy system” is a wind energy system with turbines exceeding 170 feet in height and 100 kilowatts in nameplate capacity.
2. There is an interest in establishing large wind energy systems in the Town of Union.
3. There exist potential health and safety issues related to the construction of large wind energy systems including, but not limited to, electrical connections, electric and magnetic fields, tower failure (falling turbines), tower climbing, falling ice, blade throw, flicker or shadow flicker, and noise.
4. The Town currently lacks regulations to adequately establish public health and safety standards and a review and permitting process for large wind energy systems.
5. The Town Board has been authorized under Wis. Stat. § 60.10(2)(c) to exercise powers conferred on Village Boards, and also has the authority to adopt zoning regulations under Wis. Stat. §§ 60.61 and 60.62 and 61.35.
6. The Town is beginning the process of developing and adopting an ordinance that will provide a review and permitting process and health and safety standards for large wind energy systems, and intends to adopt an ordinance that complies with Wis. Stat. § 66.0401.
7. On July 26, 2007, the Town Plan Commission conducted a public hearing, preceded by publication of a Class 2 notice, regarding what process the Town should use to study and develop a large wind energy system ordinance, and

whether the Town should maintain a temporary stay on the construction of large wind energy systems while the Town is developing and adopting a large wind energy system ordinance. The Town Plan Commission recommended the following process and timeline for developing and adopting an ordinance: (1) the Town should publish and provide on its web-site information about the Town's authority to regulate wind energy systems and the Town's intent to develop appropriate regulations with substantial public input, and inform the public that the Town is seeking volunteers to serve on a special advisory commission to study and make recommendations to the Town Plan Commission and Town Board; (2) approximately 1 month later the Plan Commission should conduct a public hearing regarding local regulation of wind energy systems, and recommend people to be appointed to an advisory commission; (3) the Town Board should appoint an advisory commission and direct the commission to study and make written recommendations to the Town Plan Commission and Town Board regarding what regulations the Town should adopt to regulate large wind energy systems, and should direct the Plan Commission to complete such work in approximately 5 months; (4) after receiving the advisory commission's report and recommendations, the Plan Commission should conduct a public hearing and hold a working session with legal counsel to begin drafting an ordinance; (5) legal counsel should prepare an ordinance for final consideration by the Plan Commission; (6) the Plan Commission should consider the draft ordinance and make final recommendations to the Town Board; (7) after receiving the Plan Commission's recommendation, the Town Board should conduct a public hearing and adopt an ordinance. Under the Town's zoning ordinance, the Plan Commission and Town Board are each required to conduct public hearings before adopting zoning ordinances. The Plan Commission has determined that this process will take approximately 12 months, and has recommended that a 12month temporary stay be adopted on the construction of large wind energy systems.

8. A temporary stay on the construction of large wind energy systems will provide the Town with the opportunity to develop and adopt the ordinance. If there is no temporary stay, wind energy projects lacking adequate public health and safety protections may be built before the Town can enact appropriate permanent regulations, because landowners or others may rush their wind energy projects in order to gain approval or proceed with construction before the Town can adopt its permanent regulations.
9. The Town Board has conducted a public hearing on this matter and agrees with the Plan Commission's recommendations regarding the process that should be

followed to develop an ordinance, and believes that the adoption of a temporary stay will promote the public health and safety of people in the Town.

NOW THEREFORE, based on the above recitals and pursuant to Article XI, section 1 of the Wisconsin Constitution, sections 60.22(3), 61.34, 60.61 and 60.62 of the Wisconsin Statutes, and any and all other sources of authority that authorize the adoption of this ordinance, the Town Board of the Town of Union, Rock County, Wisconsin, does hereby ordain as follows:

*SECTION 1. Temporary Wind Energy System Stay.*

There is hereby established a temporary stay on the construction of large wind energy systems in the Town. During the temporary stay provided by this ordinance it shall be unlawful to install or construct any large wind energy system or part thereof, and the Town shall not accept or process any applications relating to the proposed construction of any large wind energy system.

*SECTION 2. Duration.*

This temporary stay shall expire at 11:59 p.m. on August 2, 2008.

*SECTION 3. Inconsistent Ordinances Voided.*

All ordinances or provisions of ordinances inconsistent with or contravening the provisions of this Ordinance are hereby temporarily voided and shall have no legal force or effect during the period that this Ordinance is in effect.

*SECTION 4. Scope.*

The temporary stay provided by this Ordinance shall apply throughout the Town.

*SECTION 5. Severability.*

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

*SECTION 6. Effective Date.*

This Ordinance shall become effective upon adoption and publication or posting, as provided by law.

The above and foregoing Ordinance was duly adopted by the Town Board of the Town of Union at a special meeting held on August 2, 2007 by a vote of \_\_\_\_ in favor, \_\_\_\_ opposed and \_\_\_\_ not voting.

TOWN OF UNION

By \_\_\_\_\_  
Kendall Schneider, Town Chair

By \_\_\_\_\_  
Regina Ylvisaker, Town Clerk

Approved: \_\_\_\_\_  
Posted: \_\_\_\_\_  
Published: \_\_\_\_\_

CITY OF EVANSVILLE  
ORDINANCE # 2007-15

AN ORDINANCE DETACHING TERRITORY FROM THE  
CITY OF EVANSVILLE, WISCONSIN

WHEREAS, the city of Evansville received a detachment petition from the Heissner Revocable Living Trust as signed by Robert Heissner; and

WHEREAS, the subject property, consisting of approximately 3,400 square feet, is contiguous to the Town of Union; and

WHEREAS, the subject property is currently zoned Residential District One (R-1); and

WHEREAS, the subject property does not contain habitable buildings; and

WHEREAS, the City Council finds that such detachment is not contrary to the public interest and will not inhibit the orderly development of the City.

NOW, THEREFORE, the Common Council of the City of Evansville, Rock County, Wisconsin, ordains as follows:

SECTION 1. In accordance with Sec. 66.0227, Wis. Stats., the following described territory located in the City of Evansville is detached from the City:

- 1) Part of Lot 161 of Countryside Estates Plat No. 7, located in the Southwest 1/4 of the Northeast 1/4 of Section 26; T4N, R10E of the 4th Principal Meridian, City of Evansville, Rock County Wisconsin to wit: Beginning at a 3/4" rebar found at the southwest corner of said Lot 161; Thence N00 degrees 29'25"E, 3.85 feet along the west line of said Lot 161 to a former fence line; Thence S88 degrees 48'55"E, 84.99 feet along said former fence line to the east line of said Lot 161; Thence 00 degrees 31'40" W, 3.41 feet along said east line to a 3/4" rebar found at the southeast corner of said Lot 161; Thence N89 degrees 06'46"W, 84.99 feet along the south line of said Lot 161 to the point of beginning of this description. This parcel contains 308 square feet and is subject to easements of record.
- 2) Part of Lot 162 of Countryside Estates Plat No. 7, located in the Southwest 1/4 of the Northeast 1/4 of Section 26, T4N, R10E of the 4th Principal Meridian, City of Evansville, Rock County, Wisconsin, to wit: Beginning at a 3/4" rebar found at the southwest corner of said Lot 162; Thence 00 degrees 28'48"E, 4.25 feet along the west line of said Lot 162 to a former fence line; Thence S88 degrees 48'55"E, 79.97 feet along said former fence line to the east line of said Lot 162; Thence S00 degrees 29'25"W, 3.85 feet along said east line to a 3/4" rebar found at the southeast corner of said Lot 162; Thence N89 degrees 06'03"W, 79.97 feet along the south line of said Lot 162 to the point of beginning of this description. This parcel contains 324 square feet and is subject to easements of record.
- 3) Part of Lot 163 of Countryside Estates Plat No. 7, located in the Southwest 1/4 of the Northeast 1/4 of Section 26, T4N, R10E of the 4th Principal Meridian, City of Evansville, Rock County, Wisconsin, to wit: Beginning at a 3/4" rebar found at the southwest corner of said Lot 163; Thence 00 degrees 28'37"E, 4.72 feet along the west line of said Lot 163 to a former fence line; Thence S88 degrees 48'55"E, 80.00 feet along said former fence line to the east line of said Lot 163; Thence S00 degrees 28'48"W, 4.25 feet along said east line to a



- 3/4" rebar found at the southeast corner of said Lot 163; Thence N89 degrees 09'06"W, 80.00 feet along the south line of said Lot 163 to the point of beginning of this description. This parcel contains 358 square feet and is subject to easements of record.
- 4) Part of Lot 164 of Countryside Estates Plat No. 7, located in the Southwest 1/4 of the Northeast 1/4 of Section 26, T4N, R10E of the 4th Principal Meridian, City of Evansville, Rock County, Wisconsin, to wit: Beginning at a 3/4" rebar at the southwest corner of said Lot 164; Thence N00 degrees 28'56"E, 5.84 feet along the west line of said Lot 164 to a former fence line; Thence S88 degrees 48'55"E, 80.03 feet along said former fence line to the east line of said Lot 164; Thence S00 degrees 28'37"W, 4.72 feet along said east line to a 3/4" rebar found at the southeast corner of said Lot 164; Thence 89 degrees 06'38"W, 80.03 feet along the south line of said Lot 164 to the point of beginning of this description. This parcel contains 394 square feet and is subject to easements of record.
- 5) Part of Lot 165 of Countryside Estates Plat No. 7, also being part of the proposed Countryside Condominiums, and located in the Southwest 1/4 of the Northeast 1/4 of Section 26, T4N, R10E of the 4th Principal Meridian, City of Evansville, Rock County, Wisconsin to wit: Beginning at a 3/4" rebar found at the southwest corner of said Lot 165; Thence N00 degrees 28'55"E, 5.84 feet along the west line of said Lot 165 to a former fence line; Thence S88 degrees 44'49"E, 109.98 feet along said former fence line of said Lot 165; Thence S00 degrees 28'56"W, 5.13 feet along said east line to a 3/4" rebar found at the southeast corner of said Lot 165; Thence 89 degrees 07'08"W, 109.97 feet along the south line of said Lot 165 to the point of beginning of this description. This parcel contains 603 square feet and is subject to the easements of record.
- 6) Part of Lot 166 of Countryside Estates Plat No. 7, located in the Southwest 1/4 of the Northeast 1/4 of Section 26, T4N, R10E of the 4th Principal Meridian, City of Evansville, Rock County, Wisconsin to wit: Beginning at a 3/4" rebar found at the southwest corner of said Lot 166; Thence N00 degrees 28'38"E, 6.46 feet along the west line of said Lot 166 to a former fence line; Thence S88 degrees 48'50"E, 109.97 feet along said former fence line to the east line of said Lot 166; Thence S00 degrees 28'55"W, 5.84 feet along said east line to a 3/4" rebar found at the southeast corner of said Lot 166; Thence N89 degrees 08'01"W, 109.96 feet along the south line of said Lot 166 to the point of beginning of this description. This parcel contains 677 square feet and is subject to easements of record.
- 7) Part of Lot 167 of Countryside Estates Plat No. 7, located in the Southwest 1/4 of the Northeast 1/4 Section 26, T4N, R10E of the 4th Principal Meridian, City of Evansville, Rock County, Wisconsin, to wit: Beginning at a 3/4" rebar found at the southwest corner of said Lot 167; Thence N00 degrees 29'41"E, 7.09 feet along the west line of said Lot 167 to a former fence line; Thence S88 degrees 48'50"E, 108.54 feet along said former fence line to the east line of said Lot 167; Thence S00 degrees 28'38", 6.46 feet along said east line to a 3/4" rebar found at the southeast corner of said Lot 167; Thence N89 degrees 08'58"W, 108.54 feet along the south line of said Lot 167 to the point of beginning of this description. This parcel contains 735 square feet and is subject to the easements of record.

SECTION 2. Zoning of Property. Pursuant to Sec. 66.0227(4) Wis. Stats., the subject property shall be subject to the City's zoning code and the Town of Union shall be responsible for enforcing such regulations on the subject property as may apply until changed by official action of the Town Board.

SECTION 3. Population of Territory. The population of the detached territory is zero.

SECTION 4. Notice to Town of Union. Upon passage, the City Clerk is directed to send a copy of this ordinance to the Town Clerk for the Town of Union. Failure to do so shall not invalidate this ordinance.

SECTION 5. Duties of City Clerk. Upon passage, the city clerk is directed to do the following:

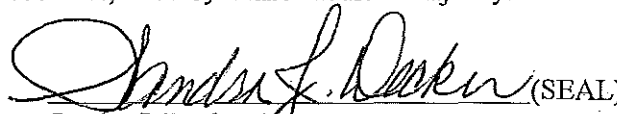
- 1) send the secretary of state a certified copy of the ordinance, certificate and plat
- 2) record the signed ordinance with the Rock County register of deeds
- 3) send a signed copy of the ordinance to the Evansville Community School District
- 4) send one copy to each company that provides any utility service

Failure to file, record, or send does not invalidate this ordinance. The duty to file, record, and send continues until completed.

SECTION 6. Severability. If any provision of this ordinance is invalid or unconstitutional, or if the application of the ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

SECTION 7. Effective Date. This detachment shall be effective when the Town of Union adopts an ordinance accepting the territory.

Passed and adopted this 11<sup>th</sup> day of December, 2007 by a three-fourths majority.

  
Sandra J. Decker, Mayor

ATTEST:

  
Judy L. Walton, Clerk/Treasurer

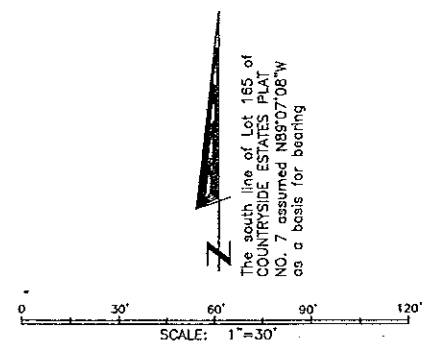
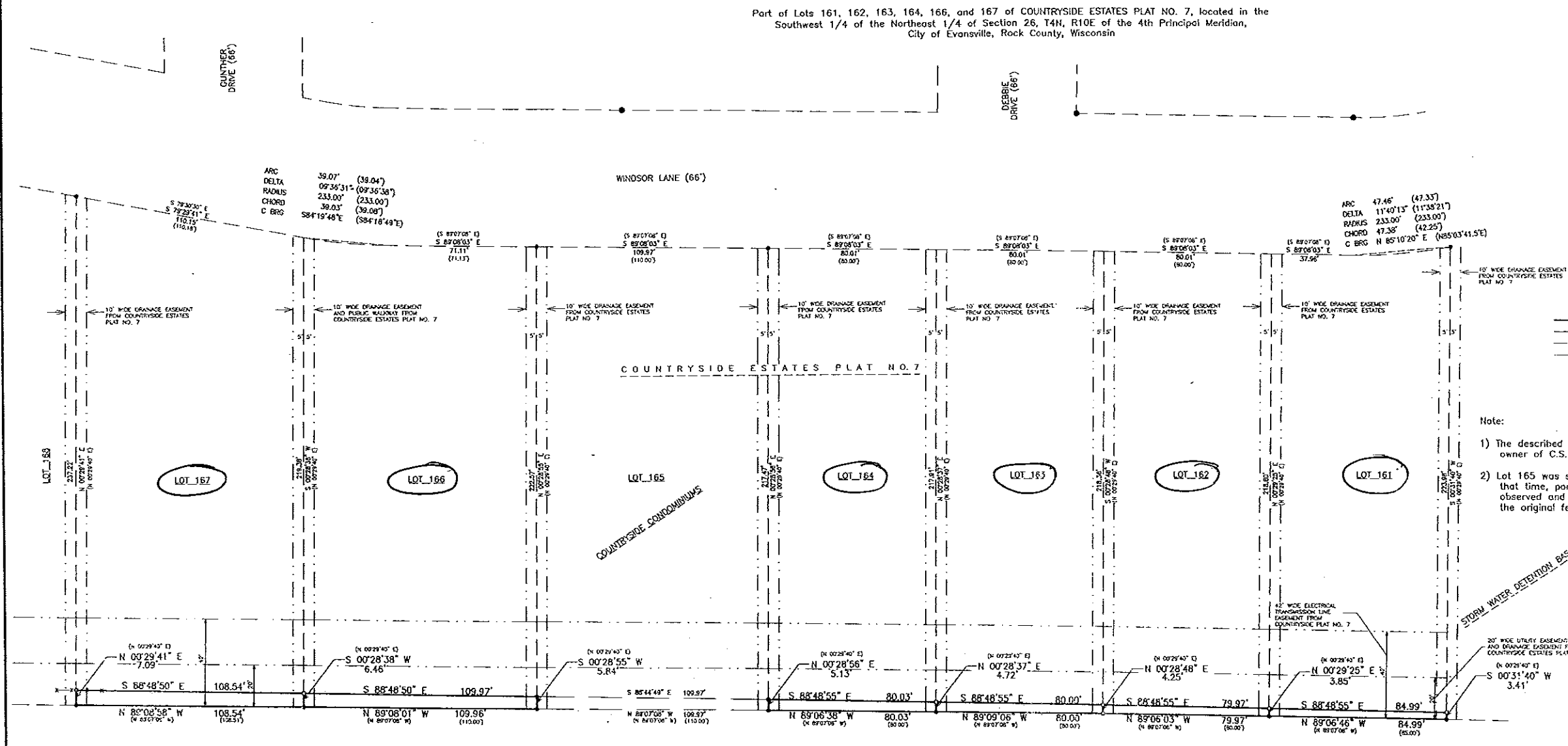
Introduced: 11/13/2007  
Adopted: 12/11/2007  
Published: 12/19/2007 (within 10 days of adoption)

*Sponsors: This is a citizen-initiated ordinance.*

*Drafted on 8/29/07 by Tim Schwecke, AICP, City Planner*

# PLAT OF SURVEY

Part of Lots 161, 162, 163, 164, 166, and 167 of COUNTRYSIDE ESTATES PLAT NO. 7, located in the Southwest 1/4 of the Northeast 1/4 of Section 26, T4N, R10E of the 4th Principal Meridian, City of Evansville, Rock County, Wisconsin



- LEGEND**
- 3/4" X 1/8" IRON REBAR SET WEIGHING 1.50 LB./FT.
  - 3/4" IRON STAKE FOUND
  - 1-1/4" IRON STAKE FOUND
  - ( ) PREVIOUSLY RECORDED DIMENSION BOUNDARY OF PROPERTY SURVEYED
  - OTHER LOT OR RIGHT-OF-WAY LINES
  - - - FENCE
  - - - EASEMENT LINE

- Note:**
- 1) The described portions of the subject lots are intended to be transferred to the property owner of C.S.M. Vol. 11, Pg. 320.
  - 2) Lot 165 was surveyed by us for Countryside Condominiums Plat on October 31, 2005. At that time, portions of the original fence line shown on Countryside Estates Plat No. 7 were observed and surveyed. The northerly lines of the accompanying descriptions coincide with the original fence location. Most of the fence has been removed.

**SURVEYOR'S CERTIFICATE:**  
 I, Keith C. Notbohm, Wisconsin Registered Land Surveyor No. S-1386, hereby certify that I have surveyed the property described hereon, and that the plat shown is a correct and true scaled representation of that survey.

*Keith C. Notbohm*  
 Keith C. Notbohm, Registered Land Surveyor, S-1386  
 SURVEYED: July 7, 2006



**DESCRIPTION OF PART OF LOT 161:**

Part of Lot 161 of COUNTRYSIDE ESTATES PLAT NO. 7, located in the Southwest 1/4 of the Northeast 1/4 of Section 26, T4N, R10E of the 4th Principal Meridian, City of Evansville, Rock County, Wisconsin, more fully described as follows:

Beginning at a 3/4" rebar found at the southwest corner of said Lot 161;  
 Thence N00°29'25"E, 3.85 feet along the west line of said Lot 161 to a former fence line;  
 Thence S88°48'55"E, 84.99 feet along said former fence line to the east line of said Lot 161;  
 Thence S00°31'40"W, 3.41 feet along said east line to a 3/4" rebar found at the southeast corner of said Lot 161;  
 Thence N89°06'46"W, 84.99 feet along the south line of said Lot 161 to the point of beginning of this description.  
 This parcel contains 308 square feet and is subject to easements of record.

**DESCRIPTION OF PART OF LOT 163:**

Part of Lot 163 of COUNTRYSIDE ESTATES PLAT NO. 7, located in the Southwest 1/4 of the Northeast 1/4 of Section 26, T4N, R10E of the 4th Principal Meridian, City of Evansville, Rock County, Wisconsin, more fully described as follows:

Beginning at a 3/4" rebar found at the southwest corner of said Lot 163;  
 Thence N00°28'37"E, 4.72 feet along the west line of said Lot 163 to a former fence line;  
 Thence S88°48'55"E, 80.00 feet along said former fence line to the east line of said Lot 163;  
 Thence S00°28'37"W, 4.25 feet along said east line to a 3/4" rebar found at the southeast corner of said Lot 163;  
 Thence N89°09'06"W, 80.00 feet along the south line of said Lot 163 to the point of beginning of this description.  
 This parcel contains 358 square feet and is subject to easements of record.

**DESCRIPTION OF PART OF LOT 166:**

Part of Lot 166 of COUNTRYSIDE ESTATES PLAT NO. 7, located in the Southwest 1/4 of the Northeast 1/4 of Section 26, T4N, R10E of the 4th Principal Meridian, City of Evansville, Rock County, Wisconsin, more fully described as follows:

Beginning at a 3/4" rebar found at the southwest corner of said Lot 166;  
 Thence N00°28'38"E, 6.46 feet along the west line of said Lot 166 to a former fence line;  
 Thence S88°48'50"E, 109.97 feet along said former fence line to the east line of said Lot 166;  
 Thence S00°28'55"W, 5.84 feet along said east line to a 3/4" rebar found at the southeast corner of said Lot 166;  
 Thence N89°08'01"W, 109.96 feet along the south line of said Lot 166 to the point of beginning of this description.  
 This parcel contains 677 square feet and is subject to easements of record.

**DESCRIPTION OF PART OF LOT 162:**

Part of Lot 162 of COUNTRYSIDE ESTATES PLAT NO. 7, located in the Southwest 1/4 of the Northeast 1/4 of Section 26, T4N, R10E of the 4th Principal Meridian, City of Evansville, Rock County, Wisconsin, more fully described as follows:

Beginning at a 3/4" rebar found at the southwest corner of said Lot 162;  
 Thence N00°28'48"E, 4.25 feet along the west line of said Lot 162 to a former fence line;  
 Thence S88°48'55"E, 79.97 feet along said former fence line to the east line of said Lot 162;  
 Thence S00°29'25"W, 3.85 feet along said east line to a 3/4" rebar found at the southeast corner of said Lot 162;  
 Thence N89°06'03"W, 79.97 feet along the south line of said Lot 162 to the point of beginning of this description.  
 This parcel contains 324 square feet and is subject to easements of record.

**DESCRIPTION OF PART OF LOT 164:**

Part of Lot 164 of COUNTRYSIDE ESTATES PLAT NO. 7, located in the Southwest 1/4 of the Northeast 1/4 of Section 26, T4N, R10E of the 4th Principal Meridian, City of Evansville, Rock County, Wisconsin, more fully described as follows:

Beginning at a 3/4" rebar at the southwest corner of said Lot 164;  
 Thence N00°28'56"E, 5.13 feet along the west line of said Lot 164 to a former fence line;  
 Thence S88°48'55"E, 80.03 feet along said former fence line to the east line of said Lot 164;  
 Thence S00°28'37"W, 4.72 feet along said east line to a 3/4" rebar found at the southeast corner of said Lot 164;  
 Thence N89°05'38"W, 80.03 feet along the south line of said Lot 164 to the point of beginning of this description.  
 This parcel contains 394 square feet and is subject to easements of record.

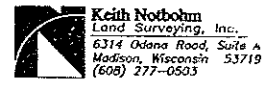
**DESCRIPTION OF PART OF LOT 167:**

Part of Lot 167 of COUNTRYSIDE ESTATES PLAT NO. 7, located in the Southwest 1/4 of the Northeast 1/4 of Section 26, T4N, R10E of the 4th Principal Meridian, City of Evansville, Rock County, Wisconsin, more fully described as follows:

Beginning at a 3/4" rebar found at the southwest corner of said Lot 167;  
 Thence N00°29'41"E, 7.09 feet along the west line of said Lot 167 to a former fence line;  
 Thence S88°48'50"E, 109.97 feet along said former fence line to the east line of said Lot 167;  
 Thence S00°28'38"W, 6.46 feet along said east line to a 3/4" rebar found at the southeast corner of said Lot 167;  
 Thence N89°08'58"W, 108.54 feet along the south line of said Lot 167 to the point of beginning of this description.  
 This parcel contains 735 square feet and is subject to easements of record.

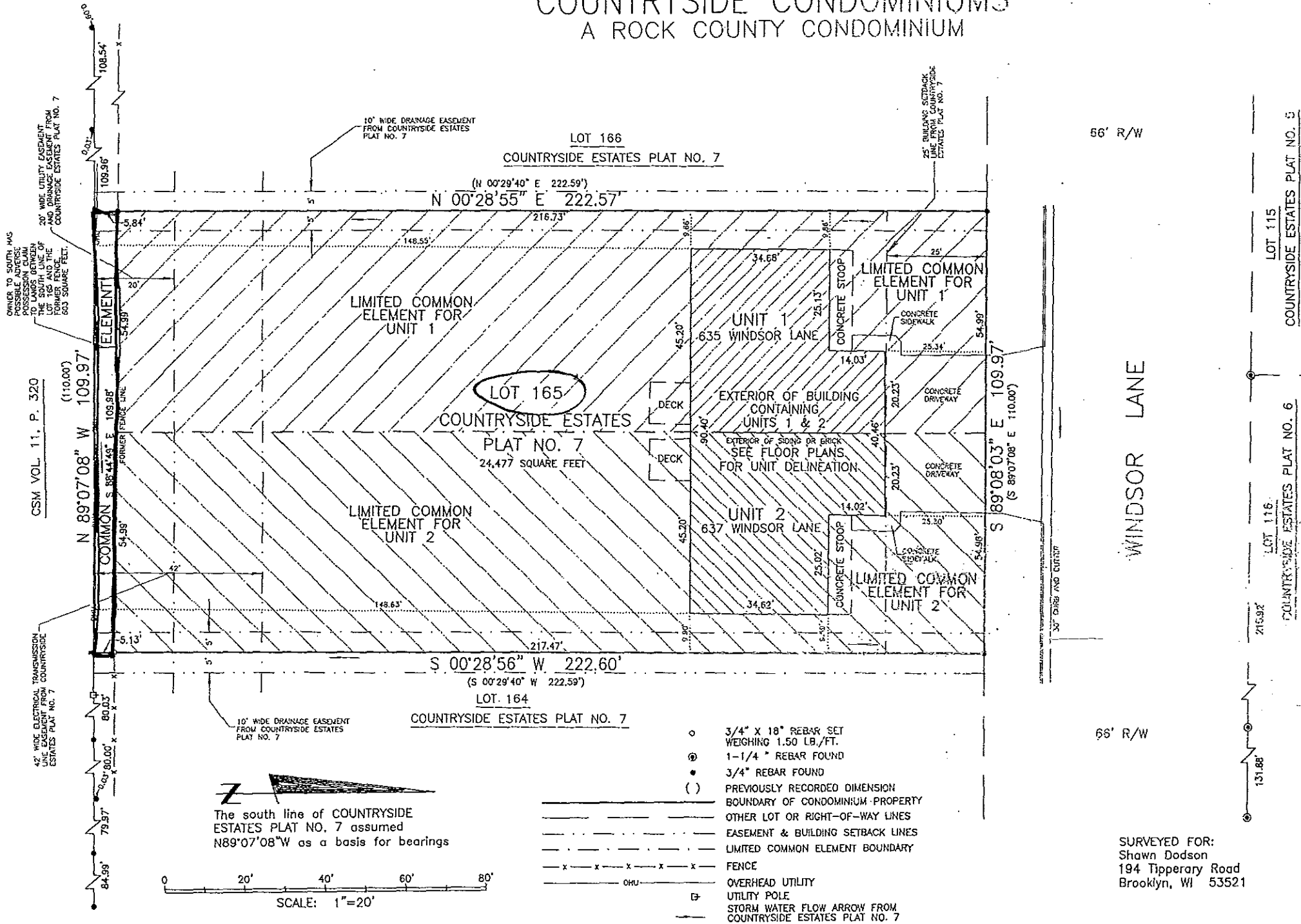
REFERENCE MAP:  
OFFICE MAP NO. 643

SURVEYED FOR:  
Robert Heissner  
13626 W. U.S. Hwy 14  
Evansville, WI 53536



OFFICE MAP NO. 723

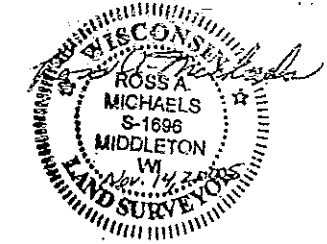
# COUNTRYSIDE CONDOMINIUMS A ROCK COUNTY CONDOMINIUM



DESCRIPTION: Lot 165 of COUNTRYSIDE ESTATES PLAT NO. 7, located in the Southwest 1/4 of the Northeast 1/4 of Section 26, T4N, R10E of the 4th Principal Meridian, City of Evansville, Rock County, Wisconsin.

**SURVEYOR'S CERTIFICATE:**  
I, Ross A. Michaels, Wisconsin Registered Land Surveyor No. S-1696, hereby certify that I have surveyed the condominium described hereon, and that the plat shown is a correct and true scaled representation of the condominium described hereon, and that the identification and location of each unit and the common elements can be determined from the plat.

*Ross A. Michaels*  
Ross A. Michaels  
Registered Land Surveyor S-1696  
SURVEYED: October 31, 2005



SURVEYED FOR:  
Shawn Dodson  
194 Tipperary Road  
Brooklyn, WI 53521

**Keith Notbohm**  
Land Surveying, Inc.  
6314 Odana Road, Suite A  
Madison, Wisconsin 53719  
(608) 277-0503

OFFICE MAP NO. 643  
SHEET 1 OF 2 SHEETS

**ORDINANCE NO. \_\_\_\_\_**  
**TOWN OF UNION**  
**ROCK COUNTY, WISCONSIN**

**SMALL WIND ENERGY SYSTEM ORDINANCE**

1. The Plan Commission has recommended and the Town Board has determined that the Town should regulate the construction of small wind energy systems to protect public safety.

2. The Plan Commission conducted a public hearing on this Ordinance, preceded by publication of a Class 2 notice, on November 29, 2007, and the Town Board conducted a public hearing on this Ordinance, preceded by publication of a Class 2 notice, on \_\_\_\_\_.

NOW THEREFORE, based on the above and pursuant to section 60.61 of the Wisconsin Statutes, the Town Board of the Town of Union, Rock County, Wisconsin, does hereby ordain as follows:

SECTION 1. Sections 17.19 through 17.26 of the Town of Union Code of Ordinances are renumbered sections 17.20 through 17.27.

SECTION 2. New Section 17.19 of the Town of Union Code of Ordinances is created as set forth in the attached Exhibit A.

SECTION 3. Except as expressly stated herein, this ordinance does not abrogate, annul, impair, interfere with or repeal any existing ordinance.

SECTION 4. If any section or part of this Ordinance is adjudged to be unconstitutional, unlawful, or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

SECTION 5. Effective Date. This Ordinance shall become effective upon adoption and publication or posting, as provided by law.

The above and foregoing Ordinance was duly adopted by the Town Board of the Town of Union at a regular meeting held on \_\_\_\_\_, \_\_\_\_\_ by a vote of \_\_\_\_\_ in favor, \_\_\_\_\_ opposed and \_\_\_\_\_ not voting.

TOWN OF UNION

By \_\_\_\_\_  
Kendall Schneider, Town Chair

By \_\_\_\_\_  
Regina Ylvisaker, Town Clerk

Approved: \_\_\_\_\_  
Posted: \_\_\_\_\_  
Published: \_\_\_\_\_

## EXHIBIT A

### Section 17.19 SMALL WIND ENERGY SYSTEM ORDINANCE

- (1) **Title**  
This section may be referred to as the Small Wind Energy System Ordinance.
- (2) **Authority**  
This section is adopted pursuant to authority granted by Wis. Stat. § 60.61, and in accordance with Wis. Stat. § 66.0401.
- (3) **Purpose**  
The purpose of this section is to establish regulations for small wind energy systems in order to preserve and protect the public health and safety.
- (4) **Applicability**  
This section applies to all lands within the boundaries of the Town of Union.
- (5) **Definitions**  
In this section:
  - A. "Met tower" means a meteorological tower, including any anchor, base, base plate, boom, cable, electrical or electronic equipment, guy wire, hardware, indicator, instrument, telemetry device, vane, or wiring, that is used to collect or transmit meteorological data, including wind speed and wind flow information, in order to monitor or characterize wind resources at or near a small wind energy system.
  - B. "Owner" means the person that owns a small wind energy system or met tower.
  - C. "Rotor Diameter" means the cross sectional dimension of the circle swept by the rotating blades.
  - D. "Small wind energy system" means a wind energy system that has a nameplate capacity of 100 kilowatts or less, has a total height of 170 feet or less, and is primarily used to generate energy for use by its owner.
  - E. "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.
  - F. "Tower" means either the freestanding, guyed, or monopole structure that supports a wind generator or the freestanding, guyed, or monopole structure that is used as a met tower.
  - G. "Wind energy system" means equipment that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation, anchor, generator, nacelle, rotor, tower, transformer, turbine, vane, wire, or other component used in the system.
  - H. "Wind generator" means the mechanical and electrical conversion components mounted at the top of a tower in a wind energy system.

(6) **Standards – Small Wind Energy System**

A small wind energy system is a permitted use in any district subject to the following requirements:

A. Set backs. No part of a wind energy system shall be located closer than 5 feet from any property line. A wind tower for a small wind energy system must be set back as measured from the center of the base of the tower, as follows:

- i. A distance equal to 1.1 times its total height from any public road right of way.
- ii. A distance equal to 1.1 times its total height from any overhead utility lines.
- iii. A distance equal to 1.1 times its total height from all property lines.

B. Sound. The noise generated by the operation of a small wind energy system may not exceed 5 dB(A) over ambient sound level as measured at any point on property adjacent to the parcel on which the small wind energy system is located. The sound level generated by the operation of a small wind energy system will be determined during the investigation of a complaint by comparing the sound level measured when the wind generator blades are rotating to the sound level measured when the wind generator blades are stopped. Measurements will be made by a Type 2 sound meter that is in compliance with ANSA Standard S 1.14-1983.

C. Blade Clearance. The vertical distance from ground level to the tip of a wind generator blade when the blade is at its lowest point must be at least 30 feet.

D. Access. All ground-mounted electrical and control equipment must be labeled and secured to prevent unauthorized access. A tower may not have step bolts or a ladder within 12 feet of the ground that is readily accessible to the public. All access doors to towers and equipments shall be locked when not in use.

E. 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, must be located underground.

F. Lighting. A wind tower and generator may be artificially lighted only if lighting is required by the Federal Aviation Administration.

G. 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. (changed from "neutral color" to "manufacturer's original color and finish").

H. Signs. No sign other than a warning sign, or an installer, owner, or manufacturer identification sign, may be placed on any component of a small wind energy system if the sign is visible from a public road.



I. Code Compliance. A small wind energy system, including tower, shall comply with all applicable state construction and electrical codes, and the National Electrical Code.

J. Signal Interference. The owner of a small wind energy system or met tower must take reasonable steps to prevent and eliminate any interference with the transmission and reception of electromagnetic communications, such as microwave, radio, telephone, or television signals.

K. Utility Interconnection. A small wind energy system that connects to the electric utility must comply with Wis. Admin. Code § PSC 119 "Rules for Interconnecting Distributed Generation Facilities."

L. Maintenance Log. The owner of a small wind energy system or met tower shall keep a written maintenance log demonstrating that the system is being maintained in accordance with the manufacturer's specifications.

**(7) Met Tower**

A met tower is a permitted use in any district subject to the same standards as a small wind energy system set forth in subsection (6), except for the standards contained in subsections (6)(B) and (6)(C).

**(8) Permit Requirements**

A. Building Permit. A permit is required for the installation of a small wind energy system or a met tower. An application for a permit shall be submitted to the Building Inspector on a form approved by the Town. The Building Inspector may enter upon any property for which a permit has been applied to conduct any inspection needed in connection with issuing a building permit.

B. Site Plan Review. The permit application shall be accompanied by 3 copies of the following:

- i. A site plan prepared by a Wisconsin registered land surveyor that shows property lines and physical dimensions of the property, the location, dimensions, and types of existing major structures on the property, the location of the proposed wind system tower, the location of any overhead utility lines on or adjacent to the property, and the right-of-way of any public road that is contiguous to the property.
- ii. A description of the small wind energy system or met tower prepared by a Wisconsin professional engineer, which shall include a design of the foundation based upon an on-site geotechnical investigation, a design of the tower structure, and the specifications of the components including the manufacturer, model, capacity, blade length, rotor diameter, and height.
- iii. A statement from the applicant that all wind energy system(s) will be installed in compliance with manufacturer's specifications, and a copy of those manufacturer's specifications.

**C. Fees**

The application for a permit for a small wind energy system must be accompanied by a fee in an amount to be set by the Town Board by resolution.

**D. Review and Issuance or Denial.** The Building Inspector shall have 45 days after receipt of a complete permit application and all materials required by this section to review and act on the permit. A permit shall be issued if the application and related materials show that the proposed small wind energy system meets the requirements of this section. If the application is not approved, the Building Inspector shall notify the applicant in writing of the reasons for denial.

**E. Posting and Expiration.** A permit issued pursuant to this ordinance shall be posted conspicuously on the premises at all times during construction, and shall expire if the small wind energy system or met tower is not installed and functioning within 12 months from the date the permit is issued.

**F. Construction Inspection.** During and upon completion of construction of a small wind energy system or met tower, the Owner shall arrange for the Building Inspector to inspect the foundation to determine whether it has been constructed in accordance with the professional engineer's design. The Owner shall also provide the Building Inspector with a certification from the manufacturer or a structural engineer that the tower has been constructed in accordance with the manufacturer's specifications. If the Building Inspector determines that the foundation or tower were not properly constructed, the Owner shall take whatever steps are necessary to correct any deficiencies.

**(9) Abandonment**

**A.** A small wind energy system or met tower that is out of service for a continuous 12-month period will be deemed to have been abandoned. The Building Inspector may issue a Notice of Abandonment to the owner of the small wind energy system or met tower that it is deemed to have been abandoned. The owner shall have the right to respond to the Notice of Abandonment within 30 days from the Notice date. The Building Inspector 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 or met tower has not been abandoned.

**B.** If the small wind energy system or met tower is determined to be abandoned, the small wind energy system or met tower must be removed within 90 days of the Notice of Abandonment and the site must be reclaimed, including removal of subsurface foundation, electrical or other materials. If the owner fails to remove a small wind energy system or met tower and reclaim the site, the Town may remove or cause the removal of the small wind energy system or met tower and the reclamation of the site. The cost of removal and reclamation will be assessed as a special charge against and shall become a lien upon the property and may be collected in the same manner as property taxes.

**(10) Violations**

It is unlawful for any person to construct, install, or operate a small wind energy system or met tower without a permit, or that is not in compliance with this section or with any

condition contained in a permit issued pursuant to this section. A small wind energy system or met tower that was installed prior to the effective date of this section is exempt from the requirements of this section.

(11) **Enforcement**

A. The Building Inspector may enter any property for which a permit has been issued under this section to conduct an inspection to determine whether there is any violation of this section or whether the conditions stated in the permit have been met.

B. The Building Inspector may issue an order to abate any violation of this section.

C. The Building Inspector may issue a citation for any violation of this section.

D. The Building Inspector may refer a violation of this section to legal counsel for legal action.

(12) **Penalties**

A. Any person who fails to comply with or violates any provision of this ordinance or a building permit or order issued pursuant to this section shall, upon conviction thereof, forfeit not less than \$50.00 nor more than \$500.00. Each day a violation exists or continues shall constitute a separate offense.

B. Nothing in this section shall be construed to prevent the Town Board from using any other lawful means to enforce this section.

ORDINANCE NO. 2008-05  
TOWN OF UNION

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF AND  
APPROVING THE DIVISION OF CERTAIN LANDS

(VILAGI PROPERTY)

RECITALS

- A. Sigmond E. Vilagi (the "Owner") is the owner of approximately 49 acres of land at 15830 West Union Road, located in the West  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 9 in the Town of Union, and depicted on Exhibit A (the "Property").
- B. The Owner has requested that the Town allow the Property to be divided into one 35 acre lot (the "35 acre lot") and one 19 acre lot (the "19 acre lot"), and that the zoning classification of the 19 acre lot be changed from A-1 Agricultural District to A-2 Agricultural District.
- C. The Plan Commission conducted a public hearing on the proposed zoning change and land division, preceded by publication of a Class 2 notice, on September 25, 2008.
- D. On September 25, 2008, the Plan Commission recommended that the proposed zoning change and land division be approved, subject to two conditions. The first condition is that the Owner record deed restrictions that prohibit residential development on the 35 acre lot. The second condition is that the Owner create a driveway easement along the easterly boundary of the 35 acre lot, for the benefit of the 19 acre lot, allowing for access to the 19 acre lot from West Union Road.

*NOW, THEREFORE, the Town Board of the Town of Union, Rock County, Wisconsin, does ordain as follows:*

ORDINANCE

- 1. Change in Zoning. Upon the effective date of this Ordinance the Zoning classification of the 19 acre lot shall be changed from A-1 Agricultural District to A-2 Agricultural District.

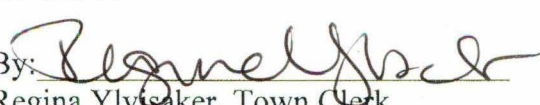
2. Approval of Certified Survey Map. Upon the effective date of this Ordinance, the certified survey map creating the 35 acre lot shall be approved and shall be signed by the Town Clerk.
  
3. Effective Date. This ordinance shall take effect upon satisfaction of the following conditions:
  - A. The Owner shall execute a deed restriction that is approved by the Town Attorney, and that prohibits any residential development on the 35 acre lot, and shall record or provide for the recording of such deed restriction, free and clear of any lien or encumbrance, in a manner that is satisfactory to the Town Attorney.
  
  - B. The Owner shall create a driveway easement along the easterly boundary of the 35 acre lot, for the benefit of the 19 acre lot, allowing for access to the 19 acre lot from West Union Road, and shall record or provide for the recording of such easement, free and clear of any lien or encumbrance that is inconsistent with the exercise or survival of the easement, in a manner that is satisfactory to the Town Attorney.
  
4. Expiration. If all conditions set forth in this ordinance are not satisfied on or before 12:00 noon on December 4, 2008, then this ordinance shall automatically, and without any further action, become null and void and of no force or effect.

*The above ordinance was duly adopted by a majority vote of the Town of Union Town Board at a regular meeting held on October 2, 2008.*

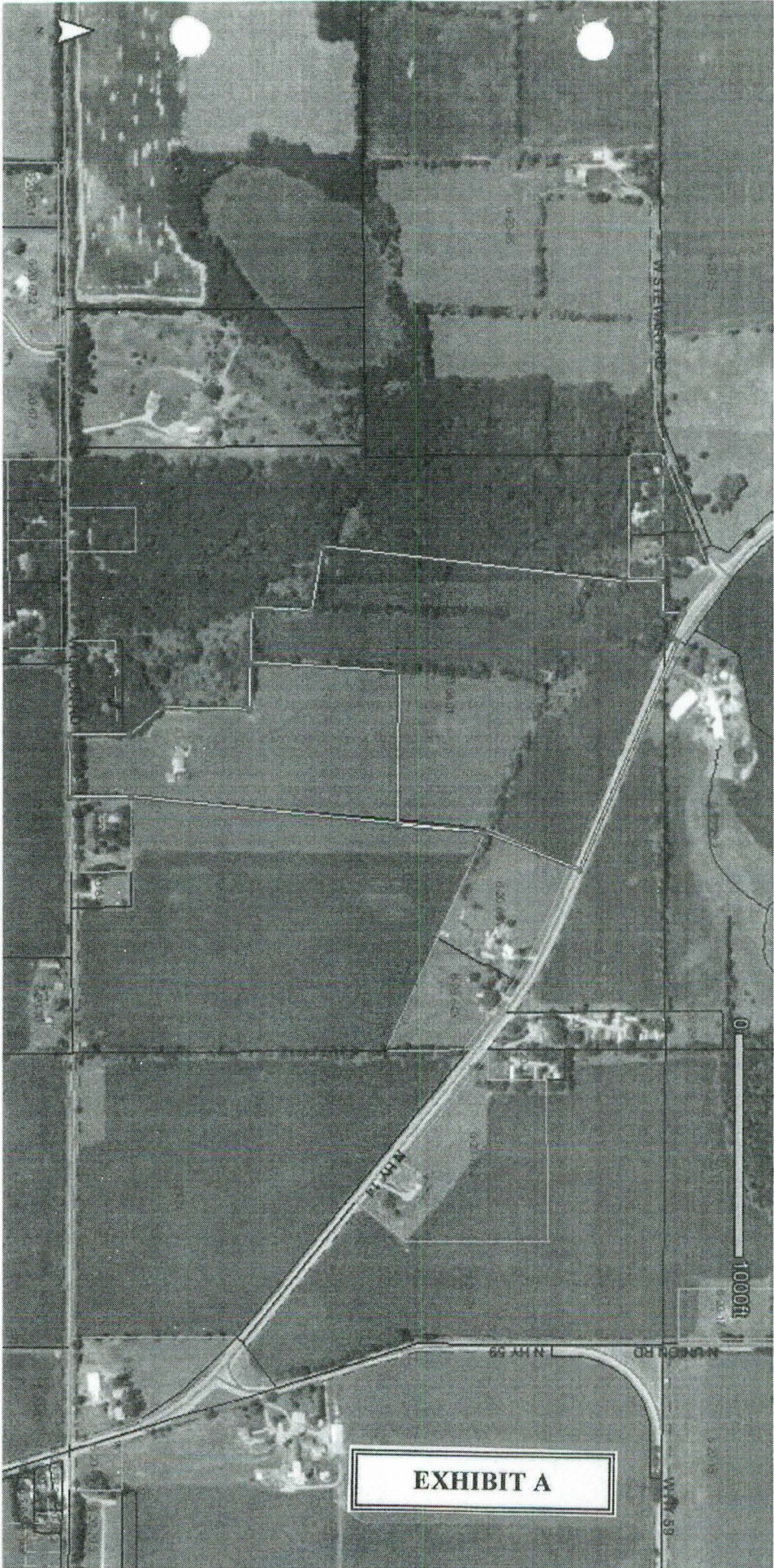
APPROVED:

By:   
Kendall Schneider, Town Chair

ATTEST:

By:   
Regina Ylvisaker, Town Clerk

APPROVED: 10.2.08  
PUBLISHED: 10.10.08  
POSTED



**EXHIBIT A**

**TOWN OF UNION**  
**ROCK COUNTY, WISCONSIN**  
**ORDINANCE NO. 2008-06**

**WIND ENERGY SYSTEMS LICENSING ORDINANCE**

**TABLE OF CONTENTS**

	<i>Page</i>
20.01 FINDINGS.....	4
20.02 PURPOSE AND INTENT.....	11
20.03 DEFINITIONS.....	11
20.04 LICENSE REQUIRED FOR WIND ENERGY SYSTEM.....	18
20.05 APPLICATION PROCEDURE FOR WIND ENERGY SYSTEM LICENSE.....	18
20.06 APPLICATION AND LICENSING REQUIREMENTS AND STANDARDS.....	19
20.07 CONSTRUCTION, OPERATION, MAINTENANCE, AMENDMENTS, AND MISCELLANEOUS REQUIREMENTS.....	31
20.08 REIMBURSEMENT OF FEES AND COSTS.....	31
20.09 VIOLATIONS AND PENALTIES; COMPLAINTS AND MODIFICATION, SUSPENSION OR REVOCATION OF LICENSE.....	33
20.10 SEVERABILITY.....	35
20.11 EXPIRATION.....	35
20.12 EFFECTIVE DATE.....	35

**TOWN OF UNION  
ORDINANCE NO. 2008-06**

**WIND ENERGY SYSTEMS LICENSING ORDINANCE**

**RECITALS**

WHEREAS, the Town of Union adopted a temporary stay on August 2, 2007 concerning the construction of large wind energy systems to give the Town time to research and develop an appropriate ordinance.

WHEREAS, the Town of Union appointed a Large Wind Turbine Study Committee on August 30, 2007 to study wind energy systems and make written recommendations to the Plan Commission on regulations to adopt.

WHEREAS, the Large Wind Turbine Study Committee held 14 public meetings from September 2007 through January 2008 to research the health and safety effects of large wind turbines.

WHEREAS, the Large Wind Turbine Study Committee prepared a Setback Recommendation Report dated January 6, 2008 and a draft Large Wind Systems Licensing Ordinance (the "Ordinance") that was presented to the Plan Commission on January 31, 2008.

WHEREAS, on January 31, 2008 the Plan Commission requested the Town attorney conduct a preliminary review of the draft Ordinance and provide comments to the Town Board. The Town attorney provided such comments to the Plan Commission and Town Board on February 25, 2008. On March 6, 2008, the Town Board requested that the Large Wind Turbine Study Committee review and address the Town attorney's comments concerning the draft ordinance. The Large Wind Turbine Study Committee submitted a revised draft Ordinance to the Plan Commission on April 26, 2008.

WHEREAS, the Plan Commission and Town Board held public hearings on May 29, 2008, June 5, 2008 and June 26, 2008 concerning the revised draft Ordinance.

WHEREAS, reputable studies and research projects have been conducted regarding large wind turbines.

WHEREAS, the Plan Commission, Town Board and Large Wind Turbine Study Committee researched and reviewed many documents related to the siting of large wind turbines, including but not limited to the following documents, reports and studies which documents have been determined by the Town Board to be reasonably accurate, reliable and relevant to the health and safety effects of large wind turbines:

Acoustic Ecology Institute, "AEI Special Report: Wind Energy Noise Impacts", July 7, 2008, available at <http://www.acousticecology.org/srwind.html>

Alberts, Daniel, "A Primer for Addressing Wind Turbine Noise", Lawrence Technological University, November 20, 2005.

Alves-Pereira, Mariana and Branco, Nuno A.A. Castelo. "In-home Wind Turbine Noise is Conducive to Vibroacoustic Disease", Wind Turbine Noise Conference, September 20, 2007.

Bajdek, Christopher, "Communicating the Noise Effects of Wind farms to Stakeholders", Noise-Con 2007, October 22-24, 2007.

Berglund B., Lindvall, T. and Schwela D., "Guidelines for Community Noise", World Health Organization 1999, available at <http://www.who.int/docstore/peh/noise/guidelines2.html>

Burton, Tony, et al., "Wind Energy Handbook", 2001.

Caithness Windfarm Information Forum, available at <http://www.caithnesswindfarms.co.uk/page4.htm>

Department for Business Enterprise & Regulatory Reform, United Kingdom. "Onshore Wind: Noise", 7/17/2008, available at <http://www.berr.gov.uk/energy/sources/renewable/planning/onshore-wind/noise/page18728.html>

French National Academy of Medicine, Report and Recommendations from Work Group, "The Repercussions of Wind turbine Operation on Human Health", March 14, 2006.

Frey, Barbara J. and Hadden, Peter J., "Noise Radiation from Wind turbines Installed Near Homes: Effects on Health", February 2007.

Harding, Graham, et al. "Wind Turbines, Flicker, and Photosensitive Epilepsy: Characterizing the Flashing that may Precipitate Seizures and Optimizing Guidelines to Prevent Them", Epilepsia:1-4, 2008.

Harry, Amanda, MD. "Wind Turbines, Noise and Health", February 2007.

International Standards Organization, 1996-1971 Recommendations for Community Noise Limits.

James, Richard. Testimony of Richard James, noise control consultant and acoustical consultant, Tazewell County Illinois Zoning Board of Appeals Hearing, May 1, 2008.



Kamperman, George and James, Richard, "Simple Guidelines for Siting Wind turbines to Prevent Health Risks", Noise-Con 2008, August 2, 2008.

Kamperman, George and James, Richard, "The How To Guide to Criteria For Siting Wind turbines to Prevent Health Risks From Sound", July 30, 2008.

Leventhall, Geoff, "A Review of Published Research on Low Frequency Noise and its Effects", Department for Environment, Food and Rural Affairs, UK (2003).

