

## ALL-TERRAIN VEHICLE ROUTES ORDINANCE 01-2009

### STATE OF WISCONSIN

Town of Forest  
St. Croix County

#### SECTION I – TITLE AND PURPOSE

The title of this ordinance is the Town of Forest All-Terrain Vehicle Route Ordinance. The purpose of this ordinance is to establish all-terrain vehicle routes in the town and to regulate the operation of all-terrain vehicles in the town.

#### SECTION II – AUTHORITY

The Town Board of the Town of Forest, St. Croix County, Wisconsin, has the specific authority to adopt this All-Terrain Vehicle Route Ordinance under s.23.33 (8) (b) and (11), Wis. Stats.

#### SECTION III – ADOPTION OF ORDINANCE

The town Board of the Town of Forest, St. Croix County, Wisconsin, 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 to designate all-terrain vehicle routes in the town and to regulate the use of those routes and all-terrain vehicles in the town.

#### SECTION IV – OPERATION OF ALL-TERRAIN VEHICLES

Pursuant to s. 23.33 (4) (d) 4., Wis. Stats., except as otherwise provided in s. 23.33 (4), Wis. Stats., no person may operate an all-terrain vehicle on the roadway portion of any highway in the town except on roadways that are designated as all-terrain vehicle routes by this ordinance. Operation of all-terrain vehicles on a roadway in the town that is an all-terrain vehicle route is authorized only for the extreme right side of the roadway except that left turns may be made from any part of the roadway that is safe given prevailing conditions. All tires must stay on the pavement no off the shoulder riding.

#### SECTION V – DESIGNATION OF ALL-TERRAIN VEHICLE ROUTES

The following routes are designated all-terrain vehicle routes in the town: 310<sup>th</sup> Street north from 180<sup>th</sup> Avenue to 200<sup>th</sup> Avenue (2 miles), west on 200<sup>th</sup> Avenue to 290<sup>th</sup> Street (2 miles), north on 290<sup>th</sup> Street to the Polk-St. Croix County Line (4 miles). To reach Forest: West on 200<sup>th</sup> Avenue (4 miles), south on 270<sup>th</sup> Street (1 mile). Parking will be allowed in the ball field parking lot only. To reach Dunn County from 310<sup>th</sup> Street go east on 200<sup>th</sup> Avenue 1 mile.

#### SECTION VI – CONDITIONS APPLICABLE TO ALL-TERRAIN VEHICLE ROUTES

Pursuant to s. 23.33 (8)(d), Wis. Stats., the following restrictions are placed on the use of the town all-terrain vehicle routes designated by this ordinance:

- A. Routes shall be marked with uniform all-terrain vehicle route signs in accordance with s. NR 64.12(7), Wisconsin Administrative Code. No person may do any of the following in regard to signs marking town all-terrain vehicle routes:
  1. Intentionally remove, damage, deface, move, or obstruct any uniform all-terrain vehicle route or trail sign or standard or intentionally interfere with the effective operation of any uniform all-terrain vehicle route or trail sign or standards if the sign or standard is legally placed by the state, any municipality or any authorized individual.
  2. Possess any uniform all-terrain vehicle route or trail sign or standard of the type established by the department for the warning, instruction or information of the public, unless he or she obtained the uniform all-terrain vehicle route or trail sign or standard in a lawful manner. Possession of a uniform all-terrain vehicle route or trail sign or standard creates a rebuttable presumption of illegal possession.

- B. Operation shall be subject to all provisions of s. 23.33, Wis. Stats., which is adopted as a part of this ordinance by reference, pursuant to s. 23.33 (11), Wis. Stats.
- C. The town clerk shall send a copy of this ordinance to the St. Croix, Dunn and Pierce County Sheriff Departments.
- D. In addition to the provisions of s. 23.33, Wis. Stats., the following restrictions are placed on the use of the town all-terrain routes designated by this ordinance:
  - 1. All ATV operators shall observe a speed limit of not more than 40 mph or the posted roadway speed limit whichever is lower.
  - 2. All ATV operators shall ride single file.
  - 3. The allowed hours of operation shall be from dawn to dusk.
  - 4. Anyone under the age of twelve (12) cannot operate an ATV on a road or route under any circumstances.
  - 5. Anyone under the age of sixteen (16) cannot operate an ATV on a roadway without a safety certification.
  - 6. All ATV operators under the age of eighteen (18) must wear a helmet.
  - 7. Lights must be on at all times.

SECTION VII – ENFORCEMENT

Any law enforcement officer authorized to enforce the laws of the State of Wisconsin may enforce this ordinance.

SECTION VIII – PENALTIES

The penalties under s. 23.33 (13)(a) Wis. Stats., are adopted by reference.

SECTION IX – SEVERABILITY

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

SECTION X – EFFECTIVE DATE


This ordinance is effective when the local ATV clubs posts all-terrain vehicle route signs and goes for a probationary period of April 1<sup>st</sup> 2009 to November 1<sup>st</sup> 2009 but can be discontinued at any time by the decision of the Forest Town Board.

The town clerk shall properly post this ordinance as required under s.60.80, Wis. Stats.

Adopted this 12<sup>th</sup> day of March, 2009.

TOWN OF FOREST

  
 \_\_\_\_\_  
 Roger Swanepoel, Chairman

  
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 Doug Karau, Supervisor

  
 \_\_\_\_\_  
 Carlton Cress, Supervisor

  
 \_\_\_\_\_  
 Terri Swanepoel, Clerk, Attest

## RECYCLING ORDINANCE

### ORDINANCE #0194 FOREST TOWNSHIP, WISCONSIN

The Town Board for the Town of Forest does ordain, as follows:

(1) TITLE. The title of this ordinance shall be the Town of Forest Recycling Ordinance.

(2) AUTHORITY. This ordinance is enacted to sections 159.03(3)(b) and 62.11(5) and 62.225, Wisconsin Statutes.

(3) 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.

(4) INTERPRETATION. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this ordinance is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wisconsin 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 at the time of the interpretation.

(5) 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.

(6) PURPOSE. The purpose of this ordinance is to regulate and require the separation, collection, and processing of recyclable materials to the greatest extent feasible.

(7) MANDATORY RECYCLING. Owners and occupants of single family and multi-family residences and non-residential facilities located within Forest Township are required to separate and recycle, from their municipal solid waste, those items identified in section (10) of this ordinance.

(8) DEFINITIONS. For the purposes of this ordinance:

(a) "Aluminum container" means all aluminum beverage cans and foil.

(b) "Bi-metal container" means a container for carbonated or malt beverages that is primarily made of a combination of steel and aluminum.

(c) "Burnable Materials" as used herein, shall mean only clean scrap lumber, trees, woody vegetative material in excess of 6 inches in diameter, stumps, roots, and shrubs with intact root bulbs.

(d) "Corrugated Cardboard" means corrugated paperboard or cardboard used in the manufacture of shipping containers and related products.

(e) "Composting" means the decomposition or breakdown of organic materials.

(f) "Drop-off system" means a system for collecting recyclable materials in which the recyclable materials are deposited into designated containers from which the recyclable materials are transported for processing and marketing.

(g) "Foam polystyrene packaging" means packaging made primarily from foam polystyrene that satisfies one of the following criteria:

(1) Is designed for serving food or beverages.

(2) Consists of loose particles intended to fill space and cushion that packaged article in a shipping container.

(3) Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

(h) "Glass Container" means bottles and jars, such as food jars, beer and pop bottles, wine and liquor bottles, etc., except window glass, mirrors, and light bulbs.

(i) "HDPE" means a plastic container made from high density polyethylene resin and labeled by the SPI code #2.

(j) "Household Waste" means any material, including garbage, trash and sanitary waste in septic tanks, derived from households, including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas.

(k) "LDPE" means low density polyethylene, labeled by the SPI code #4.

(l) "Lead acid battery" means a battery, such as a car, tractor, or marine battery.

(m) "Magazines" means magazines and other materials printed on similar paper.

(n) "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven (except those from which the capacitor has been removed), oven, refrigerator, stove, residential or commercial furnaces, boilers, dehumidifiers, or water heaters.

(o) "Multi-family dwelling" means a property containing 5 or more residential units, including those which are occupied seasonally.

(p) "Municipal Solid Waste (MSW)" means household waste or solid waste from commercial or industrial sources that does not contain hazardous waste and does not contain any process waste which is the direct or indirect result of the manufacturing of a product or the performance of a service, such as dry cleaners or paint shops.

(q) "Municipality" means any in-state or out-of-state city, village, town, or county.

(r) "Newspaper" means a newspaper and other materials printed on newsprint.

(s) "Non-burnable material and rubble" as used herein, shall mean only concrete, stone, asphalt, shingles, ashes, sand, and dirt.

(t) "Non-residential facilities and properties" means commercial, retail, industrial, institutional, and governmental facilities and properties.

(u) "Office paper" means high grade printing and

writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.

(v) "Owner" means any individual, corporation, partnership, association, or local government unit, as defined in section 66.299(1)(a), Wisconsin Statutes, state agency or authority or federal agency.

(w) "Out-of-state unit" means a general purpose local governmental unit located in a state other than Wisconsin.

(x) "Person" has the same meaning as (v) above.

(y) "PETE" means a plastic container made from polyethylene resin and labeled by the SPI code #1.

(z) "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.

(aa) "Recycling" means the collection, transfer, transporting, processing, marketing, and conversion of solid wastes into usable materials or products.

(bb) "Recyclable material" means any item as designated in section (10) of this ordinance.

(cc) "Reduce" means decreasing the quantity of materials or products or both that are generated as waste or disposed of.

(dd) "Residential properties" means properties containing single family and 2 to 4 family residential units, including those that are occupied seasonally.

(ee) "Responsible unit" means a municipality, county, or solid waste management system under section 59.07(135), Wisconsin Statutes that is designated under section 159.09(1), Wisconsin Statutes.

(ff) "Reuse" means using a component of municipal solid waste again for its original purpose.

(gg) "Solid waste facility" means a facility for solid waste treatment, storage, or disposal as defined in section 144.43(5), Wisconsin Statutes.

(hh) "SPI" means the Society of the Plastic Industry.

(ii) "Steel container" means a food or beverage container made from steel.

(jj) "Tin cans" means all containers such as soup cans, vegetable cans, etc., made from tin, except aerosol cans, paint cans, and oil cans.

(kk) "Waste oil" means automotive engine oil after it has been used and removed from the engine or crankcase of a motor vehicle.

(ll) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage, or defect.

(mm) "Yard waste" means leaves, grass clippings, yard and garden debris and brush, including woody vegetative material no greater than 6 inches in diameter. This term does not include stumps, roots or shrubs with intact root bulbs.

(9) APPLICABILITY. This ordinance shall apply to all persons within the Town of Forest responsible unit, including

the following:

(a) Any solid waste hauler or recycler conducting business within the Town of Forest.

(b) Occupants of single family residences, seasonal residences, property containing two (2) or more dwelling units and non-residential facilities and properties.

(c) Owners or agents of properties containing five (5) or more dwelling units.

(d) Owners or agents of non-residential facilities and properties.

(10) RECYCLABLE MATERIALS. The following materials shall be separated from solid waste for recycling and are prohibited from land disposal and incineration:

(a) Aluminum containers

(b) Bi-metal containers

(c) Corrugated cardboard

(d) Foam polystyrene packaging

(e) Glass containers

(f) Lead acid batteries

(g) Magazines and other materials printed on similar paper

(h) Major appliances

(i) Newspapers

(j) Office paper

(k) PETE (#1), HDPE (#2), LDPE (#4) plastic containers

(l) Steel containers

(m) Tin cans

(n) Waste oil

(o) Waste tires

(p) Yard waste

(11) CARE OF SEPARATED RECYCLABLES. To the greatest extent practicable, the recyclable materials separated in accordance with section 10, shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials.

(12) DISPOSAL & INCINERATION PROHIBITED. Except as provided by section 159.07(7), Wisconsin Statutes, it is illegal to dispose of in the solid waste facility any of the materials listed in section 10, that have been separated for recycling. It is also illegal to dispose of in the solid waste facility any lead acid battery, major appliance, waste oil, waste tires or yard waste.

(13) MANAGEMENT OF LEAD ACID BATTERIES, MAJOR APPLIANCES, WASTE OIL, YARD WASTE, AND WASTE TIRES. Occupants of single family and 2 to 4 unit residences, multi-family dwellings, and non-residential facilities and properties shall separate lead acid batteries, major appliances, waste oil, yard waste, and waste tires from solid waste and manage them in the following manner.

(a) Lead acid batteries shall be delivered to an approved material(s) recovery facility which accepts lead acid batteries or to a lead acid battery retailer.

(b) Major appliances shall be delivered to persons accepting major appliances. Persons accepting major appliances must comply with the provisions of sections 144.44(9) and 144.79, Wisconsin Statutes, for the removal and disposal of capacitors

and section 14.422, Wisconsin Statutes, for the dismantling of refrigeration equipment.

(c) Waste oil shall be delivered to a DNR-approved waste oil drop-off site.

(d) Waste tires shall be delivered to a municipal collection point that accepts waste tires or to a private business that accepts tires for recycling or proper disposal.

(e) Yard waste shall be composted on the site of origin.

(14) OWNERS/AGENTS OF RESIDENTIAL AND NON-RESIDENTIAL PROPERTIES AND FACILITIES. Owners and/or agents of residential properties containing five (5) or more dwelling units and/or non-residential properties and facilities are required to separate from solid waste and recycle those items identified in section 10. Recyclables collected from these facilities shall remain the property of these facilities. In addition, owners and/or agents under this section must:

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

(b) Notify tenants, users, and occupants, including seasonal tenants, in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter, of the recycling program.

(c) Provide for the distribution of recyclable materials separated from the solid waste by the tenants and the delivery of the recyclable materials to a recycling facility.

(d) Notify tenants, users, and occupants of the reasons to reduce, reuse, and recycle, which materials are recycled, how to prepare recyclable materials in order to meet processing requirements, location and hours of operation.

(15) INSPECTION. Any authorized officer, employee or representative of the Town of Forest may enter and inspect any multi-family dwelling and non-residential facility and property for the purpose of ascertaining compliance with this ordinance. No person may refuse access to any authorized officer, employee or authorized representative of the Town of Forest who requests access for purposed of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.

(16) ENFORCEMENT. Any person who violates a provision of this ordinance may be issued a citation by the Forest Town Board 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. Penalties for violating this ordinance may be assessed as follows:

(a) Any person who violates s. 1.18 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. 1.18, may be required to forfeit not less than \$10 nor more than \$1000 for each violation.

(17) EFFECTIVE DATE. This ordinance shall become effective on January 1, 1995.

DATED: December 5, 1994

VOTE: Aye 3  
Nay 0  
Absent 0

SIGNED:

Leon Helgeson, Chairman

ATTEST:

Terri Swanepoel, Clerk



STATE OF WISCONSIN  
TOWN OF FOREST  
ST. CROIX COUNTY

SECTION I – TITLE/PURPOSE

The title of this ordinance is the Town of Forest Dogs Running at Large ordinance. The purpose of this ordinance is to regulate, by tag and penalty, the care, treatment, and control of dogs in the Town of Forest.

SECTION II – AUTHORITY

The town board of the Town of Forest has the authority under its village powers under s 60.22, Wis. Stats., and the specific authority under s. 60.23 (30), and Chapters 173 and 174, Wis. Stats., to adopt this ordinance.

SECTION III – ADOPTION OF ORDINANCE

The town board of the Town, by this ordinance, adopted on proper notice with a quorum and by a roll call vote by a majority of the town board present and voting, provides the authority for the Town to regulate the care, treatment, and control of dogs in the Town of Forest.

SECTION IV – DEFINITIONS

In this Ordinance;

- A. “Abandoned” means that an owner has failed to pay the impoundment and care costs incurred by the Town, as specified in Section VIII, subsection E, within 7 days after receipt by a dog’s owner of written notice from the town clerk that the dog is under the possession and care of the Town or its designated agents.
- B. “Law enforcement officer” means any person employed by the Town for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances that the person is employed to enforce.
- C. “Legal premise” means the real property owned or occupied by the owner of the dog.
- D. “Owner” means a person who owns, harbors, or keeps the dog.
- E. “Running at large” means off the owner’s legal premise and not under the control of the owner or some other person.
- F. “Stray dog” means a dog running at large whose owner is unknown.
- G. “Town” means the Town of Forest in St. Croix County, Wisconsin.
- H. “Untagged” means a valid license tag is not attached to a collar that is kept on the dog whenever the dog is outdoors, unless the dog is securely confined by the owner in a fenced area or confined on the owner’s legal premise.
- I. “Wis. Stats” means the Wisconsin Statutes, including successor provisions of cited statutes.

SECTION V – RESTRICTIONS ON DOGS

Except as provide in Section 6, no person may do any of the following:

- J. Allow any dog owned by that person to run at large in the Town.
- K. Allow any dog owned by that person to be untagged in the Town.
- L. Allow any dog owned by that person to be abandoned in the Town.

SECTION VI – EXEMPTIONS FROM SECTION 5 COVERAGE

- A. A dog that is actively engaged in the Town in a legal hunting activity, including training, is not considered to be running at large if the dog is monitored or supervised by a person, and the dog is on land in the Town that is open to hunting or land on which the person has obtained permission to hunt or train a dog. Training may include dog trials or other dog

related outdoor events occurring in the Town where these events have been approved by the Town Board or its designee.

- B. A dog that is used by a law enforcement agency as defined in s. 165.83 (1) (b), Wis. Stats., in the Town to perform law enforcement functions is not considered to be running at large or untagged for purposes of this ordinance.
- C. A dog that is untagged and kept in the Town for educational or scientific purposes as determined by the town board of the Town shall not be considered untagged for purposes of this ordinance.
- D. A dog that is untagged and is kept in the Town for the blind, deaf, and mobility impaired as determined by the town board of the Town shall not be considered untagged for purposes of this ordinance.

#### SECTION VII – DOG LICENSE TAX

- A. Except for dogs that are kept only for educational or scientific purposes, the owner of a dog more than 5 months of age on January 1 of any year, or 5 months of age within the license year, shall annually, or on or before the date the dog becomes 5 months of age, pay the dog license tax and obtain a license.
- B. The Town Board shall annually by resolution set the amount of the dog license tax in accordance with s. 174.05 (2), Wis. Stats.
- C. The license year commences on January 1 and ends on the following December 31.
- D. A late fee of \$5 shall be collected from every owner of a dog 5 months of age or over, if the owner fails to obtain a license prior to April 1 of each year, or within 30 days of acquiring ownership of a licensable dog or if the owner fails to obtain a license on or before the dog reaches licensable age. All late fees received or collected shall be paid into the town treasury as revenue of the town.

#### SECTION VIII – TOWN AUTHORITY

- A. An officer of the Town shall attempt to capture and restrain any dog running at large or any untagged dog.
- B. Any person, including town officers and employees, may take into custody any dog running at large in the Town but shall timely deliver the dog to the Town Chairman, to provide care, treatment, or disposal of animals.
- C.
  - a. If the identity of the owner of a dog taken into custody under this ordinance is known or can be determined the town clerk shall provide written notice to the owner that the dog is in the Town's custody and informing the owner that if the owner fails to claim the dog, have the dog properly tagged and pay the cost of impoundment and care incurred by the Town within 7 days after receipt by a dog's owner of the dog will be considered abandoned. No dog in custody of the Town shall be returned to the owner, or an agent of the owner, unless the dog is properly tagged and all custody, care, vaccination, and treatment costs incurred by the Town are fully paid by owner or agent of owners.
  - b. If the identity of the owner of a dog taken into custody under this ordinance is not known or cannot be determined with reasonable diligence, the dog shall be considered a stray.
- D. The Town and its officers and agents shall comply with Chapters 173 and 174, Wis. Stats.
- E. All persons in the Town shall fully cooperate with the Town regarding dogs in the Town and shall answer frankly, fully and truthfully all questions of the Town relative to dog ownership, possession, and keeping of a dog or dogs within the Town.

- F. Unclaimed stray dogs remaining in the custody of the Town for 7 days and abandoned dogs remaining in the custody of the Town for 7 days after issuance of the notice to the owner under Subsection E. may be released to a person other than the owner, in accordance with s. 173.23 (1m) (a), Wis. Stats. euthanized under s. 173.23 (1m) (c), or released for scientific or research purposes under s. 174.13, Wis. Stats.

#### SECTION IX – PENALTY PROVISIONS

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 \$100.00 nor more than \$1,000.00, 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.

#### SECTION XI – 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 provision or application, and to this end, the provisions of this ordinance are severable.

#### SECTION XII – EFFECTIVE DATE

This ordinance is effective on publication.

TOWN OF FOREST  
FIRE CALL REIMBURSEMENT ORDINANCE  
98-01

Section 1: Title/Purpose

This ordinance is entitled the "Town of Forest Fire Call Reimbursement Ordinance." The purpose of this ordinance is to provide for the proper allocation of costs assessed to the Town pursuant to its contract for fire call protection.

Section 2: Authority

The Town Board of the Town of Forest has the specific authority, powers, and duties pursuant to Sec. 60.10, 60.20, 60.22, 60.23, 60.40, 60.42, 60.44, 60.45, 60.46, 60.47, 65.90, 66.04, 66.15, 66.60, 74.12, Chapter 67 and 70, Wis. Statutes, to manage, supervise, and direct the fiscal operations of the Town of Forest and to develop, maintain, and implement this Ordinance as part of a fiscal management system for the Town of Forest.

Section 3: Adoption of Ordinance

The Town Board of the Town of Forest has, by adoption of this ordinance, confirmed the specific statutory authority, duties, and powers of the Town of Forest, its officers, its employees, and its agents as established by the above noted chapters and this ordinance to manage, supervise, and direct the fiscal operations of the Town of Forest and to develop, maintain, and implement a fiscal management system for the Town of Forest.

Section 4: Fire Cost Reimbursement

A. The Town Board of the Town of Forest may develop and maintain the proper funding for fire protection. The Town Board of the Town of Forest may charge property owners the cost of the fire run provided to their property.

B. The Property owner receiving service shall be charged for the amount billed to the Town for the fire run and the Town shall pay for all Stand-by charges.

C. In the event the fire call remains unpaid following a billing notice to the property owner, the cost shall be put on the property tax bill as a special charge, pursuant to Sec. 66.60(16)(a), Wis. Statutes.

Section 5: Severability

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

Section 6: Effective Date

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

Adopted this 3rd day of August, 1998

Town of Forest

Leon Helgeson, Town Chairman

Terri Swanepoel, Clerk

Voted For: 3

Voted Against: 0

Date Published: 8/18/98


ORDINANCE NO. 97-02 1997

AN EMERGENCY GOVERNMENT ORDINANCE TO COPE WITH NATIONAL EMERGENCIES RESULTING FROM ENEMY ACTION AND OTHER EMERGENCIES RESULTING FROM NATURAL OR MANMADE DISASTERS.

The Town Board of the Town of Forest does ordain as follows:

SECTION 1: The County/Municipal Emergency Government Director appointed and employed by St. Croix County is hereby designated and appointed Emergency Government Director of the Municipal Corporation of the Town of Forest, subject to the conditions and provisions set forth in Wisconsin Statutes and the St. Croix County Emergency Government program and any subsequent amendments.

SECTION 2: This ordinance shall take effect and be in force from and after its publication as provided by law.

  
Town Chairman

  
Town Clerk

Passed: July 9, 1997  
Published: July 15, 1997

**INTERGOVERNMENTAL COOPERATION  
AGREEMENT  
EMERGENCY MANAGEMENT SERVICES**

This agreement is made on the 7<sup>th</sup> day of July, 1997, by and between the County of St. Croix, and the Town of Forest.

- A. County of St. Croix is a body corporate under the laws of the State of Wisconsin and is required under Section 166.03 (4) of Wisconsin Statutes to adopt an effective program of emergency management and has adopted such a program by adoption of Ordinance No. 315 (93).
- B. The Town of Forest is a municipal corporation under the laws of the State of Wisconsin and is required under Section 166.03 of Wisconsin Statutes to adopt an effective program of emergency management.
- C. Section 166.03 (7) authorizes the County and other municipalities to cooperate in the furnishing of emergency management services by entering into an intergovernmental cooperation agreement pursuant to Section 66.30 of Wisconsin Statutes.

Therefore, the County and the above-named municipality agree as follows:

- 1. That the County has created the Office of County/Municipal Emergency Government Director and has appointed said director to fulfill the duties as set forth in Chapter 166 of Wisconsin Statutes.
- 2. The County shall provide offices, office furniture, stenographic help and such other office supplies as may be necessary to carry out the functions of the County/Municipal Emergency Government Director.
- 3. The municipality agrees to adopt a joint action emergency management program in conformity with St. Croix County's Emergency Government program.
- 4. The municipality agrees to bear 100 percent of the costs of equipment and services for emergency government which it requires.
- 5. This agreement may be terminated by either party upon 30 days written notice.

Sue E. Nelson  
County Representative

Leon O. Helgeson  
Municipal Representative

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## Minimum Required Road Construction Standards for the Town of Forest - *Ordinance - 03-02*

The Town Board of the Town of Forest, St. Croix County, Wisconsin does ordain as follows:

### 1. Adoption:

This ordinance adopts by reference Wisconsin State Statute Sec. 86.26 (1). Materials and construction methods used shall conform to the provisions set forth in Standard Specifications for Highway and Structure Construction, Wisconsin Department of Transportation, 1996 (or most current revision). In addition, the roads shall also satisfy the following requirements:

- a. Design and related standards for Town roads and private roads which provide access to individual lots:
  - (1) 66' right-of-way minimum;
  - (2) 18" culverts minimum, or as otherwise specified, with a minimum cover of one foot to the top of the sand lift. All culverts shall be galvanized, corrugated steel pipe, pipe arch, plate or reinforced concrete pipe in conformity with American Association of State Highway Transportation Officials' (AASHTO) specifications;
  - (3) minimum 3' ditch bottom.
  - (4) 44' minimum road width before sub-base or base course;
  - (5) 38' minimum road width after sub-base course of 12" of compacted sand;
  - (6) 32' minimum road width after base course of 8" of crushed limestone;
  - (7) 22' surface and a 2 1/2" minimum thickness of asphalt;
  - (8) 2' shoulders of crushed aggregate
  - (9) Decomposable material shall not be used in construction;
  - (10) Slopes beyond shoulder must meet 4:1 grade or grade approved by Town Board;
  - (11) Fill slopes must meet 3:1 grade or grade approved by Town Board;
  - (12) Back slopes must meet 3:1 grade or grade approved by Town Board;
- b. Materials and depth to be used during construction phases and compaction rates;
  - (1) **Sub-grade:** All roadways shall be constructed with suitable sub-grade material compacted and with uniform grade prior to placement of sand sub-base. The Town Board may require areas to be sub-cut and suitable granular fill placed in areas of unsuitable soils. Sub-grade shall be determined suitable at the Town Board's discretion or by an engineer designated by the Town Board.
  - (2) **Sub-base: 12" of sand;** measured after being compacted. Sand shall meet a minimum state specification to be determined by the St. Croix County Highway Department prior to being applied. In order to determine if sand is suitable, the developer will submit 50 pounds of product that represents the grade of material to be used and identify the location of the material source to the St. Croix County Highway Department for testing purposes. No sand shall be laid and no work will be accepted by the Town Board until such tests show that material meets acceptable state specifications. The St. Croix County Highway Department will notify the Town Board and the Town Board will then notify

- the developer that work can begin. All costs associated with this testing shall be paid for by the developer. The Town Board shall require individual truck weight slip verification of total sand tonnage on individual roadways.
- (3) **Base: 8" of crushed limestone**, gradation #2 minimum, crushed gravel, gradation #2 minimum after being compacted; crushed aggregate shall meet a minimum state specification to be determined by the St. Croix County Highway Department prior to being applied. In order to determine if crushed aggregate is suitable, the developer will submit 50 pounds of product that represents the grade of material to be used and identify the location of the material source to the St. Croix County Highway Department for testing purposes. No crushed aggregate shall be laid and no work will be accepted by the Town Board until such test shows that material meets acceptable state specifications. The St. Croix County Highway Department will notify the Town Board and the Town Board will then notify the developer that work can begin. All costs associated with this testing shall be paid for by the developer. The Town Board shall require individual truck weight slip verification of total crushed aggregate on individual roadways.
- (4) **Surface: 2 1/2" minimum thickness of hot mix asphalt** measured after being compacted per Section 401, Standard Specifications for Highway and Structure Construction, State of Wisconsin Department of Transportation, 1996 (or most current revision). The asphalt mix shall consist of Wisconsin D.O.T. State-Approved Mix MV Grade 3 Mix – Surface, as outlined in Table 407.5.1.5 (Table of Minimum Required Density). The Town Board shall require individual truck weight slip verification of total paving tonnage on individual roadways.
- a. This phase does not apply to private roads (driveways with two or less dwellings).
  - b. Minimum asphalt thickness is 2 1/2" on entire road surface. Averages will **NOT** be used.
  - c. The Town Board may require a greater thickness if projected traffic volume or type warrants.
  - d. This phase will not be started until at least 12 months after completion and approval of the Base Phase, but will be completed no later than 24 months after the completion and approval of the Base Phase.
  - e. The construction of this phase will not be conducted between October 31 and May 31.
- (5) **Shoulders:** Constructed using crushed aggregate; crushed aggregate shall meet a minimum gradation #3 state specification or to be determined by the St. Croix County Highway Department prior to being applied. In order to determine if crushed aggregate is suitable, the developer will submit 50 pounds of product that represents the grade of the material to be used and identify the location of material source to the St. Croix County Highway Department for testing purposes. No crushed aggregate shall be laid and no work will be accepted by the Town Board until such test shows that material meets acceptable state specifications. The St. Croix County Highway Department will notify the Town Board and the Town Board will notify the developer that work can begin. All costs associated with this testing shall be paid for by the developer. The Town Board shall require individual truck weight slip verification of total limestone tonnage on individual roadways.
- a. Shoulders **MUST** be constructed using additional material. The grading of the existing base course to produce excess material to meet the asphalt surface **WILL NOT** be acceptable.
  - b. Cul-de-sacs must have a standard 2' crushed aggregate shoulder.
- (6) **Compaction:** Compaction of the sub-grade, sub-base, and base should be carried out following the State of Wisconsin, Department of Transportation, Facilities Development Manual, Procedures and Guidelines.
- a. Width, radii and grades: (See Chapter 18 of St. Croix County Land Use Regulations).



- b. Variances: The Town Board may grant variances to design standards during the review and approval stages upon a showing that the subdivider will suffer undue hardship if strict compliance with the standard is required. The granting of a variance shall not violate the spirit or intent of this Ordinance.
- (7) The design of roads and driveways shall guarantee that lots are laid out in a way that will produce intersections, grades and other features satisfying the following statements:
- a. A dead-end road serving three or more dwellings shall have a cul-de-sac turn-around with a minimum right of way radius of 80 feet. The traveled asphalt way within the cul-de-sac shall provide a minimum radius of 67 feet. Appropriate arrangements shall be made for those parts of a turn-around outside of a road right of way to revert to the abutting lot owners at such time as the road shall be extended. Where cul-de-sacs are provided, the right of way line connecting the road shall be extended. Where cul-de-sacs are provided, the right of way line connecting the road right of way with the 80 foot cul-de-sac bulb radius shall be 80 feet in radius;
  - b. When adjacent land to the subject property presents a reasonable future possibility for a road, and the subject road does not extend to the subdivision boundary, the land map will indicate an easement between the end of the culdesac and the subdivision boundary. No building will be permitted to be built on that easement.
  - c. The Town Board may require intersection vision clearances;
  - d. The elevation of the centerline of a driveway within 35 feet of a road right of way shall not be more than 1 foot above or below the road elevation;
  - e. The town Board may require joint driveways-particularly on cul-de-sacs;
  - f. Developers shall be required, at their expense, to install base and sub-base for each residential driveway from the edge of the proposed roadway to the lot line of each lot according to standards specified in this ordinance. All driveways shall be located as designated on the approved final plat unless unforeseen problems may require placement in another location in which case the new location would require Town Board approval. If culverts are required for proper drainage, a steel culvert of appropriate size shall be installed by the developer at the developer's expense. At the time of final asphalt application, a paved stub will be installed at the developer's expense. Said stub will be 14 feet wide adjoining the roadway and extend not less than 12 inches toward the lot line.
  - g. All roads serving three or more home sites **MUST BE** designed and constructed according to all standards of this Ordinance and must be dedicated to the Town of Forest. Roads serving two or fewer home sites (and remain private driveways) must be designed and constructed according to all standards of this Ordinance to the point that is 10 feet past the drive way of the first home site, except that blacktopping will not be required. (Two single family homes, a single family home and a twin home, or two twin homes would be considered two home sites).
  - h. All lots served by gravel roads shall have on the face of the plat or Certified Survey Map notification that this lot may be subject to future special assessments for blacktopping;
  - i. **Road dedication:** Only roads complying with all requirements of this Ordinance will be accepted by the Town of Forest. Dedications, which are to be accepted by the Town, shall be accomplished pursuant to the

provisions of Section 236.10 (3) and 236.29 of the Wisconsin State Statutes.

- (1) Dedications will not take place when there is snow cover on the road right of way area.
  - (2) As part of the road dedication process, the Town Board will do a final visual inspection of the roadway.
- j. All the roads and streets which are not to be dedicated to the Town because they serve two or fewer home sites shall be identified on the face of the plat or Certified Survey Map as private roads or streets. Such identification will also contain a statement warning lot purchasers that Town obligations as to maintenance do not extend to such non-dedicated roadways. The subdivider/developer shall be required to place covenants and/or deed restrictions against properties served by a private road requiring maintenance of that road at the expense of the properties served by the road.
- k. All roads and streets dedicated to the Town shall connect to public roads.
- l. All phases of road constructions will be at the developer's expense.
- m. Inspections:
  - (1) The Town Board will require that inspection of roads be performed during designated phases of construction including: start, sub-grade construction, sub-base construction and after the sub-base phase, during base construction and after final base phase, after blacktop and shoulders.
  - (2) Inspections are required for each of the above phases and will be done by a registered professional engineer, licensed in the State of Wisconsin hired by the Town. The expenses of hiring such engineer shall be borne by the subdivider/developer.
  - (3) Any construction completed without receiving proper written approval for each completed phase will not be accepted by the Town Board.
  - (4) Prior to the Town accepting the constructed roadway as a public roadway, the engineer under whose direction the approved plans were submitted, shall supply the Town with a stamped and signed certification that the roadway has been constructed in substantial compliance with the approved plans and this Ordinance.
- n. Any substantial deviations from the approved plans shall be cause for the Town to not accept the roadway or require reconstruction to achieve substantial compliance at the whole cost of the developer.
- o. All driveways from the edge of the lot to the buildings shall have both a width and height clearance of at least 14 feet and shall be maintained in such a way so as to allow for easy emergency vehicle access.
- (8) **Access from existing private roads-** When lots of any subdivision will abut a private road that existed prior to the adoption of this Ordinance and the creation of those lots will make that road public, the portions of the road abutting those lots shall be brought into compliance with all provisions of this Ordinance, including blacktopping at the expense of the subdivider/developer. Practical problems that may occur in these instances to the developers, will in no way require the Town or adjacent land owners to participate in the road expense (an example would be if the new lots are all on only one side of a private road). These instances will require the land owner to work cooperatively with adjacent land owners to reach agreements which will provide for the total costs of the road construction.

- (9) At the time of the application to the Town Board for preliminary approval of a subdivision, the applicant shall identify the accesses, streets, and road within the subdivision which meet the specifications of this Ordinance and shall submit a schedule for the required construction and surfacing identifying the accesses, streets, and roads.

The Town Board or their appointed representatives shall specifically review this schedule. The schedule of access, road and street construction shall be approved as submitted or with modifications. The schedule of construction so approved shall be a binding and enforceable condition of the Town's of the subdivision. A financial guarantee shall be required to assure that construction will occur according to the approved schedule.

2. Town of Forest Plan Commission Fee. It is the intent of this fee to require those who wish to develop land in the Town of Forest to share in the planning costs of such development. The fee for this review by the appointed committee of the Town Board shall be \$50 per lot and shall cover both the preliminary and final plat review and is non-refundable unless the appointed committee takes no substantive action on the proposal.

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 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. Adopted this 10th day of April, 2003 by the Town of Forest.

Leon Helgeson, Chairman

Carlton Cress, Supervisor

Roger Swanepoel, Supervisor

Attest: Terri Swanepoel, Clerk

Voted for: 3; Against: 0

Posted: May 3, 2003

**29.038, 66.0407, 66.0413, 125.14, 169.01, 175.25 and ch.823\* Public nuisance ordinance. (ONLY for use by towns authorized to exercise VILLAGE POWERS under s. 60.22).**

STATE OF WISCONSIN  
Town of Forest  
St. Croix County

#### SECTION I – TITLE/PURPOSE

The title of this ordinance is the Town of Forest Public Nuisance Ordinance. The purpose of this Ordinance is to regulate for public health and safety reasons public nuisances and certain uses and activities in the Town.

#### SECTION II – AUTHORITY

The Town Board has the specific authority under s. 29.038, 66.0407, 66.0413, 125.14, 169.01, and 175.25, and Chapter 823, Wis. Stats., and the general authority under its Village Powers under s.60.22(3), Wis. Stats., to adopt this Ordinance.

#### SECTION III – 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 to negotiate the storage, treatment, disposal, and discharge of certain junk and other items, uses and activities in the Town.

#### SECTION IV – DEFINITIONS

- A. "Agricultural use" means any 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 35 acres of which is enrolled in the conservation reserve program under 16 USSC 3831 to 3836, participating in the milk production termination program under 7 USC 1446 (d), and vegetable raising.
- B. "Appliance" means any household or office device, instrument, utensil, or apparatus or machine that utilizes power, including, but not limited to any stove, washer, dryer, refrigerator, dish washer, freezer, water heater, water pump, furnace, television set, home entertainment device, any computer or peripheral device or other electronic device.
- C. "Building" includes any building or structure or any portion of a building or structure.
- D. "Debris" means any litter, junk, wood, bricks, paper, cement, concrete blocks, or any other unsightly accumulation of items or materials that may tend to depreciate property values in the adjacent or newer area, create a blighted condition, present a substantial threat to public health or safety, create a public nuisance or public safety or health hazard, except when such items are determined by the Town Board or Town Committee or other agent of the Town to be stored or house out of public view and are not treated and maintained not to be a public nuisance.
- E. "Equipment" means goods used or bought for use primarily in a business, including farming and a profession.
- F. "Hazardous waste" means any solid waste identified by the State Department of Natural Resources as hazardous under s. 291.05 (2), Wis. Stats., or its successor provisions.

- G. "Junk" means scrap metal, metal alloy, wood, concrete, synthetic or organic material, or any junked, inoperative, unlicensed, or unregistered motor vehicle structures, equipment, furniture, appliances, or machinery, or any part thereof. This definition of junk includes refuse, used tires, parts of dismantled buildings, agricultural use equipment not in usable condition, and parts of agricultural use equipment and contaminated recyclable material.
- H. "Junked" means dismantled for parts or scrapped.
- I. "Junkyard" means any place which is owned, maintained, operated or used for storing, keeping, processing, buying or selling junk, including refuse dumps, garbage dumps, automobile graveyards, scrap metal processors, auto-wrecking yards, salvage yards, auto-recycling yards, used auto parts yards and temporary storage of automobile bodies or parts awaiting disposal as a normal part of a business operation when the business will continually have like materials located on the premises, and sanitary landfills. The definition does not include litter, trash, and other debris scattered along or upon the highway, or temporary operations and outdoor storage of limited duration.
- J. "Local zoning and land use regulation" means any applicable county, town, or extraterritorial zoning, subdivision, land division, platting, official map, building code, building permit or other ordinance adopted pursuant to general police powers that is applicable in any manner to the use of land.
- K. "Machinery" means a structure or assemblage of parts that transmits forces, motion or energy from one part to another in a predetermined way by electrical, mechanical or chemical means. "Machinery" does not include a building.
- L. "Motor Vehicle" means a vehicle, including a combination of 2 or more vehicles or an articulated vehicle, that is self-propelled except a vehicle operated exclusively on a rail, with or without a current registration issued by the State of Wisconsin or other state to the owner of the vehicles.
- M. "Not registered," in reference to all terrain vehicles" as defined in s. 340.01(2g) Wis. stats., "snowmobiles" as defined in s340.01(58a) Wis. stats., or "boat" as defined in s29.001(16) Wis. stats., are those that are required to, but do not have nor bear any current and valid State of Wisconsin registrations.
- N. "Public nuisance" means a thing, act, occupation, condition, or use of property that continues in the Town for such length of time as to do any of the following:
1. Substantially annoy, injure or endanger the comfort, health, repose, or safety of the public.
  2. In any way render the public insecure in life or in the use of property.
  3. Greatly offend the public morals or decency.
  4. Unlawfully and substantially interfere with, obstruct, or attempt to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way, or use of public property.
- O. "Recyclable material" means material that is suitable for recycling.
- P. "Scrap metal processor" means a fixed location at which machinery and equipment are utilized for the processing and manufacturing of iron, steel, or nonferrous metallic scrap into prepared grades and whose principal product is scrap iron, scrap steel, or nonferrous metal scrap for sale for remelting purposes.
- Q. "Solid waste" means any garbage, refuse, sludge, ash, paper, wood, metal, glass, cloth, plastic lumber, concrete, food waste, and other organics, boxes, barrels, and other containers, tires, and other like materials. "Solid waste" means any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded or salvageable materials including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solids or dissolved materials in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permits under ch 283, Wis

stats., or source material, as defined in s 254.31 (1), Wis. stats., special nuclear material as defined in s. 254.31 (11), Wis. stats., or by-product material, as defined in s 254.31 (1), Wis. stats. "Solid waste" includes paper, wood, metal, glass, cloth, plastic, lumber, concrete, food waste, and other organics, boxes, barrels, and other containers, tires and other like materials, debris, and junk.