Matilsky, Terry, <http://xray.rutgers.edu/~matilsky/windmills/throw.html> (6/20/2008)

National Research Council, National Academy of Sciences, "Environmental Impacts of Wind Energy Projects", May 2007.

Meyers, Gerry, Daily Log of Living Next to Wind Turbines, available at <http://www.betterplan.squarespace.com/the-brownsville-diary-wind-tu/>

National Wind Coordinating Committee, "Permitting of Wind Energy Facilities", 1998.

Pedersen, E., et al., "WINDFARM perception – Visual and Acoustic Impact of Wind Turbine Farms on Residents, Final Report", June 3, 2008.

Pedersen, Eja and Person Waye, Kerstin, "Wind Turbine Noise, Annoyance and Self-Reported Health and Well-being in Different Living Environments", Occup Environ Med, Mary 1, 2007, 64:480-486.

Pedersen, Eja, "Human Response to Wind Turbine Noise – Perception, Annoyance and Moderating Factors", Goteburg University, 2007.

Pedersen, Eja, et al., "Noise Annoyance from Wind Turbines – a Review", Swedish Environmental Protection Agency Report 5308, August 2003.

Pedersen, Eja and Persson Waye, Kerstin, "Wind Turbines – Low Level Noise Sources Interfering with Restoration?" Environmental Research Letter Journal 3 (January – March 2008), published January 11, 2008.

Pierpont, Nina, MD, PhD, "Health Effects of Wind Turbine Noise", March 2, 2006.

Pierpont, Nina MD, PhD, "Wind Turbine Syndrome: Noise, Shadow Flicker and Health", August 1, 2006.

Rogers, Anthony L., PhD., et al., "Wind Turbine Acoustic Noise White Paper", University of Massachusetts Renewable Energy Research Lab, June 2002, amended January 2006.

Soysal, H., "Wind Farm Noise and Regulations in the Eastern US", 2<sup>nd</sup> International Meeting on Wind Turbine Noise, 9/2007

State of Wisconsin 2007 Draft Model Wind Ordinance and Reference Guide.

Stewart, John, "Location, Location, Location – An Investigation into Wind Farms and Noise by the Noise Association", UK Noise Association, June 2006.

Town of Union Large Wind Turbine Study Committee Setback Recommendation Report, January 6, 2008.

Van den Berg, G.P., "Effects of the wind profile at night on wind turbine sound", Journal of Sound and Vibration Volume 277 (2004) 955-970.

Western Australian Planning Commission. "Guidelines for Wind Farm Development", Planning Bulletin No. 67, ISSN 1324-9142, May 2004.

World Health Organization Technical Meeting on Sleep and Health, Bonn Germany, 22-24 January 2004.

WHEREAS, the Plan Commission conducted six working meetings, in addition to time devoted at regular Plan Commission meetings, to develop a final draft ordinance for recommendation to the Town Board, and on October 30, 2008, recommended that the Town Board adopt this Ordinance.

NOW THEREFORE, based on the information concerning the health and safety effects of large wind turbines on the community presented in the public hearings and in the reports and documents reviewed and referenced herein, and based upon the recommendation of the Town Plan Commission, the Town Board finds and ordains as follows:

#### 20.01 FINDINGS

(a) General Findings:

1. Wind energy is a potential renewable and nonpolluting energy resource of the Town of Union, and its conversion to electricity may reduce dependence on nonrenewable, conventional energy sources and decrease the pollution that results therefrom. However, wind energy facilities should be sited in a way that protects the health and safety needs of the Town of Union residents residing near the large wind turbines, as well as the general public.

2. The regulation of the siting and installation of large wind turbines is necessary to protect the health, safety and welfare of the residents of the Town of Union and the general public. Adverse health and safety issues are likely to arise if appropriate standards and setbacks are not followed in the siting and installation of large wind turbines.
3. It is appropriate to consider as relevant recommended standards for large wind turbines from international organizations that have more experience with the use, siting and installation of large wind turbines than the U.S.
4. Wind turbine accidents have occurred involving ice throws, blade disintegration, fire and tower failure. According to the Caithness Windfarm Information Forum, from 1999 through June 2008 there were over 500 accidents around the world, including North America, involving ice throws, blade disintegration, fire and tower failure from large wind turbines.
5. If improperly sited, wind energy systems produce electro-magnetic radiation that can interfere with broadcast communications and signals.
6. Heavy equipment used for the construction of large wind turbines can damage local roads.

(b) Findings Regarding Wind Turbine Noise Impacts:

The Town of Union concludes that a) the sound pressure level ("SPL") of 50 dBA set forth in the State of Wisconsin 2007 Draft Model Wind Ordinance does not adequately protect town residents from the adverse health effects associated with large wind turbine noise; and b) a maximum outside audible SPL of 35 dBA or 5 dBA over ambient, whichever is lower, in the Town of Union is necessary to protect residents from the adverse health effects associated with large wind turbine noise, based on the following findings:

1. Large wind turbines are significant sources of noise, which, if improperly sited, can negatively impact the health of residents, particularly in areas of low ambient noise levels.
2. Large wind turbines emit two types of noise -- 1) Aerodynamic noise from the blades passing through the air, which can generate broadband noise, tonal noise and low frequency noise; and 2) Mechanical noise from the interaction of the turbine components. A dBA scale is commonly used to measure audible wind turbine noise. Low frequency noise from large wind turbines is not adequately measured with a dBA weighting. For a better assessment of the health effects

from low frequency noise, the World Health Organization ("WHO") suggests using a dBC weighting. (See Rogers 1/2006; Alberts 11/20/2005; WHO 1999)

3. Noise is an annoyance that can negatively impact health, producing negative effects such as sleep disturbance and deprivation, stress, anxiety and fatigue. WHO defined annoyance as a feeling of displeasure associated with any agent or condition believed by an individual to adversely affect him or her. According to WHO, health should be regarded as a state of complete physical, mental and social wellbeing, and not merely the absence of disease or infirmity. Under this definition, noise has a significant impact on the quality of life and noise annoyance is an adverse health effect. (See WHO 1999, Ch. 3.7; Dr. Harry 2/2007; Pedersen & Waye 2/27/08)
4. Large wind turbines create a noise annoyance that can hinder physical and mental healing and can cause adverse health effects associated with sleep disturbance and deprivation, psychological distress, stress, anxiety, depression, headaches, fatigue, tinnitus and hypertension. Wind turbine noise can affect each person differently. Some people are unaffected by wind turbine noise, while others may develop adverse health effects from the same noise. At low frequencies, wind turbine noise may not be heard but rather is felt as a vibration. Medical research reported complaints from people who felt the noise from large wind turbines, similar to symptoms that can be associated with vibroacoustic disease. (See Pedersen et al 3/1/2007, 8/2003, 1/11/2008 and 6/3/2008; Pedersen 2007; Mariana Alves-Pereira and Nuno Castelo Branco 9/20/2007; WHO 1999; Kamperman & James; reports by Dr. Pierpont, Dr. Harry and Dr. Leventhal)
5. The risk for adverse health effects resulting from noise annoyance such as headaches, stress, anxiety, fatigue, depression, pain and stiffness, and decreased cognitive ability associated with sleep deprivation from wind turbine noise increases with increasing A-weighted sound pressure levels. According to wind turbine noise studies, few respondents were disturbed in their sleep by wind turbine noise at SPL less than 35 dBA; however, at SPL greater than 35 dBA respondents were increasingly disturbed in their sleep by wind turbine noise. (See Pedersen et al 6/3/2008 and 8/2003)
6. Wind turbine noise greater than 5db over ambient increases the risk for adverse health effects because a change of 5 dB is clearly noticeable. (See Kamperman and James)
7. Studies show that prolonged exposure to wind turbine noise resulted in adverse health effects at SPLs below those from other sources of community noise, such as road traffic noise. Sound generated by wind turbines has particular characteristics and creates a different type of noise having different health impacts

than compared to urban, industrial or commercial noise. (See Pedersen et al 6/3/2008 and 8/2003; Soysal 2007)

8. Living in a rural environment, in comparison with a suburban area, increases the risk of residents being impacted by noise from nearby large wind turbines because of the low ambient SPL in rural environments. (See Pedersen and Wayne, 3/1/2007, p. 485)
9. The International Standards Organization recommended community noise limits for rural areas be set at a SPL of 35 dBA during the day, 30 dBA during the evening and 25 dBA at night. (See Table 9: ISO 1996-1971 Recommendations for Community Noise Limits as cited by Acoustic Ecology Institute and Daniel Alberts of Lawrence Technological University)
10. Eye-witnesses living near newly-constructed large wind turbines in the Town of Byron, Fond du Lac County, WI testified at the public hearing held by the Town of Union Plan Commission that they currently experience adverse health effects from the wind turbine noise such as sleep deprivation and disturbance, headaches, nausea and dizziness. The SPL from the wind turbines in the Town of Byron is greater than 45 dBA at their residences and can be heard inside of their houses and outside in their yards.
11. Two Plan Commissioners visited the newly constructed wind turbines in the Town of Byron, Fond du Lac County, WI in June 2008 and confirmed that the wind turbines were a significant source of noise. Doug Zweizig went to Gerry Meyer's home that was approximately 1500 feet from the wind turbines and noted that the turbines sounded like a jet airplane when describing the quality and intensity of the sound. Dave Pestor spoke with residents, farmers and a sheriff's deputy in the area who all stated that the turbines were noisy. Mr. Pestor also visited Gerry Meyer's home and took sound measurements from the wind turbines. The sound measured between 57 to 67 dBA on June 6-7, 2008. Mr. Pestor took sound measurements from several wind turbines in the area. The lowest sound measurement was 48 dBA and the highest was 69 dBA. Wind Committee members, Jim and Cathy Bembinster visited the Monfort, WI wind turbines in August 2007 and measured the sound levels to be between 48 to 53 dBA and 62-73 dBC. They also found two pieces of broken blades, with the tip of the blade being as big as the hood of a truck. The Bembinsters visited Monfort again in November 2007 and measured the sound above 50 dBA and 65 dBC.

However, experiences vary. Kim Gruebling visited wind turbine sites in Byron township, Lincoln township and Monfort and found that overall people were satisfied with the turbines. Two issues that Mr. Gruebling noted were 1) tensions between landowners profiting from the wind turbines and those landowners who

did not, and 2) the poor conditions of roads following the installation of the turbines. Doug Lee visited wind farms in Iowa. Mr. Lee estimates that approximately 60% of the people he spoke with had positive opinions of the wind turbines and approximately 40% of the people he spoke with had negative opinions of the wind turbines. Eric Larsen went to a wind farm south of Rockford, IL. No one was available to talk so he walked around the area. It was a nice day and windy. Mr. Larsen noticed that the windows in the homes surrounding the site were all closed and no one was outside. He stated the noise was similar to a plane going overhead. He stood under a tower and did not feel any unease.

12. In order to reduce the risk of negative health impacts from large wind turbine noise, acoustical engineers George Kamperman and Richard James recommend a) audible sound limits based on pre-existing background sound levels plus a 5dB allowance for wind turbine noise or b) SPL not to exceed 35 dBA within 100 feet of any occupied structure, whichever is lower; and c) a dBC limit not to exceed 20 dB above ambient background levels. These sound levels are in line with numerous published guidelines such as the sound limits proposed by the United Kingdom Business Enterprise and Regulatory Reform Department, which suggest for quiet, rural areas and low noise environments, the outside levels of the L A90, 10 min. of wind farm noise should be limited to an absolute level of 35 - 40 dBA. (See Kamperman & James; United Kingdom Business Enterprise & Regulatory Reform Department document "Onshore Wind: Noise" 7/17/2008)

(c) Findings Regarding Setback Distances from Wind Turbines:

The Town of Union concludes that a) the setbacks set forth in the State of Wisconsin 2007 Draft Model Wind Ordinance are not based on empirical evidence relating to health effects and do not adequately protect town residents from the impacts of large wind turbines; and b) a setback of 2640 feet from large wind turbines to the nearest residence or other inhabited structure is necessary to protect the health and safety of Town of Union residents, based on the following findings:

1. Minimum setbacks from dwellings are necessary to mitigate noise impacts not predicted with sound models. Pre-construction sound models fail to accurately predict wind turbine noise impacts due to factors such as atmospheric conditions, temperature inversions, wind layers, geography and low frequency noise which travels further with less loss of intensity than higher frequency noise. In addition, at night when air stabilizes, wind turbine noise can travel further than expected and can be 5-15 db(A) louder than predicted. (See Kamperman & James; Acoustic Ecology Institute Special Report: Wind Energy Noise Impacts 2008)

2. A dBC requirement is needed to minimize adverse health effects from low frequency noise. A dBC requirement will likely result in setbacks between large wind turbines and nearby dwellings of 1km (.62 miles) or greater for 1.5 to 3 MW wind turbines if wind turbines are located in rural areas where L90A background levels are 30 dBA or lower. (See Kamperman & James; WHO 1999; Bajdek Noise-Con 2007; Pedersen and Waye 1/11/2008)
3. Noise diminishes with distance. According to a sound propagation formula in the Wind Turbine Acoustic Noise White Paper by the University of Massachusetts Renewable Energy Research Lab, a SPL of 35 dBA is reached at approximately ½ mile from a wind turbine based on a sound power at 102 dBA at hub height as applied to a 1.5 – 3 MW wind turbine. Therefore, at a distance of less than ½ mile, a wind turbine will create a SPL that exceeds safe levels. (See Rogers pg. 18 Figure 11; Burton 2001)

Wind Turbine Sound Propagation at the example of 102 dBA sound power at hub	
Distance in Ft.	dBA reduction -6 per doubling of distance
1	102 dBA
2	96 dBA
4	90 dBA
8	84 dBA
16	78 dBA
32	72 dBA
64	66 dBA
128	60 dBA
256	54 dBA
512	48 dBA
1024	42 dBA
2048	36 dBA
4096	30 dBA
8192	24 dBA
16384	18 dBA
32768	12 dBA
65536	6 dBA
131072	0 dBA

While this model of sound propagation is descriptive of the noise generated by the machinery at the hub, the noise produced by the turbine blades is not accounted

for in this model and has been found to travel further. Therefore, this ordinance requires siting based not only on set-backs, but also on sound studies.

4. The closer people live to wind turbines the more likely they will experience noise annoyance or develop adverse health effects from wind turbines' noise. Further, the degree of difficulties resulting from the sound of wind turbines seems clearly related to the distance from the turbines, though the literature has studied a variety of turbine sizes in a variety of locations. A setback of 2640 feet from dwellings would eliminate most noise complaints. Research conducted by Christopher Bajdek showed that at approximately 0.8 km (1/2 mile) from wind turbines, 44% of the population would be considered highly annoyed from wind turbine noise. At a distance of approximately 1.62 km (1 mile) from wind turbines, the percent of highly annoyed people is expected to drop to 4%. George Kamperman and Richard James reviewed several studies to determine the impact of wind turbine noise on nearby residents. Their review showed that some residents living as far as 2 miles complained of sleep disturbance from wind turbine noise and many residents living 1000 feet from wind turbines experienced major sleep disruption and other health problems from nighttime wind turbine noise. G.P. Van den Berg studied a wind farm in northwestern Germany and discovered that residents living 500 m (1640 feet) from the wind turbines reacted strongly to wind turbine noise and residents up to 1900 m (1.18 miles) distance expressed annoyance. A survey conducted by Pedersen and Waye revealed that less than 10% of the respondents experienced sleep disturbance at distances of 1,984 feet to 3,325 feet and found that the sound from wind turbines was of greater concern in rural environments because of the lower ambient noise. (Bajdek, Noise-Con 2007; Van den Berg 2004; Pedersen & Waye 2/27/08; Kamperman & James)
5. Eye-witnesses from the Town of Byron, Fond du Lac County, who testified at the public hearing held by the Town of Union Plan Commission live 1,100 feet to ¾ mile from large wind turbines and they currently experience adverse health effects from wind turbine noise such as insomnia, headaches, nausea, and dizziness. (See Gerry Meyer's daily log)
6. Documents reviewed recommend wind turbines should be located between 1/2 mile to over 1 mile from dwellings. To avoid adverse noise impacts, the Western Australia Planning Commission Bulletin recommends that wind energy systems include sufficient buffers or setbacks to dwellings of 1 km (.62 mile). The National Wind Collaborating Committee stated that an appropriate setback distance may be up to 1/2 mile. The National Research Council stated noise produced by wind turbines generally is not a major concern for humans beyond 1/2 mile or so because various measures to reduce noise have been implemented in the design of modern turbines. The Wisconsin towns of Woodville, Clay Banks, Magnolia, Wilton and Ridgeville recently adopted large wind turbine

ordinances with setbacks of 1/2 mile from dwellings. The French National Academy of Medicine and the UK Noise Association suggest a 1.5 km (approximately 1 mile) distance between large wind turbines and dwellings. Dr. Amanda Harry, Dr. Nina Pierpont, and Frey and Hadden recommend a setback greater than 1 mile. (See UK Noise Association 6/2006; French National Academy of Medicine 3/14/2006; reports by Dr. Harry, Dr. Pierpont, and Frey and Hadden; NWCC 1998, NRC report 5/2007)

7. Adverse health effects from wind turbine noise can be exacerbated by the rotating blades and shadows from the wind turbines. As wind turbine blades rotate in sunny conditions, they cast strobe-like shadows on the windows of nearby homes and buildings causing shadow flicker that cannot be avoided by occupants. Shadow flicker can cause some people to become dizzy, nauseated or lose their balance when they see the movement of the shadow. Shadow flicker from wind turbines at greater than 3Hz poses a potential risk of inducing photosensitive seizures. Therefore, wind turbines should be sited such that shadows from wind turbine blades do not fall upon the windows of nearby dwellings or within 100 feet of dwellings for any considerable period. The Wind Energy Handbook recommends a setback of 10 rotor diameters to avoid shadow flicker on occupied structures. (See Acoustic Ecology Institute special report 2008; Burton 2001; UK Noise Association 6/2006, Graham Harding 2008 and Dr. Nina Pierpont 3/2/2006 and 8/1/2006)
8. If placed too close to a road, the movement of the wind turbine blades and resulting shadow flicker can distract drivers and lead to accidents. (See NRC May 2007 report, pg. 263)
9. Wind turbines have been known to throw ice and debris from the turbine blades. According to Professor Terry Matilsky from the Department of Physics and Astronomy at Rutgers University, ice throws from large wind turbines can reach up to a distance of 1750 feet and blade throws can reach 2500 feet.

## 20.02 PURPOSE AND INTENT

Based upon the findings stated above, it is the intended purpose of the Town to regulate Wind Energy Systems to promote the health, safety, and general welfare of the citizens of the Town and to establish reasonable and uniform regulations for the operation thereof so as to minimize potentially dangerous effects of Wind Energy Systems on the community.

## 20.03 DEFINITIONS

The following terms have the meanings indicated:

- (a) Aerodynamic Sound means a noise that is caused by the flow of air over and past the blades of a WES.
- (b) Ambient Sound. Ambient noise encompasses all sound present in a given environment, being usually a composite of sounds from many sources near and far. It includes intermittent noise events, such as, from aircraft flying over, dogs barking, wind gusts, mobile farm or construction machinery, and the occasional vehicle traveling along a nearby road. The ambient also includes insect and other nearby sounds from birds and animals or people. The near-by and transient events are all part of the ambient sound environment but are not to be considered part of the background sound. If present, a different time or location should be selected for determining the L90 background sound levels.
- (c) Anemometer means a device for measuring the speed and direction of the wind.
- (d) Applicant means the individual or business entity that seeks to secure a license under this Ordinance.
- (e) A-Weighted Sound Level (dBA). A measure of over-all sound pressure level designed to reflect the response of the human ear, which does not respond equally to all frequencies. It is used to describe sound in a manner representative of the human ear's response. It reduces the effects of the low with respect to the frequencies centered around 1000 Hz. The resultant sound level is said to be A-weighted and the units are dBA. Sound level meters have an A-weighting network for measuring A-weighted sound levels (dBA) meeting the characteristics and weighting specified in ANSI Specifications for Integrating Averaging Sound Level Meters, S1.43-1997 for Type 1 instruments and be capable of accurate readings (corrections for internal noise and microphone response permitted) at 20 dBA or lower.
- (f) Background Sound (L90) refers to the sounds that would normally be present at least 90% of the time. Background sounds are those heard during lulls in the ambient sound environment. That is, when transient sounds from flora, fauna, and wind are not present. Background sound levels vary during different times of the day and night. Because a WES operates 24/7, the background sound levels of interest are those during the quieter periods which are often the evening and night. Sounds from near-by birds and animals or people must be excluded from the background sound test data.  
  
Background sound level (dBA and dBC (as L90)) is the sound level present for at least 90% of the time during a period of observation that is representative of the quiet time for the soundscape under evaluation and with duration of ten (10) continuous minutes. Several contiguous ten (10) minute tests may be performed in one hour to determine the statistical stability of the sound environment. Longer term tests, such as 24 hours or

multiple days are not appropriate since the purpose is to define the quiet time background sound level. It is defined by the L90A and L90C descriptors. It may be considered to be the quietest one (1) minute during a ten (10) minute test. L90A results are valid only when L10A results are no more than 10 dBA above L90A for the same time period. L10C less L90C should not exceed 15 dBC to be valid.

Measurement periods such as at dusk when bird and insect activity is high or the early morning hours when the 'dawn chorus' is present are not acceptable measurement times. Further, background L90 sound levels documenting the pre-construction baseline conditions should be determined when the ten minute average wind speed is 2 meters per second (4.5 mph) or less at the ground level/microphone location.

- (g) Blade Passage Frequency (BPF) means the frequency at which the blades of a turbine pass a particular point during each revolution (e.g. lowest point or highest point in rotation) in terms of events per second. A three bladed turbine rotating at 28 rpm would have a BPF of 1.4 Hz. [E.g. ((3 blades times 28rpm)/60 seconds per minute = 1.4 Hz BPF)]
- (h) C-Weighted Sound Level (dBC). Similar in concept to the A-Weighted sound Level (dBA) but C-weighting does not de-emphasize the frequencies below 1k Hz as A-weighting does. It is used for measurements that must include the contribution of low frequencies in a single number representing the entire frequency spectrum. Sound level meters have a C-weighting network for measuring C-weighted sound levels (dBC) meeting the characteristics and weighting specified in ANSI S1.43-1997 Specifications for Integrating Averaging Sound Level Meters for Type 1 instruments.
- (i) Decibel (dB). A dimensionless unit which denotes the ratio between two quantities that are proportional to power, energy or intensity. One of these quantities is a designated reference by which all other quantities of identical units are divided. The sound pressure level (Lp) in decibels is equal to 10 times the logarithm (to the base 10) of the ratio between the pressure squared divided by the reference pressure squared. The reference pressure used in acoustics is 20 MicroPascals.
- (j) Distance attenuation. Means the reduction of a sound or attenuation by distance. The effect of distance attenuation depends on the type of sound sources. Most sounds or noises we encounter in daily life are from sources which can be characterized as either point or line sources. If a sound source produces spherical spreading of sound in all directions, it is a point source. For a point source, the noise level decreases by 6 dB per doubling of distance from the source. If the sound source produces cylindrical spreading of sound such as a stream of motor vehicles on a busy road at a distance, it may be considered as a line source. For a line source, the noise level decreases by 3 dB per doubling of distance from the source.

- (k) Frequency. The number of oscillations or cycles per unit of time. Acoustical frequency is usually expressed in units of Hertz (Hz) where one Hz is equal to one cycle per second.
- (l) Good Utility Practice. Means any of the practices, methods and acts with respect to the safe operation of a WESF engaged in or approved by a significant portion of the electric utility industry and, in particular, those portions of the industry with experience in the construction, operation and maintenance of wind turbines during the relevant time period; or any of the practices, methods and acts which, in the exercise of reasonable judgment in light of the facts known at the time the decision is made, could be expected to accomplish the desired result at a reasonable cost consistent with good business practices, reliability, safety and expedition. Good Utility Practice is not intended to be limited to the optimum practice, method or act to the exclusion of all others, but rather to be acceptable practices, methods or acts generally accepted in the region.
- (m) Health means a state of complete physical and mental well being, not merely the absence of disease or infirmity. This definition was adapted from the World Health Organization definition of health in "Guidelines for Community Noise", pages 19 and 20.
- (n) Height means the total distance measured from the grade of the property as existed prior to the construction of the wind energy system, facility, tower, turbine, or related facility at the base to its highest point.
- (o) Hertz (Hz). Frequency of sound expressed by cycles per second.
- (p) Impulsive Sound refers to short-term acoustical impulses typically lasting less than one second each. It may be the only sound emitted from a noise source or it may be a component of a more complex sound. For evaluation of wind turbines, impulsive sound includes swishing or thumping sounds.
- (q) INCE means Institute of Noise Control Engineers. The Institute of Noise Control Engineering of the USA ("INCE/USA") is a non-profit professional organization incorporated in Washington, DC. A primary purpose of the INCE/USA is to promote engineering solutions to environmental, product, machinery, industrial and other noise problems. INCE/USA is a Member of the Society of the International Institute of Noise Control Engineering, an international consortium of organizations with interest in acoustics and noise control.
- (r) Infra-Sound. Sound with energy in the frequency range of 20 Hz and below is considered to be infrasound is normally considered to not be audible unless in relatively high amplitude. The most significant exterior noise-induced dwelling vibration occurs in the frequency range between 5 Hz and 50 Hz. Moreover, even levels below the threshold of audibility can still cause measurable resonances inside dwelling interiors. Conditions that support or magnify resonance may also exist in human body cavities and organs under

certain conditions, although no specific test for infrasound is provided in this document, its presence will be accounted for in the comparison of dBA and dBC sound levels for the complaint test provided later in this document. See low-frequency sound (LFN) for more information.

- (s) Low Frequency Sound (LFN) refers to sounds with energy in the lower frequency range of 20 to 200 Hz. LFN is deemed to be excessive when the difference between a C-weighted sound pressure level and an A-weighted sound pressure level is greater than 20 decibels at any measurement point outside or inside a noise sensitive receptor site, residence, or other occupied structure. E.G. C-A>20 dB.
- (t) Measurement Point (MP) means location where sound and/or vibration measurements are taken such that no significant obstruction blocks sound and vibration from the site. The Measurement Point should be located so as to not be near large objects such as buildings and in the line-of-sight to the nearest turbines. Proximity to large buildings or other structures should be twice the largest dimension of the structure, if possible.
- (u) Measurement of Wind Speed. For measurements conducted to establish the background sound pressure levels (dBA, dBC, L90 10 min, and etc.) the wind speed at the microphone's Measurement Point shall average 2 m/s (4.5 mph) or less for valid background measurements. For valid measurements conducted to establish the post-construction sound level the wind speed at the microphone's Measurement Point shall not exceed 4 m/s (9 mph) average and the wind speed at the WES blade height shall be at or above the nominal rated wind speed. For purposes of enforcement, the wind speed and direction at the WES blade height shall be selected to reproduce the conditions leading to the enforcement action while also restricting wind speeds at the microphone to 4 m/s (9 mph).

For purposes of models used to predict the sound levels and sound pressure levels of the WES to be submitted with the Application, the Wind Speed shall be the speed that will result in the worst-case dBA and dBC sound levels in the community adjacent the nearest WES. For the purpose of constructing the model the wind direction shall consider the dominant wind direction for the seasons from the late Spring to early Fall. If other wind directions may cause levels to exceed those of the predominant wind direction at nearby sensitive receptors, these levels and conditions shall be included in the Application.

- (v) Mechanical Noise means sound produced as a byproduct of the operation of the mechanical components of a WES(s) such as the gearbox, generator and transformers.
- (w) Noise means any unwanted sound. Not all noise needs to be excessively loud to represent an annoyance or interference.

- (x) Non-Participating Parcel means a parcel of real estate that is neither a Project Parcel nor a Participating Parcel.
- (y) Occupied Structure means a building in which people live, work or frequent.
- (z) Participating Parcel means a parcel of real estate that is not a Project Parcel, but is subject to an agreement between the owner and applicant allowing the construction of all or part of a WESF closer to a Participating Parcel property line or structure on the Participating Parcel than would be permitted under this Ordinance in the absence of such an agreement. To qualify as a Participating Parcel, the agreement between the owner and the applicant must be approved by the Town Board under this Ordinance.
- (aa) Project Boundary means the boundaries of the WESF as shown on the site plan submitted to and approved by the Town in accordance with this Ordinance.
- (bb) Project Parcel or Project Parcels means the parcel or parcels of real estate on which all or any part of a WESF will be constructed.
- (cc) Property Line means the recognized and mapped property parcel boundary line.
- (dd) Pure Tone. A sound for which the sound pressure is a simple sinusoidal function of the time, and characterized by its singleness of pitch. Pure tones can be part of a more complex sound wave that has other characteristics.
- (ee) Qualified Independent Acoustical Consultant. Qualifications for persons conducting baseline and other measurements and reviews related to the application for a WES or for enforcement actions against an operating WES include, at a minimum, demonstration of competence in the specialty of community noise testing and Full Membership in the Institute of Noise Control Engineers (INCE). Certifications such as Professional Engineer (P.E.) do not test for competence in acoustical principles and measurement and are thus not, without further qualification, appropriate for work under this Ordinance. The Independent Qualified Acoustical Consultant can have no direct or indirect financial or other relationship to an Applicant.
- (ff) Sensitive Receptor means places or structures intended for human habitation, whether inhabited or not, public parks, state and federal wildlife areas, the manicured areas of recreational establishments designed for public use, including but not limited to golf courses, camp grounds and other nonagricultural state or federal licensed businesses. These areas are more likely to be sensitive to the exposure of the noise, vibration, shadow or flicker, etc. generated by a WES or WESF. These areas include, but are not limited to: schools, daycare centers, elder care facilities, hospitals, places of seated assemblage, non-agricultural businesses and residences.

- (gg) Sound. A fluctuation of air pressure which is propagated as a wave through air
- (hh) Sound Power. The total sound energy radiated by a source per unit time. The unit of measurement is the watt. Abbreviated as Lw. This information is determined for the WES manufacturer under laboratory conditions specified by IEC 61400-11 and provided to the local developer for use in computer model construction. It cannot be assumed that these values represent the highest sound output for any operating condition. They reflect the operating conditions required to meet the IEC 61400-11 requirements. The lowest frequency is 50 Hz for acoustic power (Lw) requirement in IEC 61400-11. This Ordinance requires wind turbine certified acoustic power (Lw) levels at rated load for the total frequency range from 6.3 Hz to 10k Hz in one-third octave frequency bands tabulated to the nearest 0.1 dB. The frequency range of 6.3 Hz to 10k Hz shall be used throughout this Ordinance for all sound level modeling, measuring and reporting.
- (ii) Sound Pressure. The instantaneous difference between the actual pressure produced by a sound wave and the average or barometric pressure at a given point in space.
- (jj) Sound Pressure Level (SPL). 20 times the logarithm, to the base 10, of the ratio of the pressure of the sound measured to the reference pressure, which is 20 microwewtons per square meter. In equation form, sound pressure level in units of decibels is expressed as  $SPL (dB) = 20 \log p/pr$ .
- (kk) Spectrum. The description of a sound wave's resolution into its components of frequency and amplitude. The WES manufacturer is required to supply a one-third octave band frequency spectrum of the wind turbine sound emission at 90% of rated power. The published sound spectrum is often presented as A-weighted values. This information is used to project the wind farm sound levels at all locations of interest. Confirmation of the projected sound spectrum can be determined with a small portable one-third octave band frequency (spectrum) analyzer. The frequency range of interest for wind turbine noise is approximately 10 Hz to 10k Hz.
- (ll) Statistical Noise Levels. Sounds that vary in level over time, such as road traffic noise and most community noise, are commonly described in terms of the statistical exceedance levels LAN, where LAN is the A-weighted sound pressure level exceeded for N% of a given measurement period. For example, L10 is the noise level exceeded for 10% of the time. Of particular relevance, are: LA10 and LC10 the noise level exceeded for 10% of the ten (10) minute interval. This is commonly referred to as the average maximum noise level. LA90 and LC90 the noise level exceeded for 90% of the ten (10) minute sample period. The L90 noise level is described as the average minimum background sound level (in the absence of the source under consideration), or simply the background level. Leq is the frequency-weighted equivalent noise level (basically the average noise level). It is defined as the steady sound level that contains the same amount of acoustical energy as the corresponding time-varying sound.

- (mm) Tonal Sound (sometimes referred to as Pure Tone). A sound for which the sound pressure is a simple sinusoidal function of the time, and characterized by its singleness of pitch. Tonal sound can be simple or complex.
- (nn) Wind Energy Systems (WES) means equipment that converts and then transfers energy from the wind into usable forms of energy on a large, industrial scale for commercial or utility purposes. Small scale wind systems of less than 170 feet in height with a 60-foot rotor diameter and a nameplate capacity of less than 100 kilowatts or less are exempt from this definition and the provisions of this Ordinance.
- (oo) Wind Energy Systems Facility or Facility or WESF means all of the land and equipment used by the Wind Energy System and its support facilities including the wind turbine, tower, access roads, control facilities, meteorological towers, maintenance and all power collection and transmission systems.
- (pp) Wind Energy Systems Facility License or WESF License means a license to construct and operate a Wind Energy System issued by the Town of Union in accordance with this Ordinance.
- (qq) Wind Turbine or Turbine (WT) means a mechanical device which captures the kinetic energy of the wind and converts it into electricity. The primary components of a wind turbine are the blade assembly, electrical generator and tower.

#### 20.04 LICENSE REQUIRED FOR WIND ENERGY SYSTEM

No Wind Energy System under 100 MW shall be constructed or operated in the Town without first obtaining a WES License in accordance with this Ordinance.

#### 20.05 APPLICATION PROCEDURE FOR WIND ENERGY SYSTEM LICENSE

- (a) Applications for a WES License shall be submitted to the Town Clerk. The application shall include a completed application form as provided by the Town Clerk, and shall include all of the information, documents, plans, deposits and other things required to be submitted with an application under section 20.06 a preliminary cost-sharing agreement pursuant to section 20.07(c), and the payment required by section 20.07(b).
- (b) The Town Board shall, with assistance from such staff, consultants, committees or commissions as it deems appropriate, determine whether the application is complete and contains all of the materials, information, agreements, deposits and payments required to be submitted with an application under sections 20.06 and 20.07. If an application is not



complete, the applicant shall be so advised, and no further action shall be taken by the Town until a complete application is received.

- (c) After the Town Board determines that an application is complete, the Town Board shall determine whether the application meets all requirements of this Ordinance. In determining whether the application meets the requirements of this Ordinance, the Town Board may obtain assistance from such staff and consultants as it deems appropriate. The Town Board shall process the application as soon as reasonable and feasible, given the complexity of the application, other business facing the Town, staff and other resources, questions that arise during the review process, and other matters affecting the time needed to complete the review process.
- (d) If an application is complete and meets all requirements of this Ordinance, and the applicant has paid all fees and costs pursuant to section 20.07 of this Ordinance, the Town Board shall approve a WES License for the WESF, subject to the execution of a WESF licensing agreement pursuant to this Section. If an application does not meet all requirements of this Ordinance or the applicant has not paid all fees and costs pursuant to section 20.07, the Town Board may deny the application or approve the application with conditions that will assure compliance with this Ordinance. If an application is approved with conditions, a WES License for the WESF shall be issued when all conditions of approval have been satisfied.
- (e) The Town Board shall require an applicant to enter into a WESF licensing agreement with the Town as a condition of approving a WESF License. The WESF licensing agreement shall include all provisions deemed appropriate by the Town to assure that the WESF is constructed and operated, and that all fees, costs and sureties are paid and provided, as required by the Town Board and by this Ordinance.
- (f) If a WESF is not constructed within 30 months after a license is issued, the license shall expire.

#### 20.06 APPLICATION AND LICENSING REQUIREMENTS AND STANDARDS

- (a) Sound Modeling, Sound Standards and Sound-Related Enforcement Procedures.
  - 1. *Applicant's Pre-licensing Sound Studies and Modeling.* An application for a WESF License shall include a sound prediction model that includes the information and meets the requirements in section 20.06, and in the Appendix to this ordinance:

Information regarding the make and model of the turbines, Sound Power Levels (Lw) for each one-third octave band from 6.3 Hz up through 10,000 Hz, and a projection showing the expected dBA and dBC sound levels computed using the

one-third octave band sound power levels (Lw) with appropriate corrections for modeling and measurement accuracy tolerances and directional patterns of the WTi for all areas within and to one (1) mile from the project boundary for the wind speed, direction and operating mode that would result in the worst case WTi sound emissions.

The prediction model shall assume that the winds at hub height are sufficient for the highest sound emission operating mode even though the enforcement tests will be with ground level winds of 10 mph or less. This is to accommodate enforcement under weather conditions where there is significant difference in the wind speed between ground and hub heights. This condition often occurs during summer evenings when wind shear is affected by the reduction in solar heating of the earth's surface between sunset and sunrise.

The projection may be by means of computer model but shall include a description of all assumptions made in the model's construction and algorithms. If the model does not consider the effects of wind direction, geography of the terrain, and/or the effects of reinforcement from coherent sounds or tones from the turbines these should be identified and other means used to adjust the model's output to account for these factors. These results may be displayed as a contour map of the predicted levels, but should also include a table showing the predicted levels at noise-sensitive receptor sites and residences within the model's boundaries. The predicted values must include dBA and dBC values but shall also include un-weighted octave band sound pressure levels from 8 Hz to 10k Hz in data tables.

The Town will refer the applicant's information and sound studies to the Town engineer (if qualified in acoustics) or an Qualified Independent Acoustical Consultant for review and a determination whether the proposed WES will, based on pre-licensing studies and sound modeling, comply with the sound limits set forth in this Ordinance.

- 2. *Independent Pre-licensing Sound Modeling.* In any case in which a WES is located within one mile of a sensitive receptor the Town shall, and in other cases the Town may, require the preparation of an independent preconstruction noise study for each proposed Wind Turbine location conducted by a Qualified Independent Acoustical Consultant, in accordance with the procedures provided in this section and in the Appendix showing background dBA and dBC sound levels (L90 (10min)) over one or more valid ten (10) minute continuous measurement periods. The preconstruction baseline studies shall be conducted by an Independent Qualified Acoustical Consultant selected by the Town. The Qualified Independent Acoustical Consultant shall be selected and retained by the Town. The applicant shall be responsible for paying the Independent Qualified

Acoustical Consultant's fees and all costs associated with conducting the study. The applicant shall provide financial security and reimburse the Town for the cost of the study in accordance with section 20.07 of this ordinance.

3. *Sound Limits.* No license shall be issued unless the pre-licensing information and sound modeling shows that the proposed WES will comply with the following sound limits and requirements.

a. Audible Sound Limit

- (1) No WT<sub>i</sub> or WES shall be located so as to cause an exceedance of the preconstruction/operation background sound levels by more than 5 dBA. The background sound levels shall be the L90A sound descriptor measured during a preconstruction noise study during the quietest time of night (10pm until 4am). All data sampling shall be one or more contiguous ten (10) minute measurements. L90A results are valid when L10A results are no more than 10 dBA above L90A for the same time period and L10C less L90C is no more than 15 dBC. Noise sensitive sites are to be selected based on wind development's predicted worst-case sound emissions (in LeqA and LeqC) which are to be provided by Applicant.
- (2) Test sites are to be located along the property line(s) of the receiving nonparticipating parcels.
- (3) A 5 dB penalty is applied for tones as defined in IEC 61400-11.

b. Low Frequency Sound Limit

The LeqC and L90C sound levels from the wind turbine at the receiving property shall not exceed the lower of either:

- (1) LeqC-L90A greater than 20 dB outside any occupied structure, or
- (2) A maximum not-to-exceed sound level of 50 dBC (L90C) from the wind turbines without contribution from other ambient sounds for properties located one mile or more away from state highways or other major roads or 55 dBC (L90C) for properties closer than one mile from a state highway or other major road.

These limits shall be assessed using the same nighttime and wind/weather conditions required in section 20.06(a)3.a.(1). Turbine operating sound emissions shall represent worst case sound emissions for stable nighttime

conditions with low winds at ground level and winds sufficient for full operating capacity at the hub.

c. General Standard

Not to exceed 35 dBA<sub>Leq 10 min.</sub> within 100 feet of any occupied structure.

4. *Sound Study and Measurement Requirements.*

- a. All instruments must meet ANSI or IEC Type 1 Precision integrating sound level meter performance specifications.
- b. Procedures must meet ANSI S12.9 Part 3 including the addendum in the Appendix to this document. Where there are differences between the procedures and definitions of this document and ANSI standards the procedures and definitions of this document shall be applied. Where a standard's requirements may conflict with other standards the most stringent requirement shall apply.
- c. Measurements for background sound levels shall be made when ground level winds are 2 m/s (4.5 mph) or less with wind speeds at the hub at or above nominal operating requirements and for other tests when ground level winds are 4 m/s (9 mph). Weather in the night often results in low ground level wind speed and nominal operating wind speeds at wind turbine hub heights.
- d. IEC 61400-11 procedures are not suitable for enforcement of these requirements except for the presence of tones.

5. *Postconstruction Sound Measurements.*

Within twelve months after the date when the project is fully operational, and within four weeks of the anniversary date of the pre-construction background noise measurements, the Licensee shall repeat the existing sound environment measurements taken before the project approval. Post-construction sound level measurements shall be taken both with all WES's running and with all WES's off. At the discretion of the Town, the preconstruction background sound levels (L90A) can be substituted for the "all WES off" tests if a random sampling of 10% of the pre-construction study sites shows that background L90A and C conditions have not changed more than +/- 5 dB (dBA and dBC) measured under the preconstruction nighttime meteorological conditions. The post-construction measurements shall be reported to the Town (and available for public review) using the same format as used for the preconstruction sound studies. Post-

construction noise studies shall be conducted by a firm chosen by the Town. Costs of these studies shall be reimbursed by the Licensee. The security required by section 20.07(c) shall include these costs. The Licensee's consultant may observe the Town's consultant. The WES Licensee shall provide all technical information and wind farm data required by the Independent Qualified Acoustical Consultant before, during, and/or after any acoustical studies required by this document and for local area acoustical measurements.

(b) Site Plan and Set-Back Requirements.

1. *Site Plan Requirements.* An application for a WESF License shall include a site plan containing the following information and meeting the following requirements:
  - a. The boundaries of all Project Parcels and Participating Parcels.
  - b. The boundaries of all Non-Participating Parcels located within 2,640 feet of any boundary of a Project Parcel.
  - c. The names, addresses and phone numbers of the owners of all Project Parcels, Participating Parcels, and Non-Participating Parcels located within 2,640 feet of any boundary of a Project Parcel.
  - d. An aerial photo showing all Project Parcels, Participating Parcels, and Non-Participating Parcels located within 2,640 feet of any boundary of a Project Parcel.
  - e. Existing zoning of each Project Parcel and all required zoning setbacks on each Project Parcel.
  - f. The proposed location of all components of the proposed WESF, including but not limited to the wind turbine, tower, access roads, control facilities, meteorological towers, maintenance and all power collection and transmission systems.
  - g. The location and description of all structures located on Project Parcels, Participating Parcels, and any Non-Participating Parcel located within 2,640 feet of any boundary of a Project Parcel.
  - h. The location of all above-ground utility lines, telephone lines, and railroad rights-of-way located within 1000 feet of, or three times the total height of a proposed Wind Turbine, whichever is greater.

- i. The location of all public roads located within 1000 feet of, or three times the total height of a proposed Wind Turbine, whichever is greater.
- j. Dimensional representation and sizes of the structural components of the tower construction including the base, footings, tower, and blades.
- k. The distance between each WES tower and each of the following shall be shown on the site plan: structures on all Project Parcels and Participating Parcels; structures on all Non-Participating Parcels located within 2,640 feet of any boundary of a Project Parcel; above ground utility lines, telephone lines, railroad rights of way, and public roads located within 1000 feet or three times the total height of any proposed Wind Turbine, whichever is greater.
  - l. Schematic of electrical systems associated with the proposed WESF including all existing and proposed electrical connections.
  - m. Manufacturer's specifications and installation and operation instructions.
  - n. The size and scale of the site plan shall be as determined by the Town engineer. The scale map shall include a north arrow, the date, the scale, and reference to a section corner.
  - o. The site plan shall include such additional information as the Town engineer or Town Board may require.

2. *Set-Back Requirements.* A WESF shall comply with the following set-back requirements, which shall apply in addition to the siting requirements in section 20.06(a).
  - a. All parts of a WESF shall comply with all applicable set-back requirements in the Town's zoning ordinance.
  - b. Each Wind Turbine shall be set back at least 1,000 feet and at least five times the rotor diameter from the property line of any Non-Participating Parcel.
  - c. Each Wind Turbine shall be set back not less than the greater of 1,000 feet or three times the total height of the Wind Turbine from any public road.
  - d. Each Wind Turbine shall be set back not less than the greater of 1,000 feet or three times the total height of the Wind Turbine from any above-ground electric power line, telephone line, or railroad right-of-way, except that a

lesser setback shall be permitted if the utility or railroad agrees in a writing approved by the Town.

- e. Each Wind Turbine shall be set back not less than 2,640 feet from any residence, business, school, daycare facility, church, hospital, or other occupied structure on any Non-Participating Parcel.
- f. Each Wind Turbine shall be set back not less than 1,000 feet from any residence, business, school, daycare facility, church, hospital, or other occupied structure, including on any Participating Parcel or Project Parcel.

(c) Road Use and Risk Assessment Plan and Road Impact Requirements.

1. An application for a WESF License shall include a road use and risk assessment plan containing the following information and meeting the following requirements:
  - a. A description and map of all public roads in the Town to be used in connection with the construction of the WESF, including a description of how and when such roads will be used in connection with the construction of the WESF.
  - b. A description of the type and length of vehicles and type, weight and length of loads to be conveyed on all public roads in the Town.
  - c. A complete assessment of the proposed use of roads in the Town in connection with the construction of the WESF, including the adequacy of turning radii; the ability of the roads to sustain loads without damage; the need to remove (permanently or temporarily) signs, trees, utilities, or anything else; any reasonably foreseeable damage to roads or other property; any reasonably foreseeable costs the Town may incur in connection with the use of roads in the Town, including but not limited to costs relating to traffic control, public safety, or damage to roads or property.
  - d. A traffic control and safety plan relating to the use of roads in the Town in connection with the construction of the WESF.
  - e. Any additional information the Town may request relating to the use of roads in the Town in connection with the WESF.
2. The Town will evaluate the road use and risk assessment plan with assistance from such consultants it deems appropriate. The Town may document the

condition of all roads to be used in connection with the construction of the WESF in such manner as it deems appropriate. The Town may require changes to the road use and risk assessment plan it deems appropriate to protect public safety, to protect Town roads, and to address anticipated costs to the Town associated with applicant's use of roads in the Town.

3. The Town may require the applicant to enter into an agreement relating to the use of roads in the Town. The Town may require the applicant to provide a deposit or letter of credit in an amount the Town determines appropriate to secure any obligations under the agreement, including but not limited to any obligation relating to alterations or improvements to roads needed in connection with applicant's use of roads in the Town, and the reimbursement of the Town for any costs the road use and risk assessment indicates the Town may incur in connection with applicant's use of the roads in the Town.

(d) Design Plan and Design Requirements.

An application for a WESF License shall include a design plan containing the information and meeting the requirements in this section. Each Wind Turbine shall consist of a tower, generator(s), nacelle and blades. The total height of a Wind Turbine shall not exceed 400 feet above grade. Each WESF must have access roads, underground transmission cabling to connect the generators to utility electric distribution lines, and underground communication lines. The design plan shall describe the nature and type of the Wind Turbines proposed to be installed. Manufacturer's specifications and installation and operation instructions shall be included. Each Wind Turbine shall comply with the following requirements:

1. Wind Turbines shall be painted a non-reflective, non-obtrusive color.
2. The design of the buildings shall, to the extent reasonably feasible, use materials, colors, textures, screening and landscaping that will blend with and be compatible with the natural setting and the existing environment.
3. Wind Turbines shall not be artificially lighted, except to the extent required by law, and strobe or other intermittent lights are prohibited unless required by law.
4. No advertising or display shall be permitted, other than reasonable identification of the manufacturer or operator of the Wind Turbines or WESF.
5. Electrical controls and control wiring and power-lines must be wireless or below ground, except where wind farm collector wiring is brought together for connection to the transmission or distribution network, adjacent to that network.

6. The clearance between the ground and the Wind Turbine blades shall be not less than 75 feet.
- (e) Aircraft Protection Requirements. An application for a WESF License shall include a statement from the Federal Aviation Administration that the proposed WESF will not pose a hazard to aircraft, and a statement from the Wisconsin Department of Transportation that the proposed WESF complies with Wis. Admin. Code § Trans 56.
- (f) Blasting Plan and Requirements. An application for a WESF License shall include a blasting plan containing the information and meeting the requirements in this section. The blasting plan shall comply with all requirements under Wisconsin law governing blasting, including ground vibration limits. The plan shall require that flyrock traveling in the air or along the ground shall remain in the controlled blasting area site owned or controlled by the applicant. All blasting must be performed by or under the direct supervision of a state-licensed blaster. A blasting log for each blast shall be kept by the applicant for not less than 5 years, and copies of the required blasting log shall be promptly submitted to the Town upon the Town's request. A resident call list shall be established for the purpose of notifying neighbors at homes in the vicinity of the WESF of blasting activity. The call list shall be maintained and used on a request basis only for all residents in the vicinity of the WESF who ask to be notified before any blast. Explosives shall be stored in accordance with Wis. Admin. Code Ch. Comm. 7.
- (g) Microwave Beam Study and Requirements. An application for a WESF License shall include a microwave beam study and electromagnetic interference mitigation plan. All Wind Towers shall be sited in accordance with the findings of the microwave beam study and electromagnetic interference mitigation plan. The applicant shall mitigate any electromagnetic interference such as to radio or television.
- (h) Shadow Flicker and Blade Glint Assessment and Requirements. Shadow flicker occurs when the blades of a Wind Turbine pass between the sun and an observer, casting a readily observable, moving shadow on the observer and his or her immediate environment. An application for a WESF License shall include a detailed shadow flicker and blade glint assessment model and plan containing the following information and meeting the following requirements.
1. The model shall be prepared by a registered professional regularly engaged in this type of work with not less than three years experience.
  2. The model study area will examine areas where shadow flicker will occur within a one mile radius of the Project Parcels.
  3. The model will be calculated using the following minimum inputs:

- a. Turbine locations (proposed and existing)
  - b. Shadow flicker receptor locations
  - c. Existing topography (elevation contours and vegetation)
  - d. Rotor diameter and hub height
  - e. Joint wind speed and direction distribution (wind rose table)
  - f. Hours of sunshine (long term monthly references)
4. All existing occupied structures, structures permitted for construction and roadways shall be identified within the model as receptors. Each individual receptor that is a residential parcel shall be defined by the perimeter of the building plus an additional 100 foot boundary around the building. Schools, churches, and other public building receptors shall be defined by the entire outdoor area routinely utilized in their operation.
  5. The model may be prepared by use of current aerial photography and topographical maps. A site visit by the preparer is required to identify receptors and verify the existing conditions.
  6. The model shall calculate the locations and durations of shadow flicker caused by the proposed WESF within the study area. The model shall clearly indicate the duration of shadow flicker at each receptor and across the entire study area showing the total number of hours per year anticipated.
  7. Wind Turbines shall be sited such that shadow flicker will not fall on a receptor, except that shadow flicker expected to fall on a roadway or a residential parcel may shall be acceptable if all of the following conditions are satisfied:
    - a. The flicker will not exceed 10 hours per year at any one receptor measured as the sum of those times during which shadow flicker occurs during any calendar year.
    - b. The flicker will fall more than 100 feet from all existing or permitted residences.
    - c. The traffic volumes are less than 500 vehicles per day on the affected roadway.
    - d. The flicker will not fall onto an intersection.
  8. Problem zones where shadow flicker will interfere with existing and future receptors and which is not allowable under this section shall be identified, and measures to mitigate problems shall be described, including but not limited to siting changes, operational procedures, grading or landscaping.
  9. Blade glint, defined as the intermittent reflection of the sun off the surface of the blades of a Wind Turbine, is prohibited. The applicant shall submit a paint

sample that demonstrates the color, texture and gloss of the proposed surface coating. The applicant shall also submit a certification by the manufacturer stating that the proposed surface coating will not create a reflective surface conducive to blade glint.

(i) Sign Plan and Sign Requirements. An application for a WESF License shall include a sign plan meeting the requirements in this section.

1. The plan shall provide reasonable signage at the WESF, identifying the Project Parcels as being part of the WESF and providing appropriate safety notices and warnings about trespassing. The no trespassing signs shall be posted as follows: one on each side of each Wind Turbine, and one at the beginning of each access drive to the WESF. Signs shall be sized at a minimum to meet the provisions of Wis. Stat. § 943.13(2).
2. No advertising material or signage other than warning, equipment information or indicia of ownership shall be allowed on the Wind Turbines. This prohibition shall include the attachment of any flag, decorative sign, streamers, pennants, ribbons, spinners or waving, fluttering or revolving devices, but not including weather devices.
3. The WESF licensee's address and phone number shall be posted on each Wind Turbine.

(j) Stray Voltage Assessment and Requirements.

1. An application for a WESF License shall include reports of stray voltage analyses in accordance with this section. The applicant shall conduct and include a report of a preconstruction stray voltage test on all livestock facilities located within a one-mile radius of the Project Parcels. The tests shall be performed by a Wisconsin certified stray voltage investigator approved by the Town. The tests shall be performed according to PSCW Phase II Stray Voltage Testing Protocol. A report of the tests shall be provided with the WESF License application and shall be provided to the owners of all property included in the study area. Applicant shall seek written permission from property owners prior to conducting testing on such owners' property. Applicant shall not be required to perform testing on property where the owners have refused to grant permission to conduct the testing.
2. Following construction of the WESF, the applicant shall conduct a post-construction stray voltage test on all livestock facilities located within a one-mile radius of the Project Parcels. The tests shall be performed by a Wisconsin certified stray voltage investigator approved by the Town. The tests shall be

performed according to PSCW Phase II Stray Voltage Testing Protocol. A report of the tests shall be provided to the Town and to the owners of all property included in the study area. Applicant shall seek written permission from property owners prior to conducting testing on private property. Applicant shall not be required to perform testing on property where the owners have refused to grant permission to conduct the testing.

(k) Security Plan and Requirements. An application for a WESF License shall include a security plan that contains the information and meets the requirements in this section.

1. All wiring between the Wind Turbines and substations shall be installed not less than four feet underground.
2. The outside of Wind Turbines shall not be climbable.
3. All access doors to the towers and electrical equipment shall be locked.
4. Warning signs shall be placed on each tower, all electrical equipment, and each entrance to the WESF.
5. The WESF Licensee shall, in addition to randomized two-token authentication for Internet protection, adopt and maintain physical security protocols including locks and remote intrusion monitoring.

(l) Fire Prevention and Emergency Response Plan and Requirements. An application for a WESF License shall include a fire prevention and emergency response plan containing the information and meeting the requirements in this section. The plan shall describe the potential fire and emergency scenarios that may require a response from fire, emergency medical services, police or other emergency responders. The plan shall designate the specific agencies that would respond to potential fire or other emergencies, shall describe all emergency response training and equipment needed to respond to a fire or other emergency, shall include an assessment of the training and equipment available to the designated agencies, and shall provide for any special training or emergency response equipment that the designated agencies need to use in responding to a potential fire or other emergency at applicant's cost.

(m) Emergency Shutdown Plan and Requirements. An application for a WESF License shall include an emergency shutdown plan. The plan shall describe the circumstances under which an emergency shutdown may be required to protect public safety, and shall describe the procedures that the Town and the WESF Licensee will follow in the event an emergency shutdown is required.

(n) Decommissioning and Site Restoration Plan and Requirements. An application for a WESF License shall include a decommissioning and site restoration plan containing the information and meeting the requirements in this section.

1. The plan shall provide for the removal from the Project Parcels, and lawful disposal or disposition of, all Wind Turbines and other structures, hazardous materials, electrical facilities, and all foundations to a depth of not less than 42 inches below grade. The plan shall provide for the removal of all access roads that the owner of the Project Parcels wants removed. The plan shall provide for the restoration of the Project Parcels to farmland of similar condition to that which existed before construction of the WESF.
2. The plan shall provide for the decommissioning of the site upon the expiration or revocation of the WESF License, or upon the abandonment of the WESF. The WESF shall be deemed abandoned if its operation is ceased for 12 consecutive months.
3. The plan shall include provisions for financial security to secure completion of decommissioning and site restoration, in form and amount satisfactory to the Town. A letter of credit, cash on deposit with the Town, or cash held in escrow pursuant to an agreement acceptable to the Town, shall be acceptable security. The amount of the financial security shall be equal to the estimated cost of completing the decommissioning and site restoration in accordance with the approved plan, as approved by the Town.
4. The plan shall include written authorization from the WESF Licensee and all owners of all Project Parcels for the Town to access the Project Parcels and implement the decommissioning and site restoration plan, in the event the WESF Licensee fails to implement the plan. The written authorization shall be in a form approved by the Town.

#### 20.07 CONSTRUCTION, OPERATION, MAINTENANCE, AMENDMENTS, AND MISCELLANEOUS REQUIREMENTS

- (a) A WESF shall be constructed, operated, and maintained in accordance with the plans required under section 20.06 as approved by the Town, with the WESF License, with the WESF Agreement, and with this Ordinance. Where a standard or requirement is not provided by either this Ordinance, the WESF License or the WESF Agreement, the WESF Licensee shall comply with Good Utility Practice.
- (b) The WESF Licensee shall repair and replace parts of the WESF in accordance with Good Utility Practice, and in accordance with the WESF License, the WESF Agreement, and this Ordinance.

- (c) A WESF Licensee may apply to the Town for changes to a WESF License or WESF Agreement. The application shall describe the requested change or changes. The Town Board shall review the application and determine what provisions of this Ordinance, including sections 20.05 and 20.06, will apply to the application. The application will then be processed in accordance with all provisions of this Ordinance deemed applicable by the Town Board. The provisions of section 20.08 relating to the reimbursement of fees and costs shall apply to any application for changes to a WESF License or WESF Agreement.

#### 20.08 REIMBURSEMENT OF FEES AND COSTS

- (a) Reimbursable Costs. The Town Clerk and other Town staff may expend time in the review and processing of WESF Licenses. The Town may also retain the services of professional consultants in reviewing, processing and acting upon WESF License applications, including but not limited to engineers, attorneys, planners, environmental specialists, and other consultants with skills relevant to WESF Licensing issues arising under this Ordinance. Any applicant for a WESF License shall reimburse the Town for staff time expended, and shall reimburse the Town for the cost to the Town charged by any consultant retained by the Town, in the administration, investigation, and processing of such WESF License application.
- (b) Ordinance Preparation Costs. Following the adoption of this Ordinance, the Town Board shall determine the total Town Board, Town Plan Commission, professional and staff costs the Town incurred in the development of this Ordinance, including the stipends for Town Board and Plan Commission meeting time related to the ordinance preparation, the actual cost of legal and engineering services paid by the Town, and the cost to the Town of the Town Clerk's time spent in the development of this Ordinance. Each applicant for a WESF License shall pay its proportionate share of the cost of this Ordinance, as described in this section. The first applicant for a WESF License under this Ordinance shall reimburse the Town for full cost of this Ordinance. The first applicant, and subsequent applicants, shall have the opportunity to be reimbursed for part of the cost from subsequent applicants, so that at any given time, the total cost of this Ordinance will have been paid by all applicants, in proportion to the number of Wind Turbines proposed in each application (and without regard to the number of Wind Turbines actually constructed by the applicant). By way of example only, and assuming the cost of the Ordinance is \$40,000.00, the first application includes 10 Wind Turbines, the Second application includes 20 Wind Turbines, and the third application includes 5 Wind Turbines, the costs would be allocated and reallocated as follows:

1. At the time of the first application, the first applicant would pay \$40,000.00 to the Town.

2. At the time of the second application, the total cost would be reallocated between the first and second applicants, and the second applicant would pay \$26,800.00 to the first applicant, resulting in the following allocation:
  - a. First applicant (10 Wind Turbines – 33 percent) = \$13,200.00
  - b. Second applicant (20 Wind Turbines – 67 percent) = \$26,800.00.
3. At the time of the third application, the total cost would be reallocated among the first, second and third applicants, and the third applicant would pay \$1,600.00 to the first applicant and \$4,000.00 to the second applicant, resulting in the following allocation.
  - a. First applicant (10 Wind Turbines – 29 percent) = \$11,600.00
  - b. Second applicant (20 Wind Turbines – 57 percent) = \$22,800.00
  - c. Third applicant (5 Wind Turbines – 14 percent) = \$5,600.00

Neither the Town nor any applicant shall recover interest in connection with any costs paid under this section. Payments made at the time of application shall be non-refundable, notwithstanding the disposition of the application.

- (c) Preliminary Cost Reimbursement Agreement. At the time an application for a WESF License is filed with the Town, the applicant shall execute for the benefit of the Town an agreement agreeing to pay and providing adequate security guaranteeing payment of the cost of the investigation, review and processing of the application, including without limitation by way of enumeration, legal, engineering, acoustical, planning, environmental, and staff administrative costs. The agreement and the security shall be in form and substance acceptable to the Town. The Town shall not begin processing the application until the preliminary cost reimbursement agreement is approved and signed and until the required security is provided to the Town.
- (d) Governmental Services Costs. The Town Board may require the WESF Licensee to agree to pay for the cost of Town governmental services reasonably related to the WESF and not otherwise paid by the WESF Licensee.

**20.09 VIOLATIONS AND PENALTIES; COMPLAINTS AND MODIFICATION, SUSPENSION OR REVOCATION OF LICENSE**

- (a) Violations of This Ordinance. It shall be unlawful to construct or operate any WESF or part thereof in violation of any provision of this Ordinance, a WESF License, or a WESF License Agreement. Any person who violates or fails to comply with any provision of this Ordinance, a WESF License or a WESF License Agreement shall, upon conviction thereof, be subject to forfeitures of not less than \$250.00 and not more than \$700.00, and shall pay all costs and expenses of enforcement, including attorney and other fees

incurred by the Town. Each day a violation exists or continues shall constitute a separate offense.

- (b) Complaints and Modification, Revocation or Suspension. The Town Board shall retain continuing jurisdiction to modify, suspend or revoke all WESF Licenses in accordance with this section. Such authority shall be in addition to the Town's authority to prosecute violations and take other enforcement action.
  1. In this section, "violation" means a violation of this Ordinance, or a violation of a WESF License issued under this Ordinance, or a violation of a WESF License Agreement entered into under this Ordinance.
  2. Any resident of the Town or Town official may file a written complaint with the Town Clerk alleging that a WESF Licensee has committed or is committing a violation. Such complaints shall be forwarded to the Town Plan Commission.
  3. The Town Plan Commission shall preliminarily review the complaint. In connection with its preliminary review, the Town Plan Commission may require the Town building inspector, engineer, attorney or other person or persons to conduct such investigations and make such reports as the Town Plan Commission may direct. The Plan Commission may request information from the holder of a WESF License, the complainant, and any other person or entity to assist with its preliminary review.
  4. Following its preliminary review, the Town Plan Commission may:
    - a. Dismiss the complaint;
    - b. Refer the complaint to the Town attorney for prosecution; or
    - c. Conduct a hearing to determine whether the alleged violation(s) have occurred, and what remedial action should be taken. Prior to such hearing, notice of the hearing shall be given to the holder of the WESF Licensee and the complainant, and in accordance with the Open Meeting Law. The holder of the WESF License and the complainant, and any other person, may appear at the hearing and may offer testimony and other relevant evidence, and may be represented by any attorney. If the Plan Commission concludes that violations have occurred, the Plan Commission may:
      - (1) Impose conditions on the WESF License to the extent reasonably necessary to discontinue the violation(s) or avoid any recurrence thereof; or



- (2) Suspend the WESF License until such time as the WESF License holder presents a plan, satisfactory to the Plan Commission, that will discontinue the violation(s) or prevent any recurrence thereof, and on such further conditions as the Town Plan Commission deems appropriate to discontinue and prevent further violations; or
  - (3) Revoke the WESF License and direct decommissioning of the WESF, if the Town Plan Commission concludes that no reasonable modification can be made to the WESF to discontinue or prevent violations; or
  - (4) Refer the matter to the Town attorney for prosecution, subject to Town Board approval; or
  - (5) Take no action, if the Town Plan Commission concludes that no further action is needed to discontinue or prevent violations, and that prosecution is unwarranted.
- d. Following any such hearing, the Plan Commission's written decision shall be furnished to the WESF License holder and to the complainant. An appeal from a decision of the Town Plan Commission may be taken to the Town Board as provided in this section.
- e. An appeal from the decision of the Town Plan Commission may be taken to the Town Board by the WESF License holder or a complainant. Such appeal must be in writing and must specify the grounds thereof, and must be filed with the Town Clerk within ten days after the final action of the Town Plan Commission. The Town Clerk shall provide any appeal to the Town Board. The Town Board shall fix a reasonable time for the hearing of the appeal, and shall give public notice thereof as well as due notice to the WESF Licensee and the complainant. The action of the Town Plan Commission shall be sustained unless the Town Board, by a favorable vote of the majority of all members of the Town Board, reverses or modifies the Town Plan Commission's determination. An appeal from a decision of the Town Board shall be by certiorari review, which shall be commenced within 30 days after the decision of the Town Board.

#### 20.10 SEVERABILITY

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase or part thereof. The Town Board hereby declares that it would have passed this

Ordinance and each section, subsection, sentence, clause, phrase or part thereof even if any one or more sections, subsections, sentences, clauses, phrases or parts thereof may be declared invalid or unconstitutional.

#### 20.11 EXPIRATION

Unless the Town Board approves a different term based on an analysis of the anticipated useful life of the WESF, a license issued under this Ordinance shall expire thirty years after the date it is issued.

#### 20.12 EFFECTIVE DATE

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

#### APPENDIX TO WIND ENERGY SYSTEMS LICENSING ORDINANCE

##### (a) Introduction

The potential impact of sound and sound induced building vibration associated with the operation of wind powered electric generators is often a primary concern for citizens living near proposed wind energy systems (WES(s)). This is especially true of projects located near homes, residential neighborhoods, businesses, schools, and hospitals in quiet residential and rural communities. Determining the likely sound and vibration impacts is a highly technical undertaking and requires a serious effort in order to collect reliable and meaningful data for both the public and decision makers.

This protocol is based in part on criteria published in American National Standards S12.9 - Quantities and Procedures for Description and Measurement of Environmental Sound, and S12.18 and for the measurement of sound pressure level outdoors.

The purpose is to first, establish a consistent and scientifically sound procedure for evaluating existing background levels of audible and low frequency sound in a WES project area, and second to use the information provided by the Applicant in its Application showing the predicted over-all sound levels in terms of dBA and dBC<sup>1</sup> as part of the required information submitted with the application.

<sup>1</sup> Calculated from one-third octave band sound power levels (LW per IEC 61400-11) provided by the wind turbine manufacturer covering the frequency range from 6.3 Hz to 10,000 HZ or higher.

These values shall be presented as overlays to the applicant's iso-level plot plan graphics (dBA and dBC) and in tabular form with location information sufficient to permit comparison of the baseline results to the predicted levels. This comparison will use the level limits of the ordinance to determine the likely impact operation of a new wind energy system project will have on the existing community soundscape. If the comparison demonstrates that the WES project will not exceed any of the level limits the project will be considered to be within allowable limits for safety and health. If the Applicant submits only partial information required for this comparison the application cannot be approved. In all cases the burden to establish the operation as meeting safety and health limits will be on the Applicant.

Next it addresses requirements for the sound propagation model to be supplied with the application.

Finally, if the project is approved, this Appendix covers the study needed to compare the post-build sound levels to the predictions and the baseline study. The level limits in the ordinance apply to the post-build study. In addition, if there have been any complaints about WES sound or low frequency noise emissions by any resident of an occupied dwelling that property will be included in the post-build study for evaluation against the rules for sound level limits and compliance.

The characteristics of the proposed WES project and the features of the surrounding environment will influence the design of the sound and vibration study. Site layout, types of WES(s) selected and the existence of other significant local audible and low frequency sound sources and sensitive receptors should be taken into consideration when designing a sound and vibration study. The work will be performed by an independent qualified acoustical consultant for both the pre-construction background and post-construction sound studies as described in the body of the ordinance.

(b) Instrumentation

All instruments and other tools used to measure audible, inaudible and low frequency sound shall meet the requirements for ANSI or IEC Type 1 Integrating Averaging Sound Level Meter with one-third octave band analyzer with frequency range from 6.3 Hz to 20k Hz and capability to simultaneously measure dBA LN and dBC LN. The instrument must also be capable of measuring low level background sounds down to 20 dBA. Measurements shall only be made with the instrument manufacturer's approved wind screen. A compatible acoustic field calibrator is required with certified  $\pm 0.2$  dB accuracy. Portable meteorological measurement requirements are outlined in ANSI S12.9 Part 3 and are required to be located within 5m of the sound measuring microphone. The microphone shall be located at a height of 1.2 to 1.5 meters for all tests unless circumstances require a different measurement position. In that case, the reasons shall be

documented and include any adjustments needed to make the results correspond to the preferred measurement location.

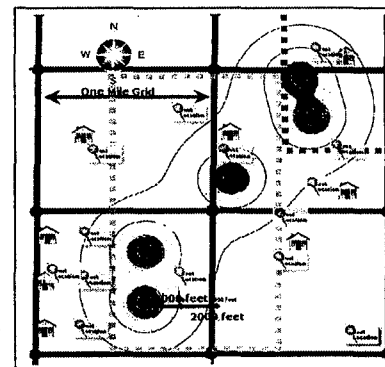
(c) Measurement of Pre-Construction Sound Environment (Base-lines)

An assessment of the proposed WES project areas existing sound environment is necessary in order to predict the likely impact resulting from a proposed project. The following guidelines must be used in developing a reasonable estimate of an area's existing background sound environment. All testing is to be performed by an independent qualified acoustical consultant approved by the Town. The WES applicant may file objections detailing any concerns it may have with the Town's selection. These concerns will be addressed in the study. Objections must be filed prior to the start of the noise study. All measurements are to be conducted with ANSI or IEC Type 1 certified and calibrated test equipment per reference specification at the end of this Appendix. Test results will be reported to the Town or its appointed representative.

1. Sites with No Existing Wind Energy Systems (Base-line Sound Study)

Sound level measurements shall be taken as follows:

The results of the model showing the predicted worst case dBA and dBC sound emissions of the proposed WES project will be overlaid on a map (or separate dBA and dBC maps) of the project area. An example (right) shows an approximately two (2) mile square section with iso-level contour lines prepared by the applicant, sensitive receptors (homes) and locations selected for the baseline dBA and dBC sound tests whichever are the controlling metric. The test points shall be located at the property line bounding the property of the turbine's host closest to the wind turbine. Additional sites may be added if appropriate. A grid comprised of one (1) mile boundaries (each grid cell is one (1) square mile) should be used to assist in identifying between two (2) to ten (10) measurement points per cell. The grid shall extend to a minimum of one (1) mile beyond the perimeter of the project boundary. This may be extended to more than one mile at the discretion of the Town. The measurement points shall be selected to represent the noise sensitive receptor sites based on the anticipated sound propagation from the combined WTi in the project. Usually, this will be the closest WTi. If there is more than one WTi near-by then more than one test site may be required.



The intent is to anticipate the locations along the bounding property line that will receive the highest sound emissions. The site that will be most likely negatively affected by the WES project's sound emissions should be given first priority in testing. These sites may include sites adjacent to occupied dwellings or other noise sensitive receptor sites. Sites shall be selected to represent the locations where the background soundscapes reflect the quietest locations of the sensitive receptor sites. Background sound levels (and one-third octave band sound pressure levels for the sound measuring consultants file) shall be obtained according to the definitions and procedures provided in the ordinance and recognized acoustical testing practice and standards.

All properties within the proposed WES project boundaries will be considered for this study.

One test shall be conducted during the period defined by the months of April through November with the preferred time being the months of June through August. These months are normally associated with more contact with the outdoors and when homes may have open windows during the evening and night. Unless directed otherwise by the Town the season chosen for testing will represent the background soundscape for other seasons. At the discretion of the Town, tests may be scheduled for other seasons.

All measurement points (MPs) shall be located with assistance from with the Town staff and property owner(s) and positioned such that no significant obstruction (building, trees, etc.) blocks sound and vibration from the nearest proposed WES site. Duration of measurements shall be a minimum of ten continuous minutes for each criterion at each location. The duration must include at least 6 minutes that are not affected by transient sounds from near-by and non-nature sources. Multiple 10 minute samples over longer periods such as 30 minutes or one (1) hour may be used to improve the reliability of the L90 values. The ten minute sample with the lowest valid L90 values will be used to define the background sound.

The tests at each site selected for this study shall be taken during the expected 'quietest period of the day or night' as appropriate for the site. For the purpose of determining background sound characteristics the preferred testing time is from 10 pm until 4 am. If circumstances indicated that a different time of the day should be sampled the test may be conducted at the alternate time if approved by the Town.

Sound level measurements must be made on a weekday of a non-holiday week. Weekend measurements may be taken at selected sites where there are weekend activities that may be affected by WTi sound.

Measurements must be taken at 1.2 to 1.5 meters above the ground and at least 15 feet from any reflective surface following ANSI 12.9 Part 3 protocol including selected options and other requirements outlined later in this Section.

a. *Reporting*

- (1) For each Measurement Point and for each measurement period, provide each of the following measurements:
  - (a) LAeq, L10, and L90, in dBA
  - (b) LCeq, L10, and L90, in dBC
- (2) A narrative description of any intermittent sounds registered during each measurement. This may be augmented with video and audio recordings.
- (3) A narrative description of the steady sounds that form the background soundscape. This may be augmented with video and audio recordings.

- b. Wind speed and direction at the Measurement Point, humidity and temperature at time of measurement will be included in the documentation. Corresponding information from the nearest 10 meter weather reporting station shall also be obtained.

Measurements taken when wind speeds exceed 2m/s (4.5 mph) at the microphone location will not be considered valid for this study. A windscreen of the type recommended by the monitoring instrument's manufacturer must be used for all data collection.

- (1) Provide a map and/or diagram clearly showing (using plot plan provided by Town or Applicant):
  - The layout of the project area, including topography; the project boundary lines, and property lines.
  - The locations of the Measurement Points.
  - The minimum and maximum distance between any Measurement Points.
  - The location of significant local non-WES sound and vibration sources.
  - The distance between all MPs and significant local sound sources. And,
  - The location of all sensitive receptors including but not limited to: schools, day-care centers, hospitals, residences, residential neighborhoods, places of worship, and elderly care facilities.

2. **Sites with Existing Wind Energy Systems**

Two complete sets of sound level measurements must be taken as defined below:

- a. One set of measurements with the wind generator(s) off unless the Town elects to substitute the sound data collected for the background sound study collected as part of an earlier baseline study. Wind speeds must be suitable for background testing.
- b. One set of measurements with the wind generator(s) running with wind speed at hub height sufficient to meet nominal power output or higher and at 2 m/s or below at the microphone location. Conditions should reflect the worst case sound emissions from the WES project. This will normally involve tests taken during the evening or night when winds are calm (2m/sec or less) at the ground surface yet, at hub height, sufficient to operate the turbines.

Sound level measurements and meteorological conditions at the microphone shall be taken and documented as discussed above.

3. **Sound Level Estimate for Proposed Wind Energy Systems (when adding more WTi to existing project)**

In order to estimate the sound impact of the proposed WES project on the existing environment an estimate of the sound produced by the proposed WES(s) under worst-case conditions for producing sound emissions must be provided. This study may be conducted by a firm chosen by the WES operator with oversight provided by the Town.

The qualifications of the firm should be presented along with details of the procedure that will be used, software applications, and any limitations to the software or prediction methods.

Provide the manufacturer's sound power level (Lw) characteristics for the proposed WES(s) operating at full load utilizing the methodology in IEC 61400-11 Wind Turbine Noise Standard. Provide one-third octave band Lw sound power level information from 6.3 Hz to 10k Hz. Furnish the data with and without A-weighting. Provide sound pressure levels predicted for the WES(s) in combination and at full operation and at maximum sound power output for all areas where the predictions indicate dBA levels of 30 dBA and above. The same area shall be used for reporting the predicted dBC levels. Contour lines shall be in increments of 5 dB.

Present tables with the predicted sound levels for the proposed WES(s) in dBA, dBC and at all octave band centers (8 Hz to 10k Hz) for distances of 500, 1000, 1500, 2000, 2500 and 5000 feet from the center of the area with the highest density of WES(s). For projects with multiple WES(s), the combined sound level impact for all WES(s) operating at full load must be estimated.

The above tables must include the impact (increased dBA and dBC above baseline L90 Background sound levels) of the WES operations on all residential and other noise sensitive receiving locations within the project boundary. To the extent possible, the tables should include the sites tested in the background study.

Provide a contour map of the expected sound level from the new WES(s), using 5 dBA and 5 dBC increments created by the proposed WES(s) extending out to a distance of at least 2500 feet from the project boundary or the 35 dBA or 50 dBC boundary whichever is greater.

Provide a description of the impact of the proposed sound from the WES project on the existing environment. The results should anticipate the receptor sites that will be most negatively impacted by the WES project and to the extent possible provide data for each MP that are likely to be selected in the background sound study (note the sensitive receptor MPs):

- a. Report expected changes to existing sound levels for LAeq, L10 and L90, in dBA
- b. Report expected changes to existing sound levels for LCeq, L10 and L90, in dBC
- c. Report the predicted sound pressure levels for each of the 1/1 octave bands as un-weighted dB in tabular form from 8 Hz to 10k Hz.
- d. Report all assumptions made in arriving at the estimate of impact, any limitations that might cause the sound levels to exceed the values of the estimate, and any conclusions reached regarding the potential effects on people living near the project area. If the effects of coherence, worst case weather, or operating conditions are not reflected in the model a discussion of how these factors could increase the predicted values is required.
- e. Include an estimate of the number of hours of operation expected from the proposed WES(s) and under what conditions the WES(s) would be expected to run. Any differences from the information filed with the Application should be addressed.

#### 4. Post-Construction Measurements

Post Construction Measurements should be conducted by a qualified noise consultant selected by and under the direction of the Town. The requirements of this Appendix for Sites with Existing Wind Energy Systems shall apply

- (1) Within twelve months of the date when the project is fully operational, and within two weeks of the anniversary date of the Pre-construction ambient noise measurements, repeat the existing sound environment measurements taken before the project approval. Post-construction sound level measurements shall be taken both with all WES(s) running and with all WES(s) off except as provided the ordinance.
- (2) Report post-construction measurements to the Town using the same format as used for the background sound study.
- (3) Project Boundary: A continuous line encompassing all WES(s) and related equipment associated with the WES project.

#### REFERENCES

**ANSI/ASA S12.9-1993/Part 3 (R2008) - American National Standard Quantities and Procedures for Description and Measurement of Environmental Sound, Part 3: Short-Term Measurements with an Observer Present.**

This standard is the second in a series of parts concerning description and measurement of outdoor environmental sound. The standard describes recommended procedures for measurement of short-term, time-average environmental sound outdoors at one or more locations in a community for environmental assessment or planning for compatible land uses and for other purposes such as demonstrating compliance with a regulation. These measurements are distinguished by the requirement to have an observer present. Sound may be produced by one or more separate, distributed sources of sound such as a highway, factory, or airport. Methods are given to correct the measured levels for the influence of background sound. For the purposes of this ordinance the options that are provided in ANSI S12.9-Part 3 (2008) shall be applied with the additional following requirements:

#### Wind Turbine Siting Acoustical Measurements ANSI S12.9 Part 3 Selection of options and other requirements

- 5.2 background sound: Use definition (1) 'long-term
- 5.3 long-term background sound: The L90 excludes short term background sounds
- 5.4 basic measurement period: Ten (10) minutes L90(10 min)
- 5.6 Sound Measuring Instrument: Type 1 integrating meeting ANSI S1.43
- 6.5 Windscreen: Required
- 7.1 Long-term background sound
- 7.2 Data collection Methods: Second method Observed samples to avoid contamination by short term sounds (purpose: to avoid loss of statistical data)
- 8 Source(s) Data Collection: All requirements in ANSI S12.18 Method #2 precision to the extent possible while still permitting testing of the conditions that lead to complaints.
- 8.3(a) All meteorological observations required at both (not either) microphone and nearest 10m weather reporting station.
- 8.3(b) For a 10 minute sound measurement to be valid the wind velocity shall not exceed 2m/s (4.5 mph) measured less than 5m from the microphone. Compliance sound measurements shall not be taken when winds exceed 4m/s.
- 8.3(c) In addition to the required acoustic calibration checks the sound measuring instrument internal noise floor must also be checked at the end of each series of ten minute measurements and no less frequently than once per day. Insert the microphone into the acoustic calibrator with the calibrator signal off. Record the observed dBA and dBC reading from the sound level meter or other recording instrument to determine an approximation of the instrument self noise. This calibrator covered microphone must demonstrate that the results of this test are at least 5 dB below the immediately previous ten minute acoustic test results for the acoustic data to be valid. This test is necessary to detect undesired increase in the microphone and sound level meter internal self noise. As a precaution sound measuring instrumentation should be removed from any air conditioned space at least an hour before use. Nighttime measurements are often performed very near the dew point. Minor moisture condensation inside a microphone or sound level meter can increase the instrument self noise and void the data.
- 8.4 to the end: The remaining sections of ANSI S12.9 Part 3 Standard do not apply.

#### ANSI S12.18-1994 (R2004) American National Standard Procedures for Outdoor Measurement of Sound Pressure Level

This American National Standard describes procedures for the measurement of sound pressure levels in the outdoor environment, considering the effects of the ground, the effects of refraction due to wind and temperature gradients, and the effects due to turbulence. This standard is focused on measurement of sound pressure levels produced by specific sources outdoors. The measured sound pressure levels can be used to calculate sound pressure levels at other distances from the source or to extrapolate to other environmental conditions or to assess compliance with

regulation. This standard describes two methods to measure sound pressure levels outdoors. METHOD No. 1: general method; outlines conditions for routine measurements. METHOD No. 2: precision method; describes strict conditions for more accurate measurements. This standard assumes the measurement of A-weighted sound pressure level or time-averaged sound pressure level or octave, 1/3-octave or narrow-band sound pressure level, but does not preclude determination of other sound descriptors.

**ANSI S1.43-1997(R2007) American National Standard Specifications for Integrating Averaging Sound Level Meters**

This Standard describes instruments for the measurement of frequency-weighted and time-average sound pressure levels. Optionally, sound exposure levels may be measured. This standard is consistent with the relevant requirements of ANSI S1.4-1983(R 1997) American National Standard Specification for Sound Level Meters, but specifies additional characteristics that are necessary to measure the time-average sound pressure level of steady, intermittent, fluctuating, and impulsive sounds.

**ANSI S1.11-2004 American National Standard 'Specification for Octave-Band and Fractional-Octave-Band Analog and Digital Filters'**

This standard provides performance requirements for analog, sampled-data, and digital implementations of bandpass filters that comprise a filter set or spectrum analyzer for acoustical measurements. It super-cedes ANSI S1.11-1986 (R1998) American National Standard Specification for Octave-Band and Fractional-Octave-Band Analog and Digital Filters, and is a counterpart to International Standard IEC 61260:1995 Electroacoustics - Octave-Band and Fractional-Octave-Band Filters. Significant changes from ANSI S1.11-1986 have been adopted in order to conform to most of the specifications of IEC 61260:1995. This standard differs from IEC 61260:1995 in three ways: (1) the test methods of IEC 61260 clauses 5 is moved to an informative annex, (2) the term 'band number,' not present in IEC 61260, is used as in ANSI S1.11-1986, (3) references to American National Standards are incorporated, and (4) minor editorial and style differences are incorporated.

**ANSI S1.400-2006 American National Standard Specifications and Verification Procedures for Sound Calibrators**

**IEC 61400-11**  
Second edition 2002-12, Amendment 1 2006-05

**IEC 61400-11**  
Second edition 2002-12, Amendment 1 2006-0

**Wind turbine generator systems –Part 11: Acoustic noise measurement techniques**

The purpose of this part of IEC 61400 is to provide a uniform methodology that will ensure consistency and accuracy in the measurement and analysis of acoustical emissions by wind turbine generator systems. The standard has been prepared with the anticipation that it would be applied by:

- the wind turbine manufacturer striving to meet well defined acoustic emission performance requirements and/or a possible declaration system;
- the wind turbine purchaser in specifying such performance requirements;
- the wind turbine operator who may be required to verify that stated, or required, acoustic performance specifications are met for new or refurbished units;
- the wind turbine planner or regulator who must be able to accurately and fairly define acoustical emission characteristics of a wind turbine in response to environmental regulations or permit requirements for new or modified installations.

This standard provides guidance in the measurement, analysis and reporting of complex acoustic emissions from wind turbine generator systems. The standard will benefit those parties involved in the manufacture, installation, planning and permitting, operation, utilization, and regulation of wind turbines. The measurement and analysis techniques recommended in this document should be applied by all parties to insure that continuing development and operation of wind turbines is carried out in an atmosphere of consistent and accurate communication relative to environmental concerns. This standard presents measurement and reporting procedures expected to provide accurate results that can be replicated by others.

This Ordinance was adopted by the Town Board of the Town of Union at a regular meeting on November 13, 2008.

By \_\_\_\_\_  
Kendall Schneider, Town Chair

ATTEST:

\_\_\_\_\_  
Regina Ylvisaker, Town Clerk

### Wind turbine generator systems –Part 11: Acoustic noise measurement techniques

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This Ordinance was adopted by the Town Board of the Town of Union at a regular meeting on November 13, 2008.

By   
Kendall Schneider, Town Chair

ATTEST:

  
Regina Wisaker, Town Clerk

**ORDINANCE NO. 2009-01**  
**TOWN OF UNION**  
**ROCK COUNTY, WISCONSIN**

**AN ORDINANCE TO IMPOSE A TEMPORARY STAY**  
**ON CONSTRUCTION OF LARGE WIND ENERGY SYSTEMS**  
**IN THE TOWN OF UNION**

RECITALS

1. A "wind energy system" is an electricity generating facility consisting of one or more wind turbines under common ownership or operating control, and includes substations, cables/wires and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customer(s). A "wind turbine" is a wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator. A "large wind energy system" is a wind energy system with turbines exceeding 170 feet in height and 100 kilowatts in nameplate capacity.
2. There is an interest in establishing large wind energy systems in the Town of Union.
3. There exist potential health and safety issues related to the construction of large wind energy systems including, but not limited to, electrical connections, electric and magnetic fields, tower failure (falling turbines), falling ice, blade throw, flicker or shadow flicker, and noise.
4. The Town Board has been authorized under Wis. Stat. § 60.10(2)(c) to exercise powers conferred on Village Boards, and also has the authority to adopt zoning regulations under Wis. Stat. §§ 60.61 and 60.62 and 61.35.
5. Pursuant to the Wisconsin Model Ordinance Reference Guide (drafts 4/23/2007 and 5/22/2007), the Town developed and adopted a Large Wind Energy Systems Licensing Ordinance No. 2008-06 on November 13, 2008, that provides a review and permitting process as well as health and safety standards for large wind energy systems, and complies with Wis. Stat. § 66.0401.
6. Since the adoption of Ordinance No. 2008-06, the Wisconsin Court of Appeals issued a decision relating to the validity of local regulation of wind energy systems. *Ecker Brothers v. Calumet County*, 2009 WL 2032336, 2007AP2109 (Ct. App. July 15, 2009). Calumet County appealed the Court of Appeals decision to the Wisconsin Supreme Court on August 14, 2009. The Court of Appeals decision may require the Town to use a different process to regulate wind energy systems than in Ordinance No. 2008-06.



7. The Town Board believes that a two-month stay on the construction of large wind energy systems in the Town will promote the public health and safety of people in the Town. A two-month stay will give the Town the time it needs to conduct a public hearing and obtain recommendation from the Plan Commission regarding the potential impact of these legal developments.

NOW THEREFORE, based on the above recitals and pursuant to Article XI, section 1 of the Wisconsin Constitution, sections 60.22(3), 61.34, 60.61 and 60.62 of the Wisconsin Statutes, and any and all other sources of authority that authorize the adoption of this ordinance, the Town Board of the Town of Union, Rock County, Wisconsin, do hereby ordain as follows:

*SECTION 1. Temporary Wind Energy System Stay.*

There is hereby established a temporary, two-month stay on the construction of large wind energy systems in the Town. During the temporary stay provided by this ordinance it shall be unlawful to install or construct any large wind energy system or part thereof, and the Town shall not accept or process any applications relating to the proposed construction of any large wind energy system.

*SECTION 2. Duration.*

This temporary stay shall expire at 11:59 p.m. on November 3, 2009.

*SECTION 3. Inconsistent Ordinances Voided.*

All ordinances or provisions of ordinances inconsistent with or contravening the provisions of this Ordinance are hereby temporarily voided and shall have no legal force or effect during the period that this Ordinance is in effect.

*SECTION 4. Scope.*

The temporary stay provided by this Ordinance shall apply throughout the Town.

*SECTION 5. Effect of Invalidity.*

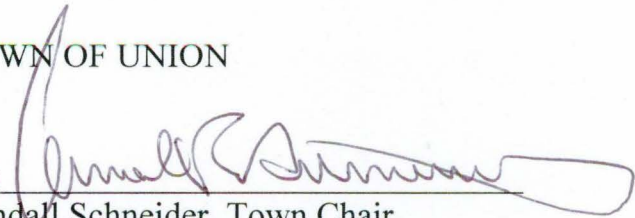
If this Ordinance is adjudged to be unconstitutional, unlawful, or invalid by a court of competent jurisdiction, the Large Wind Energy Systems Licensing Ordinance (No. 2008-06) shall have legal force and effect.

*SECTION 6. Effective Date.*

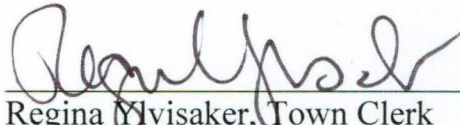
This Ordinance shall become effective upon adoption and publication or posting, as provided by law.

The above and foregoing Ordinance was duly adopted by the Town Board of the Town of Union at a meeting held on September 3, 2009 by a vote of 3 in favor, 0 opposed and 0 not voting.

TOWN OF UNION

By:   
Kendall Schneider, Town Chair

ATTEST:

  
Regina Ylvisaker, Town Clerk

Approved: 9.3.09  
Posted: 9.4.09  
Published: 9.9.09

ORDINANCE NO. 2010-02  
TOWN OF UNION

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION FO AND  
APPROVING THE DIVISION OF CERTAIN LANDS

(DAVIS PROPERTY)

RECITALS

- A. Thomas Davis (the "Owner") is the owner of approximately 43 acres of land at 10608 North East Union Road, located in the NE ¼ of Section 12 and the SE ¼ of Section 1 in the Town of Union.
- B. The Owner has requested that the Town allow the Property to be divided into one 35 approximately acre lot (the "35 acre lot") and one approximately 8 acre lot (the "8 acre lot"), and that the zoning classification of the 8 acre lot be changed from A-1 Agricultural District to A-3 Agricultural District. The 8 acre lot is depicted on Exhibit A, and shall also be referred to as the "Property."
- C. The Plan Commission conducted a public hearing on the proposed zoning change and land division, preceded by publication of a Class 2 notice, on July 29, 2010.
- D. On July 29, 2010, the Plan Commission recommended that the proposed zoning change and land division be approved, subject to the condition that the Farmland Preservation Program conversion fee be paid to the Town Treasurer.

*NOW, THEREFORE, the Town Board of the Town of Union, Rock County, Wisconsin, does ordain as follows:*

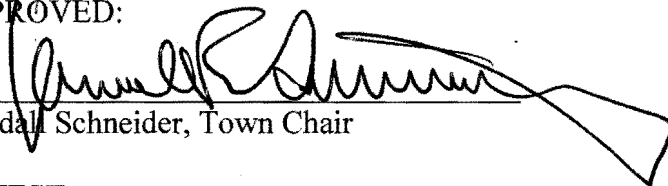
ORDINANCE

- 1. Change in Zoning. Upon the effective date of this Ordinance the Zoning classification of the 8 acre lot shall be changed from A-1 Agricultural District to A-3 Agricultural District.
- 2. Approval of Certified Survey Map. Upon the effective date of this Ordinance, the certified survey map creating the 8 acre lot shall be approved and shall be signed by the Town Clerk.
- 3. Effective Date. This ordinance shall take effect upon payment of the Farmland Preservation Program conversion fee, and payment of all professional expenses incurred by the Town in connection with the application for a zoning change and land division, to the Town Treasurer.

4. Expiration. If all conditions set forth in this ordinance are not satisfied on or before 12:00 noon on December 1, 2010, then this ordinance shall automatically, and without any further action, become null and void and of no force or effect.

*The above ordinance was duly adopted by a majority vote of the Town of Union Town Board at a regular meeting held on October 7, 2010.*

APPROVED:

By:   
Kendall Schneider, Town Chair

ATTEST:

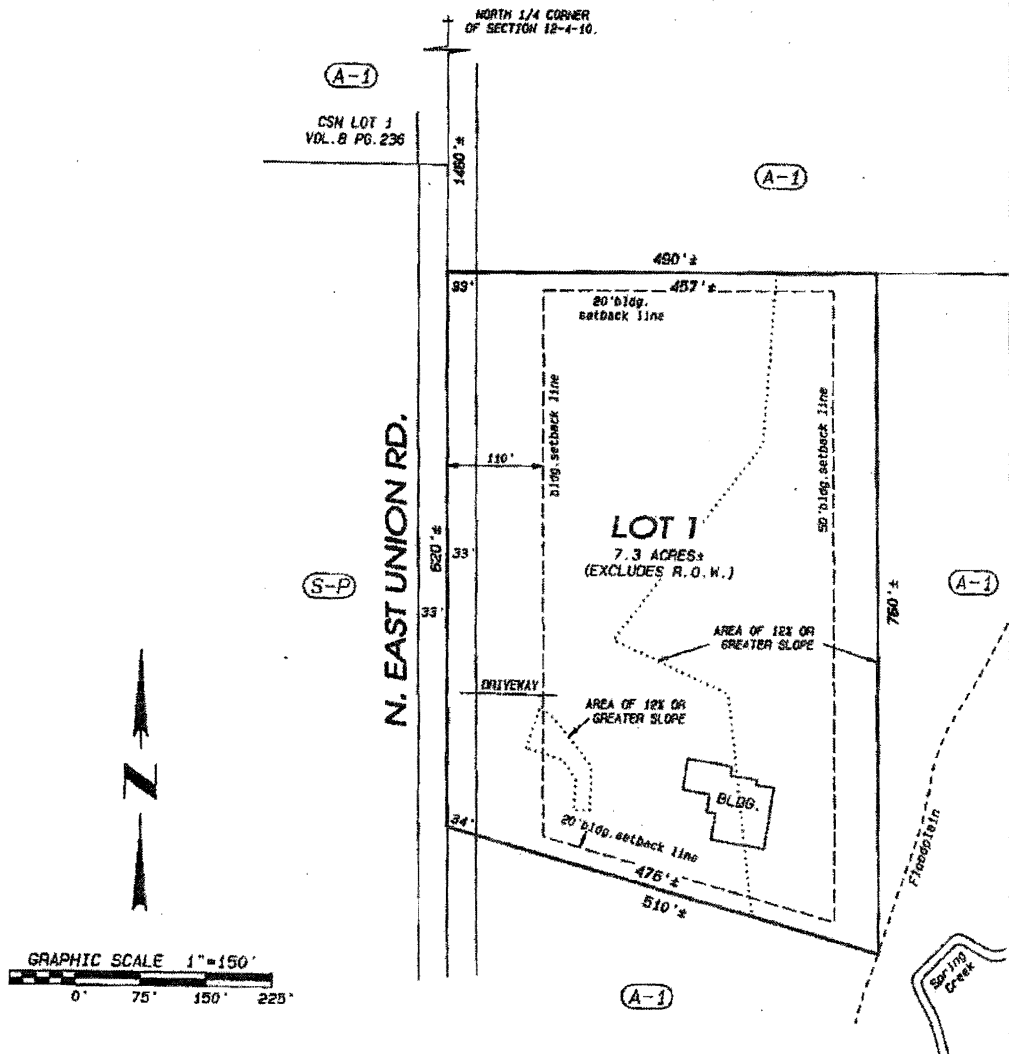
By:   
Regina Ylveaker, Town Clerk

APPROVED: 10.7.10  
PUBLISHED: 10.12.10  
POSTED

EXHIBIT A TO ZONING ORDINANCE  
(DAVIS PROPERTY)

**PRELIMINARY CERTIFIED SURVEY MAP**

LOCATED IN THE SW 1/4 OF THE NE 1/4 OF SECTION 12, T.4N., R.12E. OF THE 4TH P.M., TOWN OF UNION, ROCK COUNTY, WISCONSIN.



NOTES:  
THIS SURVEY IS SUBJECT TO ANY AND ALL EASEMENTS AND AGREEMENTS, RECORDED AND UNRECORDED.  
THE BASIS OF BEARINGS IS ASSUMED.

Project No. 110-010 For: DAVIS

DATE: JUNE 2ND, 2010

**Crumb's & Associates**

- LAND SURVEYING
- LAND PLANNING
- CIVIL ENGINEERING

109 W. Milwaukee St.  
Janesville, WI 53548  
www.crumbssurvey.com

tel: 608 752-0575  
fax: 608 752-0534

ORDINANCE NO. 2010-05

TOWN OF UNION

AN ORDINANCE TO CREATE A  
TOWN OF UNION CODE OF ORDINANCES

*The Town Board of Supervisors of the Town of Union, Rock County, Wisconsin, do ordain as follows:*

1. The Partial Code of Ordinances attached as Attachment A, and consisting of Chapter 1 (General Provisions), Chapter 5.02 (Alcohol Beverages), Chapter 11 (Offenses and Nuisances), Chapter 12 (Driveway and Highway Access), Chapter 15 (Building Code), Chapter 16 (Land Division), and Chapter 17 (Zoning), is hereby adopted and enacted as the Code of Ordinances of the Town of Union, Rock County, Wisconsin.
2. Each Town ordinance provision that was in effect prior to adoption of the Code continues to be in effect unless such provision is inconsistent with a part of the Code.
3. All provisions in the Code that were not in effect prior to adoption of the Code shall be in effect on and after the first day permitted by law.
4. Adoption of the Code shall not affect the following, except that some of the following provisions existing at the time of adoption may be amended by this Ordinance:
  - a. Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this Ordinance.
  - b. Any ordinance or resolution promising or guaranteeing the payment of money for the Town, or any contract or obligation assumed by the Town.
  - c. The administrative ordinances or resolutions of the Town not in conflict or inconsistent with the provision of the Code.
  - d. An appropriation ordinance or resolution.
  - e. Any right or franchise granted by the Town to any person, firm, or corporation.

- f. Any ordinance or resolution dedicating, naming, establishing, locating, relocating, opening, closing, paving, widening, vacating, etc., any street or public way in the Town.
  - g. Any ordinance or resolution establishing the prescribing of street grades of any streets in the Town.
  - h. Any ordinance or resolution providing for local improvements or assessing taxes or special assessments therefor.
  - i. Any ordinance or resolution dedicating or accepting any plat or subdivision in the Town.
  - j. Any ordinance or resolution regulating the erection, alteration, repair, demolition, moving, or removal of buildings or other structures, except to the extent that such ordinances have been amended as part of this Ordinance.
  - k. Zoning ordinances and building codes, except to the extent that such ordinances have been amended as part of this ordinance.
  - l. Charter ordinances.
  - m. The issuance of corporate bonds and notes of the Town of whatever name or description.
5. A copy of the Code shall be kept on file in the office of the Town Clerk. It shall be the duty of the Town Clerk, or someone authorized by the Town Clerk, to insert in their designated places all amendments, ordinances, or resolutions which indicate the intention of the Town Board to make the same a part of the Code when the same have been printed or reprinted in page form, and to extract from the Code all provisions which may be repealed from time to time by the Town Board.

*The foregoing ordinance was duly adopted by the Town Board of the Town of Union, Rock County, Wisconsin, at a regular meeting held on December 2, 2010.*

APPROVED:

By \_\_\_\_\_  
Kendall Schneider, Town Chair

ATTEST:

\_\_\_\_\_  
Regina Ylvisaker, Town Clerk

Posted: \_\_\_\_\_



**ORDINANCE NO. 2011-02  
TOWN OF UNION  
ROCK COUNTY, WISCONSIN**

**AN ORDINANCE TO ADD A RIGHT-TO-FARM  
DISCLAIMER TO CERTIFIED SURVEY MAPS  
AND PLATS IN THE TOWN OF UNION**

*Pursuant to section 236.45 of the Wisconsin Statutes, the Town Board of the Town of Union, Rock County, Wisconsin do ordain as follows:*

1. Town of Union Ordinance Section 16.12 is amended to read as follows:

**Section 16.12 Minor Land Divisions**

Any division of land, no matter the size, other than a Subdivision as defined herein, shall be surveyed and a Certified Survey Map (CSM) shall be prepared and recorded as provided in § 236.34, Wis. Stats. and Section 16.13. ...

2. Town of Union Ordinance Section 16.13 is amended to read as follows:

**Section 16.13 Certified Survey Map**

(1) The Town of Union requires a Certified Survey Map be prepared by a land surveyor registered in the State of Wisconsin for all land divisions except Subdivisions ~~which a Certified Plat Map.~~

...

(4) The Certified Survey Map shall, at minimum, show correctly on its face, in addition to the information required by § 236.24, Wis. Stats., all of the following:

...

I. The following statement: "The above-described premises may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices, which may generate noise, dust, odors, and other associated conditions, may be used and are protected by Wisconsin's "Right to Farm" Law."

3. Town of Union Ordinance Section 16.14 is amended to read as follows:

**Section 16.14 Subdivision Preliminary Plat Approval, Conditional Approval, Rejection**

...

A. A Subdivision Preliminary Plat shall be required for all proposed Subdivisions and shall be based upon a survey by a registered land surveyor and the plat prepared on paper of good quality at a map scale of not more than two hundred (200) feet to the inch or other appropriate scale and shall show correctly and completely on its face the following information:

...  
xxxvi. The following statement: "The above-described premises may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices, which may generate noise, dust, odors, and other associated conditions, may be used and are protected by Wisconsin's "Right to Farm" Law."

The above and foregoing Ordinance was duly adopted by the Town Board of the Town of Union at a meeting held on \_\_\_\_\_, 2011 by a vote of \_\_\_\_\_ in favor, \_\_\_\_\_ opposed and \_\_\_\_\_ not voting.

TOWN OF UNION

By: \_\_\_\_\_  
Kendall Schneider, Town Chair

ATTEST:

\_\_\_\_\_  
Regina Ylvisaker, Town Clerk

Approved: \_\_\_\_\_  
Posted: \_\_\_\_\_  
Published: \_\_\_\_\_

**ORDINANCE NO. 2011-03  
TOWN OF UNION  
ROCK COUNTY, WISCONSIN**

**AN ORDINANCE TO IMPOSE A TEMPORARY STAY ON CONSTRUCTION  
OF TOWERS AND ANTENNAS IN THE TOWN OF UNION**

RECITALS

1. For the purposes of this ordinance, “towers and antennas” are defined as any outdoor structure designed and constructed primarily for the purpose of supporting one (1) or more transmitting or receiving devices for telephone, radio or any similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto. The following shall not be considered “towers or antennas.”:
  - a) Any citizens band or amateur radio station antenna;
  - b) A ground or building mounted citizen band radio antenna less than forty (40) feet in height or an amateur radio antenna not more than seventy-five (75) feet in height, provided there is adequate clearance with adjacent structures;
  - c) Satellite dish type antenna or a conventional type television antenna for the exclusive use of a residential dwelling;
  - d) Mobile news or public information service antennas;
  - e) Hand-held communication devices such as walkie-talkies, cell phones and similar type devices;
  - f) Antenna owned by a public agency or its members used for emergency services public utilities, operations or maintenance services.
2. There is an interest in establishing towers and antennas in the Town of Union.
3. There is a concern that current Town ordinances do not adequately address issues relating to towers and antennas. These issues include the appropriate locations for such towers and antennas, a review and permitting process, and the conditions under which they may be allowed within the Town, including structural and construction requirements, co-location, setbacks, visual impacts, and height limitations.
4. The Town Board has determined there is a need to study these and other issues to determine what regulatory controls may need to be adopted to protect the public health, safety, and welfare. The Town Plan Commission has been directed by the

Town Board to conduct studies to make such determinations, but additional time is required for this purpose before proposals for amendments to Town zoning codes can be prepared and considered at a public hearing.