- R. "Solid waste facility" means a facility for solid waste treatment, solid waste storage or solid waste disposal, and includes commercial, industrial, municipal, state and federal establishments or operations such as, without limitation because of enumerations, sanitary landfills, dumps, land disposal sites, incinerators, transfer stations, storage facilities, collection and transportation services and processing, treatment and recovery facilities. This term includes the land where the facility is located. This term does not include a facility for the processing of scrap iron, steel or nonferrous metal using large machines to produce a principal product of scrap metal for sale or use for remelting purposes. This term does not include a facility which uses large machines to sort, grade, compact or bale clean wastepaper, fibers or plastics, not mixed with other solid waste, for sale or use for recycling purposes. This term does not include an auto junk yard or scrap metal salvage yard.
- S. "Town Board" includes agents of the Town Board of the Town of Forest. Specifically including the Town Clerk and Town Chair.
- T. "Town Committee" means a committee established by the Town Board to address and aid in regulation of those uses and activities that may cause public nuisance or public health and safety threats in the Town.
- U. "Unlicensed" or "unregistered" in reference to motor vehicles, mobile homes, manufactured homes, camper trailers, recreational vehicles, truck bodies, semi-trailers, or trailers, are those that are required for operation in the state, but do not have nor bear required current and valid State of Wisconsin licenses or registration.
- V. "Vehicle" means every device in, upon, or by which any person or property is or may be transported. "Vehicle" includes, but is not limited to, all of the following:
  - 1. "Aircraft" as defined in s 29.001 (16), Wis. stats.
  - 2. "All-terrain vehicles" as defined in s. 340.01 (2g), Wis. stats.
  - 3. "Antique vehicles" as described in s. 341.265 Wis. stats
  - 4. "Automobiles" as defined is s. 340.01 (4), Wis. stats.
  - 5. "Boats" as defined in s. 20.001 (16), Wis. stats.
  - 6. "Camping trailers" as defined in s. 340.01 (6m), Wis. stats.
  - 7. "Farm equipment" as defined in s. 100.47 (1), Wis. stats.
  - 8. "Farm tractors" as defined in s. 340.01 (16), Wis. stats.
  - 9. "Hobbyist or homemade vehicles" as defined in s 341.268 Wis. stats.
  - 10. "Junk vehicles" as defined in s 340.01 (25j) Wis. stats.
  - 11. "Implements of husbandry" as defined in s. 340.01 (24), Wis. stats.
  - 12. "Manufactured homes" as defined in s. 101.91 (2), Wis. stats.
  - 13. "Mobile homes" as defined in s. 340.01 (29), Wis. stats.
  - 14. "Mopeds" as defined in s 340.01 (29m), Wis. stats.
  - 15. "Motor bicycles" as defined in s 340.01 (30), Wis. stats.
  - 16. "Motor buses" as defined in s. 340.01 (31), Wis. stats.
  - 17. "Motor homes" as defined in s. 340.01 (33m), Wis. stats.
  - 18. "Motor trucks" as defined in s. 340.01 (334), Wis. stats.
  - 19. "Motorcycles" as defined in s. 340.01 (32), Wis. stats.
  - 20. "Railroad trains" as defined in s 340.01 (48), Wis. stats.
  - 21. "Recreational vehicles" as defined in s. 340.01 (48r), Wis. stats.
  - 22. "Road machinery" as defined in s. 340.01 (52), Wis. stats.
  - 23. "Road tractors" as defined in s. 340.01 (53), Wis. stats.
  - 24. "Salvage vehicles" as defined in s. 340.01 (55g), Wis. stats.

25. "School buses" as defined in s. 340.01 (56), Wis. stats.
  26. "Semi trailers" as defined in s 340.01 (57), Wis. stats.
  27. "Snowmobiles" as defined in s. 340.01 (58), Wis. stats.
  28. "Special interest vehicles" as defined in 341.266 Wis. stats.
  29. "Trailers" as defined in s 340.01 (71), Wis. stats.
  30. "Truck tractors" as defined in s 340.01 (73), Wis. stats.
  31. "Unlicensed demolition motor vehicles, unlicensed racing motor vehicles and golf carts, garden tractors, mowers, and other motorized tractors, motorized carts, and motorized utility vehicles" that require no registration or licensure by the State of Wisconsin.
- W. "Wild animal" means any animal of a wild nature that is normally found in the wild and that is not a domestic animal.

## SECTION V – PUBLIC HEALTH OR SAFETY

No person may create, contrive, erect, maintain, cause, continue, install, construct, or permit to exist in the Town a public nuisance associated with, causing, or likely to cause danger, disturbance, or injury to the public health or safety. The following acts, uses, activities, things, occupations, places or physical conditions, not properly and timely removed, after written notice to remove from the Town Board to any owner or occupant of the land where the act, use, activity, thing, occupation, place, or physical condition exists, is located, or occurred or to any person responsible for the creation, maintenance, or providing of the act, use, activity, thing, occupation, place, or physical condition, are specifically declared to be a public nuisance:

- A. Noxious weed areas. Any place in the Town where noxious weed conditions are over One foot high, are located on private or public land and are not timely cut or removed within seven days after posting or publication of a notice to destroy noxious weeds under s. 66.0407 or within seven days after receipt of written notice to remove from the Town Board.
- B. Unburied animal carcass areas. Any place in the Town where unburied animal carcasses are located on private or public land and are not timely removed or discarded, including timely burial in a sanitary manner, with 24 hours after receipt of written notice to remove from the Town Board. Burial must be 500 ft. from any public or private water or stream and 500 ft. from the adjacent property line. This paragraph does not apply to any animal or pet cemetery approved in writing by the Town Board.
- C. Noxious or polluted or waste areas. Any place in the Town where noxious, nauseous unwholesome, or polluted water and waste are located on private or public land, including Town roads, highways, bridges, sidewalks, alleys, or other public lands owned or controlled by the Town, and these conditions are not timely removed within seven days after receipt of written notice from the Town Board.
- D. Noxious emission odor areas. Any place in the Town where noxious odor, stench, or gas escape or is emitted into the open air from sources located on public or private land and these condition are not timely removed or discontinued within ten days after receipt of written notice to remove from the Town Board. "Noxious odor" means an odor that is extremely repulsive to the senses of ordinary persons in the Town that seriously annoys or causes serious discomfort or serious injury to the health or causes serious inconvenience to the health or safety of a significant number of persons within the Town, as determined by the Town Board.
- E. Rat or vermin areas. Any place in the Town where rat or other vermin are located or

Frequent on public or private land, and those conditions are not removed or destroyed within seven days after receipt of written notice to remove from the Town Board. vermin subject to this paragraph include, but are not limited to, all of the following: rats, flies, mosquitoes and disease carrying insects.

- F. Unauthorized human burial area. Any place in the Town where the body of a deceased person or parts of a deceased person are located and buried on private or public land in the Town without written approval of the Town Board and are not timely removed within seven days after receipt of written notice to remove from the Town Board. This paragraph does not apply to any established cemetery or burial site grounds approved, owned, and operated in accordance with Chapter 157, Wis. stats.
- G. Hazardous, toxic or solid waste facility or site areas. Any place or solid waste facility in the Town where the discharge, disposal, storage, or treatment of hazardous, toxic or solid waste occurs on private or public lands without approval and licensing or permitting of the discharge, disposal, storage, or treatment by all proper Federal, State, County, and Town governing authorities and full compliance with all applicable laws, rules, regulations, or ordinances of the Federal, State, County, or Town, and the activity or condition is not timely removed or discontinued within five days after receipt of written notice to remove from the Town Board. To constitute a public nuisance under this paragraph, an area, facility, or site must threaten or cause serious injury to the health or cause serious inconvenience to the health or safety of a significant number of persons within the Town as determined by the Town Board.
- H. Permits for dangerous animal areas in the Town of Forest. Any place in the Town where live dangerous animals are kept, sold, or in any manner controlled or possessed on private or public land without written approval of the Town Board and the animals are not removed or destroyed with five days after receipt of written notice to remove from the Town Board unless written approval of the Town Board is obtained within said time. To constitute a dangerous animal, under this paragraph, the species of animal must pose a threat to the safety of persons within the Town, including a keeper of such animal, as determined by the Town Board. It is not necessary that Town Board find that a specific animal is dangerous in order to find a nuisance under this permit. Permits for dangerous animals can be obtained from the Town Board and range from \$500.-\$1000.
- I. Improper sewage areas. Any place in the Town where effluent from a septic system, sewer holding tank, cesspool, or other human waste container is located on private land and the effluent is not timely removed or properly treated with seven days after receipt of written notice to remove from the Town Board.
- J. Dangerous or dilapidated building area. Any place in the Town where a building or structure, the contents therein, or any associated electrical, heat, water, or sewer system located on public or private lands is so old, dilapidated, or out of repair as to be dangerous, unsafe, unsanitary, or otherwise unfit for human habitation, and the conditions that are dangerous, unsafe, unsanitary, or otherwise render the building unfit for human habitation are not timely removed or discontinued within thirty days of receipt of written notice to remove from the Town Board. Such buildings will be dealt with per the terms of Wisconsin Statue 66.0413.
- K. Dangerous tree areas. Any place in the Town where any trees or the tree's limbs located on private or public lands constitute a dangerous or unsafe condition and these dangerous or unsafe conditions have not been timely removed within fifteen days after receipt of written notice to remove from the Town Board.
- L. Fire hazard areas. Any place in the Town where combustible materials are located and stored on private or public lands and the materials are not timely removed or safely stored within fifteen days after receipt of written notice from the Town Board.



- M. Improper encroachment or discharge areas. Any unauthorized or improper Encroachments and discharges, including solid waste, trees, limbs, vehicles, structures, equipment, signs, manure, weeds, crops, and other materials on any Town roadway or on other Town public lands without written permission from the Town Board, and the improper or unauthorized encroachment or discharge is not timely removed or discontinued within thirty days of the receipt of written notice from the Town Board.
- N. Junked motor vehicle and junk part areas. Any place in the Town within 500 feet of The center line of any town highway in the town, or within 750 feet of the center line of any county trunk, state trunk, or federal highway where junked motor vehicle or junk motor vehicle parts are accumulated or stored or any place in the Town where junked motor vehicles, junk vehicles or junk parts are accumulated or stored outside a building for a period exceeding 72 hours if upon public property, or for a period exceeding 30 days if upon private property without obtaining a Junked Motor Vehicle Permit from the Town in accordance with the Town Junk Vehicle Ordinance adopted under s. 175.25, Wis. stats, except when exempt under the terms of the Town Junk Vehicle Ordinance. Permits for junked vehicles - \$1,000. Salvage yard - \$5,000.
- O. Junkyard and junked vehicles, appliance, and machinery areas. Any place in the Town where junked vehicles, not otherwise subject to subsection N, junked appliances, junked equipment and junked machinery are accumulated or stored for a period exceeding 72 hours if upon public property, or for a period exceeding 30 days if upon private property and any place otherwise within the definition of junkyard other this Ordinance that is not timely removed or discontinued within 30 days of receipt of written notice to remove from the Town Board, unless exempt under Section IX if this Ordinance.
- P. Unlicensed or unregistered vehicle area. Any place in the town where for a period exceeding 30 days upon private property a not registered, unlicensed, or unregistered vehicle is parked, stored, or otherwise kept outside a building without the written permission of the Town Board that is not timely removed or discontinued within 30 days of receipt of written notice to remove from the Town Board, unless exempt under Section IX of this Ordinance.

## SECTION VI – PUBLIC PEACE AND ORDER

- A. No person shall create, contrive, erect, maintain, cause, continue, install, construct, or permit to exist in the Town a public nuisance associated with, causing or likely to cause, potential danger, disturbance or injury to the public peace and order. The following acts, uses, activities, things, occupations, places, or physical conditions, not properly and timely removed, after written notice to remove from the Town Board to the owner or occupant of the land where the public nuisance occurred or is maintained or to any persons responsible for the creation, maintenance, or permitting of such nuisance in the Town, are specifically declared to be a public nuisance:
  - 1. Loud noise areas. Any place in the Town where any unreasonably loud, discordant and unnecessary sound conditions, including sounds from motor vehicles, equipment, machinery, guns, fireworks, enclosed domestic or other enclosed animals or from any human created or aided sounds, including alleged music, is located on private or public land, without written approval of the Town Board or its agent and is not timely removed or discontinued within 7 days of the written receipt of notice to remove from the Town Board.
  - 2. Disorderly conduct area. Any place in the Town where unpermitted, abusive, indecent, profane, or boisterous sounds, unpermitted fighting, brawling, or rioting

Or other unpermitted disorderly conduct conditions are located or occur on private or public lands and these disorderly conditions have not been timely removed or discontinued within 30 days of receipt of written notice to remove from the Town Board.

## SECTION VII – PUBLIC MORALS OR DECENCY

A. No person shall create, continue, erect, maintain, cause, continue, install, construct, or permit to exist in the Town a public nuisance associated with, causing or likely to cause danger, disturbance, or injury to public morals or decency. The following acts, uses, activities, things, occupations, places or physical conditions, not properly and timely removed by the owner or occupant of the land, after written notice to remove from the Town Board to the owner or occupant of the land where the public nuisance occurs or to any person responsible for the creation, maintenance, or permitting such nuisance in the Town, are specifically declared to be a public nuisance:

1. Bawdyhouses. Pursuant to s 823.09, Wis. stats., whoever shall erect, establish, Continue, maintain, use, occupy, or lease any building or part of building, erection or place to be used for the purpose of lewdness, assignation or prostitution, or permit the same to be used, in the state of Wisconsin, shall be guilty of a nuisance and the building, erection, or place, in or upon which such lewdness, assignation or prostitution on conducted, permitted, carried on, continued or exists, and the furniture, fixtures, musical instruments and contents used therewith for the same purpose are declared a nuisance, and shall be enjoined and abated.
2. Illegal drug houses. Pursuant to s 823.113 (1), Wis. stats, any building or structure that is used to facilitate the delivery, distribution or manufacture, as defined in s. 961.01(6), (9) and (13), Wis. stats., respectively, of a controlled substance, as defined in s. 961.01 (4), or a controlled substance analog, as defined in s. 961.01 (4m), Wis. stats., and any building or structure where those acts take place, is a public nuisance and may be proceeded against under s. 823.113, Wis. stats.
3. Criminal gang houses. Pursuant to s 823.113 (1), Wis. stats., any building or structure that is used as a meeting place of a criminal gang, as defined in s.939.22 (9), Wis. stats., or that is used to facilitate the activities of a criminal gang, is a public nuisance and may be proceeded against under s. 823.113, Wis. stats.
4. Gambling houses. Pursuant to s.823.20 Wis. stats., any gambling place, as defined in s. 945.01 (4) (a), Wis. stats, is a public nuisance and may be proceeded against under Chapter 823, Wis. stats.
5. Illegal alcohol houses. Pursuant to s. 125.14 (5), any building or place where alcohol beverages or alcohol is sold, possessed, stored, brewed, bottled, manufactured or rectified without a valid permit or license issued under this chapter or ch. 139, Wis. stats., or where persons are permitted to drink alcohol beverages in violation of chapter 125, Wis. stats., is public nuisance and may be closed until the activity in violation of Chapter 125, Wis. stats., is abated. When the activity is abated, the building or place may be used for any lawful purpose.

## SECTION VII – ABANDOND VEHICLES ON PUBLIC LANDS

No person regardless of physical condition, registration, or license held shall leave

unattended or stored any motor vehicle or other vehicle, appliance, equipment, or machinery, or parts thereof, on any public street, public road, public highway, or public property in the Town, including the road right-of-way, for such time and under such circumstances so as to cause the vehicle, appliance, equipment, or machinery to reasonably appear to have been abandoned. When any such vehicles, machinery, appliances, or equipment has been left unattended, parked, or stored on any public street, public road, public highway, or public property, including the Town road right-of-way, within the Town for a period of more than 72 hours, the vehicle, structure, machinery, appliances or equipment is deemed by the Town abandoned and to be a public nuisance. This section does not apply to a railroad train stopped at a railway crossing as defined in s 340.01 (4) Wis. stats.

## SECTION IX – EXEMPTIONS – PERMITS

### A. EXEMPTIONS

1. Any storage of junked motor vehicles and vehicle parts on private lands in the Town that is in conformity with local zoning and land use regulation for which the owners, operators, or persons otherwise responsible for the storage of the vehicles or parts have met the Junked Motor Vehicle Permit requirements established by the Town Board as authorized under s. 175.25 (3) Wis. stats., is exempt from the provisions of Section V, subsection N, of the Ordinance, applicable to storage of junked motor vehicles and vehicle parts. The exemption granted under this paragraph strictly limited to the extent allowed by permit.
2. Any operation of a junkyard on private lands in the Town that is in conformity with local zoning and land use regulation for which the owners, operators, or person, otherwise responsible for the operation of the junkyard have obtained all the proper and necessary Federal, State, County, town, and extraterritorial municipal approvals, permits, or licenses for the operation or licenses for operation of a junkyard on that privately owned premise under s. 84.31 Wis. stats., is exempt from the provisions Section V, subsection O, of this Ordinance applicable to junked vehicles, junked machinery, junked appliances, or junked equipment and parts thereof. The exemption granted under this paragraph is strictly limited to the extent allowed by the approvals, permits, or licenses.
3. Any commercial motor vehicle salvage or motor vehicle retail sales business on private lands in the Town that is in conformity with local zoning and land use regulation for which the owners, operators, or persons otherwise responsible for the conduct of the business hold a current motor vehicle salvage dealer license under s. 218.205, Wis. stats., authorizing storage uses, operations, and activities at property locations in the Town or hold a current motor vehicle dealer license under s 218.0114. Wis. stats., for salvage, sale, or storage operation and activities at a property location in the Town, and are actively engaged in the Town, as determined in writing by the Town Board, in the commercial motor vehicle salvage or motor vehicle retail sales business on property in the Town is exempt from the provisions Section V, Subsection O, of this Ordinance applicable to junked vehicles, junked machinery junked appliances, or junked equipment and parts thereof. The exemption granted under this paragraph is strictly limited to the extent allowed by the applicable license.
4. Any business engaged in the retail sales of manufactured homes, mobile homes, camper trailers, or recreational vehicles on private lands in the Town that is in conformity with local zoning and land use regulation for which the owners, operators, or persons otherwise responsible for the conduct of business hold a current and valid manufactured home dealers license under s 101.951 Wis. stats.,

or a current and valid recreational vehicle dealers license under s. 218.12, Wis. Stats., issued by the State of Wisconsin and are actively engaged in the Town, as determined in writing by the Town Board, in the business of commercial retail sales of manufactured homes, mobile homes, camper trailers, or recreational vehicles on property in the Town is exempt from Section V, subsection O, of this Ordinance applicable to junked vehicles, junked machinery, junked appliances or junked equipment and parts thereof. The exemption granted under this paragraph is strictly limited to the extent allowed by the applicable license.

5. Any parking, storage, or other keeping outside of buildings in the Town of Forest or fewer unlicensed or unregistered motor vehicles or 2 or fewer boats, snowmobiles, or all-terrain vehicles, not registered with the State of Wisconsin, on private lands owned or leased by the owner of the vehicles that is in conformity with local zoning and land use regulation, even if the vehicles are not stored for purposes of sale or repair, is exempt from the provisions section V, subsection P, of this Ordinance relating to the keeping and storage of unlicensed or unregistered vehicles.
6. Any parking, storage, or other keeping of any agricultural use vehicles in the open on private lands in the Town that is in conformity with local zoning and land use regulation, by the owner or leaseholder of the land, if the vehicles are and can be used by the owner or leaseholder, without repair, for normal agricultural use in the Town is exempt from the provisions Section V, subsection O, of this Ordinance applicable to junked vehicles, junked machinery, junked appliances, or junked equipment and parts thereof. Notwithstanding anything contained in this paragraph storage of inoperable junk or other unrepaired agricultural use vehicles on private property of any person for more than 90 days in the open shall be deemed a violation of Section V, Subsection O, of this Ordinance, unless the storage is at a commercial implement repair location where the equipment or implements can and will be timely repaired.

## B. PERMITS

1. The Town Board of the Town may permit on public or private land in the Town, with or without conditions and restrictions, 1) the storage in the open on private premises vehicles, structures, machinery, appliances, or equipment in the Town subject to Section V of the Ordinance; 2) the maintenance of certain buildings, structures, or dwellings in the Town subject to Section V of this

Ordinance; 3) the storage, disposal, treatment, or discharge of certain items, waste and materials in the Town described in Section V of this Ordinance upon proper and timely application of an owner or occupant of the premises in the Town to the Town Clerk for a permit, regardless of the ownership or possession rights to the vehicles, implements, machinery, structures, equipment, appliances, buildings, structures, dwellings, items, waste or materials to be stored, maintained, disposed, treated, or discharged. The Town Board may specify the quantity and manner, including the timeline, for such storage, maintenance, disposal, treatment, or discharges after a public hearing held by the Town Board.

2. The applicant shall be notified of the public hearing required under paragraph 1 at least 20 days before the public hearing by the mailing by U.S. mail of a First Class notice letter to the last known address of the applicant noted on the application. The permit shall be for a specific location and may be established for a term of months or years and may be re-issued upon application by the permit holder if the permit holder is in full compliance with this Ordinance and with the permit conditions and restrictions as issued. The conditions and restrictions, if any, in the permit established by the Town Board for such storage, maintenance, disposal, treatment, or discharge shall be reasonable restrictions and conditions to protect the public health, safety, and welfare of persons within the Town and to limit or negate potential public nuisances caused by such storage, maintenance, disposal, treatment or discharge. The conditions and restrictions shall be stated in writing and attached to the written permit upon issuance by the Town Board. The owner or occupant of the permitted premises shall be responsible for compliance with the conditions and restrictions in the permit issued regardless of whether the owner or occupant of the premises has any legal or equitable interest in the vehicles, structures, machinery, appliances, or equipment subject to the permit.

## **SECTION X – ABATEMENT OF PUBLIC NUISANCES/PERMIT REVOCATION.**

### **A. Inspection of Premises.**

1. Whenever a complaint is made to the Town Board, Town Clerk, Town Chair or any appropriate Town committee or agent, that a public nuisance under this Ordinance or a violation of a permit issued under this Ordinance exists within the Town, the Town Chair, Town Committee, or other agents of the Town Board shall promptly inspect or cause to be inspected the premises complained of and shall make a written report of its findings to the Town Board. If the Town Chair, Town Committee or other agents of the Town Board performing the inspection also received the complaint he, she, or they shall file a copy of the report with the Town Clerk. Whenever practicable, the Town Chair, Town Committee or other agents of the Town Board shall cause photographs to be made of the premises and shall file the photographs with a written report in the office of the Town Clerk.
2. If the person subject to complaint has a current permit under this Ordinance, any Town Building Permit, or Junked Motor Vehicle Permit issued under s. 175.25, Wis. stats., the Town Chair, the Town Committee or other agents of the Town Board may immediately request the Town Board to hold a public hearing, to consider suspension or revocation of the permit, for refusal to comply with the permit and the conditions attached therein. The Town Board shall hold a public hearing prior to taking any action to revoke or suspend a permit. The permit holder shall be notified of the public hearing at least 20 days before the public hearing by the mailing by U.S. mail of a First Class notice letter to the last known address of the permit holder noted on the permit or permit application.
3. The Town Board may, in the alternative to revocation, suspend any issued permit for a period up to 6 months. Any revocation shall be in excess of 6 months and no reapplication can be received or acted upon by the Town Board for the premises or for the owner or occupant of the premises for any activity, use, or item prohibited by or requiring a permit under this Ordinance during the revocation period.

4. For any decision regarding the revocation or suspension of any permit, the Town Board shall determine and state the reason or reasons for any revocation, non-revocation, or suspension of the permit based on the lack of compliance with the permit conditions and this Ordinance by the permit holder or by any employees or agents of the permit holder. The reason or reasons for the decision shall be stated in writing and sent to the permit holder within 10 days after the decision by the Town Board by mailing by US Mail of a First Class letter to the last known address of the permit holder noted on the permit or permit application.
- B. Owner of Premises Responsibility. Any owner or occupant of land in the Town shall be responsible for compliance with this Ordinance on the land regardless of ownership of and responsibility for the uses, activities, or things located on the land that are subject to this Ordinance.
- C. Summary Abatement.
1. Notice to Owner If the Town Chair, Town Committee, or other agents of the Town Board determine, by written notice to the Town Board, that a public nuisance exists under this Ordinance within the Town on private or public land and that there is great, immediate, and substantial danger or threat to the public health or safety, the Town Board, Town Chair, Town Committee, or other agents of the Town Board shall serve a written order notice upon the person who is causing, permitting, or maintaining the public nuisance, and the owner or occupant of the premises where the public nuisance is caused, permitted, or maintained. If immediate personal service cannot be made, one copy of the written notice shall be posted on the premises in a location likely to attract the attention of the owner or occupant of the premises the person who is causing, permitting, or maintaining the public nuisance, and one copy of the notice shall be served by mailing by U.S. mail of a First Class letter to the last known address for the owner or occupant of the premises. The order notice shall direct the owner or occupant to remove the public nuisance within 24 hours and shall state that unless the public nuisance is so timely abated, the Town may cause, due to the emergency conditions, the public nuisance to be abated and shall charge the costs of abatement to the owner, occupant, or person causing, permitting, or maintaining the public nuisance.
  2. Abatement by Town If the public nuisance is not abated within the time provided in the notice under paragraph 1 or if the owner, occupant, or person causing the public nuisance, if known, cannot be found, the Town Chair, the Town Committee or other agents of the Town Board, with approval of the Town Board, shall cause the abatement or removal of the public nuisance by immediately seeking for the Town a court order that allows for the immediate enjoinder and abatement of the public nuisance.
- D. Abatement By Court Action.
1. If the Town Board determines that a public nuisance exists on public or private premises but that the nature of the nuisance does not threaten great, immediate, and substantial danger to the public health or safety, the Town Board shall file a written report or its resolution of its findings with the Town Clerk who shall, after approval and filing of the report or resolution by the Town Board, take one or more of the following actions, as directed by the Town Board:
    - a. Contact in writing the person causing, permitting, or maintaining the public nuisance and the owner or occupant of the premises where the public nuisance is located with a notice order to cease and desist the public nuisance.
    - b. Issue or have issued and served a citation upon the person causing, permitting, or maintaining the public nuisance and the owner or occupant of the premises where the public nuisance is located for violation of this Ordinance.
    - c. Cause the Town attorney to draft a formal civil complaint to be filed and served upon the alleged violators based upon an alleged violation of this Ordinance or the conditions of any permit as issued or have drafted by the Town attorney to be filed and served a formal complaint for abatement of the public nuisance under chapter 823, Wis. stats.

- E. Other Methods Not Excluded. Nothing in this Ordinance shall be construed as prohibiting the enjoinder and abatement of public nuisances against any person by the Town, or its officials in accordance with the laws of the State of Wisconsin or this Ordinance, including against a permit holder that holds a current and valid permit issued by the Town under this Ordinance.
- F. Citations. The Town Board may, upon adoption of a Citation Ordinance, enforce against such public nuisance violations in this Ordinance by issuance and service of a Citation against any alleged violation of this Ordinance.

#### SECTION XI – COSTS OF ABATEMENT/DISPOSAL

In addition to any other penalty imposed by this Ordinance for the erection, contrivance, creation, continuance, or maintenance of a public nuisance and violation of this Ordinance, the cost of abatement of any public nuisance by the Town may be collected under this Ordinance or s. 823.06, Wis. stats., as a debt or expense from the owner or occupant of the real property for causing, permitting, or maintaining the public nuisance. If notice to abate the nuisance has been given to the owner or occupant previously, the cost of abatement may be assessed against the real property for services rendered and incurred by the Town to enjoin or abate the public nuisance as a special charge under 66.0627, Wis. stats., unless paid earlier. If any vehicle, structure, equipment, implement, or appliance noted in this Ordinance is abandoned or remains unclaimed, the Town Board may proceed to declare this personal property abandoned and proceed to dispose of this personal property under s. 660139, Wis. stats., by public auction or other means as determined in writing by the Town Board.

#### SECTION XII – ENFORCEMENT PROVISIONS

- A. First Offense/ Penalty. Any person who violates this Ordinance shall, upon conviction, forfeit not less than \$200 nor more than \$500. 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 90 days.
- B. Second Offense/Penalty. Any person guilty of violating this Ordinance or any who has previously been convicted of a violation of this Ordinance or shall, upon conviction, forfeit not less than \$400. nor more than \$5000. for each offense, 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 said forfeiture and costs of prosecution are paid, but not to exceed 6 months.
- C. Separate Violations. Each day of violation of this Ordinance shall constitute a separate offense.

#### SECTION XIII – SEVERABILITY

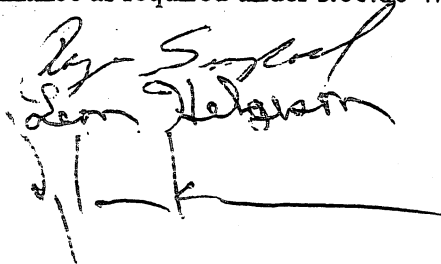
If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to that end, the provisions of this Ordinance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

#### SECTION XIV – EFFECTIVE DATE

This Ordinance is effective on publication

The Town Clerk shall properly publish this Ordinance as required under s.60.80 Wis stats

Adopted this 11<sup>th</sup> day of Oct 2007.



Handwritten signature of Dan Helgeson, Town Clerk, with a checkmark below it.

**TOWN OF FOREST  
ST. CROIX COUNTY  
ORDINANCE NO. 2011 - 3**

**WIND ENERGY SYSTEMS LICENSING ORDINANCE**



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**TOWN OF FOREST  
ORDINANCE NO. 2011-3  
WIND ENERGY SYSTEMS LICENSING ORDINANCE**

**RECITALS**

WHEREAS, the Town of Forest has carefully studied Wis. Stat. 66.0401 regarding the rules and procedures for a municipality to regulate wind energy systems.

WHEREAS, the Town of Forest has studied proposed PSC 128, the proposed rules for siting and regulating wind energy systems, and considered the impact application of those rules would have if wind turbines were to be located in the Town of Forest.

WHEREAS, the Town of Forest adopted a temporary stay concerning the construction of wind energy systems to give the Town time to research and develop an appropriate ordinance regulating the siting, operation, and decommissioning of wind energy systems in the Town of Forest.

WHEREAS, the Town of Forest has held a public hearing on July 27, 2011 to hear public comment on the proposed ordinance.

WHEREAS, the Town Plan Commission has researched and reviewed many documents related to the siting of wind turbines, including, but not limited to the documents, reports and studies that are noted within the ordinance, which documents have been determined by the Town Plan Commission to be reasonably accurate, reliable and relevant to the health and safety effects of wind turbines.

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 referenced herein, and based upon the recommendation of the Town Plan Commission, the Town Board finds and ordains as follows:

**I. FINDINGS**

(a) General Findings:

1. Wind energy is a potential renewable and nonpolluting energy resource of the Town of Forest and its conversion to electricity may reduce dependence on nonrenewable, conventional energy sources and decrease the pollution that results there from. However, wind energy facilities should be sited in a way that protects the health and safety needs of the Town of Forest 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 Forest 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 Wind Farm 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. Even as recently as March 14<sup>th</sup> 2011, a bolt failure led to the rotor and blades falling from a wind turbine in North Dakota.
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 Forest concludes that a) the sound pressure level ("SPL") of 50 dBA daytime and 45dBA night time set forth in the State of Wisconsin by proposed Chapter PSC 128 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 night time, or 45 dBA or 5dBA over ambient day time, whichever is lower, in the Town of Forest 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 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 an 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. 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 Forest concludes that a) the setbacks set forth in proposed Chapter PSC 128 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) the setbacks as provided in this ordinance necessary to protect the health and safety of the Town of Forest 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, an 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 an SPL that exceeds safe levels. (See Rogers pg. 18 Figure 11; Burton 2001)

<i>Wind Turbine Sound Propagation at the example of 102 dBA sound power at hub</i>	
<b>Distance in Ft.</b>	<b>dBA reduction -6 per doubling of distance</b>
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 setbacks, 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 Wayne 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 & Wayne 2/27/08; Kamperman & James)
5. Multiple wind turbines complicate matters further. From relatively long distances, an assembly of machines appears as a point source. Closer to the turbines, they begin to act as a line source. The decay rate for line source is 3-dB, not 6-dB for true spherical propagation. (Paul Gipe). The standard wind turbine computer model used to estimate sound levels for Wind Project assumes "Spherical Propagation" not "Line Propagation" even though turbines are arranged in rows. This error means that the tables of sound levels and the contour maps grossly underestimate the true impact of the sounds on adjacent properties located along the rows. (Richard R. James presentation Nov. 4, 2010.)
6. Documents reviewed recommend wind turbines should be located distances ranging from 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 Minnesota Department of Health, May 22, 2009 states that low frequency noise from a wind turbine is generally not easily perceived beyond 1/2 mile. However, if a turbine is subject to aerodynamic modulation because of shear caused by terrain (mountains, trees, buildings) or different wind conditions through the rotor plane, turbine noise may be heard at greater distances. 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 Town of Forest, Fond du Lac county, adopted a one mile set back from residences. 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, AEI report, Wind Turbine Noise impacts, 11/17/09)

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.



## II. PURPOSE AND INTENT

The purposes and intent of this ordinance is to protect the public health and safety of the residents and property owners of the Town of Forest who may be affected by the development and operation of a WECS (Wind Energy Conversion System). Such purposes and intent shall be accomplished by regulating noise, protecting emergency communications, regulating shadow flicker, ensuring adequate fire protection, establishing adequate setbacks, protecting water quality, preventing soil erosion, regulating visual obstructions, preventing conflicts between incompatible land uses, ensuring proper installation of WECS, and ensuring safe and complete decommissioning of a WECS.

## III. 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 Glint means the intermittent reflection of the sun off the surface of the blades of a single or multiple WECS.
- (h) 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)]
- (i) Board means the Town Board for the Town of Forest, St. Croix County, Wisconsin.
- (j) Broadband Noise means the "swishing" or "whooshing" sound emitted as a function of a WECS(s) operation.
- (k) 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.

- (l) 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.
- (m) 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.
- (n) FAA means Federal Aviation Administration
- (o) 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.
- (p) 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.
- (q) 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.

- (r) Height means the total distance measured from the grade of the property as it existed prior to the construction of the wind energy system, facility, tower, turbine, or related facility at the base to its highest point.
- (s) Hertz (Hz). Frequency of sound expressed by cycles per second.
- (t) Hub Height means the distance to the center of the wind turbine hub as measured from ground level.
- (u) 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.
- (v) 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.
- (w) Infra-Sound. Sound with energy in the frequency range of 20 Hz and below is considered to be infrasound and 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.
- (x) Large Wind Energy System means a wind energy conversion system that has a total installed nameplate capacity of more than 100 kilowatts or has Wind Energy Conversion Unit or Units that exceed 110 feet in height.
- (y) Livestock Facility means a confinement area designed specifically for raising, controlling, feeding, and providing care for livestock. This may include but is not limited to: dairy barns, pastures, feedlots, free stall barns, calf hutches, horse barns, veal barns, feed storage areas, brooder and laying barns, farrowing and finishing barns, veterinary care.

- (z) 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.
- (aa) 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.
- (bb) 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.

- (cc) 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.
- (dd) Meteorological Tower means a tower used for the measurement of wind speed and direction, also known as a MET tower or wind test tower.
- (ee) Nameplate capacity means the nominal generating capacity of a wind energy system, as listed in the wind turbine specifications provided by the wind turbine manufacturer.

- (ff) Noise means any unwanted sound. Not all noise needs to be excessively loud to represent an annoyance or interference.
- (gg) Non-participating Parcel means a parcel of real estate that is neither a Project Parcel nor a Participating Parcel.
- (hh) Non-participating Residence means a residence located in or adjacent to the project that is not contracted to have a WECU or related project infrastructure.
- (ii) Occupied Structure means a building in which people live, work or frequent.
- (jj) Operator means the person who is designated on the license application to be the person in charge of daily operation of the premises and who is to be the Wind Energy Conversion System contact person for the Town.
- (kk) Owner means:
  - (a) a person with a direct ownership interest in a wind energy system, regardless of whether the person was involved in acquiring the necessary rights, permits and approvals or otherwise planning for the construction and operation of a wind energy system.
  - (b) At the time a wind energy system is being developed, a person who is acting as a wind energy system developer by acquiring the necessary rights, permits and approvals for or by planning for the construction and operation of a wind energy system, regardless of whether the person will own or operate the wind energy system.
- (ll) Participating Parcel means a parcel of real estate that is not a Project Parcel, but is subject to an agreement between the property owner and the 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 property owner and the applicant must be approved by the Town Board under this Ordinance.
- (mm) 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.
- (nn) 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.
- (oo) Property Line means the recognized and mapped property parcel boundary line.

- (pp) 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.
- (qq) 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 Qualified Independent Acoustical Consultant can have no direct or indirect financial or other relationship to an Applicant.
- (rr) Residence means a person's home; where someone resides or lives, whether occupied or not, unless the applicant can show that the structure is permanently abandoned for use as a residence. Residence also includes any proposed residence for which a building permit has been issued.
- (ss) 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, churches, places of seated assemblage, agricultural businesses and residences.
- (tt) Shadow Flicker means the effect when the blades of an operating wind energy conversion unit pass between the sun and an observer, casting a readily observable, moving shadow on the observer and his/her immediate environment.
- (uu) Small Wind Energy System: A wind energy system that has both: 1) an installed nameplate capacity of not more than 100 kilowatts; and 2) Wind Energy Conversion Unit or Units not more than 110 feet total in height.
- (vv) Sound. A fluctuation of air pressure which is propagated as a wave through air
- (ww) 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 ( $L_w$ ) requirement in IEC 61400-11. This Ordinance requires wind turbine certified acoustic power ( $L_w$ ) 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.

- (xx) 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.
- (yy) 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 micronewtons per square meter. In equation form, sound pressure level in units of decibels is expressed as  $SPL (dB) = 20 \log p/pr$ .
- (zz) 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.
- (aaa) 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 exceed 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.
- (bbb) Stray Voltage (Ground Current) means neutral-to-earth voltage measured from the electrical system neutral and/or any structure bonded to this neutral to earth that adversely affects humans or animals.



- (ccc) Structures. Residences, livestock facilities, communication towers, commercial businesses, and all sensitive receptors.
- (ddd) 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.
- (eee) Total Height means the distance between the ground at normal grade and the highest point of the installed WECU (being the tip of the blade when the blade is in the full vertical position).
- (fff) Town means Town of Forest
- (ggg) Town Board means Town Board of the Town of Forest
- (hhh) Wind Energy Conversion Systems (WECS) means all WECUs, related transformers, electrical conductors, substations, and connection points to transmission or distribution lines
- (iii) Wind Energy Conversion System Facility means all of the land and equipment used by the wind energy conversion system and its support facilities including the wind turbine, tower, access roads, control facilities, meteorological towers, maintenance and all power collection and transmission systems.
- (jjj) Wind Energy Conversion Unit (WECU) means a wind driven machine that converts wind energy into electrical power for the primary purpose of sale, resale, or off-site use. The WECU includes the tower, turbine, footings, and all equipment associated with individual units including the land beneath encompassing the equivalent area of the circumference of the rotors. Also known as a Wind Turbine.
- (kkk) Wind Energy Systems (WES) means equipment and associated facilities that convert and then store or transfer energy from the wind into usable forms of energy.
- (lll) Wind Energy Systems Facility License or WESF License means a license to construct and operate a Wind Energy System issued by the Town of Forest in accordance with the Ordinance.
- (mmm) Wind Mill means a wind-driven machine that does not produce electricity
- (nnn) Wind Test Tower means the tower on which meteorological equipment is located to measure wind speed, direction, strength, etc., for the purpose of evaluating a potential for WECS siting.

- (ooo) Wind Turbine (WTi) 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.
- (ppp) WDNR means the Wisconsin Department of Natural Resources.

#### IV. LICENSE OR PERMIT REQUIRED

- A. (1) After the effective date of the ordinance, no Large Wind Energy System shall be constructed, operated, or maintained in the Town without a license issued by the Town Board. The Town Board shall hold a public hearing and meeting on the application to obtain public comments on and to inform the public about the proposed Wind Energy System, before any application is approved and license issued.
- (2) After the effective date of the ordinance, no Small Wind Energy Systems of 110 feet in height or less, and less than 100 kilowatts shall be constructed, operated, or maintained in the Town of Forest without a permit issued by the Town Board. The application fee shall be \$125.00 per wind turbine. Small Wind Energy systems are exempt from the requirements of the ordinance except that the requirements regarding shadow flicker, audible noise limits, notification to the adjacent property owners, and a set back of two (2) times the total height of the small energy system from a neighboring property line shall all apply, and the ordinance requirements for paying all costs the Town incurs in reviewing the application shall also apply.
- B. Effect of Other Licenses. The fact that an applicant possesses any other valid license or permit required by law does not exempt the applicant from the requirement from obtaining a WECS license or permit under this ordinance.
- C. Non-Assignment. A license or permit issued under this ordinance may not be assigned or transferred to any person other than the Licensee or Permittee, without the express prior written approval of the Town Board. Approval shall not be unreasonably withheld, provided the Licensee or Permittee and the proposed Assignee shall both submit affidavits to the Town Board demonstrating the following:
1. The new person/entity who will hold the license wholly owns the new entity
  2. The new entity is properly formed and authorized to do business in the State of Wisconsin
  3. The written assignment requires the new entity to assume all of the Licensee's rights, duties and obligations under the License including but not limited to the letter of credit / bonding requirements and the certificate of insurance requirements.
  4. The assignee has provided a Letter of Credit, certificate of insurance, and any required bond, all of which are satisfactory to the Town.