5. The Town Board has been authorized under Wis. Stat. § 60.10(2)(c) to exercise powers conferred on Village Boards, and also has the authority to adopt zoning regulations under Wis. Stat. §§ 60.61 and 60.62 and 61.35.
6. The Town is beginning the process of developing and adopting an ordinance that will provide a review and permitting process and health and safety standards for towers and antennas, and intends to adopt an ordinance that complies with Wis. Stat. § 66.0401 and Federal law.
7. On March 31, 2011, the Town Plan Commission conducted a public hearing, preceded by publication of a Class 2 notice, regarding what process the Town should use to study and develop a tower and antenna licensing ordinance, and whether the Town should maintain a temporary stay on the construction of towers and antennas while the Town is developing and adopting a tower and antenna licensing ordinance. The Plan Commission recommended a process that will take approximately 6 (six) months, and has recommended that a 6 (six) month temporary stay be adopted on the construction of towers and antennas.
8. On April 12, 2011, the Town Board conducted a public hearing on this matter, preceded by publication of a Class 2 notice, and agrees with the Plan Commission's recommendations regarding the process that should be followed to develop an ordinance, and believes that the adoption of a temporary stay will promote the public health and safety of people in the Town.

NOW THEREFORE, based on the above recitals and pursuant to Article XI, Section 3 of the Wisconsin Constitution, §§60.22(3), 61.34, 60.61 and 60.62 of the Wisconsin Statutes, and any and all other sources of authority that authorize the adoption of this ordinance, the Town Board of the Town of Union, Rock County, Wisconsin, does hereby ordain as follows:

*SECTION 1. Temporary Tower and Antenna Stay.*

There is hereby established a temporary stay on the construction of towers and antennas in the Town. During the temporary stay provided by this ordinance it shall be unlawful to install or construct any towers or antennas or parts thereof, and the Town shall not accept or process any applications relating to the proposed construction of any towers or antennas.

*SECTION 2. Duration.*

This temporary stay shall expire at 11:59 p.m. on OCT. 12, 2011.

*SECTION 3. Inconsistent Ordinances Voided.*

All ordinances or provisions of ordinances inconsistent with or contravening the provisions of this Ordinance are hereby temporarily voided and shall have no legal force or effect during the period that this Ordinance is in effect.

*SECTION 4. Scope.*

The temporary stay provided by this Ordinance shall apply throughout the Town.

*SECTION 5. Exceptions*

The temporary stay shall not apply to (1) the lawful use of existing towers or the lawful erection of antennae on such existing towers, (2) the repair and/or maintenance of any existing tower provided that such work does not enlarge or expand that tower, (3) work on a tower necessary to preserve health, safety, life, or property in the face of an emergency, and (4) tower work that has received all necessary permits and approvals from the Town prior to the effective date of this Ordinance.

*SECTION 6. Severability.*

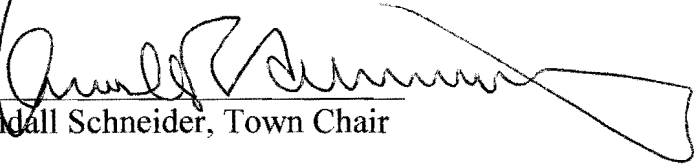
If any section or part of this Ordinance is adjudged to be unconstitutional, unlawful, or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.


*SECTION 7. Effective Date.*

This Ordinance shall become effective upon adoption and publication or posting, as provided by law.

The above and foregoing Ordinance was duly adopted by the Town Board of the Town of Union at a meeting held on April 12, 2011 by a vote of 3 in favor, 0 opposed and 0 not voting.

TOWN OF UNION

By   
Kendall Schneider, Town Chair

By   
Regina Ylvisaker, Town Clerk

Approved: 4.12.11  
Posted: 4.15.11  
Published: 4.20.11

ORDINANCE NO. 2011-05  
TOWN OF UNION  
ROCK COUNTY, WISCONSIN

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION OF AND  
APPROVING THE DIVISION OF CERTAIN LANDS

(TONG PROPERTY)

RECITALS

- A. Eric and Marion Tong (the "Owners") are the owners of approximately 35 acres of land at 18251 W. Emery Road, located in the East ½ of the NW ¼ of Section 19 in the Town of Union.
- B. The Owners have requested that the Town allow the Property to be divided into one approximately 10 acre lot (the "10 acre lot") and one approximately 25 acre lot (the "25 acre lot"), and that the zoning classification of the 10 acre lot be changed from A-1 Agricultural District to A-2 Agricultural District. The 10 acre lot is depicted on Exhibit A, and shall also be referred to as the "Property."
- C. The Plan Commission conducted public hearings on the proposed zoning change and land division, preceded by publications of Class 2 notices, on July 28, 2011 and August 25, 2011.
- D. On August 25, 2011, the Plan Commission recommended that the proposed zoning change and land division be approved.

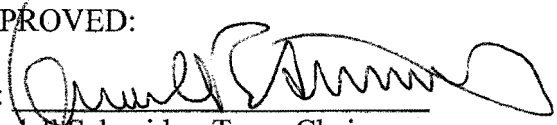
*NOW, THEREFORE, the Town Board of the Town of Union, Rock County, Wisconsin, does ordain as follows:*

ORDINANCE

- 1. Change in Zoning. Upon the effective date of this Ordinance the Zoning classification of the 10 acre lot shall be changed from A-1 Agricultural District to A-2 Agricultural District.
- 2. Approval of Certified Survey Map. Upon the effective date of this Ordinance, the certified survey map creating the 10 acre lot shall be approved and shall be signed by the Town Clerk.
- 3. Effective Date. This Ordinance shall take effect upon payment of all professional expenses incurred by the Town in connection with the application for a zoning change and land division, to the Town Treasurer.
- 4. Expiration. If all conditions set forth in this ordinance are not satisfied on or before 12:00 noon on December 10, 2011, then this ordinance shall automatically, and without any further action, become null and void and of no force or effect.

The above ordinance was duly adopted by a majority vote of the Town of Union Town Board at a regular meeting held on September 1, 2011.

APPROVED:

By:   
Kendall Schneider, Town Chair

ATTEST:

By:   
Regina Ylvisaker, Town Clerk

APPROVED: 9.1.11

POSTED: 9.2.11



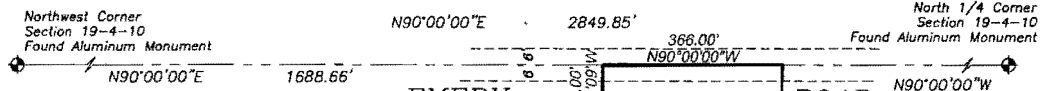


**BIRRENKOTT  
SURVEYING, INC.**

P.O. Box 237  
1677 N. Bristol Street  
Sun Prairie, WI. 53590  
Phone (608) 837-7463  
Fax (608) 837-1081

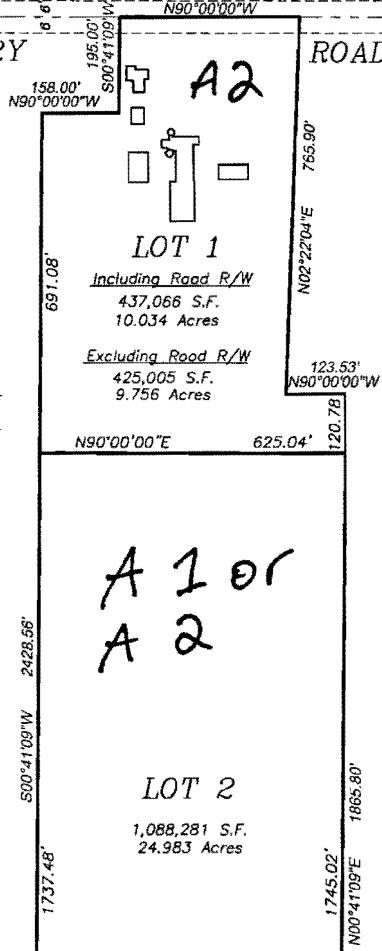
**Preliminary  
CERTIFIED SURVEY MAP**

Part of the East 1/2 of the Northwest 1/4 of  
Section 19, T4N, R10E, Town of Union, Rock  
County, Wisconsin.



**Description:**

A part of the East 1/2 of the Northwest 1/4 of Section 19, T4N, R10E, Town of Union, Rock County, Wisconsin being more particularly described as follows: Commencing at the North 1/4 corner of said Section 19; Thence along the North line of the said Northwest 1/4 N90°00'00"W, 795.19 feet to the point of beginning; Thence continuing along said North line N90°00'00"W, 366.00 feet; Thence S00°41'09"W, 195.00 feet; Thence N90°00'00"W, 158.00 feet to the West line of the East 1/2 of the said Northwest 1/4; Thence along the said West line of the East 1/2 of the Northwest 1/4 S00°41'09"W, 2428.56 feet to the Southwest corner of the said East 1/2; Thence along the South line of the said East 1/2 S89°18'30"E, 625.00 feet; Thence N00°41'09"E, 1865.80 feet; Thence N90°00'00"W, 123.53 feet; Thence N02°22'04"E, 765.90 feet to the North line of the said Northwest 1/4 and the point of beginning; Containing 35.017 acres; Subject to a public road right of way over the North 33 feet thereof.



**LOT 1**  
Including Road R/W  
437,066 S.F.  
10.034 Acres  
Excluding Road R/W  
425,005 S.F.  
9.756 Acres

**LOT 2**  
1,088,281 S.F.  
24.983 Acres

**Prepared For:**

Marion Tong  
18251 Emery Road  
Evansville, Wis. 53536

West 1/4 Corner  
Section 19-4-10  
Found Aluminum Monument

East 1/4 Corner  
Section 19-4-10  
Found Brass-cop Monument



ORDINANCE NO. 2012-01  
TOWN OF UNION

AN ORDINANCE CHANGING THE ZONING CLASSIFICATION  
OF CERTAIN LANDS

PLEASY R. BERG TRUST PROPERTY

RECITALS

- A. The Pleasy R. Berg Trust (the “Owner”) is the owner of parcel 6-20-280A., located at 6528 N. Hwy 213 in the Town of Union (the “Property”).
- B. The Owner has requested that the Town allow remove part the Property from the Conservancy Overlay District.
- C. On January 26, 2012, the Plan Commission conducted a public hearing on removing part of the Property from the Conservancy Overlay District. The public hearing was preceded by publication of a Class 2 notice. Also on January 26, the Plan Commission initiated a change to the zoning classification of the Property from A-1 to A-2.
- D. On February 23, 2012, the Plan Commission conducted a public hearing on changing the zoning classification of the Property from A-1 to A-2. The public hearing was preceded by publication of a Class 2 Notice.
- E. On February 23, 2012, the Plan Commission recommended that the zoning classification of the Property be changed from A-1 to A-2, and that that portion the Property described on Exhibit A (the “Upland Lands”) be removed from the Conservancy Overlay District.

*NOW, THEREFORE, the Town Board of the Town of Union, Rock County, Wisconsin, does ordain as follows:*

ORDINANCE

- 1. Change in Zoning. The zoning classification of the Property is changed from A-1 to A-2. That portion of the Property described on Exhibit A (the “Upland Lands”) is removed from the Conservancy Overlay District. The Town Clerk is directed to change the Zoning Map accordingly.

2. Effective Date. This ordinance shall take effect upon adoption and posting or publication.

*The above ordinance was duly adopted by a majority vote of the Town of Union Town Board at a regular meeting held on March 1, 2012.*

APPROVED:

By: \_\_\_\_\_  
Kendall Schneider, Town Chair

ATTEST:

By: \_\_\_\_\_  
Regina Ylvisaker, Town Clerk

APPROVED: \_\_\_\_\_

PUBLISHED: \_\_\_\_\_

Attachment: Exhibit A – Description of the Upland Lands

**EXHIBIT A**  
**DESCRIPTION OF THE UPLAND LANDS**

**ORDINANCE NO. 2012-03  
TOWN OF UNION**

**AN ORDINANCE TO EXTEND TOWN OFFICER TERMS IN RESPONSE TO  
ELECTION LAW CHANGES**

Whereas, the term of elected town officers (other than elected assessors) have previously begun on the 2nd Tuesday in April;

Whereas town officers (other than assessors) elected in April 2012 and thereafter will now have their terms of office commence on the 3rd Tuesday in April due to recent state election law changes;

Whereas this law change results in a week long "gap" between the end of the current terms of office for those town officers elected in either 2010 or 2011 and the start of the new terms of office for those officers elected in April 2012 or April 2013;

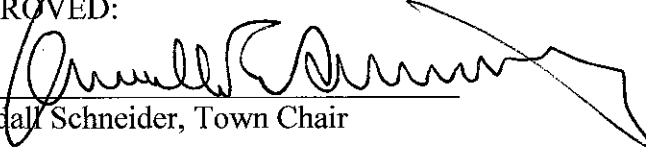
Whereas, 2011 Wis. Act 115 provides that a town board may enact an ordinance providing that the terms of any elective officers in the town who were elected or appointed to serve for terms expiring on the 2nd Tuesday in April 2012 or 2013 may be extended to the 3rd Tuesday in April in the same year in which the terms would otherwise have expired;

Therefore, be it hereby ordained by the Town Board of the Town of Union, Rock County, that the terms of elected Town officers which shall expire after 11:59 p.m. on the 2nd Monday of April in either April 2012 or April 2013 shall be extended until the 3rd Tuesday of April in the same year in which the terms would otherwise have expired.

This ordinance shall be effective upon publication or posting by the town clerk as required, pursuant to s. 60.80, Wis. Stat.

*The above ordinance was duly adopted by a majority vote of the Town of Union Town Board at a regular meeting held on April 10, 2012.*

APPROVED:

By:   
Kendall Schneider, Town Chair

ATTEST:

By:   
Regina Ylvisaker, Town Clerk

APPROVED: 4.10.12

POSTED: 4.11.12

**ORDINANCE NO. 2014-01**  
**TOWN OF UNION**  
**ROCK COUNTY, WISCONSIN**

**RELATING TO HOSTING GATHERINGS INVOLVING UNDERAGE POSSESSION  
AND CONSUMPTION OF ALCOHOL**

The Town Board of the Town of Union, Rock County, Wisconsin, does hereby ordain as follows:

1. **Purpose and Finding.** The Town Board of the Town of Union, Rock County, Wisconsin intends to discourage underage possession and consumption of alcohol, even if done within the confines of a private residence, and intends to hold persons civilly responsible who host events or gatherings where persons under 21 years of age possess or consume alcohol or consume alcohol regardless of whether the person hosting the event or gathering supplied the alcohol. The Town Board of the Town of Union finds:

Events and gatherings held on private or public property where alcohol is possessed or consumed by persons under the age of twenty-one are harmful to those persons and constitute a potential threat to public health requiring prevention or abatement.

Prohibiting hosting underage consumption acts to protect underage persons, as well as the general public, from injuries related to alcohol consumption, such as alcohol overdose or alcohol-related traffic collisions.

Alcohol is an addictive drug which, when used irresponsibly, does have drastic effects on those who use it as well as those who are affected by the actions of an irresponsible user.

Often, events or gatherings involving underage possession and consumption occur outside the presents of parents. However, there are times when the parent(s) is/are present and condone the activity, and in some circumstances, provide the alcohol.

A deterrent effect is created by holding a person responsible for hosting an event or gathering where underage possession or consumption occurs.

2. **Definitions.** For purposes of this ordinance, the following terms have the following meanings:
  - a. **Alcohol.** “Alcohol” means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, whiskey, rum, brandy, gin or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.
  - b. **Alcohol Beverages.** “Alcohol beverages” means fermented malt beverages and intoxicating liquor.
  - c. **Fermented Malt Beverages.** “Fermented malt beverages” means any beverage made by the alcohol fermentation of an infusion in potable water of barley malt and hops, with or without unmalted grains or decorticated and degerminated grains or sugar containing 0.5% or more of alcohol by volume.
  - d. **Intoxicating Liquor.** “Intoxicating liquor” means all ardent, spirituous, distilled or vinous liquors, liquids or compounds, whether medicated, proprietary, patented or not, and by whatever name called, containing 0.5% or more of alcohol by volume, which are beverages, but does not include “fermented malt beverages.”

- e. **Event or Gathering.** “Event or gathering” means any group of two or more persons who have assembled or gathered together for a social occasion or other activity.
  - f. **Host or Allow.** “Host” or “allow” means to aid, conduct, entertain, organize, supervise, control or permit a gathering or event.
  - g. **In Control.** “In control” means the power to direct, manage, oversee and/or restrict the affairs, business or assets of a person or entity.
  - h. **Parent.** “Parent” means any person having legal custody of a juvenile:
    - i. As natural, adoptive parent or step-parent
    - ii. As a legal guardian
    - iii. As a person to whom legal custody has been given by order of the Court
  - i. **Present.** “Present” means being at hand or in attendance.
  - j. **Residence, Premises, or Public or Private Property.** “Residence,” “premises,” or “public or private property” means any home, yard, farm, field, land, other free-standing structure, apartment, condominium, hotel or motel room or other dwelling unit, or a hall or meeting room, park or any other place of assembly, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or specifically for a party or other social function, and whether owned, leased rented or used with or without permission or compensation.
  - k. **Underage Person.** “Underage person” means a person who has not attained the legal drinking age.
  - l. **Legal Drinking Age.** “Legal drinking age” means twenty-one (21) years of age.
3. **Prohibited Acts.** It is unlawful for any person(s) to: host or allow an event or gathering at any residence, premises or on any other private or public property where alcohol or alcoholic beverages are present when the person knows that an underage person will or does: (a) consume any alcohol or alcoholic beverage; or (b) possess any alcohol or alcoholic beverage with the intent to consume it; and the person fails to take reasonable steps to prevent possession or consumption by the underage person(s).
- a. A person is in violation of this Section if the person intentionally aids, advises, hires, counsels or conspires with or otherwise procures another to commit the prohibited act.
  - b. A person who hosts an event or gathering does not have to be present at the event or gathering to be responsible.
4. **Exceptions.**
- a. This Ordinance does not apply in cases where a person procures for, sells, dispenses of or gives away alcohol beverages to an underage person in the direct company of his or her parent, guardian or spouse who has attained the legal drinking age, who has consented to the underage person acquiring or consuming the alcohol beverages, and is in a position to observe and control the underage person.
  - b. This Ordinance does not apply to legally protected religious observances.
  - c. This Ordinance does not apply to situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment.

5. **Penalties.** A person who violates any provision of this Ordinance must appear in municipal court and is subject to a forfeiture of not less than seven hundred fifty dollars (\$750) nor more than five thousand dollars (\$5,000), together with the costs of prosecution.

This ordinance shall be effective upon publication or posting by the town clerk as required, pursuant to s. 60.80, Wis. Stat.

*The above ordinance was duly adopted by a majority vote of the Town of Union Town Board at a regular meeting held on August 7, 2014.*

APPROVED:

By: \_\_\_\_\_

Kendall Schneider, Town Chair

ATTEST:

By: \_\_\_\_\_

Regina Ylvisaker, Town Clerk

APPROVED: \_\_\_\_\_

POSTED: \_\_\_\_\_



**ORDINANCE NO. 2010-04  
TOWN OF UNION  
ROCK COUNTY, WISCONSIN**

**AN ORDINANCE TO EXTEND A TEMPORARY STAY  
ON CONSTRUCTION OF LARGE WIND ENERGY SYSTEMS  
IN THE TOWN OF UNION**

RECITALS

1. A “wind energy system” is an electricity generating facility consisting of one or more wind turbines under common ownership or operating control, and includes substations, cables/wires and other buildings accessory to such facility, whose main purpose is to supply electricity to off-site customer(s). A “wind turbine” is a wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator. A “large wind energy system” is a wind energy system with turbines exceeding 170 feet in height and 100 kilowatts in nameplate capacity.
2. There is an interest in establishing large wind energy systems in the Town of Union.
3. There exist potential health and safety issues related to the construction of large wind energy systems including, but not limited to, electrical connections, electric and magnetic fields, tower failure (falling turbines), falling ice, blade throw, flicker or shadow flicker, and noise.
4. The Town Board has been authorized under Wis. Stat. § 60.10(2)(c) to exercise powers conferred on Village Boards, and also has the authority to adopt zoning regulations under Wis. Stat. §§ 60.61 and 60.62 and 61.35.
5. Pursuant to the Wisconsin Model Ordinance Reference Guide (drafts 4/23/2007 and 5/22/2007), the Town developed and adopted a Large Wind Energy Systems Licensing Ordinance No. 2008-06 on November 13, 2008, that provides a review and permitting process as well as health and safety standards for large wind energy systems, and complies with Wis. Stat. § 66.0401.
6. Since the adoption of Ordinance No. 2008-06, the Wisconsin Court of Appeals issued a decision relating to the validity of local regulation of wind energy systems. *Ecker Brothers v. Calumet County*, 2009 WL 2032336, 2007AP2109 (Ct. App. July 15, 2009). Calumet County appealed the Court of Appeals decision to the Wisconsin Supreme Court on August 14, 2009.

7. Also after the temporary stay was adopted, the Wisconsin Senate and Assembly amended Wis. Stat. § 66.0401 in such a way as to affect the Village's authority to regulate wind energy systems. The Public Service Commission plans to issue rules pursuant to Wis. Stat. § 66.0401, and these rules may affect the Village's authority and the procedure necessary for regulating wind energy systems.
8. The Court of Appeals decision, Wis. Stat. § 66.0401 and the new PSC rules may require the Town to use a different process to regulate wind energy systems than in Ordinance No. 2008-06.
9. On October 1, 2009, the Town Board adopted Ordinance No. 2009-02, imposing a temporary stay on the construction of large wind energy systems in the Town of Union.
10. Reissuance of a temporary stay on the construction of large wind energy systems in the Town of Union is necessary to allow the Town to adapt any new wind energy system ordinance to these recent changes in state law and the anticipated PSC rules.
11. The Town Board believes that the adoption of a temporary stay will promote the public health and safety of people in the Town.

NOW THEREFORE, based on the above recitals and pursuant to Article XI, section 1 of the Wisconsin Constitution, sections 60.22(3), 61.34, 60.61 and 60.62 of the Wisconsin Statutes, and any and all other sources of authority that authorize the adoption of this ordinance, the Town Board of the Town of Union, Rock County, Wisconsin, do hereby ordain as follows:

*SECTION 1. Temporary Wind Energy System Stay.*

There is hereby established a temporary stay on the construction of wind energy systems in the Village. During the temporary stay provided by this ordinance it shall be unlawful to install or construct any wind energy system or part thereof, and the Village shall not process any applications relating to the proposed construction of any wind energy system.

*SECTION 2. Duration.*

The temporary stay will be in effect for 12 months from the date of adoption of this ordinance or, as to applications for wind energy systems submitted during those 12 months and after the Public Service Commission publishes regulations pursuant to Wis. Stat. § 66.0401, until the 1<sup>st</sup> day of the fourth month after the Town receives the application, pursuant to Wis. Stat. § 66.0401(4)(a)2. During the temporary stay provided

ordinance it shall be unlawful to install or construct any large wind energy system or part thereof. The Town may develop and adopt local regulations of wind energy systems during the pendency of the moratorium and during the 3 months after receipt of an application for a wind energy system during the moratorium. Applications submitted during the pendency of the moratorium will be subject to any such local regulation adopted by the Town during the moratorium and the 3 months after receipt of an application.

*SECTION 3. Inconsistent Ordinances Voided.*

All ordinances or provisions of ordinances inconsistent with or contravening the provisions of this Ordinance are hereby temporarily voided and shall have no legal force or effect during the period that this Ordinance is in effect.

*SECTION 4. Scope.*

The temporary stay provided by this Ordinance shall apply throughout the Town.

*SECTION 5. Severability.*

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

*SECTION 5. Effect of Invalidity.*

If this Ordinance is adjudged to be unconstitutional, unlawful, or invalid by a court of competent jurisdiction, the Large Wind Energy Systems Licensing Ordinance (No. 2008-06) shall have legal force and effect.

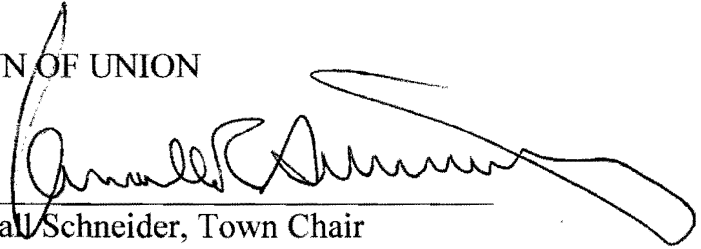
*SECTION 6. Effective Date.*

This Ordinance shall become effective upon adoption and publication or posting, as provided by law.

The above and foregoing Ordinance was duly adopted by the Town Board of the Town of Union at a meeting held on November 11, 2010 by a vote of 2 in favor, 0 opposed and 1 not voting.

TOWN OF UNION

By:

  
Kendall Schneider, Town Chair

ATTEST:

  
Regina Ylvisaker, Town Clerk

Approved:

11.11.10

Posted:

11.12.10

Published:

11.17.10

# ORDINANCE AMENDMENT

## 2004-05

**WHEREAS**, the Town Board has noted a discrepancy in it's Zoning Ordinance, it therefore corrects the ordinance related to nonconforming uses, structures and lots to hereby give power to the Board of Adjustment to review requests associated with nonconfirming uses, structures or lots. This correction aligns the request with an entity better suited for this type of variance decision making.

NOW THEREFORE; the Town Board amends the Zoning Ordinance as follows:

### 10.0 NONCONFORMING USES, STRUCTURES, AND LOTS

#### 10.2 Abolishment or Replacement

If such 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 nonconforming use or structure is damaged by fire, explosion, flood, the public enemy, or other calamity, to the extent of more than fifty (50) percent of its fair market value, ~~it shall not be restored except so as to comply with the use provisions of this Ordinance. It may be restored with the approval of the Planning & Zoning Committee~~ Board of Adjustment.

#### 10.3 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 as to comply with the provisions of this Ordinance. It may be extended, enlarged, reconstructed, moved, or structurally altered with the approval of the Planning & Zoning Committee~~ Board of Adjustment.

#### 10.4 Changes and Substitutions

Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the ~~Planning and Zoning Committee~~ Board of Adjustment has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, 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.

**EFFECTIVE DATE.** This ordinance amendment shall take effect immediately upon passage and posting (or publication) as provided by law. Passed on the 5<sup>th</sup> day of August, 2004, by the Town Board of the Town of Union. Posted on August 9, 2004.

  
Town Chairperson, Kendall Schneider

Attested by

  
Town Clerk, Linda O'Leary

TOWN OF UNION  
ORDINANCE NO. 932

AN ORDINANCE TEMPORARILY PROHIBITING THE REZONING  
AND THE DIVISION AND SUBDIVISION OF LAND  
WITHIN THE TOWN OF UNION

WHEREAS, the Town of Union is committed to the preparation and adoption of an updated General Development Guide for the beneficial use and harmonious development of land within the Town of Union and is further committed to the preparation and adoption of such ordinances as may be necessary to implement said updated General Development Guide; and

WHEREAS, the purpose of the proposed updated General Development Guide and implementing ordinances is to provide for the beneficial and harmonious development of land within the Town of Union which will, in accordance with existing and future needs, best promote the public health, safety and general welfare of the community by: furthering the orderly layout and use of land; securing safety from fire, panic and other dangers; providing adequate light and open spaces; preventing the overcrowding of land; avoiding undue concentrations of population; facilitating adequate provision for transportation, water, sewerage, schools, parks, playgrounds and other public requirements; facilitating the subdivision of larger tracts into smaller tracts of land; preserving critical natural resources and historical areas; giving reasonable consideration to the character of the Town of Union with a view toward protecting and enhancing the farm economy of the Town and still providing for a variety of orderly development within the Town; providing the best possible environment for human habitation; and encouraging the most appropriate use of land throughout the Town of Union; and

WHEREAS, the Town of Union desires to insure the continuing integrity of the planning process itself in connection with the preparation of the updated General Development Guide, as well as subsequent planning following adoption of an updated General Development Guide and such ordinances as may be necessary to implement such guide; and

WHEREAS, the Town of Union desires to prevent the creation of nonconforming and undesirable uses during the planning process which uses pose a threat to the Town's attempt to plan in an orderly and coordinated manner for future development; and

WHEREAS, the Town of Union desires to promote public participation through the means of fostering discussion and debate over planning issues; and

WHEREAS, the Town of Union desires that sufficient time be made available for the consideration of alternatives and any

other available information relating to the preparation of an updated General Development Guide and any ordinances necessary to implement such guide; and

WHEREAS, following consideration of the presentation of Mr. Phil Blaskowski, Director of the Rock County Planning and Development Department, at the meeting of the Planning and Zoning Committee of the Town of Union on February 1, 1993 and the comments of various town residents in attendance at such meeting, the Planning and Zoning Committee of the Town of Union has determined that in order to properly conduct a comprehensive review and updating of the existing General Development Guide of the Town of Union, a moratorium on the rezoning and the division and subdivision of land within the Town of Union would be of great benefit and constitute a necessary aid in achieving the aforementioned public purposes and would be in the public interest of the Town of Union; and

WHEREAS, the Planning and Zoning Committee of the Town of Union has recommended to the Town Board of the Town of Union the adoption of an Ordinance imposing a moratorium prohibiting the rezoning and the division and subdivision of land within the Town of Union during the development of an updated General Development Guide and such ordinances as may be necessary to implement such guide; and

WHEREAS, the Town Board of the Town of Union considered the recommendation of the Planning and Zoning Committee at its regular monthly meeting held on February 4, 1993 and received the comments of Mr. Phil Blaskowski and such town residents as were in attendance in regards to the advisability of imposing such a moratorium; and

WHEREAS, such meeting disclosed, among other things, that:

1. The Town of Union is experiencing an exceptionally high rate of new residential development;
2. That rapid development in the Town of Union may be the result of an absence of effective land use planning and implementing ordinances;
3. That rapid, unregulated development, may result in increases in municipal services and the property taxes necessitated thereby and a decrease in agricultural land uses;
4. That the planning process required in order to update the General Development Guide is time consuming and technical in nature;

5. That it will take at least six months to develop an updated General Development Guide and such ordinances as may be necessary to implement such guide; and
6. That considerations preceding the adoption of an updated General Development Guide and such ordinances as may be necessary to implement such guide may precipitate actions by developers which may frustrate the planning process and compromise its integrity; and

WHEREAS, a moratorium on the rezoning and the division and subdivision of land within the Town of Union is necessary to prevent disorderly development of land from causing irreparable injury to the Town of Union and its residents during the period needed to develop an updated General Development Guide and any ordinances necessary to implement such guide; and

WHEREAS, a temporary prohibition of the rezoning and the division and subdivision of land in the entire Town of Union will carry out the purposes of this Ordinance and Section 236.45 of the Wisconsin Statutes;

NOW, THEREFORE, to promote the public health, safety and general welfare of the community; to further the orderly layout and use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provision for transportation, water, sewerage, schools, parks, playgrounds and other public requirements; to facilitate the division of larger tracts into smaller tracts of land; to give reasonable consideration to the character of the Town with a view toward protecting and enhancing the farm economy of the Town and still providing for a variety of orderly development within the Township; to provide the best possible environment for human habitation; to encourage the most appropriate use of land throughout the community; and to accomplish the public purposes set forth above, the Town Board of the Town of Union does ordain that Ordinance No. 932 entitled "An Ordinance Temporarily Prohibiting the Rezoning and the Division and Subdivision of Land Within the Town of Union" be and the same hereby is created to read as follows:

ORDINANCE NO. 932

AN ORDINANCE TEMPORARILY PROHIBITING THE REZONING  
AND THE DIVISION AND SUBDIVISION OF LAND  
WITHIN THE TOWN OF UNION

Section 1: Definitions. As used in this Ordinance, the following words and phrases shall have the designated meaning set forth herein:



- 1.01 Rezoning. A change in the zoning classification of any lot, parcel, or tract of land.
- 1.02 Subdivision. A division of a lot, parcel, or tract of land where the act of division creates:
- (A) Five or more lots, parcels or building sites of 15 acres each or less in area; or
  - (B) Five or more lots, parcels or building sites of 15 acres each or less in area by successive divisions within a period of five years.
- 1.03 Land Division. A division of a lot, parcel or tract of land where the act of division creates:
- (A) Four or less parcels or building sites of 15 acres each or less in area; or
  - (B) Four or less parcels or building sites of 15 acres each or less in area by successive divisions within a period of five years.
- 1.04 Certified Survey Map. A map for the division of land prepared in accordance with the requirements of Section 236.34 of the Wisconsin Statutes.

Section 2: Certain Rezoning and Divisions of Land Prohibited.

- 2.01 Until this Ordinance expires or is repealed the rezoning of land within the Town of Union is prohibited.
- 2.02 Until this Ordinance expires or is repealed the subdivision of land within the Town of Union is prohibited.
- 2.03 Until this Ordinance expires or is repealed land divisions within the Town of Union are prohibited.

2.04 Until this Ordinance expires or is repealed the division of land within the Town of Union by certified survey map is prohibited.

Section 3: Exceptions.

3.01 This Ordinance shall not apply to any rezoning requests which were filed with the Building Inspector for the Town of Union prior to February 1, 1993.

3.02 This Ordinance shall not apply to preliminary plats, final plats or certified survey maps which were officially submitted to the Rock County Planning Department prior to February 1, 1993 for review and approval under the provisions of the Rock County Land Division Ordinance.

3.03 Insofar as this Ordinance may apply to divisions of less than five parcels it shall not apply to:

(A) Transfers of interests in land by will or pursuant to court order;

(B) Leases for a term not to exceed ten years, mortgages or easements;

(C) The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by Chapter 236 of the Wisconsin Statutes or other applicable laws or ordinances.

Section 4: Directive to Planning and Zoning Committee. During the pendency of this Ordinance, the Planning and Zoning Committee of the Town of Union is hereby directed to undertake in conjunction with the Rock County Planning Department, the Town Board, legal counsel and such other agencies as it may deem proper all activities necessary to prepare an updated General Development Guide and any ordinances necessary to implement such updated guide.

Section 5: Inconsistent Ordinances Voided. All ordinances or provisions of ordinances inconsistent with or contravening the provisions of this ordinance are

hereby voided temporarily and shall have no legal force or effect during the period that this ordinance is in effect.

Section 6: Separability. If any section, subsection, sentence, clause, phrase or portion of this ordinance for any reason is 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 7: Effective Date and Period of Prohibition. This Ordinance shall take effect upon passage and publication or posting as required by law and shall be in effect for a period of six months, unless sooner repealed by action of the Town Board.

The foregoing Ordinance was duly adopted by the Town Board of the Town of Union at a regular meeting held on March 4, 1993.

TOWN OF UNION

By: Wayne Disch  
Wayne Disch, Town Chairman

By: Karen George  
Karen George, Town Clerk

Adopted: 3/4/93  
X Posted: 3/5/93  
Published: N/A

Union Co-op - Cty M  
Evansville Review  
Evansville Inactor Parts

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TOWN OF UNION  
ORDINANCE #93 5

AN ORDINANCE EXTENDING THE EFFECTIVE PERIOD OF TOWN OF UNION ORDINANCE #932, WHICH ORDINANCE TEMPORARILY PROHIBITS THE REZONING AND THE DIVISION AND SUBDIVISION OF LAND WITHIN THE TOWN OF UNION.

WHEREAS, the Town of Union adopted Ordinance #932 on March 4, 1993, which ordinance was posted as required by law on March 5, 1993; and

WHEREAS, Ordinance #932 was to remain in effect for a period of six months following the passage and posting thereof as required by law, unless sooner repealed by action of the Town Board; and

WHEREAS, Ordinance #932 is about to expire and the updated General Development Guide referred to in Ordinance #932 has yet to be reviewed and/or approved by the Town of Union; and

WHEREAS, an extension of the effective period of the moratorium on the rezoning and the division and subdivision of land within the Town of Union pursuant to Ordinance #932 is necessary to prevent disorderly development of land from causing irreparable injury to the Town of Union and its residents during the additional period of time needed to develop an updated General Development Guide and any ordinances necessary to implement such guide.

NOW, THEREFORE, to accomplish the purpose set forth above, the Town Board of the Town of Union does ordain as follows:

Ordinance #93\_\_\_ of the Code of Ordinances of the Town of Union, Rock County, Wisconsin, is hereby created to read as follows:

1. The effective period of Ordinance #932 of the Town of Union shall be extended for an additional period of 60 days commencing on September 5, 1993 and terminating on November 4, 1993, unless sooner repealed by action of the Town Board of the Town of Union. *A Amendment was passed 2 to 1 at the 9/2/93 Board meeting to extend termination date to Dec. 4, 1993. rlg*

2. This ordinance shall take effect the day after proof of posting has been filed and recorded with the Town Clerk.

The foregoing ordinance was duly adopted by the Town Board of the Town of Union at a regular meeting held on September 2, 1993.

TOWN OF UNION:

By: Wayne Disch  
Wayne Disch, Town Chairman

By: Karen George  
Karen George, Town Clerk

ADOPTED: 9/2/93

POSTED: Sept. 3, 1993

Evansville Inactor Parts  
Union Co-op  
Evansville Review

PUBLISHED: N/A

RECYCLING ORDINANCE

1.01 Title. Recycling Ordinance for the Town of Union.

1.02 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 s. 159.11, Wis. Stats., Chapter NR 544, Wis. Administrative Code.

1.03 Statutory Authority. This ordinance is adopted as authorized under s. 159.09 (3) (b) Wis. Stats.

1.04 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.

1.05 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 of conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this ordinance is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wis. Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR 544 standards in effect on the date of the adoption of this ordinance, or in effect on the date of the most recent text amendment to this ordinance.

1.06 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.

1.07 Applicability. The requirements of this ordinance apply to all persons within the Town of Union.

1.08 Administration. The provisions of this ordinance shall be administered by the Union Town Board.

1.09 Effective Date. The provisions of this ordinance shall take effect on August 4, 1994.

1.10 Definitions. For the purposes of this ordinance:

- (1) "Bi-metal container" means a container for carbonated or malt beverages that is primarily of a combination of steel and aluminum.
- (2) "Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.
- (3) "Foam polystyrene packaging" means packaging made primarily from foam polystyrene that satisfies one of the following criteria:
  - (a) Is designed for serving food or beverages.
  - (b) Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
  - (c) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.
- (4) "HDPE" means high density polyethylene, labeled by the SPI code #2.
- (5) "LDPE" means low density polyethylene, labeled by the SPI code #4.
- (6) "Magazines" means magazines and other materials printed on similar paper.
- (7) "Major Appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven, oven, refrigerator or stove.
- (8) "Multi-Family Dwelling" means a property containing 5 or more residential units, including those which are occupied seasonally.
- (9) "Newspaper" means a newspaper and other materials printed on newsprint.
- (10) "Non-residential Facilities and Properties" means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multi-family dwellings.
- (11) "Office Paper" means high grade printing and writing paper from offices in non-residential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.

- (12) "Other Resins or Multiple Resins" means plastic resins labeled by the SPI Code #7.
- (13) "Person" includes any individual, corporation, partnership, association, local government unit, as defined in s. 66.299(1)(a) Wis. Stats., state agency or authority or federal agency.
- (14) "Pete" means polyethylene terephthalate, labeled by the SPI Code #1.
- (15) "Plastic Container" means an individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.
- (16) "Postconsumer Waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in s. 144.61(5), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in s. 144.44(7)(a)1. Wis. Stats.
- (17) "PP" means polypropylene, labeled by the SPI Code #5.
- (18) "PS" means polystyrene, labeled by the SPI Code #6.
- (19) "PVC" means polyvinyl chloride, labeled by the SPI Code #3.
- (20) "Recyclable Materials" includes lead acid batteries; major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspaper; office paper; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.
- (21) "Solid Waste" has the meaning specified in s.144.01(15), Wis. Stats.
- (22) "Solid Waste Facility" has the meaning specified in s.144.43(5), Wis. Stats.
- (23) "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.
- (24) "Waste Tire" means a tire that is no longer suitable for its original purpose because of wear, damage, or defect.
- (25) "Yard Waste" means leaves, grass clippings, yard and garden debris and brush, including clean woody vegetative material and no greater than 6 inches in diameter.



This term does not include stumps, roots or shrubs with intact root balls.

1.11 Separation of Recyclable Materials. Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall separate the following materials from postconsumer waste.

- (1) Lead Acid Batteries
- (2) Major Appliances
- (3) Waste Oil
- (4) Yard Waste
- (5) Aluminum Containers
- (6) Bi-Metal Containers
- (7) Corrugated Paper or other Container Board
- (8) Foam Polystyrene Packaging
- (9) Glass Containers
- (10) Magazines
- (11) Newspaper
- (12) Office Paper
- (13) Rigid plastic containers made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins
- (14) Steel Containers
- (15) Waste Tires

1.12 Separation Requirements Exempted. The separation requirements of s 1.11 do not apply to the following:

- (1) Occupants of single family and 2 to 4 unit residences, multiple family dwellings and non-residential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in s 1.11 from solid waste in as pure a form as is technically feasible.
- (2) Solid waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.

(3) A recyclable material specified in s 1.1(5) through (15) for which a variance has been granted by the Department of Natural Resources under s 159.11 (2m), Wis. Stats., or s NR 544.14, Wis. Administrative Code.

1.13 Care of Separated Recyclable Materials. To the greatest extent practicable, the recyclable materials separated in accordance with s 1.11 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 agriculture chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain, and other inclement weather conditions.

1.14 Management of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste. Occupants of single family and 2 to 4 unit residences, multiple-family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil, and yard waste as follows:

(1) Lead acid batteries shall be taken by the resident to a retailer and/or a commercial installer of motor vehicle batteries. All lead acid batteries are to be kept out of the land fill.

(2) Major appliances shall be taken by the resident to a responsible contractor who will recycle all possible components. All major appliances are to be kept out of the waste stream.

(3) Waste oil shall be taken by the resident to a retailer managing a waste oil collection center. All waste oil is to be kept out of the waste stream.

(4) Yard waste shall be managed by resident on site. All yard waste is to be kept out of the trash and composting is highly recommended by this unit.

1.15 Preparation and Collection of Recyclable Materials. Except as otherwise directed by the Town Board of Union, occupants of single family and 2 to 4 unit residences shall do the following for the preparation and collection of the separated materials specified in s 1.11 (5) through (15):

(1) Aluminum containers shall be rinsed free of product residue and placed in the designated receptacle at an established drop-off site during the day(s) and hours of operation.

(2) Bi-metal container shall be rinsed free of product residue, have labels removed and be placed in the designated receptacle at an established drop-off site during the day(s) and hours of operation.

(3) Corrugated paper or other container board shall be free of debris, flattened, stacked and tied and placed in the designated receptacle at an established drop-off site during the day(s) and hours of operation.

(4) Beginning January 1, 1996 foam polystyrene packaging shall be free of debris and placed in the designated receptacle at an established drop-off site the day(s) and hours of operation.

(5) Glass containers shall be rinsed free of product residue. Remove and discard all lids, metal rings and labels. Place in the designated receptacle of an established drop-off site during the day(s) and hours of operation.

(6) Beginning January 1, 1995 magazines shall be free of debris, stacked, tied and placed in the designated receptacle of an established drop-off site during the day(s) and hours of operation.

(7) Newspaper shall be free of debris, stacked, tied and placed in the designated receptacle of an established drop-off site during the day(s) and hours of operation.

(8) Beginning January 1, 1995 office paper shall be free of debris, stacked, tied and placed in the designated receptacle of an established drop-off site during the day(s) and hours of operation.

(9) Rigid plastic containers shall be prepared and collected as follows:

(a) Plastic containers made of PETE, including soda bottles and clear non-prescription bottles, shall be rinsed free of product residue, caps removed and discarded and placed in the designated receptacle of a established drop-off site during the day(s) and hours of operation.

(b) Plastic containers made of HDPE, including milk jugs and detergent bottles rinsed free of product residue, caps removed and discarded and placed in designated receptacle of an established drop-off site during the day(s) and hours of operation.

(c) Plastic containers made of PVC, including peanut butter plastic jars and hair care containers, shall be rinsed free of product residue, caps removed and discarded and placed in the designated receptacle of an established drop-off site during the day(s) and hours of operation.

(d) Plastic containers made of LDPE, including mustard

containers and white glue containers, shall be rinsed free of product residue, caps removed and discarded and placed in the designated receptacle of an established drop-off site during the day(s) and hours of operation.

(e) Plastic containers made of PP, including prescription bottles and spice containers, shall be rinsed free of product residue, caps removed and discarded and placed in the designated receptacle of an established drop-off site during the day(s) and hours of operation.

(f) Plastic containers made of PS, including vitamin and petroleum jelly containers, shall be rinsed free of product residue, caps removed and discarded and placed in the designated receptacle of an established drop-off site during the day(s) and hours of operation.

(g) Plastic containers made of other resins or multiple resins, including tomato catsup bottles and deodorant containers, shall be rinsed free of product residue, caps removed and discarded and placed in the designated receptacle of an established drop-off site during the day(s) and hours of operation.

(h) Plastic 3 through 7 will be enforced at a later date.

(10) Steel containers shall be rinsed free of product residue, caps or lids removed and discarded and placed in the designated receptacle of an established drop-off site during the day(s) and hours of operation.

(11) Waste tires shall be free of debris and taken by the resident to a retailer who sells and/or installs tires and manages a tire recycling program, or the Rock County Recycle Center.

1.16 No Dumping. 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 Union 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 specifies by this ordinance.

1.17 Non-Disposable Materials. It shall be unlawful for any person to place for disposal any of the following wastes: Hazardous and toxic wastes, chemicals, explosives, flammable liquids, paint, trees and stumps, construction debris, carcasses, medical wastes (unless personal needles which shall be contained in cardboard to eliminate injury to collection personnel).

1.18 Garbage From Outside of Municipality. It shall be unlawful to bring refuse from outside the corporate limits into the Town of Union for disposal unless authorized by agreement with the municipality.

1.19 Responsibilities of Owners or Designated Agents of Multiple-Family Dwellings.

(1) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in s. 1.11 (5) through (15):

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

(b) Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.

(c) Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.

(d) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.

(2) The requirements specified in (1) do not apply to the owners of designated agents of multiple-family dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in s. 1.11 (5) through (15) from solid waste in as pure a form as is technically feasible.

1.20 Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties.

(1) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in s. 1.11 (5) through (15):

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

(b) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.

(c) Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.

(d) Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected; how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.

(2) The requirements specified in (1) do not apply to the owners or designated agents of non-residential facilities and properties if the postconsumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in s. 1.11 (5) through (15) from solid waste in as pure a form as is technically feasible.

1.21 Prohibitions on Disposal of Recyclable Materials Separated for Recycling. No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in s. 1.11 (5) through (15) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

1.22 Enforcement. (1) For the purpose of ascertaining compliance with the provisions of this ordinance any authorized officer, employee or representative of the Town of Union may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of the Town of Union who requests access for the purpose of inspection, and who presents appropriate credentials. No person may obstruct, hamper or interfere with such an inspection.

(2) Any person who violates a provision of this ordinance may be issued a citation by any authorized officer of the Town of Union 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.

(3) Penalties for violating this ordinance may be assessed as follows:

(a) Any person who violates s. 1.22 may be required to forfeit \$50 for a first violation, \$200 for a second violation, and not more than \$2000 for a third or subsequent violation.

(b) Any person who violates a provision of this ordinance, except s. 1.22 may be required to forfeit not less than \$10 nor more than \$1000 for each violation.

Adopted Aug. 4, 1994

CHAIRMAN Wayne Ruch

**Public Notice  
Town of Union Meeting  
July 7, 1994**

The Town of Union monthly meeting will be held Thursday, July 7, 1994, at 7:30 pm in the Union Mutual Fire Insurance Building.

**Agenda**


1. Chairman opens meeting
2. Clerk's minutes from June 2, 1994
3. Treasurer's report
4. Constable report
5. Weed Commissioner's report
6. Assessor report
7. Approval right-of-way permits
8. Building Inspector report
9. John Morning final approval 6 lots Morning Ridge Estate
10. Will Heritage request. Common driveway. Lots 7 & 8. Morning Ridge Estates
11. Approval irrevocable letter of credit. Woodworth Family Partnership, Glacier Valley Estates
12. Public hearing Town of Union Mandatory Recycling Ordinance. Tentative approval by Town Board of Union Township July 7. (Presented for adoption Aug. 4, 1994)
13. Consulted attorney pertaining to Stewart Road
14. Dave Rich report. Auto removal and complaint on building coming in.
15. Haddinger request
16. Any such business as provided by law
17. Pay bills
18. Adjourn meeting

Karen L. George, Clerk

6-29-11



Committee. Motion carried by roll call vote.

 The Public Hearing was opened for the Mandatory Town of Union Recycling Ordinance which was tentatively approved by the Town Board at the July 7 meeting and is being presented for adoption at this time. Chairman Disch stated that the ordinance needs to be in action by January of 1995 in order to be eligible to receive the recycling grants. There were no questions or comments at this time and the public hearing was closed. Motion was made by George, second by Hatlen to approve the Recycling Ordinance. Motion carried by roll call vote.

Motion was made by Disch, second by George to approve payment of the six month Jan-June Evansville Fire Department Budget. The Town of Union's share of the budget is 33.91% totaling \$6,157.50. Motion carried by roll call vote. Motion was made by Disch, second by George to also approve payment of \$5,086.50 which is 33.91% of our share of the replacement of the new tanker truck for the Evansville Fire Dept. Motion carried by roll call vote.

Chairman Disch reported that the 920 Bridge on Brooklyn Evansville Rd. will be replaced in 1995 with the estimated cost of \$85,000. The Town of Union's share of the cost is \$8,500. and will be budgeted in October.

Mayor Harlin Miller addressed the Town Board and residents concerning an Ethanol Plant in the Town of Union. The Mayor wanted to know how the Town felt about him pursuing it and if they weren't interested he would not pursue it further. He mentioned a possible location of the Brunsell land east of County M along Highway 14 approximately 150 acres. Residents attending the meeting felt the ethanol plant would be a good thing but using prime agricultural land wouldn't. The Town Board will be getting more information with the possibility of visiting a working ethanol plant to find out the pros and cons before any further decisions are made.

Dave Rich was present at the meeting to update the board on his car removal process. He stated he was now in the 10 car range of his permit and requested that the Town Board members come out for an inspection. He also stated that he will be removing alot more materials but lately has been concentrating on removing cars. The Town Board Officers will be making an inspection on Wednesday evening, August 10th at 7:00 P.M.

The Rock County Unit of the Wisconsin Towns Association will be holding their next meeting on Tuesday, August 16, 1994 at the Rock Town Hall, 5102 Afton Rd. at 8:00 P.M.

In other business, a motion was made by Hatlen, seconded by Disch to approve 3 pollworkers for the September 13 Primary Election. Motion carried by roll call vote.

Motion was made by Disch, second by George to adjourn the August

## Town of Union Connections

By Anita Myrland

Evansville Mayor Harlin Miller attended the Thursday night meeting of the Town of Union, which included a concern of a possible ethanol plant in the Town of Union. Miller said, "I would like to know what the Town of Union felt about me pursuing it and if they weren't interested I won't pursue it any further". He added, "I feel it would be a big boost to the farmers in this area and the location is perfect." The Brunsell land east of Cty. M, along Highway 14 (approx. 150 acres) was mentioned, and also the proximity of the railroad to the area.

Those attending the meeting felt the ethanol plant would be a good thing but using prime agricultural land wouldn't. Miller said, "All the farmers have to realize that the by-product of feed would be very essential and would really help the farmers to maybe get a better price for their corn". The Town Board is going to get

### Town of Union Public Hearing Planning & Zoning Committee

Notice is hereby given that the town of Union Planning & Zoning Committee will hold a Public Hearing on Wednesday, Aug. 3, at 7:30 pm at the Union Mutual Fire Insurance Building. Agenda is as follows:

Richard & Janet Wienke, 18251 W. Emery Rd., Evansville WI 53536 (N.E. 1/4 of the S.E. 1/4, Sec. 19) request separation of a 5 acre parcel currently zoned A-1. Proposed zoning A-3 for their son to build a home.

Karen L. George, Clerk

7-20-2t

### Public Notice Town of Union Meeting Aug. 4, 1994

The Town of Union monthly meeting will be held Thursday, Aug. 4, 1994, at 7:30 pm in the Union Mutual Fire Insurance Building.