## V. LICENSE APPLICATION PROCEDURE FOR WECS

**A. Pre-Application notice.** At least 90 days before an Owner files an application to construct a WECS, an Owner shall provide written notice, by certified mail return receipt requested or other method that provides proof of receipt of the planned WECS to all of the following:

- a) Land owners within one mile of a planned WECS.
- b) The Town of Forest.
- c) Emergency first responders and air ambulance service providers serving the Town of Forest.
- d) The Wisconsin Department of Transportation.
- e) The DNR.
- f) The Wisconsin department of agriculture, trade and consumer protection.
- g) The office of the deputy undersecretary of the U.S. Department of Defense.

Each of the notices shall include:

- a) A complete description of the WECS including the number and size of the planned turbines.
- b) A map showing the planned locations of all the components of the WECS.
- c) Contact information of the owner.
- d) A list of all potential permits or approvals the owner anticipates may be necessary for construction of the WECS.
- e) Whether the owner is requesting a joint application with another political subdivision and the name of each political subdivision.

**B. Application** Any person/entity desiring to secure a WECS license or WECS permit from the Town shall file a complete application, together with ten (10) additional copies, with the Town Clerk. The application shall be on a form approved by the Town Board.

**C. Required Information,** The following information shall be required of each Applicant for a large WECS and shall be provided with the application. The Person(s) filing the application shall sign it under oath of affirmation as witnessed by a Notary Public:

1. Name, address, phone number, fax, and e-mail address, if any, of Applicant(s).
2. If the Applicant is a corporation, partnership, limited liability company, limited liability partnership, or other entity recognized by law, the application shall include: the name of the business entity; the date of incorporation, registration of organization; the state in which the entity was incorporated, registered or organized; the name and address and home phone numbers of the registered agent(s) where applicable; the names and addresses of all officers and directors; operating or managing partners or general partners, managing members or

managers, whichever is applicable for the particular form of business entity.

3. Name and address of any other current or past WECS developed, owned, or operated by the Applicant, whether in the State of Wisconsin or any other state or nation.
4. Name, address, phone number, fax, and e-mail address of the individual(s) responsible for the day-to-day operation of the proposed WECS, who will be deemed the Operator for purposes of this section, and who will be the contact person for the Town.
5. Evidence that the applicant is the owner of the Project Parcel(s) (the underlying real estate) and other property necessary for the WECS project or that the Applicant has the written permission of the owner(s) of such Project Parcel or Project Parcels and other property to make such an Application.
6. A signed statement by each owner of any Project Parcel acknowledging that the Project Parcel Owner shall be financially responsible if the WECS Owner/Operator fails to decommission and reclaim the site as required, and that any removal and reclamation costs incurred by the Town shall become a lien on the real estate and other property and may be collected from the Project Parcel(s) owner in the same manner as property taxes.
7. A statement that the Applicant is familiar with, and in compliance with, the provisions of the ordinance, including the responsibility to reimburse all costs and professional fees incurred by the Town associated with the processing, examination and analysis of the application for a license and such further expenses associated with implementing and monitoring the WECS and enforcing the terms of the license.
8. Proof of continuous liability insurance in the minimum amount of five million dollars (\$5,000,000.00) per occurrence shall be submitted to the Town of Forest indicating coverage for potential damages or injury to landowners, occupants, Town property and Town roads, and other third parties. The Town shall be named as an additional insured on the policy.
9. Proof that the Owner has a Power Purchase agreement or a signed Letter of Intent with an electric utility.
10. Evidence that the applicant has an emergency landing plan jointly agreed upon with the area air ambulance services and the applicant.

**D. Additional Information.** Each Application for a Large Wind Energy System shall be accompanied by:

1. Detailed Site Plan. A site plan which meets all the requirements of this Section and applicable provisions of the County and/or Town Zoning Code pertaining to Land Use Permits, as well as any additional site specific requirements of the Town in accordance with the technical requirements in the ordinance's Standards and Guidelines. Each application shall be accompanied by a site plan showing the location of the proposed WECS Tower Site(s), including:

- a. Total acreage occupied by the facility.
- b. A detailed map of the area showing parcel boundaries and individual Wind Turbine locations and their distances to existing structures;
- c. Existing structures and proposed WECS facilities;
- d. Location of existing and proposed transmission lines, substations, driveways, access and maintenance roads, etc. All proposed electric transmission and distribution lines shall be shown and shall be placed underground;
- e. Location of meteorological or wind testing towers; and the location of wells, abandoned and active, within a half mile radius of the project boundary.
- f. Listing of those roads in the Town that will be used prior to and during construction of the WECS.

2. Specific Information. The applicant shall provide specific information on WECS including:

- a. The type, manufacturer including manufacturer manuals, size, total installed height, rotor material, rated power output, performance history, safety history, and noise characteristics of each type of WECU, tower and electrical transmission equipment. Identify the length of service of the proposed components.
- b. A structural safety certificate shall be provided by a professional engineer stating that the structure is of new construction and not refurbished or rebuilt and has been designed to operate in cold weather conditions and is safe.
- c. Photographs or detailed drawings of each wind turbine model including the tower and foundation. Provide design and specifications for all proposed structures and foundations. (Foundation at and around the tower base shall be designed so that no surface water or runoff can access subsurface aquifer at any time during construction, operation or decommissioning.)
- d. Detailed computer and photographic simulation(s) overlaid on the existing environment showing the proposed WECS project area fully developed with all proposed wind energy conversion units and related facilities. The format shall be

subject to the approval of the Town.

3. Timeline. The applicant shall provide a proposed timeline showing all aspects of construction with a starting and final completion date.

4. Affected Property Owners. The applicant shall submit the name and address of property owners within WECS setback areas. Considering that development rights of adjacent property owners may be affected by construction of a WECS , a written agreement for non-development within the specified setback, unless the affected property owner has granted a written easement for lesser setback, shall be recorded against the affected properties at the St. Croix County Register of Deeds . Copies of the agreements or easements must be submitted with the application.

5. Wind Access Agreements. Evidence (a signed statement from the applicant and countersigned by the landowner) that the applicant has negotiated with adjacent landowners and has obtained written agreements with all landowners whose wind rights may be affected by the WECU or who could otherwise potentially interfere with the applicant's wind access.

6. Easements, Leases & Property Rights. The applicant shall submit copies of signed letters of intent to grant easements, long-term leases or other property rights from all involved landowners and any governmental units responsible for right-of-ways for access, construction, electric transmission and distribution lines, etc.

7. Notifications. The applicant shall notify the following agencies, via certified mail upon submitting an Application to the Town. Copies and proof of delivery shall be provided to the town:

- a. Federal Aviation Administration;
- b. Wisconsin Bureau of Aeronautics;
- c. County Emergency Services Agencies;
- d. Local Fire Departments;
- e. County Planning & Zoning and Land Records Departments;
- f. County Highway Department;
- g. County Sheriff's Department;
- h. Local School Districts;
- i. Local Utilities and Electric Cooperatives, including cellular providers and cable providers;
- j. Wisconsin Public Service Commission;
- k. Wisconsin Department of Natural Resources;
- l. U.S. Department of Defense facilities located within 50 miles of the proposed WECS;
- m. National Weather Service.

8. Wind Study. A study documenting minimum, maximum, and average wind speeds and prevailing wind directions over the course of one year. Anemometers shall be

calibrated regularly to ensure a measurement of error of 1% or less. All anemometers shall be placed at the expected hub height of the proposed wind turbines. Sufficient wind resources, as described by the U.S. Department of Energy, include areas with a wind power class 4 or higher. The Town shall retain the services of an independent, recognized expert to review the results of the wind resources study prior to acting on the application. Said study shall indicate the long-term commercial economic viability of the proposed WECS project.

9. Critical Communications. The applicant shall provide a critical communication study prepared by a registered professional engineer showing that the proposed WECS will not interfere with emergency (fire, police/sheriff, ambulance) radio two-way communications (base stations, mobile, and hand held radios, including digital), paging television, telephone (including cellular and digital), microwave, satellite (dish), navigational, weather forecasting facilities, internet or radio reception communications to and from neighboring areas. The applicant shall provide a signed affidavit stating that the applicant shall be responsible for the full cost of any removal of WECS facilities and any other remediation necessary to correct any problems including relocation or removal of WECS facilities and any and all related electric transmission lines, transformer, and other components related thereto. The applicant shall maintain equivalent communications throughout the life of the WECS even as future technologies may change.

10. Sound Modeling, Sound Standards and Sound-related Enforcement Procedures.

a. *Applicant's Pre-licensing Sound Studies and Modeling*.

An application for a WECS license shall include a sound prediction model that includes the information and meets the requirements in this chapter.

Information regarding the make and model of the wind 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 test 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 show history of accuracy and 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 a Qualified Independent Acoustical Consultant for review and a determination whether the proposed WECS will, based on pre-licensing studies and sound modeling, comply with the sound limits set forth in the Ordinance.

*b. Independent Pre-licensing Sound Modeling.*

In any case in which a WECS 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 showing background dBA and dBC sound levels (L90 (10 min)) 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 XIII of this Ordinance.

*c. Sound Study and Measurement Requirements.*

1. All instruments must meet ANSI or IEC type 1 Precision integrating sound level meter performance specifications.
2. Procedures must meet all ANSI standards including but not limited to S12.9 Part 3, S12.18. Where a standard's requirements may conflict with other standards the most stringent requirement shall apply.
3. 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.



4. IEC 61400-11 procedures are not suitable for enforcement of these requirements except for the presence of tones.

*d. Post-construction 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 WECUs running and with all WECUs off. At the discretion of the Town, the preconstruction background sound level (L90A) can be substituted for the "all WECS 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 chapter V shall include these costs. The Licensee's consultant may observe the Town's consultant. The WECS Licensee shall provide all technical information and wind system 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.

11. 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 WECS license shall include a detailed shadow flicker and blade glint assessment model and plan containing the following information and meeting the following requirements.

a. The model shall be prepared by a registered professional regularly engaged in this type of work with not less than three years experience.

b. The model study area will examine areas where shadow flicker will occur within a one mile radius of the Project Parcels.

c. The model will be calculated using the following minimum inputs:

1. Turbine locations (proposed and existing)
2. Shadow flicker receptor locations
3. Existing topography (elevation contours and vegetation)
4. Rotor diameter and hub height
5. Joint wind speed and direction distribution (wind rose table)
6. Hours of sunshine (long term monthly references)

d. All existing occupied structures, planned structures for which building permits have been issued, all Sensitive Receptors, and all 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.

e. 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.

f. The model shall calculate the locations and durations of shadow flicker caused by the proposed WECS 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.

g. 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.

h. 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.

12. Ice Throw Calculations. A report from a Wisconsin professional engineer that calculates the maximum distance that ice from the turbine blades could be thrown. The basis of the calculation and all assumptions must be disclosed. The report shall be prepared by a qualified person on behalf of the applicant, and shall be reviewed and approved by an independent consultant selected by the Town Board, at the applicant's expense, prior to review and approval of the Application.

13. Blade Throw Calculations. A report from a Wisconsin professional engineer that calculates the maximum distance pieces of the turbine blades could be thrown. The report shall be prepared by a qualified person on behalf of the applicant, and shall be reviewed and approved by an independent consultant selected by the Town Board, at the Applicant's expense, prior to review and approval of the Application.

14. Ground Water. An environmental study specifically indicating the impact the project will have on the groundwater beneath and in the vicinity of the proposed Wind Turbine sites. If a Wind Turbine foundation is proposed in a bedrock area, a baseline of all wells and certified public drinking sources in a half-mile radius shall be established and provided to the Town as part of the application. The study shall be prepared by a qualified person on behalf of the applicant, and shall be reviewed and approved by an

independent consultant selected by the Town Board, at the Applicant's expense, prior to review and approval of the Application.

15. Road Use and Risk Assessment Plan and Road Impact Requirements.

a. An application for a WECS License shall include a road use and risk assessment plan containing the following information and meeting the following requirements:

1. A description and map of all public roads in the Town to be used in connection with the construction of the WECS (haul roads) including a description of how and when such roads will be used in connection with the construction of the WECS.

2. 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.

3. A complete assessment of the proposed use of roads in the Town in connection with the construction of the WECS, 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. The pre-construction inventory of road conditions shall be performed by a Wisconsin certified professional engineer at the cost of the applicant.

4. A traffic control and safety plan relating to the use of roads in the Town in connection with the construction of the WECS.

5. Any additional information the Town may request that is reasonably related to the use of roads in the Town in connection with the WECS.

6. Applicant shall abide by all Town, county and state laws and ordinances that may affect travel and/or ingress or egress to the WECS facilities.

a. 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 WECS 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.

b. 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.

16. Soils Report. A geotechnical report that shall at a minimum include the following:

- a. Soils engineering and engineering geologic characteristics of the site based on on-site sampling and testing;
- b. Slope stability analysis;
- c. Grading criteria for ground preparation, cuts and fills, soil compaction; and
- d. Certification from a registered geotechnical engineer that the soils can support the WECU's.

17. Site Preparation & Erosion Control. The applicant shall submit the following:

- a. A site preparation plan that has been prepared by a licensed engineer. The plan shall show planned storage and retention of topsoil, and all types of subsoil for later site restoration.
- b. A construction site erosion plan and storm water runoff control plan that has been prepared by a licensed engineer. The plan shall comply with all state statutes and county ordinances. The plan shall be prepared so as to minimize the potential adverse impacts on sinkholes, wetlands, streams and the banks and vegetation along those streams and wetlands, and to minimize erosion or sedimentation.
- c. Applicant must submit an approved DNR storm water permit if required.

18. Hazardous Waste. A plan shall be submitted showing compliance with all laws applicable to the generation, storage, clean up, transportation and disposal of hazardous wastes generated during any phase of the proposed WECS life.

19. Fire Prevention, Emergency Rescue Plan. The applicant shall submit a plan to outline preventative measures and to train and fund fire and rescue personnel to ensure readiness and appropriate response. This plan shall also identify potential fire, rescue, and hazardous materials scenarios over the life of the WECS.

20. Stray Voltage Assessment and Requirements.

a. An application for a WECS 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 WECS 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.

b. Following construction of the WECS, 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.

21. Lighting Plan. The applicant shall provide a plan showing lighting on and around all WECUs and related facilities. Lighting on WECUs shall be lit to FAA minimal standards only using red rather than white lights, if possible. Lighting shall be shielded from ground view to FAA maximum standards.

22. Avian and Bat Impact Study Plan. The applicant shall submit a plan for monitoring the avian and bat impact of the WECS to the Town for its review and approval. Such plan shall document and follow accepted scientific study procedures. In addition, the applicant shall submit a quarterly report to the Town which identifies the number of bird and bat fatalities found within 500 feet of all WECS facilities.

23. Decommissioning, Abandonment, Removal and Site Restoration Plan. The applicant shall submit an abandonment, removal and site restoration plan, along with a cost estimate for removal and site restoration, to the Town with the application. The plan shall identify the specific properties it applies to and shall indicate the timeline and process to be used for removal of all materials above and below ground; road repair costs. All re-grading and re-vegetation of subject property shall be returned to its original state or a state that is jointly agreed upon in writing by the property owner and the Owner of the WECS at the time of decommissioning. The plan shall reflect the site-specific character including topography, vegetation, drainage, and any unique environmental features at the site. The plan shall reflect any standards set forth in this ordinance and shall include a certified estimate of the total cost (by element) of

implementing the removal and site restoration plan.

24. Application Fees & Security. The applicant shall pay the following fees and provide the following financial security guarantees to the Town:

a. Application, Legal and Consultant Fees. The applicant shall pay an application fee of \$1,000 to the Town upon filing an application under the ordinance. In addition, within (14) days of filing an application the applicant shall deposit in a joint escrow account with the Town the sum of \$25,000, as partial payment for the expenses the Town incurs in reviewing the application, examining and verifying the data presented by the applicant, conducting all necessary studies or inspections relating to the application, and, if the application is approved, implementing and enforcing any license that may be issued under this ordinance. Such expenses include, but are not limited to, all professional fees such as legal, engineering, inspection and other consultants, and all costs identified in Section XIII of this ordinance. If at any time the balance of this fund shall fall below \$15,000, the applicant shall submit an additional \$10,000 so that the Town's full and actual expenses related to the application shall be paid in full by the applicant. If at any time the balance of this fund shall fall below \$15,000 for a period of 30 days, the application shall be considered to have been withdrawn. The balance of the escrow account, after all the Town's expenses have been paid, shall be returned to the owner/operator after the decommissioning process is complete. These fees may be adjusted by the Town Board based on current consultations rates and/or the Federal Consumer Price Index.

b. Road Repair. An amount to be determined by the Town Board, to be used as security for Town road maintenance and repair, shall be deposited in a joint escrow account with the Town within (14) days of approval of a license under the ordinance. This amount shall be based on estimated costs of maintenance and repair resulting from the WECS likely use of the town roads. When determining the amount of such required security, the Town may require an annual escalator or increase based on current construction costs and/or the Federal Consumer Price Index. This security shall be kept in full force and effect during the entire time a WECS is in existence and shall be used to maintain roads during the construction, maintenance and decommissioning of the WECS facility. Such security shall be irrevocable or non-cancelable (except by written consent by both the Town Board and the owner of the WECS) for the life of the approved license through completion of decommissioning. Failure to comply will subject the applicant to revocation of the license.

c. Decommissioning and Site Restoration Security. Upon approval of an application, the applicant shall provide to the Town, a cash deposit, irrevocable letter of credit or other similar financial security in form and substance satisfactory to the Town Board, to provide financial guarantee for decommissioning and site reclamation and restoration. The amount of the security or cash deposit shall be at least \$100,000 per WECU or such greater amount as determined by the Town Board to be necessary to fully remove the WECS and all components thereof, and to restore the site to its pre-existing condition. Such financial security shall be kept in full force and effect during the entire

time while a WECS facility exists or is in place, and is an express and material condition of any license issued under this ordinance. This financial security shall be irrevocable and non-cancelable until such time as the Town Board certifies that decommissioning, reclamation and restoration are complete and releases the obligation. Any decommissioning and site restoration and reclamation shall comply with all requirements of this Ordinance and with the Decommissioning and Site Restoration Plan approved by the Town Board.

## **VI. LICENSING PERMIT PROCEDURE**

### **A. Application Filing, Notice & Procedure.**

1. Applications for a license or permit for a WECS 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, copies of notices, all payments and other things required under this ordinance to be submitted with an application.
2. 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 under this ordinance.
3. The Town Board shall refer the application to the Plan Commission for its review and recommendation regarding completeness of the application and also regarding recommended action on the application. The Plan Commission shall report back to the Town Board regarding completeness of the application within fifteen days, and regarding the substance and recommendation on the application within thirty (30) days unless otherwise stipulated by the Town Board.
4. No later than 45 days after the application is filed, the Town Clerk shall notify the applicant of the Town Board's determination regarding whether the application is complete. If the Town Board determines that the application is incomplete, the notice shall state the reason for the determination. An applicant may supplement and refile an application that the Town has determined to be incomplete. If the Town fails to determine whether an application is complete within 45 days after the application is filed, the application shall be considered complete.
5. On the same date that the applicant files an application under this ordinance, the applicant shall mail or deliver written notice of the application to the owners of land adjoining the site of the wind energy system.
6. As soon as possible after receiving the application for approval, the Town shall publish a Class I notice, under Wis. Stat. 985, stating that an application for approval of Wind Energy System license or permit has been filed with the Town.

7. Public Hearing on Application. Before making a final decision on an application for a license or permit under this section, the Town Board shall hold a public hearing on the application. The Town Board shall publish a Class 2 Notice of the date, time, and location of such public hearing. Said public hearing shall be recorded or transcribed.
8. After the Town Board determines that an application is complete, and after receiving a timely recommendation from the Plan Commission, and holding a public hearing on the application, the Town Board shall determine whether the application meets all requirements of this ordinance. In determining whether the application meets all requirements of this ordinance, the Town Board may obtain assistance from such town staff, commissions or committees, and independent consultants as it deems appropriate. The Town Board's decision shall be based on written findings of fact that are supported by the evidence provided to the Town in its consideration of the application.
9. The Town Board shall approve or disapprove an application no later than 90 days after the date on which it notifies the applicant that the application is complete. The Town Board may extend the 90 day period, if it authorizes such extension in writing within the first 90 day period. The following extensions may be authorized, with the total amount of time for all extensions not to exceed 90 days:
  - a. an extension of up to 45 days if the Town Board needs additional information to determine whether to approve or deny the application.
  - b. An extension of up to 90 days if the applicant makes a material modification to the application.
  - c. An extension of up to 90 days for other good cause specified in writing by the Town Board.

**B. Decision on Application.** The Town Board shall approve an application and grant a WECS license if it determines that the application meets the requirements of this ordinance and granting the license will not adversely affect public health and safety. The Town Board may include conditions in the license which go beyond the minimum regulations set forth herein, if the conditions are reasonably necessary to protect public health and safety; do not significantly increase the cost of the system or significantly decrease its efficiency; or allow for an alternative system of comparable cost and efficiency. In addition to other provisions and standards set forth in the ordinance, the Town Board may consider the following factors when establishing such conditions:

1. The proposed ingress and egress;
2. The proximity to transmission lines to link the system to the electric power grid;



3. The number of wind turbines and their proposed locations;
4. The nature of land use on adjacent and nearby properties;
5. The surrounding topography;
6. The proximity to residential structures, residential zoning districts, and areas identified for future residential use;
7. Design characteristics that may reduce or eliminate visual obtrusiveness and the distraction of motorists on nearby roads.
8. Possible adverse effects on migratory birds, raptors, and other animals and plants;
9. Possible adverse effects of stray voltage, interference with broadcast signals, weather forecasting facilities, shadow and flicker effects, and noise.
10. Impacts on the orderly development, property values and aesthetic conditions of the Town as they may also relate to public health and safety and other factors under Wis. Stat. 66.0401
11. Effects on public roads.
12. Recommendations from the town boards of adjacent towns, which may be affected by a WECS;
13. Other similar factors which are relevant to the proposed WECS and that the Town Board deems reasonably necessary to protect the public health or safety.

**C. Recording & Notice of Decision.** The Town Board's decision to approve, conditionally approve or deny an application, the reason(s) for its decision, and any conditions established by Town Board relative to a conditional approval of an application and license shall be recorded in the Town Board's minutes.

**1. License.** The Town Board shall require an applicant to enter into a WESF licensing agreement with the Town as a condition of approving a 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 this ordinance. No license shall be issued until a licensing agreement is signed by the Town and the applicant. The Town Board may also require the owner of any Project Parcel to sign the License Agreement showing agreement with all obligations and responsibilities of Project Parcel owners under this Ordinance and under the License.

**2. Appeal.** An aggrieved person may appeal the decision of the Town Board to the Public Service Commission as provided in Wis. Stat. 66.0401 (5).

## **VII. DEVELOPMENT & PERFORMANCE STANDARDS FOR LICENSING**

**A. Development & Performance Standards.** All WECSs and testing structures shall comply with the Development & Performance Standards set forth in this section. It is recognized that the standards herein are neither exclusive, nor exhaustive. In instances where a health or safety concern is identified with regard to any application for a WECS, additional or more restrictive conditions may be included in the license to address such concerns. The Town reserves the right to impose additional standards as circumstances warrant. Such additional and more restrictive standards may include, but are not limited to:

1. longer setbacks from nearby property lines, municipalities, roads, electric transmission and distribution lines, residences, businesses and other inhabited structures;
2. more restrictive noise limitations; and
3. more restrictive limitations to protect surface water and groundwater.

**B. Design.** Each Wind Turbine shall consist of a tower, generator(s), nacelle and blades. Each WECU site shall have access roads, underground transmission cabling to connect the generators to a local utility's electric distribution lines, and underground communication lines. The application shall disclose the nature, type, make and model of the proposed Wind Turbines. Detailed product literature, specifications, and safety guidance for maintenance of the turbines shall accompany the application. Each wind turbine shall also comply with the following design requirements:

1. Wind Turbines shall be painted a non-reflective, non-obtrusive color.
2. Each WECS site, the design of the buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the WECS to the natural setting and the existing environment.
3. Wind Turbines shall not be artificially lighted, except to the extent required by the FAA or other applicable authority; strobe or other intermittent lights are prohibited.
4. Wind Turbines shall not be used for displaying any advertising or flags.
5. Wind turbines shall not have any cameras attached, except to monitor for security and to protect public health and safety.

6. Electrical controls and control wiring and power-lines must be wireless or not above ground, except where wind farm collector wiring is brought together for connection to the transmission or distribution network, adjacent to that network.

7. The clearance between the ground and the Wind Turbine blades shall be not less than 75 feet.

8. Wind Turbine total height shall not exceed 400' above grade.

**C. Aircraft protection.** The wind turbine generator towers shall be marked as required by the Federal Aviation Administration (FAA). There shall be no lights on the outside of the tower other than as required by the FAA or other applicable authority, or as otherwise agreed in connection with the issuance of the license. Notwithstanding the foregoing, this restriction shall not apply to infrared heating devices used to protect the monitoring equipment. The tower shall be connected to an uninterruptible back-up power source to ensure continuous compliance with FAA regulations. To the extent consistent with FAA regulations, shrouding for the lights shall direct reflection of light up. Aircraft safety and protection, as defined by Aviation experts operating in or near the township, shall also be accomplished by establishing sufficient setbacks between all Wind Turbines and adjoining properties in order to allow for safe crop-dusting of agricultural fields, forestry applications and safe emergency medical aircraft landings on all adjoining properties.

**D. Blasting.** Licensee shall not undertake any blasting in connection with the construction of the WECS unless Applicant shall have notified the Town and submitted a blasting plan consistent with applicable laws and regulations. The plan must be submitted by the Licensee, reviewed and approved by the Town Board, before any blasting may take place. The plan shall, at a minimum, provide that:

1. Blasts must comply with the State ground vibration limitations.

2. Fly-rock traveling in the air or along the ground must remain in the controlled blasting area site owned or controlled by the applicant.

3. All blasting must be performed by or under the direct supervision of a State-licensed blaster.

4. A blasting log for each blast will be kept on-site at the WECS office for not less than 5 years, and copies of the required blasting log will be promptly submitted to the Town upon its request.

5. A resident call list must be established for the purpose of notifying neighbors at homes in the vicinity of the WECS of imminent blasting activity. This call list must be maintained and utilized on a "request basis only" for all residents in the vicinity of the WECS who asked to be notified prior to any blast.

6. The storage of explosives shall be in accordance with Wisconsin law.

**E. Communications Interference.** WECSs shall be sited and operated so that they do not interfere with emergency (fire, police/sheriff, ambulance) radio two way communications (base stations, mobile, and hand held radios, including digital) and/or paging, television, telephone (including cellular and digital), microwave, satellite (dish), navigational, internet or radio reception to neighboring areas. The applicant and/or operator of the WECS facility shall be responsible for the full cost of any remediation necessary to provide equivalent alternate service or correct any problems; including relocation or removal of the component or portion of the WECS facility causing or exacerbating the operation of such communication equipment and any and all related transmission lines, transformers, and other components related thereto. The applicant shall maintain equivalent communications throughout the life of the WECS even as future technologies may change.

1. The owner/operator of the WECS shall respond within five business days to any request for communications interference investigation by a property owner within the project boundary and a three-mile radius beyond the project boundary. Testing will commence within ten working days of the request. The owner/operator is responsible for mitigating within ten working days from the determination of interference cause attributed to the operation of the WECS.

2. The owner/operator of the WECS shall respond within one business day to any request for communications interference investigation by any emergency agency (fire, police/sheriff, ambulance). Testing will commence within two working days of the request. The owner/operator is responsible for mitigating within two business days from the determination of interference cause attributed to the operation of the WECS.

**F. Electromagnetic Interference.** WECS's shall be sited and operated so that they do not interfere with telephone (including cellular and digital), microwave, satellite (dish), navigational, weather forecasting facilities, or radio reception to neighboring areas. The applicant and/or operator of the WECS facility shall be responsible for the full cost of any remediation necessary to provide equivalent alternate service or correct any problems, including relocation or removal of the component of the WECS facility, causing or exacerbating the operation of such equipment and any and all related transmission lines, transformers, and other components related thereto. The owner/operator of the WECS shall respond within five business days to any request for a communications interference investigation by a property owner within the project boundary and a three-mile radius beyond the project boundary. Testing shall commence within ten working days of the request. Owner/operator is responsible for mitigating within ten working days from determination of interference cause attributed to the operation of the WECS.

**G. Groundwater Protection.** Licensee shall construct and operate the Wind Energy Conversion System Facility so as not to cause groundwater contamination in violation of

applicable law. Nothing contained in the license is intended to authorize or permit any degradation of the quantity or quality of the groundwater in connection with the WECS.

1. No excavations deeper than nine (9) feet below the surface of the soil shall be allowed in the construction of a Wind Energy Conversion System Facility or Wind Turbine unless the applicant submits evidence of increased cost or design necessity based on actual foundation designs. Any change in foundation design shall maintain the water quality standards of this ordinance.
2. The applicant shall complete a plan for managing surface water runoff to prevent pollution of groundwater through sinkholes, wetlands and infiltration through the soil and underlying bedrock within a 1,000-foot radius of each Wind Turbine site and along all access roads and driveways leading to Wind Turbine sites. The plan shall provide for surface water management so that the water flows away from the Wind Turbine sites and known sinkholes rather than toward them.
3. If a Wind Turbine foundation is proposed in a bedrock area, a baseline of all wells and certified public drinking sources in a half-mile radius shall be established and permanent remedies shall be the responsibility of the developer if contamination occurs.

**H. Sound Limits.** No license shall be issued unless the pre-licensing information and sound modeling shows that the proposed WECS will comply with the following sound limits and requirements.

**1. Audible Sound Limit.**

- a. No WT<sub>i</sub> or WECS 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 L<sub>90A</sub> sound descriptor measured during a preconstruction noise study during the quietest time of night (10 pm until 5 am). All data sampling shall be one or more contiguous ten (10) minute measurements. L<sub>90A</sub> results are valid when L<sub>10A</sub> results are no more than 10dBA above L<sub>90A</sub> for the same period and L<sub>10C</sub> less L<sub>90C</sub> is no more than 15 dBC. Noise sensitive sites are to be selected based on wind development's predicted worst-case sound emissions (in Leq<sub>A</sub> and Leq<sub>C</sub>) which are to be provided by applicant.
- b. Test sites are to be located along the property line(s) of the receiving nonparticipating parcels.
- c. A 5 dB penalty is applied for tones as defined in IEC 61400-11.

**2. 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:

- a. LeqC-L90A greater than 20 dB outside any occupied structure, or
- b. 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 Ch. 7 H 1.a. 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 ( Leq 10 min) within 100 feet of any occupied structure.

**I. Fire Protection .**The applicant shall prepare a plan in consultation with the fire department having jurisdiction over the area prior to construction. The plan shall address all activities at the WECS and site from the start of construction through the end of power generation and the final removal and restoration of the site, and shall result in a response plan to address all identified potential fire, rescue, and hazardous materials scenarios. The applicant assumes all associated training, implementation and incurred costs.

The owner/operator shall assure that the WECS and site comply with the following control and prevention measures and incurs associated costs.

- a. Fire proof or fire resistant building materials and buffers or fire retardant landscaping.
- b. Incorporation of a self contained fire protection system to address nacelle fires and approved by NFPA or comparable underwriter.
- c. Maintain firebreak areas cleared of vegetation and maintained as a fire/fuel break as long as the WECU is in operation. Firebreaks shall be 30 feet in width around the periphery of the proposed WECU site, 10 feet in width around all transformers, and 30 feet in width around all buildings.
- d. Fire fighting and rescue services, including programs and costs associated with equipment and training, for local fire protection and rescue personnel.
- e. Any additional fire fighting or rescue personnel, services, materials, and/or vehicles as may be required to address any call related to the WECS or site that

is beyond the capabilities of local fire fighting and/or rescue services.

f. The owner/operator shall be responsible for compliance with all laws applicable to the generation, storage, clean up, transportation and disposal of hazardous wastes generated during any phase of the project's life.

**J. Public Roads.** Licensee shall, prior to the initiation of construction and use of public roads for use as haul roads, consult with the Town Board, County Highway Commissioner, the Wisconsin State Police and the County Sheriff's Office for load paths and restrictions on their respective roads or bridges. Any construction on public town roads shall comply with all state laws and local ordinances regarding such construction, including procedures for letting contracts for such construction.

At Licensee's expense:

1. Licensee shall provide the Town Board a preconstruction evaluation and identification of road surface materials stating the type and amount of surface cover, PASER ratings, and photographic or video documentation of predetermined designated traffic route, performed by a Wisconsin certified professional engineer mutually agreed upon by applicant and municipality.

2. Licensee shall contract with qualified contractors, approved by the Town, to repair any damage to the haul roads due to transportation of equipment and Facility components ("Road Repair Obligations").

3. In the event a hazardous road condition exists that is not immediately corrected by Licensee, the Town board may order emergency road repairs be performed by qualified contractors. Licensee shall promptly reimburse the Town for reasonable emergency road repair costs.

4. Licensee shall assure funding of the Road Repair Obligations by a letter of credit or other guaranty satisfactory to the Town prior to initiation of any construction.

5. Weather permitting, the final Road Repair Obligations shall be completed to the reasonable satisfaction of the Town Board within six (6) months after completion of construction or decommission of the Facility, or as soon thereafter as weather conditions permit.

**K. Shadow Flicker or Blade Glint.** WECS shall be designed such that shadow flicker or blade glint will not fall on or in any existing nonparticipating sensitive receptors. Shadow flicker or blade glint expected to fall on a roadway or a portion of a residential parcel may be acceptable under the following circumstances:

1. The flicker or glint 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.

2. The flicker or glint will fall more than 100 feet from an existing residence or permitted residences.
3. The traffic volumes are less than 500 vehicles per day on the affected roadway.
4. The flicker or glint shall not fall onto an intersection.
5. If shadow flicker or blade glint exceeds any of the conditions listed in this section, the source WECU shall be shut down until the flicker or glint problem has been remedied.

**L. Setbacks.** Setbacks shall be measured as a straight line from the vertical centerline of the wind turbine tower to the nearest point of a building or residence or to the nearest point on the property line or feature as applicable. The Town board may increase the following minimum setbacks on a case-by-case basis, in order to protect public health and safety. Each WECU shall meet all the following setbacks as applicable:

1. Property Line: At least 1000 feet plus at least five (5) times the rotor diameter of the WECU from the property lines of any Non-Participating Parcel. No requirements for Participating Parcel property lines.
2. Public Roads and Highways: The greater of 1000 feet or 3 times the total height of the approved WECU.
3. Above Ground Power/Telephone Lines: The greater of 1000 feet or 3 times the total height of the approved WECU.
4. Non-participating residences: 5280 feet, or a distance that meets the sound requirements of this ordinance, whichever is greater, unless the owner grants an easement for a lesser setback.
5. Residence on a Participating Parcel: 1.1 times the total height of the WECU
6. Wetlands: 1.1 times the total height of the WECU from all sinkholes and wetlands.
7. Water bodies Setbacks: 1.1 times the total height of the WECU from the ordinary high water mark of all navigable water bodies.
8. Parks, Public Property and other Sensitive Receptors: 2640 feet from any town, county or state property, recreational or rest area.
9. Spacing and Density: Minimum setback distances between turbines shall be two (2) times the total height of each WECU and shall not impede the performance of adjacent WECU's.
10. Easement for a lesser setback: An owner of a Non-Participating Residence or other Sensitive Receptor may waive the applicable wind turbine setback distance for those



structures or area to a minimum set-back distance of 1.1 times the total height. The owner of a Non-Participating Parcel may waive the applicable wind turbine setback distance from a Nonparticipating Property Line.

**M. Signage and Fencing.** Licensee shall provide reasonable signage at the Facility, identifying the Premises as being part of the Facility and providing appropriate safety notices and warnings against trespassing. The no trespassing signs shall be posted around the entire premises at an appropriate distance for posting but no less than 2 conspicuous places for every 40 acre parcel within the Facility. Signs should be sized at a minimum to meet the provisions of Wis. Stat. 943.013(2).

1. No wind turbine, tower, building, or other structure associated with a wind energy system may be used to advertise or promote any product or service. No word or graphic representation, other than appropriate warning signs and owner or landowner identification, may be placed on a wind turbine, tower, building, or other structure associated with a wind energy system so as to be visible from any public road.

2. 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.

**N. Electrical Standards.** All wiring between Wind turbines and the Wind Energy Facility substation shall be underground. All neutral grounding connectors from commercial Wind Turbines shall be insulated from the earth and shall be sized to accommodate at least twice the peak load of the highest phase conductor, to absolutely prevent transient ground currents, in order to comply with the National Electric Safety Code and the IEEE Standard 519-1992, approved by the American National Standards Institute, as follows:

1. Grounding of both the electrical transmission lines and the supply lines to the internal electrical systems of the turbines themselves, shall comply with Rule 92D, Current in Ground Conductors: "Ground connector shall be so arranged that under normal circumstances, there will be no objectionable flow of current over the grounding conductor."

2. Rule 215B: [It is not permissible] "to use the earth as a part of a supply circuit."

3. Under no circumstances shall any wind Turbine be connected directly to the grid; connection must be made through a substation or transformer properly grounded and filtered to keep harmonic distortion within recommended limits.

4. Bare, concentric neutrals are specifically prohibited in buried lines between turbines and in underground transmission lines to substations.

5. Electrical controls and control wiring and power-lines shall be wireless or not above ground except where wind farm collector wiring is brought together for connection to the

transmission or distribution network, adjacent to that network.

**O. Stray Voltage.** The Owner Operator shall respond within (3) three calendar days to any request for a stray voltage investigation by a property owner within the project boundary and a one-mile radius beyond the project boundary. The tests shall be performed by a mutually acceptable Wisconsin certified stray voltage investigator. The tests shall be performed according to PSCW Phase II Stray Voltage Testing Protocol. These tests shall be conducted by an independent third party acceptable to both the Owner/Operator and Property Owner.

Testing shall commence within (10) ten working days of the request. If testing cannot be initiated within (10) ten days, the Wind Turbine(s) in question shall be shut down until the testing can be started. The investigation shall be provided to the property owner at no cost up to a maximum of two investigations within a 12-month period.

At no time shall the operation of a WECS increase the measured cow contact voltage (Vcc) or primary neutral to remote voltage (Vpn) on a livestock facility within the project boundary and a one-mile radius beyond the project boundary, above the maximum pre-construction levels. The owner/operator agrees to abide by all rules, procedures, standards, and reporting established by the PSCW for stray voltage and related electrical phenomena.

Owner/operator is responsible for mitigating within five working days from determination any net increase in cow contact voltages (Vcc) or primary neutral to remote voltages (Vpn) attributed to the operation of the WECS. If corrections cannot be initiated within (3) three calendar days, the Wind Turbine(s) in question shall be shut down until the voltages in question are mitigated. A copy of the test results shall be sent to the property owner, PSCW Rural Electric Power Services staff, and the Town Board within (30) days of test completion.

**P. Emergency Shutdown.** The Licensee shall be required to immediately cease operations for the duration of any emergency. Emergency shall mean a proven condition or situation caused by the WECS Facility or by other conditions that present an imminent physical threat of danger to life or significant threat to property. A WECS that is found to present an imminent physical threat of danger to life or significant threat of damage to property shall be immediately shut down and repaired or otherwise made safe and certified so by a Wisconsin professional engineer prior to resumption of operation. The Town shall have the right, but not the obligation, to access all WECUs to verify conditions and/or repair progress with reasonable notice to the WECS owner/operator. Within 24 hours of an occurrence of a tower collapse, turbine failure, property damage or contamination, fires, thrown blade or hub, collector or feeder line failure, injured WECS worker or private person, the owner/operator shall notify the Town of the occurrence and proposed remedial action.

**Q. Decommissioning and Site Restoration Plan and Requirements.** An application for a WECS 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 above or below ground, hazardous materials, electrical facilities, and all foundations. To protect the environment, removal shall be done by mechanical means. Blasting is not an approved means for removal. The plan shall provide for the removal of all access roads that the owner of the Project Parcels wants removed. The restoration shall include public road repair, if any; and all re-grading and re-vegetation necessary to return the subject property to the condition existing prior to establishment of the WECS facilities.

2. The plan shall provide for the decommissioning of the WECSF and restoration of the site upon the expiration or revocation of the WECS License, or upon the abandonment of the WECS. The WECS and WECU shall be deemed abandoned if its operation is ceased for 6 consecutive months.

3. The plan shall include provisions for the Applicant to submit financial security as provided in Section V C (24) (c) of this ordinance to the Town to secure completion of decommission and site restoration, in form and amount satisfactory to the Town. A cash deposit on account with a mutually agreed upon financial institution will be posted by the WECSF Owner or Operator with the Town of Forest being the custodian of the account. The amount of the financial security shall be equal to the estimated cost of completing the decommissioning and site restoration in accordance with the plan, as approved by the Town. The amount of financial security will be reviewed annually and will be increased no less than the COLA percentage annually.