#### Agenda

1. Chairman opens meeting
2. Clerk's minutes from July 7, 1994
3. Treasurer's report
4. Constable report
5. Weed Commissioner's report
6. Assessor report
7. Approval right-of-way permits
8. Building Inspector report
9. Board consideration and action public hearing — Richard & Janet Wienke, 18251 W. Emery Rd. (N.E. 1/4 of S.E. 1/4 Sec. 19) request separation of a 5-acre parcel currently zoned A-1. Proposed zoning A-3 for their son to build a home.
10. Mandatory Town of Union Recycling Ordinance Public Hearing, given tentative approval by the Town Board of Union on July 7, 1994. Presented for adoption Aug. 4, 1994.
11. Six month expenditures - Evansville Fire Dept. Jan-June.
12. Estimated cost of construction for 1995 Old 920 Bridge-Evansville-Brooklyn road
13. Mayor Harlin Miller discussion of possible ethanol plant.
14. Dave Rich report.
15. Wisconsin Towns Association (Rock County Unit) Meeting Tuesday, Aug. 16, 1994, at the Rock Town Hall 5102 Afton Rd. at 8 pm.
16. Any such business as provided by law.
17. Pay bills,
18. Adjourn meeting

Karen L. George, Clerk

8-3-1t

Phone: 882-5220  
THE REVIEW  
and READ  
SUBSCRIBE

Michael Dietz at 754-3144.  
ly soccer team will hold its  
organizational meeting Friday,  
Aug. 12 at 2 pm. The meeting  
will be in the school gym at  
2909 Kellogg Ave., Janesville.  
Students (male or female)  
with 10 or more credits are eli-  
gible. For any information call

received  
1/10/95  
MB  
CD

## Notice Town of Union

Whereas a code of general ordinances entitled Municipal Code of Town of Union (or part of code of Municipal Code of Town of Union specifically a Mandatory recycling Ordinance) has been prepared and will be tentatively approved by the Town Board of Union on July 7, 1994.

Now therefore, be it resolved, that this code (or part of code) will be presented for adoption by the Town Board at the next regular board meeting on Aug. 4, 1994.

Be it further resolved that the Town Clerk in accordance with the requirement of Sec. 66.035 of Wis. Statutes shall file a copy of the proposed "Municipal Code of the Town of Union" (or a copy of part of code, specifically; Town of Union Mandatory Recycling Ordinance) in his/her office for public inspection commencing June 20 and cause a copy of the following notice be published in the Evansville Review.

Wayne Disch, Chairman, 17941 W. Croft Rd.  
Sharon Franklin, Treasurer, 13847 W. Hwy. 59  
Karen George, Clerk, 14506 W. Golf Air Dr.

6-15-2t

## Town of Union Recycling

Our fee system for solid waste disposal entitles us to additional recycling grant money. For each user's address we document, the DNR credits us for a household of 2.6 people. They estimate a payment of \$6 for each person or \$15.60 per address. We need your name and address just one time per year. The attendant will be asking you if you have signed the log. If you haven't, please take a minute and sign in.

The Wisconsin Recycling Law mandates that municipalities meet certain criteria by Jan. 1, 1995. We will be fine tuning our recycling program in 1994 to meet those mandates:

*Adoption of a Recycling Ordinance with provisions for separation, preparation and collection of recyclables; banning disposal of recyclable materials in landfills; a system of enforcement, citations and penalties.*

*Public education on recycling.*

*Meeting minimum collection amounts for recyclable materials by Jan. 1, 1997.*

Some possible changes might include requiring use of clear garbage bags to ensure no recyclable material is going into the solid waste containers, slightly different separation and/or preparation of recyclables, requiring haulers for privately contracted curbside service to provide records to the Town.

6-15-2t

9-7-95

**TOWN OF UNION**

**ORDINANCE NO. 955  
BUILDING INSPECTION**

The Town Board of the Town of Union, Rock County, Wisconsin does hereby ordain a building code for one- and two-family dwellings as follows:

**CONTENTS**

- 1.1 Authority
  - 1.2 Purpose
  - 1.3 Scope
  - 1.4 Adoption of Wisconsin Uniform Dwelling Code
  - 1.5 Building Inspector
  - 1.6 Building Permit Required
  - 1.7 Building Permit Fees
  - 1.8 Penalties
  - 1.9 Severability
  - 1.10 Effective Date
- 1.1 **AUTHORITY.** These regulations are adopted under the authority granted by Section 101.65 of the Wisconsin Statutes.
- 1.2 **PURPOSE.** The purpose of this ordinance is to promote the general health, safety and welfare.
- 1.3 **SCOPE.** This ordinance applies to the construction of all one- and two-family dwellings on which construction commences after the date of adoption, and to all additions and alterations to existing buildings if such additions and alterations are commenced after the date of adoption.
- 1.4 **WISCONSIN UNIFORM DWELLING CODE ADOPTED.** The Wisconsin Uniform Dwelling Code, Chapters ILHR 20-25, inclusive, of the Wisconsin Administrative Code, and all amendments thereto, is adopted and incorporated by reference and shall apply to all buildings within the scope of this ordinance.
- 1.5 **BUILDING INSPECTOR.** There is hereby created the position of Building Inspector. The Building Inspector shall administer and enforce this ordinance and shall be certified by The Wisconsin Department of Industry, Labor and Human Relations in the areas of construction, heating, ventilating and air conditioning, electrical and plumbing, as required under Section 101.66(2) of the Wisconsin Statutes.
- 1.6 **BUILDING PERMIT REQUIRED.** No person shall make any structural alterations, alter in excess of \$1,000.00 value in any twelve month period, build, or add on to any building within the scope of this ordinance without first obtaining a building permit for

such work from the building inspector. Any structural changes or major changes to mechanical systems that involve extensions shall require permits. Restoration or repair of an installation to its previous code compliant condition as determined by the building inspector is exempted from permit requirements. Residing, finishing of interior surfaces and installation of cabinetry shall be included in the foregoing permit requirements. Reroofing shall be exempt from permit requirements.

- 1.7 **BUILDING PERMIT FEE.** The building permit fee shall be determined by resolution of the Town Board of the Town of Union. In the event any person shall commence any work which requires a permit hereunder prior to such person obtaining the required permit, the building permit fee established by resolution of the Town Board shall be doubled.
- 1.8 **PENALTIES.** The enforcement of this ordinance and all other laws and ordinances relating to building shall be by means of the withholding or revocation of building permits, imposition of forfeitures and/or injunctive action. Any person violating any of the provisions of this ordinance or of the code hereby adopted, shall upon conviction be subject to a forfeiture of not less than \$25.00 nor more than \$1,000.00, together with the costs of prosecution and, in default of payment thereof, shall be imprisoned for a period of not less than one day or more than six months or until such forfeitures 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. If in any action a permit was issued, it shall not constitute a defense, nor shall any error, oversight or dereliction of duty on the part of the building inspector constitute a defense.
- 1.9 **SEVERABILITY.** If any section, clause, provision or portion of this ordinance or Wisconsin Administrative Code Chapters ILHR 20-25, inclusive, is judged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected thereby.
- 1.10 **EFFECTIVE DATE.** This ordinance shall take effect and shall be in full force from and after its passage and publication as provided by law.

Adopted this 7<sup>th</sup> day of September, 1995.

*Wayne Disch*

Wayne Disch, Town Chairperson

Attest: *Karen George*  
Karen George, Town Clerk

Published: Sept. 8, 1995  
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**ORDINANCE NO. 97-2**  
**TOWN OF UNION**  
**FIRE PROTECTION RESPONSE FEE ORDINANCE**  
**ADOPTED 8-7-97**

The Town Board of the Town of Union, Rock County, Wisconsin, do ordain as follows:

**(1) Fire Protection Response Fee**

(a) Owners of real property and personal property shall be charged a Fire Protection Response Fee according to the schedule published from time to time by the Evansville Fire Protection District of which the Town of Union is a participant. The schedule of Fire Protection Response Fees shall be available to the public at the office of the Evansville Fire Protection District and the office of the Town of Union Clerk.

(b) The Evansville Fire Protection District may charge up to one and one-half percent (1-1/2%) per month interest on unpaid accounts provided the Evansville Fire Protection District complies with all federal and State laws concerning the charging of interest on delinquent accounts.

(c) All real and personal property shall be subject to the Fire Protection Response Fee even if the real or personal property is exempt from general taxation by the Town of Union.

(d) The Evansville Fire Protection District shall create and follow an appeal procedure for property owners who contest a response fee charged.

(e) The Fire Protection Response Fee shall not exceed five hundred dollars (\$500.00) for any one response.

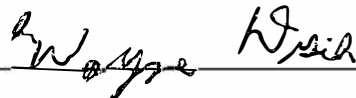
**(2) Unpaid Fees as Special Assessment Charge**

(a) Unpaid Fire Protection Response Fees more than ninety (90) days old from date of first billing shall be placed as a special charge on the real property served, pursuant to the authority contained in Sec. 66.60(16)(a), Wis. Stats. Such special charge shall not be payable in installments. The special charge shall become a lien as of October 1 of the year of delinquency, or October 1 of the following year if the delinquency was less than ninety (90) days old as of October 1 of any year.

(b) As an alternative to, and in addition to the provisions of paragraph (2)(a) above, the Evansville Fire Protection District may commence legal proceedings for collection of unpaid Fire Protection Response Fees due from real or personal property owners of the City of Evansville.

**(3) Effective Date** This ordinance shall take effect upon its passage and publication as provided by law.

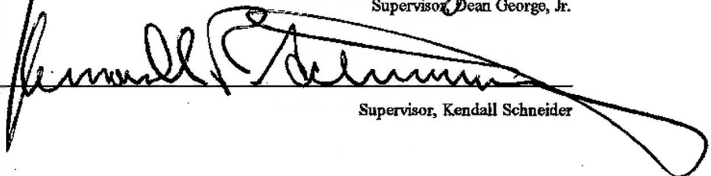
Passed and adopted this 7th day of August, 1997. Published August 13, 1997.

  
\_\_\_\_\_  
Chairman, Wayne Disch

Posted: Evansville Tractor Parts  
Union Co-op  
Evansville Review

  
\_\_\_\_\_  
Supervisor, Dean George, Jr.

ATTEST:   
Linda A. O'Leary Clerk

  
\_\_\_\_\_  
Supervisor, Kendall Schneider

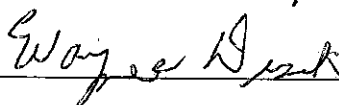
**ORDINANCE NO. 97-3  
TOWN OF UNION  
BRUSH REMOVAL ORDINANCE**

Purpose: To promote public safety for drivers and pedestrians using town roads.

The Town Board of the Town of Union, Rock County, Wisconsin, do ordain as follows:

- (1) No person shall plant, maintain, or permit any shrubs, brush, or trees, debris, rocks, foreign or 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 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 fourteen (14) 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, verified by oath. Such account shall specify by separate items the amount chargeable by 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 was removed, which tax shall be collected as other taxes are, or as taxes are collected on personal property pursuant to §74.11, except 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 brush mentioned in the section is growing, and cut or otherwise destroy and remove the brush, 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 upon its passage and publication as provided by law.

Passed and adopted by the Town Board of the Town of Union this 7th day of August, 1997. Published August 13, 1997.

  
\_\_\_\_\_  
Chairman, Wayne Disch

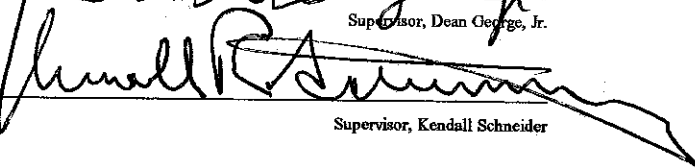
Posted: Evansville Tractor Parts  
Union Co-op  
Evansville Review

8-18-97

  
\_\_\_\_\_  
Supervisor, Dean George, Jr.

ATTEST:

  
\_\_\_\_\_  
Linda O'Leary, Clerk

  
\_\_\_\_\_  
Supervisor, Kendall Schneider

**ORDINANCE FOR TOWNS OF UNION, PORTER, MAGNOLIA**

**TOWN OF Union**

**ORDINANCE NO. 98-1**

**ORDINANCE CREATING FIRE PROTECTION RESPONSE FEE**

**F**

**WHEREAS**, Section 60.55(2)(b) of the Wisconsin Statutes, authorizes Towns to charge property owners a portion or all of the cost of fire protection; and

**WHEREAS**, it is in the public interest of the Town of Union ("Town") to charge the cost of such protection to real property owners and personal property owners; and

**WHEREAS**, fire protection for the Town of Union is provided by one or more Fire Districts ("Fire Districts"), each operating under separate agreement with the Town;

**NOW, THEREFORE**, the Town Board of the Town of Union, Rock County, Wisconsin, does ordain as follows:

**Section 1 - STATUTORY AUTHORITY**

(A) Pursuant to Sections 60.55, 60.555, 60.557, and 66.60 of the Wisconsin Statutes, the Town hereby establishes the following policy and procedure for the payment of Fire Protection Response Fees charged by Fire Districts operating under agreement with the Town.

**Section 2 - FIRE PROTECTION RESPONSE FEE**

(A) Real property owners and personal property owners for which fire protection is provided shall be responsible for the cost of fire protection responses made in connection with said property pursuant to the Fire Protection Response Fee Schedule ("Fee Schedule") adopted by separate resolution from time to time by said Fire Districts ("Fire Protection Response Fee").

(B) The Fee Schedule shall be available to the public for review from said Fire Districts and the Town Clerk.

(C) Notwithstanding any exemption from general taxation by the Town, all real and personal property shall be subject to said Fire Protection Response Fee.

(D) Real property owners and personal property owners shall be billed monthly by the Fire District for the Fire Protection Response Fee in accordance with said Fee Schedule. Such bills shall be payable directly to the Fire Districts. If such bills are not paid within ninety (90) days from the date of first billing, interest shall accrue thereon at the rate of one and one-half percent (1½%) per month (18% per annum).



**Section 3 - SPECIAL CHARGE/COLLECTION PROCEDURE**

(A) Unpaid Fire Protection Response Fees, including interest accrued thereon, remaining outstanding for more than ninety (90) days from the date of first billing as of October 1 of any year shall become a lien against the real property for which the fire protection was provided and shall be placed on the tax roll by the Town as a special charge against such real property for that year pursuant to Section 66.60(16) of the Wisconsin Statutes. Such special charges shall not be payable in installments.

(B) As an alternative to, and in addition to the provisions set forth above, the District may pursue any remedy available in law or in equity for the collection of unpaid Fire Protection Response Fees from real or personal property owners of the Town of Union.

**Section 4 - APPEAL PROCEDURE**

(A) Each Fire District operating under agreement with the Town shall adopt by appropriate resolution and follow an appeal procedure by which property owners may contest Fire Protection Response Fees. Each Fire District's appeal procedure shall clearly specify the procedure and time lines which are to be followed both by the property owner and the Fire District. Copies of such appeal procedure shall be available for review from each Fire District and the Town Clerk.

**Section 5 - SEVERABILITY OF PROVISIONS**

(A) If any section or provision of this Ordinance shall be declared invalid or unenforceable by a Court of competent jurisdiction, the remaining provisions of this Ordinance shall not be affected thereby and shall remain in full force and effect.

**Section 6 - EFFECTIVE DATE**

(A) This Ordinance shall take effect from its passage and posting as provided by law.

PASSED AND ADOPTED this 15<sup>th</sup> day of January, 1998.

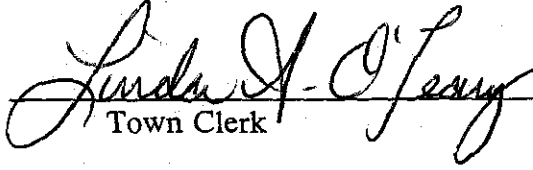
TOWN OF Union

By: Wayne D. Smith  
Town Chairperson

By: Arnold J. Adams  
Town Supervisor

By: Dean George  
Town Supervisor

This Ordinance was filed in the Office of the Town Clerk and properly posted as required by law on the 28 day of January, 1998.

  
Town Clerk

**ORDINANCE TO AMEND TOWN OF UNION ZONING CODE**

The Town Board of the Town of Union do ordain as follows:

The following code provisions are hereby amended relating to the issuance of conditional use permits to clarify that the conditional use permit is granted by the Town Board and not the Planning and Zoning Committee:

**Section 3.7(2)(A) shall be amended to provide as follows:**

To review and recommend to the Town Board the approval or denial of the issuance of conditional use permits, and to issue building permits within the provisions of this ordinance.

**Section 3.13, Town Board, shall be amended to provide as follows:**

The Town Board is the public body having authority thereon to change or amend this Ordinance. The Town Board is also the public body having authority to grant approval or denial of conditional use permits.

**Agricultural District One (A-1), (3) Conditional Use, shall be amended to provide as follows:**

A conditional use in this District is to permit the following uses only after a public hearing before the Planning and Zoning Committee and approval of the Town Board. The Board will review the applicable facts pertaining to the proposed conditional use as found in Section 5 of this ordinance and will approve the conditional use only after finding that its inclusion in this district, possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, and which are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.

**Agricultural District Two (A-2), (3) Conditional Use, shall be amended to provide as follows:**

A conditional use in this District is to permit the following uses only after a public hearing before the Planning and Zoning Committee and approval of the Town Board. The Board will review the applicable facts pertaining to the proposed conditional use as found in Section 5 of this ordinance and will approve the conditional use only after finding that its inclusion in this district, possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, and which are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.

**Agricultural District Three (A-3), (3) Conditional Use, shall be amended to provide as follows:**

A conditional use in this District is to permit the following uses only after a public hearing before the Planning and Zoning Committee and approval of the Town Board. The Board will review the applicable facts pertaining to the proposed conditional use as found in Section 5 of this ordinance and will approve the conditional use only after finding that its inclusion in this district, possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, and which are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.

**Local Business District (B-1), (3) Conditional Use, shall be amended to provide as follows:**

A conditional use in this District is to permit the following uses only after a public hearing before the Planning and Zoning Committee and approval of the Town Board. The Board will review the applicable facts pertaining to the proposed conditional use as found in Section 5 of this ordinance and will approve the conditional use only after finding that its inclusion in this district, possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, and which are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.

**Commercial Highway Interchange District (CHI), (3) Conditional Use, shall be amended to provide as follows:**

A conditional use in this District is to permit the following uses only after a public hearing before the Planning and Zoning Committee and approval of the Town Board. The Board will review the applicable facts pertaining to the proposed conditional use as found in Section 5 of this ordinance and will approve the conditional use only after finding that its inclusion in this district, possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, and which are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.

**Lowland Conservancy Overlay District One (C-1), (3) Conditional Use, shall be amended to provide as follows:**

A conditional use in this District is to permit the following uses only after a public hearing before the Planning and Zoning Committee and approval of the Town Board. The Board

will review the applicable facts pertaining to the proposed conditional use as found in Section 5 of this ordinance and

will approve the conditional use only after finding that its inclusion in this district, possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, and which are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.

**Highland Conservation District Two (C-2), (3) Conditional Use, shall be amended to provide as follows:**

A conditional use in this District is to permit the following uses only after a public hearing before the Planning and Zoning Committee and approval of the Town Board. The Board will review the applicable facts pertaining to the proposed conditional use as found in Section 5 of this ordinance and will approve the conditional use only after finding that its inclusion in this district, possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, and which are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.

**Rural Residential District (R-R), (3) Conditional Use, shall be amended to provide as follows:**

A conditional use in this District is to permit the following uses only after a public hearing before the Planning and Zoning Committee and approval of the Town Board. The Board will review the applicable facts pertaining to the proposed conditional use as found in Section 5 of this ordinance and will approve the conditional use only after finding that its inclusion in this district, possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, and which are therefore permitted only subject to the fulfillment of conditions which effectively insure that no such problems will be created.

**Light Industrial District (M-1), (3) Conditional Use, shall be amended to provide as follows:**

A conditional use in this District is to permit the following uses only after a public hearing before the Planning and Zoning Committee and approval of the Town Board. The Board will review the applicable facts pertaining to the proposed conditional use as found in Section 5 of this ordinance and will approve the conditional use only after finding that its inclusion in this district, possesses a high likelihood of not creating problems with regard to nearby parcels of land or occupants thereof, and which are therefore permitted only

subject to the fulfillment of conditions which effectively insure that no such problems will be created.

**Section 5.0, Conditional Use Permits, shall be amended to provide read as follows:**

**5.1 General Provisions**

Any use listed as a conditional use in this Ordinance shall be permitted only upon application in duplicate to the Building Inspector and issuance of a conditional use permit by the Town Board. 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 the Town Board may require, in addition to the information required for a conditional use permit, the submission of plans of buildings, arrangement of operations, plat of grounds showing location of buildings, stockpiles, equipment storage, fences or screens, specifications 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**

(A) In passing upon a conditional use permit application, the Planning & Zoning Committee and Town Board shall consider the following factors:

- (1) The location, nature, and size of the proposed use.
- (2) The size of the site in relation to it.
- (3) The location of the site with respect to existing or future roads giving access to it.
- (4) Its compatibility with existing uses on land adjacent thereto.
- (5) Its harmony with the future development of the district.

- (6) Existing topography, drainage, soils types, and vegetative cover.
- (7) Its relationship to the public interest, the purpose and intent of this Ordinance and substantial justice to all parties concerned.

5.4 Conditions Attached to Conditional Use Permit

Upon consideration of the factors listed above, the Planning & Zoning Committee and the Town Board may attach such conditions, in addition to those otherwise specifically listed, that it deems necessary in furthering the purposes of this Ordinance. Violation of any of these conditions shall be deemed a violation of this Ordinance.

This ordinance is passed by the Town Board of the Town of Union, this 7 day of May, 1998.

TOWN OF UNION:

By: Wayne Disch  
Wayne Disch, Chairman

By: Linda A. O'Leary  
Linda O'Leary, Clerk

Posted 5/9/98

Evansville Tractor Parts  
Union Co-op  
Evansville Review

By Clerk Linda O'Leary

**ORDINANCE TO AMEND TOWN OF UNION ZONING CODE**

The Town Board of the Town of Union do ordain as follows:

The following code provisions are hereby amended to provide as follows:

**Section 5.6, Conditional Use Permit Fee, shall be amended to provide as follows:**

The applicant, upon filing of his application, shall pay a fee to the ~~Building Inspector~~ in accordance with the following schedule: *Treasurer 6/4/98 Jo*

- (1) Conditional Use Fee ----- \$300 per meeting.  
(Sum includes public notice fees and attendance fees.)

**Section 6.4, Building Permit Fee, shall be amended to provide as follows:**

The applicant, upon filing the Building Permit with the Building Inspector, shall pay a fee to the Building Inspector in accordance with the following schedule:

- (1) Farm Buildings excluding residential farm house ----- \$20 minimum or \$1 per \$1,000, whichever is greater.
- (2) All other Buildings ----- \$40 minimum or \$3 per \$1,000, whichever is greater.
- (3) New Residential Homes ----- \$540.
- (4) Right-Of-Way Permit Fee for Residential Lots ----- \$325.

**Section 8.5(4), Appeals and Applications, shall be amended to provide as follows:**

- (4) Fee Receipt from the Town Treasurer in the amount of Two Hundred Dollars (\$200) to the Board of Adjustment, which sum includes the cost of the legal notice publication.



**Section 11.3(4), Petitions, shall be amended to provide as follows:**

- (4) Fees. The fee for a change or amendment shall be paid to the Town Treasurer in the amount of Three Hundred Dollars (\$300), which sum includes the cost of the legal notice publication.
- (5) The Planning and Zoning Committee, when authorized by the Town Board, may require a larger fee based upon the particular situation to cover expenses connected with the review of the application and the public hearing. The Town Board may retain an attorney, planner, engineer, architect or other professional consultant to advise the Town Board and/or Planning and Zoning Committee on any or all aspects of the rezoning application. The cost of these professional services shall be borne by the applicant.

**Section 11.4, Recommendations, shall be amended to provided as follows:**

The Planning and Zoning Committee shall review proposed changes and amendments within the limits of the Town and shall recommend that the petition be granted as requested, modified, or denied in writing to the Town Board.

**Section 11.7, Protest to Proposed Change, shall be amended to provide as follows:**

A proposed amendment, supplement or change to the ~~the~~ Town Zoning Ordinance must be adopted by not less than a ~~3/4~~ vote of the Town Board if a protest against the proposed amendment, supplement or change is presented to the Town Board prior to or at the public hearing under subd. 1 and :

- a. The protest is signed and acknowledged by the owners of at least 50% of the area proposed to be altered, or
- b. The protest is signed and acknowledged by the abutting owners of at least 50% of the total perimeter of the area proposed to be altered that is included within 300 feet of the parcel or parcels to be rezoned.

**Section 14.2, Definitions, shall be amended to provide as follows:**

Storage. A space for storing personal <sup>and non-business 6/4/98 Jo</sup> property or goods. Vehicles being stored are not permitted to <sup>be</sup> used daily.

This ordinance is passed by the Town Board of the Town of Union, this 4 day of June, 1998.

**TOWN OF UNION:**

By: Wayne Disch  
Wayne Disch, Chairman

By: Linda O'Leary  
Linda O'Leary, Clerk

**ORDINANCE NO. 98-#4**  
**TOWN OF UNION**  
**LICENSING ORDINANCE**

The Town Board of the Town of Union, Rock County, Wisconsin, do ordain as follows:

**(1) DELINQUENCY.** As a condition of obtaining, renewing, or keeping a license, all local taxes, assessments, special charges, or other fees, including but not limited to municipal forfeitures, shall be paid on a current basis. Any fees unpaid within a time limit set by the town or a court, as the case may be, place the licensee in a state of delinquency and subject to disciplinary action by the town board, including reprimand, suspension for a set time period (up to 90 days), or revocation.

**(2) REVOCATION.** Any license revoked shall not be reinstated within the 12 months following date of revocation. There shall be no refund of any license fee paid to a party whose license is revoked.

**(3) PROCEDURE.** Upon complaint by any person, or at board direction, and following board review and approval, written notice shall be given to the licensee of the complaint basis, and the date and time the board will hear the matter. For non-alcohol licenses where no statutory procedure is set, service may be first class mail to licensee's last known address, or personal service, at the chairperson's option. For alcohol licenses, present Wisconsin Statue 125.12, or its successor, will be followed. At present, that statue requires personal service of the hearing notice (summons) and complaint, and a hearing within 3-10 days thereafter. A record of service will be kept by the Clerk.

**(4) HEARING.** Evidence and testimony at the hearing shall be done in open session. Pursuant to statue 19.85 (1) (a), the board may go into closed session to deliberate with regard to its decision, where this has been listed on the hearing notice. The Clerk shall see that the hearing notice is posted or published, in format acceptable to the chairperson or his designated representative.

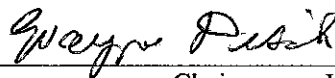
**(5) PENALTY.** In lieu of a hearing, the board may accept license surrender, and then determine the time period before another application for the same type of license will be accepted from the former licensee for review. In the event that complaint allegations(s) are proved at hearing, the town board shall decide which penalty for violation is appropriate. Multiple offenses may be considered at any hearing involving the same licensee.

**(6) SEVERABILITY.** In the event any portion of this ordinance is or becomes invalid or illegal, the remaining portions shall remain in full force and effect.

**(7) EFFECT.** This ordinance shall take effect following passage, and posting in three public places by the Clerk.

Adopted on September 3, 1998

by vote of 2/2 (in favor)



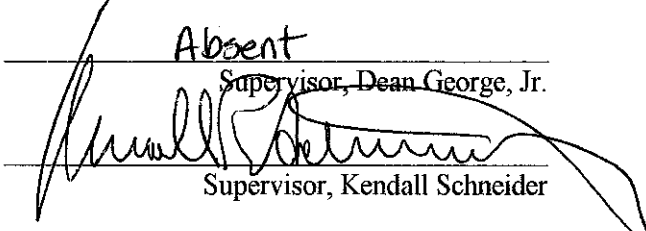
Chairperson, Wayne Disch

Absent

Supervisor, Dean George, Jr.

Posted on : November 9, 1998

at: Evansville Tractor Parts  
Evansville Review  
Union Co-op

  
Supervisor, Kendall Schneider

**TOWN OF UNION**  
**Ordinance Amendment**  
**2001 -04**

The Town Board of the Town of Union, Rock County does ordain as follows:

**Amendments to the Town of Union Zoning Ordinance**

**4.13(6)E. Mobile Home Minimum Lot Width and Setback Standards:**

(1). Setback Standards	Mobile Home Courts		Travel Trailers
	Mobile Home	Accessory Structures	
a) Front setback	25 ft.	25 ft.	25 ft.
b) Side setback	10 ft.	5 ft.	10 ft.
c) Rear setback	10 ft.	5 ft.	10 ft.
d) Corner street side yard	10 ft.	10 ft.	10 ft.
e) Yard abutting open areas	10 ft.	10 ft.	
f) From any public street	50 ft.	50 ft.	
g) From mobile home		5 ft.	

All yard setbacks are to also refer to Section 9.1 of this ordinance for setbacks on Federal, State, and County roads.

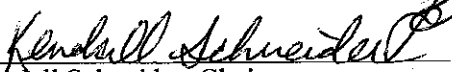
**4.13(6)I. Mobile Home Tenant Storage:** One storage building accessory to a mobile home will be permitted on a mobile home lot provided that the storage building does not exceed 140 square feet in floor area nor to exceed fourteen (14) feet in height. Such storage building shall be fully enclosed and located on the mobile home lot. All storage buildings in the mobile home park shall be uniform in size.

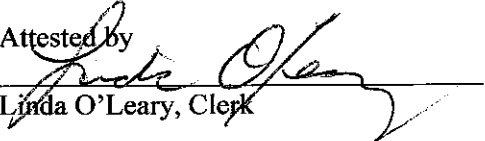
**4.13(6)K. Additions and Alterations:**

- (1) Permit Required. A permit issued by the Building Inspector shall be required before any construction on a mobile home lot or any structural addition or alteration to the exterior of a mobile home. A permit is also required for all storage buildings. No permit is required for addition of steps, awnings, skirting, windows, or doors, as defined below.
- (2) Size of Expansion. No addition to, a mobile home shall be greater than the area in square feet of the existing mobile home. No addition or alteration to the mobile home shall exceed in height the height of the existing mobile home, and all such alterations or additions shall be factory built.
- (3) Conform to Setbacks. Any addition to a mobile home shall be deemed a part of the mobile home and shall have the same setbacks as the existing mobile home.
- (4) Skirting Required. Vented skirting of non-flammable material for mobile homes is required. Areas enclosed by such skirting shall be maintained so as not to provide a harborage for rodents or create a fire hazard. It is recommended that insulation be provided inside the skirting to prevent the freezing of pipes.

**Effective Date**

These ordinance amendments shall be effective one day after its posting (or publication) as provided by law. Passed on the 8th day of November, 2001. Posted on November 14, 2001 and published on November 14, 2001 by the Town Board of the Town of Union.

  
Kendall Schneider, Chairman

Attested by  
  
Linda O'Leary, Clerk

Approved by Town Board: November 8, 2001  
Posted: November 14, 2001 by Clerk O'Leary \_\_\_\_\_

Evansville Tractor Parts \_\_\_\_\_

Union Co-op \_\_\_\_\_

Evansville Review \_\_\_\_\_

Published in Evansville Review: November 14, 2001

**TOWN OF UNION**  
**Ordinance 2001 -05**

**Exemption from Tax Collector's Bond § 70.67 (2)**

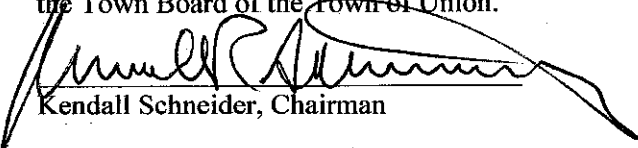
The supervisors of the Town of Union, Rock County, Wisconsin, hereby order:

That the treasurer of the town is exempted from giving the bond specified in §. 70.67 (2) until the end of the current treasurer's term (April 2003) and that the town hereby obligates itself to pay (in case its treasurer fails so to do) all state and county taxes which the treasurer is required to pay to the county treasurer.

This is done in accordance with Wisconsin § 70.67 (2), Exemption from Tax Collector's Bond

**Effective Date**

This ordinance shall be effective one day after its posting (or publication) as provided by law. Passed on the 8th day of November, 2001. Posted on November 14, 2001 and published on November 14, 2001 by the Town Board of the Town of Union.

  
Kendall Schneider, Chairman

Attested by

\_\_\_\_\_  
Linda O'Leary, Clerk

Approved by Town Board:      November 8, 2001

Posted: November 14, 2001 by Clerk O'Leary      \_\_\_\_\_

Evansville Tractor Parts      \_\_\_\_\_

Union Co-op      \_\_\_\_\_

Evansville Review      \_\_\_\_\_

Published in Evansville Review:      November 14, 2001

# Exemption from Tax Collector's Bond § 70.67 (2)


The supervisors of the Town of Union, Rock County, Wisconsin, hereby order:

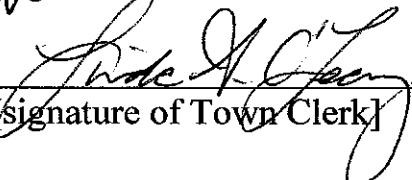
That the treasurer of the town is exempted from giving the bond specified in §. 70.67 (2).

That the town hereby obligates itself to pay (in case its treasurer fails so to do) all state and county taxes which the treasurer is required to pay to the county treasurer.

Town of Union,  
Rock County, Wisconsin.

I, Linda O'Leary, clerk of the Town of Union, Rock County, Wisconsin, certify that the foregoing is a true, correct and complete copy of an ordinance adopted by the town board of the town of Union on the 8<sup>TH</sup> day of NOVEMBER, 2001.

  
[signature of Town Chairman]      11/8/01  
Date

  
[signature of Town Clerk]      11/8/01  
Date

**First Reading**

**City of Evansville  
Ordinance #2002-7 and**

**Town of Union  
Ordinance # 2003-1**

**An Ordinance Creating a Joint Municipal Court of  
the City of Evansville and the Town of Union  
PER SEC. 66.30 OF THE WISCONSIN STATUTES**

**THE COMMON COUNCIL OF THE CITY OF EVANSVILLE,  
DO ORDAIN AS FOLLOWS:**

**SECTION ONE.**

Chapter 34, Article II of the Municipal Code of the City of Evansville is repealed and recreated as follows:

**ARTICLE II. MUNICIPAL COURT**

**DIVISION 1. GENERALLY**

**Sec. 34-31. Established.**

There is hereby created and established a Municipal Court under the provisions of Chapter 755 of the Wisconsin Statutes to be designated as "Municipal Court for the City Evansville and the Town of Union."

**Sec. 34-32. Hours.**

The municipal court shall be open as determined by order of the Municipal Judge.

**Sec. 34-33. Location.**

The Municipal Judge shall keep his office and hold court in the city hall.

**Sec. 34-34. Forfeitures, fees, assessments and costs.**

The Municipal Judge may impose punishment and sentences as provided by Chapter 800 Wis. Stats., and as provided in the ordinances of the City of Evansville and the Town of Union. All forfeitures, fees, penalty assessments, crime laboratories and drug law enforcement assessments, consumer information assessments, domestic abuse assessments and costs paid to the municipal court under a judgment



before the Municipal Judge shall be paid to the City of Evansville Clerk-Treasurer within seven days after receipt of the money by the Municipal Judge or other court personnel. At the time of the payment, the Municipal Judge shall report to the Clerk-Treasurer the title of the action, the offense for which a forfeiture was imposed and the total amount of the forfeiture, fees, penalty assessments, crime laboratories and drug law enforcement assessments, consumer information assessments, domestic abuse assessments and costs, if any. The Clerk-Treasurer shall disburse the fees as provided in Wis. Stats. 814.65(1). All jail assessments paid to the municipal court under a judgment before the Municipal Judge shall be paid to the county treasurer within seven days after receipt of the money by the Municipal Judge or other court personnel.

#### Section 34-35. Contempt Procedure.

The Municipal Judge may impose a sanction authorized under Sec. 800.12(2) for contempt of court, as defined in Sec. 785.01(1) Wis. Stats., in accordance with the procedures under Sec. 785.03 Wis. Stats.

The Municipal Judge may impose a forfeiture for contempt under Sec. 800.12(1) Wis. Stats. in an amount not to exceed \$50.00 or, upon non-payment of the forfeiture and the penalty assessment under Sec. 165.87, Wis. Stats., a jail sentence not to exceed 7 days.

#### Section 34-36. Stipulations and Deposits.

- (a) Establishment of deposit schedule. The Municipal Judge shall establish and submit to the city council and town board for approval, in accordance with Wis. Stats. 800.03(3), a schedule of deposits for violations of city and town ordinances, resolution and bylaws, except traffic regulations which are governed by Wis. Stats. 345.27, and boating violations governed by Wis. Stats. 23.67. When approved by the council and town board, such deposit schedule shall be posted in the office of the municipal court clerk and the city and town police departments, if any.
- (b) Stipulations and deposit in lieu of court appearance. Persons cited for violations of city ordinances, resolutions or bylaws for which a deposit has been established under this section shall be permitted to make a stipulation of no contest and a deposit in lieu of court appearance as provide in Wis. Stats. 800.03, 800.04 and 800.09.
- (c) Traffic and boating violation deposits. The deposit schedule established by the state judicial conference and the procedures set forth in Wis. Stats. chs. 23 and 345 shall apply to stipulations and deposits for violations of traffic regulations enacted in accordance with Wis. Stats. 345.27 and boating regulations enacted in accordance with Wis. Stats. 30.77.
- (d) Cases where not permitted. Stipulations and deposits may not be permitted after initial appearance or in cases of contempt under section 34-36 of the City of

Sec. 34-64. Jurisdiction.

The Municipal Judge of the Municipal Court shall have such jurisdiction as provided by Secs. 755.045 and 755.05 Wis. Stats., and as otherwise provided by State Law. Such Court shall be under the jurisdiction of and presided over by a Municipal Judge who shall be an attorney licensed to practice law in Wisconsin, and who resides in the City of Evansville or the Town of Union.

Sec. 34-65. Election; term of office.

Such Municipal Judge shall be elected at large in the spring election for a term of 4 years commencing on May 1. All candidates for the position of municipal Judge shall be nominated by nomination papers as provided in Sec. 8.10, Wis. Stats., and selection at a primary election if such is held as provided in Sec. 8.11, Wis. Stats. The Common Council of the City of Evansville and the Town Board of the Town of Union shall provide for a primary election in the event that more than two candidates file nomination papers for such position of Municipal Judge as provided in Sec. 8.11 (1) (a) Wis. Stats, and such primary election shall be held on the third Tuesday of February as provided in Sec. 5.02(22) Wis. Stats.

The Municipal Clerk of each municipality shall see to the compliance with Secs. 5.58(1c), 5.60 (1)(b), 5.60(2), 7.10(1)(a), 7.60(4)(a) and 8.10(6)(a) Wis. Stats. to provide for the election of a Municipal Judge under sec. 755.01(4).

SECTION TWO.

The Joint Municipal Court hereby established shall not be abolished while the 755.01(4) agreement is in effect.

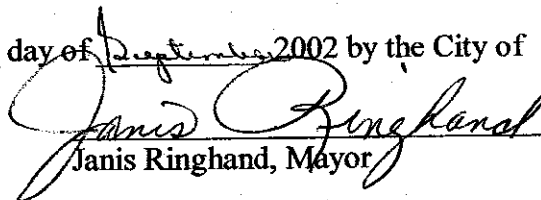
SECTION THREE.

All ordinances or parts of ordinances contravening or inconsistent with the provisions of this ordinance be and are hereby repealed.

SECTION FOUR.

Effective Date. This ordinance shall take effect and be in full force and effect from and after its passage by both municipalities and publication as required by law.

Passed and adopted this 10<sup>th</sup> day of September, 2002 by the City of Evansville.

  
\_\_\_\_\_  
Janis Ringhand, Mayor

ATTEST:

  
\_\_\_\_\_  
Sandra Hart, City Clerk/Treasurer

Evansville Municipal Code or Town of Union Code, unless otherwise approved by the court.

**Section 34-37. Authority To Impose Alternative Juvenile Dispositions and Sanctions:**

(a) For a juvenile adjudged to have violated an ordinance, the municipal court is authorized to impose any of the dispositions listed in Wis. Stats. 938.343 or 938.344 in accordance with the provisions therein.

(b) For a juvenile adjudged to have violated an ordinance, and who further violates a condition of a dispositional order of the municipal court under Wis. Stats. 938.343 or 938.344, the municipal court is authorized to impose any of the sanctions listed in Wis. Stats. 938.355(6)(d) and (6)(m), in accordance with the provisions therein.

(c) This section is enacted pursuant to the authority of Wis. Stats. 938.17(c)(cm).

Secs. 34-38—34-60. Reserved.

**DIVISION 2. MUNICIPAL JUDGE**

**Sec. 34-61. Office created.**

Pursuant to Wis. Stats. 755.01, there is created the office of municipal judge for the City of Evansville and Town of Union.

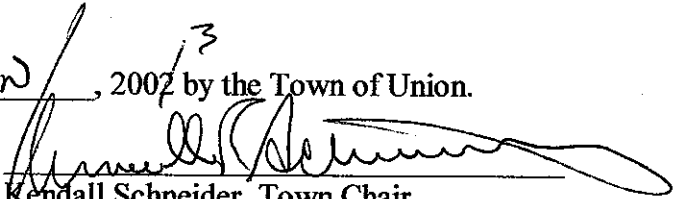
**Sec. 34-62. Salary.**

The Municipal Judge shall receive a salary as established from time to time by resolution of the Evansville common council as allowed according to Wis. Stat. 755.04. The salary shall be in lieu of fees and costs. No salary shall be paid to the judge for any time during the term for which an official bond and oath have not been executed and filed with the clerk-treasurer. (Code 1986 105(1)(c); Ord. No. 1999-16, Sec. 2(1.05(c)), 11-9-1999) The municipalities may by separate ordinances allocate funds for the administration of the Municipal Court pursuant to Sec. 66.30 Wis. Stats.

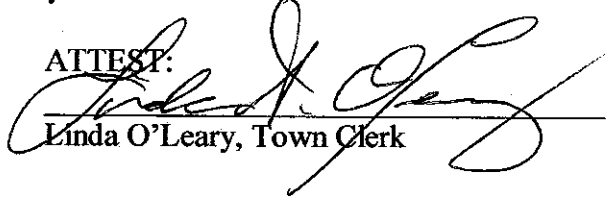
**Sec. 34-63. Oath and Bond.**

The Judge shall, after election or appointment to fill a vacancy, take and file the official oath as prescribed in Sec. 757.02(1), Wis. Stats., and at the same time execute and file an official bond in the amount of \$15,000.00. The Judge shall not act until the oath and bond have been filed as required by Sec. 19.01(4)(c) Wis. Stats., and the requirements of Sec. 755.03(2) have been complied with.

Passed and adopted this 2 day of Jan, 200<sup>3</sup>2 by the Town of Union.

  
Kendall Schneider, Town Chair

ATTEST:

  
Linda O'Leary, Town Clerk

Introduced: 8/13/02  
Public Notice: \_\_\_\_\_  
Public Hearing: \_\_\_\_\_  
Adopted: \_\_\_\_\_  
Published: \_\_\_\_\_

*Drafted on August 13, 2002 by Jennifer Petruzzello, City Administrator.*

**RESOLUTION**  
**Resolution to Participate in the**  
**Wisconsin Length of Service Award Program**

WHEREAS, the Town of Union, Rock County, Wisconsin {*municipality*} in conjunction with the Evansville Fire District, is a joint partner in operating the Evansville Fire District volunteer fire department and thus utilizes the services of volunteer firefighters; and

WHEREAS, the State of Wisconsin and the Evansville Fire District have designed a length of service award program {*Program*} which allows private vendors to offer plans that provide benefits to volunteer firefighters that render fire fighting and emergency medical services to the municipality that participates in the Program; and

WHEREAS, the State and the Evansville Fire District will match the annual contributions, made by a municipality choosing to participate in the Program on behalf of its volunteer firefighters, up to a statutory maximum per individual, and

WHEREAS, the Town of Union in conjunction with the Evansville Fire District wishes to participate in the Program for the benefit of its volunteer firefighters, and agrees to abide by all pertinent state and federal statutes, regulations, rules and procedures pertaining to the Program, as well as any requirements of the private vendor chosen by the Evansville Fire District; and

WHEREAS, the Evansville Fire District agrees to develop standards for determining the service required of its volunteer firefighters in order to qualify for an annual contribution;

NOW, THEREFORE, upon motion duly made and seconded, the board of the Town of Union, Rock County, Wisconsin passed the following Resolution;

BE IT RESOLVED that the Town of Union in conjunction with the Evansville Fire District hereby declares that it shall participate in the State of Wisconsin Length of Service Award Program and shall abide by all pertinent statutes, rules, regulations, procedures and other requirements of the Program.

BE IT FURTHER RESOLVED that all funds necessary to provide for annual contributions now and in the future under the Program be appropriated by the Evansville Fire District and distributed by the Town of Union, and all legal and administrative fees associated with the Program be paid by the Evansville Fire District, and that the Town of Union requires a fifteen (15) day advance notification of payment requirements with funds deposited in full by the Evansville Fire District ten (10) days prior to the Town of Union having to deposit funds with the Service Award Program private vendor.

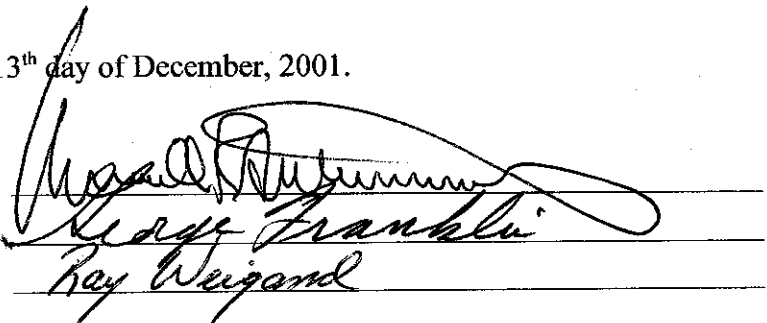
Introduced and adopted this 13<sup>th</sup> day of December, 2001.

Approved:

Chairman Kendall Schneider

Supervisor George Franklin

Supervisor Ray Weigand



Three handwritten signatures are written over three horizontal lines. The top signature is for Kendall Schneider, the middle for George Franklin, and the bottom for Ray Weigand.

# RESOLUTION TO VACATE ROAD RIGHT-OF-WAY

September 6, 2001

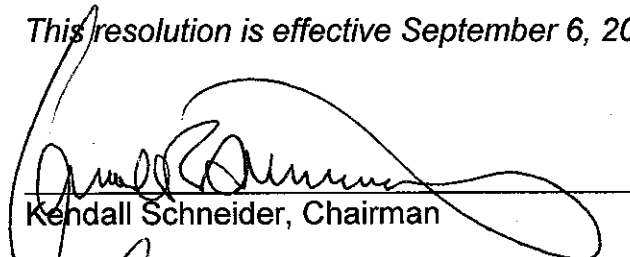
Town of Union, Rock County, Wisconsin

*The Town Board of Union, Rock County, WI, hereby resolves to vacate the Merlin Road road right-of-way located and adjacent to Lots 8 and 26 of the Merlin Francis Plat, a recorded subdivision, located in Union Township, Rock County, Wisconsin.*

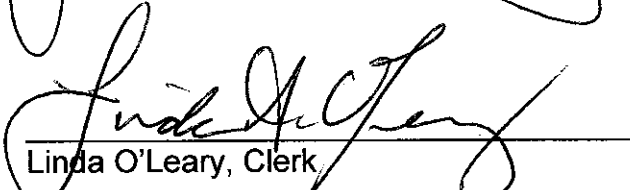
*Parcel A (4890 sq.ft. order no. 101-146) to be vacated to Sue Katzenmeyer owner of First Addition to Merlin Francis Plat Lot 26. Parcel B (4890 sq.ft. order No. 101-146) to be vacated to Bob & Connie Fahey owner of First Addition to Merlin Francis Plat Lot 8.*

*We hereby resolve that proper public notice and hearings have been held according to WI §66.1003, and the motion to approve made and passed on September 7, 2000.*

*This resolution is effective September 6, 2001.*

  
Kendall Schneider, Chairman

9/6/01 Date

  
Linda O'Leary, Clerk

9/6/01 Date

# TOWN OF UNION

## Resolution 2004-02

The Town of Union Board hereby resolves that the following Union Township stop signs and speed limits shall be enforceable by the City of Evansville Police Department under the Intergovernmental Agreement between the Town of Union, Rock County, Wisconsin, and the City of Evansville, Rock County, Wisconsin, Concerning a Municipal Court and Activities of Evansville Police Officers Within the Town of Union.

### Stop Signs

Abey Ct @ Vision, SE side  
Antler Ct @ Orchard Dr, NE side  
Birdie Ln @ Golf Rd, NW side  
Bullard @ State Highway 14, NE side  
Butts Corner @ Crocker Rd, NE side  
Butts Corner @ State Highway 14, SW side  
Cemetery @ Territorial Rd, SE side  
County Trunk C @ State Highway 104, NE side  
County Trunk M @ State Highway 14, NW side  
Crocker @ Holt Rd, SE side  
Croft @ Old 92, SW side  
Croft @ State Highway 104, NE side  
Dreamview @ Crocker Rd, SW side  
Elaine @ County Trunk M, SW side  
Elmer @ State Highway 14, SW side  
Emery @ State Highway 104, NE side  
Evansville- Brooklyn @ Butts Corner Rd, SW side  
Evansville-Brooklyn @ Crocker Rd, SW side  
Evansville-Brooklyn Rd @ State Highway 104, NW side  
Fifth St @ Croft Rd, NW side  
Finn Rd @ Croft Rd, SE side  
Finn Rd @ Milbrandt Rd, NW side  
Forest Hollow @ Morning Meadow Dr, SW side  
Forest Hollow @ Northfield Crossing, SE side  
Francis Dr @ Francis Rd, NW side  
Francis Rd @ Old 92, SW side  
Franklin @ State Highway 59, NW side  
Glacier @ Weary Rd, NE side  
Golf Aire @ Cemetery Rd, NE side  
Green Bay @ State Highway 14, SW side  
Hatlen @ N East Union Rd, NE side  
Hill @ County Trunk M, SW side  
Holt @ North Union Rd, SW side  
Holt @ State Highway 104, NE side  
Holt @ State Highway 14, NE side  
Holt @ State Highway 14, SW side  
Hyne @ Croft Rd, SE side  
Leedle Mill @ Franklin Rd, NE side  
Long @ Crocker Rd, NE side  
Marsh Rd @ County Trunk M, NE side  
Milbrandt @ State Highway 104, NE side  
Morning Meadow @ Territorial Rd, SE side  
Murray @ Bullard Rd, NW side  
Murray @ W East Rd, SE side  
N East Union Connector @ State Highway 59, SW side  
N East Union Connector @ State Highway 59, NW side  
North Union @ State Highway 59, NW side  
Northfield Crossing @ Forest Hollow Ln, NE side  
Northfield Crossing @ Forest Hollow Ln, NW side  
Northfield Crossing @ Forest Hollow Ln, SW side  
Northfield Crossing @ Morning Meadow Dr, SW side  
Northridge @ County Trunk M, SW side  
Northridge @ Robert Dr, NE side  
Northridge @ Robert Dr, SW side  
Old 92 @ Croft Rd, SE side  
Old 92 @ Fifth St, NE side  
Pleasant Praire @ County Trunk C, NW side  
Pleasant Praire @ County Trunk C, SE side  
Pleasant Praire @ Croft Rd, NW side  
Pleasant Praire @ Emery Rd, NW side  
Pleasant Praire @ Emery Rd, SE side  
Pleasant Praire @ Evansville-Brooklyn Rd, SE side  
Porter @ Pleasant Praire Rd, NE side  
Robert @ Northridge Dr, NW side  
Robert @ Northridge Dr, SE side  
Ron Rd @ Old Highway 92, NW side  
State Highway 59 @ State Highway 14, NW side  
Stewart @ State Highway 14, SW side  
Territorial @ Bullard Rd, SE side  
Territorial @ County Trunk M, NE side  
Territorial @ County Trunk M, SW side  
Territorial @ State Highway 14, NW side  
Tupper @ Bullard Rd, SE side  
Tupper @ County Trunk M, NW side  
Union-Dane @ Franklin Rd, SW side  
W East Union @ State Highway 14, NE side  
Weary @ State Highway 14, NW side  
Weary @ State Highway 14, SE side  
West Union @ Crocker Rd, NE side  
West Union @ State Highway 14, SW side  
Woodworth @ Territorial Rd, SW side  
Woodworth Dr @ Morning Meadow Ln, NE side

## **Speed Limits**

### **25 mph Per Hour Speed Limits:**

1. Fifth Street South of County Trunk C to the City Limits
2. Fifth Street North of the Intersection of Croft Road and Old 92 to the City Limits
3. Subdivision Roads:
  - Francis Road
  - Francis Drive
  - Robert Drive
  - Elaine Drive
  - Hill Drive
  - Ron Road
  - Northridge Dr.
  - North Court
  - Ridge Court
  - Golf Air Drive
  - Birdie Lane
  - Northfield Crossing
  - Glacier Dr.
  - Forest Hollow Drive
  - Harvest Moon Circle
  - Harvest Moon Drive
  - Woodworth Drive
  - Weary Road (North of State Hwy 14)
  - Orchard Drive
  - Antler Court
  - Dreamview Drive
  - Travis Trace

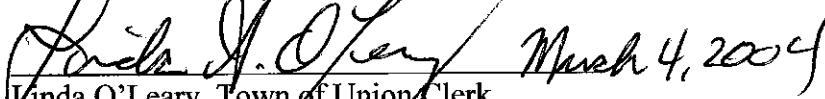
### **35 mph Per Hour Speed Limits:**

1. Old 92 East of the Intersection of Croft Road and Fifth Street to the City Limits
2. Cemetery Road South of Territorial Road to the City Limits

### **45 mph Per Hour Speed Limits:**

1. Territorial Road From State Highway 14 West to County Trunk M
2. Territorial Road from County Trunk M West to Bullard Road

This Resolution adopted and passed by motion and approval of the Town Board of the Town of Union, Rock County, Wisconsin on March 4, 2004.

  
Linda O'Leary, Town of Union Clerk



**Resolution # 2004-08**

**Resolution Establishing Bond Schedule  
For Ordinance Violations**

**WHEREAS**, the Town of Union has adopted by ordinance various Wisconsin Statute and Administrative Code provisions which prohibit and regulate conduct within the Town of Union and establish penalties for violations; and

**WHEREAS**, the Town of Union desires to establish a bond schedule to assist and guide enforcement of the provisions of said regulations; and

**WHEREAS**, it is in the best interests of the Town of Union to establish said bond schedule by resolution, rather than ordinance, which will allow for easier modification of the amounts in the future;

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Union hereby establishes the following bond schedule for town ordinance violations and directs that said bond schedule shall govern issuance of citations related to violations of the designated ordinances.

**BOND SCHEDULE**

**SECTION 1: OFFENSES AGAINST PUBLIC PEACE AND GOOD ORDER WITHIN  
THE TOWNSHIP OF UNION**

**Section 1-1: Adoption of state law**

STATUTE #	STATUTE Description	BOND
§ 29.601(3)(a)	Deleterious substances	288.00
§ 134.66(2)(a), (4)	Restriction on sale or gift of cigarettes or tobacco products	288.00
§ 175.25	Storage of junked automobiles	288.00
§ 254.76	Causing fires by careless smoking	288.00
§ 287.81	Littering	288.00
§ 940.19(1)	Battery	536.00
§ 941.01(1)	Negligent operating of a vehicle off highway	536.00
§ 941.10	Negligent handling of burning materials	536.00
§ 941.12(2), (3)	Interfering with firefighting	536.00
§ 941.13	False alarms	536.00
§ 941.20(1)	Endangering safety by use of dangerous weapons	536.00
§ 941.23	Carrying a concealed weapon	536.00

§ 941.24	Possession of a switchblade knife	536.00
§ 943.01(1)	Damage to property	350.00
§ 943.13	Trespass to land	350.00
§ 943.14	Criminal trespass to dwelling	350.00
§ 943.20(1)	Theft < \$2,500	350.00
§ 943.24(1)	Issuance of worthless check < \$2,500	350.00
§ 943.50(1m)	Retail theft < \$2,500	350.00
§ 944.20	Lewd & Lascivious behavior	350.00
§ 943.23	Making Lewd, obscene, or indecent drawings	350.00
§ 944.30	Prostitution	350.00
§ 944.31	Patronizing prostitutes	350.00
§ 944.33(1)	Pandering	350.00
§ 945.02	Gambling	350.00
§ 945.03	Commercial Gambling	350.00
§ 945.04	Permitting premises to be used for commercial gambling	350.00
§ 946.40(1)	Refusing to aid officer	660.00
§ 946.41(1)	Resisting or obstructing an officer	660.00
§ 946.42(1)	Escape	660.00
§ 946.70(1)	Impersonating a peace officer	660.00
§ 946.72(2)	Tampering with public records/notices	660.00
§ 947.01	Disorderly Conduct	288.00
§ 947.013	Harassment	288.00
§ 947.04	Drinking in common carriers	288.00
§ 947.06(3)	Unlawful assemblies and their suppression	288.00
§ 948.40	Contributing to the delinquency of a child	660.00
§ 948.45(1)	Contributing to truancy	660.00
§ 948.51	Hazing	660.00
§ 951.01—951.15	Crimes against animals	660.00

**SECTION 2: UNDERAGE DRINKING**

**Section 2-1: Adoption of state law**

(All of CH. 125 adopted, including, but not limited to the following): **NOTE** Standard Bond for any other violations, \$288.00.

125.07(1)	Sale/give to underage person	288.00
125.07(2)	Sale/give to intoxicated person on licensed premises	288.00
125.07(3)	Presence of underage on licensed premises	288.00
125.07(4)(a)	Underage Procures - Under 17	
	1st Offense	350.00
	2nd Offense	412.00
	3rd Offense	660.00
125.07(4)(a)	Underage Procures - 17 to 20	

	1st Offense	350.00
	2nd Offense	412.00
	3rd Offense	660.00
125.07(4)(b)	Underage Drinking - Under 17	
	1st Offense	77.20
	2nd Offense	114.40
	3rd Offense	164.00
125.07(4)(b)	Underage Drinking - 17 to 20	
	1st Offense	164.00
	2nd Offense	288.00
	3rd Offense	412.00
	4th Offense	660.00
<b>Section 2-2: Consumption of alcohol in public places prohibited</b>		288.00

**SECTION 3: POSSESSION OF DRUGS AND/OR DRUG PARAPHERNALIA**

**Section 3-3. Marijuana and Cannabis** 660.00  
 Casual possession of less than 25 grams prohibited, adopt. 961.41(3g)(e)

**Section 3-4. Use or Possession of Drug Paraphernalia** 288.00  
 Possession prohibited, adopt 961.573(1)

**Section 3-5. Possession of Controlled Substances** 660.00  
 Narcotic drugs, marijuana, stimulants, depressants, hallucinogenic drugs, or any substance defined as a controlled substance in the Uniform Controlled Substances Act, § 961.

**SECTION 4: CIGARETTES / TOBACCO**

**Section 4-3: Buy/possess any cigarette or tobacco product under 18 yoa** 102.00  
 Includes attempt to buy, or falsely represent age to buy.

**SECTION 5: CURFEW**

**Section 5-2: Curfew**  
 Under 18 - 11pm-6am - public places or moving/parked vehicles  
 1st Offense Take to the PD, notify parent, log in book.  
 2nd Offense in 1 year 288.00

**Section 5-3: Parental responsibility** if warned before 288.00

**SECTION 6: TRAFFIC**

**Section 6-1 All traffic statutes adopted (CH.340 to 348 & TRANS 305)**

- Section 6-1(a) § 340 to 348 – See State Bond Schedule
- Section 6-1(b) Admin Code Transportation Order (Trans) 305
  - See State Bond Schedule

**SECTION 7: STOP SIGNS & SPEED LIMITS**

**Section 7-1: Resolution 2004-02:** Stop signs and speed zones; refer to resolution and State Bond Schedule

**SECTION 8: SNOWMOBILES**

**Section 8-1: All snowmobile statutes adopted (§ 350) See State Bond Schedule**

- Use traffic citations for highway violations
- Use municipal citations for other violations away from roadways
- Use DNR citations for 350.101 and 350.104

The above and foregoing resolution was duly adopted by the Town Board of the Town of Union at a regular meeting held on the 7<sup>th</sup> day of October, 2004.

APPROVED:

TOWN OF UNION

\_\_\_\_\_  
Kendall Schneider, Town Board Chair

ATTEST:

\_\_\_\_\_  
Linda O’Leary, Town Clerk

Adopted: \_\_\_\_\_

Published: \_\_\_\_\_

**RESOLUTION SUPPORTING THE MEMO OF UNDERSTANDING BETWEEN**

**THE COUNTY OF ROCK AND THE TOWN OF**

**UNION**

**FOR THE STATEWIDE VOTER REGISTRATION SYSTEM**

**RESOLUTION**

WHEREAS, Congress passed the Help America Vote Act of 2002 (HAVA) to create a more uniform voter registration and voting system in the United States; and

WHEREAS, the Wisconsin State Elections Board (SEB) is charged with implementing a Statewide Voter Registration System (SVRS) that complies with HAVA; and

WHEREAS, local units of government understand their obligations and commitments as mandated by HAVA and state statutes to implement and administer local voter registration; and

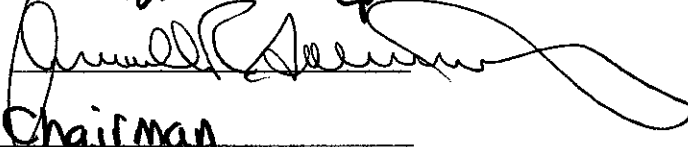
WHEREAS, local units of government are required to maintain the local voter registration information within the centralized SVRS, or develop a sharing agreement with another municipality or county to accept this responsibility; and

THEREFORE, the Town Board of Union Township directs the (Chair, President, Mayor, or Clerk) to enter into a Memorandum of Understanding with the COUNTY OF ROCK which will provide a more efficient and cost effective implementation of a SVRS that complies with the requirements of HAVA and, where appropriate, incorporates the sharing of technology and resources.

FURTHER RESOLVE that a copy of this resolution be sent to the State Elections Board in

recognition of the Town Board of Union Township fulfilling its' HAVA requirements.

ADOPTED this 2nd day of Sept, 2004.

Signed: 

Title: Chairman

**THE MEMO OF UNDERSTANDING BETWEEN**

**THE COUNTY OF ROCK AND THE TOWN OF**

UNION

**FOR THE STATEWIDE VOTER REGISTRATION SYSTEM**

This Memorandum of Understanding is hereby entered into by and between the County of Rock and the TOWN of UNION.

NOW, THEREFORE, in consideration of the terms and conditions contained herein, the parties hereto agree as follows;

1. The local unit of government understands that the State intends to maintain the official centralized database of voter registration information.

2. The local unit of government understands their responsibilities and requirements for complying with HAVA and state statutes and accepts the responsibility to implement voter registration policies and procedures and maintain each voter's current registration documentation.

3. The local unit of government understands the technology, technology maintenance, staffing, and training costs that are required to accept the responsibility of updating the SVRS. The tentative costs have been outlined in Appendix A and agreed upon by both parties.

4. Based on the above, the local unit of government herein declares its intention to utilize technology and resources of the County of Rock and to share the costs that are associated with entering and maintaining data within the SVRS application. It is the understanding of the local unit of government, that the County of Rock accepts the technology and resource responsibilities for this sharing agreement.

5. This agreement is valid from the date signed Sept 2, 2004 (Date) through December 31, 2007. In addition, this agreement will extend in 90 day increments unless officially terminated. This agreement can only be officially terminated if the following guidelines have been met:

- Both parties to the agreement have notified the State Elections Board 90 days prior to the agreement being terminated.

- The local unit of government that previously did not have responsibility for updating the SVRS, has purchased the appropriate equipment and validated with the State Elections Board that they are capable of taking on the technology and resource responsibilities of the SVRS.
- The local unit of government that previously did not have responsibility for updating the SVRS, has validated with the State Elections Board that their clerks and appointed associates have been properly trained in the use and functions of the SVRS.

Sept 2, 2004

Date

**Municipality Relying On Another**

**Municipality or County Accepting The  
Technology and Resource Responsibilities**

Linda A. O'Leary

Printed Name

*Linda A. O'Leary*

Signed Name

~~CHAIRMAN~~ CLERK

Title

TOWN OF UNION

Municipality Name

\_\_\_\_\_

Printed Name

\_\_\_\_\_

Signed Name

\_\_\_\_\_

Title

\_\_\_\_\_

Municipality Name

# Resolution and Notice to State Historical Society of Intent to Destroy Records

STATE OF WISCONSIN

Town of Union

Rock County

The town board of the Town of Union, Rock County, Wisconsin, having enacted an ordinance for the destruction of obsolete public records does, by this resolution, adopted on proper notices with a quorum and roll call vote by a majority of the town board present and voting resolves and orders as follows:

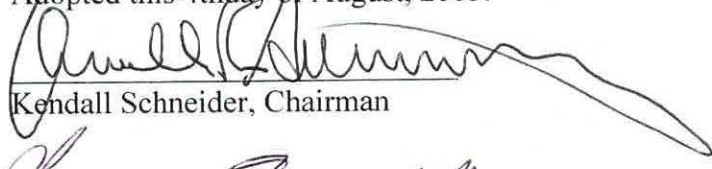
The town clerk shall inform the State Historical Society that the Town of union will destroy certain obsolete public records at a date more than 60 days after service of this notice upon the State Historical Society. The records to be destroyed are described as follows:

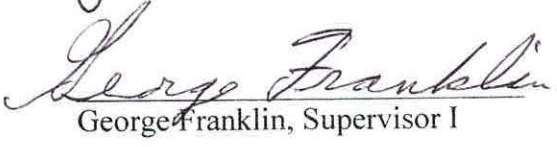
- i. Assessment Rolls 1977 - 1998
- ii. Personal Property Blotters prior to 1998
- iii. Checking Stubs and Bill receipts prior to 1998
- iv. General Ledger 1990
- v. Bank Statements & Reconciliation prior to 1998
- vi. Check Register prior to 1998
- vii. Mobile Home Park License Applications & stubs prior to 1998
- viii. Class B Liquor License Applications & stubs prior to 1998
- ix. Operator License Applications & stubs prior to 1998
- x. W2 copies prior to 1998
- xi. Cigarette License Applications prior to 1998
- xii. Payroll Support Records prior to 1998
- xiii. W4 forms prior to 2000
- xiv. Employee Earning Records prior to 2000
- xv. 941 Quarterly Reports prior to 2000
- xvi. State Quarterly Reports prior to 2000
- xvii. Federal Deposit tax stubs prior to 2000
- xviii. Bids successful and unsuccessful prior to 1998
- xix. Nomination papers, campaign registration statements prior to 1998
- xx. Town Election Ballots prior to 2004
- xxi. Fed Election Tally Sheets, Inspector Statement of Defective & Challenged Ballots prior to 2003
- xxii. Applications for absentee ballots prior to 2003
- xxiii. Poll Registration Lists prior to 1998
- xxiv. Election Results prior to 1998.




The town clerk shall properly post or publish this resolution as required under s §60.80, Wis stats.

Adopted this 4th day of August, 2005.

  
Kendall Schneider, Chairman

  
George Franklin, Supervisor I

Absent  
Don Krajeck, Supervisor

Attest:  8/4/2005  
Linda O'Leary, Clerk

**TOWN OF UNION, ROCK COUNTY  
RESOLUTION 2006-03**

**Adoption of Comprehensive Plan**

**Whereby**, the Town of Union is required by Wisconsin State Law §62.23 and 66.1001 to prepare and adopt a Comprehensive Plan for the township; and

**Whereby**, the Plan Commission of the Town of Union, Rock County, Wisconsin has reviewed the Town of Union Comprehensive Plan created by the Town of Union Smart Growth Committee; and

**Whereby**, the Town of Union Board adopted written procedures to foster public participation and that such procedures allowed public participation at each stage of preparing the Comprehensive Plan documents and maps; and

**Whereby**, the Comprehensive Plan meets and includes the nine specified elements specified by state statute (Issues & Opportunities, Housing, Transportation, Utilities and Community Facilities, Agricultural, Natural & Cultural Resources, Economic Development, Intergovernmental Cooperation, Land Use, and Implementation & Evaluation); and

**Whereby**, the Comprehensive Plan (drafted March 2, 2006) includes the Town of Union Future Land Use Plan drafted {insert date}; and

**Whereby**, the Plan Commission of the Town of Union has noted that the Township of Union has historically been an agricultural community; and

**Whereby**, the Comprehensive Plan and Future Land Use Map offer a road map that seeks to retain the township's rural character and to limit ~~non-agricultural~~ growth as much as possible; and

**Whereby**, a town resident survey showed most residents favor limited growth; and

**Whereby**, the following items demonstrate practical and compelling reasons for the Town of Union Board to control growth in the Town of Union

1. Union township is a small community with limited government resources, there are no full-time employees of the township. Planning is done by part-time supervisors and volunteers. The township is so small in population that it doesn't even have a town hall. Without reasonable limits to growth, the capacity of our volunteers and supervisors to plan could become overwhelmed.
2. Growth will necessitate road improvements. The Town has no road crew or equipment; road maintenance is contacted out to Rock County, and major road work is bid to

private companies. Limiting and directing growth will allow building and improving roads in an orderly manner without undue disruption to traffic or out-of-proportion increases in taxes for roadwork.

3. Fire protection and ambulance service (EMS) are handled by volunteers. Police service is handled by the Rock County Sheriff's Department with some limited service from Evansville Police Department. Growth should be limited and directed so that these emergency services remain adequate for the population.
4. The majority of children from the Town of Union attend schools in the Evansville School District. Growth needs to be planned so that the schools are adequate for the educational needs and controlled so that there are no catastrophic tax increases to pay for them.
5. Park maintenance is done by volunteers and some contract employees. Growth needs to be orderly so that the park system can be adequately maintained.
6. Water and sewage. Currently 99% of homes are served by private wells and septic systems. Growth needs to be directed since the possibility exists for a regional sewage system in the northwest part of the township in the foreseeable future.
7. Sustainable growth. The plan calls for approximately 3% growth per year. Construction does have an economic impact on the Township. With controlled growth, this economic impact can be sustained instead of occurring in a boom/bust manner.

**Therefore**, the Town of Union, Plan Commission, hereby recommends adoption of the Town of Union Comprehensive Plan and Future Land Use Map as its guide for efficient, purposeful, affordable, and orderly growth.

This resolution was passed by majority vote at the meeting of the Town of Union Plan Commission on \_\_\_\_\_ and recorded in the minutes thereof.

\_\_\_\_\_  
Alvin Francis, Plan Commission Chairman

\_\_\_\_\_  
Date

\_\_\_\_\_  
Linda O'Leary, Clerk

\_\_\_\_\_  
Date

**RESOLUTION 2006-05**

**ADOPTION OF APPLICATION AND APPLICATION FLOWCHARTS FOR ZONING CHANGES, LAND DIVISIONS, CONDITIONAL USE PERMITS AND VARIANCES**

**State of Wisconsin, Town of Union, Rock County**

**Whereas**, the Town of Union is adopting a new Zoning Ordinance and a new Land Division Ordinance; and

**Whereas**, the Town Board and the Plan Commission of the Town of Union, Rock County Wisconsin would like to identify the process for which a land owner would follow to apply for and have heard a request for Land Divisions, Conditional Use Permits, Variances, and Zoning Changes; and

**Whereas**, the Town Board and the Plan Commission of the Town of Union, Rock County, Wisconsin are interested in attaining useful information for making an informed decision; and

**Whereas**, the Plan Commission has reviewed and approved for recommendation the Application Flowcharts and the Application;

**Therefore**, the Town Board of the Town of Union, hereby adopts the following application form and Application Flowcharts to be used in conjunction with the implementation and enforcement of the Town of Union Zoning Ordinance and Town of Union Land Division Ordinance effective this date of October 5, 2006.

<u>Item Adopted</u>	<u>Version</u>
Application	October 5, 2006
Minor Land Division Application Procedure	October 5, 2006
Subdivision Application Procedure	October 5, 2006
Conditional Use Permit Application Procedure	October 5, 2006
Conditional Use Permit Land Division for A1, A2 and A3 Parcels Application Procedure	October 5, 2006

This resolution was passed by majority vote at the meeting of the Town Board of the Town of Union on October 5, 2006 and recorded in the minutes thereof.

[Signature of Town Chairman]

Kendall Schneider  
Town Board Chairman

10/5/06  
Date

Attest: [Signature of town clerk]

Linda O'Leary  
Town Board Clerk

10/5/2006  
Date

# APPLICATION

## TOWN OF UNION

### ROCK COUNTY, WISCONSIN

The undersigned hereby applies for one of the following in accordance with the Town of Union Ordinances:

- Zoning Change    
  Conditional Use Permit    
  Land Division    
  Variance    
  Other

(PLEASE PRINT)	PROPERTY INFORMATION
Owner: _____	
Owner's Address: _____ Zip Code: _____	
Telephone: _____ Current Zoning: _____ Proposed Zoning: _____	
Property Location: _____ ¼ _____ ¼ Section _____ Parcel #: 6-20-_____ Parcel Size (acres): _____	
Description of Parcel Location: (including fire # and roads bordering property)	
_____	
_____	
Current Land Use: _____	
_____	
Have other changes been requested for this property? _____	
If so, date of meeting and name of requestor: _____	
<input type="checkbox"/> Attach copy of aerial photo of parcel and land within 1000 feet of its border or Global Information System Satellite image.	
PROPOSED PLAN	
Reason for Request & Statement of Intended Use: (for conditional use permits and variances include ordinance #s)	
_____	
_____	
_____	
Have other changes been requested for this property? If so, date of meeting and name of requestor: _____	
Projected # of Parcels/Lots/Outlots Created: _____ (including original)	
Proposed Sizes: #1: _____ acres; #2: _____ acres; #3: _____ acres; #4: _____ acres; #5: _____ acres (attach more pages if more than 5 parcels created)	
Proposed Zoning of parcels: #1: _____; #2: _____; #3: _____; #4: _____; #5: _____ (attach more pages if more than 5 parcels created)	
Estimated Timetable for Development: _____	
_____	
_____	

<b>Site Assessment Checklist:</b>	<input type="checkbox"/> Attach copy of Site Assessment Checklist.	<input type="checkbox"/> Site Assessment Checklist not required at this time. May be required later.
<b>Land Use Scoring Sheet:</b>	<input type="checkbox"/> Attach copy of Land Use Scoring Sheet.	<input type="checkbox"/> Land Use Scoring Sheet not required at this time. May be required later.
<b>Covenants:</b>	<input type="checkbox"/> Attach copy of covenants.	<input type="checkbox"/> Covenants not required at this time. May be required later.
<b>Property Owner's Association</b>	<input type="checkbox"/> Attach draft copy of legal instruments and rules for proposed property owners association.	<input type="checkbox"/> No Property Owners Association proposed.
<b>Traffic Impact Analysis</b>	<input type="checkbox"/> Attach copy of traffic impact analysis.	<input type="checkbox"/> Traffic impact analysis not required at this time. May be required later.
<b>ESCROW Fee</b>	<input type="checkbox"/> ESCROW Fee Deposit Documentation	<input type="checkbox"/> No ESCROW Fees required at this time. May be required later.
<b>Preliminary Subdivision Plat or Preliminary CSM</b>	<input type="checkbox"/> Attach Preliminary Subdivision Plat for Statutory Subdivisions. <input type="checkbox"/> Attach Preliminary CSM. Plat Title/Name _____	<input type="checkbox"/> Preliminary Subdivision Plat not required at this time. May be required later.. <input type="checkbox"/> Preliminary CSM not required at this time. May be required later.
<b>Sketch Map:</b>	<input type="checkbox"/> <b>Attach 14 copies (8 ½" x 11" or 8 ½ x 14") of proposed map (plot plan) drawn to a scale of 1 inch equals 200 feet or other appropriate scale showing the following items:</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> A north arrow, the date, the scale, and a reference to a section corner.</li> <li><input type="checkbox"/> Lengths and angles of existing and proposed property lines.</li> <li><input type="checkbox"/> Location of adjacent properties within 1,000 feet.</li> <li><input type="checkbox"/> Zoning classification and other land use controls of adjacent properties within 1,000 feet</li> <li><input type="checkbox"/> Owner names of adjacent properties within 1,000 feet.</li> <li><input type="checkbox"/> The approximate dimensions and areas of the parcels, lots, outlots, and easements.</li> <li><input type="checkbox"/> The location and type of existing and proposed buildings, fences, and structures and their uses, including any Cluster Development or Conservation Subdivision areas.</li> <li><input type="checkbox"/> The location of all existing drainage ditches, water wells, sewerage systems, water courses, lakes, navigable waters, ponds, dry wells, drain fields, pipes, culverts, tile lines, and parks and other features pertinent to the land division.</li> <li><input type="checkbox"/> The location and name of existing and proposed roads, highways, developments, navigable rivers, trails, and driveways and distances to the nearest adjoining highways, roads, or driveways on all sides of the proposed site.</li> <li><input type="checkbox"/> The location of general land cover types, such as woodlands, wetlands, agricultural, etc.</li> <li><input type="checkbox"/> The location of any slopes of 12% or greater.</li> <li><input type="checkbox"/> The setback of building lines required by any approving agency.</li> <li><input type="checkbox"/> The uses of the land adjacent to the property and any existing roads, easements and restrictions of record, public accesses to navigable water, dedicated areas and utilities on/or adjacent to the land.</li> <li><input type="checkbox"/> Any floodplain limits</li> <li><input type="checkbox"/> The entire area contiguous to the plat owned or controlled by the owner or land divider.</li> </ul> <p>* More than one sheet may be used, but no sheet may be larger than 8 ½ x 14 inches. Label and number each page.</p>	

## SURROUNDING PROPERTY INFORMATION

(Complete for all properties lying within 1,000 feet of area affected by this application  
 -- Provide electronic spreadsheet file \*.qpw or \*.xls if more than 8 properties--)

Name: _____ Address: _____ City: _____ ST ___ Zip: _____	Name: _____ Address: _____ City: _____ ST ___ Zip: _____
Name: _____ Address: _____ City: _____ ST ___ Zip: _____	Name: _____ Address: _____ City: _____ ST ___ Zip: _____
Name: _____ Address: _____ City: _____ ST ___ Zip: _____	Name: _____ Address: _____ City: _____ ST ___ Zip: _____
Name: _____ Address: _____ City: _____ ST ___ Zip: _____	Name: _____ Address: _____ City: _____ ST ___ Zip: _____

## CONTACTS

<b>Agent</b>	Name and Company: _____
Agent Address: _____	
Telephone: _____ Fax #: _____ E:mail: _____	
<b>Surveyor</b>	Name and Company: _____
Surveyor Address: _____	
Telephone: _____ Fax #: _____ E:mail: _____	
<b>Engineer</b>	Name and Company: _____
Engineer Address: _____	
Telephone: _____ Fax #: _____ E:mail: _____	

## ACKNOWLEDGEMENT OF APPLICANT

I, \_\_\_\_\_, the owner of this property, fully understand that this application will be acted upon following the procedures and regulations documented by Town of Union Ordinances. I also understand that failure to accurately complete this application will result in the need to resubmit a corrected application and/or the need to conduct a new public hearing at my expense. I am also aware that I may be responsible for attorney, engineering, and other expenses as identified by Town of Union Ordinance incurred by the township for the evaluation and consideration of this request.

\_\_\_\_\_  
Property Owner Signature

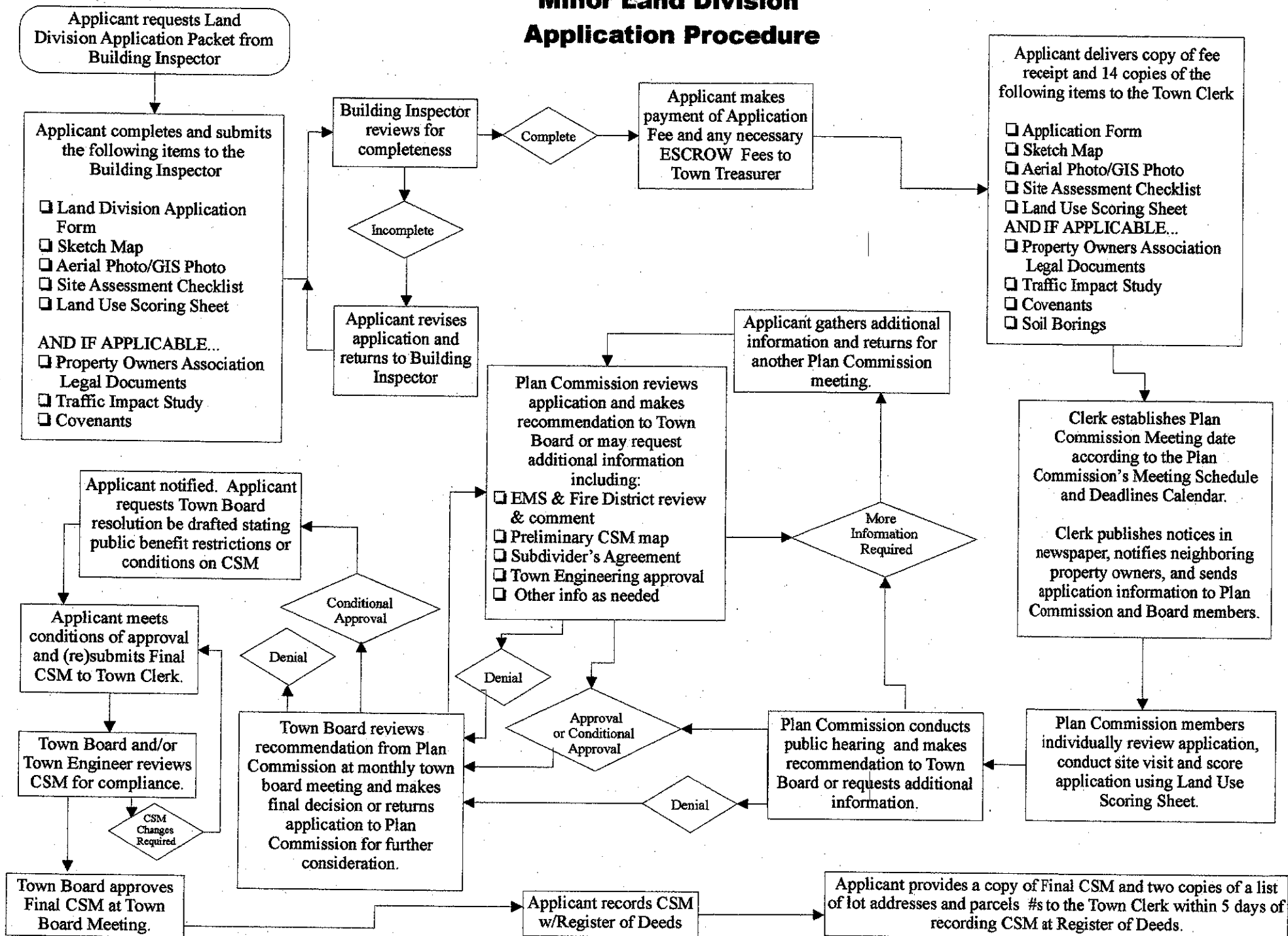
\_\_\_\_\_  
Date

APPLICATION CHECKLIST <i>(Town Use Only)</i>	Date	Town Official Signature
Application Provided		
Building Inspector Application approval		
Application Fee Payment to Treasurer \$ _____		
ESCROW Payment to Treasurer		
Application to Clerk		
Plan Commission Public Hearing Date Set	___/___/___	
Notification of neighboring properties		
Plan Commission Recommendation Date(s)* <input type="checkbox"/> Approve conditionally <input type="checkbox"/> Approve <input type="checkbox"/> Reject		
Notification of Applicant		
- Covenant approval		
- Traffic Impact Analysis approval		
- Property Owners Association Document approval		
- EMS & Fire District review & comment		
- Soil Boring Review		
- Engineering approval		
- Subdivider's Agreement approval		
- Agreement to extend approval decision		
- Preliminary CSM/Subdivision Plat approval		
Plan Commission Recommendation Date * <input type="checkbox"/> Recommended for Approval <input type="checkbox"/> Recommended for Denial		
Town Board Meeting Date Set	___/___/___	
Town Board Decision <input type="checkbox"/> Conditional Approval - more info required or changes required <input type="checkbox"/> Preliminary Approval until final CSM./Subdivision Plat <input type="checkbox"/> Denied		
Applicant Notified		
Town Board Resolution stating public benefit restrictions or conditions on plat.		
Town Board Resolution accepting all lands in plat dedicated to the town including parkland.		
Town Engineer and/or Town Board or Plan Commission Review of compliance with Subdivider's Agreement, conditions and final map.		
Town Board Final CSM/Subdivision Plat Approval at Town Board Meeting		
Recording of CSM/Subdivision Plat at Register of Deeds CSM/Subdivision Plat # _____		
Copy of Final CSM/Subdivision Plat, & list of parcel #s filed with Town Clerk (within 5 days of recording)		

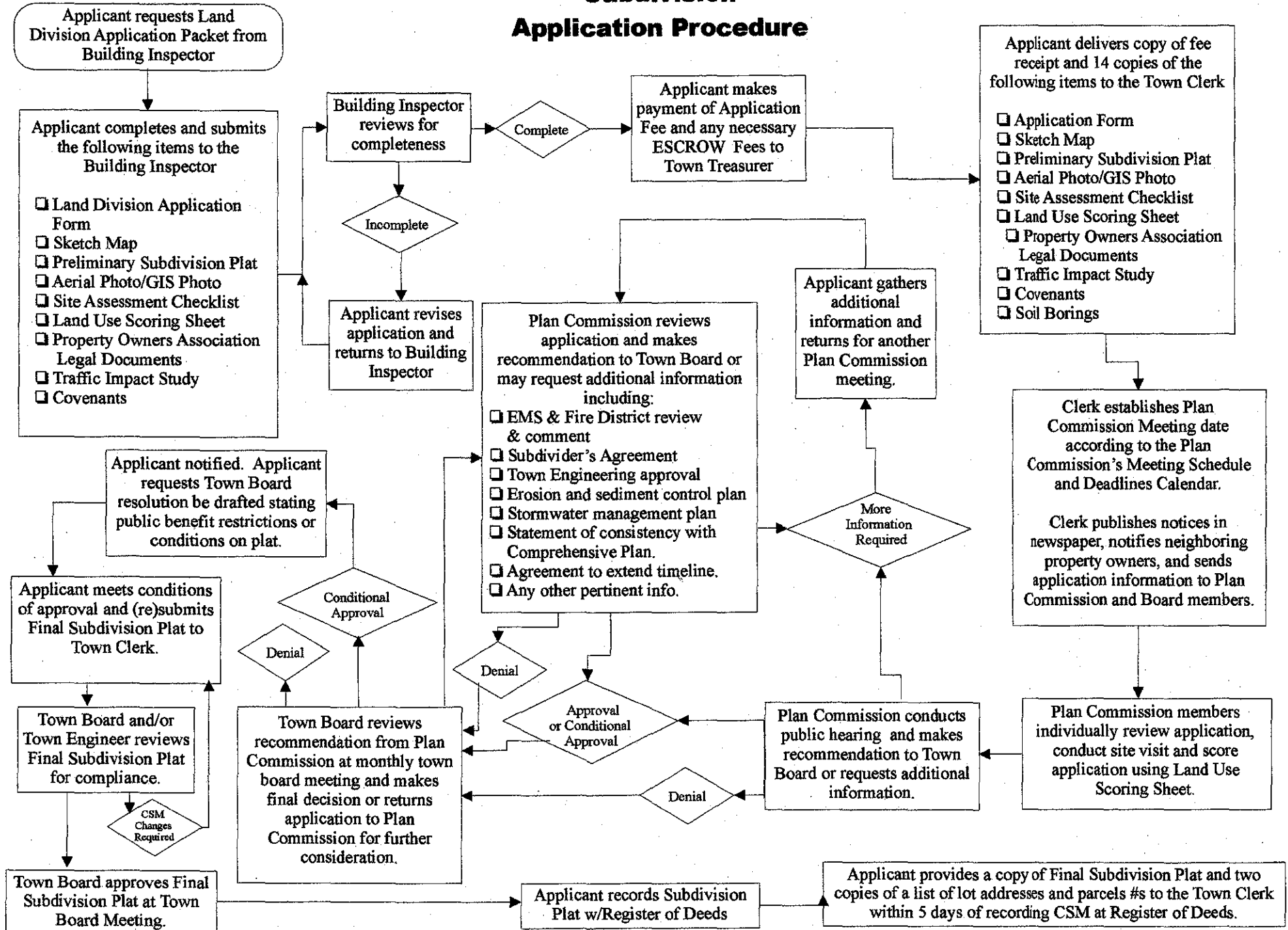
\* Multiple Plan Commission and Town Board Meetings may be required.



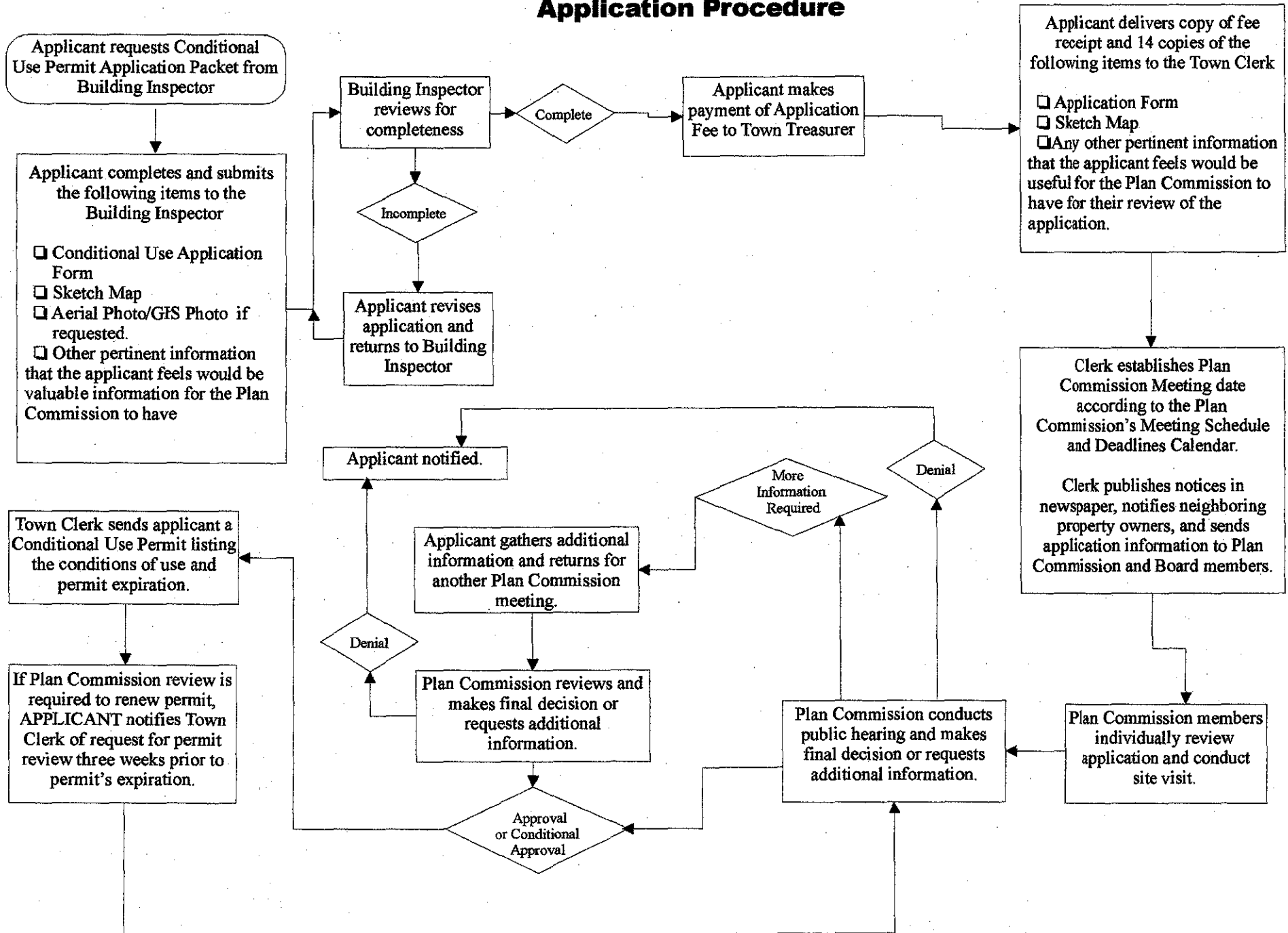
# Minor Land Division Application Procedure



# Subdivision Application Procedure

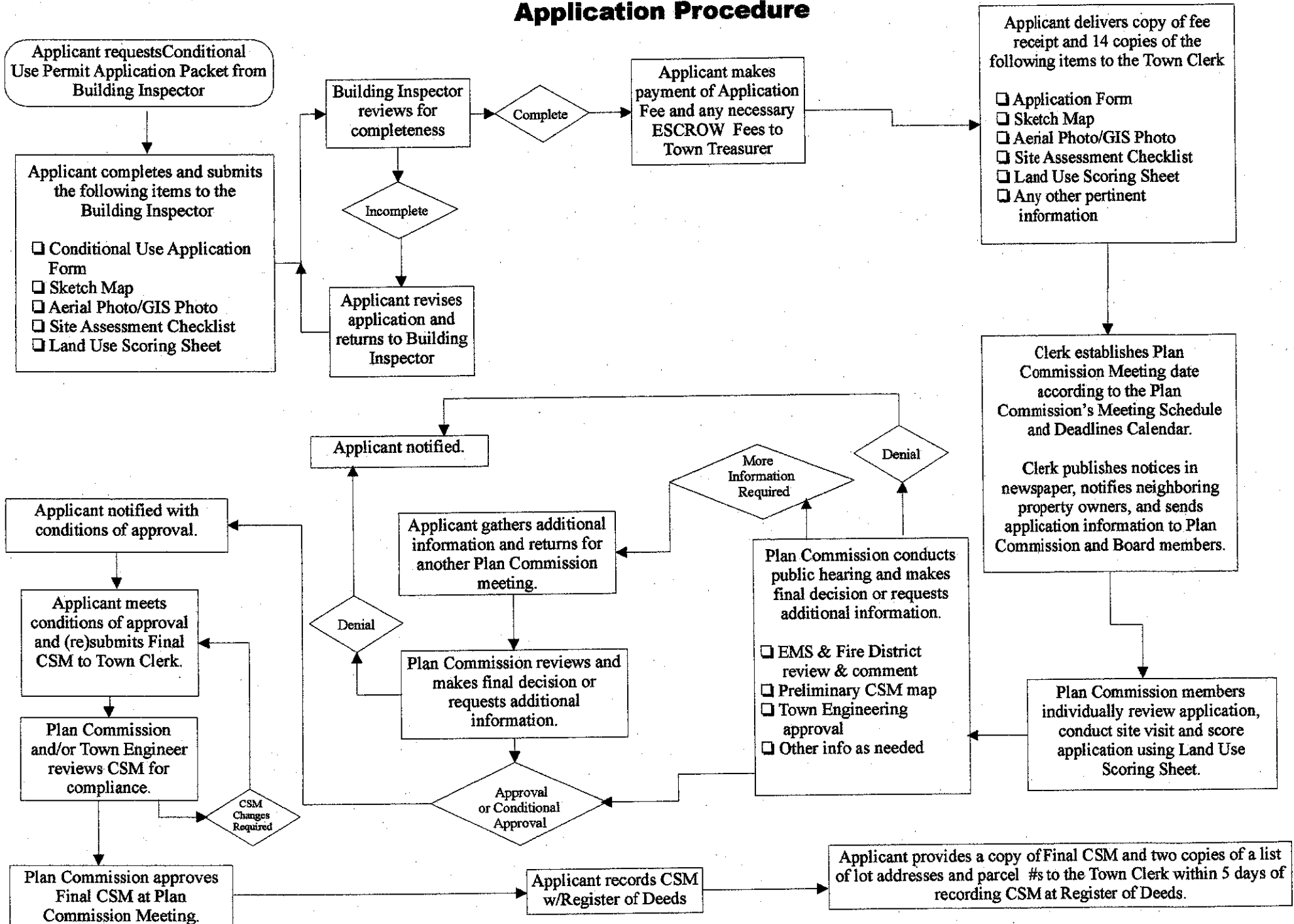


# Conditional Use Permit Application Procedure



# Conditional Use Permit Land Division for A1, A2 and A3 Parcels

## Application Procedure



**RESOLUTION 2006-06**  
**ADOPTION OF PERMIT & APPLICATION FEES & PER DIEM**  
**(Amended June 3, 2010, August 2, 2012, December 7, 2017, May 13, 2021)**

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**State of Wisconsin, Town of Union, Rock County**

**Whereas**, the Town of Union has adopted a Zoning Ordinance and a Land Division Ordinance; and

**Whereas**, the Town Board believes the greater public should not have to carry the burden of payment for services provided by Town committees and Town staff with regard to individual land owner requests to alter or develop their parcels of land, erect or modify structures and/or issue licenses for various activities; and

**Whereas**, the Town Board routinely needs to adjust fees upwards as a result of increased costs associated with providing services; and

**Whereas**, the Town Board has reviewed and considered fair and adequate fees for providing such services; and

**Whereas**, the Town Board is concerned with fair and adequate compensation for services provided by the Building Inspector and Town Clerk and other employees; and

**Whereas**, the Town Board is committed to adequately compensating committee members for services provided to the community;

**Therefore**, the Town Board of the Town of Union, Rock County, Wisconsin, by this resolution, adopted on proper notice with a quorum and by roll call vote by a majority of the Town Board present and voting resolves and orders the following fees, effective immediately as follows:

Conditional Use Permit (Non Land Division)	Application Fee	Building Inspector Compensation	Clerk Compensation
Preliminary Application	\$500+ actual costs incurred by Town of Union for attorney fees and engineering fees and all other costs associated with the application review and approval process.	\$80	\$40
Application Review/Renewal	0	0	0

Conditional Use Permit (Land Division A1, A2, or A3)	Application Fee	Building Inspector Compensation	Clerk Compensation
Application	\$750+ actual costs incurred by Town of Union for attorney fees, engineering fees and all other costs associated with the application review and approval process.	\$80	\$60

<b>Minor Land Division</b>	<b>Application Fee</b>	<b>Building Inspector Compensation</b>	<b>Clerk Compensation</b>
1 parcel into 2 parcels application	\$750+ actual costs incurred by Town of Union for attorney fees, engineering fees and all other costs associated with the application review and approval process.	\$80	\$80
1 parcel into 3-4 parcels application	\$1,000 + actual costs incurred by Town of Union for attorney fees, engineering fees and all other costs associated with the application review and approval process. A minimum escrow deposit of \$2,000 required.	\$80	\$100

<b>Subdivision</b>	<b>Application Fee</b>	<b>Building Inspector Compensation</b>	<b>Clerk Compensation</b>
Land Division into 5 or more parcels application	\$1,000 + actual costs incurred by Town of Union for attorney fees, engineering fees, soil boring fees, Plan Commission fees and all other costs associated with the application review and approval process. A minimum escrow deposit of \$4,000 required.	\$80	\$150

<b>Zoning Change</b>	<b>Application Fee</b>	<b>Building Inspector Compensation</b>	<b>Clerk Compensation</b>
Zoning Change Application *Fee waived if zoning change requested in conjunction with land division.	\$750 + actual costs incurred by Town of Union for attorney fees and all other costs associated with the application review and approval process.	\$80	\$80

<b>Variance</b>	<b>Application Fee</b>	<b>Building Inspector Compensation</b>	<b>Clerk Compensation</b>
Variance Applications heard by Board of Adjustment	\$400 + actual costs incurred by Town of Union for attorney fees and all other costs associated with the application review and approval process.	\$80	\$40

<b>Conditional Use Permit – Telecommunications Tower</b>	<b>Application Fee</b>	<b>Building Inspector Compensation</b>	<b>Clerk Compensation</b>
Application	\$3,000. Fees will be escrowed and use to cover all costs associated with the application review and approval process. Includes up to 5 inspections by Building Inspector; additional inspections billed individually at current rate.	\$300	\$150

<b>Appeals</b>	<b>Application Fee</b>	<b>Building Inspector Compensation</b>	<b>Clerk Compensation</b>
Request for Board of Adjustment Meeting	\$400.00 + actual costs incurred by Town of Union for attorney fees and all other costs associated with appeal review and hearings. A minimum escrow amount of \$2,000 is required.	\$80	\$20/hr

<b>Property Inspections as Required by the Town Board to Determine or Verify Existing and Corrected Ordinance Violations</b>	<b>Cost to Property Owner</b>	<b>Building Inspector Compensation</b>
Per inspection	\$60	\$55

<b>Driveway/Highway Access Permit Fees</b>	<b>Permit Fee*</b>	<b>Building Inspector Compensation</b>	<b>Inspections included</b>
Driveway Permit (under 800 feet)	\$400	\$110	2
Driveway Permit (800 + feet)	\$500	\$165	3
Field Drive Permit	\$150	\$55	2
Replacement of Existing Driveway or Field Drive	\$150	\$55	2
Highway Access Permit (for Town Roads only)	\$60	--	--
Refundable Performance Bond (required for all driveways, refunded upon final driveway approval)	\$1,000	--	--

\*Additional fees may be required for actual costs incurred by the Town of Union in the review and approval process of the application. These costs must be paid in full by the applicant and services will require a minimum escrow deposit of \$1,000. Possible costs include analysis and review required by the town engineer to conduct a Soil/Slope analysis, and/or review the engineering construction plans/Highway Access plans. Actual town attorney expenses will also be charged for their review of all shared driveway agreements.