4. The plan shall include written authorization from the WECS Licensee and all owners of all Project Parcels for the Town, in its sole discretion, to access the Project Parcels and implement the decommissioning and site restoration plan, in the event the WECS Licensee fails to implement the plan. The written authorization shall be in a form approved by the Town.

5. Owner of WECS and Underlying Project Parcel Owner Responsible for Decommissioning and Site Restoration. The Owner of a WECS and the owners of the applicable underlying Project Parcel shall be jointly and severally liable for the removal at their expense of all equipment associated with the Wind Energy Conversion System Facility upon expiration of the license or the end of the useful life of the facility, if earlier than license expiration; upon license revocation, if any; or when the facility is abandoned or otherwise out of operation for more than six (6) consecutive months. If the owner of a WECS fails to remove equipment and restore the site, the owner of the Project Parcel shall be responsible for said removal and restoration at the Project Parcel owner's expense.

If the Owner/Operator and/or the Project Parcel owner(s) fail to decommission and restore the site as required in this ordinance and the approved Decommissioning and Site Restoration Plan, the Town shall provide written notice to the Owner/Operator and

the underlying Project Parcel owner(s) that such decommissioning and site restoration work needs to be done and shall provide a thirty (30) day period for the responsible parties to perform the work. If the WECSF Owner/Operator and the underlying property owners have not commenced the decommissioning and site restoration within such thirty day period, the Town shall have the authority, but not the obligation, to enter onto the Project Parcel to decommission the WECS and restore the site. The costs and expenses of the Town in taking said measures shall be deemed to be for the benefit of the property and shall be considered a special charge pursuant to Wis. Stat. 66.0627, which shall be charged back against the property tax bill of the property on which the decommissioning and site restoration was performed. The Town shall have no liability for property damage or personal injury that may result from the WECS remaining on the private property or from any such decommissioning or site restoration work performed by the Town, if in its sole discretion, the Town chooses to perform such work.

**R. Reporting Procedure/Requirements.** Licensee shall report to the Town as follows:

1. Quarterly Power Production Reports. The Licensee shall submit a quarterly power production report to the Town which shall cover the preceding calendar quarter and include actual net power production in kilowatt-hours for each commercial wind energy facility in the Town. This will be accomplished by providing a consumption meter and an output meter.

2. Annual Monitoring Reports. The Licensee shall submit an annual monitoring report to the Town, containing data on the operations and environmental impacts of the WECS site. Such reports shall describe all safety inspections of the WECS.

3. Extraordinary Events. Within 24 hours of any extraordinary event, Licensee shall notify the Town. "Extraordinary events" shall include but not be limited to tower collapse, catastrophic turbine failure, fires, leakage of hazardous materials, unauthorized entry to the tower base, thrown blade or hub, any injury to a Facility worker or other person that requires emergency medical treatment, or other event that impacts the public health and safety of the Town.

4. Post construction filing requirements. Within 90 days of the date a WECS commences operation, the owner shall file with the Town an as-built description of the WECS. This shall include an accurate map utilizing Global Positioning System (GPS) technology of the WECS showing the locations of all facilities, towers, underground cables and their proximity to any existing structure, property line or geographical feature.

## **VIII. COMPLAINTS AND MODIFICATION, SUSPENSION OR REVOCATION OF LICENSE**

A. Complaints and Modification, Revocation or Suspension. The Town board shall retain continuing jurisdiction to modify, suspend or revoke all WECS 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 the Ordinance, or a violation of a WECS License issued under the Ordinance, or a violation of a WECS License Agreement entered into under the Ordinance.

2. Any resident of the Town or Town official may file a written complaint with the Town Clerk alleging that a WECS Licensee has committed or is committing a violation. Such complaints shall be forwarded to the Town Board.

3. The Town Board shall preliminarily review the complaint. In connection with its preliminary review, the Town Board may require the Town building inspector, engineer, attorney or other person or persons to conduct such investigations and make such reports as the Town Board may direct. The Town Board may request information from the holder of a WECS License, the complainant, and any other person or entity to assist with its preliminary review.

4. Following its preliminary review, the Town Board 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 and a copy of the complaint stating the alleged violations shall be given to the holder of the WECS License, the owner of the property on which the WECS is located, and the complainant. The hearing shall be held in accordance with the Open Meeting Law. The holder of the WECS 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 an attorney. If the Town Board concludes that Violations have occurred, the Town Board may:

(1) Impose conditions on the WECS License to the extent reasonably necessary to discontinue the violation(s) or avoid any recurrence thereof; or

(2) Suspend the WECS License until such time as the WECS License holder presents a plan, satisfactory to the Town Board that will discontinue the violation(s) or prevent any recurrence thereof, and on such further conditions as the Town Board deems appropriate to discontinue and prevent further violations; or

(3) Revoke the WECS License and direct the Owner/Operator to decommission the WECS if the Town Board concludes that no reasonable modification can be made to the WECS 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 board concludes that no further action is needed to discontinue or prevent violations, and that prosecution is unwarranted.

5. Following any such hearing, the Town Board's written decision shall be furnished to the WECS License holder and to the complainant.

## **IX. PROCEDURES FOR REVOCATON OF LICENSE**

**A. Revocation of License.** An unsafe WECS and WECU and an inoperable WECS and WECU is hereby declared an unsafe public nuisance, which shall, in the Town Board's discretion, be subject to abatement by repair, rehabilitation, demolition, or removal by the Town Board. An inoperable WECS and WECU shall not be considered a public nuisance provided the owner can demonstrate that modernization, rebuilding or repairs are in progress or planned and will be completed within a reasonable time as approved by the Town Board, provided periodic reports on the status of the repairs are provided to the Town Board as requested of the licensee.

1. Each of the following occurrences shall constitute a violation of the terms and conditions of this License (a "Violation") and any such Violation shall be grounds for revocation of this License (whatever the reason for such an event of default and whether it shall be voluntary or involuntary or be effected by operation of law or pursuant to any judgment, order or regulation) after the expiration of the notice and cure period and revocation hearing as set forth below:

a. The Licensee abandons the wind turbine generators located on the premises for a period of six (6) consecutive months or more.

b. The Licensee fails to observe or perform any material condition or provision of this License or this Ordinance for a period of 30 days after it has received written notice of such failure from the Town; provided, however, that a Violation shall not occur if Licensee commenced performance of such obligation within such 30 day period and is diligently proceeding to complete such performance.

c. There is a material failure by Licensee to comply with any statute, regulation, rule, or license administered by any federal, state or county department, agency, or commission directly related to the operation of the wind turbine generator, and if Licensee fails to cure the material failure to comply for a period of 30 days after the date Licensee receives written notice of such failure from the Town or the federal, state or local governmental body or agency with jurisdiction, provided, however, that a Violation shall not occur if Licensee commences performance of

such obligation within such 30 day period and is diligently proceeding to complete such performance.

2. Each Wind Turbine and all related improvements shall be removed in accordance with the Decommissioning and Site Restoration Plan submitted by the applicant and approved by the Town through the licensing process.

3. As provided in this ordinance, including, but not limited to Section VII Q. 5, the owner of a WECS and the owner(s) of the underlying Project Parcel shall be jointly and severally liable for the removal of all equipment associated with the Wind Energy Facility at the end of the license period, the useful life of the facility, or when the facility is abandoned or otherwise out of operation for more than six (6) consecutive months, at their expense.

**B. Hearing.** The Town shall not revoke any License without first providing the Licensee a hearing, notice of the grounds/bases giving rise to the possible revocation, and the right to respond, including the right to be represented by an attorney, the right to present evidence regarding any defenses or extenuating circumstances regarding the alleged violations or public or private nuisance, right to cross-examine witnesses .

## **X. LICENSE EXPIRATION**

**Expiration.** Unless the Town board authorizes a different term based upon analysis of the useful life of the WECS, every license issued pursuant to this ordinance shall terminate upon the expiration of twenty years, (license will be reviewed every three years during the term) from the date of issuance if construction is commenced within one year of issuance. If construction is not commenced within one year of issuance, the license shall expire one year after the date of issuance and the applicant will be required to reapply if it still intends to develop a WECS project.

## **XI. INSURANCE AND INDEMNIFICATION**

**A. Insurance.** All Licensees shall maintain the following insurance coverage commencing upon construction of the facility:

1. The owner/operator shall, at its expense, maintain a broad form comprehensive coverage policy of public liability insurance insuring Applicant and Participating Landowners against loss or liability caused by Applicant's occupation and use of the Property under the Lease, in an amount not less than five million dollars (\$5,000,000) of combined single limit liability coverage per occurrence, accident or incident, which has a commercially reasonable deductible. The Town shall be named as an additional insured on the policy.

2. Worker's compensation coverage in an amount required by Wisconsin law. Applicant shall require subcontractors and others not protected under its insurance to obtain and maintain worker's compensation and employer's liability insurance.

3. Certificates of insurance evidencing compliance with these requirements shall be provided upon approval of a license and must be on file before any construction is commenced. The insurer will provide notice to the Town in the event there is a lapse in coverage exceeding thirty (30) days. All policies other than worker's compensation shall be written on an occurrence and not on a claim-made basis.

## **B. Indemnity**

Licensee shall defend, indemnify and hold harmless the Town and its officials, employees and agents from and against any and all claims, demands, losses, suits, causes of action, damages, injuries, costs, expenses and liabilities whatsoever, including reasonable attorneys' fees (such liabilities together known as "Liability") arising out of issuance of the License, Licensee's selection, construction, operation and removal of the Wind Turbines and affiliated equipment including, without limitation, liability for property or personal injury (including death), whether said Liability is premised on contract or on tort (including without limitation strict liability or negligence). This general indemnification shall not be construed as limiting or qualifying the Town's immunities, liability limits or indemnification rights available under law.

## **XII. STANDARDS**

**A. Construction Standards.** All WECS shall be constructed in compliance with Good Utility Practice for Wind Turbines. In the event after inspection by a qualified expert in Good Utility Practice, the Town concludes that any of the Wind Turbines were not constructed in compliance with Good Utility Practice or constitutes a danger to persons or property, then upon notice being provided, Licensee shall have 90 days to bring the non-compliant Wind turbine(s) into compliance with such standards. If 90 days is insufficient time to cure the non-compliance, Licensee shall present a plan to the Town describing the reason for the delay and the time frame for the cure to be put in place. Failure to bring such non-compliant Wind Turbine(s) into compliance or failure to provide a plan for compliance within 90 days shall constitute grounds for the Town Board to order immediate removal of said Wind Turbine(s) at Licensee's expense.

**B. Performance Standards.** All WECS shall be operated and maintained consistent with Good Utility Practice for comparable facilities.

**C. State and Federal Standards.** Construction of WECS and Wind Turbines shall meet or exceed current standards and regulations, if any, of any other agency of the state or federal government with the authority to regulate wind powered generators. If such standards and regulations are changed and retroactive application is required for the change, then Licensee shall bring the Wind Turbine(s) into compliance with such applicable revised standards and regulations within 6 months of the effective date of



such standards and regulations, unless a different compliance schedule is permitted by the controlling state or federal agency or approved by the Town. A Determination of No Hazard for each Wind Turbine must be obtained from the FAA for each Wind Turbine as a condition precedent to the receipt of a license under the Ordinance.

**D. Wind Turbine Safety Standards.** Licensee shall comply with the following safety standards:

1. All wiring between the Wind turbines and substations shall be installed at least four (4) 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. Appropriate warning signage shall be placed on each tower, all electrical equipment, and all entrances.

**E. Repair & Replacement.** Licensee shall be authorized to repair and replace the wind turbine generator and associated equipment consistent with Good Utility Practice during the Term of the License as needed to keep the Wind Energy Conversion System Facility in good repair and operating condition. However, no such repair or replacement shall entitle Licensee to any extension of the Term of this License, even if it extends the useful life of the Facility. If Licensee desires to extend the term of the License in the future, Licensee shall be required to apply for such extension or amendment of the License in accordance with the terms of the ordinance in effect at the time of the requested extension or amendment.

### **XIII. FEES AND EXPENSES**

**A. Reimbursement of Fees and Costs.** Licensee shall reimburse the Town for its actual fees and costs incurred in the application review, negotiation, administration and enforcement of the ordinance, including, without limitation, the Town's attorney fees, engineering, inspection and consultant fees, Town Board meeting and hearing fees, complaint resolution fees, and the costs of public notices relative to the review and consideration of each application filed by an applicant under the ordinance. The preceding fees are payable within 30 days of invoice. Unpaid invoices shall bear interest at the rate of 1.0% per month until paid. The Town may recover all reasonable costs of collection, including attorney fees.

**B. Government Services/costs.** The Town Board may require the WECS Licensee to pay the cost of Town governmental services reasonably related to the WECS and not otherwise paid by the WECS Licensee.

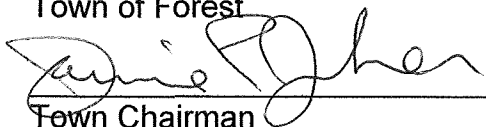
### **XIII. ADMINISTRATION, INSPECTIONS, ENFORCEMENT AND PENALTIES**

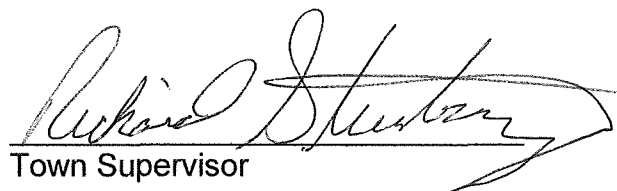
- A. Administration. The ordinance shall be administered by the Town Board or its designee.
- B. Inspections. The Town Board or its designee may enter upon any property for which a licensing permit has been issued under the Ordinance to conduct inspections to determine whether the conditions stated in the permit and other standards and requirements of the Ordinance are being complied with.
- C. Enforcement. The Town Board or its designee may issue orders to abate any violation of the ordinance or any condition attached to a licensing permit approved by the Town Board. The Town Board or its designee may issue a citation for any violation of the Ordinance. The Town Board may refer any violation of the Ordinance to the Town's legal counsel or to special counsel for enforcement through litigation. Nothing in the Ordinance shall be construed to prevent or limit the Town from using any other lawful means of enforcing the Ordinance.
- D. Penalties. Any person, applicant or licensee who fails to comply with any provision of the Ordinance or of any license issued pursuant to the Ordinance shall, upon conviction thereof, forfeit at least five-hundred dollars (\$500.00) but not more than one-thousand dollars (\$1,000.00) for each offence. Each day a violation occurs or continues shall be deemed a separate offense. Any person, applicant or Licensee who is in default of payment of forfeiture or costs may be imprisoned in the county jail until the forfeiture or costs are paid, except that the period of imprisonment may not exceed thirty (30) days.
- E. Severability. If any provision of this Ordinance rule(s), term(s) or conditions shall be found by any court or administrative body of competent jurisdiction to be invalid or unenforceable, such invalidity or unenforceability shall not affect the other terms and conditions of the Ordinance which shall remain in full force and effect.

**XIV. EFFECTIVE DATE.** This ordinance shall be in effect upon adoption by the Town Board and publication and/or posting as required by law.

This Ordinance Number 2011- 3 was passed and adopted by the Town Board of the Town of Forest on this 11<sup>th</sup> day of August 2011.

Town of Forest

  
Town Chairman

  
Town Supervisor

George Anderson  
Attest: Town Clerk

Peter R. Jones  
Town Supervisor

Published and posted this 17 day of August 2011.

**TOWN OF FOREST  
RESOLUTION NO. 5**

**DISALLOWANCE OF CLAIM OF EMERGING ENERGIES OF WISCONSIN LLC  
AND HIGHLAND WIND FARM LLC**

**WHEREAS**, a Notice of Claim and Claim were served on the Town Clerk of the Town of Forest on May 19, 2011, by the above named claimants.

**WHEREAS**, said Notice of Claim and Claim alleges that the above named claimants sustained damages on or about March 17, 2011, as a result of the Town Board's actions taken at a Town Board meeting at which the Town Board adopted: 1) Resolution rescinding previous Town Board resolution No. 2008-1, dated April 10, 2008; 2) Resolution rescinding previous Town Board Resolution dated August 12, 2010; 3) Resolution rescinding building permits issued on February 2, 2011; and 4) Resolution rescinding driveway permits issued to Highland Wind Farm LLC.

**WHEREAS**, after review of this matter by the Town Board, the Town Attorney, and the Town's insurer, including but not limited to, reviewing town records, minutes, agendas, e-mails, legal research, relating to this matter, it is recommended that the claim be disallowed. Reasons for the disallowance include, but are not limited to:

1. The 2008 and 2010 Town Board resolutions, were adopted without following the procedures required by law, including, but not limited to: a) the requirement that the 2008 and 2010 resolutions be referred to the Plan Commission for its review and recommendation regarding the subject matter of the resolutions, i.e. siting a wind energy conversion system in the Town; and b) the requirement that all meetings of governmental bodies at which a proposed wind energy system would be discussed must be properly noticed as required under the Wisconsin Open Meeting Law;
2. There are substantial questions regarding the validity of the 2008 and 2010 Wind Development Agreements because, based on the language of the Agreements, it appears that both Agreements were based on the premise that the proposed Agreements had been referred to the Plan Commission and had received favorable recommendation from the Plan Commission, neither of which had occurred.

The August 2010 Town Board Resolution and the attached Wind Development Agreement states that the Town Plan Commission has conducted a public meeting on and has considered the proposed wind energy system and has recommended favorable consideration. The Town Board minutes for 2010 show that the first time the Town Board reviewed the Wind Development Agreement was at the August 12, 2010 Town Board meeting. The minutes show

that the Town Board adopted a resolution approving the Wind Development Agreement on August 12, 2010. There was no referral to or recommendation from the Plan Commission regarding the Wind Development Agreement prior to the Town Board's adoption of the Wind Development Agreement on August 12, 2010.

The 2008 Wind Development Agreement also contains language that the Plan Commission had reviewed the proposed wind farm development at a public meeting and had recommended favorable consideration. Although the Plan Commission minutes show that the Plan Commission considered a wind monitoring turbine, and setbacks for wind turbines, there is nothing in the Plan Commission minutes showing that it considered and recommended approval of the 2008 Wind Development Agreement Resolution.

Based on the above, there are substantial legal questions regarding the validity of the Wind Development Agreements because the Agreements contain material mis-statements regarding Plan Commission review and recommendation. Based on a review of e-mail correspondence between the former town attorney and the claimants' attorney, it appears that August 2010 Wind Development Agreement was drafted by the claimants. These e-mails are attached hereto and incorporated herein by reference as Exhibit A.

3. The Town Board's review of town records showed that there are significant issues regarding whether the previous Town Board members had prohibited substantial financial conflicts of interest in the Wind Development Agreements which the resolutions purportedly approved, which precluded them from acting on the above cited 2008 and 2010 resolutions. Such records include: a) the proposed wind turbine site plan attached to the 2010 Agreement which shows turbine(s) to be located on or within one half mile of the previous Town Board members' properties; and b) e-mails between the former town attorney and the claimants' attorney, discussing the problem created by the Town Board members conflict of interest issue. See Exhibit A.

4. Based on the records, it appears that Emerging Energies of Wisconsin, LLC and Highland Wind Farms LLC knew or should have known of these conflict of interest issues, and, despite these conflict of interest issues, Emerging Energies LLC, through their attorney, asked that the Town Board adopt the Resolution at the August 12, 2010, meeting so as not to delay project development. Such records include e-mails between the former town attorney and the claimants' attorney discussing the Town Board members conflict of interest issues and expressing the claimants' desire to proceed so as not to delay the project. See attached Exhibit A.

5. The Notice of Claim and Claim does not meet the requirements of Wis. Stat. 893.80, because it fails to state the address of the claimants, and fails to include an itemized statement of the relief sought.

6. The Town Board denies Highland Wind Farms, LLC's claim that it fully complied with the Agreements, and denies that the claimants reasonably relied on the Resolutions and the Agreements, but the Town claims that the Agreements are null and void as stated above and in Town Board resolutions previously adopted.

7. At all times relevant hereto, the Town Board and the individual Town Board members acted in good faith and within the scope of their duties as Town Supervisors.

8. The Town Board members and the Town of Forest reserves its right to raise all defenses, immunities, limitations of liabilities, factual and/or legal as may be appropriate in defense of any claim arising out of these matters.

**NOW, THEREFORE, BE IT RESOLVED** by the Town Board of the Town of Forest, St. Croix County, Wisconsin, that the claim submitted by Emerging Energies of Wisconsin, LLC, and Highland Wind Farm, LLC, be and the same is hereby disallowed. No action on this claim may be brought against the Town of Forest or any of its officers, officials, agents or employees after six months from the date of service of this notice, pursuant to Sec. 893.80(1)(b), Wis. Stats.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to the claimant by certified mail, return receipt requested, as a Notice of Disallowance.

Dated this 11<sup>th</sup> day of August, 2011

APPROVED: TOWN OF FOREST

  
Jaime Junker, Town Chair

ATTEST:

  
Jennifer Anderson, Town Clerk

cc: VIA CERTIFIED MAIL to:

Emerging Energies of Wisconsin, LLC  
Highland Wind Farm LLC  
3664 Lakeview Rd West  
Hubertus, WI 53033

Lee Cullen and Lester Pines  
Attorneys for Claimants.  
Cullen Weston Pines & Bach LLP .  
122 West Washington Ave., Suite 900  
Madison, WI 53703

Filters Used:

# Email Report

Custom List Format

Date Printed: 10/04/2010

Time Printed: 3:17PM

Printed By: JK

Date	Time	Attach	Subject	From	To
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I should have referred you specifically to page 8 of the AG opinion in regard to voting and conflict of interests, but the entire opinion is relevant to wind turbine siting issues.

Rick Stadelman

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7/23/2010 Fri 3:48PM 0 conflict of interest wtowns1@frontiernet.net Terry L. Dunst

Terry,

I am not going to be able to give you a more detailed answer to your email today, but I wanted to forward to you an informal Attorney General opinion that discusses the very issues that you have inquired about. I will give a more specific answer to your email in a few days, but it will be based on the information discussed by the AG in the attached opinion.

Rick Stadelman Executive Director Wisconsin Towns Association

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7/23/2010 Fri 3:12PM 0 conflict of interest question Terry L. Dunst 'wtowns@frontiernet.net'

Hello Towns Association legal eagles:

I represent the Town of Forest which is being "courted" for a wind turbine project. This is in St. Croix County, which does not have a wind power ordinance at this time, and the town has no zoning (no county or town zoning). The town chair and one of the supervisors own farms which may be the sites of some of the turbines. There has been little opposition to the proposed wind turbines, this is a very rural town with no incorporated cities or villages. But there is one town resident who very much opposes this project.

The question is, can the town chair and the supervisor act on behalf of the town to enter into an agreement with the company to allow the project? The company is seeking such an agreement.

Attached is an opinion from the Wisconsin Government Accountability Board on this topic. The gist of this opinion is echoed in the Wisconsin Town Officer's Handbook on page 52 and 53.

In a sense, the chair and supervisor would be acting in a way that has general applicability to all town residents - they are not the only ones where towers may be located. Nevertheless they have a pretty substantial interest in the matter. The statute seems to prohibit it: "19.59(1)(c) Except as otherwise provided in par. (d), no local public official may: 1. Take any official action substantially affecting a matter in which the official, a member of his or her immediate family, or an organization with which the official is associated has a substantial financial interest."

If they are conflicted out, can the one remaining supervisor "vote" on this issue and sign an agreement?

I guess there may be other issues I'm not sensing right away, so any guidance you guys can offer

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1 Tagged Record

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Date Printed: 10/01/2010  
Time Printed: 11:45AM  
Printed By: JK

Date 7/23/2010 Time 4:44PM 4:44PM Duration 0.00 (hours) Code  
Subject Re: Town of Forest Staff Terry L Dunst  
Client Forest, Town of MatRef Forest, Town of-General Business MatNo 10847  
From jvercauteren@cwpb.com  
To Terry L. Dunst  
CC To Lee Cullen  
Bcc To  
Reminders (days before) Follow N Done N Notify N Hide N Trigger N Private N Status  
Call From User3  
Phone # User4

Thanks, Terry. We will also review this DOJ opinion. Given this apparent conflict with one or two of the board members, we would like the non-conflicted member or members of the board to authorize and sign the wind development agreement at the August 12 board meeting. I am working on the agreement, consistent with the 2008 resolution, so we can have it ready with plenty of time to review before the meeting.

I think the two action items for you are to confirm that the board is okay with this approach and, if so, place this on the August 12 meeting agenda (and satisfy any notice requirements).

Thanks,

Jeff Vercauteren  
Cullen Weston Pines & Bach LLP  
122 West Washington Avenue, Suite 900  
Madison, Wisconsin 53703  
608.310.3322 (Office)  
608.445.9384 (Mobile)  
vercauteren@cwpb.com  
www.cwpb.com

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>>> "Terry L. Dunst" <TDunst@bakke-norman.com> 7/23/2010 4:15 PM >>>  
Hello Jeff,

Attached is the DOJ opinion I mentioned. I need to review it more carefully, and I will discuss things with the town chair next week. I do believe we have conflict of interest issues to be aware of.

As we discussed on the phone, please send me an email with the things you would like me to take some action on (e.g. the town meeting and whatever else).

Regards,



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Date Printed: 10/04/2010

Time Printed: 3:17PM

Printed By: JK

Date	Time	Attach	Subject	From	To
8/11/2010	Wed 3:56PM	1	Final agreement	TLD	terri.gc@baldwin-telecom.n

Hi Terri,  
  
Here is a copy of the final agreement. I left Carl a message earlier today, but have not heard back from him. If possible, it would be good for Carl and Douglas to see this before the meeting.

Also, Emerging energies said they be happy to take Carl or Douglas on a site visit prior to the meeting tomorrow. Carl and Doug could not both go at the same time, as that would violate the open meetings law since we haven't posted that (site visits by two or more board members are okay, but not if there's not been any notice posted that it's going to take place).

Terry

Terry Dunst  
Bakke Norman, SC.  
990 Main Street  
PO Box 54  
Baldwin, WI 54002  
Phone: (715) 684-4545  
Fax: (815) 927-0411  
tdunst@bakke-norman.com

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8/11/2010	Wed 3:13PM	0	resolution	Terry L. Dunst	terri.gc@baldwin-telecom.r
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Hi Terri,  
  
The attached is a resolution authorizing Carl to sign the agreement. The purpose of this is to replace the 2008 resolution signed by Roger, since Roger is not able to participate in this matter.

If Carl and Douglas decide to vote for this thing, which is totally up to them of course, they should pass this resolution, and then Carl could sign the agreement.

Will you take care of preparing a paper original for them to sign, or do you want me to do anything else on this? Let me know.

Terry

Terry Dunst

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Date Printed: 10/04/2010

Time Printed: 3:17PM

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Date	Time	Attach	Subject	From	To
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From: Terri Swanepoel [mailto:terri.gc@baldwin-telecom.net]  
 Sent: Wednesday, September 08, 2010 10:19 AM  
 To: Terry L. Dunst  
 Subject: PSC2010WindRule[1].pdf - Adobe Acrobat Standard

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 For more information please visit <http://www.messagelabs.com/email>

8/11/2010	Wed	3:59PM	0	Final agreement	Terry L. Dunst	'terri.gc@baldwin-telecom.r
Hi Terri,						

Here is a copy of the final agreement. I left Carl a message earlier today, but have not heard back from him. If possible, it would be good for Carl and Douglas to see this before the meeting.

Also, Emerging energies said they be happy to take Carl or Douglas on a site visit prior to the meeting tomorrow. Carl and Doug could not both go at the same time, as that would violate the open meetings law since we haven't posted that (site visits by two or more board members are okay, but not if there's not been any notice posted that it's going to take place).

Terry

Terry Dunst  
 Bakke Norman, SC.  
 990 Main Street  
 PO Box 54  
 Baldwin, WI 54002  
 Phone: (715) 684-4545  
 Fax: (815) 927-0411

[tdunst@bakke-norman.com](mailto:tdunst@bakke-norman.com)

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Date 8/11/2010 Time 5:13PM 5:13PM Duration 0.00 (hours) Code  
Subject RE: Highland Wind Farm Documents Staff Terry L Dunst  
Client Forest, Town of MatRef Forest, Town of-General Business MatNo 10847  
From Terry L. Dunst  
To 'Jeffrey Vercauteren'  
CC To  
Bcc To  
Reminders (days before) Follow N Done N Notify N Hide N Trigger N Private N Status  
Call From User3  
Phone # User4

Jeff, I did not hear from Carl today, so I cannot say whether it would be of any value for your guys to come up early. As soon as I hear from him I'll let you know.  
Terry

---

From: Jeffrey Vercauteren [mailto:jvercauteren@cwpb.com]  
Sent: Wednesday, August 11, 2010 3:54 PM  
To: Terry L. Dunst  
Subject: RE: Highland Wind Farm Documents

Terry,

Please find attached the final version of the agreement. I also ran a quick comparison with the previous version. Simultaneously, I am sending this to my clients for final approval; I do not anticipate any further changes, so this should be the final version for the meeting tomorrow.

I need to step out for a meeting the rest of today, but am available by cell phone at 608.445.9384.

Thanks,

Jeff Vercauteren  
Cullen Weston Pines & Bach LLP  
122 West Washington Avenue, Suite 900  
Madison, Wisconsin 53703  
608.310.3322 (Office)

# Email Report

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Printed By: JK

error and contacted you, notify us immediately at 608.251.0101.

>>> "Terry L. Dunst" <TDunst@bakke-norman.com> 8/11/2010 3:04 PM >>>

Hi Jeff,

I think the agreement looks okay, (although I take no stand on the public policy aspect, that's is for the elected officials of the Town), assuming they are in favor of the Wind Farm, I am okay with the agreement.

I would not recommend to them that they accept Section 21. I don't see why the Town should give up default legal rights they have under contract law in favor of a private company.

Terry

---

From: Jeffrey Vercauteren [mailto:jvercauteren@cwpb.com]  
Sent: Wednesday, August 11, 2010 9:20 AM  
To: Terry L. Dunst  
Cc: Lee Cullen  
Subject: Highland Wind Farm Documents

Terry,

Please find attached the revised wind development agreement, with redlines from the version you sent yesterday morning, and a proposed resolution.

On the agreement, we revised one of the recitals so that it is clear the agreement is being approved under the new resolution. We reversed the change you made to Section 21, as the original language came directly from the 2008 resolution; we can discuss this provision if necessary.

In Section 1, we made the changes I mentioned to reflect that Exhibit A shows only turbine locations. We made a few other revisions aimed at achieving what I think is our mutual goal: that the Town approves the project as a whole, subject to the project obtaining any other necessary permits or approvals (e.g., driveway permits, DOT permits, DNR permits, etc.). The language I removed in paragraph (c) ~~seemed too broad and could be interpreted as the town not actually approving the project.~~

The best next step may be for us to have a phone conversation after you have a chance to review these materials. I will generally be in the office all day, except for 11:30-1:30 when I will be at a meeting.

Thanks,

Jeff Vercauteren  
Cullen Weston Pines & Bach LLP  
122 West Washington Avenue, Suite 900  
Madison, Wisconsin 53703

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Date Printed: 10/01/2010

Time Printed: 11:36AM

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Jeff Vercauteren  
Cullen Weston Pines & Bach LLP  
122 West Washington Avenue, Suite 900  
Madison, Wisconsin 53703  
608.310.3322 (Office)  
608.445.9384 (Mobile)  
vercauteren@cwpb.com  
www.cwpb.com

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>>> "Terry L. Dunst" <TDunst@bakke-norman.com> 8/11/2010 3:04 PM >>>

Hi Jeff,

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I would not recommend to them that they accept Section 21. I don't see why the Town should give up default legal rights they have under contract law in favor of a private company.

Terry

---

From: Jeffrey Vercauteren [mailto:jvercauteren@cwpb.com]  
Sent: Wednesday, August 11, 2010 9:20 AM  
To: Terry L. Dunst  
Cc: Lee Cullen  
Subject: Highland Wind Farm Documents

---

Terry,

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On the agreement, we revised one of the recitals so that it is clear the agreement is being approved under the new resolution. We reversed the change you made to Section 21, as the original language came directly from the 2008 resolution; we can discuss this provision if necessary.

In Section 1, we made the changes I mentioned to reflect that Exhibit A shows only turbine locations. We made a few other revisions aimed at achieving what I think is our mutual goal: that the Town approves the project as a whole, subject to the project obtaining any other necessary permits or

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Department, we must inform you that any U.S. federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of avoiding penalties under the Internal Revenue Code.

Date	8/11/2010	Time	1:47PM	1:47PM	Duration	0.00 (hours)	Code							
Subject	RE: Wind Development Agreement						Staff	Terry L Dunst						
Client	Forest, Town of	MatRef	Forest, Town of-General Business			MatNo	10847							
From	Terry L. Dunst													
To	'Jeffrey Vercauteren'													
CC To														
Bcc To														
Reminders	(days before)	Follow	N	Done	N	Notify	N	Hide	N	Trigger	N	Private	N	Status
Call From						User3								
Phone #						User4								

Hi Jeff,

I have advised Roger to avoid dealing with this matter, and I don't think he should lobby one of the other board members one way or the other.

It was actually Carl who called me and said he didn't think he was comfortable with the short time frame. It wasn't so much the agreement, but the fact that they haven't seen the agreement or the plans. I sent the agreement to the clerk, but I don't know if Carl or Douglas have seen it. I'll give Carl another call.

Terry

From: Jeffrey Vercauteren [mailto:jvercauteren@cwpb.com]  
 Sent: Tuesday, August 10, 2010 3:37 PM  
 To: Terry L. Dunst  
 Subject: RE: Wind Development Agreement

Terry,

We need to have approval on Thursday so as not to delay project development. The agreement is consistent with the 2008 resolution (except for the new Section 1 we added), so there is not much new material to review. The engineering firm is finishing the project plan this afternoon, which will be a one-page map. I will send that to you as soon as we receive it. I think Roger and Carl should be comfortable with the agreement and project plan, as they have been involved throughout the planning process. I assume the board member you refer to is Douglas. He may be okay if Roger and Carl can get him comfortable with the facts and you can get him comfortable with the law. I will make my clients aware of this situation. Let's touch base tomorrow morning.

Thanks,

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Date Printed: 10/01/2010

Time Printed: 11:36AM

Printed By: JK

Jeff Vercauteren  
Cullen Weston Pines & Bach LLP  
122 West Washington Avenue, Suite 900  
Madison, Wisconsin 53703  
608.310.3322 (Office)  
608.445.9384 (Mobile)  
vercauteren@cwpb.com  
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>>> "Terry L. Dunst" <TDunst@bakke-norman.com> 8/11/2010 3:04 PM >>>

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Terry

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From: Jeffrey Vercauteren [mailto:jvercauteren@cwpb.com]  
Sent: Wednesday, August 11, 2010 9:20 AM  
To: Terry L. Dunst  
Cc: Lee Cullen  
Subject: Highland Wind Farm Documents

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In Section 1, we made the changes I mentioned to reflect that Exhibit A shows only turbine locations. We made a few other revisions aimed at achieving what I think is our mutual goal: that the Town approves the project as a whole, subject to the project obtaining any other necessary permits or

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Date	8/11/2010	Time	3:06PM	3:06PM	Duration	0.00 (hours)	Code							
Subject	RE: Resolution re Town of Forest						Staff	Terry L Dunst						
Client	Forest, Town of	MatRef	Forest, Town of-General Business			MatNo	10847							
From	Terry L. Dunst													
To	'Jeffrey Vercauteren'													
CC To														
Bcc To														
Reminders	(days before)	Follow	N	Done	N	Notify	N	Hide	N	Trigger	N	Private	N	Status
Call From							User3							
Phone #							User4							

You're welcome. I sent the project plan to the clerk, and I'll send her this resolution so she can have it ready.

Terry

From: Jeffrey Vercauteren [mailto:jvercauteren@cwpb.com]  
 Sent: Wednesday, August 11, 2010 3:01 PM  
 To: Terry L. Dunst  
 Subject: Re: Resolution re Town of Forest

Thanks, Terry. Those changes are good.

Jeff Vercauteren  
 Cullen Weston Pines & Bach LLP  
 122 West Washington Avenue, Suite 900  
 Madison, Wisconsin 53703  
 608.310.3322 (Office)  
 608.445.9384 (Mobile)  
 vercauteren@cwpb.com  
 www.cwpb.com



**7.32 \* Resolution changing number of election officials.**

STATE OF WISCONSIN  
Town of Forest  
St. Croix County



Section 7.32, Wis. stats., allows a municipal governing body to reduce the required number of election officials at a polling place from [7 or 5 (in a municipality where voting machines are used)] to no less than 3, and the town board has determined that it would be advantageous to the town to have only as many election officials on duty as are needed for a given election.

Therefore, the Town Board of the Town of Forest, St. Croix County, Wisconsin, by this resolution, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and declares as follows:

There shall be a minimum of 3 election officials on duty at every election. At the discretion of the town clerk, the requisite number of election officials may be increased for any election. However, the number of election officials working at a given election shall always be an odd number.

The town clerk shall properly post or publish this resolution as required under s. 60.80, Wis. stats.

Adopted this 6<sup>th</sup> day of March 2012

  
[Signatures of town board]  
  
Attest: [Signature of town clerk]

**TOWN OF FOREST**  
**ORDINANCE NO. 202-2**

The Town Board of the Town of Forest, St. Croix County, Wisconsin, has the specific authority under Wis. Stat. 349.16 to adopt this ordinance.

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, establishes special or seasonal weight limits as follows:

A. For the period starting March 1 through May 15<sup>th</sup> of each year, or as otherwise determined by the Town Chair or his/her designee based on weather and road conditions, no person may operate any vehicle on any town road in the Town of Forest, with weights in excess of six (6) tons for single axel vehicles and ten (10) tons for dual axel vehicles. Town roads are listed below:

East - West: Polk-St. Croix Street, 230<sup>th</sup>, 220<sup>th</sup>, 210<sup>th</sup>, 205<sup>th</sup>, and 200<sup>th</sup>.

North-South: 265<sup>th</sup>, 270<sup>th</sup>, 280<sup>th</sup>, 290<sup>th</sup>, 310<sup>th</sup>, and 307<sup>th</sup>.

B. The Town Chair or his/her designee shall erect signs as required under Wis. Stat. 349.16 (2) on or before the effective date of this ordinance.

C. All town roads are hereby designated as Class B highways.

D. Upon conviction for violation of this ordinance, the violator shall pay a forfeiture or penalty as provided in Wis. Stat. 348.21.

E. Effective Date. This ordinance shall take effect upon passage and publication as provided by law.

Passed and adopted by the Town Board of the Town of Forest, this 22<sup>nd</sup> day of March, 2012.

  
\_\_\_\_\_  
Jaime Junker, Town Chair

Attest:

  
\_\_\_\_\_  
Jennifer Anderson, Town Clerk

*[Handwritten mark]*

**TOWN OF FOREST**

**MUNICIPAL EMERGENCY OPERATIONS PLAN**

## **Town of Forest Municipal Emergency Operations Plan (EOP)**

### **A. PURPOSE:**

This municipal plan has been developed to provide procedures for the Town of Forest (referred to as Town) government to respond to various types of emergencies or disasters that could affect the community. In accordance with Wisconsin State Statute Chapter 323 Emergency Management, Section 323.14 (1) (b) Local Government Duties and Powers: the Town shall designate a head of emergency management services and develop and adopt an emergency management plan and program that is compatible with the state plan of emergency management. Review of this municipal plan shall be accomplished annually or as local changes dictate.

### **B. SITUATION AND ASSUMPTIONS:**

#### **1. Situation**

- a. **Geography:** The Town is located in the central part of St. Croix County Town of Forest. The Town land area covers approximately 36 square miles.
- b. **Population:** As of the census of 2010, there were 629 people, 243 households, and 194 families residing in the town. The population density was 17 people per square mile.
- c. **Hazards:** The Town is exposed to many hazards, all of which have the potential for disrupting the community, causing damage, and pose a threat to life, property or environment in St. Croix County. These hazards are outlined in the St. Croix County All-Hazard Mitigation Plan which is incorporated in this document by reference. Potential hazards which may occur in or around the Town include, but are not limited to high wind, severe storms, winter storms, flooding, civil disorder, HAZMAT incident from fixed facilities, HAZMAT incident from highway accidents, farm storage, chemicals on farms, long term power failure, ice storms, subsidence, landslides, mass casualty bus accidents, natural gas lines, fires, disease outbreak and pandemic, critical infrastructure disruption and acts of terrorism.

#### **2. Assumptions**

- a. The Town will continue to be exposed to the hazards identified above. Others may develop in the future as well.
- b. Town officials will continue to recognize our responsibilities with regard to the public's safety and exercise their authority to implement this emergency operations plan in a timely manner when confronted with real or threatened disasters.
- c. When properly implemented, actions relayed in this plan may reduce or prevent disaster related losses.
- d. It is impossible for the government to do everything to protect the lives and property of our residents. Our citizens have the responsibility to prepare themselves and their families to cope with emergency situations and manage their affairs and property in a way that will aid the government in management of an emergency. The Town will assist our

citizens in carrying out those responsibilities by providing appropriate and timely information prior to or during emergency situations.

- e. Effective emergency operations require that all potentially involved personnel and agencies thoroughly familiarize themselves with this plan, including the need for regular training and exercising.
- f. Outside assistance or help to a Town-wide disaster may not be readily available and as a result the Town and local emergency service providers should continue to work towards self-reliance to respond to Town-wide emergencies.