<b>Building Permit Fee</b>	<b>Permit Fee</b>	<b>Building Inspector Compensation</b>	<b>Inspections included</b>
New Residential Home <3,500 sq. ft	\$750 + \$130 administration fee	\$550	12
New Residential home >= 3,500 sq. ft.	\$.22/square foot + \$130 administration fee	\$.16/square foot	12
Residential decks	\$120	\$110	3
Basement remodeling	\$180	\$170	3
Residential Additions or Remodeling <1,000 sq. ft	\$230	\$220	5
Residential Additions or Remodeling >=1,000 sq. ft.	\$375	\$330	5
Agricultural Buildings <10,000 sq. ft.	\$175	\$165	4
Agricultural Buildings >=10,000 and < 20,000 sq. ft.	\$285	\$265	6
Agricultural Buildings >=20,000 sq. ft.	\$500	\$440	9
Commercial/Industrial Buildings/Structures - New construction, additions, remodeling of existing buildings/structures	\$5/\$1,000 construction cost. Minimum fee \$120	\$4/\$1,000 construction cost. Minimum fee \$110	3
Miscellaneous inspection fees for any and all permits not specified above e.g., small repairs, electric services, small sheds, etc.	\$60/inspection	\$55/inspection	

<b>Sign Permit Fees</b>	<b>Permit Fee</b>	<b>Building Inspector Compensation</b>
On premise Sign <200 sq. ft.	\$120	\$110
On-premise Sign 200+ sq. ft.	\$500	\$110
Off premise Sign	\$500	\$110

<b>Parks &amp; Trails Ordinance Permit Fees</b>	<b>Permit Fee</b>
Park Event Fee	\$125 (\$100 refund)
Park Vending Fee	\$100

<b>Cigarette License Fees (licenses expire annually on June 30<sup>th</sup>)</b>	<b>Permit Fee</b>	<b>\$10</b>



<b>Alcohol Beverage Licensing (licenses expire annually on June 30<sup>th</sup>)</b>	<b>Permit Fee</b>
Retail "Class A" Intoxicating Liquor License	\$500 prorated per month for less than one year
Retail "Class B" Intoxicating Liquor License	\$500 prorated per month for less than one year
Class "A" Fermented Malt Beverage Retailer's License	\$100 prorated per month for less than one year
Class "B" Fermented Malt Beverage Retailer's License	\$100 prorated per month for less than one year
Temporary Class "B" Fermented Malt Beverage License	\$15
Temporary "Class B" Wine License	no fee if obtained in conjunction with a Temporary Fermented Malt Beverage License
Retail "Class C" License ("Class C" Wine License)	\$100 prorated per month for less than one year
Reserve "Class B" License	\$10,000.00
Operator's License	\$25.00/person/year
Provisional Operator's License (license expires 60 days after date of issuance or upon issuance of an operator's license)	\$15.00/person

<b>Temporary Use Permit</b>	<b>Permit Fee</b>	<b>Building Inspector Compensation</b>	<b>Clerk Compensation</b>	<b>Other Compensation</b>
To be determined by Board				

<b>Per Diem</b>	<b>Per Meeting or Board Approved Training Session</b>	<b>Mileage Reimbursement Rate for all travel outside the Town of Union *Documentation required.</b>
Plan Commission Members	\$35	Current IRS Rate
Board of Adjustment Members	\$25	Current IRS Rate
Board of Review Members	\$25	Current IRS Rate

<b>Per Diem</b>	<b>Per Meeting Beyond Regular Monthly Meeting, or Board Approved Training Session</b>	<b>Mileage Reimbursement Rate for all travel outside the Town of Union *Documentation required.</b>
Board Members	\$25	Current IRS Rate

Per Diem	Per Meeting Beyond Regular Monthly Meeting, or Board Approved Training Session	Mileage Reimbursement Rate for all travel <u>outside the Town of Union</u> *Documentation required.
Board Members	\$25	Current IRS Rate

**This resolution was passed by majority vote at the meeting of the Town Board of the Town of Union on October 5, 2006 and recorded in the minutes thereof.**

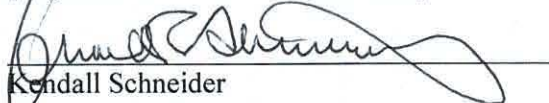
**This resolution was amended by majority vote at the meeting of the Town Board of the Town of Union on June 3, 2010 and recorded in the minutes thereof.**

**This resolution was amended by majority vote at the meeting of the Town Board of the Town of Union on August 2, 2012 and recorded in the minutes thereof.**

**This resolution was amended by majority vote at the meeting of the Town Board of the Town of Union on December 7, 2017 and recorded in the minutes thereof.**

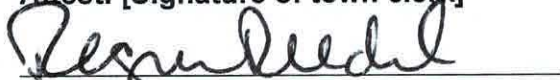
**This resolution was amended by majority vote at the meeting of the Town Board of the Town of Union on May 13, 2021 and recorded in the minutes thereof.**

**[Signature of Town Chairman]**

  
Kendall Schneider  
Town Board Chairman

5/13/21  
Date

**Attest: [Signature of town clerk]**

  
Regina Riedel  
Town Board Clerk

13 MAY 21  
Date

**RESOLUTION 2006-07**

**ADOPTION OF LAND USE SCORING SHEETS AND SITE <sup>ASSESSMENT</sup> ANALYSIS CHECKLIST**

**State of Wisconsin, Town of Union, Rock County**

**Whereas**, the Town of Union is adopting a new Zoning Ordinance and a new Land Division Ordinance; and

**Whereas**, the Town Board believes it is helpful to gather information regarding the application and how the proposed land division or rezone fits with the Town of Union Comprehensive Plan; and

**Whereas**, the completed Site Assessment Checklist and Land Use Scoring Form will help provide useful information for determining the suitability of the land for subdivision, land division or zoning change, and for evaluating whether the project meets other requirements of the Town's ordinances and Comprehensive Plan; and

**Whereas**, the Land Use Scoring Forms will provide a numerical value upon which to help measure the appropriateness of the application to the intent of the Town of Union's Comprehensive Plan; and

**Whereas**, the Town of Union Smart Growth Committee was involved in the development of such forms as part of developing the Comprehensive Plan; and

**Whereas**, the Town of Union Plan Commission has formally gone on record recommending the use of these forms;

**Thereby**, the Town Board of the Town of Union, Rock County, Wisconsin, by this resolution, adopted on proper notice with a quorum and by roll call vote by a majority of the town board present and voting resolves the inclusion of the following forms in the Application process for all applications for land divisions and zoning changes including Conditional Use Permits for land division in the A1, A2, and A3 zoning districts.

Item Adopted

Land Use Scoring Sheet (4 Lots or Less-Minor Land Division)

Land Use Scoring Sheet for 5+ Homes

Site Assessment Checklist

Version

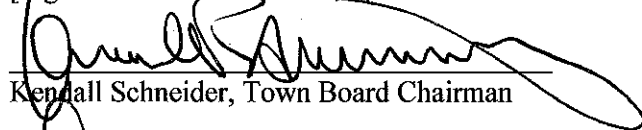
August 31, 2006

August 10, 2006

August 2, 2006

This resolution was passed by majority vote at the meeting of the Town Board of the Town of Union on October 5, 2006 and recorded in the minutes thereof.

[Signature of Town Chairman]

  
Kendall Schneider, Town Board Chairman

10/5/06

Date

Attest: [Signature of town clerk]

  
Linda O'Leary, Town Clerk

10/5/06

Date

Adoption of Land Use Scoring Sheets and Site Analysis Checklist

# Land Use Scoring Sheet

## (4 Lots or Less-Minor Land Division)

**Town of Union**  
**Rock County, Wisconsin**

Point Value (Circle one per item)	<b>SCORING CRITERIA</b>
	<b>I. AGRICULTURAL</b> It is the intent of the smart growth planning process to preserve agricultural lands and the rural character of life in the township.
	<b>A. Soils (See Map #12: Soils Capability in the Comprehensive Plan)</b> <i>In an effort to preserve our prime and productive farmland the best soils are being reserved for agricultural uses.</i>
<b>0</b>	1. 50% or more Type I, and/or Type II soils
<b>5</b>	2. 50% or more Type II and/or Type III soils
<b>10</b>	3. 50% or more Type III and/or Type IV soils
<b>15</b>	4. 50% or more Type IV and/or V soils
	<b>B. Proximity to active farm operations (if property is bordered by a road, operations on the opposite side of the road will be considered as part of the perimeter).</b>
<b>0</b>	1. 80 to 100% of perimeter surrounded by farmland
<b>5</b>	2. 60 to 79% of perimeter surrounded by farmland
<b>10</b>	3. 40 to 59% of perimeter surrounded by farmland
<b>15</b>	4. 20 to 39% of perimeter surrounded by farmland
<b>20</b>	5. Less than 20% of perimeter surrounded by farmland
	<b>C. Proximity to farm buildings. "Farm buildings" means barns, sheds, and silos that have not been legally converted to any other use through zoning variances or permits. Buildings that may currently stand empty, may one day be reconstituted for agricultural use. Distances are measured from the nearest farm building to the nearest lot line of the proposed land division.</b>
<b>0</b>	1. Within 250 ft of existing farm buildings.
<b>5</b>	2. From 250- 500 ft from existing farm buildings.
<b>10</b>	3. From 500-1000 ft. from existing farm buildings
<b>15</b>	4. Greater than 1000' from existing farm buildings.
	<b>D. Number of acres of agricultural land that will be taken out of production. In the continuing effort to preserve farmland we encourage the placement of housing near roads and fences to minimize the impact on agricultural lands.</b>
<b>0</b>	1. greater than 8 acres (348,480 square feet)
<b>5</b>	2. less than 8 acres
<b>10</b>	3. less than 6 acres
<b>15</b>	4. less than 4 acres
<b>20</b>	5. less than 2 acres
	<b>AGRICULTURAL SUBTOTAL</b>

Point Value  
(Circle one  
per item)

## SCORING CRITERIA

	<b>II. LOCATION</b> Residential housing development is most efficiently provided by a city or village with municipal sewer and water. Proposed residential development in close proximity to a city or village is best developed by that city or village rather than by the township.
	<b>A. Property as defined by most current Future Land Use Map</b>
0	1. In an area that has been designated as an Agricultural Preservation Area, Environmentally-significant area, Conservation Area or mapped for annexation by a city or village?
20	2. In an area that has not been development restricted nor encouraged
40	3. Shown on the comprehensive map as a "smart growth" area?
	<b>B. Current Zoning</b>
0	1. An A-1 Zoning designation without ever having had a house or farm buildings on the site?
10	2. An A-2 Zoning designation?
20	3. An A-3 Zoning designation?
30	4. An RR-1 Zoning designation or A-1, A-2, or A-3 with a history of residential dwellings?
	<b>LOCATION SUBTOTAL</b>
	<b>III. HISTORIC, SCENIC AND ENVIRONMENTAL QUALITIES:</b>
	<b>A. Significant natural features</b>
0	1. Registered with or recognized by a public agency, conservation organization, or other qualified organization.
10	2. On a wooded site more than 50%
20	3. On a partially wooded site (less than 50%)
30	4. No significant features
	<b>B. Significant Historical Considerations</b>
0	1. Registered with a federal, state or local historical agency or organization.
5	2. Eligible for registry with a federal, state or local historical agency or organization
10	3. Other significant historical features, other than archaeological
20	4. No significant historical features
	<b>C. Scenic value</b>
0	1. Recognized by a public agency for its scenic value
10	2. Property visible from a main highway, county road or major lake or stream
25	3. Scenic value not an issue
	<b>HISTORIC, SCENIC &amp; ENVIRONMENTAL QUALITIES SUBTOTAL</b>
	<b>IV. LAND USE</b>
	<b>A. Lot size</b>
0	1. Lot is more than 3 acres
5	2. Lot is 2-3 acres
10	3. Lot is 1-2 acres
	<b>B. Shape of lot</b>
0	1. Depth/width ratio over 3:1
5	2. Depth/width ratio up to 3:1
10	3. Depth/width ratio up to 2:1

Project Name: \_\_\_\_\_

Date \_\_\_\_\_

Point Value  
(Circle one  
per item)

## SCORING CRITERIA

	C. Length of driveway (measured from the edge of the road along the centerline of the driveway to the front of the garage)
0	1. Over 300 feet
5	2. 150-300 feet
10	3. 150 feet or less
	<b>LAND USE SUBTOTAL</b>

## LAND USE SCORING POINT TOTAL

<b>Subtotal Agricultural</b>	
<b>Subtotal Location</b>	
<b>Subtotal Historical, Scenic &amp; Environmental</b>	
<b>Subtotal Land Use</b>	
<b>GRAND TOTAL (Possible 245 points)</b>	

\_\_\_\_\_  
Scorer Name (please print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Project Name: \_\_\_\_\_

Date \_\_\_\_\_

# Land Use Scoring Sheet (5 Homes or More)

Town of Union  
Rock County, Wisconsin

Point Value (Circle one per item)	<b>SCORING CRITERIA</b>
	<b>I. AGRICULTURAL</b> It is the intent of the Smart Growth planning process to preserve agricultural lands and the rural character of life in the township.
	<b>A. Soils (See Map #12: Soils Capability in the Comprehensive Plan)</b> <i>In an effort to preserve our prime and productive farmland the best soils are being reserved for agricultural uses.</i>
<b>0</b>	1. 50% or more Type I, and/or Type II soils
<b>20</b>	2. 50% or more Type II and/or Type III soils
<b>30</b>	3. 50% or more Type III and/or Type IV soils
<b>40</b>	4. 50% or more Type IV and/or V soils
	<b>B. Proximity to active farm operations (if property is bordered by a road, operations on the opposite side of the road will be considered as part of the perimeter.)</b>
<b>0</b>	1. 80 to 100% of perimeter surrounded by farmland
<b>10</b>	2. 60 to 79% of perimeter surrounded by farmland
<b>20</b>	3. 40 to 59% of perimeter surrounded by farmland
<b>30</b>	4. 20 to 39% of perimeter surrounded by farmland
<b>40</b>	5. Less than 20% of perimeter surrounded by farmland
	<b>C. Proximity to farm buildings: "Farm buildings" means barns, sheds, and silos that have not been legally converted to any other use through zoning variances or permits. Buildings that may currently stand empty, may one day be reconstituted for agricultural use. Distances are measured from the nearest farm building to the nearest lot line of the proposed land division.</b>
<b>0</b>	1. Within 250 ft of existing farm buildings.
<b>10</b>	2. From 250- 500 ft from existing farm buildings.
<b>20</b>	3. From 500-1000 ft. from existing farm buildings.
<b>30</b>	4. Greater than 1000' from existing farm buildings.
	<b>D. Percentage of the subdivision being placed into conservation easement (10% minimum). Does NOT include required park space.</b>
<b>0</b>	1. 10%
<b>5</b>	2. 15%
<b>10</b>	3. 20%
<b>20</b>	4. 25%
<b>30</b>	5. Greater than 25%
	<b>AGRICULTURAL SUBTOTAL</b>

Project Name: \_\_\_\_\_

Date \_\_\_\_\_

	<b>II. LOCATION &amp; SIZE</b> Residential housing development is most efficiently provided by a city or village with municipal sewer and water. Proposed residential development in close proximity to a city or village is best developed by that city or village rather than by the township.
	A. Proximity to a City or Village that is in a position to annex the property, and has exercised their "right of first refusal" in writing.
0	1. In an area that has been designated as an Agricultural Preservation Area, Environmentally-significant area, Conservation Area or mapped for annexation by a city or village?
20	2. In an area that has not been development restricted nor encouraged
40	3. Shown on the comprehensive map as a "smart growth" area?
	B. Proximity to existing Union township, city or village development (i.e., minor/major subdivisions or existing city or village development)
0	1. More than 1 mile from any existing residential development?
5	2. 1/2 to 1 mile from nearest existing residential development?
10	3. 1/4 to 1/2 mile from nearest existing residential development?
20	4. Less than 1/4 mile from nearest existing residential development?
30	5. Touching an existing residential development?
	C. Lot size
0	1. Lot is more than 3 acres
5	2. Lot is 2-3 acres
10	3. Lot is 1-2 acres
	<b>LOCATION SUBTOTAL</b>
	<b>III. HISTORIC, SCENIC AND ENVIRONMENTAL QUALITIES:</b>
	A. Significant natural features
0	1. Registered with or recognized by a public agency, conservation organization, or other qualified organization.
10	2. On a wooded site more than 50%
20	3. On a partially wooded site (less than 50%)
30	4. No significant features
	B. Significant historical considerations
0	1. Registered with a federal, state or local historical agency or organization.
5	2. Eligible for registry with a federal, state or local historical agency or organization
10	3. Other significant historical features, other than archaeological
20	4. No significant historical features
	C. Scenic value
0	1. Recognized by a public agency for its scenic value
25	2. Scenic value not an issue
	<b>HISTORIC, SCENIC &amp; ENVIRONMENTAL QUALITIES SUBTOTAL</b>

Project Name: \_\_\_\_\_

Date \_\_\_\_\_



## LAND USE SCORING POINT TOTAL

<b>Subtotal Agricultural</b>	
<b>Subtotal Location &amp; Size</b>	
<b>Subtotal Historical, Scenic &amp; Environmental</b>	
<b>GRAND TOTAL (Possible 295 points)</b>	

\_\_\_\_\_  
Scorer Name (please print)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Project Name:

\_\_\_\_\_  
Date

# Site Assessment Checklist

## Town of Union Rock County, Wisconsin

Item of information	Yes	No
<b>I. Land resources. Does the proposed development include or is it adjacent to:</b>		
A. Slopes of 12% or greater		
B. Slopes of 20% or greater		
C. A floodplain as Designated by FEMA?		
D. Ground water within 5 ft. of surface (see county soil survey or complete on-site borings)		
E. Soils having severe or very severe limitations for private on site waste treatment (septic) systems?		
F. Mineral rights owned by someone aside from the lot owner?		
G. A mineral extraction operation or asphalt batch plant, whether approved, in operation or both?		
H. Type I or type II agricultural soils? (see comprehensive plan map #12 or County soil survey)		
I. Development adjacent to an existing farm operation? (If "yes" setbacks, buffer-yards and/or covenants may be required over the new dwelling)		
J. Is development within 1-1/2 mile of any city, or village?		
****If touching, has the city or village been approached to annex the property?		
K. Wetlands? (see WisDNR Wisconsin Wetland Inventory or based on on-site survey)		
L. Exposed hill or ridge-tops		
M. Open space/ environmental corridors or "Conservancy district" (see map#16, of the comprehensive plan)		
N. A grassland / prairie management area or a prairie or oak savanna remnant?		
O. Existing or planned paths (see comprehensive plan map #3, Rock County Park and open space plan)		
P. Existing trails for motorized vehicles, such as snowmobile routes? (see County park plan, club or commercial trail maps)		
<b>II. Water Resources. Does the proposed development site include or is it adjacent to:</b>		
A. An area traversed by a navigable creek or stream, intermittent stream or dry run?		
B. Within 300 Feet of a river or stream or within 1000 ft. of lake pond or flowage?		
C. The Marsh Creek Watershed? (see DNR data base at <a href="http://www.dnr.wi.gov">www.dnr.wi.gov</a> or Comprehensive plan map # 15)		
D. The Allen Creek Watershed?		
E. The Yahara River Watershed?		
F. An existing storm water storage or transmittal system, either natural or human made?		
G. An area with "extreme" or "high" susceptibility of shallow aquifers to groundwater contamination? (see Wisconsin geological and natural history survey or rock county)		
H. An area with high groundwater recharge rates (rating of 9 or higher ) in the report " Hydrology of Rock county, 1999, Wisconsin geological and natural history survey)		
I. Use of a private group waste treatment system, holding tanks, or other non traditional means of sanitary waste treatment and disposal		
J. A High capacity well? (withdrawal capability of more than 100,000 gallons per day)		

Item of information	Yes	No
K. Within a wellhead protection area for municipal well?		
L. Within 1200 ft. of any open or closed landfill site? (see comprehensive map # and WisDNR landfill database)		
<b>III. Biological Resources. Does the development site include or is it adjacent to:</b>		
A. A section of land that the Wis DNR Wisconsin Natural Heritage Inventory identifies as containing endangered or rare plant or animal species?		
B. Trees with a diameter of 12 or more inches at 5 ft. from ground		
C. Areas with a continuous woodland canopy of 5 acres or greater?		
<b>IV. Human and scientific Interest. Does the project site include or is it adjacent to:</b>		
A. An archeological site, such as a Native American Site? (see State Historical Society Archeological site inventory database, or through a site inventory if performed)		
B. A historic site or building, including those listed or eligible for listing on the state or national register of historic places? (see State Historical Society American Heritage Inventory or Map #17 of comprehensive plan		
C. An area or structures that reflects the agricultural heritage of the Township, such as stone rows fence lines tree lines or agricultural buildings such as farmsteads, barns, and silos?		
<b>V. Energy, Transportation and Communications. Is the building site:</b>		
A. Abutting or traversed by an existing or planned roadway corridor, as shown on the town, county, or adjacent city comprehensive plan: an official map: or a state, county, adjacent city, or town highway plan?		
B. Within a highway noise impacted area (within 500 ft. of a state or federal highway)		
C. Traversed by or abutting an existing or planned utility corridor or structure, including but not limited to gas, electrical, water, sewer, storm, and telecommunications? (Comp. Map #9		
D. Will the current transportation corridors handle the amount of traffic the development will generate at 9.5 trips per day per house. Please submit a preliminary traffic study.		

“Yes” answers must be explained in detail by attaching maps and supportive documentation on the type, location, and extent of the identified feature, and the impact that the subdivision, land division, or zoning change is expected to have on that feature.

The completed Site Assessment Checklist and the attached information and scoring system will be used by the Town of Union as a basis for determining the suitability of the land for subdivision, land division or zoning change, and for evaluating whether the project meets other requirements of the Town’s ordinances and Comprehensive Plan. Adjustments of the proposed land division to minimize or mitigate the impact of “yes” answers may be required.

**CERTIFICATION:**

I hereby certify that I have researched the listed reference sources and that the information supplied on and included with this Site Assessment Checklist is correct to the best of my knowledge.

\_\_\_\_\_  
Signature or developer, engineer, or surveyor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed name and registration/license number

**This Section for Plan Commission and Town Board Use Only**

<b>VI. Comprehensive Plan Goals: Does the proposed change?</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
A. Match the Future Land Use map?			
B. Preserve the rural character of the township while providing for orderly, balanced residential and commercial development?			
C. Maintain a safe, balanced and economically sound transportation system that meets the needs of Town residents, farmers and businesses?			
D. Facilitate and forecast planning needs for appropriate utilities and community facilities (including schools) to support the overall Comprehensive Plan?			
E. Protect the Town's open space and agricultural areas to maintain a rural character?			
F. Preserve and protect the Town's natural, scenic and historic resources for the enjoyment of current and future residents and visitors?			
G. Protect and preserve the Town's historical, archeological and cultural resources?			
H. Strengthen and diversify the economy of the area?			
I. Nurture and expand collaborative relationships with surrounding townships and municipalities and other applicable government entities?			
J. Preserve the rural character of the township while providing for orderly, balanced residential and commercial development?			

**Other Comments and Questions:**

**TOWN OF UNION PLAN COMMISSION  
RESOLUTION NO. 2008-01**

**RESOLUTION BY THE PLAN COMMISSION OF THE TOWN OF UNION  
CONDITIONALLY APPROVING  
THE PRELIMINARY PLAT OF BAKERS CROSSING ESTATES**

WHEREAS, a preliminary plat entitled "Preliminary Plat of Bakers Crossing Estates (the "Plat") was submitted by Robert Janes (the "Developer") to the Town of Union for review and action; and

WHEREAS, the Plat was referred to the Plan Commission for review and recommendation to the Town Board; and

WHEREAS, the Plan Commission has reviewed the Plat and met with Town Staff, legal counsel and with the Developer with respect to the proposed development; and

WHEREAS, the Plan Commission has determined that the Plat will be consistent with the Town of Union Ordinances, the Town Comprehensive Plan, and Wis. Stat. Ch. 236, only if all the conditions set forth below are met.

NOW, THEREFORE, the Plan Commission hereby recommends to the Town Board that the Preliminary Plat be approved subject to the following conditions:

1. The Town Engineer shall review and approve plans and specifications for all public improvements needed to serve the Plat.
2. All conditions in the Town Engineer's review letters dated January 25, 2008, and March 25, 2008, shall be satisfied.
3. A Development Agreement between the Town and the Developer, in a form acceptable to the Town Attorney and the Town Plan Commission, shall be executed pursuant to section 16.18(2) of the Town of Union Code of Ordinances, requiring the Developer to install and pay for required public improvements, including streets, street lighting, stormwater management facilities, and erosion controls, and dedicate parklands and provide funding for park improvements, all without cost to the Town, and to pay Town Engineer and Town attorney review fees. Fees for any and all reviews are to be paid to the Town prior to the Town's plat approval signature.
4. A letter of credit for required public improvements shall be submitted in amounts approved by the Town Engineer and in a form approved by the Town Attorney.

5. Final plats shall not be approved except in accordance with the following phasing plan:
  - a. Phase 1 – Eleven Lots in 2008 or later;
  - b. Phase 2 – Seven Lots in 2010 or later;
  - c. Phase 3 – Ten Lots in 2011 or later.
6. The Developer shall comply with all applicable Town, county, state and federal regulations, and obtain all required Town, county, state and federal permits with respect to the wells, erosion control, stormwater management, stormwater discharge, and construction of erosion and drainage control measures.
7. The Developer shall provide an erosion control and stormwater management plan specifying erosion control and stormwater management measures to be made in accordance with the Town's Erosion Control and Stormwater Management Ordinance and approved by the Town Engineer, and the Plat shall be modified as the Town Engineer determines necessary for consistency with the stormwater management plan.
8. All wetland areas shall be delineated on the Plat.
9. All easements for utilities shall be shown on the Plat.
10. The requirements of section 16.11(1)(H) of the Town of Union Code of Ordinances, relating to ownership and management of common open space and common facilities, shall be satisfied.

The above Resolution was duly adopted by the Plan Commission of the Town of Union, Rock County, Wisconsin at a meeting held on April 24, 2008.

APPROVED:

By   
Alvin Francis, Plan Commission Chair

**TOWN OF UNION TOWN BOARD  
RESOLUTION NO. 2008-02**

**RESOLUTION BY THE TOWN BOARD OF THE TOWN OF UNION  
CONDITIONALLY APPROVING  
THE PRELIMINARY PLAT OF BAKERS CROSSING ESTATES**

WHEREAS, a preliminary plat entitled "Preliminary Plat of Bakers Crossing Estates (the "Plat") was submitted by Robert Janes (the "Developer") to the Town of Union for review and action; and

WHEREAS, the Plat was referred to the Plan Commission for review and recommendation to the Town Board; and

WHEREAS, the Plan Commission has reviewed the Plat and met with Town Staff, legal counsel and with the Developer with respect to the proposed development; and

WHEREAS, the Plan Commission has determined that the Plat will be consistent with the Town of Union Ordinances, the Town Comprehensive Plan, and Wis. Stat. Ch. 236, only if all the conditions set forth below are met;

WHEREAS, the Town Board concurs with the Plan Commission's determinations and recommendations;

NOW, THEREFORE, the Town Board Commission hereby approves the Preliminary Plat subject to the following conditions:

1. The Town Engineer shall review and approve plans and specifications for all public improvements needed to serve the Plat.
2. All conditions in the Town Engineer's review letters dated January 25, 2008, and March 25, 2008, shall be satisfied.
3. A Development Agreement between the Town and the Developer, in a form acceptable to the Town Attorney and the Town Plan Commission, shall be executed pursuant to section 16.18(2) of the Town of Union Code of Ordinances, requiring the Developer to install and pay for required public improvements, including streets, street lighting, stormwater management facilities, and erosion controls, and dedicate parklands and provide funding for park improvements, all without cost to the Town, and to pay Town

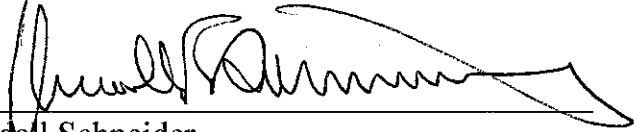
Engineer and Town attorney review fees. Fees for any and all reviews are to be paid to the Town prior to the Town's plat approval signature.

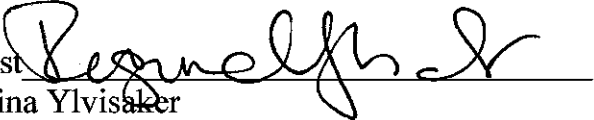
4. A letter of credit for required public improvements shall be submitted in amounts approved by the Town Engineer and in a form approved by the Town Attorney.
5. Final plats shall not be approved except in accordance with the following phasing plan:
  - a. Phase 1 – Eleven Lots in 2008 or later;
  - b. Phase 2 – Seven Lots in 2010 or later;
  - c. Phase 3 – Ten Lots in 2011 or later.
6. ~~Outlot 2 shall be dedicated to the Town for future improvement of the intersection of Territorial Road and CTH M in the Final Plat for Phase 1.~~ **OR** Outlot 2 shall be reserved for future improvement of the intersection of Territorial Road and CTH M, and such reservation shall be noted and described on the Final Plat for Phase 1.
7. The Developer shall comply with all applicable Town, county, state and federal regulations, and obtain all required Town, county, state and federal permits with respect to the wells, erosion control, stormwater management, stormwater discharge, and construction of erosion and drainage control measures.
8. The Developer shall provide an erosion control and stormwater management plan specifying erosion control and stormwater management measures to be made in accordance with the Town's Erosion Control and Stormwater Management Ordinance and approved by the Town Engineer, and the Plat shall be modified as the Town Engineer determines necessary for consistency with the stormwater management plan.
9. All wetland areas shall be delineated on the Plat.
10. All easements for utilities shall be shown on the Plat.
11. The requirements of section 16.11(1)(H) of the Town of Union Code of Ordinances, relating to ownership and management of common open space and common facilities, shall be satisfied.



The above Resolution was duly adopted by the Town Board of the Town of Union, Rock County, Wisconsin at a meeting held on May 1, 2008.

APPROVED:

By   
Kendall Schneider  
Town of Union Chairman

Attest   
Regina Ylvisaker  
Town of Union Clerk

**Resolution for Electors to Adopt the Town Tax Levy at Special Town Meeting of the Electors**

Whereas, Sec. 60.10 (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 electors has been called for this 13th day of November, 2008;

Whereas, the electors, after proper notice, have at a special town meeting vote authorized the Town of Union to exceed the maximum allowable state levy limit;

Now, therefore, the special town meeting of the Town of Union, Rock County, Wisconsin, by a majority vote of the eligible electors voting on this 13th day of November, 2008 duly assembled and voting resolves and orders as follows:

BE IT RESOLVED, the town electors of the Town of Union, Rock County, Wisconsin hereby adopt the town tax levy for 2008 to be collected in 2009 at \$246,519.65

The town clerk shall properly post or publish this resolution as required by law under Sec. 60.80 of Wis. Statutes within 30 days of the below noted adoption date.

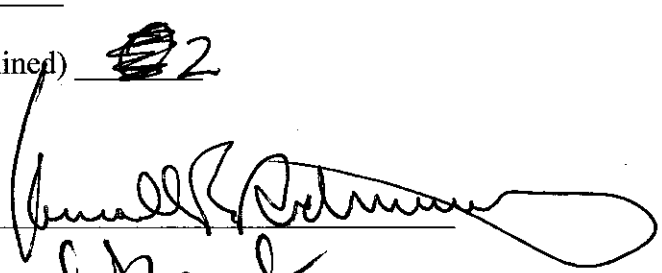
Adopted this 13<sup>th</sup> day of November, 2008 at a Special Town Meeting.

Number of town electors voting aye 10

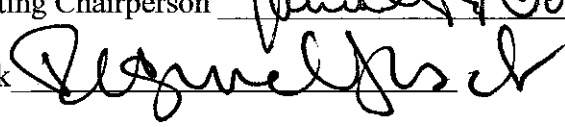
Number of town electors voting nay 0

Number abstaining or not voting (if determined) ~~0~~ 2

Signature of Town Meeting Chairperson



Signature of Town Clerk



## Resolution for Electors to Exceed the Levy Limits at Special Town Meeting of the Electors

Whereas, the State of Wisconsin has imposed levy limits under Sec. 66.0602 of the Wis. Statutes for the tax levies in 2007 and 2008;

Whereas, sec. 66.0602 (5) of Wis. Statutes allows the town electors in towns under 2,000 in population to exceed the maximum allowable levy limit by adoption of a resolution at a town meeting of the electors;

Whereas, the town board has adopted a resolution supporting an increase in the town tax levy which would exceed the maximum allowable state levy limit for the Town of Union;

Whereas, this Special Town Meeting of the electors has been called and noticed to consider the adoption of a resolution to endorse the town board's resolution to exceed the state levy limits; specifically by increasing the town tax levy for 2008 (collected in 2009) by 31.63% increase over the last year's levy;

Now, therefore, the special town meeting of the Town of Union, Rock County, Wisconsin, by a majority vote of the eligible electors voting on this 13th day of November, 2008 duly assembled and voting resolves and orders as follows:

BE IT RESOLVED, the town electors of the Town of Union, Rock County, Wisconsin endorse the town board resolution to increase the town tax levy for 2008 (collected in 2009) by 31.63% over the past year's levy, which is an increase of \$59,230.65 over the 2007 town tax levy for a total town tax levy of \$246,519.65 for 2008.

The town clerk shall properly post or publish this resolution as required by law under Sec. 60.80 of Wis. Statutes within 30 days of the below noted adoption date.

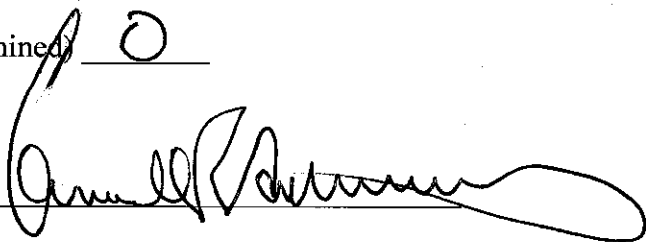
Adopted this 13<sup>th</sup> day of November, 2008 at a Special Town Meeting.

Number of town electors voting aye 10

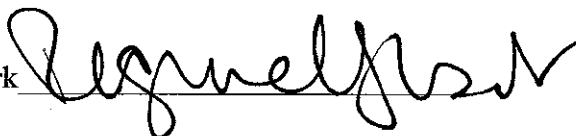
Number of town electors voting nay 2

Number abstaining or not voting (if determined) 0

Signature of Town Meeting Chairperson



Signature of Town Clerk



## Resolution of Town Board to Propose Exceeding Levy Limits

Whereas, the State of Wisconsin has adopted levy limits on town, village, city and county levies for 2007 and 2008 under Sec. 66.0602 of Wis. Statutes;

Whereas, Sec. 66.0602 of Wis. Statutes limits the local levy for 2008 to a percentage increase to no more than the greater of (a) 2% of the maximum allowable limit for the immediate preceding year or (b) a percentage equal to the percentage change in equalized value due to new construction less improvements removed; which for the Town of Union is 1.066 %;

Whereas, the Town Board of the Town of Union, Rock County believes that for the 2008 tax levy (collected in 2009) it is in the Town's interest to exceed the state levy limit as described above by a greater percentage than 2%.

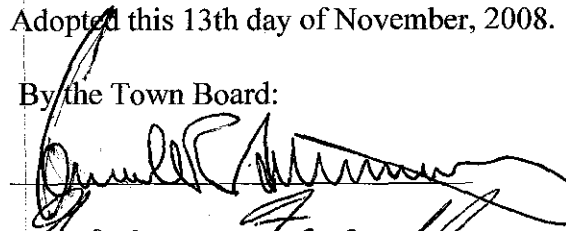
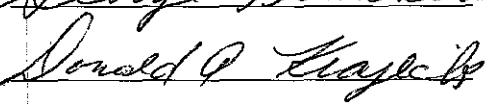
Whereas, the Town of Union levy was \$187,289 for 2007 (collected in 2008); And further whereas the state law would limit the increase to \$3,944 for a total allowable Town tax levy of \$191,233 for 2008, collected in 2009.

Now Therefore the Town Board of the Town of Union, Rock County does hereby resolve and order as follows:

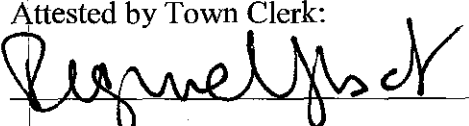
1. The Town Board supports an increase in the Town tax levy for 2008 (to be collected in 2009) that will exceed the state levy limit.
2. The Town Board directs that the question of increasing the Town tax levy for 2008 (to be collected in 2009) by 31.63%, which would increase the town levy by \$59,230.65 over the past year's levy, for a total town tax levy of \$246,519.65, shall be placed on the agenda for the special town meeting to be held on November 13, 2008.

Adopted this 13th day of November, 2008.

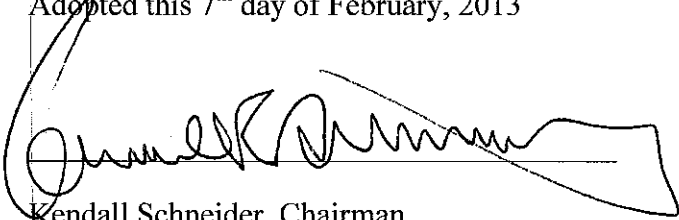
By the Town Board:

  
George Franklin  
  
Donald Q. Hayes

Attested by Town Clerk:

  
Reginald J. Schick

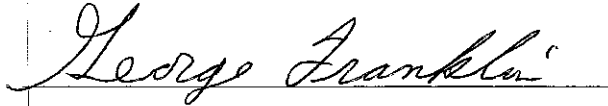
Adopted this 7<sup>th</sup> day of February, 2013



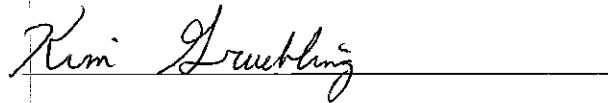
Kendall Schneider, Chairman

2/7/13

Date



George Franklin, Supervisor



Kim Gruebling, Supervisor

Attest:



Regina Ylvisaker, Clerk

Date Posted: 2.8.13

**TOWN OF UNION BOARD  
RESOLUTION NO. 2010-01**

**A RESOLUTION ADOPTING THE ROCK COUNTY  
NATURAL HAZARD MITIGATION PLAN**

WHEREAS, the Town of Union recognizes the threat that natural hazards pose to people and property; and

WHEREAS, undertaking hazard mitigation action before disasters occur will reduce the potential for harm to people and save taxpayer dollars; and

WHEREAS, an adopted Natural Hazard Mitigation Plan is required as a condition of future grant funding for mitigation projects; and

WHEREAS, Rock County initiated the 2010 update of the existing Natural Hazard Mitigation Plan; and

WHEREAS, the Town of Union participated jointly in the planning process with the other units of government within the County to prepare a Natural Hazard Mitigation Plan.

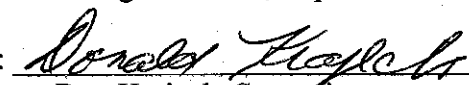
NOW, THEREFORE, BE IT RESOLVED, that the Rock County Natural Hazard Mitigation Plan is hereby adopted as the official plan of the Town of Union; and

BE IT FURTHER RESOLVED, that the Rock County Emergency Management Office will submit the adopted Rock County Natural Hazard Mitigation Plan to Wisconsin Emergency Management and Federal Emergency Management Agency officials for final review and approval.

Adopted this ~~13<sup>th</sup>~~ day of ~~April~~, 2010  
6<sup>TH</sup> MAY

By:   
Kendall Schneider, Chairman

By:   
George Franklin, Supervisor

By:   
Don Krajeck, Supervisor

ATTEST:

  
Regina Yovisaker, Clerk

**TOWN OF UNION  
RESOLUTION NO. 2009-01**

**RESOLUTION BY THE TOWN BOARD OF THE TOWN OF UNION  
OUTLINING A PUBLIC PARTICIPATION PLAN FOR AMENDING THE  
COMPREHENSIVE PLAN**

WHEREAS, the Town Board adopted a Comprehensive Plan on October 5, 2006;  
and

WHEREAS, the Implementation Element of the Comprehensive Plan calls for an  
initial review of the Plan within two years of its initial adoption; and

WHEREAS, the Plan Commission has begun its initial two year review of the  
Comprehensive Plan, and anticipates that it may recommend amendments to the Plan;  
and

WHEREAS, the Plan Commission has recommended that the Town Board  
approve a public participation plan relating to the possible amendment of the  
Comprehensive Plan. \_\_\_\_\_

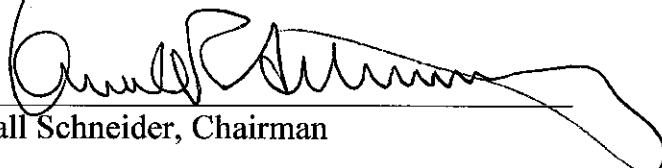
NOW, THEREFORE, the Town Board approves the following public participation  
plan:

1. The Town Clerk shall provide notice on the Town's website that the Plan Commission is reviewing and developing possible amendments to the Comprehensive Plan. This resolution approving a public participation plan shall also be posted on the Town's website.
2. The Plan commission shall review the Comprehensive Plan, and develop a summary of potential amendments for public review and comment.
3. The Town Clerk shall publish a Class 2 notice of a public hearing on the Amendment of the Comprehensive Plan. The notice shall include information about where the summary of possible amendments can be reviewed or obtained, and shall state that written comment may be submitted to the Town Board any time before the Town Board acts on any proposed amendment.
4. The Plan Commission shall conduct a public hearing on the possible amendment of the Comprehensive Plan.

5. Following the public hearing, the Plan Commission shall make recommendations to the Town Board regarding amending the Comprehensive Plan.
6. The Town Board shall hold a public hearing on any proposed amendment to the Comprehensive Plan. The hearing shall be preceded by publication of a Class 1 notice that is published at least 30 days before the hearing is held. The Class 1 notice shall contain all of the information required by Wis. Stat. §66.1001 (4) (d).

The above Resolution was duly adopted by the Town Board of the Town of Union, Rock County, Wisconsin this 8<sup>TH</sup> day of JANUARY, 2009.

APPROVED:

By   
Kendall Schneider, Chairman

Attest   
Regina Ylvisaker, Clerk



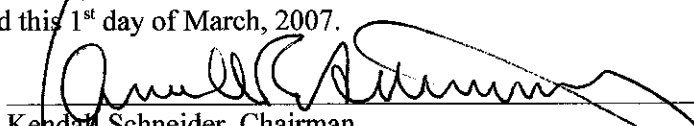
**TOWN OF UNION, ROCK COUNTY  
RESOLUTION 2007-01**

**WHEREAS**, The Town of Union, Rock County, WI hereby requests financial assistance under s.287.23, Wis. Stats., Chapters NR 542,544 and 549, Wis. Admin. Code, for the purpose of planning, constructing or operating a recycling program with one or more components specified in s. 287.11(2)(a) to (h), Wis. Stats.,

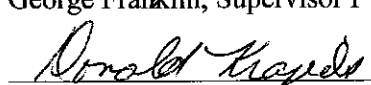
**THEREFORE, BE IT RESOLVED**, that the Town of Union, Rock County, WI **HEREBY AUTHORIZES** the Clerk of the Town of Union, Rock County, WI, an official or employee of the responsible unit, to act on its behalf to:

1. Submit an application to the Department of Natural Resources for financial assistance under s. 287.23, Wis. Stats., Chapters NR 542, 544 and 549, Wis. Admin. Code;
2. Sign necessary documents; and
3. Submit a final report.

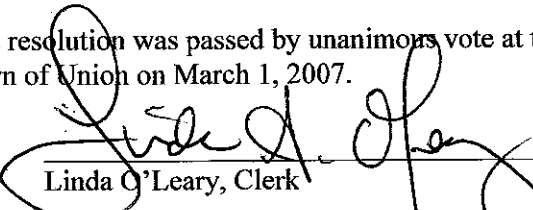
Adopted this 1<sup>st</sup> day of March, 2007.

  
Kendall Schneider, Chairman 3/1/07  
Date

  
George Franklin, Supervisor I 3-1-07  
Date

  
Donald Krajeck, Supervisor II 3/1/07  
Date

This resolution was passed by unanimous vote at the Monthly Board meeting of the Town Board of the Town of Union on March 1, 2007.

  
Linda O'Leary, Clerk 3/1/07  
Date

**Resolution 2006-04**  
**Establishment of Reserve Class B Liquor License**

**WHEREAS:** The Town Board of the Town of Union, Rock County, Wisconsin, has reviewed Wisconsin State Statute §125.51(3)2. And 125.51(4) allowing the creation of a Reserve "Class B" License, and

**WHEREAS:** The Town of Union population as of December 1, 1997 was 1704; and

**WHEREAS:** The Town of Union had three Class B Liquor Licenses issued as of December 1, 1997.

**THEREFORE BE IT RESOLVED** that the Town Board of the Town of Union hereby creates a Reserve "Class B" License available to applicants for such license in the Town of Union. Such license shall be subject to the provisions of the statutes referred to herein as to number and the minimum fee of \$10,000 plus publication fees to be charged for said license.

This resolution passed by unanimous voice vote at the monthly meeting of the Town of Union Board on July 6, 2006 and is entered into this 6<sup>th</sup> day of July, 2006.

SIGNED:

  
\_\_\_\_\_  
Kendall Schneider  
Town of Union Chairman

7/6/06  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Linda O'Leary  
Town of Union Clerk

7/6/06  
\_\_\_\_\_  
Date

**RESOLUTION 2005-01**

**NSF CHECK POLICTY**

WHEREAS, the Town of Union, Rock County, WI is charged by its financial institution for all Non-sufficient fund (NSF) checks deposited, the Town of Union hereby resolves that it will impose a fee to the writer of the check. A fee of \$25 will be charged for the first occurrence of an NSF check written to the Town of Union. A fee of \$50 will be charged for each additional NSF check written by that person."

Dated this 6th day of January, 2005.

Motion for adoption moved by Supervisor Donald Krajeck.

Motion for adoption seconded by Chairman Schneider.

Voting Aye:3

Voting Nay: 0

APPROVED:

Chairperson

ATTEST:

Clerk

**Resolution # 2004-12**

**Resolution Authorizing Village Powers**

Whereas, the Town Board of the Town of Union believes Village Powers were established by a prior town board based on previous board actions requiring village powers, and whereas the Town Board of the Town of Union is unable to find documentation of such action, the Town Board of the Town of Union presents this resolution to the eligible electors as a measure of reconfirming authorization of village powers.

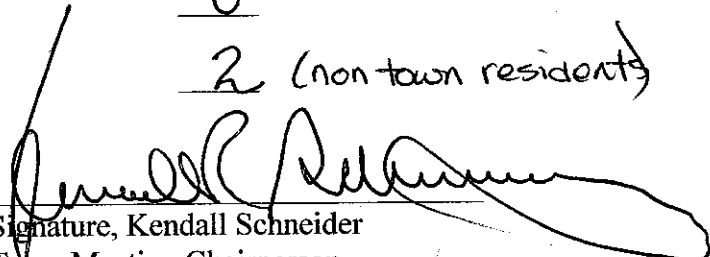
The town meeting of the Town of Union, Rock County, Wisconsin, by a majority vote of the eligible electors voting at a special town meeting with notice duly assembled and voting resolves and orders as follows:

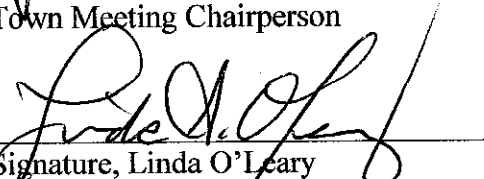
Pursuant to s. 60.12(2)(c), Wis. stats., the town board of the Town of Union, is authorized to exercise powers of a village board under s.60.22(3), which power shall be a general and continuing power for the town board.

The town clerk shall properly post or publish this resolution as required under s. 60.80, Wis. stats., within 30 days of the below noted adoption date.

Adopted this 11<sup>th</sup> day of November, 2004.

Number of town electors authorized to vote	<u>11</u>
Aye Votes	<u>11</u>
Nay Votes	<u>0</u>
Abstain	<u>0</u>
Not voting	<u>2</u> (non town residents)

  
Signature, Kendall Schneider  
Town Meeting Chairperson

  
Signature, Linda O'Leary  
Town Meeting Clerk

**RESOLUTION 2004-11**

**APPROVAL OF FORMATION OF TOWN OF UNION SMART GROWTH COMMITTEE**

WHEREAS, the State of Wisconsin has adopted Smart Growth legislation that requires that all programs, decisions, and actions of towns be consistent with a comprehensive plan by January 1, 2010 and that defines nine components that must be incorporated into the comprehensive plan, those components being: issues and opportunities; housing; utilities and community facilities; agricultural, natural, and cultural resources; transportation; economic development; intergovernmental cooperation; land use; and implementation; and

WHEREAS, the Town of Union Board recognizes the importance of long range planning, as well as the significant commitment that must be made to develop such a comprehensive plan; and

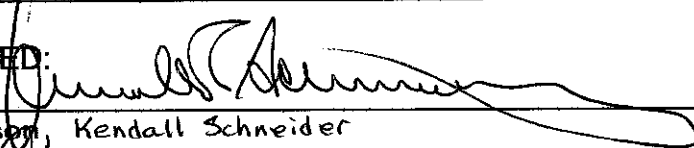
NOW, THEREFORE BE IT RESOLVED that the Town of Union Board hereby forms a Union Smart Growth Committee and charges that Committee to:

- Design the process that will result in a Smart Growth Plan for the Town of Union, including the participation of the public to the maximum degree possible in the formation of the long range plan
- Seek grant funding and develop and submit a grant application
- Develop a process to seek professional expertise and submit a recommendation to hire a consultant to the Town Board
- Manage the overall planning process
- Submit the final plan to the Planning and Zoning Committee by November of 2005.

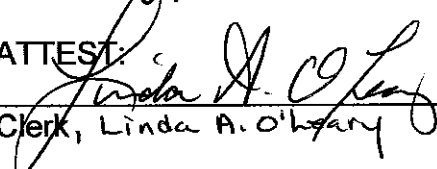
Dated this 7th day of October, 2004.

Motion for adoption moved by Kendall Schneider  
Motion for adoption seconded by Donald Krajcek  
Voting Aye: Schneider, Krajcek, Franklin  
Nay: na

APPROVED:

  
\_\_\_\_\_  
Chairperson, Kendall Schneider

ATTEST:

  
\_\_\_\_\_  
Clerk, Linda A. O'Leary

RESOLUTION NO. 2004-01  
OF THE

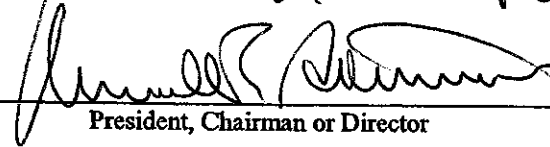
TOWN OF UNION  
(Governmental Unit)

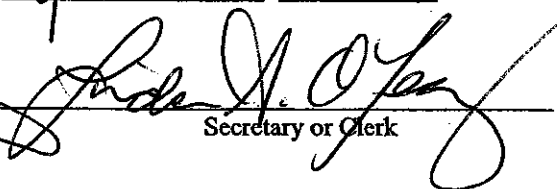
RESOLVED, that from and after the 1st day of March, 2004,  
the public buildings and other property belonging to the Town of Union  
(Governmental Unit)  
be insured in the Local Government Property Insurance Fund, under Chapter 605, Wis. Stats.,  
and amendments thereto.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The clerk of the Town of Union  
(Governmental Unit)  
is hereby directed to carry out the provisions of this Resolution.

Dated this 26 day of February, 2004  
Adopted this 26 day of February, 2004

  
\_\_\_\_\_  
President, Chairman or Director

  
\_\_\_\_\_  
Secretary or Clerk

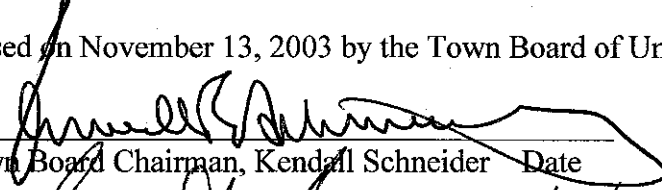
**IMPORTANT NOTE:**  
If specified personal property, such as motor vehicles (autos, trucks, buses, etc.) or moveable road or street equipment is **NOT TO BE INSURED** in the Fund, this must be stated in the Resolution

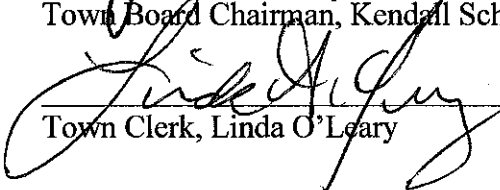
I certify this to be a true copy of the Resolution  
Donald A. Kay ck 2-26-04  
(Signature)  
George Frankli 2-26-04

## RESOLUTION 01-2003

The Town of Union hereby accepts the obligation to pay, in case the treasurer thereof shall fail so to do, all taxes of any kind required by law to be paid by such treasurer to the county treasurer.

Passed on November 13, 2003 by the Town Board of Union Township, Rock County, Wisconsin.

  
Town Board Chairman, Kendall Schneider Date

  
Town Clerk, Linda O'Leary

11/13/03  
Date

**RESOLUTION 2011-01**

**A RESOLUTION AUTHORIZING THE TOWN OF UNION TO IMPOSE A SPECIAL CHARGE UNDER WIS. STATS. §66.0809**

**Whereas**, Evansville Water and Light as a municipal utility provides utility services to owners of property located in the Town of Union; and

**Whereas**, Evansville Water and Light is operated on a not-for-profit basis, and has been instructed by the Public Service Commission of Wisconsin and the Wisconsin Department of Revenue to recover all delinquent utility bills from customers on the property tax roll according to the provisions set out in Wis. Stats. §66.0809; and

**Whereas**, Evansville Water and Light has agreed to properly notify on October 15 of each year its customers located in the Town of Union who have delinquent utility bills and to certify to the Town of Union Clerk on November 16 of each year the arrears and penalties of its customers that are located in the Town of Union; and

**Whereas**, Wis. Stats. §66.0707 authorizes the Town of Union Town Board to pass such Resolution that would permit the imposition of such a charge.

**Now therefore be it resolved** by the Town of Union Town Board, located in Rock County, that a special charge will be imposed, pursuant to Wis. Stats. §66.0707, against real property in the Town of Union that receives utility service from Evansville Water and Light if a delinquency in bill payment exists for utility services provided by Evansville Water and Light; and

**Be it further resolved** that the special charge imposed under this section is a lien against the benefitted property and shall be collected by the Treasurer of the Town of Union in the same manner as the general taxes of the Town of Union and paid over to Evansville Water and Light on the settlement dates specified in Wis. Stats. §74.25.

Approved and adopted by the Town Board of the Town of Union, Rock County, Wisconsin on this 12<sup>th</sup> day of April, 2011.

APPROVED:

By

\_\_\_\_\_  
Kendall Schneider, Chairman

Attest

\_\_\_\_\_  
Regina Ylvisaker, Clerk



**RESOLUTION 2011-03**

**A RESOLUTION ESTABLISHING VOTING WARDS  
AND POLLING PLACE LOCATION**

Be it resolved that the Town Board of the Town of Union, while meeting in regular session on July 7, 2011, does hereby adopt the creation of four wards from the 2010 census block data.