### C. CONCEPT OF OPERATIONS:

Town officials have primary responsibility to undertake comprehensive management of emergencies in order to protect life and property from the effects of emergency events. This plan is based on the concept that the emergency functions performed by various groups responding to an emergency, will generally parallel their normal day-to-day activities. To the extent possible, the same personnel and material resources will be employed in both cases.

Town officials, because of the proximity to emergency events, have the primary responsibility for emergency management activities. Other levels of government provide resources not available at the town level. When the emergency exceeds the town's capability to respond, assistance from the county or adjacent municipal departments will be requested. For emergencies taking place in our municipality Town officials will activate the appropriate municipal agencies to respond and recover from the event. The chief elected town official in charge per the line of succession (see Attachment 1) or the designated Town Emergency Management Coordinator is responsible for assisting with coordinating the response and recovery of municipal agencies and coordinating the response with county officials if county assistance is necessary.

1. The Town elected official in charge shall assess the nature and scope of the emergency or disaster and identify and initiate any proclamation deemed necessary (see Attachments 2 for sample emergency declaration).
2. Day-to-day functions, which do not contribute directly to response actions to an emergency, may be suspended for the duration of the emergency. The resources and efforts that would normally be required for those functions may be diverted to the accomplishment of emergency tasks by the agency managing the use of those resources.
3. When the situation can be handled locally, use the procedures in this plan as appropriate.
  - a. The Town elected official in charge declares a local state of emergency, if needed, and notifies the Town Emergency Management Coordinator of this action.
  - b. The Town elected official activates the Emergency Operations Center (EOC) if necessary. This facility is located at (Town Hall) 1895 Highway D, Emerald, WI 54013.

- c. If the Town EOC is compromised or is not adequate to handle the emergency at the request of the Town the County Emergency Management Coordinator may activate the back-up municipal EOC if necessary. This facility is located at 1101 Carmichael Road, Hudson, in the lower level (community room) of the St. Croix County Government Center.
  - d. The Town Emergency Management Coordinator will assist the Town in coordinating departments/agencies that respond to the situation.
  - e. The public will be notified of the situation by the manner most appropriate and advised of the actions to take.
  - f. County officials will be informed of the situation and the actions taken.
  - g. The Town Emergency Management Coordinator will assist the Town in coordinating departments/agencies with recovery issues to the emergency.
  - h. The Town will use its road crew, building inspector, and contract engineering services in a coordinated effort to gather and provide damage assessment information to the County Emergency Management Coordinator to forward to Wisconsin Emergency Management (WEM).
4. If municipal resources become exhausted or if special resources are required, request county assistance through the County Emergency Management Coordinator.
  5. If assistance is requested, the County Emergency Management Coordinator assesses the situation and makes recommendations to the Director of Emergency Support Services Department and the County Administrator.
  6. The county will do the following (to the extent appropriate):
    - a. Activate the County EOC.
    - b. Implement the County EOP.
    - c. Respond with county resources as requested.
    - d. Activate mutual aid agreements.
    - e. Coordinate county resources with municipal resources.
    - f. Notify WEM Regional Director.
    - g. Forward a Uniform Disaster Situation Report (UDSR) form to the State identifying preliminary damages.
    - h. Assist the town with prioritizing and allocating resources.
  7. If municipal and county resources are exhausted, the County Emergency Management Coordinator can request state assistance through WEM.
  8. When state assistance is requested, the WEM Administrator will assess the disaster or emergency situation and, if needed, recommend personnel, services and equipment be made available for response, mitigation or recovery. This is performed in conjunction with the Regional Director, County & Town Emergency Management Coordinator and the Town elected official in charge.

9. The WEM Administrator notifies the Governor and makes recommendations.

10. If state assistance is granted, procedures will be followed as stated in the Wisconsin Emergency Response Plan (WERP) and the County EOP.

C. ORGANIZATION:

Local Emergency Personnel Alerting List – See Attachment 3.

Emergency Telephone List – See Attachment 4.

D. RESOURCE MANAGEMENT:

Additional support from St. Croix County departments may be requested through the St. Croix County Emergency Management Coordinator.

Information and assistance in securing state or federal support may be obtained by contacting the County Emergency Management Coordinator. Requests for National Guard assistance should be channeled through the County Emergency Management Coordinator to the WEM Regional Director to the WEM Administrator.

E. RECOVERY:

The aim of recovery is to restore the affected area to its previous state. Recovery efforts are concerned with issues and decisions that must be made after an emergency. There are short term needs to be addressed such as life safety, electricity, food, and water for residents and animals. Then long term recovery efforts that are primarily concerned with actions involving rebuilding destroyed property, and the repair of other essential infrastructure.

The Town will do the following (to the extent appropriate):

- a. Ensure life safety issues are addressed and emergency food and shelter are made available.
- b. Ensure essential services are restored such as electricity, water and sanitary systems.
- c. Ensure all town roads are closed and barricaded for safety if damaged.
- d. Ensure emergency repairs or debris clearance is completed to town roads to make passable as soon as possible after the emergency.
- e. Identify if any elderly, disabled, or other functional needs victims are in need of assistance.
- f. Hold town meeting(s) to notify residents of recovery issues after the emergency.
- g. Implement procedures for debris removal and clean up such as use of the town recycling center.
- h. Implement procedures for building permits to be issued and inspections for code compliance.
- i. Implement a volunteer sign-up and assignment program for clean-up.

F. PLAN DEVELOPMENT AND MAINTENANCE:

The Town EOP Development Team is composed of representatives from the Town Board, Town designated Emergency Management head and the County Emergency Management Coordinator. They are responsible for developing and maintaining this plan.

This Team meets on an as-needed basis or as determined by the Town Chairperson. The Team reviews incidents, changes and new information and makes revisions in this plan. This Team also conducts after-action reviews of all exercises and major incidents.



## Attachment 1 – LINE OF SUCCESSION

The Town of Forest line of succession with authority to act on behalf of the Town in the event of natural or man-made disasters or emergencies.

The order is as follows:

1. Chairperson – Jaime Junker
2. Supervisor 1 – Patrick Scepurek
3. Supervisor 2 – Richard Steinberger
4. Town Clerk – Jennifer Anderson

See Attachment 6, LOCAL EMERGENCY PERSONNEL ALERTING LIST, for the names of the elected officials currently holding these offices.

Attachment 2 – MUNICIPAL EMERGENCY/ DISASTER PROCLAMATION

WHEREAS, an emergency/disaster, namely \_\_\_\_\_ has struck the Town of Forest; and

WHEREAS, because of such emergency conditions, the Town of Forest Board is unable to meet with promptness:

WHEREAS, the emergency/disaster has caused the Town of Forest to expend or commit all of its available resources; and

WHEREAS, the Town of Forest is asking for county assistance and requests the county to advise the State of Wisconsin of our emergency/disaster conditions; and

NOW THEREFORE, pursuant to State Statute 66.314 (1)(a) and State Statute 323.11, as Chief Elected Official of the Town of Forest, I do hereby declare a condition of disaster and proclaim a state of emergency is in effect until \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ a.m./p.m. or such earlier time as a quorum of the board convenes:

- Emergency Declaration, as follows:
- Curfew, as follows:
- Evacuation, as follows:
- Travel/entry restrictions, as follows:
- Securing of resources, as follows:
- Seizure of equipment, as follows:
- Request Wisconsin National Guard, as follows:
- Request Wisconsin state resources, as follows:
- Suspend permits, as follows:
- Establish price controls, as follows:
- Authorize emergency purchases of goods and materials, as follows:
- Authorize emergency purchases of services, as follows:
- Authorize hiring, as follows:
- Authorize public works contracting in excess of \$25,000 without advertising or bid, as follows:

IN TESTIMONY WHEREOF: I have hereunto set my hand.

Done at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Chairperson

Attachment 3 – LOCAL EMERGENCY PERSONNEL ALERTING LIST

Town of Forest Office  
1895 Highway D, Emerald, WI 54013  
Telephone: 715-265-4135

TOWN BOARD ELECTED OFFICIALS

TOWN CHAIRPERSON:

Jaime Junker, 1930 County Road P, Glenwood City, WI 54013, Cell 651-246-1058

SUPERVISOR:

Patrick Scepurek, 2308 County Road P, Clear Lake, WI 54005, Home 715-263-2096

SUPERVISOR:

Richard Steinberger, 1969 County Road P, Glenwood City, WI 54013, Home 715-265-4845

---

OTHER ELECTED PERSONNEL AND STAFF

TOWN CLERK:

Jennifer Anderson, 1977 County Road P, Glenwood City, WI 54013, Cell 715-688-9032

TOWN EMERGENCY MANAGEMENT HEAD:

Jaime Junker, 1930 County Road P, Glenwood City, WI 54013, Cell 651-246-1058

TOWN TREASURER:

Nikki Sunday, 2839 County Road Q, Clear Lake, WI 54005, Home 715-263-3750

TOWN BUILDING INSPECTOR:

Moriak Enterprises', Phone 715-948-2003

TOWN ROAD MAINTENANCE:

St. Croix County Highway Department – Snow plowing, repair and upgrades

Attachment 4 – EMERGENCY TELEPHONE LIST

St. Croix County Emergency (Police, Fire, Medical)	911
St. Croix County Sheriff's Department Non-Emergency	911 715-381-4320
St. Croix County Emergency Communication Center Emergency Non-Emergency	911 715-386-4711 715-386-4701 715-246-6131 715-684-2112 1-800-281-3478 FAX: 715-386-9329
St. Croix County Emergency Management Coordinator Non-Emergency Cell	911 715-381-4911/715-386-4751 715-410-7733
Wisconsin Emergency Management Duty Officer Non-emergency	1-800-943-0003 1-608-242-3232
Wisconsin Department of Natural Resources Non-Emergency	1-800-943-0003 715-684-2914
American Red Cross, St. Croix Valley Chapter Contacted through Emergency Management Coordinator	911 / 715-381-4911 1-651-439-0031
National Spill Response Center	1-800-424-8802
Hospitals:	
Baldwin Area Medical Center	715-684-3311
Westfield's Hospital New Richmond	715-246-2101
Amery Regional Medical Center	715-268-8000
Hudson Medical Center	715-531-6000
River Falls Area Hospital	715-425-6155
Utility Companies:	
Excel Energy Electric	1-800-895-1999
St. Croix Electric	1-800-924-3407
Country Comfort Electric	1-866-268-8050
St. Croix Valley Natural Gas Company	715-425-6177
Ultra Energy (LP Gas)	1-866-885-9352
Energy Plus (LP Gas)	715-796-7024

WE Energy (Natural Gas)  
Polk Burnett Electric Coop

1-800-242-9137  
1-800-421-0283  
715-646-2191

Radio/Television Stations Broadcasting Companies:

WEVR Radio AM 1550, FM 106

Hudson

715-381-1111

River Falls

715-425-1111

WIXK Radio AM 1590, FM 107.1

715-246-2254

WCCO Radio AM 830

1-612-370-0611

WHWC Radio 88.3 FM Eau Claire

715-839-3868

WXCE AM-1260 Radio Amery

715-268-7185

WLXK FM-104.9 Radio Amery

715-268-7185

Amery Cable TV Channel 3 & 6

(715) 268-7486

Hudson Community Access TV Channel 10

715-386-0115

River Falls Public Access – RFCC-TV, Channel 12

715-425-5400

Baldwin Telecom Cable TV, Channel 16

715-684-3346

Eau Claire Public Access – WEAU TV Channel 13

(715) 835-1313; and

(715) 832-3474

Attachment 5 - UNIFORM DISASTER SITUATION REPORT

This attachment that follows is the form report that is to be filled out within 24 hours of event and sent to the St. Croix County Emergency Management Coordinator.

Phone: 715-381-4911 (Kristen Sailer)  
Cell: 715-410-7733 (Kristen Sailer)  
Office Fax: 715-386-4720

Original forms to be filled out on file at the Town Hall Office

2400 Wright Street PO Box 7865 Madison, WI 53707-7865		Telephone: (608) 242-3232  (800) 943-0003  FAX (608) 242-3248	<b>WEM ONLY</b>   DATE & TIME REPORT RECEIVED  RECEIVED BY			
<b>DEPARTMENT OF MILITARY AFFAIRS                  WISCONSIN EMERGENCY MANAGEMENT</b>		<b>UNIFORM DISASTER SITUATION REPORT</b>				
1. NAME OF PERSON SUBMITTING REPORT		ADDRESS, CITY, STATE, ZIP		PHONE NO.		
2. DATE & TIME OF INCIDENT		3. TYPE OF INCIDENT/EMERGENCY		4. DATE REPORTED		
				ORIGINAL <input type="checkbox"/> Yes <input type="checkbox"/> No		
5. LOCATION OF INCIDENT:		WEM AREA		COUNTY		
CITY		VILLAGE		TOWNSHIP		
SECTION		OTHER LOCATION DETAILS (ATTACH A MAP SHOWING LOCATIONS)				
<b>6. ESTIMATED NO. OF CASUALTIES:</b>						
SHELTERED		DEATHS	INJURIES	HOMELESS	EVACUATED	
<b>7. PRIVATE SECTOR DAMAGE ESTIMATES:</b>						
RESIDENTIAL	ESTIMATED NO. OF HOMES				ESTIMATE DOLLAR AMOUNT	ESTIMATED PERCENT COVERED BY INSURANCE
	AFFECTED	MINOR	MAJOR	DESTROYED	\$ -	
BUSINESS	ESTIMATED NO. OF BUSINESSES				ESTIMATE DOLLAR AMOUNT	ESTIMATED PERCENT COVERED BY INSURANCE
	MINOR	MAJOR	DESTROYED		\$ -	

AGRICULTURAL	FARM BUILDINGS DAMAGED?  YES <input type="checkbox"/> NO <input type="checkbox"/>	CROPS AFFECTED?  YES <input type="checkbox"/> NO <input type="checkbox"/>	LIVESTOCK LOST?  YES <input type="checkbox"/> NO <input type="checkbox"/>
8. TOTAL ESTIMATED PRIVATE SECTOR DAMAGE \$ -			
<b>9. PUBLIC SECTOR DAMAGE ESTIMATES:</b>			
A) DEBRIS CLEARANCE \$	B) PROTECTIVE MEASURES \$	C) ROAD SYSTEMS \$	D) WATER CONTROL FACILITIES \$
E) PUBLIC BLDGS & RELATED EQUIPMENT \$	F) PUBLIC UTILITY SYSTEMS \$	G) OTHER (NOT IN PRECEDING CATEGORIES) \$	
10. TOTAL ESTIMATED PUBLIC SECTOR DAMAGE \$			
11. DESCRIBE LOCAL ACTIONS TAKEN OR TO BE TAKEN. INCLUDE NAMES AND PUBLIC OFFICIALS INVOLVED IN THE RESPONSE EFFORTS.			
12. DESCRIBE OUTSIDE ASSISTANCE NEEDED OR BEING REQUESTED			
13. <input type="checkbox"/> CHECK BOX IF COUNTY INTENDS TO APPLY FOR ASSISTANCE FROM THE WISCONSIN DISASTER FUND.			
14. ADDITIONAL COMMENTS (INCLUDING ECONOMIC OR OTHER IMPACTS ON AFFECTED COMMUNITIES)			



The Town of \_\_\_\_\_ Board does hereby approve the Town Municipal Emergency Operations Plan as amended.

\_\_\_\_\_  
Town Chairperson

\_\_\_\_\_  
Date

\_\_\_\_\_  
Town Supervisor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Town Supervisor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Emergency Management Coordinator

\_\_\_\_\_  
Date

## **TOWN CHAIRPERSON OR DESIGNATE ALTERNATE**

### **KEY ACTION CHECKLIST**

This attachment is designed to identify the responsibilities and tasks of the Town Chairperson or alternate a checklist of actions to consider when the Emergency Operations Plan (EOP) is activated.

The Town Chairperson or Alternate is responsible for the overall management of the Town. The following tasks represent a checklist of actions that should be considered in an emergency or disaster situation.

The Town Chairperson or designated Alternate should:

- Assess the nature and scope of the emergency or disaster.
- If the situation can be handled locally, do so using available resources.
- Ensure the Town Emergency Management head has been notified.
- If the Town needs additional resources to handle the emergency or disaster contact the St. Croix County Emergency Management Coordinator for assistance.
- Report to and activate the primary Emergency Operations Center (EOC). The Town Hall if useable or designate an alternate site.
- Assure appropriate staff or supervisors are reporting or have reported (See attachment 2 for listing).
- Receive assessment reports from other board members or staff as to the nature and scope of the emergency or disaster and declare a level of said emergency or disaster.
- Implement plan as described in Emergency Operations Plan. Decide if a local state of emergency is needed and notify St. Croix County Emergency Management of this action.
- Serve as Public Information Officer (PIO) or designate a member of the board or town staff when needed.
- Make sure all staff or supervisors are keeping accurate and complete records of all actions being taken, all expenditures, and resources requested or used.
- Ensure life safety issues are addressed and emergency food and shelter are made available.
- Ensure essential services are restored such as electricity, water and sanitary systems.
- Ensure all town roads are closed and barricaded for safety if damaged.
- Ensure emergency repairs or debris clearance is completed to town roads to make passable as soon as possible after the emergency.
- Identify if any elderly, disabled, or other functional needs victims are in need of assistance.
- Hold town meeting(s) to notify residents of recovery issues after the emergency.
- Implement procedures for debris removal and clean up such as use of the town recycling center.
- Implement procedures for building permits to be issued and inspections for code compliance.
- Implement a volunteer sign-up and assignment program for clean-up.

## **TOWN CLERK/TREASURER/ASSESSOR**

### **KEY ACTION CHECKLIST**

This attachment is designed to identify the responsibilities and tasks of the Town Clerk/Treasurer/Assessor and provide a checklist of actions to consider when the Emergency Operations Plan is activated.

The Town Clerk/Treasurer/Assessor is responsible for their assigned activities in the Town. The following tasks represent a checklist of actions that should be considered in an emergency or disaster situation.

The Town Clerk/Treasurer/Assessor should:

- Report to the Primary designated Emergency Operations Center.
- Maintain records indicating town expenses incurred due to the disaster.
- Assist in the damage assessment process by:
  - Provide information regarding the dollar value of property damage as a result of the disaster.
  - Provide information (name, address, telephone number, etc.) regarding the owners of property which has been damaged/destroyed as a result of the disaster.
  - Try to obtain or take pictures of the general damage being observed.
  - Set up procedures to permit acquisition of equipment and supplies needed to recover from the emergency or disaster.

## **Recovery Operations (Priorities)**

- 1. People**
- 2. Livestock**
- 3. Property/Crops**

### **Debris Clearance**

### **Reconstruction**

### **Bookkeeping**

- Damage Assessment Report
- Public Information
- Financial Aid from the State or Federal programs

### **Public Works & Infrastructure**

- Ensure that all department personnel have been alerted to the disaster and that they report as the situation directs.
- Report to the EOC.
- Ensure all damaged infrastructure are identified and barricaded for safety if not passable or usable.
- Coordinate recovery activities with other services.
- Direct debris removal to permit passage of emergency vehicles.
- Assist rescue personnel as needed.
- Coordinate/direct/assist the restoration of utilities.

### **Water & Sewer**

- Get information out to residents about testing their wells for contamination.
- Ensure their septic systems are functioning properly.

### **Gas**

- Determine if evacuation measures need to be taken.

### **Electric**

- Contact Xcel Energy, St. Croix Electric or Polk-Burnett Electric to restore power or remove downed power lines.
- Safeguard area/set up safe perimeter with the help of emergency services.

### **Telephone**

- Contact local telephone company to restore service.
- Set up emergency communications if necessary

**ZONING ORDINANCE**

2013-4

TOWN OF FOREST,  
ST. CROIX COUNTY, WISCONSIN

*Reviewed by St. Croix County*  
*August 15, 2013*  
September 5, 2013

Reviewed by Town Plan Commission  
September 12, 2013  
September 23, 2013

Revised – September 17, 2013  
Revised September 27, 2013

Public Hearing Held by Plan Commission - October 9, 2013  
Plan Commission Recommended Adoption- October 9, 2013

Adopted Town Board - October 15, 2013  
Adopted County Board – January 7, 2014



**Resolution No. 1 (2014)**  
**RESOLUTION OF THE ST. CROIX COUNTY BOARD OF**  
**SUPERVISORS APPROVING CREATION OF THE TOWN OF**  
**FOREST ZONING ORDINANCE**

1           WHEREAS, the Town of Forest adopted Village Powers on July 11, 1988 at a Special  
2 Town meeting; and  
3           WHEREAS, the Forest Town Board adopted a Comprehensive Plan per Wisconsin  
4 Statutes §66.1001 on December 8, 2009 and amended it on November 21, 2013; and  
5           WHEREAS, on October 21, 2011, at a Special Town meeting, the Town of Forest  
6 adopted a resolution authorizing the Forest Town Board to adopt a town zoning ordinance; and  
7           WHEREAS, on October 9, 2013, the Town of Forest Plan Commission held a public  
8 hearing on a draft town zoning ordinance and approved a resolution recommending the Forest  
9 Town Board adopt the town zoning ordinance; and  
10           WHEREAS, on October 15, 2013, the Forest Town Board adopted a resolution, pursuant  
11 to Wis. Stat. 61.35, to enact the town zoning ordinance; and  
12           WHEREAS, §60.62(3), Wisconsin Statutes states that in counties having a county zoning  
13 ordinance no town zoning ordinance or amendment is effective unless approved by the county  
14 board; and  
15           WHEREAS, St Croix County has a zoning ordinance; and  
16           WHEREAS, the Community Development Department reviewed two drafts of the  
17 proposed Town of Forest Zoning Ordinance on August 6, 2013 and September 5, 2013 and  
18 provided comments and recommendations to the Forest Town Plan Commission and Forest  
19 Town Board for their consideration; and  
20           WHEREAS, the Community Development Committee has held a public hearing on the  
21 proposed Town of Forest Zoning Ordinance and recommends approval.  
22           THEREFORE, be it resolved by the St. Croix County Board of Supervisors that the Town  
23 of Forest Zoning Ordinance attached hereto is hereby approved.

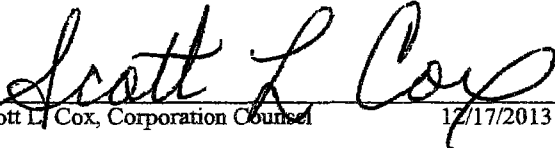
**Sponsored By: Community Development Committee on December 19, 2013**


**STATE OF WISCONSIN**  
**COUNTY OF ST. CROIX**  
I, Cindy Campbell, St. Croix  
County Clerk, DO HEREBY CERTIFY that  
the foregoing is a true and correct copy of  
*Resolution # 1 (2014)*  
adopted by the County Board of Supervisors  
at their meeting held *Jan. 7, 2014*  
*Cindy Campbell / A.H.*  
Cindy Campbell, St. Croix County Clerk

**Legal – Fiscal – Administrative Approvals:**

Legal Note: none

Fiscal Impact: None

  
Scott L. Cox, Corporation Counsel 12/17/2013

  
Tabatha Hansen, Finance Director 12/17/2013

  
Patrick Thompson, County Administrator 12/18/2013

**St. Croix County Board of Supervisors Action:**

Roll Call - Vote Requirement – Majority of Supervisors Present

**RESULT:** ADOPTED [14 TO 2]

**MOVER:** Ron Kiesler, Supervisor

**SECONDER:** Agnes Ring, Supervisor

**AYES:** Travis Schachtner, Agnes Ring, Tim Hood, Daryl Standafer, Fred Yoerg, Chris Kilber, Richard Offino, Dave Ostness, Roger Larson, Ron Kiesler, Andy Brinkman, David Peterson, Joe Hurtgen, Duane Russett

**NAYS:** Buck Malick, William Peavey

**ABSENT:** Tom Hawksford, Fred Horne, Brian Hurtgen

This Resolution was Adopted by the St. Croix County Board of Supervisors on January 7, 2014

Cindy Campbell, County Clerk

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1 **ARTICLE 1 INTRODUCTION**

2  
3 **SECTION 1 TITLE**

4  
5 The title of this ordinance is the "Town of Forest Zoning Ordinance," herein referred to  
6 as "this Ordinance."

7  
8 **SECTION 2 AUTHORITY**

9  
10 The Town Board of the Town of Forest has the specific authority, powers and duties,  
11 pursuant to Wis. Stats. §60.61, §60.62, §61.35 and §62.23, pursuant to the specific  
12 statutory sections noted in this Ordinance and by the adoption of village powers under  
13 Wis. Stats. §60.10, and by the granting of powers to zone under the above statutory  
14 provisions by the electors of the Town of Forest at a legally called and noticed Special  
15 Town Meeting on October 21, 2011 to zone certain areas in the Town of Forest and to  
16 regulate, prohibit, and restrict construction, alteration, erection and enlargement of  
17 certain structures and buildings in the Town of Forest and to regulate and control certain  
18 uses, activities, businesses and operations in the Town of Forest.

19  
20 **SECTION 3 PURPOSE**

21  
22 The purpose of this Ordinance is to protect and promote the health, safety and general  
23 welfare of the Town of Forest, St. Croix County, Wisconsin and its residents through the  
24 establishment of minimum regulations governing use and development and providing  
25 penalties for the violation of its provisions. This Ordinance shall divide the Town into  
26 districts and establish regulations in regard to location, erection, construction,  
27 reconstruction, alteration and use of structures and land.

28  
29 **SECTION 4 INTENT**

30  
31 It is the general intent of this Ordinance to:

- 32 A. Aid in implementing the adopted Town Comprehensive Plan;
  - 33 B. Provide for compatibility of different land uses;
  - 34 C. Promote orderly development and redevelopment;
  - 35 D. Regulate land use, location and use of buildings, lot coverage, the size of yards  
36 and other open spaces, and the density of population;
  - 37 E. Provide adequate light, air, drainage and convenience of access to property;
  - 38 F. Facilitate the adequate provision of public facilities and utilities;
  - 39 G. Stabilize and protect property values;
  - 40 H. Preserve and promote the conservation of natural resources;
  - 41 I. Provide for the administration and enforcement of this Ordinance;
  - 42 J. Provide penalties for the violation of this Ordinance.
- 43  
44  
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46

## 47 SECTION 5 INTERPRETATION

48

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

52

## 53 SECTION 6 ABROGATION AND GREATER RESTRICTIONS

54

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

59

## 60 SECTION 7 SEVERABILITY and NONLIABILITY.

61

62 (a) If any section, provision, sentence, or any part of this Ordinance is adjudged to be  
63 unconstitutional, unlawful, or invalid by a court of competent jurisdiction, the remainder  
64 of this Ordinance shall not be affected thereafter.

65

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

70

71 (c) The Town of Forest does not guarantee, warrant or represent that only those areas  
72 designated as floodlands will be subject to periodic inundation and hereby asserts that  
73 there is no liability on the part of the Town Board, its agencies or employees for any  
74 flood damages, or structural damages that may occur as a result of reliance upon and  
75 conformance with this Ordinance.

76

## 77 SECTION 8 EFFECTIVE DATE

78

79 This Ordinance shall take effect after a public hearing, adoption by the Town Board,  
80 approval of the St. Croix County Board of Supervisors and publication or posting as  
81 required by law.

82

## 83 SECTION 9 DEFINITIONS

84

- 85 A. For the purpose of administering and enforcing this ordinance, the terms or  
86 words used herein shall be interpreted as follows:
- 87 1. Words used in the present tense include the future: in the singular include the  
88 plural and in the plural include the singular.
  - 89 2. The word "shall" is mandatory, not permissive.
  - 90 3. All distances, unless otherwise specified shall be measured horizontally.
  - 91 4. All definitions that refer to Wisconsin Statutes shall incorporate any revisions  
92 or amendments to statutory language.

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93 B. For purposes of this Ordinance, the following terms are defined as indicated  
94 below:

- 95
- 96 1. Accessory Building. A subordinate building or portion of the principal  
97 building, the use of which is incidental to the permitted use of the principal  
98 building, and located on the same lot.  
99
- 100
- 101 2. Accessory Use. A use subordinate to and serving the principal use on the  
102 same lot and customarily incidental thereto. It must also be subordinate in  
103 area, extent and purpose to the principal building or use served.  
104 Accessory uses include, but are not limited to, family day care, home  
105 occupations, and seasonal roadside stands.  
106
- 107 3. Agricultural Business. A commercial operation solely providing goods  
108 and/or services to local agriculture operations, such as sale of feed, seed,  
109 pesticides, fertilizer, or fuel; and sale and repair of agricultural equipment.  
110
- 111 4. Animal Feeding Operation. A lot or facility, other than a pasture or grazing  
112 area, where animals have been, are or will be stabled or confined, and will  
113 be fed or maintained for a total of forty-five (45) days or more in any  
114 twelve (12) month period, as defined in Wisconsin Department of Natural  
115 Resources NR 243.  
116
- 117 5. Animal Housing Structure. A temporary or permanent building or other  
118 structure used to house, feed, or milk one (1) or more animal units.  
119
- 120 6. Animal Unit. A unit of measure, as defined in Wisconsin Department of  
121 Natural Resources NR 243, used to determine the total number of single  
122 animal types, or combination of animal types, that are at an animal feeding  
123 operation.  
124
- 125 7. Animal Waste Storage Facility. One or more animal waste storage  
126 structures used for temporary storage of animal waste or other organic  
127 waste, including stationary equipment and piping used to load and unload  
128 an animal waste storage structure if the equipment is specifically designed  
129 for that purpose and is an integral part of the facility. It does not include  
130 equipment used to apply animal waste to land or animal waste that is  
131 confined within an animal housing structure.  
132
- 133 8. Animal Waste Storage Structure. A waste storage impoundment made by  
134 constructing embankments, excavating a pit or dugout, or fabricating a  
135 structure. It does not include equipment used to apply waste to land. For  
136 purposes of ATCP §51.12(2) and 51.14, does not include any of the  
137 following:

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- 138                   a. A structure used to collect and store animal waste under a livestock  
139                   structure.  
140                   b. A waste digester consisting of a sealed structure in which animal  
141                   waste is subjected to managed biological decomposition.  
142
- 143           9. Antenna Any device or equipment used for the transmission or  
144           reception of electromagnetic waves, which may include an omni-  
145           directional antenna (rod), a directional antenna (panel) or a parabolic  
146           antenna (disc).  
147
- 148           10. Basement. A story partly or wholly underground which, if occupied for  
149           living purposes, shall be counted as a story.  
150
- 151           11. Bed and Breakfast. A place of lodging that meets the definition and  
152           standards of Wis. Stats. §254.61.  
153
- 154           12. Best Management Practices (BMPs). Practices and industry standards  
155           designed to minimize environmental damage.  
156
- 157           13. Board of Appeals. A five (5) member board, and two (2) alternates,  
158           serving three-year terms, appointed by the Town Chairman, and approved  
159           by the Town Board of the Town of Forest, St. Croix County, Wisconsin,  
160           pursuant to Wis. Stat. 62.23 (7)(e) 2 having the powers and duties  
161           specified in Article 2, Section 6 of this Ordinance.  
162
- 163           14. Boarding House. A building other than a hotel where meals or lodging  
164           and meals are furnished for compensation for three (3) or more persons  
165           not members of a family not open to transients in contradistinction to  
166           hotels and restaurants.  
167
- 168           15. Buffer. The use of land, topography, space, fences or landscape plantings  
169           to screen or partially screen a property in order to reduce undesirable  
170           influences, such as: sight, noise, dust, and other external effects which a  
171           land use may have upon other adjacent or nearby land uses.  
172
- 173           16. Building. A structure used, designed or intended for the protection,  
174           shelter, enclosure or support of person, animals or property. When a  
175           building is divided into separate parts by a division wall without openings,  
176           extending from the ground up, each part shall be deemed a separate  
177           building.  
178
- 179           17. Building, Height of. The vertical distance from the base point of elevation  
180           as defined in this Ordinance to the highest point of a flat roof; to the  
181           decline of a mansard roof or to the average height of the highest gable of  
182           a gambrel, hip or pitch roof.  
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18. Campground. Any parcel of land which is designated, maintained, intended or used for the purpose of providing sites for non-permanent overnight use by four (4) or more camping units, or which is advertised or represented as a camping area.
  19. Cellar. The unfinished portion of a structure located mostly below grade without sufficient exits or natural lighting and ventilation to be considered as livable space.
  20. Certified Survey Map. A map showing division of land prepared in accordance with Wis. Stats. §236.64, the St. Croix County Land Division Ordinance, and the Town Subdivision Ordinance.
  21. Church. A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship.
  22. Club. An association of persons for some common purpose, but not including any groups organized primarily to render a service, which is customarily carried on as a business.
  23. Comprehensive Plan. A plan for guiding and shaping the growth or development of a community or area which has been adopted by a governmental unit and whose preparation is authorized by Wis. Stats. §62.23, or §236.46.
  24. Conditional Use. A use that would not be appropriate generally or without restriction throughout the zoning district but would not be detrimental to the public health, safety, or general welfare if appropriate conditions are imposed on the use.
  25. Connecting Streets. Streets of cities, townships and villages that connect state trunk highways as defined in Wis. Stats. §84.92(11).
  26. Contractor's Storage Yard. The outdoor portion of a lot or parcel, where a construction or service contractor maintains a permanent business office, that is used to store and maintain construction or service equipment and other materials customarily used by the construction or service contractor. If permitted to be used in this manner, the entire lot or parcel would then be classified as a contractor's storage yard and will be required to conform to all applicable zoning district standards and regulations.
  27. Development. Any artificial change to improved or unimproved real estate, including but not limited to, the construction of buildings, structures, or accessory buildings; the construction of additions or

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- 230 alterations to buildings, structures, or accessory uses; the repair of any  
231 damaged structure or the improvement or renovation of any structure; the  
232 placement of buildings or structures; subdivision layout and site  
233 preparation; mining, dredging, filling, grading, paving, excavation or drilling  
234 operations; the storage, deposition, or extraction of materials or  
235 equipment; and the installation, repair or removal of public or private  
236 sewage disposal systems or water supply facilities.  
237
- 238 28. District. Parcels, areas, or sections of the Town of Forest, Wisconsin, for  
239 which the regulations governing the use of land and buildings are uniform.  
240
- 241 29. Drainage System. One or more artificial ditches, tile drains or similar  
242 devices which collect surface runoff or groundwater and convey it to a  
243 point of discharge.  
244
- 245 30. Dust Free. (As applied to driveways or parking spaces.) Construction of  
246 washed and packed gravel or trap rock, concrete, macadam or asphalt, so  
247 that travel on the surface does not create dust.  
248
- 249 31. Dwelling. Any building or part thereof which is designed or used  
250 exclusively for residential purposes by one or more human beings either  
251 permanently or transiently, not including hotels, motels, lodging houses.  
252
- 253 32. Dwelling, Multiple-family. A building or portions thereof designed for and  
254 used by more than two (2) families. Classification of a residential structure  
255 shall be determined by its present or projected occupancy and design and  
256 not by the characteristics of ownership and tenancy such as condominium  
257 arrangements.  
258
- 259 33. Dwelling, Single-family. A detached building designed for or occupied  
260 exclusively by one (1) family.  
261
- 262 34. Dwelling, Two-family. A detached or semi-detached building designed for  
263 and occupied exclusively by two (2) families living independently of each  
264 other.  
265
- 266 35. Emergency Shelters. Public or private enclosures designed to protect  
267 people from aerial, radiological, biological, or chemical warfare; fire; flood;  
268 windstorm; riots; or invasions.  
269
- 270 36. Family. A group of persons who live together in one (1) dwelling unit as a  
271 single housekeeping entity.  
272
- 273 37. Family Child Care Home. As defined in Wis. Stats. §66.1017, a dwelling  
274 licensed as a child care center by the Wisconsin Department of Children

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- 275 and Families under Wis. Stats. §48.65 where care is provided for not more  
276 than eight (8) children.  
277
- 278 38. Fence. A barrier constructed of materials other than evergreen shrubbery  
279 erected for the purpose of protection, confinement, enclosure, or privacy.  
280
- 281 39. Finished Room. A room created by covering the walls and ceiling with  
282 plaster, dry wall, paneling or other similar building material, so as to block  
283 from view the structural members of the wall and ceiling; trimming the doors,  
284 windows and built-in cabinets with molding; and preserving the walls and trim  
285 with paint, varnish or other similar material.  
286
- 287 40. Floor Area. The area within the exterior wall lines of a building, provided that  
288 the floor area of a dwelling shall not include space not usable for living  
289 quarters, such as attics, basements or utility rooms, garages, breezeways,  
290 unenclosed porches or terraces.  
291
- 292 41. Frontage. All property abutting on one (1) side of a street or road measured  
293 along the street or road.  
294
- 295 42. Frontage, Reversed. When the rear lot line of a corner lot coincides with part  
296 or all of the side lot line of another lot in the same block, reverse frontage  
297 exists.  
298
- 299 43. Game Management or Fur Farm. A commercial operation raising and  
300 harvesting wild game and fur producing animals for meat and/or fur.  
301
- 302 44. Garage, Private. An accessory building or space used for storage only of not  
303 more than three (3) private motor-driven vehicles.  
304
- 305 45. Garden Center. A place of business where retail and wholesale products and  
306 produce are sold. These centers, which may include a nursery and/or  
307 greenhouses, import most of the items sold, and may include plants, nursery  
308 products and stock, power equipment and machinery, and gardening tools.  
309
- 310 46. Grade. The elevation or level of the street closest to the sign to which  
311 reference is made, measured at the street's centerline.
- 312 47. Home Occupation. Any business or profession which is clearly secondary to  
313 the principal use of the premises as a dwelling and is conducted only by  
314 members of a family residing in the dwelling.  
315
- 316 48. Home Occupation, Major. A home occupation authorized in Article 5, Section  
317 6(D) of this Ordinance as a conditional use by the Town Board.  
318
- 319 49. Home Occupation, Minor. A home occupation authorized in Article 5, Section  
320 6(E) of this Ordinance.

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50. Household Pets. Animals commonly found in residence as pets, such as dogs, cats, birds and other small animals, provided that they are not raised or reared for commercial resale.
51. Hotel or Motel. A building or group of buildings containing rooms which are offered for compensation for the temporary accommodations of transients and where there is no permanent occupancy of any unit except by the owner, his agent, or employees.
52. Indoor Recreational Facility. A building used for used for indoor recreation, including but not limited to, tennis, racquet ball, driving ranges, curling, dance schools, ice arenas, shooting ranges, pool hall, and health club.
53. Industrial Uses. These include light industrial and heavy industrial uses. Light industrial uses involve wholesale activities, warehouses, and other industrial uses that have little impact on the surrounding area, minimal impact on traffic and are conducted wholly indoors and without significant noise, odor, dust, and glare, and do not negatively impact land, water, and air. Heavy industrial uses include uses such as manufacturing, assembling, fabrication, processing, bulk handling, storage, trucking, mining, and other uses which, because of their physical and operational characteristics, are likely to have a higher negative impact on the surrounding area due to traffic, noise, pollution, vibration, light, dust, fumes, odors, pesticides, herbicides or other hazardous materials, fire or explosion hazards, physical appearance, negative visual and/or aesthetic impact, or other undesirable conditions or characteristics relating to such uses.
54. Institutional. A use including but not limited to government building, library, and public, private, or charter schools.
55. Junkyard/Salvage Yard. An open area where waste or scrap materials are bought, sold, exchanged, stored, baled, disassembled or handled for commercial or non-commercial purposes including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles.
56.  kennel, Commercial. An establishment, structure, or premises where five (5) or more adult dogs or cats, six (6) months of age or older, are bred and raised for sale, boarded, groomed and/or trained as a service.
57. Licensing Authority. The Town of Forest.
58. Livestock. Bovine animals, equine animals, goats, sheep, swine, farm-raised deer, farm-raised game birds, camelids, ratites, and farm-raised fish.

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59. Livestock Facility. A feedlot, dairy farm or other operation where livestock are or will be fed, confined, maintained or stabled for a total of forty-five (45) days or more in any twelve-month (12) period. It includes all of the tax parcels of land on which the facility is located, but does not include a pasture or winter grazing area. Related livestock facilities are collectively treated as a single livestock facility for purposes of this Ordinance, except that an operator may elect to treat a separate species facility as a separate livestock facility.
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60. Livestock Structure. A building or other structure used to house or feed livestock for milking, to confine livestock for feeding or grazing, to store livestock feed, or to collect or store waste generated at the livestock facility. Livestock structures include a barn, milking parlor, feed storage facility, feeding facility, animal lot or animal waste storage structure. Livestock structure does not include a pasture or winter grazing area, a livestock watering or feeding facility in a pasture or winter grazing area, or a machine shed or like facility this is not used for livestock.
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61. Living Space. That portion of a dwelling occupied by the residence for normal daily living functions, to include, but not limited to, all space on the main level of a dwelling, any upper level rooms that have been finished for daily use, and any lower level rooms that have been finished for daily use, but not including any room used for a furnace, water heater or similar mechanical device, unless they occupy a minor portion of such room and the remainder of the room has been finished for daily use.
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62. Lodging House. A building other than a hotel or motel where lodging only is provided for compensation.
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63. Lot. A parcel of land occupied or designed to provide space necessary for one main building and its accessory buildings or uses, including the open spaces required by this Ordinance and abutting on a public street or other official approved means of access. A lot may be a parcel designated in a plat or certified survey map or described in a conveyance recorded in the office on the Register of Deeds, or any part of a large parcel when such part complies with the requirements of this Ordinance as to width the area for the district in which it is located. No land included in any street, highway, access easement or railroad right-of-way shall be included in computing lot area.
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64. Lot, Corner. A lot located at the intersection of two (2) streets, any two (2) corners of which have an angle of one hundred twenty (120°) degrees or less. If bounded by a curved street in which case the chord within the limits of the lot line forms and angle of one hundred twenty (120°) degrees or less.

- 412 65. Lot, Interior. A lot other than a corner lot.  
413  
414 66. Lot, Residential. A lot containing, or with the ability of containing, a single-  
415 family or two-family residence in compliance with the maximum residential  
416 density requirements contained in Article 4, Section 10 of this Ordinance  
417 in the Agricultural and Agricultural-Residential Districts.  
418  
419 67. Lot, Sewered. A lot served by a public or shared septic system.  
420  
421 68. Lot, Unsewered. A lot served by a private on-site septic system.  
422  
423 69. Lot Line. The line bounding a lot as herein described.  
424  
425 70. Lot Width. The horizontal distance between the side lot lines of a lot  
426 measured within the lot boundary and at the minimum required front  
427 setback line.  
428  
429 71. Manufactured Home. As defined in Wis. Stats. §101.91(2), a structure  
430 that is designed to be used as a dwelling with or without a permanent  
431 foundation and that is certified by the federal department of housing and  
432 urban development as complying with the standards established under 42  
433 USC 5401 to 5425.  
434  
435 72. Manufactured or Mobile Home Park. An area or premises on which is  
436 provided the required space for the accommodation of mobile homes,  
437 together with necessary accessory buildings, driveways, walks, screening  
438 and other required adjuncts.  
439  
440 73. Mobile Home. As defined in Wis. Stats. §101.91(10), a vehicle  
441 manufactured or assembled before June 15, 1976, designed to be towed  
442 as a single unit or in sections upon a highway by a motor vehicle and  
443 equipped and used, or intended to be used, primarily for human  
444 habitation, with walls of rigid uncollapsible construction, which has an  
445 overall length in excess of forty-five (45) feet. "Mobile home" includes the  
446 mobile home structure, its plumbing, heating, air conditioning and  
447 electrical systems, and all appliances and all other equipment carrying a  
448 manufacturer's warranty.  
449  
450 74. Mobile Recreational Vehicle or Travel Trailer. A vehicle which is built on a  
451 single chassis, four hundred (400) square feet or less when measured at  
452 the largest horizontal projection, designed to be self-propelled, carried or  
453 permanently towable by a licensed, light-duty vehicle, is licensed for  
454 highway use if registration is required and is designed primarily not for use  
455 a permanent dwelling, but as temporary living quarters for recreational,  
456 camping, travel or seasonal use. Manufactured or mobile homes that are  
457 towed or carried onto a parcel of land, but do not remain capable of being

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- 458 towed or carried and are temporarily placed, including park mobile homes,  
459 do not fall under this definition.  
460
- 461 75. Nonconforming Lot. A lot that existed lawfully before this Ordinance was  
462 enacted or amended, but that does not contain sufficient area and/or width  
463 to meet the requirements in this Ordinance.  
464
- 465 76. Nonconforming Structure. A dwelling or building that existed lawfully  
466 before this Ordinance was enacted or amended, but that does not comply  
467 with one (1) or more of the dimensional regulations in this Ordinance,  
468 including setback, height, lot coverage, side yard, and other similar type  
469 regulations.  
470
- 471 77. Nonconforming Use. A use of land, a dwelling, or a building that existed  
472 lawfully before this Ordinance was adopted or amended, but that does not  
473 comply with the use regulations of this Ordinance.  
474
- 475 78. Non-residential Child Care Center. A non-residential, non-dwelling facility  
476 licensed as a child care center by the State Department of Health and  
477 Social Services under Wis. Stats. §48.65 where a person or persons  
478 provide group day care for nine (9) or more children.  
479
- 480 79. Nursery, Wholesale. The onsite propagation and growing of plants,  
481 shrubs, trees, or vines. Products raised onsite may be sold onsite. Retail  
482 sales of any other products are not allowed. Garden Centers are not  
483 included.  
484
- 485 80. Ordinary High Water Mark: The point on the bank or shore up to which  
486 the presence and action of surface water is so continuous as to leave a  
487 distinctive mark such as erosion, destruction or prevention of terrestrial  
488 vegetation, predominance of aquatic vegetation or other easily recognized  
489 characteristic.
- 490 81. Outdoor Recreational Facility. A use including but not limited to athletic  
491 fields, golf courses, club house, miniature golf, batting cages, driving  
492 range, paintball, and go-kart tracks.  
493
- 494 82. Outlot. A lot remnant or parcel of land with a plat remaining after platting,  
495 which is intended for open space use, for which no development is  
496 intended other than that which is accessory to the open space use. An  
497 outlot may not be developed for any use or structure that requires a  
498 private, on-site wastewater treatment system.  
499
- 500 83. Parcel. Contiguous land under single-entity ownership and having a  
501 parcel identification number registered with St. Croix County.  
502

- 503 84. Parking Lot. A lot where automobiles are parked or stored temporarily but  
504 not including the wrecking of automobiles or other vehicles or storage for  
505 the purpose of repair or wrecking.  
506
- 507 85. Permitted Use. A use which may be lawfully established in a particular  
508 district or districts, provided it complies with all requirements, regulations  
509 and performance standards, if any, of such districts.  
510
- 511 86. Person. An individual, or group of individuals, corporation, partnership,  
512 association, municipality, or state agency.  
513
- 514 87. Plan Commission. The Town of Forest Plan Commission.  
515
- 516 88. Principal Structure. The main building or other structure on a lot that is  
517 utilized for the property's principal use. Principle structure includes  
518 attached garages and porches.  
519
- 520 89. Principal Use. The primary purpose for which a lot or parcel is used.  
521
- 522 90. Professional Office. The office of a doctor of medicine or dentistry,  
523 practitioner, minister, architect, landscape architect, professional engineer,  
524 lawyer, author, musician or other recognized profession.  
525
- 526 91. Property Boundary Line. The line between parcels of land that touch each  
527 other or parcels of land that are separated only by a river, stream or  
528 transportation or utility right-of-way.  
529
- 530 92. Public Utilities. Those utilities using underground or overhead  
531 transmission lines such as electric, telephone and telegraph, and  
532 distribution and collection systems such as water, sanitary and storm  
533 sewer.  
534
- 535 93. Recycling Center. A facility where recyclable materials are collected,  
536 stored, flattened, crushed or bundled prior to shipment to others who will  
537 use those materials to manufacture new products. The recyclable  
538 materials will be separated at the source and shall be clean and nuisance  
539 free. Hazardous waste shall not be received.  
540
- 541 94. Quarrying. The removal of mineral aggregates, topsoil or other natural  
542 materials from the earth by excavating, stripping or any other mining  
543 process.  
544
- 545 95. Retail Sales and Services. The provision of goods and/or services such  
546 as cards or gifts, clothing, video games, lumber or building supplies,  
547 hardware, sports equipment, etc.  
548

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- 549 96. Roadside Stand. A structure having a ground area of not more than three  
550 hundred (300) square feet, not permanently fixed to the ground, readily  
551 movable in its entirety, not fully enclosed and to be used solely for the sale  
552 for farm products produced on the premises or adjoining premises.  
553
- 554 97. Screening. Screening is a solid fence, six (6) feet high or a planting belt  
555 not less than fifteen (15) feet wide and not less than six (6) feet high.  
556
- 557 98. Service Station. Any building, structure or premises or other place used  
558 for the dispensing, sale or offering for sale of any motor fuel or oils, having  
559 fuel pumps and storage tanks; also where battery, tire and similar services  
560 are provided.  
561
- 562 99. Setback. The minimum horizontal distance between a structure and the  
563 street or lot line.  
564
- 565 100. Setback Lines. Lines established adjacent to highways, lot lines, lakes,  
566 and streams or other places for the purpose of defining limits within  
567 which any or certain buildings, structures or uses may not be  
568 constructed, maintained or carried on, except as shown herein. "Within  
569 a setback line" means between the setback line and the highway, lot  
570 line, lake or stream to which the setback line is adjacent.  
571
- 572 101. Sign. A display, illustration, structure, or device that directs attention to  
573 an idea, object, product, place, activity, person, institution, organization,  
574 or business.  
575
- 576 102. Sign, Banner. Any sign of lightweight fabric or similar material that is  
577 permanently mounted to a pole or a building at one or more edges.  
578
- 579 103. Sign, Building. Any single-faced sign painted on, attached to or erected  
580 against the wall of a building, structure, marquee, canopy or awning.  
581 Also including any sign placed on the interior of a window or painted on  
582 a window such that it can be read from the outside of the building.  
583
- 584 104. Sign, Double-faced. A sign with two (2) faces back-to-back or with an  
585 interior angle of less than one hundred eighty (180) degrees (also known  
586 as V-signs).  
587
- 588 105. Sign, Freestanding. A sign principally supported by one or more  
589 columns, poles, or braces placed in or upon the ground.  
590
- 591 106. Sign, Monument. A freestanding sign where the base of the sign  
592 structure is on the ground.  
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107. Sign, Off-premise. A sign whose message content does not bear any relationship to the activities conducted on the premises on which it is located.
108. Sign, On-premise. A sign whose message content bears a direct relationship to the activities conducted on the premises on which it is located.
109. Sign, Pornographic: Any sign that, is determined to be, in whole or in part, obscene or pornographic under Miller v. California, 413 U.S. 15, 93 S.Ct. 2607 (1973), and subsequent court decisions, construing the definition of "pornographic," that apply in Wisconsin.
110. Sign, Portable. Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A- or T-frame; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used for transportation in the normal day-to-day operations of the business.
111. Sign, Projecting. Any sign affixed to a building or wall in such a manner that its leading edge extends more than six (6) inches beyond the surface of such building or wall.
112. Sign, Roof. Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure and extending vertically above the highest portion of the roof.
113. Sign, Temporary. A sign intended to display either commercial or non-commercial messages of a transitory or temporary nature.
114. Sign Structure. Any structure designed for the support of a sign.
115. Solid Waste Processing or Transfer. A facility for the collection, processing, or temporary storage of solid waste prior to offsite disposal, not to exceed one (1) year.
116. Space. A plot of ground within a mobile home park, designed for the accommodation of one mobile home unit.
117. Sport Shooting Range. An outdoor area, public or private, designed and operated for the practice of weapons used in hunting, skeet shooting, and similar sport shooting.

- 640 118. Story. The vertical distance between the surface of any floor and the  
641 floor next above it, or if there be no floor above it, the space between  
642 such floor and the ceiling next above it.  
643
- 644 119. Story, Half. A story under any roof except a flat roof, the wall plats of  
645 which on a least two (2) opposite exterior walls are not more than two (2)  
646 feet above the floor of such story.  
647
- 648 120. Street. A public or private thoroughfare which affords a primary means  
649 of access to abutting property.  
650
- 651 121. Street Line. A dividing line between a street and the abutting lot.  
652
- 653 122. Structure. Any man-made object with form, shape and utility, that is  
654 constructed or otherwise erected, attached to or permanently or  
655 temporarily placed, either upon the ground, a river bed, stream bed, lake  
656 bed, or upon another structure. Structure includes swimming pools, hot  
657 tubs, patios, decks, and retaining walls, but does not include landscaping  
658 or earthwork such as graded areas, filled areas, ditches, berms, or  
659 earthen terraces. Structure does not include small objects that are  
660 easily movable by hand, such as lawn chairs, portable grills, portable  
661 picnic tables, bird feeders, birdhouses, and birdbaths. Structure does  
662 not include a property line fence(s).  
663
- 664 123. Structural Alteration. Any change in the supporting members of a  
665 structure, such as bearing walls, columns, purlins, rafters, beams or  
666 girders, footing and piles.  
667
- 668 124. Subdivision. A subdivision is a division of a lot, parcel or tract of land by  
669 the owner thereof or their agents for the purpose of transfer of ownership  
670 or building development where the act of division creates one or more  
671 new lots, parcels or tracts, if the lots, parcels or tracts are twenty (20)  
672 acres or smaller in area.  
673
- 674 125. Temporary Structure. A moveable structure not designed for human  
675 occupancy which may be used for the storage or housing of goods or  
676 chattels.  
677
- 678 126. Town. The Town of Forest, St. Croix County, Wisconsin.  
679
- 680 127. Town Board. The Town Board of the Town of Forest, St. Croix County,  
681 Wisconsin.  
682
- 683 128. Transmission Services. Electric power lines, telephone lines,  
684 communication towers, cables, sewage lift stations, sewer and water  
685 pipes, and other pipes, conduits and accessory buildings that are used



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to transport power, convey information or transport material between two (2) points, other than wireless communication service facilities.

- 129. Unnecessary Hardship. Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this Ordinance.
- 130. Use. The purpose for which land or premises or a building thereon is designated, arranged or intended, or which it is or may be occupied or maintained.
- 131. Variance. Authorization by the Board of Appeals for the construction, modification, or maintenance of a building or structure in a manner that deviates from dimensional standards contained in this Ordinance.
- 132. Wetland. An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.
- 133. Wis. Stats. Wisconsin Statutes, including successor provisions of cited statutes.
- 134. Yard. An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein. The front and rear yards extend the full width of the lot.
- 135. Yard, Front. A yard extending the full width of the lot between the front lot line and the nearest part of the principal building, excluding uncovered steps.
- 136. Yard, Rear. An open space, unoccupied except for accessory buildings extending from the rear lot line to the rear line of the principal building for the entire width of the lot line, excluding such projections as are permitted herein.
- 137. Yard, Side. A yard or open space on each side of the principal building extending from the side wall of the building to the side lot line and from the front yard to the rear yard. When an accessory building is constructed as part of the principal building or constructed on one side of the principal building, the side yard requirements shall be the same for the accessory building as required for the principal building.

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732 **ARTICLE 2 ADMINISTRATION AND ENFORCEMENT**

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734 **SECTION 1 ZONING ADMINISTRATOR**  
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- 736 A. There is hereby created the office of Town Zoning Administrator, herein referred
- 737 to as "Zoning Administrator." Appointment of this office shall be made by the
- 738 Town Board.
- 739 B. The duty of the Zoning Administrator shall be to interpret, administer, and enforce
- 740 this Ordinance and shall further:
  - 741 1. Advise applicants for permits as to the provisions of this Ordinance and
  - 742 assist them in preparing applications.
  - 743 2. Issue permits as provided in this Ordinance.
  - 744 3. Keep records of all permits issued, inspections made, work approved,
  - 745 legal nonconforming uses, conditional uses and/or variances granted by
  - 746 the Town Board or Board of Appeals and other official actions.
  - 747 4. Determine questions of the exact location of district boundaries.
    - 748 a. Wherever there is a dispute over the exact boundary of a district,
    - 749 the Zoning Administrator shall decide the matter.
    - 750 b. The person contesting the matter shall be given reasonable
    - 751 opportunity to present his/her case to the Zoning Administrator and
    - 752 to submit his/her own technical evidence, if he/she so desires.
    - 753 c. The Board of Appeals may review decisions of the Zoning
    - 754 Administrator as an appeal.
  - 755 5. Make on-site investigations related to the enforcement of this Ordinance
  - 756 and other Town Ordinances.
  - 757 6. Have access to any structure or premises for the purpose of performing
  - 758 his/her duties in reviewing permit applications or relating to enforcement of
  - 759 this Ordinance. This power shall be exercised at a reasonable hour and
  - 760 after a twenty-four (24) hour notice.
  - 761 7. Make a recommendation to the Town Board regarding approval or denial
  - 762 of a land use permit , as provided in Section 3 of this Article.

763  
764 **SECTION 2 DATE APPLICATION(S) CONSIDERED FILED WITH THE TOWN**  
765

766 For purposes of computing deadlines under this ordinance, an application for any  
767 Plan Commission or Town Board action under this chapter (Land Use Permit,  
768 Conditional use Permit, Variance ) shall be deemed to have been validly filed with the  
769 Town when a written application, signed by the applicant and property owner or an  
770 authorized representative and accompanied by the applicable Town application and all  
771 required materials and fees, have been personally delivered to the Town Clerk, and the  
772 application has been acknowledged by the Plan Commission or Town Board, whichever  
773 is applicable, at its regular monthly meeting following the delivery of materials to the  
774 designated Town personnel. At the time an application is delivered to the Clerk, the  
775 applicant shall also provide all information and written materials required to allow the  
776 Town Clerk to notify all landowners as required in this Ordinance of what Conditional  
777 use Permit activity is being proposed.

778

## 779 SECTION 3 LAND USE PERMIT

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A. No construction, reconstruction, alteration or addition to any structure or change or new use of land shall commence before a land use permit, building permit or any other permit, which may be required by this or any other ordinance, has been issued.

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B. The following activities do not require a land use permit, provided they comply with the existing standards for the applicable zoning district and do not increase the square footage or height of the structure:

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787

788

1. Exterior maintenance and renovation, including asphalt/concrete paving, roofing, siding, and windows.

789

790

2. Interior maintenance and renovation.

791

3. Reconstruction of an existing deck.

792

C. Applications for land use permits shall be submitted to the Town Clerk and forwarded to the Zoning Administrator for further review.

793

794

D. The Zoning Administrator shall review the application to determine:

795

1. That the parcel was created in compliance with Town and County ordinances;

796

2. That the proposed land use is a "permitted use" or that a conditional use permit has been approved;

797

798

3. Compliance with all applicable setback and highway access regulations, or an attached variance, granted by the Board of Appeals;

799

800

4. If a copy of a St. Croix County Sanitary Permit is attached;

801

802

5. If a copy of a St. Croix County Land Use Permit (required whenever the parcel in question is subject to any other applicable County Ordinance ) is attached;

803

804

6. Inclusion of a rural address/fire number;

805

806

7. Inclusion of applicable fee(s).

807

8. If all applicable requirements are deemed to be satisfied, the Zoning Administrator may recommend that the Town Board approve the land use permit.

808

809

E. All applications shall contain the following information:

810

1. Name, address, phone numbers and email addresses of the applicant and the owner of the property.

811

812

2. Legal description of the property, volume and page of the records of the St. Croix County Register of Deeds at which is located the recorded legal description of the parcel in the form of a plat or survey map, deed or similar instrument and type of proposed use. Where the Zoning Administrator has any doubt as to the location of the project in relation to any boundary, he/she may require the applicant to provide a certified survey map (CSM).

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3. A sketch of the dimensions of the lot and location of any buildings from the lot lines, centerline of abutting watercourse and water marks at the day of the sketch.

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- 823 4. Where a private water or sewage system is to be installed, the approved
- 824 St. Croix County Sanitary Permit application shall be submitted.
- 825 5. When the application concerns land subject to floodplain zoning, the plans
- 826 shall include detailed information on the elevation of the lot and the
- 827 location of existing or proposed fill or storage materials. This shall be in
- 828 addition to that required above.
- 829 6. Applications which are found to involve slopes in excess of twelve (12%)
- 830 percent, by the Zoning Administrator on the basis of slope indications on
- 831 the application, sketch or observations made in the course of field
- 832 inspection, shall be approved only if the proposed construction is in
- 833 compliance with erosion control conditions set in the course of subdivision
- 834 review under the Town Subdivision Ordinance or in the case of properties
- 835 not subject to such conditions, if the project is deemed not to threaten
- 836 serious erosion or sedimentation problems. The Zoning Administrator
- 837 may recommend reasonable erosion prevention conditions to be attached
- 838 to a land use permit approved for issuance. Any such conditions must be
- 839 consistent with applicable state construction site erosion control
- 840 standards.
- 841 7. Land use or conditional use permits issued on the basis of approved plans
- 842 and applications authorize only the use, arrangement and construction set
- 843 forth in such approved plans and applications and no other use,
- 844 arrangement or construction. Use arrangement or construction at
- 845 variance with that authorized shall be deemed a violation of this
- 846 Ordinance.
- 847 F. Expiration of Permits.
- 848 1. Land use permits and amendments shall expire twenty-four (24) months
- 849 from the date of issuance, where no action has been taken to accomplish
- 850 such changes or commence building activity.
- 851 2. The Town Board may extend such permit for a period of ninety (90) days
- 852 for justifiable cause, if application is made to the Town at least thirty (30)
- 853 days before the expiration of said permit..
- 854 G. Land use and building permits issued without compliance with this Ordinance
- 855 shall have no legal effect.
- 856 H. Procedures in case of violations.
- 857 1. In the case of a violation of this Ordinance, the Zoning Administrator shall
- 858 notify the person responsible for such violation, including the nature of the
- 859 violation and ordering the action necessary to correct it.
- 860 2. The Zoning Administrator shall also report all violations to the Plan
- 861 Commission and Town Board.
- 862 I. Fees. Whenever an applicant files an application for any permit, the applicant
- 863 shall pay a fee in accordance with a schedule that shall be adopted and
- 864 amended from time to time, as necessary by the Town Board.
- 865

SECTION 4 PLAN COMMISSION

Refer to Town Plan Commission Ordinance 01-02, as amended.

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## SECTION 5 CONDITIONAL USES

Certain uses and situations which, because of their unique characteristics, cannot be properly classified as unrestricted permitted uses in any particular district(s), without consideration, in each case, of the impact of those uses upon neighboring land or public facilities, and of the public need for the particular use of a particular location. Such uses may be necessary or desirable to be allowed in a particular district provided that due consideration is given to location, development and operation of such uses. These uses are classified as conditional uses.

### A. Authority and Requirements.

1. The Town Board hereby authorizes the Zoning Administrator to issue a conditional use permit after review, public hearing, and approval from the Town Board provided that such conditional uses and involved structure(s) are found to be in accordance with the purpose and intent of this Ordinance and are further found not to be hazardous, harmful, offensive or otherwise adverse to the environment, the neighborhood, or the community.
2. Town Board action, and the resulting conditional use permit, shall specify the period of time for which the permit is effective, if specified, the name of permittee, the location and legal description of the affected premises.
3. Prior to the granting of a conditional use permit, the Town Board and Plan Commission shall make findings based upon the evidence presented that the standards herein prescribed are being complied with.
4. Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operation control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards or parking requirements may be required by the Town Board upon its finding that these are necessary to fulfill the purpose and intent of this Ordinance.
5. Compliance with all other provisions of this Ordinance, such as lot width and area, yards, height, parking, loading, traffic, highway access and performance standards shall be required of all conditional uses.
6. Compliance with any applicable Federal, State, and County regulations shall be required.

### B. General Procedure. In addition to the provisions of this Ordinance, applications for a conditional use permits shall be processed in this manner:

1. Applications. Application for any use listed in this Ordinance as requiring a conditional use permit may be allowed only upon application to the Town Board on forms furnished by the Zoning Administrator or Town Clerk. Conditional use permit applications can include single parcels of land or groupings of contiguous parcels.
  - a. The Town Board may require such additional information that may be necessary to determine and provide for an enforcement of this Ordinance, including a plan showing contours and soil types;

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- 915 Ordinary High Water Mark and groundwater conditions; bedrock,  
916 vegetative cover, specifications for areas of proposed filling,  
917 grading, and lagooning; location of buildings, parking areas, traffic  
918 access, driveways, walkways, open spaces and landscaping; plans  
919 of buildings, sewage disposal facilities, water supply systems and  
920 arrangements of operations.
- 921 b. The applicant for a conditional use permit shall be responsible for  
922 any professional review fees, including without limitation  
923 engineering and legal fees, the Town incurs in its consideration  
924 and action on the application.
- 925 i. These fees shall be payable whether or not the application  
926 for conditional use is approved.
- 927 ii. The Town Board may require the applicant to submit funds  
928 at the time of submission of such application of an escrow  
929 account to cover any anticipated fees.
- 930 iii. The amount of such required escrow shall be determined at  
931 the sole discretion of the Town Board, based on a good faith  
932 estimate of fees and costs likely to be incurred.
- 933 iv. If at any time monies in the escrow account are insufficient  
934 to pay expenses incurred by the Town for professional fees,  
935 the applicant shall deposit any required additional amounts  
936 within fifteen (15) days of written demand by the Town Clerk  
937 or the consideration and/or approval of the application for  
938 conditional use permit may be delayed and/or denied.
- 939 v. Any funds remaining in the escrow account will be returned  
940 to the applicant when construction is complete and the site is  
941 stabilized.
- 942 2. Referral to Plan Commission, Notice and Hearing.
- 943 a. The Conditional Use Permit application shall be referred to the Plan  
944 Commission for its review and recommendation.
- 945 b. Before making a recommendation to the Town Board on an  
946 application for conditional use permit, the Plan Commission shall  
947 hold a public hearing with Class 2 Notice provided.
- 948 c. At least ten (10) days prior to the public hearing, a notice of time,  
949 place and purpose of such public hearing shall also be sent to the  
950 applicant, the members of the Town Board, and the owners of  
951 record of property in whole or part situated within one (1) mile of the  
952 boundaries of the applicant's properties. One mile shall be  
953 measured in every direction. All costs associated with providing the  
954 required notice are to be paid for by the applicant.
- 955 d. The Plan Commission shall report its recommended action to the  
956 Town Board within sixty (60) days after a matter has been referred  
957 to it, after which the Town Board shall take formal action.
- 958 3. Determination. The conditions of approval or reasons for denial shall be  
959 stated in writing by the Town Board and made a permanent part of the  
960 minutes.

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- 961 4. Recording. When a conditional use permit is approved, an appropriate  
962 record shall be made of the land use and structures permitted and such  
963 approval shall apply solely to the structures, use and property so  
964 described. The Town Board may require this document to be recorded  
965 against the property with the Register of Deeds for St. Croix County
- 966 5. Termination. Where a conditional use does not comply with the conditions  
967 of the original approval, the conditional use permit may be terminated by  
968 action of the Town Board preceded by a public hearing and notice to  
969 affected parties.
- 970 6. Town Board Action.
- 971 a. The Town Board shall act on an application in the manner  
972 described above within sixty (60) days of receiving the  
973 recommendation from the Plan Commission, except that where  
974 additional information is required by the Town Board in (B)(1)(a)  
975 above.
- 976 b. The Board shall render a written decision within ten (10) days of its  
977 decision stating a reason or reasons for the action and provide it to  
978 the applicant.
- 979 C. General Standards. Approval of a conditional use permit by the Town Board  
980 shall only be granted subject to the following provisions:
- 981 1. No conditional use shall violate the spirit or general intent of this  
982 Ordinance.
- 983 2. No conditional use shall violate the spirit or general intent of the most  
984 recently adopted Town Comprehensive Plan.
- 985 3. No conditional use shall be allowed which would constitute a fire hazard or  
986 be contrary to the public health, safety, morals, comfort or general welfare.
- 987 4. No conditional use shall be allowed which would impair or diminish the  
988 uses, value and/or enjoyment of adjoining property or other property in the  
989 district.
- 990 5. No conditional use shall be allowed that would constitute a nuisance by  
991 reason of noise, dust, smoke, odor, or other similar factors.
- 992 6. No conditional use shall impede the normal and orderly development and  
993 improvement of the surrounding property for uses permitted in the district.
- 994 7. No conditional use shall be allowed unless adequate utilities, access  
995 roads, drainage and other necessary site improvements have been or are  
996 being provided.
- 997 8. No conditional use shall be allowed unless adequate measures have been  
998 or will be taken to ingress and egress so designed as to minimize traffic  
999 congestion on public streets.
- 1000 9. No conditional use shall violate floodplain regulations governing the site.
- 1001 10. No conditional use shall be allowed unless adequate measures have been  
1002 or will be taken to prevent and control water pollution, including  
1003 sedimentation, erosion and runoff.
- 1004 11. The Town Board shall also apply standards set forth in other Articles of  
1005 this Ordinance, which apply to particular classes of conditional uses.

- 1006 D. Application of Standards. When applying the above standards to any new  
1007 construction of a building or an addition to an existing building, the Town Board  
1008 and Plan Commission shall bear in mind the statement of purpose for the zoning  
1009 district such that the proposed building or addition at its location does not defeat  
1010 the purposes and objectives of the zoning district.
- 1011 E. Conditions. The Town Board may make the granting of a request for a  
1012 conditional use contingent upon such express conditions as it considers  
1013 necessary to fulfill the purpose and intent of this Ordinance. In all cases in which  
1014 conditional uses are granted, the Town shall require such evidence and  
1015 guarantees as it may deem necessary as proof that the conditions stipulated in  
1016 connection therewith are being and will be complied with. These conditions may  
1017 include, but are not limited to, specifications of:
- 1018 1. Period of time in which all or part of the use may be permitted.
  - 1019 2. Increased setbacks and yard dimensions.
  - 1020 3. Specified sewage disposal and water supply facilities.
  - 1021 4. Landscaping and planting screens.
  - 1022 5. Operation control.
  - 1023 6. Sureties.
  - 1024 7. Deed restrictions.
  - 1025 8. Location of other structures or signs.
  - 1026 9. Location and amount of parking facilities.
  - 1027 10. Type of construction.
  - 1028 11. Construction commencement and completion dates.
  - 1029 12. Lighting.
  - 1030 13. Fencing.
  - 1031 14. Hours of operation.
  - 1032 15. Traffic circulation.
  - 1033 16. Access restrictions.
  - 1034 17. Suitability of slopes and soils.
  - 1035 18. Any other requirements necessary to fulfill the purpose and intent of this  
1036 Ordinance.
- 1037 F. Alteration of Conditional use. No alteration or expansion of a use permitted by  
1038 conditional use permit shall be permitted unless a new conditional use permit is  
1039 approved by the Town Board, upon recommendation of the Plan Commission,  
1040 pursuant to the procedures required in this Section.
- 1041 G. Expiration of a Conditional use Permit.
- 1042 1. Where a conditional use application has been approved or conditionally  
1043 approved, such approval shall become null and void twenty-four (24)  
1044 months after the date of the approval unless the use is commenced,  
1045 construction is underway or the current owner possesses a valid building  
1046 permit under which construction is commenced within six (6) months of  
1047 the date of issuance and which shall not be renewed unless construction  
1048 has commenced.
  - 1049 2. Approximately forty-five (45) days prior to the expiration of such permit,  
1050 the Zoning Administrator or Town Clerk shall make best efforts to notify  
1051 the holder by certified mail of such revocation. Failure to provide such



- 1052 notice shall not preclude the Town from enforcing the expiration date  
1053 provided in this Ordinance.  
1054 3. The Town Board may extend such permit for a period of ninety (90) days  
1055 for justifiable cause, if application is made to the Town at least thirty (30)  
1056 days before the expiration of said permit.  
1057

## 1058 SECTION 6 BOARD OF APPEALS

1059

### 1060 A. Authorization and Composition.

- 1061 1. The Town Chair exercising village powers under Wis. Stats. §60.10(2)(c),  
1062 shall appoint under authority of Wis. Stats. §61.35 and §62.23, a Board of  
1063 Appeals consisting of five (5) regular members and two (2) alternates, who  
1064 shall vote only in the absence of regular members or when a member  
1065 refuses to vote because of a conflict of interest. Members shall serve for  
1066 terms of three years, except those first appointed shall serve staggered  
1067 terms as follows: one member for one year, two members for two years  
1068 and two members for three years.  
1069 2. All appointments shall be subject to confirmation by the Town Board.  
1070 3. The Town Chair shall designate one member as Chairperson.

### 1071 B. Procedural Rules.

- 1072 1. The Board of Appeals shall select its own vice chair and meet at the call of  
1073 the chair, vice chair or at such other times as the Board of Appeals may  
1074 determine, at a fixed time and place.  
1075 2. All meetings of the Board of Appeals shall be open to the public, except as  
1076 otherwise provided by Wisconsin law.  
1077 3. The Board of Appeals shall keep minutes of its proceedings showing the  
1078 vote of each member upon each question, or if absent or failing to vote,  
1079 indicating such fact, and shall keep records of its examinations and other  
1080 official actions, all of which shall be immediately filed in the office of the  
1081 Zoning Administrator and the Town Clerk as a public record.  
1082 4. In the case of all appeals, the Board of Appeals shall solicit and weigh  
1083 information and comments from the Town Board, Plan Commission and  
1084 Zoning Administrator.  
1085 5. If a quorum is present, the Board of Appeals may take action by a majority  
1086 vote of the members present.

### 1087 C. Powers. In addition to the powers enumerated in this Ordinance, the Board of 1088 Appeals shall have the following powers:

- 1089 1. Adopt such rules as it considers desirable for the conduct of business,  
1090 subject to the provisions of this Section and relevant State Statutes.  
1091 2. Hear and decide appeals where it is alleged there is an error in any order,  
1092 requirement, decision or determination made by the Zoning Administrator,  
1093 Town Board or other Town administrative official(s) in the enforcement or  
1094 administration of this Ordinance.  
1095 a. Town Board decision regarding a Land Use Permit shall be  
1096 considered an administrative decision and appealable to the Board  
1097 of Appeals.

- 1098                   b. Town Board decision on a Conditional Use Permit application shall  
1099                   be considered legislative and not appealable to the Board of  
1100                   Appeals, but directly appealable to St. Croix County Circuit Court.  
1101                   c. All appeals to the Board of Appeals shall be governed by Article 2,  
1102                   Section 6(D) of this Ordinance.
- 1103                   3. Grant variances subject to Article 2, Section 7.  
1104                   4. If, after hearing the evidence, the Board of Appeals makes a finding that  
1105                   there was an error, the Board of Appeals may order the error corrected.
- 1106                   D. Procedures.
- 1107                   1. Appeals from Actions of Administrative Officials.
- 1108                   a. Appeals to the Board of Appeals may be taken by any person  
1109                   aggrieved or by the officer, department, board, commission or  
1110                   committee of the Town affected by the decision of the Zoning  
1111                   Administrator or the Town Board, with respect to its decision on a  
1112                   Land Use Permit application.
- 1113                   b. Such appeal shall be taken within thirty (30) days, as provided by  
1114                   the rules of the Board of Appeals, by filing with the officer from  
1115                   whom the appeal is taken and with the Board of Appeals a notice of  
1116                   appeal specifying the grounds thereof.
- 1117                   c. The officer from whom the appeal is taken shall immediately  
1118                   transmit to the Board of Appeals all the papers constituting the  
1119                   record upon which the action appealed from was taken.
- 1120                   2. Stay Appeals from Administrative Actions.
- 1121                   a. An appeal shall stay all legal proceedings in furtherance of the  
1122                   action appealed from, unless the officer from whom the appeal is  
1123                   taken certifies to the Board of Appeals, after notice of appeal shall  
1124                   have been filed with him/her, that by reason of facts stated in the  
1125                   certificate a stay would in his/her opinion, cause imminent peril to  
1126                   life and property.
- 1127                   b. In such cases, proceedings shall not be stayed otherwise than by a  
1128                   restraining order from the Board of Appeals or a court of law.
- 1129                   3. Hearing.
- 1130                   a. Upon the filing with the Board of Appeals of an appeal from a  
1131                   decision of the Zoning Administrator or Town Board, an appeal  
1132                   from a determination on an application for a land use permit, or  
1133                   other matters within its powers as set forth above, the Board of  
1134                   Appeals shall hold a public hearing.
- 1135                   b. The Board of Appeals shall fix a reasonable time for the hearing  
1136                   and publish a Class 2 notice under Wis. Stats. §985, as well as  
1137                   providing notice by mail to all the parties in interest, including  
1138                   adjacent landowners.
- 1139                   c. When the matter concerns shoreland or floodplain regulations, the  
1140                   Board of Appeals shall submit to the St. Croix County Zoning  
1141                   Administrator, a copy of the notice and application for the proposed  
1142                   variance sufficiently in advance so that the County will receive at  
1143                   least ten (10) days notice of the hearing.

- 1144 d. At the hearing, any party may appear in person or by agent or  
 1145 attorney and present written and oral evidence for the record.  
 1146 4. Decision.  
 1147 a. The Board of Appeals shall make a decision based on such appeal  
 1148 within sixty (60) days following the public hearing on the matter.  
 1149 b. In passing upon an appeal the Board of Appeals may, so long as  
 1150 such action is in conformity with the provisions of this Ordinance,  
 1151 reverse or affirm, wholly or in part, or modify the order, requirement,  
 1152 decision or determination appealed from and it shall make its  
 1153 decision in writing setting forth the findings of fact and the reasons  
 1154 for its decision.  
 1155 c. A copy of all decisions granting variances affecting any provision of  
 1156 the shoreland or floodplain regulations shall be forwarded to St.  
 1157 Croix County within ten (10) days of such action.  
 1158

## 1159 SECTION 7 VARIANCES

- 1160  
 1161 A. Authority. The Board of Appeals has the authority to grant variances from the  
 1162 strict terms of this Ordinance, where owing to special conditions, a literal  
 1163 enforcement of this Ordinance will result in practical difficulty or unnecessary  
 1164 hardship, so that the spirit of the ordinance shall be observed, public safety and  
 1165 welfare secured and substantial justice done.  
 1166 B. The granting of a variance shall not:  
 1167 1. Permit, extend or increase any use prohibited in the zoning district.  
 1168 2. Be contrary to the public interest.  
 1169 3. Be granted for hardship based solely on an economic gain or loss.  
 1170 4. Be granted for a hardship which is self-created.  
 1171 5. Damage the rights or property values of other persons in the area.  
 1172 6. Allow actions without the appropriate amendments to this Ordinance or its  
 1173 associated map(s).  
 1174 7. Allow any alteration of a historic structure, including its use, which would  
 1175 preclude its continued designation as an historic structure. An historic  
 1176 structure is a structure listed on the national register of historic places in  
 1177 Wisconsin or the state register of historic places.  
 1178 8. Permit a lower degree of flood protection than the flood protection  
 1179 elevation (a point two (2) feet above the regional flood level) for the area  
 1180 or permit standards lower than those required by State law or St. Croix  
 1181 County ordinances.  
 1182 C. Conditions.  
 1183 1. In granting a variance, the Board of Appeals may prescribe appropriate  
 1184 conditions and safeguards which are in uniformity with the purposes of this  
 1185 Ordinance.  
 1186 2. Violations of such conditions and safeguards, when made part of the  
 1187 terms under which the variance is granted, shall be deemed a violation of  
 1188 this Ordinance.

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1189 3. Variances granted shall expire twenty-four (24) months from the date of  
 1190 issuance, where no such activity has been taken to accomplish  
 1191 construction.

1192 D. Notice. At least ten (10) days prior to the public hearing, a notice of time, place  
 1193 and purpose of such public hearing shall also be sent to the applicant, the  
 1194 members of the Board of Appeals, and the owners of record of property in whole  
 1195 or part situated within one (1) mile measured in all directions of the boundaries of  
 1196 the applicant's properties . All costs associated with providing the required notice  
 1197 are to be paid for by the applicant(s).

1198

## 1199 SECTION 8 IMPACT STUDIES AND REPORTS

1200

1201 In the administration of this Ordinance, the various boards and commissions which are  
 1202 assigned decision-making responsibilities hereunder may need additional, possibly  
 1203 expert, information regarding the impact of the proposed use, rezoning, variance, etc.  
 1204 The Town may retain professional consultants to review the application materials  
 1205 submitted by an applicant, including but not limited to engineers, planners, attorneys,  
 1206 environmental specialists, and other consultants with skills relevant to the application.  
 1207 The applicant shall be responsible for all costs incurred by the Town in reviewing the  
 1208 application.

1209

## 1210 SECTION 9 AMENDMENTS

1211

1212 A. Whenever the public necessity, convenience, general welfare or good zoning  
 1213 practice requires, the Town may, by ordinance, change the district boundaries  
 1214 established by this Chapter and the Zoning Map incorporated herein, or amend,  
 1215 change or supplement the text of the regulations established by this Chapter or  
 1216 amendments thereto. Such change or amendment shall be subject to the review  
 1217 and approval of the Town Board.

1218

- 1219 B. Initiation and Petitions for Amendments to the Zoning Ordinance.
- 1220 1. An amendment to the text of this Ordinance or to the zoning district  
 1221 boundaries and map(s) may be initiated by the Town Board or by a  
 1222 petition of one (1) or more owners of property within the area proposed to  
 1223 be changed.
  - 1224 2. Petitions for any change to the district boundaries and map(s) or  
 1225 amendments to the text of this Ordinance shall be submitted on forms  
 1226 supplied by the Zoning Administrator, addressed to the Plan Commission  
 1227 and Town Board, and shall:
    - 1228 a. Include a full description of the lot(s) or parcel (s) to be rezoned or  
 1229 the portions of the text of regulations to be amended;
    - 1230 b. Specify the proposed use or change;
    - 1231 c. List the reasons justifying the proposed amendment;
    - 1232 d. List the names and mailing addresses of all owners or occupants of  
 1233 land within one (1) mile, measured in all directions, of any land  
 1234 whose district or use will be changed, if the petition for amendment  
 were approved; and

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e. Be accompanied by a fee to cover the cost of the hearing, and cost of reviewing the application.

- 3. The Plan Commission shall hold a public hearing, after Class 2 public notice as required in Wis. Stat. §62.23(7)(d), and review all proposed amendments and shall recommend, in writing to the Town Board, that the petition be approved as requested, modified or denied.
- 4. At least ten (10) days prior to the public hearing for petitions for change to the district boundaries and map, the Town shall send a notice of time, place and purpose of such public hearing to all owners of record property within one mile of applicant's property in all directions. All costs associated with providing the required notice are to be paid for by the applicant.
- 5. The Town Board shall then review the recommendation of the Plan Commission and make its determination.
- 6. Any amendment shall be consistent with the Town's Comprehensive Plan, or any amendment thereto as provided in Wis. Stat. Section 66.1001.
- 7. Any amendment to the Town Zoning Ordinance shall be subject to County Board approval, as provided by Wisconsin Statutes.