Effective upon approval, the newly established ward boundaries are as follows:

Ward 1: North of W. County Rd. C, West of N. Highway 14, and North of W. State Highway 59.

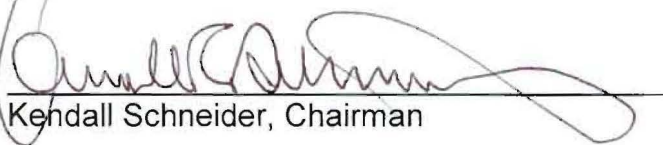
Ward 2: East of N. Highway 14, South of W. State Highway 59, and North of W. Highway 14.

Ward 3: South of W. County Road C, South of W. Highway 14

Ward 4: The area North of Old 92 and East of S. 6<sup>th</sup> Street and West of S. 2<sup>nd</sup> Street to the Southern boundary of the City of Evansville; the area along S. Madison Street/Highway 213/Highway 59, North of the intersection with Garrison Drive to the Southern boundary of the City of Evansville; the area South of W. Highway 14 on the East side of the City of Evansville next to Water Street; the area North of W. Highway 14 to the intersection of County Road M and Countryside Drive; the area West of W. Forest Hollow Lane, South of W. Northfield Crossing, and West of N. Orchard View Drive to the East boundary of the City of Evansville.

Be it further resolved that the Town Board of Union, while meeting in regular session on July 7, 2011, approved the designated polling place for Wards 1, 2, 3 and 4 as the Evansville Fire Station, 425 Water St., Evansville, Wisconsin.

Be it further resolved that the Town Board of Union, while meeting in regular session on July 7, 2011, approved combining the election results for Wards 1, 2, 3 and 4 in all elections whereby a Supervisory District race is not being conducted.

  
Kendall Schneider, Chairman

7.7.11  
Date

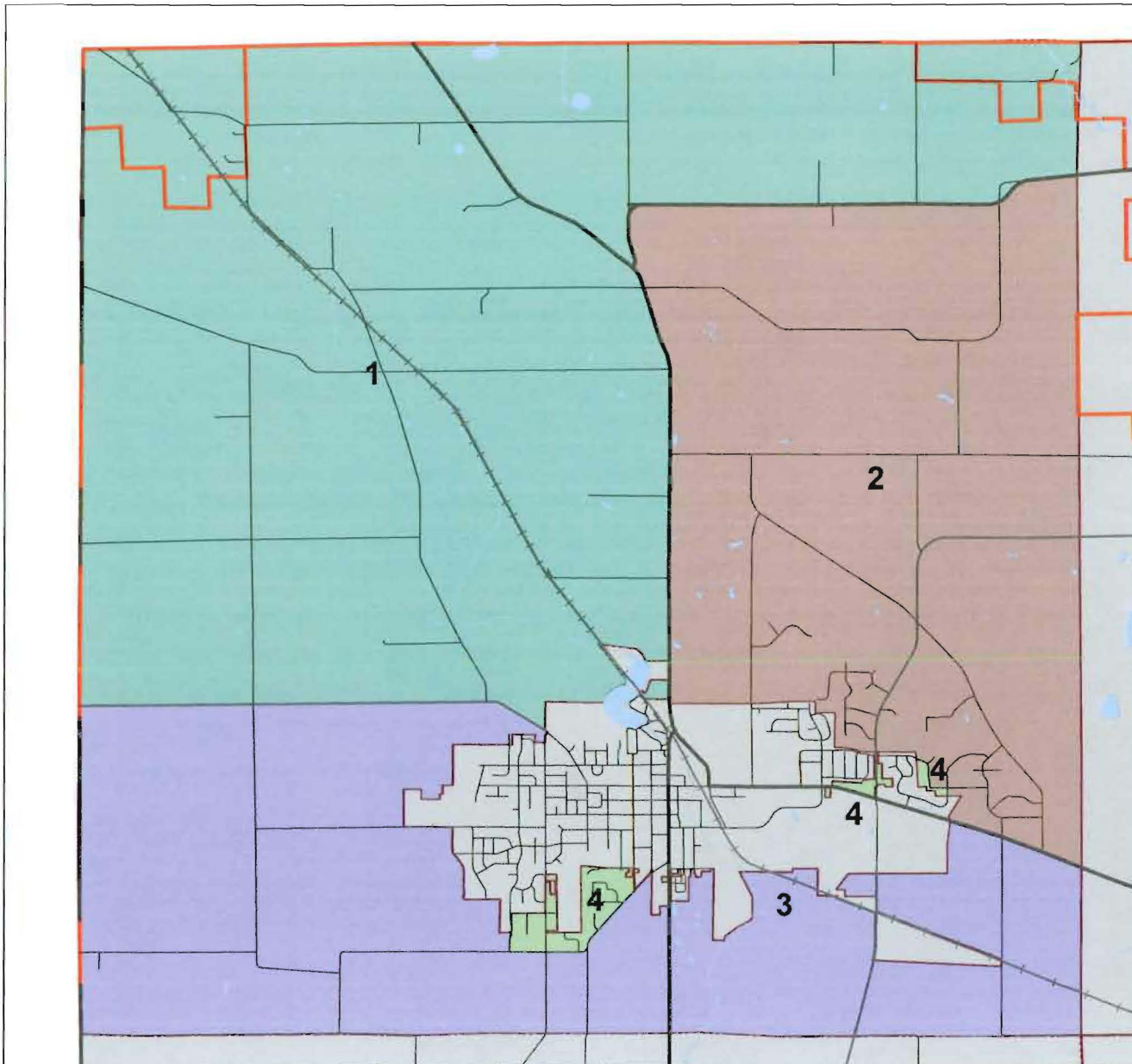
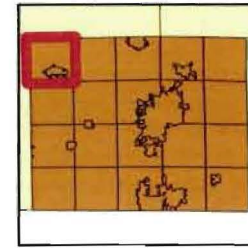
\_\_\_\_\_  
George Franklin, Supervisor


  
Kim Gruebling, Supervisor

# Ward Plan

Town of Union, Rock County, Wisconsin, 7/7/11

# DRAFT

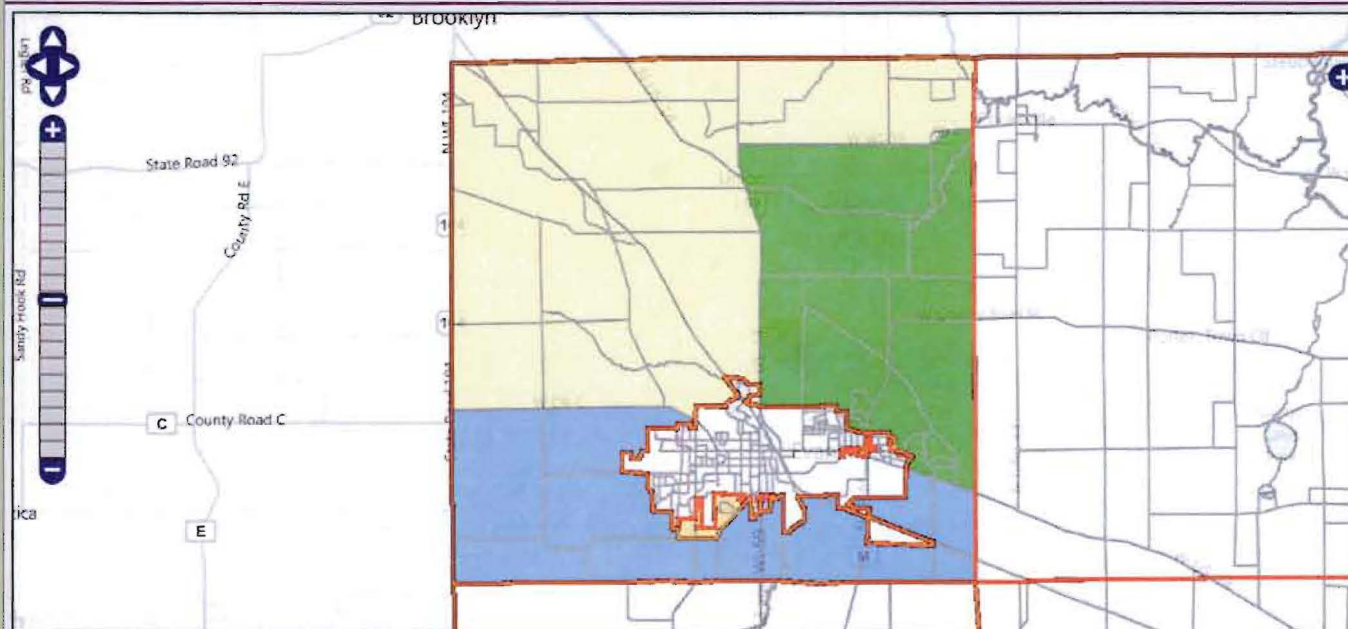


 School Districts

### Wards

-  Ward 1
-  Ward 2
-  Ward 3
-  Ward 4





Plan Name: rock\_townofunion1\_ward

[Editing](#) [Tools](#) [Legend](#) [Links](#)

**Other Tools**

Request Shapefile

Email:

Annexation Administration

--Select an Annexation--

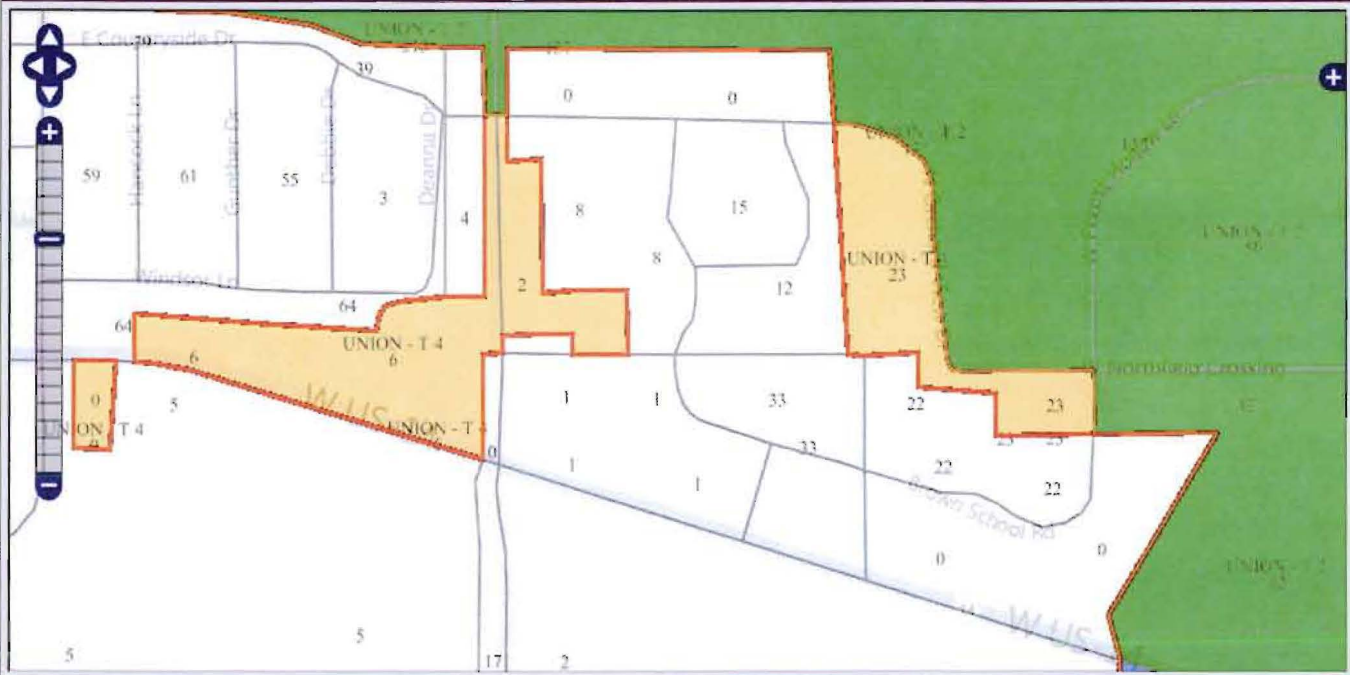
Approve Plan

Your Name:

Your Email:

Ordinance Number:

Color	District	Population	Target	Within Range	Locked	Assign	White	Hispanic	Black	American Indian	Pacific	Asian	Other	Othermt
	<a href="#">UNION - T 1</a>	551	300 to 1,000	Yes	<input checked="" type="checkbox"/>	<a href="#">Assign to District</a>	529	16	5	0	0	1	0	0
	<a href="#">UNION - T 2</a>	862	300 to 1,000	Yes	<input checked="" type="checkbox"/>	<a href="#">Assign to District</a>	820	27	4	6	0	5	0	0
	<a href="#">UNION - T 3</a>	361	300 to 1,000	Yes	<input checked="" type="checkbox"/>	<a href="#">Assign to District</a>	345	15	0	1	0	0	0	0
	<a href="#">UNION - T 4</a>	325	300 to 1,000	Yes	<input checked="" type="checkbox"/>	<a href="#">Assign to District</a>	315	6	0	1	0	1	2	0



Plan Name: rock\_townofunion1\_ward

**Other Tools**

Request Shapefile

Email:

Annexation Administration

--Select an Annexation--

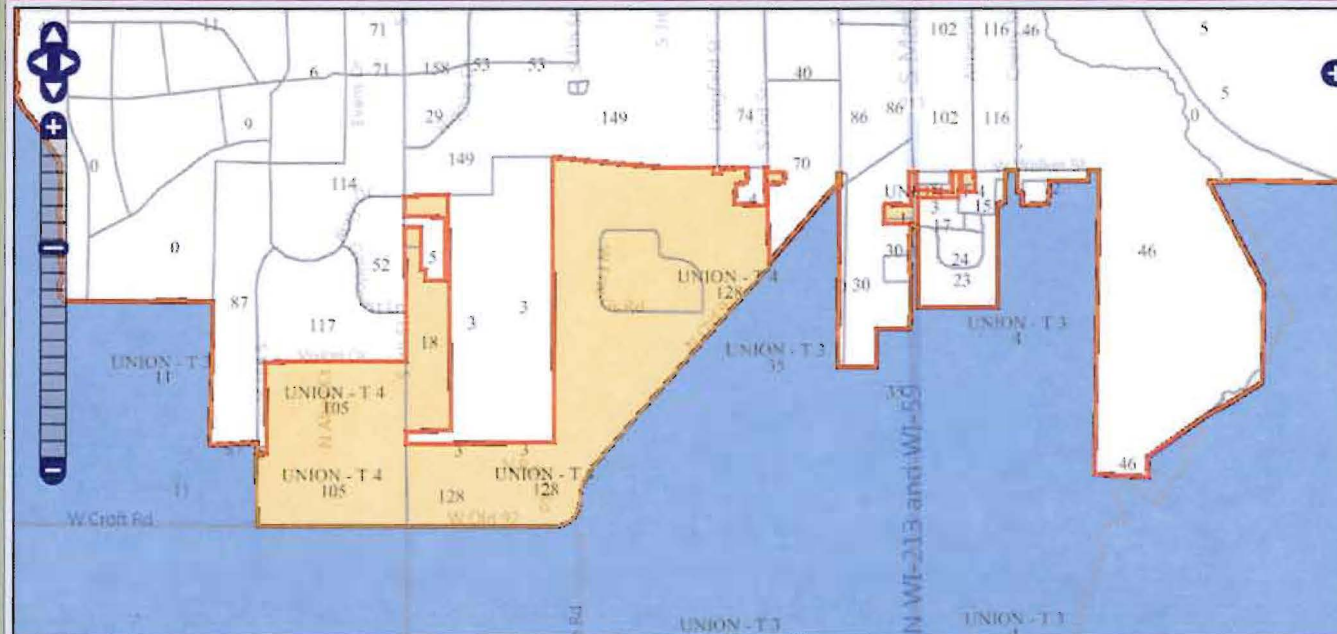
Approve Plan

Your Name:

Your Email:

Ordinance Number:

Color	District	Population	Target	Within Range	Locked	Assign	White	Hispanic	Black	American Indian	Pacific	Asian	Other	Othermt
<span style="background-color: yellow;"> </span>	<a href="#">UNION - T 1</a>	551	300 to 1,000	Yes	<input checked="" type="checkbox"/>	<a href="#">Assign to District</a>	529	16	5	0	0	1	0	0
<span style="background-color: green;"> </span>	<a href="#">UNION - T 2</a>	862	300 to 1,000	Yes	<input checked="" type="checkbox"/>	<a href="#">Assign to District</a>	820	27	4	6	0	5	0	0
<span style="background-color: blue;"> </span>	<a href="#">UNION - T 3</a>	361	300 to 1,000	Yes	<input checked="" type="checkbox"/>	<a href="#">Assign to District</a>	345	15	0	1	0	0	0	0
<span style="background-color: orange;"> </span>	<a href="#">UNION - T 4</a>	325	300 to 1,000	Yes	<input checked="" type="checkbox"/>	<a href="#">Assign to District</a>	315	6	0	1	0	1	2	0



Plan Name: rock\_townofunion1\_ward

Editing Tools Legend Links

Other Tools

Request Shapefile

Email:

Send Request

Annexation Administration

--Select an Annexation--

Zoom to Annexation

Approve Plan

Your Name:

Your Email:

Ordinance Number:

Approve Plan

Color	District	Population	Target	Within Range	Locked	Assign	White	Hispanic	Black	Amindian	Pacific	Asian	Other	Othermlt
	<a href="#">UNION - T 1</a>	551	300 to 1,000	Yes	<input checked="" type="checkbox"/>	<a href="#">Assign to District</a>	529	16	5	0	0	1	0	0
	<a href="#">UNION - T 2</a>	862	300 to 1,000	Yes	<input checked="" type="checkbox"/>	<a href="#">Assign to District</a>	820	27	4	6	0	5	0	0
	<a href="#">UNION - T 3</a>	361	300 to 1,000	Yes	<input checked="" type="checkbox"/>	<a href="#">Assign to District</a>	345	15	0	1	0	0	0	0
	<a href="#">UNION - T 4</a>	325	300 to 1,000	Yes	<input checked="" type="checkbox"/>	<a href="#">Assign to District</a>	315	6	0	1	0	1	2	0

**RESOLUTION 2011-04**

**A RESOLUTION ADOPTING AN EMPLOYEE GRIEVANCE PROCEDURE**

**Whereas** s. 66.0509(1m), Wis. Stat. requires local governmental units to adopt an employee grievance procedure, and

**Whereas** the Town of Union, Rock County, Wisconsin has thoughtfully considered this requirement and prepared an employee grievance procedure that contains the required elements;

**Now, therefore be it resolved**, that the Town Board of the Town of Union, Rock County, Wisconsin adopts the attached employee grievance procedure pursuant to s. 66.0509(1m), Wis. Stat.

Adopted this 1<sup>st</sup> day of September, 2011

\_\_\_\_\_  
Kendall Schneider, Chairman

\_\_\_\_\_  
Date

\_\_\_\_\_  
George Franklin, Supervisor

\_\_\_\_\_  
Kim Gruebling, Supervisor

Attest:  
  
\_\_\_\_\_  
Regina Ylvisaker, Clerk

Date Posted: \_\_\_\_\_

**RESOLUTION 2012-01**

**A RESOLUTION SUPPORTING THE**

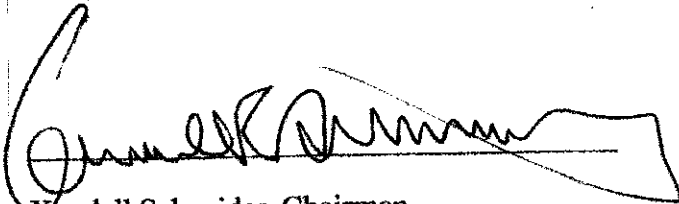
**"WISCONSIN CITIZENS SAFE WIND SITING GUIDELINES"**

**Whereas** the Town of Union, Rock County, Wisconsin, currently has wind energy permitting protections that mirror much of the content of the "Wisconsin Citizens Safe Wind Siting Guidelines"; and

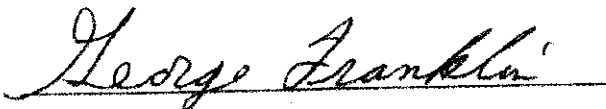
**Whereas** both the permitting protections in place within the Town and the "Wisconsin Citizens Safe Wind Siting Guidelines" protect the health, safety, and property rights of residents, as well as safeguard the financial well being of the Town of Union;

**Now, therefore be it resolved,** that the Town Board of the Town of Union, Rock County, Wisconsin does support and endorse the "Wisconsin Citizens Safe Wind Siting Guidelines."

Adopted this 2<sup>nd</sup> day of February, 2012



Kendall Schneider, Chairman



George Franklin, Supervisor



Kim Gruebling, Supervisor

Attest:



Regina Ylvisaker, Clerk

**RESOLUTION 2013-01**

**A RESOLUTION IN SUPPORT OF A CONSTITUTIONAL AMENDMENT FOR FAIR SHARE FOR LOCAL ROADS**

**Whereas**, Local roads are the backbone for Wisconsin commerce and industry, stimulate growth and promote a healthy economy; and

**Whereas**, Roughly 90% of Wisconsin's public roads are local roads which carry 40% of the state's traffic yet only 30% of Wisconsin's segregated Transportation Fund spending in 2012 will go for local road projects – down from 40% 20 years ago; and

**Whereas**, Road user fees such as gasoline taxes and vehicle registration only pay for part of the costs of repair, maintenance, repaving and replacement of local roads and streets; and

**Whereas**, The state Transportation Fund is shrinking because roughly 30% of its funding comes from gasoline taxes and the high cost of gasoline has motorists driving less, driving more fuel efficient cars, buying fewer gallons of gasoline, and paying less in gasoline taxes; and

**Whereas**, Eighty percent of local road costs are paid by non-user funding sources like property taxes; and

**Whereas**, Most user fee revenues are spent to fund new highway expansion, leaving little funding for local road repair, maintenance, repaving and replacement; and

**Whereas**, Town governments in 2010 received state funding for only 37% of eligible road maintenance costs; and

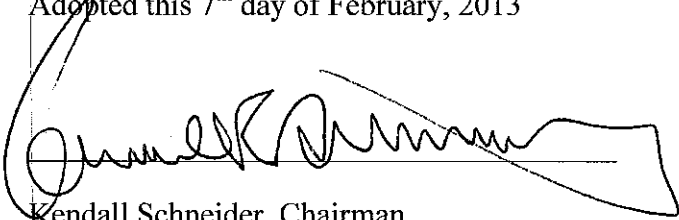
**Whereas**, Local governments are subject to tight levy limits on local levies, and state shared revenue has been cut for local governments, which further restricts the Towns', Villages', Cities' and Counties' ability to fund local road maintenance.

**Now, therefore be it resolved**, that the Town Board of the Town of Union, Rock County, Wisconsin supports an amendment to the State of Wisconsin constitution that requires that one half of all revenues in the state Transportation Fund be distributed to local governments in the State of Wisconsin.

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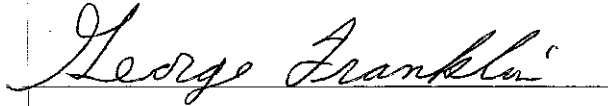
Adopted this 7<sup>th</sup> day of February, 2013



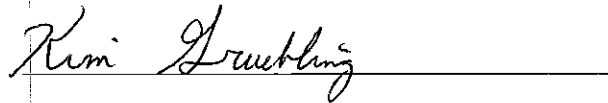
Kendall Schneider, Chairman

2/7/13

Date



George Franklin, Supervisor



Kim Gruebling, Supervisor

Attest:



Regina Ylvisaker, Clerk

Date Posted: 2.8.13

**Resolution for Electors to Exceed the Levy Limits at Special Town Meeting of the Electors**

Whereas, the State of Wisconsin has imposed levy limits under s. 66.0602 of the Wis. Statutes for the tax levies in 2013 and thereafter;

Whereas, s. 66.0602 (5) of Wis. Statutes allows the town electors in towns under 3,000 in population to exceed the maximum allowable levy limit by adoption of a resolution at a town meeting of the electors;

Whereas, the town board has adopted a resolution supporting an increase in the town tax levy which would exceed the maximum allowable state levy limit for the Town of Union, Rock County ;

Whereas, this Special Town Meeting of the electors has been called and noticed to consider the adoption of a resolution to endorse the town board's resolution to exceed the state levy limits; specifically by increasing the allowable town tax levy for 2013 (collected in 2014) by 21.4 percent;

Now, therefore, the special town meeting of the Town of Union, Rock County, Wisconsin, by a majority vote of the eligible electors voting on this 14<sup>th</sup> day of November, 2013 duly assembled and voting resolves and orders as follows:

BE IT RESOLVED, the town electors of the Town of Union, Rock County, Wisconsin endorse the town board resolution to increase the town tax levy for 2013 (collected in 2014) by 21.4 percent over the allowable 2013 levy, which is an increase of \$56,533 over the allowable 2013 town tax levy.

The town clerk shall properly post this resolution in 3 places or publish this resolution once in a newspaper as required by law under s. 60.80 of Wis. Statutes within 30 days of adoption.

Adopted this 14<sup>th</sup> day of November, 2013, at a Special Town Meeting.

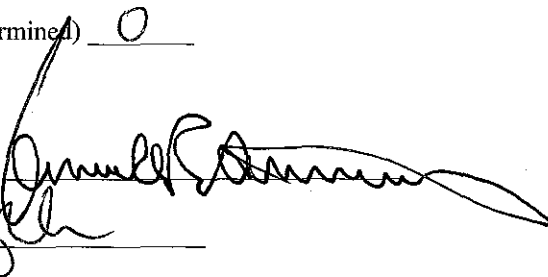
Number of town electors voting aye 5

Number of town electors voting nay 1

Number abstaining or not voting (if determined) 0

Signature of Town Meeting Chairperson

Signature of Town Clerk

The image shows two handwritten signatures. The first signature, for the Town Meeting Chairperson, is written in black ink and is quite stylized, appearing to start with a large 'J' or 'K' followed by several loops. The second signature, for the Town Clerk, is also in black ink and is more compact, appearing to start with a 'P' or 'R' followed by a few loops. Both signatures are written over horizontal lines.

## Resolution of Town Board to Propose Exceeding Levy Limits

Whereas, the State of Wisconsin has adopted levy limits on town, village, city and county levies for 2013 and thereafter under s. 66.0602 of Wis. Statutes;

Whereas, s. 66.0602 of Wis. Statutes limits the allowable local levy for 2013 to a percentage increase of no more than the greater of (a) 0% of the 2012 payable 2013 adjusted actual levy as calculated under the state's levy limit law\*\* or (b) a percentage equal to the percent change in equalized value due to net new construction; which for the Town of Union, Rock County is 0.347 percent;

Whereas, the Town Board of the Town of Union, Rock County believes that for the 2013 tax levy (collected in 2014) it is in the town's best interest to exceed the state levy limit as described above by a greater percentage than 0.347.

Whereas, the Town of Union 2012 payable 2013 adjusted actual levy is \$264,140; And further whereas the state law would limit the increase to \$916, for an allowable town tax levy of 265,056 before adjustments, for 2013, collected in 2014.

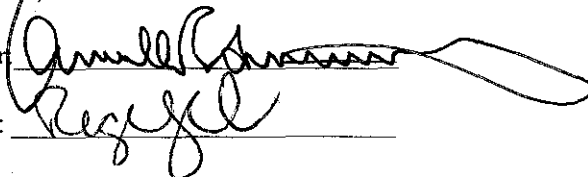
Now Therefore the Town Board of the Town of Union, Rock County does hereby resolve and order as follows:

1. The town board supports an increase in the town tax levy for 2013 that will exceed the state levy limit.
2. The town board directs that the question of increasing the town tax levy for 2013 (to be collected in 2014) by 21.4%, which would increase the town levy by \$56,533 for a total town tax levy of \$320,673, shall be placed on the agenda for the special town meeting to be held on November 14, 2013.

Adopted this 22<sup>nd</sup> day of October, 2013.

Signature of Town Chair: \_\_\_\_\_

Attested by Town Clerk: \_\_\_\_\_

The image shows two handwritten signatures in black ink. The top signature is for the Town Chair and the bottom signature is for the Town Clerk. Both signatures are written over horizontal lines that serve as baselines for the text.

**TOWN OF UNION BOARD  
RESOLUTION NO. 2017-01**

**A RESOLUTION OF GOVERNING BODY EXTRACT OF MINUTES**

**Lessee: TOWN OF UNION, ROCK COUNTY, WISCONSIN**

**Date of Agreement: 25 July 2017**

At a duly called meeting of the governing body of Lessee held on August 3, 2017, the following resolution was introduced and adopted:

WHEREAS, the governing body of Lessee has determined that a true and very real need exists for the acquisition of the Equipment described in the Master Equipment Lease Agreement (“Agreement”) and Lease Supplement #1 with 1<sup>st</sup> Source Bank presented to this meeting; and

WHEREAS, the governing body of Lessee has taken the necessary steps, including any legal bidding requirements, under applicable law to arrange for the acquisition of such Equipment.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Lessee that the terms of said Agreement are in the best interests of Lessee for the acquisition of such Equipment, and the governing body of Lessee designates and confirms the following persons to execute and deliver, and to witness (or attest), respectively, the Agreement and any related documents necessary to the consummation of the transactions contemplated by the Agreement; and

BE IT FURTHER RESOLVED, that the governing body of Lessee hereby represents that the reasonably anticipated amount of qualified tax exempt obligations which have been and will be issued by the Lessee does not exceed \$10,000,000.00 for the calendar year within which this Agreement is to be “qualified tax exempt obligation” pursuant to Section 265 (b) (3) of the Internal Revenue Code.

Adopted this 3<sup>rd</sup> day of August, 2017

By: \_\_\_\_\_  
Kendall Schneider, Chairman

By: \_\_\_\_\_  
George Franklin, Supervisor

By: \_\_\_\_\_  
Kim Gruebling, Supervisor

ATTEST:

\_\_\_\_\_  
Regina Ylvisaker, Clerk

**TOWN OF UNION BOARD  
RESOLUTION NO. 2017-02**

**A RESOLUTION OF INCLUSION UNDER THE WISCONSIN RETIREMENT SYSTEM**

BE IT RESOLVED, by the Town Board of the Town of Union, Rock County, Wisconsin that pursuant to Wis. Stats. §§40.21 and 40.22 that the above named entity does hereby determine to be included under the Wisconsin Retirement System for participation on the effective date of January 1, 2018. This resolution, when filed, is irrevocable after the November 15 preceding the effective date.

WHEREAS, the above named entity resolves to participate in the WRS only for eligible employees hired on or after the effective date of this resolution, per Wis. Stats. §40.21 (7).

WHEREAS, the above named entity will provide a one-time offer to current employees, per Wis. Stats. §40.21 (7) (c), to either elect or waive participation in the WRS on the effective date of this resolution and will recognize \_\_\_\_\_% of prior creditable service. Number of current, eligible employees: 1

I HEREBY CERTIFY that the foregoing Resolution is a true, correct and complete copy of the Resolution duly and regularly adopted by the above governing body on the 2<sup>nd</sup> day of November, 2017 and that said Resolution is in full force and effect.

I understand that Wis. Stat. §943.395 provides criminal penalties for knowingly making false or fraudulent statements, and hereby certify that, to the best of my knowledge and belief, the above information is true and correct.

IN WITNESS THEREOF, I have hereto set my hand and the official seal of this governmental unit, Town of Union in Rock County, Wisconsin, on this the 2<sup>nd</sup> day of November 2017.

Signature and Title of Certifying Officer:

\_\_\_\_\_  
Regina Ylvisaker, Clerk

Employer Identification Number: 39-1673860

**TOWN OF UNION BOARD  
RESOLUTION NO. 2018-01**

**A RESOLUTION ADOPTING SUBCONTRACTOR PREQUALIFICATION FORM FOR  
MUNICIPAL TOWN HALL/GARAGE CONSTRUCTION PROJECT**

At a duly called meeting of the governing body of the Town of Union, Rock County, Wisconsin, held on April 17, 2018, the following resolution was introduced and adopted:

WHEREAS, the governing body of the Town of Union has determined that a true and very real need exists for the construction of a Town Hall and Garage; and

WHEREAS, the governing body of the Town of Union obtained approval to proceed with the above project and secure financing for it at a meeting of the Town Electors on February 1, 2018; and

WHEREAS, the governing body of the Town of Union has entered into an agreement with Keller, Inc. to provide for building design and construction services for the above project, thereby requiring the adoption of a "Contractor Proof of Responsibility Form" for any subcontractors bidding on the above project.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Town of Union that the attached "Contractor Proof of Responsibility Form" be approved and adopted as a required submittal of any contractors bidding on the above referenced project. Requiring said form is in the best interests of both Keller Inc. and the Town of Union.

Adopted this 17<sup>th</sup> day of April, 2018

By: \_\_\_\_\_  
Kendall Schneider, Chairman

By: \_\_\_\_\_  
George Franklin, Supervisor

By: \_\_\_\_\_  
Kim Gruebling, Supervisor

ATTEST:

\_\_\_\_\_  
Regina Ylvisaker, Clerk

10831 N. Hwy. 14  
Brooklyn, WI 53521

Phone: (608)577-6644  
www.tn.union.wi.gov

# Contractor Proof of Responsibility Form

**Project Name:** Town of Union – Town Hall/Garage  
**Return To:** Town of Union  
10831 N. Hwy. 14  
Brooklyn, WI 53521  
**Return By:** Submit

## 1. General Business Information

Your Business Name: \_\_\_\_\_

Remit to Address: \_\_\_\_\_ Location Address: \_\_\_\_\_

(if different than  
remit to address) \_\_\_\_\_

Phone Number: \_\_\_\_\_ Fax Number: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_ Website Address: \_\_\_\_\_

Years in business? \_\_\_\_\_

Fill in the trades that your company is qualified to do:

1. \_\_\_\_\_ 3. \_\_\_\_\_  
2. \_\_\_\_\_ 4. \_\_\_\_\_

Current number of employees: \_\_\_\_\_ Will you travel?  Yes  No How far?  
\_\_\_\_\_ Miles

Field: Full Time \_\_\_\_\_

Office: Full Time \_\_\_\_\_

Total Employees \_\_\_\_\_

Major equipment owned to assist in completing the work:

Are you an active member of any trade associations? (E.g. ABC, AGC, etc.)

Yes  No If yes, which ones? 1. \_\_\_\_\_ 3. \_\_\_\_\_  
2. \_\_\_\_\_ 4. \_\_\_\_\_

## 2. Type of Business Entity

Sole Proprietorship Owner Name: \_\_\_\_\_

Partnership Partners' Names: \_\_\_\_\_

Corporation President's /CEO Name: \_\_\_\_\_

Your Federal ID# \_\_\_\_\_ or Social Security Number \_\_\_\_\_

Union Shop or  Open Shop

## 3. Financial Data

Annual Sales Volume in the Past 3 Years:

Year	Sales \$	Largest Job \$

What is your ideal job? \$ \_\_\_\_\_

On average, what % of your work do you self-perform? \_\_\_\_\_%

What lead time do you normally require?  
\_\_\_\_\_

What is your Dunn & Bradstreet rating?  
\_\_\_\_\_

Can you be bonded?  Yes  No

Who is your current bonding agent? \_\_\_\_\_

Up to what amount? \_\_\_\_\_

Has your company ever failed to complete a contract?  Yes  No

**4. Insurance Requirements**

Insurance Agency Name \_\_\_\_\_

Contact Person \_\_\_\_\_ Phone Number: \_\_\_\_\_

Do you have worker's compensation insurance?  Yes  No

Do you have auto insurance?  Yes  No

Do you have general liability insurance?  Yes  No

Do you have professional liability insurance?  Yes  No

Will you add Keller, Inc. as an additional insured on your liability policies?  Yes  No

Will you provide a waiver of subrogation in favor of Keller, Inc. on all policies except worker's compensation?  Yes  No

**Note:** This contractor Proof of Responsibility Form will only be considered valid when a Certificate of Insurance (preferably on an Acord form) from your insurance company is received, and in the Description of Special Items section on the Certificate the following is typed:

*"The Town of Union and its agent, Keller, Inc. are named as an Additional Insured on a Primary and Non-Contributory basis to the General and Umbrella Policies of the Insured. The Insured also provides a Waiver of Subrogation in favor of The Town of Union and Keller, Inc. on all policies except Worker's Compensation."*

**5. Safety Program**

What is your current Worker's Compensation Experience Modification Factor (EMF)? \_\_\_\_\_  
For the past 2 years \_\_\_\_\_

Do you have a drug testing program for all current employees?  Yes  No

Do you have a written safety program?  Yes  No

Do you have a full time Safety Director?  Yes  No

Has OSHA cited you in the past three years?  Yes  No

**6. References**

Bank Name	Contact Person	Phone Number
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**List your three main suppliers:**

Name of Company	Contact Person	Phone Number
Name of Company	Contact Person	Phone Number
Name of Company	Contact Person	Phone Number

**List three projects you completed within the past year:**

Name of Job	Location
Your Contract Value	Contact Person
Name of Job	Location
Your Contract Value	Contact Person
Name of Job	Location
Your Contract Value	Contact Person

**7. I verify that I have read the wage rate information, have included these rates in my bid, and will comply with all requirements of these documents.**



**8. Signature**

I hereby certify that I have prepared and/or examined the answers to this questionnaire, prepared all statements attached, that all information and statements are based on facts known to me, that I have full authority to make such statements on behalf of the contractor to which the questionnaire applies and that such statements are true and correct. I authorize the release of information from references listed to The Town of Union and its agent, Keller, Inc. I understand that the above information will remain confidentially with The Town of Union and Keller, Inc.

_____ Signature	_____ Date	<b>Subscribed and sworn to before this</b> _____ day of _____ 20____.
_____ Title (If Any)	_____	<b>Notary or other officer authorized</b> <b>to administer Oaths:</b>
_____ Print Name	_____ Title	_____ <b>Commission Expires</b> _____

**Note: This Contractor Pre-Qualification Form will only be considered valid if a "Form W-9: Request for Taxpayers Identification Number and Certification" is completely filled out and attached to this form.**

RESOLUTION OF THE TOWN BOARD OF  
THE TOWN OF UNION  
RESOLUTION 2019-01

RESOLUTION AUTHORIZING AN ADJUSTMENT TO THE MUNICIPAL LEVY LIMIT  
FOR INCREASES IN CHARGES ASSESSED BY THE BROOKLYN FIRE AND EMS  
PROTECTION DISTRICT INC.

WHEREAS, an adjustment to the municipal levy limit is allowed for increases in charges assessed by the joint fire department organized under Wisconsin Statute 66.0602(3)(h) for each governing body served by the joint department, and

WHEREAS, the allowable adjustment is as follows:

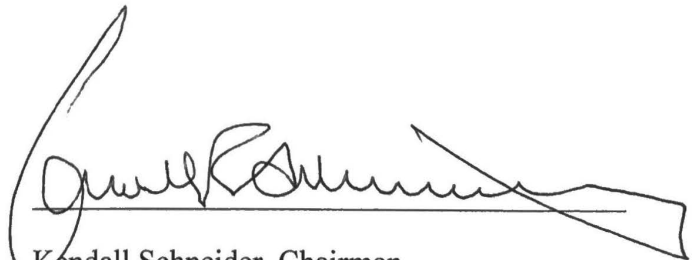
The percentage increase in the total charges assessed by the joint fire department for the current year relative to the total charges assessed by the joint department for the previous year, must be less than or equal to the Consumer Price Index for urban customers, U.S. City average, as determined by the U.S. Department of Labor for the preceding 12 months ending on September 30 in the year of the levy, plus two percent.

WHEREAS, each governing body served by the joint department must adopt a resolution in favor of the increase in charges;

WHEREAS, the Town of Union is a governing body served by the Brooklyn Fire and EMS Protection District, Inc.;

NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Union, Rock County, Wisconsin, approves an adjustment may be added to the tax levy limit for increases in charges assessed by the Brooklyn Fire and EMS Protection District, Inc., as determined above for the 2019 tax levy and all future tax levies until determined otherwise.

Dated the 15<sup>th</sup> day of October, 2019.

  
Kendall Schneider, Chairman

Attest:

  
\_\_\_\_\_

Regina Riedel, Clerk

**RESOLUTION 2004-09**

**APPROVAL OF TOWN OF UNION GRANT APPLICATION FOR  
THE DEVELOPMENT OF A COMPREHENSIVE PLAN**

WHEREAS, the Town of Union Board, agrees to the preparation of an application for a single jurisdictional grant for the development of the *Town of Union of Rock County Comprehensive Plan*;

AND WHEREAS, the Town of Union Board, acknowledges the requirements of Wisconsin's Comprehensive Planning Legislation including the adoption of the plan (s. 66.1001, Stats.), the benefits of comprehensive planning, and funding that would be awarded by the Wisconsin Department of Administration to financially assist the community in preparation of the comprehensive plan;

AND WHEREAS, the development of a grant application for the *Town of Union Comprehensive Plan* requires a 50% local match amounting to \$25,000 from the Town of Union;

NOW, THEREFORE BE IT RESOLVED that the Town of Union Board hereby agrees to apply for a grant of \$25,000, the maximum amount allowable based upon the grant guidelines, for the development of the *Town of Union Comprehensive Plan* pursuant to Wisconsin Statute s. 66.1001.

Dated this 7th day of October, 2004.

Motion for adoption moved by Schneider

Motion for adoption seconded by Franklin

Voting Aye: Schneider, Franklin, Schneider

Nay: NA

APPROVED:

  
\_\_\_\_\_  
Chairperson

ATTEST:

  
\_\_\_\_\_  
Clerk

**RESOLUTION 2004-11**

**APPROVAL OF FORMATION OF TOWN OF UNION SMART GROWTH COMMITTEE**

WHEREAS, the State of Wisconsin has adopted Smart Growth legislation that requires that all programs, decisions, and actions of towns be consistent with a comprehensive plan by January 1, 2010 and that defines nine components that must be incorporated into the comprehensive plan, those components being: issues and opportunities; housing; utilities and community facilities; agricultural, natural, and cultural resources; transportation; economic development; intergovernmental cooperation; land use; and implementation; and

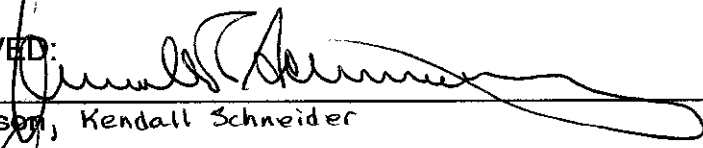
WHEREAS, the Town of Union Board recognizes the importance of long range planning, as well as the significant commitment that must be made to develop such a comprehensive plan; and

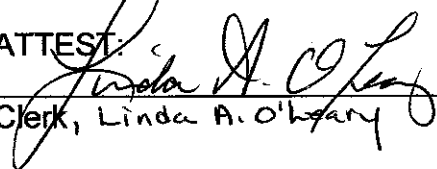
NOW, THEREFORE BE IT RESOLVED that the Town of Union Board hereby forms a Union Smart Growth Committee and charges that Committee to:

- Design the process that will result in a Smart Growth Plan for the Town of Union, including the participation of the public to the maximum degree possible in the formation of the long range plan
- Seek grant funding and develop and submit a grant application
- Develop a process to seek professional expertise and submit a recommendation to hire a consultant to the Town Board
- Manage the overall planning process
- Submit the final plan to the Planning and Zoning Committee by November of 2005.

Dated this 7th day of October, 2004.

Motion for adoption moved by Kendall Schneider  
Motion for adoption seconded by Donald Krajeck  
Voting Aye: Schneider, Krajeck, Franklin  
Nay: na

APPROVED:   
Chairperson, Kendall Schneider

ATTEST:   
Clerk, Linda A. O'Leary

**Resolution # 2004-12**

**Resolution Authorizing Village Powers**

Whereas, the Town Board of the Town of Union believes Village Powers were established by a prior town board based on previous board actions requiring village powers, and whereas the Town Board of the Town of Union is unable to find documentation of such action, the Town Board of the Town of Union presents this resolution to the eligible electors as a measure of reconfirming authorization of village powers.

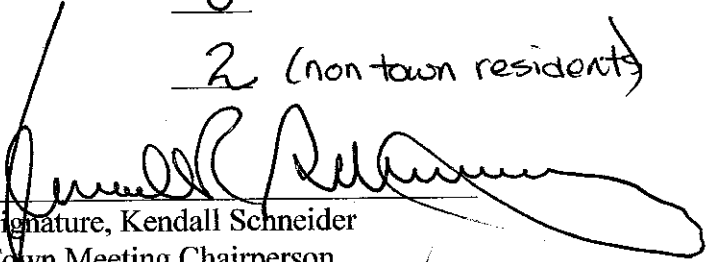
The town meeting of the Town of Union, Rock County, Wisconsin, by a majority vote of the eligible electors voting at a special town meeting with notice duly assembled and voting resolves and orders as follows:

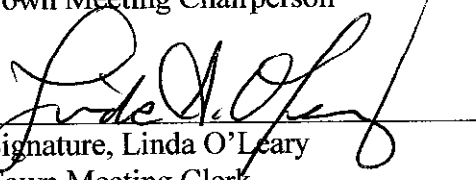
Pursuant to s. 60.12(2)(c), Wis. stats., the town board of the Town of Union, is authorized to exercise powers of a village board under s.60.22(3), which power shall be a general and continuing power for the town board.

The town clerk shall properly post or publish this resolution as required under s. 60.80, Wis. stats., within 30 days of the below noted adoption date.

Adopted this 11<sup>th</sup> day of November, 2004.

Number of town electors authorized to vote	<u>11</u>
Aye Votes	<u>11</u>
Nay Votes	<u>0</u>
Abstain	<u>0</u>
Not voting	<u>2</u> (non town residents)

  
Signature, Kendall Schneider  
Town Meeting Chairperson

  
Signature, Linda O'Leary  
Town Meeting Clerk

**RESOLUTION 2005-01**

**NSF CHECK POLICTY**

WHEREAS, the Town of Union, Rock County, WI is charged by its financial institution for all Non-sufficient fund (NSF) checks deposited, the Town of Union hereby resolves that it will impose a fee to the writer of the check. A fee of \$25 will be charged for the first occurrence of an NSF check written to the Town of Union. A fee of \$50 will be charged for each additional NSF check written by that person."

Dated this 6th day of January, 2005.

Motion for adoption moved by Supervisor Donald Krajeck.

Motion for adoption seconded by Chairman Schneider.

Voting Aye: 3

Voting Nay: 0

APPROVED:

Chairperson

ATTEST:

Clerk

### TOWN OF UNION, ROCK COUNTY RESOLUTION 2006-01

The Town Board of the Town of Union, Rock County, Wisconsin hereby resolves to purchase a voter assist terminal and associated services from Election Systems & Software to be used for voting at elections by handicapped voters. Purchase of such equipment is required by the Help America Vote Act enacted by the United States Federal Government. This equipment shall be installed and operating for the Fall Primary election of 2006.

The purchase of the ES&S AutoMark System is to include the following items and services for a total purchase of \$6,105.00. Some services shall be provided by the Rock County Clerk's Office Staff.

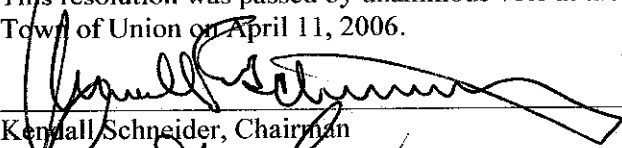
▶ ES&S AutoMARK System .....	\$4,950.00
▶ ES&S AutoMARK terminal	
▶ Case	
▶ Headphone	
▶ Scan disk card	
▶ Ink Cartridge	
▶ Battery	
▶ One year Warranty	
▶ Manual	
▶ Table for ES&S AutoMark .....	\$325.00
▶ Additional Ink Cartridge .....	\$30.00
▶ 256 mb flash card .....	\$75.00
▶ Installation .....	\$115.00
▶ Shipping and handling .....	\$95.00
▶ Training - per day rate. Includes travel and expenses .....	\$55.00
▶ Preventative Maintenance Program 2007 .....	\$280.00/year
▶ Annual Firmware License Cost 2007 .....	\$30.00
<b>Total Payment to ES&amp;S AutoMark System .....</b>	<b>\$5,955.00</b>

The following services shall be purchased from Rock County Clerk's Office:

▶ County Programming Fees (September & November 2006) .....	\$100.00
▶ County Programming Fees April 2007 .....	\$50.00
<b>Total Payment to Rock County Clerk's Office .....</b>	<b>\$150.00</b>

**GRAND TOTAL .....** \$6,105

This resolution was passed by unanimous vote at the Monthly Board meeting of the Town Board of the Town of Union on April 11, 2006.

  
Kennell Schneider, Chairman

4/11/06  
Date

  
Linda O'Leary, Clerk

4/11/06  
Date

**Resolution 2006-04**  
**Establishment of Reserve Class B Liquor License**

**WHEREAS:** The Town Board of the Town of Union, Rock County, Wisconsin, has reviewed Wisconsin State Statute §125.51(3)2. And 125.51(4) allowing the creation of a Reserve "Class B" License, and

**WHEREAS:** The Town of Union population as of December 1, 1997 was 1704; and

**WHEREAS:** The Town of Union had three Class B Liquor Licenses issued as of December 1, 1997.

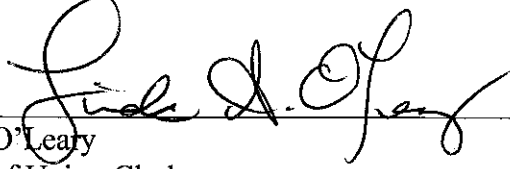
**THEREFORE BE IT RESOLVED** that the Town Board of the Town of Union hereby creates a Reserve "Class B" License available to applicants for such license in the Town of Union. Such license shall be subject to the provisions of the statutes referred to herein as to number and the minimum fee of \$10,000 plus publication fees to be charged for said license.

This resolution passed by unanimous voice vote at the monthly meeting of the Town of Union Board on July 6, 2006 and is entered into this 6<sup>th</sup> day of July, 2006.

SIGNED:

  
\_\_\_\_\_  
Kendall Schneider  
Town of Union Chairman

7/6/06  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Linda O'Leary  
Town of Union Clerk

7/6/06  
\_\_\_\_\_  
Date



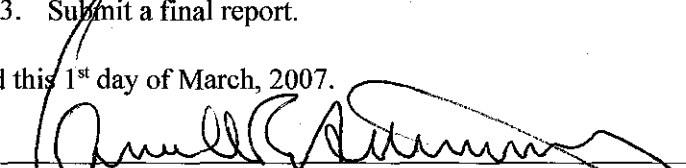
**TOWN OF UNION, ROCK COUNTY  
RESOLUTION 2007-01**

**WHEREAS**, The Town of Union, Rock County, WI hereby requests financial assistance under s.287.23, Wis. Stats., Chapters NR 542,544 and 549, Wis. Admin. Code, for the purpose of planning, constructing or operating a recycling program with one or more components specified in s. 287.11(2)(a) to (h), Wis. Stats.,

**THEREFORE, BE IT RESOLVED**, that the Town of Union, Rock County, WI **HEREBY AUTHORIZES** the Clerk of the Town of Union, Rock County, WI, an official or employee of the responsible unit, to act on its behalf to:

1. Submit an application to the Department of Natural Resources for financial assistance under s. 287.23, Wis. Stats., Chapters NR 542, 544 and 549, Wis. Admin. Code;
2. Sign necessary documents; and
3. Submit a final report.

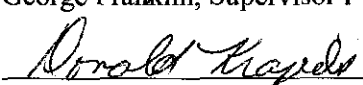
Adopted this 1<sup>st</sup> day of March, 2007.

  
Kendall Schneider, Chairman

3/1/07  
Date

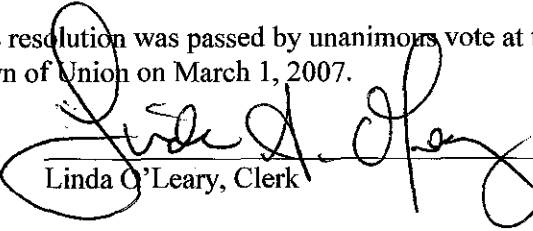
  
George Franklin, Supervisor I

3-1-07  
Date

  
Donald Krajeck, Supervisor II

3/1/07  
Date

This resolution was passed by unanimous vote at the Monthly Board meeting of the Town Board of the Town of Union on March 1, 2007.

  
Linda O'Leary, Clerk

3/1/07  
Date