C. Protest.

- 1. In the event of a protest against amendment to the zoning ordinance pursuant to Wis. Stat. 62.23(7)(d)(2m), duly signed and acknowledged by the owners of twenty percent (20%) or more, either of the areas of the land included in such proposed change, or by the owners of twenty percent (20%) or more of the land immediately adjacent extending one hundred (100) feet therefrom, or by owners of twenty percent (20%) or more of the land directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite land, such changes or amendments shall not become effective except by the favorable vote of three-fourths (3/4) of the Town Board members voting on the matter.

SECTION 10 VIOLATIONS AND PENALTIES

A. Violations. No person shall fail to comply with any standard of this Ordinance or with any condition or qualification placed upon the issuance of a permit, approval or variance granted in due course of this Ordinance.

B. Remedial Action.

- 1. The Zoning Administrator is responsible for inspecting and investigating compliance of land use activities in compliance with this Ordinance.
- 2. If upon such inspection or investigation the Zoning Administrator becomes aware of a condition, which he/she concludes is or is likely to become a violation, the parties in violation shall be notified and informed in writing of the appropriate action required to comply with this Ordinance and the time frame, not to exceed 30 days, within which to comply.
- 3. Whenever an order of the Zoning Administrator has not been complied with the Town Board may institute appropriate legal action or proceedings to enforce the ordinance, including imposition of fines, injunctive or other

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1281 equitable relief, and all remedies available to the Town under Wisconsin  
1282 law.

1283 C. Penalties.

- 1284 1. Where a conditional use or a variance has been approved subject to
- 1285 specified conditions and where such conditions are not complied with, the
- 1286 Town Board, Plan Commission or the Board of Appeals, as applicable,
- 1287 shall conduct a hearing similar to those followed in considering the
- 1288 granting of a conditional use or variance.
- 1289 2. Finding of non-compliance with the conditions originally imposed shall be
- 1290 grounds for revocation of the conditional use permit.
- 1291 3. The Town Board may, upon the recommendation of the Plan Commission
- 1292 or Board of Appeals, order an assessor's plat pursuant to Wis. Stats.
- 1293 §70.27, whenever the conditions specified in that Ordinance are found to
- 1294 be present.
- 1295 4. The Zoning Administrator, Plan Commission, Town Board, or Board of
- 1296 Appeals may require creation and recording of correction instruments
- 1297 correcting errors in distances, angles, directions, bearings, chords, block
- 1298 or lot numbers, street names or other details of a recorded map or plat at
- 1299 the expense of the subdivider or affected property owners.
- 1300 5. No provision of this Ordinance shall be construed to bar action to enjoin or
- 1301 abate the use or occupancy of any land or structure as a nuisance under
- 1302 the laws of Wisconsin.
- 1303 6. The owner of any building, structure, lot or parcel of property, or any
- 1304 portion thereof, where any condition in violation of this ordinance exists or
- 1305 shall be created, and who has failed to bring the property into compliance
- 1306 with the ordinance, shall be subject to forfeitures for each violation of the
- 1307 ordinance in the amount no less than \$50.00 and no more than \$1,500.00.
- 1308 Each day each violation exists shall be considered a separate offence and
- 1309 shall be subject to the forfeiture provided herein.

1310  
1311 **ARTICLE 3 ZONING DISTRICTS**

1312  
1313 **SECTION 1 INTRODUCTION**

- 1314
- 1315 A. This Article contains the general zoning provisions and indicates what uses may
- 1316 be made of property, the permissible lot size, height of buildings and dimensions
- 1317 of required yards and open space.
- 1318 B. The Town is divided into six (6) zoning districts; each with its own set of
- 1319 regulations.
- 1320 C. The locations of the zoning districts are shown on the official Town of Forest
- 1321 Zoning Map available at the Town Hall.
- 1322 D. Within most districts there are established "permitted uses" and "conditional
- 1323 uses."
- 1324 1. Permitted uses are those which are allowed in that district provided that
- 1325 the property owner obtains a land use permit by showing that the

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- 1326 proposed use is listed as a permitted use and complies with all applicable  
 1327 regulations.
- 1328 2. Conditional uses are those that are allowed only after the Plan  
 1329 Commission reviews the proposed use and holds a public hearing and the  
 1330 Town Board decides whether to approve, based on certain conditions  
 1331 being met and compliance with the regulations contained in this  
 1332 Ordinance.
- 1333 E. The fact that a use is shown as a permitted use does not always mean that  
 1334 project may proceed. The St. Croix County Animal Waste Management,  
 1335 Shoreland, Sanitary, Floodplain, Riverway, Subdivision Ordinances, and other  
 1336 Articles of this Ordinance may result in a permitted use not being allowed to  
 1337 proceed, depending on the manner in which those provisions apply to the  
 1338 property in question.

## 1340 SECTION 2 ZONING DISTRICTS

1341  
 1342 For the purposes of this Ordinance, the Town of Forest is hereby divided into the  
 1343 following six (6) zoning districts:

- 1344 A. Residential  
 1345 B. Agricultural  
 1346 C. Agricultural-Residential  
 1347 D. Commercial  
 1348 E. Conservancy  
 1349 F. Mineral Extraction

## 1351 SECTION 3 DISTRICT BOUNDARIES

- 1352  
 1353 A. The district boundaries contained in Article 3, Section 2 are shown on the official  
 1354 Town of Forest Zoning Map available for review at the Town Hall.
- 1355 B. Whenever possible, the boundaries shall be construed to follow U.S. Public Land  
 1356 Survey lines; lot or property lines; or centerlines of streets, highways, easements,  
 1357 and railroad right-of-way.
- 1358 C. No building shall be erected or premises used for any purpose unless in  
 1359 compliance with the provisions established for the district in which the building or  
 1360 premises are located.

## 1362 SECTION 4 RESIDENTIAL DISTRICT

1363  
 1364 The Residential District is created to establish and protect the essential characteristics  
 1365 of areas within which predominantly residential and small-scale agricultural use should  
 1366 occur, along with certain community and recreational uses to serve the residents of the  
 1367 district.

- 1368 A. Permitted Uses. The following uses of land are permitted in the Residential  
 1369 District:
- 1370 1. Accessory buildings, in compliance with Article 5, Section 2.  
 1371 2. Cemeteries.

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- 1372 3. Churches.
- 1373 4. Gardening and nurseries for propagation of plants and trees only.
- 1374 5. Minor home occupations, in compliance with Article 5, Section 7.
- 1375 6. Public parks and playgrounds, including swimming pools, golf courses,
- 1376 tennis courts and picnic grounds. Such uses shall contain sufficient yard
- 1377 area to provide a buffer space and adequate parking facilities according to
- 1378 the following guidelines:
- 1379 a. No yard shall be less than twenty-five (25) feet, except that no yard
- 1380 need be provided adjacent to the fairways and greens of golf
- 1381 courses.
- 1382 b. Each yard shall be increased for the following:
- 1383 i. Swimming pools larger than forty (40) feet by sixty (60) feet,
- 1384 one (1) foot additional yard for each two (2) feet of width or
- 1385 length of the pool in the direction of the additional width or
- 1386 length.
- 1387 ii. Picnic grounds having seating arrangements for more than
- 1388 forty (40) persons, ten (10) feet of additional width on every
- 1389 yard for each additional ten (10) persons or fraction thereof
- 1390 which such picnic ground is designated for or equipped to
- 1391 accommodate.
- 1392 c. Any such yard which abuts on a public street or highway may be
- 1393 reduced by half (.5) the width of such a street or highway, but in no
- 1394 case to less than fifteen (15) feet.
- 1395 d. Each yard shall be left in its natural condition and the natural
- 1396 vegetation of the area, including grasses, flowers, shrubs and trees,
- 1397 except no noxious plants, trees, or weeds shall be allowed to grow
- 1398 and develop, or other vegetation of equivalent density shall be
- 1399 planted therein, so as to provide a natural screen between the park
- 1400 or playground and the neighboring residential areas, and so that
- 1401 such yards be, so far as possible, unused and unusable for the
- 1402 general purposes of such parks and playgrounds.
- 1403 e. The above regulations shall be mandatory as applied to any park or
- 1404 playground established by the Town of Forest.
- 1405 7. Public and private schools.
- 1406 8. Single-family dwellings.
- 1407 9. Swimming pools, above or below ground, with proper fencing.
- 1408 10. Telephone and power distribution poles, lines and necessary
- 1409 appurtenance equipment and structures, such as transformers, unit
- 1410 substations and related equipment housing, but no service garage or
- 1411 storage yards.
- 1412 11. Trails, motorized and non-motorized.
- 1413 B. Conditional uses. The following uses may be allowed as a conditional use in the
- 1414 Residential District pursuant to the procedures and standards in Article 2, Section
- 1415 5 and other applicable standards in this Ordinance.
- 1416 1. Bed and breakfast or boarding house.
- 1417 2. Major home occupations, in compliance with Article 5, Section 7.

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- 1418 3. Microwave relay structures, electric power transformers.
- 1419 4. Multiple-family dwellings of two (2) or more units, provided that:
- 1420 a. They are located adjacent to, and are connected to the existing or
- 1421 improved Forest Public Sewer System.
- 1422 b. An additional three thousand (3,000) square feet of minimum lot
- 1423 area shall be required for each dwelling unit in excess of two (2).
- 1424 c. Conditions listed in Article 3, Section (B)(2)(a),(b) and (c).
- 1425 d. Adequate utilities, access roads, drainage and other necessary site
- 1426 improvements have been provided.
- 1427 e. The Town Board may require a bond or other security to assure
- 1428 completion of agreed improvements.
- 1429 5. Two-family dwellings.
- 1430 6. Wells, water storage tanks and water distribution systems for central water
- 1431 systems, and central septic servicing more than one (1) property.
- 1432 C. Lot Area. Buildings or other parts of buildings hereafter erected or structurally
- 1433 altered for single or two-family dwelling purposes shall provide the following lot
- 1434 area:
- 1435 1. Forest Sanitary District:
- 1436 a. Minimum thirty thousand (30,000) square feet.
- 1437 b. Maximum one (1) acre.
- 1438 2. Unsewered Lots: Minimum one (1) acre.
- 1439 3. The proportion of depth in relation to width shall comply with the Town of
- 1440 Forest Subdivision Ordinance.
- 1441 D. Height.
- 1442 1. No building shall be more than two and one-half (2.5) stories or thirty-five
- 1443 (35) feet in height, whichever is greater, with height measurements
- 1444 commencing at the grade level of the highest existing topography.
- 1445 2. Residential buildings may be increased in height by not more than ten (10)
- 1446 feet or one (1) story when all yards and other required open spaces are
- 1447 increased by one (1) foot for each foot in height by which such building
- 1448 exceeds the normal height limit of the district.
- 1449 E. Yards.
- 1450 1. Front yard/Highway setback. The provisions of Article 4, Section 6 shall
- 1451 apply, including corner lots.
- 1452 2. Side Yard.
- 1453 a. There shall be a side yard on each side of the building.
- 1454 b. The aggregate width of the side yards for the principal building shall
- 1455 not be less than twenty-five (25) feet and no single side yard shall
- 1456 be less than ten (10) feet wide.
- 1457 c. The minimum permitted side yard for an accessory building in a
- 1458 residence district shall be five (5) feet, provided it is detached from
- 1459 the principal building. When an accessory building is attached or
- 1460 connected to the principal building they shall be considered to be
- 1461 as one and the conditions in (a) above shall apply.
- 1462 d. For lots less than eighty (80) feet wide and of record as such at the
- 1463 date of the passage of this Chapter, the aggregate width of the side

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1464 yards shall be equivalent to three (3) inches for each foot of the lot  
 1465 width and no single side yard shall be less than forty (40%) percent  
 1466 of the aggregate width. The buildable width of any lot shall not be  
 1467 reduced to less than twenty-four (24) feet.

1468 3. Rear Yard.

- 1469 a. There shall be a rear yard of the principal building not less than  
 1470 twenty-five (25) feet in depth.  
 1471 b. Accessory buildings shall be provided with minimum rear yard of  
 1472 not less than five (5) feet.  
 1473

1474 SECTION 5 AGRICULTURAL DISTRICT  
 1475

1476 The Agricultural District is created to establish and protect areas within which  
 1477 agricultural uses may exist and prosper free from future intrusion from future high  
 1478 density residential development and other urban land uses. It is intended to avoid the  
 1479 operational conflicts which occur when farm and non-farm residential uses become  
 1480 interspersed and to reduce the adverse pressures upon farm livelihood.

1481 A. Permitted Uses. The following uses are permitted in the Agricultural District:

- 1482 1. Accessory buildings, including, but not limited to, grain bins/dryers, silos,  
 1483 and barns in compliance with Article 5, Section 2.  
 1484 2. Agricultural uses including beekeeping; egg production; floriculture; fish or  
 1485 fur farming; forest management; grazing; orchards; poultry raising; raising  
 1486 of grain, grass, mint and seed crops; raising of trees, fruits, nuts and  
 1487 berries; sod farming; placing land in federal programs in return for  
 1488 payments in kind or money; vegetable raising; and wholesale plant  
 1489 greenhouses and nurseries.  
 1490 3. Dairying and livestock facilities with fewer than five hundred (500) animal  
 1491 units, together with associated livestock structures, in compliance with the  
 1492 following standards:  
 1493 a. Article 5, Section 4 of this Ordinance.  
 1494 b. Wisconsin Administrative Code Chapter ATCP 51, Livestock  
 1495 Facility Siting.  
 1496 c. Wisconsin Administrative Code Chapter NR 243, Animal Feeding  
 1497 Operations.  
 1498 d. Wisconsin Administrative Code Chapter NR 151, Runoff  
 1499 Management.  
 1500 e. Natural Resources Conservation Service (NRCS) Conservation  
 1501 Practice Standard Code 590, Nutrient Management.  
 1502 f. St. Croix County Code of Ordinances Chapter 11, Animal Waste  
 1503 Storage Facilities.  
 1504 4. Minor home occupations, in compliance with Article 5, Section 7.  
 1505 5. Single-family dwellings.  
 1506 6. Operations where horses, bison, farm-raised deer, or camelids are owned,  
 1507 boarded, bred or offered for sale on at least five (5) acres, where no more  
 1508 than one animals unit may be kept for each acre available for grazing,  
 1509 feed production and waste disposal up to two hundred (200) animals and

- 1510 provided that any building used to house, feed, confine or show animals,  
1511 store feed, or collect or store waste generated shall not be located within  
1512 one hundred (100) feet of any property boundary line of a residential lot  
1513 other than that of the owner or lessee of such building containing such  
1514 animals.
- 1515 7. Roadside stands, selling only produce grown on the parcel and operated  
1516 by the family only with signs advertising only products produced on the  
1517 farm.
- 1518 8. Swimming pools, above or below ground, with proper fencing.
- 1519 9. Telephone and power distribution poles, lines and necessary  
1520 appurtenance equipment and structures, such as transformers, unit  
1521 substations and related equipment storage buildings, but not outdoor  
1522 storage yards.
- 1523 B. Conditional Uses. The following uses may be allowed as a conditional use in the  
1524 Agricultural District pursuant to the procedures and standards in Article 2,  
1525 Section 5 and other applicable standards in this Ordinance.
- 1526 1. Agricultural supply businesses and warehouses such as farm machinery  
1527 dealers and seed, fertilizer and chemical dealers, and industries which  
1528 process agricultural products largely produced on nearby farms, provided  
1529 that no buildings shall be located within one hundred (100) feet of any  
1530 property boundary line of a residential lot other than that of the owner or  
1531 lessee of such building containing such uses.
- 1532 2. Cemeteries.
- 1533 3. Churches.
- 1534 4. Commercial kennels, in compliance with Article 5, Section 5.
- 1535 5. Communication, or similar towers, shall be in compliance with applicable  
1536 state laws and town and county ordinances.
- 1537 6. Dairying and livestock facilities with greater than five hundred (500) animal  
1538 units, together with associated livestock structures, in compliance with the  
1539 following standards:
- 1540 a. Article 5, Section 4 of this Ordinance.
- 1541 b. Wisconsin Administrative Code Chapter ATCP 51, Livestock  
1542 Facility Siting.
- 1543 c. Wisconsin Administrative Code Chapter NR 243, Animal Feeding  
1544 Operations.
- 1545 d. Wisconsin Administrative Code Chapter NR 151, Runoff  
1546 Management.
- 1547 e. Natural Resources Conservation Service (NRCS) Conservation  
1548 Practice Standard Code 590, Nutrient Management.
- 1549 f. St. Croix County Code of Ordinances Chapter 11, Animal Waste  
1550 Storage Facilities.
- 1551 7. Electrical generating facilities designed for nominal operation at capacity  
1552 of less than 750 kilowatts, telephone, power transmission lines, poles and  
1553 lines, including transformers, substations, relay stations, equipment  
1554 housings and other similar necessary appurtenant facilities; natural gas  
1555 substations; radio and television stations and transmission towers and

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- 1556 microwave radio relay towers; methane digesters, provided that such  
1557 facilities are found to be necessary and to be located so as to avoid  
1558 unreasonable interference with other uses permitted or existing in the  
1559 district, and in compliance with all applicable Town ordinances and other  
1560 conditions placed on the conditional use permit.
- 1561 8. Governmental uses, such as police and fire stations, town halls, libraries,  
1562 highway storage garages, solid waste disposal and sewage treatment  
1563 plants, schools, public parks and campgrounds, public recreational use,  
1564 airports and landing strips.
  - 1565 9. Hot mix plants and non-metallic mineral extraction operations, under one  
1566 (1) acre, engaged in public highway-related projects provided that such  
1567 operations are of a temporary nature not exceeding one hundred twenty  
1568 (120) days of operation.
  - 1569 10. Junkyard/salvage yard, contractor's storage yard, recycling center, in  
1570 compliance with Article 5, Section 8.
  - 1571 11. Licensed game management farms, as set forth in Wis. Stats. §29.
  - 1572 12. Limited commercial recreational activities which are found to be  
1573 subordinate to the primary agricultural use of the property, which are  
1574 compatible with the agricultural use on that and surrounding properties,  
1575 and which are not likely to attract other related uses.
  - 1576 13. Major home occupations, in compliance with Article 5, Section 7.
  - 1577 14. Public stables, including offering horses for hire to the general public for  
1578 the purposes of riding, driving and/or hay or sleigh ride either with or  
1579 without guides or supervision.
  - 1580 15. Private stables, including private training, boarding, breeding and/or  
1581 equitation farms, stables and tack shops operated in conjunction with  
1582 private stables.
  - 1583 16. Sawmills, provided that no buildings shall be located within five hundred  
1584 (500) feet of any property boundary line of a residential lot other than that  
1585 of the owner or lessee of such building containing such uses.
  - 1586 17. Slaughterhouses, provided that no buildings shall be located within two  
1587 hundred (200) feet of any boundary of a residential lot other than that of  
1588 the owner or lessee of such building containing such uses.
  - 1589 18. Sport shooting ranges, in compliance with Wis. Stats. §895.527, provided  
1590 that firearm discharge areas and accessory buildings shall not be located  
1591 within one thousand (1,000) feet of any boundary of a parcel used for  
1592 residential purposes other than that of the owner or lessee or such  
1593 building or use.
- 1594 C. Lot Area.
- 1595 1. Minimum two and a half acres (2.5) acres.
  - 1596 2. Maximum five (5) acres for a residential lot, as defined in Article 1, Section  
1597 9(B)(67) of this Ordinance, created in compliance with the Town of Forest  
1598 Subdivision Ordinance. There is no maximum for non-residential lots.
  - 1599 3. The proportion of depth to width for such a lot shall comply with the Town  
1600 of Forest Subdivision Ordinance.

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- 1601 D. Maximum Residential Density: Four (4) dwelling units per forty (40) acres, in  
 1602 compliance with Article 4, Section 10 of this Ordinance.  
 1603 E. Height. The provisions of Article 3, Section 4(D) of this Ordinance shall apply to  
 1604 all buildings for human habitation.  
 1605 F. Yards.  
 1606 1. Front yard/Highway setbacks. The provisions of Article 4, Section 6 of this  
 1607 Ordinance shall apply, including corner lots.  
 1608 2. Side Yard. There shall be a side yard on each side of any building,  
 1609 structure or improvement not less than twenty-five (25) feet.  
 1610 3. Rear Yard. There shall be a rear yard of not less than twenty-five (25) feet  
 1611 in depth from any building, structure or improvement.  
 1612 4. Animal housing structures and animal waste storage structures must  
 1613 comply with the provisions of Article 5, Section 4 of this Ordinance.  
 1614

## 1615 SECTION 6 AGRICULTURAL-RESIDENTIAL DISTRICT

1616  
 1617 The Agricultural-Residential District is created to establish areas in which agricultural  
 1618 uses, limited commercial, institutional, and residential uses may be located. This district  
 1619 is intended to include areas in which exclusivity of agriculture use on an area-wide basis  
 1620 is not warranted because of such factors as the existence of mixed uses prior to the  
 1621 date this district was established and located, demonstrated or expected ability of farm  
 1622 and selected non-farm uses to exist in close proximity without undue conflict or a  
 1623 determination that the area is in a state of transition to urban-residential character.

- 1624 A. Permitted Uses. The following uses are permitted in the Agricultural-Residential  
 1625 District: Any permitted use in the Agricultural District.  
 1626 B. Conditional Uses. The following uses may be allowed as a conditional use in the  
 1627 Agricultural-Residential District pursuant to the procedures and standards in  
 1628 Article 2, Section 5 and other applicable standards in this Ordinance.  
 1629 1. Agricultural supply businesses and warehouses, as in Article 3, Section  
 1630 5(B)(1).  
 1631 2. Bed and breakfast or boarding house.  
 1632 3. Cemeteries.  
 1633 4. Churches.  
 1634 5. Commercial kennels, in compliance with Article 5, Section 5.  
 1635 6. Governmental uses, as in Article 3, Section 5 (B)(8).  
 1636 7. Hot mix plants, as in Article 3, Section 5(B)(9).  
 1637 8. Junkyard/salvage yard, contractor's storage yard, recycling center, in  
 1638 compliance with Article 5, Section 8.  
 1639 9. Licensed game management, as in Article 3, Section 5(B)(11).  
 1640 10. Limited commercial recreational activities, as in Article 3, Section 5(B)(12).  
 1641 11. Major home occupations, in compliance with Article 5, Section 7.  
 1642 12. Mobile home parks, in compliance with Article 5, Section 10.  
 1643 13. Public parks and playgrounds, including swimming pools, golf courses,  
 1644 tennis courts and picnic grounds, as in Article 3, Section 4(A)(6).  
 1645 14. Public and private schools.  
 1646 15. Public stables, as in Article 3, Section 5(B)(15).

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- 1647 16. Private stables, as in Article 3, Section 5(B)(16).  
 1648 17. Two-family dwellings.  
 1649 18. Wells, water storage tanks and water distribution systems for central water  
 1650 systems, and central septic systems servicing more than one property.  
 1651 C. Lot Area.  
 1652 1. Minimum five (5) acres.  
 1653 2. The proportion of depth to width for such a lot shall be in compliance with  
 1654 the Town of Forest Subdivision Ordinance.  
 1655 D. Maximum Residential Density: Eight (8) dwelling units per (forty) 40 acres, in  
 1656 compliance with Article 4, Section 10 of this Ordinance.  
 1657 E. Height. The provisions of Article 3, Section 4(D) of this Ordinance shall apply to  
 1658 all buildings for human habitation.  
 1659 F. Yards.  
 1660 1. Front yard/Highway setbacks. The provisions of Article 4, Section 6 shall  
 1661 apply.  
 1662 2. Side Yard. The provisions of Article 3, Section 5(F)(2) shall apply.  
 1663 3. Rear Yard. The provision of Article 3, Section 5(F)(3) shall apply.  
 1664 4. Animal housing structures and animal waste storage structures must  
 1665 comply with the provisions of Article 5, Section 4.  
 1666

## 1667 SECTION 7 COMMERCIAL DISTRICT

1668  
 1669 The Commercial District is created to establish and protect locations in which a variety  
 1670 of compatible commercial uses can be located. Within this district, residential and  
 1671 industrial development are not permitted in the interest of furthering the livelihood of the  
 1672 permitted commercial uses and protecting uses from the effects of incompatibility. In  
 1673 creating this commercial zoning classification, it is the intent that the Hamlet of Forest or  
 1674 the area along State Highway 64, as shown on the Future Land Use Map in the Town's  
 1675 Comprehensive Plan dated December 2009, are the appropriate areas for locating  
 1676 future higher intensity commercial uses in the Town, subject to completion of rezoning  
 1677 or other required procedures.

- 1678 A. Permitted Uses. The following uses are permitted in the Commercial District:  
 1679 1. Agricultural supply businesses, including service.  
 1680 2. Automotive and recreational vehicle sales and accessory stores, including  
 1681 service, tires, and automotive parts.  
 1682 3. Bakeries.  
 1683 4. Banks and financial institutions.  
 1684 5. Barber, hair salon or beauty shops.  
 1685 6. Business and professional offices and clinics.  
 1686 7. Cabinet/fixture assembly shop with retail showroom.  
 1687 8. Clothing and dry good stores.  
 1688 9. Drug stores and pharmacies.  
 1689 10. Electrical, household appliance, radio, television and computer sales and  
 1690 service.  
 1691 11. Equipment rental.  
 1692 12. Gift, variety stores and antique shops.

- 1693 13. Greenhouse, when primary use is the direct selling of retail goods and  
1694 items to the public.
- 1695 14. Grocery stores, supermarkets, and other food product stores.
- 1696 15. Hardware, home improvement, and paint stores.
- 1697 16. Health and athletic clubs.
- 1698 17. Liquor stores, off-sale only.
- 1699 18. Mini-storage/self-storage facilities in compliance with Article 5, Section 9.
- 1700 19. Mortuaries and funeral homes.
- 1701 20. Non-residential childcare facility.
- 1702 21. Office equipment and office supply stores.
- 1703 22. Private clubs and fraternities.
- 1704 23. Restaurants, including drive-in food service, and drinking establishments.
- 1705 24. Service stations.
- 1706 25. Sporting goods and athletic shops.
- 1707 26. Storage in connection with any of the permitted uses, when clearly  
1708 incidental to the conduct of the retail business on the premises.
- 1709 27. Telephone and power distribution poles, lines and necessary  
1710 appurtenance equipment and structures, such as transformers, unit  
1711 substations and related equipment storage buildings, but not outdoor  
1712 storage yards.
- 1713 28. Veterinary clinics.
- 1714 B. Conditional Uses. The following uses may be allowed as a conditional use in the  
1715 Commercial District pursuant to the procedures and standards in Article 2,  
1716 Section 5 and other applicable standards in this Ordinance.
- 1717 1. Accessory buildings, in compliance with Article 5, Section 2.
- 1718 2. Permitted uses with aggregate structure area over fifteen thousand  
1719 (15,000) square feet.
- 1720 3. Uses not listed. Any other commercial use in the Commercial District not  
1721 listed as a permitted use.
- 1722 a. A use not specifically identified as a permitted use or a conditional  
1723 use may still be permitted as a conditional use if sufficiently similar  
1724 in nature and impact to a permitted use or a conditional use.
- 1725 b. An applicant shall submit all proofs or verification they he/she  
1726 believes shows that the proposed use is similar to another  
1727 permitted use or conditional use and could be allowed.
- 1728 c. The Zoning Administrator shall initially determine if the proposed  
1729 use is similar to another permitted use or conditional use in the  
1730 Commercial District and could be allowed. The Plan Commission  
1731 will review the request and recommend action to the Town Board.
- 1732 d. If the Town Board determines that the proposed use could be  
1733 allowed, an application for a conditional use permit shall be  
1734 submitted by the applicant to the Plan Commission for review and  
1735 recommendation.
- 1736 e. If the Town Board determines that the proposed use should not be  
1737 allowed, then the proposed use shall be denied and the applicant  
1738 notified in writing.

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- 1739 f. Uses regulated by the State of Wisconsin and exempt from local  
1740 control, are permitted subject to state regulations.
- 1741 C. General Standards. The following standards shall apply to all permitted and  
1742 conditional uses in the Commercial District:
- 1743 1. Minimum road right-of-way shall be sixty-six (66) feet unless the right-of-  
1744 way pre-exists adoption of this Chapter. In this case, the Town Board, in  
1745 its discretion, may authorize a reduced minimum right-of-way based on  
1746 the criteria listed in (12) below.
  - 1747 2. Minimum pavement width shall be twenty-four (24) feet.
  - 1748 3. Minimum turn radiuses shall be sufficient to handle the size of vehicles  
1749 likely to use the site.
  - 1750 4. All utilities, including electric, cable television, telephone, gas, water and  
1751 storm and sanitary sewers, except electrical power lines exceeding 1,200  
1752 volts, shall be underground.
  - 1753 5. Waterfront setback lines shall be governed by the provisions of the St.  
1754 Croix County Shoreland Zoning Ordinance.
  - 1755 6. Sanitary restrictions shall be regulated pursuant to the St. Croix County  
1756 Sanitary Ordinance.
  - 1757 7. Specification of plantings and landscape area.
    - 1758 a. Every effort should be made to protect and retain existing trees,  
1759 shrubbery and grasses not located in rights-of-ways, drainage  
1760 ways, vision triangles, and the like.
    - 1761 b. Plantings shall be required in road setback areas and will be  
1762 reviewed by the Town and County or State, depending on the  
1763 roadway jurisdiction, to insure appropriate visibility.
    - 1764 c. A minimum of at least fifteen (15%) percent of the area within the  
1765 property lines of each lot shall be devoted to landscape purposes.
  - 1766 8. Any commercial lot that abuts or is across from a residential area shall  
1767 have perimeter landscape screening that will substantially screen parking  
1768 areas and headlights from vehicles.
  - 1769 9. All lighting must be the minimal amount needed for safety and security  
1770 and downward directed and shielded away from neighboring properties to  
1771 prevent glare.
  - 1772 10. The Town Board may require cross easements where commercial lots are  
1773 adjacent to allow linking of parking areas.
  - 1774 11. Road standards for commercial development may be increased by the  
1775 Town Board. An increase of these standards will be based on relevant  
1776 information such as Town plans, driveway widths, speed limit, number and  
1777 types of vehicles using the road, parking availability, sound engineering  
1778 judgment, and any other pertinent information.
  - 1779 12. Wastewater and water systems shall be sufficient to service the proposed  
1780 uses.
  - 1781 13. Site plans and facility plans shall be submitted to the Zoning Administrator.
- 1782 D. Lot Area. Minimum one (1) acre.
- 1783 E. Lot Frontage. Minimum one hundred and fifty (150) feet.

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- 1784 F. Height. No building shall be more than two and one-half (2.5) stories or thirty-five  
 1785 (35) feet in height, whichever is greater, with height measurements commencing  
 1786 at the grade level of the highest existing topography.
- 1787 G. Yards.
- 1788 1. Front yard/Highway setback. The provisions of Article 4, Section 6 shall  
 1789 apply.
  - 1790 2. Side yard.
    - 1791 a. Minimum of twenty (25) feet.
    - 1792 b. The side yard setback for a main building on a commercial lot that  
 1793 abuts a residential property shall be fifty (50) feet.
    - 1794 c. The minimum permitted side yard for an accessory building shall be  
 1795 ten (10) feet, provided it is detached from the main building.
    - 1796 d. The side yard for an accessory building on a commercial lot that  
 1797 abuts a residential property shall be twenty (20) feet.
    - 1798 e. When an accessory building is attached or connected to the main  
 1799 building, they shall be considered to be as one and the conditions  
 1800 in par. (a) above shall apply.
    - 1801 f. A detached accessory building shall be separated from other  
 1802 buildings by a minimum of ten (10) feet, measured from the edge of  
 1803 roof overhang.
  - 1804 3. Rear yard.
    - 1805 a. Minimum of twenty (25) feet.
    - 1806 b. The rear yard for a main building on a commercial lot that abuts a  
 1807 residential property shall be fifty (50) feet.
    - 1808 c. The minimum permitted rear yard for an accessory building shall be  
 1809 ten (10) feet, provided it is detached from the main building.
    - 1810 d. The side yard for an accessory building on a commercial lot that  
 1811 abuts a residential property shall be twenty (20) feet.
    - 1812 e. When an accessory building is attached or connected to the main  
 1813 building, they shall be considered as one and the conditions in 3(a)  
 1814 above shall apply.
    - 1815 f. A detached accessory building shall be separated from other  
 1816 buildings by a minimum of ten (10) feet, measured from the edge of  
 1817 roof overhang.

## 1819 SECTION 8 CONSERVANCY DISTRICT

1820

1821 The Conservancy District is created to protect and preserve the natural state of certain  
 1822 areas such as low land swamps, marshes, wetlands, stream beds, slopes, bluffs,  
 1823 wooded areas, water areas and other areas of aesthetic value for the benefit of this and  
 1824 future generations. The regulations are intended not only to preserve and protect open  
 1825 space and water areas consistent with the intent and purpose of this Ordinance, but  
 1826 also to protect the Town from costs and consequences which may be incurred when  
 1827 unsuitable development occurs in such areas. In this district, no building shall hereafter  
 1828 be erected, moved or structurally altered except to be used in conjunction with permitted  
 1829 uses.

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- 1830 A. Permitted Uses. The following uses are permitted in the Conservancy District.  
1831 1. Forest management.  
1832 2. Forest reserves, wilderness and wildlife preservation areas.  
1833 3. Grazing.  
1834 4. Harvesting of any wild crops such as marsh hay, ferns, wild rice, berries,  
1835 tree fruits and tree seeds.  
1836 5. Hiking trails or bridal paths.  
1837 6. Hunting, fishing, and trapping.  
1838 7. Public and private parks, picnic areas and similar uses, as in Section  
1839 4(A)(7) of this Article.  
1840 8. Soil and water conservation practices and stream bank protection,  
1841 provided that such uses do not involve structures, fill, soil or peat removal,  
1842 or disruption of the natural flow of any water course or altering the natural  
1843 topography.
- 1844 B. Conditional uses. The following uses may be allowed as a conditional use in the  
1845 Conservancy District pursuant to the procedures and standards in Article 2,  
1846 Section 5 and any other applicable standards in this Ordinance.
- 1847 1. Accessory uses, such as non-habitable park and recreation shelters,  
1848 buildings used solely in conjunction with the raising of waterfowl, minnows  
1849 and other similar animals, fowl or fish, and structures used by public or  
1850 semi-public agencies or groups for research in or the rehabilitation of  
1851 natural resources.
- 1852 2. Fish hatcheries, raising of minnows, waterfowl and other similar animals,  
1853 fowl or fish.
- 1854 3. Licensed game management, as set forth in Wis. Stats. Ch. 29.
- 1855 4. Piers, docks, boathouses.
- 1856 5. Ponds.
- 1857 6. Public and private campgrounds and accessory buildings.
- 1858 7. Removal of top soil or peat.
- 1859 8. Sport shooting ranges, in compliance with Wis. Stats. §895.527, as in  
1860 Section 5(B)(19) of this Article.
- 1861 9. Structures and fill accessory to permitted principal uses.
- 1862 10. Telephone and power transmission lines.
- 1863 C. Lot area. Minimum one (1) acre.
- 1864 D. Height. No building shall be more than two and one-half (2.5) stories or thirty-five  
1865 (35) feet in height, whichever is greater, with height measurements commencing  
1866 at the grade level of the highest existing topography.
- 1867 E. Yards. Any use involving a structure shall provide front and rear yards of at least  
1868 fifty (50) feet in depth and side yards of at least fifty (50) feet in width each.
- 1869 F. Other requirements.
- 1870 1. Highway setback lines shall be in conformance with Article 4, Section 6.  
1871 2. Waterfront setback lines shall be governed by the provisions of the St.  
1872 Croix County Shoreland Zoning Ordinance.
- 1873 3. Sanitary restrictions shall be regulated pursuant to the St. Croix County  
1874 Sanitary Ordinance.  
1875

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## 1876 SECTION 9 MINERAL EXTRACTION DISTRICT

1877

1878 The Mineral Extraction District is created to provide for orderly, economic and safe  
1879 removal and processing of mineral aggregates, to protect mineral extraction operations  
1880 against problems caused by intrusion of incompatible land uses, and to allow for  
1881 protection of mineral deposits.

1882 A. Permitted uses. The following uses are permitted in the Mineral Extraction  
1883 District:

1884 1. Limited, short-term mineral extractions which:

1885 a. Will be commenced and completed within a one (1) year period  
1886 from the date of land use and non-metallic mineral extraction  
1887 permits being issued.

1888 b. Disturb less than one (1) acre on a parcel over the life of the  
1889 operation.

1890 c. Does not include any blasting or drilling.

1891 2. Non-structural agricultural uses to include, but not limited to, forestry,  
1892 grazing and crop production.

1893 3. Pre-existing mineral extraction operations involving the excavation,  
1894 removal and/or processing of minerals which were in active use and  
1895 having a reclamation plan on file prior to the effective date of this  
1896 Ordinance.

1897 4. Telephone and power distribution poles, lines and necessary  
1898 appurtenance equipment and structures, such as transformers, unit  
1899 substations and related equipment storage buildings.

1900 B. Conditional uses. The following uses may be allowed as a conditional use in the  
1901 Mineral Extraction District pursuant to the procedures and standards in Article 2,  
1902 Section 5 and other applicable standards in this Ordinance and other applicable  
1903 Town or County ordinances.

1904 1. Non-metallic mineral extraction operations, not otherwise exempted in (C)  
1905 below.

1906 2. Metallic mineral extraction operation.

1907 C. Exempt Activities. The following activities are exempt from the permits required  
1908 by this Ordinance; provisions of the St. Croix County Shoreland Zoning  
1909 Ordinance may apply.

1910 1. Excavations or grading by a person solely for domestic use at his/her  
1911 residence or farm where no sale of the excavated material takes place.

1912 2. Excavation or grading conducted for highway construction purposes within  
1913 the highway or railroad right-of-way, excavation or grading done within the  
1914 boundary of an airport or other transportation or other transportation  
1915 facility or for highway safety in or adjacent to the visions clearance  
1916 triangle.

1917 3. Non-metallic mineral extraction operation for Town, County or State  
1918 highway construction with limited purpose and duration.

1919 a. The duration of the exemption shall be specific to the length of the  
1920 construction project.

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- b. Such sites may also provide material for non-transportation projects during the construction project.
- c. The site is fully reclaimed.
- 4. Preparing a construction site for a project which has been issued a building and land use permit and/or is consistent with applicable zoning ordinances.
- 5. Restoring land following a flood or natural disaster.
- 6. Excavations for building purposes for a project which has been issued a building and land use permit and/or is consistent with applicable zoning ordinances.
- 7. Any activities conducted at a solid or hazardous waste disposal site required to prepare, operate or close a solid waste disposal facility under Wis. Stats. §289 or §291. This Section applies to activities related to solid or hazardous waste disposal which are conducted at a non-metallic mineral extraction operation separate from the solid or hazardous waste disposal facility, such as activities to obtain non-metallic materials to be used for lining, capping, covering, or constructing berms, dikes, or roads.

D. Lot Area.

- 1. Non-structural agricultural uses. The lot area shall conform to the standards set forth in Article 3, Section 5(C)(2).
- 2. Mineral extraction operations. No minimum lot area.

E. Height. No building shall be more than one hundred (100) feet in height, with height measurements commencing at the grade level of the highest existing topography.

F. Yards.

- 1. Extractive operations shall be set back a minimum of one hundred (100) feet from the public right-of-way and all property lines.
- 2. Accessory uses such as offices, parking areas and stockpiles shall be setback a minimum of fifty (50) feet for the public right-of-way and all property lines.

**ARTICLE 4 GENERAL PROVISIONS**

**SECTION 1 JURISDICTION AND COMPLIANCE**

- A. Jurisdiction. The jurisdiction of this Ordinance shall include all lands within the Town of Forest, St. Croix County, Wisconsin.
- B. Compliance. No structure or land shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, structurally altered without full compliance with the provisions of this Ordinance and all other applicable Town, county and state regulations.

1967 SECTION 2 DISTRICT REGULATIONS

1968

1969 Except as otherwise provided, the use and height of buildings hereafter erected,  
1970 converted, enlarged or structurally altered and the use of any land shall be in  
1971 compliance with the regulations established herein for the district in which such building  
1972 or land is located.

1973

1974 SECTION 3 HEIGHT AND AREA

1975

1976 A. No part of a yard or other open space provided about any buildings for the  
1977 purpose of complying with the provisions of this Ordinance shall be included as a  
1978 part of a yard or other open space required for another building.

1979 B. Every single family dwelling hereafter erected in the Town of Forest shall provide  
1980 no less than six hundred (600) square feet of floor area, except that this provision  
1981 shall not apply to summer cottages, hunting or fishing cabins that are used  
1982 seasonally and not as permanent residences. The basement can be included if it  
1983 has an entrance directly accessible to the outside, or at least one (1) window that  
1984 is not over four (4) feet above the basement floor.

1985 C. The regulations contained throughout this Ordinance relating to building or  
1986 structure height and the size of yards and other open spaces shall be subject to  
1987 the following exceptions:

1988 1. Church, schools and other public or quasi-public may be erected to a  
1989 height not exceeding sixty (60) feet or five (5) stories, provided the front,  
1990 side and rear yards required in the district in which such a building or  
1991 structure is to be located are each increased at least one (1) foot for each  
1992 additional foot of height above the height limit otherwise established in the  
1993 district.

1994 2. Chimneys, cooling towers, church steeples or spires, tanks, water towers,  
1995 masts or aerials, farm silos, grain storage structures, barns or other farm  
1996 structures and necessary mechanical accessories are hereby exempted  
1997 from the height regulations in this Chapter and may be erected in  
1998 accordance with other regulations or ordinances of the Town of Forest, St.  
1999 Croix County or of other jurisdictions, such as the Federal Aviation  
2000 Administration.

2001 3. Facilities subject to (1) and (2) above require a land use permit to be  
2002 issued by the Zoning Administrator after the approval of the Town Board.  
2003 Before issuing the permit, the Zoning Administrator or Town Board shall  
2004 investigate and determine whether any such facility, which is to exceed  
2005 thirty-five (35) feet in height above ground level, will create or may create  
2006 any fire protection problems.

2007 a. In considering a request for a permit, the Town Board may invite  
2008 appropriate officials of fire or other public safety officials to appear  
2009 and offer recommendations.

2010 b. The Town Board may attach such conditions as it deems  
2011 reasonable and necessary, based upon advice of fire and public  
2012 safety officials, to the granting of the permit.

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2013

2014

## SECTION 4 USE REGULATIONS

2015

2016

The following use regulations and restrictions shall apply:

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A. Permitted Uses. Only those permitted uses specified for a district, their essential services and the following shall be permitted in that district.

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B. Unclassified or Unspecified Uses. Unclassified or unspecified uses may be permitted as conditional uses by the Town Board provided that such uses are similar in character to the permitted uses permitted in the district.

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2022

C. Conditional uses. Provisions applicable to conditional uses generally:

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1. Conditional uses and their accessory uses are considered as conditional uses requiring for their authorization, Plan Commission review and recommendation to the Town Board, public hearing, and approval by the Town Board in accordance with Article 2, Section 5 of this Ordinance except those existent at time of adoption of this Ordinance.

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2. Those existing uses which are classified as "conditional uses" for the district(s) in which they are located at the time of adoption of this Ordinance require no action by the Town Board to continue as valid conditional uses.

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3. Proposed change of a permitted use in a district to a conditional use shall require application, Plan Commission review and recommendation, public hearing and approval of the Town Board in accordance with Article 2, Section 5 of this Ordinance.

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4. Conditional use uses, when replaced by permitted use(s), shall terminate. In such cases(s), the reestablishment of any previous conditional use, or establishment of new conditional use shall require application, Plan Commission review and recommendation, public hearing and approval of the Town Board in accordance with Article 2, Section 5 of this Ordinance.

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5. Conditional use uses authorized by the Town Board shall not be subject to substitution with other conditional use uses, either regular or limited, whether similar in type or not, without application, Plan Commission review and recommendation, public hearing, and Town Board approval in accordance with Article 2, Section 5 of this Ordinance.

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## SECTION 5 SITE REGULATIONS

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## A. Site Suitability.

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1. No land shall be used or structure erected where the land is held unsuitable for such use or structure by the Town Board by reason for any of the following:

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a. Flooding, as noted on official FEMA floodplain maps.

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b. Concentrated runoff.

2055

c. Inadequate drainage.

2056

d. Adverse soil or rock formation.

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- 2057 e. Unfavorable topography, generally defined as slopes over twenty-  
 2058 five percent (25%), but may be less depending on the  
 2059 characteristics of the particular property.  
 2060 f. Inadequate water supply or sewage disposal capabilities.  
 2061 g. Inadequate ingress or egress.  
 2062 h. Low percolation rate or bearing strength.  
 2063 i. Erosion susceptibility.  
 2064 j. Any other feature likely to be harmful to the health, safety,  
 2065 prosperity, aesthetics and general welfare of the Town.  
 2066 2. In applying the provisions of this Section, the Town Board shall in writing  
 2067 recite the particular facts upon which it bases its conclusions that the land  
 2068 is not suitable for certain uses. The applicant shall have the opportunity to  
 2069 present evidence contesting such unsuitability if he/she so desires.  
 2070 Thereafter, the Town Board may affirm, modify, or withdraw its  
 2071 determination of unsuitability.
- 2072 B. Principal Structures.
- 2073 1. Only one (1) principal structure shall be located, erected, or moved onto a  
 2074 lot.  
 2075 2. The Town Board may permit, as a conditional use, more than one (1)  
 2076 principal structure in any district where such structure is permitted as a  
 2077 conditional use in that district and more than one (1) such structure is  
 2078 needed for the orderly development of the parcel.  
 2079 3. Where additional structures are permitted, the Town Board may impose  
 2080 additional yard requirements, landscaping requirements or parking  
 2081 requirements, or require a minimum separation distance between principal  
 2082 structures.
- 2083 C. Decks. For the purposes of this Section, decks, whether attached to the building  
 2084 or not, shall be considered a part of the building or structure. A deck that is not  
 2085 directly accessible from the principal structure shall be considered an accessory  
 2086 structure.
- 2087 D. Pre-existing Lots. Where a lot has an area less than the minimum number of  
 2088 finished square feet per family required for the district in which it is located and  
 2089 was of record as such at the time of the passage of this Ordinance, such a lot  
 2090 may be occupied by one (1) family subject to setback, rear yard and side yard  
 2091 setbacks for the district.
- 2092 E. Open Yards. Every part of the required yard shall be open to the sky  
 2093 unobstructed, except for accessory buildings in a rear yard and the ordinary  
 2094 projection of sills, belt courses, cornices and ornamental features projecting not  
 2095 more than twenty (20) inches.
- 2096 F. Erosion Control and Storm water Management.
- 2097 1. All erosion control and storm water management must be in compliance  
 2098 and meet all permitting requirements of the following as applicable:  
 2099 a. St. Croix County Shoreland Zoning Ordinance.  
 2100 b. Chapter NR 151, Wisconsin Department of Natural Resources.  
 2101 c. Chapter NR 216, Wisconsin Department of Natural Resources.

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- 2102 d. Wisconsin Construction Site Erosion and Sediment Control  
2103 Standards.  
2104 2. Copies of the above permit applications and supporting documentation  
2105 submitted per the requirements of this Section shall be provided to the  
2106 Town Clerk.  
2107 3. No land disturbance shall occur until proof of compliance with the  
2108 requirements of this Section is submitted to the Town Clerk. Acceptable  
2109 proof shall be an approved letter or permit provided by the regulatory  
2110 agency.  
2111

## 2112 SECTION 6 HIGHWAY AND ROAD SETBACKS

2113

- 2114 A. Purpose. The purpose of this Section is to promote the public safety, welfare  
2115 and convenience on public roads by establishing setbacks from road rights-of-  
2116 way.  
2117 B. Jurisdiction.  
2118 1. The jurisdiction of this Section shall include lands abutting all arterials,  
2119 major collectors, minor collectors, and local roads.  
2120 2. The functional/jurisdictional classification of existing roads is shown on the  
2121 Functional Classification map available for review at the Town Hall.  
2122 3. Where a road is located on a town boundary, this Section does not apply  
2123 on the portion of the road located outside of the Town of Forest.  
2124 4. The Zoning Administrator will require approval from the Wisconsin  
2125 Department of Transportation for setbacks, roads connection and  
2126 driveway access to state and federal highways and on land that is  
2127 adjoining state and federal highways. The Wisconsin Department of  
2128 Transportation may require additional standards not identified in this  
2129 Section.  
2130 5. The Zoning Administrator will require approval from the St. Croix County  
2131 Highway Department for setbacks, roadway connection and driveway  
2132 access to county highways and on land that is adjoining county highways.  
2133 The County Highway Commissioner may require additional standards not  
2134 identified in this Section.  
2135 C. Compliance.  
2136 1. No structure or part thereof shall be located between the setback lines  
2137 established by this Section and the road right-of-way, except as provided  
2138 in (D) below.  
2139 2. No structure or part thereof shall be located in the vision clearance  
2140 triangle, as in Section F of this Article.  
2141 3. The provisions of Article 4, Section 7 shall apply.  
2142 4. Structures and signs that may be permitted adjacent to state and federal  
2143 highways also require permits from the Wisconsin Department of  
2144 Transportation.  
2145 5. All distances unless otherwise indicated shall be measured horizontally.  
2146 6. No building, structure, sign, or part thereof, except those complying with  
2147 the above regulations, which exists within the setback lines on the

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2148 effective date of this Ordinance or any amendment thereto shall be altered  
 2149 or enlarged. When such a building, structure, sign, or thereof, is damaged  
 2150 by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation, it  
 2151 may be restored or rebuilt in the same location within such setback lines,  
 2152 but cannot be enlarged or expanded unless it complies with the provisions  
 2153 of this Ordinance, or unless enlarging the structure is necessary to comply  
 2154 with applicable state or federal requirements.

2155 D. Structures Permitted Within Setback Lines. If the Zoning Administrator, in  
 2156 conjunction with the Town Board and St. Croix County Highway Department,  
 2157 determines that the road's line of sight is not impaired, then structures and signs  
 2158 may be placed between the setback line and the right-of-way on all highways and  
 2159 roads as follows:

- 2160 1. Frontage or service roads constructed according to plans as approved by  
 2161 the jurisdiction having authority over the road or highway.
- 2162 2. Landscaping, retaining walls and utility structures that do not obstruct the  
 2163 line of sight.
- 2164 3. Non-permanent structures less than thirty-five (35) square feet.
- 2165 4. Open fences.
- 2166 5. Parking lots located a minimum of twenty (20) feet from the established  
 2167 highway or road right-of-way.
- 2168 6. Signs, in compliance with Article 4, Section 9.
- 2169 7. Telecommunication and power transmission poles and lines and  
 2170 microwave radio relay structures, together with all appurtenances thereto  
 2171 that are readily removable as a unit, including public utility equipment  
 2172 housing or structures.
- 2173 8. Wells and septic tanks and other similar structures.

2174 E. Setback Requirements. Road setbacks shall meet the following requirements:  
 2175

Road Classification	Setback from Edge of Right-of-Way
Principal/Minor Arterial	50 feet
Major Collector	50 feet
Minor Collector	50 feet
Local Road	50 feet

2176 F. Vision Clearance Triangles.  
 2177 1. In each quadrant of every uncontrolled or yield-controlled public highway  
 2178 or road intersection there shall be a vision clearance triangle bounded by  
 2179 the highway or road edge of roadway and a line connecting points on the  
 2180 highway edge of roadway.  
 2181 2. No building, fence, structure, vegetation or any other object preventing a  
 2182 line of sight may be placed within a vision clearance triangle.  
 2183 3. The vision clearance triangle for an intersection may be expanded by the  
 2184 Town Board to fit site conditions with the approval of the Wisconsin  
 2185 Department of Transportation or the St. Croix County Highway  
 2186 Department.  
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Vision clearance triangles shall meet the following standards:

	<b>60 MPH or greater</b>	<b>55 MPH</b>	<b>50 or 45 MPH</b>	<b>40 MPH or less</b>
Major Intersecting Highway/Road*	600 feet	500 feet	400 feet	300 feet
Minor Intersecting Highway/Road**	175 feet	160 feet	150 feet	120 feet

\*Through traffic, which does not stop at the intersection.

\*\*Controlled traffic, which stops at the intersection.

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**SECTION 7 ACCESS AND FRONTAGE**

**A. Access.**

1. All accesses serving three (3) or more lots or parcels shall be dedicated public roads.
2. Any private road existing prior to the effective date of this Ordinance that had served two or more lots or parcels shall be dedicated in its entirety if any additional lots or parcels will take access from the private road.
3. Spacing.
  - a. There shall be a minimum of two hundred (200) feet between the centerlines of driveways and/or between the driveway and an intersecting road.
  - b. Spacing distance may be altered by the Town Board for an individual driveway on a previously platted lot or to fit site conditions and engineering standards, with approval from the Wisconsin Department of Transportation or the St. Croix County Highway Department if located on a road under their jurisdiction.
  - c. Agricultural field driveways are exempt from the spacing requirements, but must be compliant with the Town's driveway ordinance.

**B. Frontage.** All lots or parcels shall have a minimum of sixty-six (66) feet of road frontage, except a lot or parcel on a cul-de-sac shall have a minimum of thirty-three (33) feet of road frontage.

**C. Driveways.** All driveway accesses installed, altered, changed, replaced or extended after the effective date of this Chapter shall meet the requirements of the Town of Forest Driveway Ordinance and the following requirements:

1. Driveway access to all roads under state or federal jurisdiction must be approved by the Wisconsin Department of Transportation
2. Driveway access to all roads under county jurisdiction must be approved by the St. Croix County Highway Department.

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2228 SECTION 8 OFF-STREET PARKING

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A. General Standards.

1. In the Commercial District, whenever a lot abuts upon a public or private alley, sufficient loading space shall be provided on the lot or adjacent thereto in connection with any business use so that the alley shall at all times be free and unobstructed to the passage of traffic.
2. One (1) off-street parking space shall be twenty feet by ten feet (20' x 10') in area, exclusive of adequate ingress and egress driveways to connect with a public thoroughfare. A single stall in any garage may replace any single required parking space.
3. No building for which off-street parking space is required may be added to, structurally altered or converted in use so as to encroach upon or reduce the parking space below the required minimum.
4. All parking spaces shall be graded and drained so as to prevent the accumulation of surface water.
5. Parking lots containing five (5) or more parking spaces which are located in the Residential or Agricultural-Residential Districts or adjacent to residential lots, shall be screened along the side of such lots that abut the lots lines of residential lots by a solid wall, fence or evergreen planting of equivalent opacity, or other equally effective means, built or maintained at a minimum height of four (4) feet. If parking lots so located are lighted, the lights shall be shielded as to prevent undesirable glare or illumination of adjoining residential property.

B. Number of Spaces Required. The following minimum number of off-street parking spaces shall be provided and maintained by ownership, easement and/or lease for and during the life of the respective uses hereinafter set forth:

Use	Minimum Spaces Required
Bowling alleys	Five (5) spaces for each alley
Buildings combining business and residential use	One (1) space for each three hundred (300) square feet of area devoted to business use + one (1) per family, which accommodations are provided on the premises
Dwelling, single family	Two (2) spaces per dwelling
Dwelling, multi-family	Two (2) spaces per family for which accommodations are provided in the building + one (1) more space per building
Establishments offering curb service to customers who remain in their vehicles	Five (5) spaces for each person employed to serve such customers
Funeral homes and mortuaries	One (1) space for each fifty (50) feet of space devoted to parlors
Mini-storage/self-storage facilities	One (1) space for each one hundred (100) storage units and two (2) spaces

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	for the live-in manager or office worker
Motels, lodging houses and dormitories	One (1) space for each guestroom
Public and private parks and playgrounds	One (1) space for each four (4) persons designed to be accommodated
Restaurants, taverns and similar places for eating and for refreshments, except curb service establishments	One (1) space for each fifty (50) feet of floor space devoted to the use of the patrons
Retail or local business places, banks, offices and professional offices and personal service shops	One (1) space for each two hundred (200) square feet ground floor area + one (1) additional space for each five hundred (500) square feet of upper floor area
Roadside stands	Five (5) spaces at the place of business off the right-of-way of the highway
Service stations	Shall provide parking for all vehicles used directly in the conduct of the business + two (2) spaces for each gas pump + three (3) spaces for each grease rack
Theaters, churches, auditoriums, lodges or fraternity halls and similar places of public assemblage	One (1) space for each seven (7) seats

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- C. Uses Not Named. Any use not specifically named shall be assigned to the most appropriate classification by the Zoning Administrator subject to review by the Plan Commission and Town Board or appeal to the Board of Appeals.
- D. Handicapped Parking Requirements. In addition to any other requirements relating to parking spaces contained in this Section, the provisions contained in §101.13, §346.503 and §346.56, Wis. Stats., and any Wisconsin Administrative Code sections adopted pursuant thereto are hereby adopted by reference and made applicable to all parking facilities whenever constructed.

**SECTION 9 SIGNS**

- A. Purpose. The purpose of this Section is to establish minimum standards to regulate, administer and enforce signage standards in the Town to protect the safety and welfare of the public and the natural scenic beauty of roadsides, promote aesthetics, and maintain property values.
- B. Applicability. This Section applies to all signs in all zoning districts, including permanent, temporary, on-premise and off-premise signs, unless otherwise provided in this Section.
- C. Sign Permit.
  - 1. No sign shall be erected, constructed, altered, enlarged, rebuilt or relocated without a sign permit, except as otherwise provided in this Section.

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- 2279 2. The sign shall meet all other requirements of other applicable codes and  
2280 ordinances of the Town of Forest.
- 2281 3. A completed sign permit application form must be submitted to the Town  
2282 Clerk, with the appropriate fee as included in the Town Fee Schedule.
- 2283 4. The Zoning Administrator shall deny, approve with conditions, or approve  
2284 without conditions within thirty (30) days of receiving a completed  
2285 application.
- 2286 5. In the case of a denial or approval with conditions, the Zoning  
2287 Administrator shall prepare a written decision stating the findings and  
2288 reasons for the action.
- 2289 6. An appeal from the denial or approval with conditions of a sign permit can  
2290 be brought before the Board of Appeals.
- 2291 D. Sign Permit Exemptions. The following types of signs do not require a permit,  
2292 but must comply with all other provisions of this section, including size,  
2293 placement, installation, maintenance, etc.
- 2294 1. Government signs erected by or on behalf of a government body for the  
2295 purpose of carrying out an official duty or responsibility, including but not  
2296 limited to posting legal notices, identifying public property and indicating  
2297 public use.
- 2298 2. Signs that are traffic control devices and are permitted or allowed by the  
2299 Wisconsin Manual on Uniform Traffic Control Devices published by the  
2300 Wisconsin Department of Transportation.
- 2301 3. Interior signs located completely within a building and not visible from  
2302 outside the building.
- 2303 4. Temporary free standing signs three (3) square feet or less.
- 2304 5. Memorial signs, tablets, names of buildings and date of erection when cut  
2305 into masonry surface.
- 2306 6. Signs designating entrances, exits, service areas, parking areas,  
2307 restrooms and other such signs relating to functional operation of the  
2308 building or premises.
- 2309 7. Signs not exceeding ten (10) square feet in area and containing only  
2310 property numbers, post box numbers or names of occupants of premises.
- 2311 8. Flags or insignia of any government, except when displayed in connection  
2312 with commercial promotion.
- 2313 9. Political message signs during an election campaign, as defined in Wis.  
2314 Stats. §12.04(1, and subject to the Town's authority to regulate size,  
2315 shape and placement for the public safety.
- 2316 10. Window signs.
- 2317 11. Posters and banners, provided that they shall not be posted or displayed  
2318 for longer than thirty (30) days.
- 2319 12. Real estate signs not to exceed ten (10) square feet in area which  
2320 advertise the sale, rental, or lease of the premises upon which the sign is  
2321 located, provided they be removed within thirty (30) days of the sale,  
2322 rental, or lease of the property.
- 2323 13. No trespassing or no dumping signs.

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- 2324 E. Prohibited Signs. The following signs shall be prohibited within the Town of  
2325 Forest:
- 2326 1. Signs that fail to satisfy the requirements of this Section.
  - 2327 2. Signs that emit any odor, noise or visible matter other than light.
  - 2328 3. Moving or flashing signs, except those giving public service information  
2329 such as time, date, temperature, weather or similar information.
  - 2330 4. Abandoned signs in disrepair with no permit on file with the Town and no  
2331 contact information on the sign, as determined by the Town Board.
  - 2332 5. Signs within the public right-of-way, except for traffic control, parking and  
2333 directional signs.
  - 2334 6. Signs painted directly on a building, fence, tree, stone or similar object,  
2335 except those on windows.
  - 2336 7. Off-premise signs, except in the Commercial District.
  - 2337 8. Pornographic signs.
  - 2338 9. Signs on utility poles.
  - 2339 10. A vehicle used as a sign or as the base for a sign where the primary  
2340 purpose of the vehicle in that location is its use as a sign.
- 2341 F. Placement and Dimensional Standards.
- 2342 1. Signs shall not be placed on any property without the property owner's  
2343 written consent.
  - 2344 2. All signs shall be mounted in one (1) of the following manners:
    - 2345 a. Flat against a building or wall.
    - 2346 b. Back to back in pairs so that the back of the sign will be screened  
2347 from public view.
    - 2348 c. In clusters in an arrangement which will screen the back of the  
2349 signs from public view.
  - 2350 3. Signs shall be setback the following minimum distances:
    - 2351 a. Ten (10) feet from any right-of-way
    - 2352 b. Twenty (20) feet from all side and rear yard lot lines.
    - 2353 c. Seventy-five (75) feet from any Residential District, unless the sign  
2354 is completely screened from the residential property.
    - 2355 d. Signs over one hundred (100) square feet: five hundred (500) feet  
2356 from any pre-existing residence or Residential District.
  - 2357 4. Freestanding signs shall be separated from other structures by a minimum  
2358 of ten (10) feet, measured from edge of roof overhang to the sign.
  - 2359 5. The maximum height of any freestanding sign shall be twenty (20) feet  
2360 above the average elevation at the site of the sign.
- 2361 G. Construction and Maintenance.
- 2362 1. All signs, supports and accessories and construction shall meet applicable  
2363 State of Wisconsin building codes and the Uniform Sign Code and the  
2364 Uniform Building Code as published by the International Conference of  
2365 Building Officials.
  - 2366 2. All signs, including supports and attachments, shall be properly  
2367 maintained and have an appearance that is neat and clean and kept free  
2368 of rubbish and weeds.

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- 2369 3. All ground sign structures shall be self-supporting structures and  
2370 permanently attached to sufficient foundations.  
2371 4. All signs using electric power shall have a cut-off switch on the outside of  
2372 the sign and electrical service to ground signs shall be concealed  
2373 wherever possible.  
2374 5. Illuminated signs shall be diffused or indirect so as not to direct rays of  
2375 lighting onto any public road.  
2376 6. Signs not meeting the standards of this Section may be removed by the  
2377 Town.

#### 2378 H. Portable Signs.

- 2379 1. A sign permit is required for a portable sign.  
2380 2. Permits shall be issued for a period not to exceed thirty (30) days in any  
2381 calendar year.  
2382 3. Any sign remaining on the premises for more than thirty (30) days in any  
2383 calendar year shall be deemed to be a permanent sign and shall meet all  
2384 the requirements for a permanent sign.  
2385 4. No portable sign shall exceed thirty-two (32) square feet and no portable  
2386 sign shall be over seven (7) feet in height from grade level.  
2387 5. All portable signs shall have a minimum setback from the property line of  
2388 fifteen (15) feet or an additional setback as deemed necessary.

#### 2389 I. Nonconforming Signs.

- 2390 1. Any sign located within the Town of Forest prior to the date of adoption of  
2391 this Ordinance hereafter which does not conform to the provisions of this  
2392 Section is considered a nonconforming sign and is permitted.  
2393 2. A sign loses its nonconforming status if one (1) of the following occurs:  
2394 a. The sign is relocated.  
2395 b. The sign fails to comply with the Town requirements regarding  
2396 maintenance and repair.  
2397 c. The sign is abandoned.  
2398 d. On the date of occurrence of any of the above, the sign shall be  
2399 immediately brought into compliance with this Section and new  
2400 permit secured therefore or the sign shall be removed.  
2401 3. Nothing in this Section shall relieve the owner or user of a legal  
2402 nonconforming sign or the owner of the property on which the sign is  
2403 located from the provisions of this Section regarding safety, maintenance  
2404 and repair of signs.

#### 2405 J. Violations.

- 2406 1. Any person, firm or corporation who begins, erects or completes  
2407 construction of any sign controlled by this Section prior to receiving a sign  
2408 permit shall pay a penalty of double the amount of the sign permit fee.  
2409 2. Written notice will be provided to the sign owner and property owner for  
2410 any sign found to be in violation of the provisions of this Section.  
2411 3. The Town may remove any non-compliant signs at the expense of the  
2412 sign owner after proper notice and inaction by the sign owner or property  
2413 owner to bring the sign into compliance.  
2414

*St Croix County Board approved 1.7.14*

## 2415 SECTION 10 MAXIMUM RESIDENTIAL DENSITY

2416  
2417 A. Purpose. Maximum residential densities are established in order to allow greater  
2418 flexibility to create additional residential lots in certain districts while preserving  
2419 productive agricultural land and open space in the Town.

## 2420 B. Applicability.

- 2421 1. The standards in this Section shall apply to the creation of residential lots  
2422 in the Agricultural and Agricultural-Residential Districts.  
2423 2. No lot or building site shall be created which does not meet the  
2424 appropriate zoning district's minimum lot area requirements of this  
2425 Ordinance.  
2426 3. No parcel shall be created which does not allow at least one (1) residential  
2427 lot under the maximum density calculation unless such parcel is  
2428 permanently deed restricted to a non-residential use. Any such use must  
2429 comply with this Zoning Ordinance.  
2430 4. Parcels of land existing on the effective date of this Ordinance shall not be  
2431 subdivided into residential lots which exceed the allowable number of lots  
2432 per forty (40) acres or portions thereof for the Agricultural and Agricultural-  
2433 Residential Districts.

## 2434 C. Calculation.

- 2435 1. The allowable number of residential lots shall be calculated by multiplying  
2436 the acreage of the parcel by the maximum residential density per forty (40)  
2437 acres.  
2438 2. Any fractional lot resulting from the calculation in (1) above of this Section  
2439 which is at least .75 or higher shall be rounded up to the next whole  
2440 number.  
2441 3. Any existing residence on a parcel to be subdivided shall count against  
2442 the maximum residential density allowed, except for those allowed in  
2443 Article 3, Section 5(B)(16) of this Ordinance.

## 2444 D. Official Density Map.

- 2445 1. Allowable residential density will be recorded on a map kept on file in the  
2446 Forest Town Hall.  
2447 2. The number of residential lots created and the available number of lots  
2448 remaining under the corresponding zoning district shall be noted on the  
2449 map.

## 2450 SECTION 11 NONCONFORMING USES, STRUCTURES AND LOTS

## 2451 A. Applicability.

- 2452  
2453 1. Within the Town of Forest, there may be existing uses of land and  
2454 structures that lawfully existed prior to the enactment, or amendments  
2455 thereto, of this Ordinance which do not conform to the regulations herein.  
2456 2. Such nonconforming conditions may continue subject to the regulations  
2457 contained in this Section.  
2458

## 2459 B. Nonconforming Uses.

- 2460 1. Continuance.

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- 2461 a. Any nonconforming use lawfully existing upon the effective date of  
2462 this Ordinance, or any amendment thereof, may be continued at the  
2463 size and in a manner of operation existing upon such date, except  
2464 as specified in this Section.
- 2465 b. Only that portion of the land in actual use may be so continued.
- 2466 c. Uses or adjuncts thereof which are or become nuisances shall not  
2467 be entitled to continue as nonconforming uses.
- 2468 2. Modification and Maintenance.
- 2469 a. No nonconforming use shall be expanded, enlarged or extended in  
2470 any way which increases its nonconformity, unless the use is  
2471 changed to a permitted use in the district in which it is located.
- 2472 b. No nonconforming use shall be changed into another  
2473 nonconforming use.
- 2474 c. The total structural repairs or alterations to a nonconforming use's  
2475 building, premises, structure or fixture shall not during its life  
2476 exceed fifty (50%) percent of the assessed value of the building,  
2477 premises, structure or fixture unless permanently changed to a  
2478 conforming use.
- 2479 3. Discontinuance. When any nonconforming use is discontinued for a  
2480 period of twelve (12) consecutive months, or is changed into a conforming  
2481 use, any future use of the building, premises, structure, or fixture shall  
2482 conform to the provisions of this Ordinance.
- 2483 C. Nonconforming Structures.
- 2484 1. Continuance. Any nonconforming structure lawfully existing upon the  
2485 effective date of this Ordinance, and amendments thereof, may be  
2486 continued at the size and in a manner of operation existing upon such  
2487 date, except as specified in this Section.
- 2488 2. Modification.
- 2489 a. Any nonconforming structure lawfully existing upon the effective  
2490 date of this Ordinance, and amendments thereof, may be extended,  
2491 enlarged, reconstructed, moved, or structurally altered provided  
2492 that said extension, enlargement, reconstruction, movement, or  
2493 alteration complies with the zoning and building requirements of the  
2494 specific zoning district.
- 2495 b. The nonconforming feature of a lawful nonconforming structure  
2496 shall not be allowed to increase its nonconformity by being  
2497 extended, enlarged, reconstructed, moved, or structurally altered  
2498 except under one (1) or more of the following conditions:
- 2499 i. When required to do so by law.
- 2500 ii. When required to comply with state or federal requirements.
- 2501 iii. To comply with provisions of this Ordinance.
- 2502 iv. With approval of a variance by the Board of Appeals.
- 2503 c. When any lawful nonconforming structure in any district is modified  
2504 so as to be in conformance with provisions of this Ordinance, any  
2505 future modifications of that structure shall be in conformance with  
2506 the provisions of this Ordinance.

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3. Maintenance.

- a. Ordinary maintenance repairs, including repairs reasonably necessary to prevent the deterioration of a structure, and remodeling of a nonconforming structure are permitted, as well as necessary nonstructural repairs and alterations which do not extend, enlarge, or intensify the nonconforming structure.
- b. Ordinary maintenance repairs and remodeling include the following:
  - i. Internal and external painting.
  - ii. Decorating.
  - iii. Paneling.
  - iv. Installation of heating, electricity, plumbing (including fixtures) or insulation.
  - v. Replacement of doors, windows, and other non-structural components.

4. Restoration of Damaged Structures.

- a. A damaged or destroyed nonconforming structure may be restored to the size, location, and use that it had immediately before the damage or destruction occurred, without any limits on the costs of repair, reconstruction, or improvement if all the following apply:
  - i. The nonconforming structure was damaged or destroyed on or after March 2, 2006.
  - ii. The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.
- b. Any nonconforming structure to be restored, for which (4)(a) above applies, shall allow for the size of the structure to be larger than the size it was immediately before the damage or destruction if necessary for the structure to comply with applicable state or federal requirements.

5. Unsafe Structures. Nothing in this Ordinance shall preclude the Building Inspector or any other Town official from initiating remedial or enforcement actions when a lawful nonconforming structure is declared unsafe or presents a danger to the public health, safety, or welfare or is violation of any applicable Town ordinances.

D. Nonconforming Lots.

1. Contiguous nonconforming lots under common ownership shall be combined prior to the issuance of any zoning permit contained in this Ordinance.
2. A nonconforming lot may be used for any use permitted in the zoning district in which the lot is located but shall not be a building site, unless a variance is granted by the Board of Appeals.

2553 **ARTICLE 5 PERFORMANCE STANDARDS**

2554  
2555 **SECTION 1 PURPOSE AND INTENT**  
2556

2557 The purpose of this section establishing performance standards is to encourage a high  
2558 standard of development. The standards are intended to prevent and eliminate those  
2559 conditions that cause blight and potential hazardous and nuisance-like effects and to  
2560 assure that neighboring land uses are compatible. All development after the effective  
2561 date of this Ordinance shall be required to meet these standards and may apply to  
2562 existing development where so stated.

2563  
2564 **SECTION 2 ACCESSORY BUILDINGS**  
2565

- 2566 A. Required Permits. A land use permit and building permit are required for all  
2567 accessory buildings.
- 2568 B. Performance Standards. Accessory buildings must comply with the following  
2569 standards in all districts.
  - 2570 1. No accessory building shall be used as a separate dwelling unit.
  - 2571 2. All accessory buildings are to be used for personal or agricultural use only.  
2572 No commercial use or commercially-related use is allowed in these  
2573 structures except by conditional use permit.
  - 2574 3. An accessory building shall not exceed thirty-five (35) feet in height, as  
2575 measured from the finished grade to the roof peak.
  - 2576 4. The permitted size of accessory buildings are as follows:  
2577

Lot Area	Total square footage of accessory buildings	Number of allowed accessory buildings
Less than 1 acre	1,200	1
1 acre – 5 acres	2,500	2
5 acres – 10 acres	5,000	3
10 acres – 20 acres	10,000	4
Greater than 20 acres	Unlimited*	Unlimited*

2578 \*provided they are agricultural buildings, if not the standards for 10-20  
2579 acre lot area is applied  
2580

2581 **SECTION 3 ADULT ESTABLISHMENTS**  
2582

- 2583 A. Purpose. To create an overlay zoning district whereby adult establishments are  
2584 sufficiently separated from each other and from conflicting uses so as to  
2585 minimize the negative secondary effects of adult uses on other properties in the  
2586 Town.
- 2587 B. Definitions.
  - 2588 1. Adult Bookstore. An establishment which, as its substantial course of  
2589 conduct, presents adult entertainment for observation by patrons therein,  
2590 or which, as part of its substantial course of conduct, offers for sale, rent,

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- 2591 trade, lease, inspection or viewing books, films, videocassettes,  
2592 magazines or other such media, which are distinguished or characterized  
2593 by their emphasis on matters depicting, describing or relating to specific  
2594 anatomical areas or specified sexual activities.
- 2595 2. Adult Cabaret. A nightclub, dance hall, bar, restaurant or similar  
2596 commercial establishment that regularly features:
- 2597 a. Persons who appear in a state of nudity or semi-nudity; or  
2598 b. Live performances that are characterized by specified sexual  
2599 activities; or  
2600 c. Films, motion pictures, videocassettes, slides or other photographic  
2601 reproductions that are characterized by the depiction or description  
2602 of specified sexual activities or nudity.
- 2603 3. Adult Entertainment. Any exhibition of any motion picture, live  
2604 performance, display or dance of any type which has as a significant or  
2605 substantial portion of such performance, or is distinguished or  
2606 characterized by an emphasis on any actual or simulated performance of  
2607 specified sexual activities or exhibition and viewing of specified anatomical  
2608 areas.
- 2609 4. Adult Establishment. Includes adult bookstores, adult motion-picture  
2610 theaters, adult novelty stores, and further means any premises to which  
2611 public patrons or members are invited or admitted that is substantially  
2612 devoted to the purveyance, demonstration or display of specified sexual  
2613 activities or specified anatomical areas.
- 2614 5. Adult Motion-Picture Theater. Any establishment for the presentation of  
2615 motion pictures that as its dominant theme, or distinguished or  
2616 characterized by an emphasis on, matters depicting, describing or relating  
2617 to specified sexual activities or specified anatomical areas for observation  
2618 by patrons therein.
- 2619 6. Adult Novelty Store. Any establishment which as its substantial course of  
2620 conduct offers for sale, rent, trade, lease, inspection or viewing any adult  
2621 novelty items, sex toys, sexual gratification appliances, or other similar  
2622 products, excluding contraceptives or similar products of medical value,  
2623 that are distinguished or characterized by their emphasis on matters  
2624 depicting, describing or relating to specified sexual activities or specified  
2625 anatomical areas.
- 2626 7. Sexually-Oriented Business. An adult bookstore, adult establishment,  
2627 adult motion-picture theater, adult novelty store, adult cabaret, a business  
2628 featuring adult entertainment or other business classified as an adult  
2629 establishment.
- 2630 8. Specified Anatomical Areas:
- 2631 a. Less than completely and opaquely covered human genitals or  
2632 pubic region.  
2633 b. Human male genitals in a discernibly turgid state, even if opaquely  
2634 covered.  
2635 c. Less than completely and opaquely covered nipples or areolas of  
2636 the human female breast.

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- 2637 9. Specified Sexual Activities. Simulate or actual:  
2638 a. Showing of human genitals in a state of sexual stimulation or  
2639 arousal; or  
2640 b. Acts of masturbation, sexual intercourse, sodomy, bestiality,  
2641 necrophilia, sadomasochistic abuse, fellatio or cunnilingus; or  
2642 c. Fondling or erotic touching of human genitals, pubic region,  
2643 buttocks or female breasts.
- 2644 10. Substantial. Forty (40%) percent or more of a business stock-in-trade,  
2645 display space, floor space or retail sales in any one month. Upon  
2646 reasonable belief that an entity is in excess of the forty-percent threshold,  
2647 that entity shall provide all necessary records, receipts and documentation  
2648 to the Town upon request. Failure to do so shall result in a presumption  
2649 that the entity is operating in excess of the threshold.
- 2650 11. The above definitions are not intended to imply that the described  
2651 activities are lawful under state or federal law. Any adult establishment  
2652 and/or any sexually oriented business must comply with all applicable  
2653 county, state and federal laws or regulations, in addition to the  
2654 requirements of this ordinance.
- 2655 C. Location.
- 2656 1. No adult establishment shall be located:  
2657 a. Within any zoning district other than the Commercial District.  
2658 b. Within 1,320 feet of an existing adult establishment.  
2659 c. Within 1,320 feet of any lot with a residential dwelling.  
2660 d. Within 2,640 feet of any preexisting school, daycare, church, or  
2661 public recreational facility.  
2662 e. Within 1,320 feet of any preexisting establishment licensed to sell  
2663 or dispense fermented malt beverages of intoxicating liquor.
- 2664 2. For purposes of this section, distances are to be measured in straight line,  
2665 without regard to intervening structures or objects, from the property line  
2666 of the adult establishment, to the nearest property line of another adult  
2667 establishment, dwelling, school, church, daycare or establishment selling  
2668 or dispensing fermented malt beverages of intoxicating liquor.
- 2669 D. Hours of Operation.
- 2670 1. No adult establishment shall be open between the hours of 2:00 a.m. and  
2671 8:00 a.m., Monday through Friday, between the hours of 2:00 a.m. and  
2672 12:00 noon on Saturdays, or on Sundays.
- 2673 2. All adult establishments shall be open to inspection at all reasonable times  
2674 by the St. Croix County's Sheriff's Department and the code enforcement  
2675 officer.
- 2676 E. Regulation of Sexually-Oriented Business.
- 2677 1. The sale, use or consumption of alcoholic beverages on the premises of a  
2678 sexually-oriented business is prohibited.
- 2679 2. It shall be unlawful to allow a person who is younger than eighteen (18)  
2680 years of age to enter or be on the premises of a sexually-oriented  
2681 business at any time the sexually-oriented business is open for business.

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- 2682 3. It shall be the duty of the operator of each sexually-oriented business to  
 2683 ensure that an attendant is stationed at each public entrance to the  
 2684 sexually-oriented business at all times during such sexually-oriented  
 2685 businesses' regular business hours. It shall be the duty of the attendant to  
 2686 prohibit any person under the age of eighteen (18) years from entering the  
 2687 sexually-oriented business. It shall be presumed that an attendant knew a  
 2688 person was under the age of eighteen (18) unless such attendant asked  
 2689 for and was furnished:  
 2690 a. A valid operator's, commercial operator's or chauffer's driver's  
 2691 license; or  
 2692 b. Personal identification card issued by a state agency reflecting that  
 2693 such person is eighteen (18) years of age or older.  
 2694 4. No person shall cause another to commit a violation of this Section, not  
 2695 shall any person permit such violation to occur on any premises under  
 2696 his/her control, tenancy, management or ownership.

2697 F. Violations and Penalties.

- 2698 1. Violation of the use provisions of this Section is declared to be a public  
 2699 nuisance, and shall be subject to abatement procedures.  
 2700 2. Any person, partnership or corporation who violates any of the provisions  
 2701 of this Section shall be subject to a forfeiture of not less than \$200 and not  
 2702 more than \$500 per violation. A separate offense and violation shall be  
 2703 deemed committed on each day which a violation occurs or continues.  
 2704

2705 SECTION 4 ANIMAL HOUSING AND ANIMAL WASTE STORAGE STRUCTURES  
 2706

- 2707 A. The following structure setbacks apply to animal housing structures containing  
 2708 one (1) or more animal units and animal waste storage structures located in any  
 2709 zoning district.  
 2710 1. Animal Housing Structures.  
 2711 a. Less than five hundred (500) animal units: Minimum one hundred  
 2712 (100) feet from any property line or public right-of-way.  
 2713 b. Greater than five hundred (500) animal units: Minimum two  
 2714 hundred (200) feet from any property line or public right-of-way.  
 2715 2. Animal Waste Storage Structures.  
 2716 a. Less than five hundred (500) animal units: Minimum one hundred  
 2717 (100) feet from any property line or public right-of-way.  
 2718 b. Greater than five hundred (500) animal units: Minimum three  
 2719 hundred and fifty (350) feet from any property line or public right-of-  
 2720 way.  
 2721 c. Exceptions:  
 2722 i. Equipment and piping used to transport animal waste from  
 2723 an animal housing structure to an animal waste storage  
 2724 structure.  
 2725 ii. The animal storage structure existed prior to the adoption of  
 2726 this Ordinance.

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- iii. The animal waste storage structure is a single new structure constructed no closer to the relevant property line or public right-of-way than an existing animal waste storage structure that existed on the same parcel prior to the adoption of this Ordinance, provided that the new structure is no larger than the existing structure and is located within fifty (50) feet of the existing structure and is cannot be located closer to the property line.

SECTION 5 COMMERCIAL KENNELS

- A. Required License and Permit. A conditional use permit is required for commercial kennels in the Agricultural and Agricultural-Residential Districts and must comply with all rules and regulations of Federal, State, County and local agencies.
- B. Performance Standards. Commercial kennels must comply with the following standards in all districts.
  - 1. Any outdoor structures used for the confinement, care or breeding of animals shall be setback a minimum of three hundred (300) feet from any property line.
  - 2. Kennel structures shall provide soundproofing so that animal noise cannot be heard beyond the owner’s lot lines.
  - 3. Kennel structures shall be located at least fifty (50) feet from any potable water supply well.
  - 4. Animals shall be housed indoors from 9:00 p.m. to 6:00 a.m.
  - 5. Parking areas, outside pens and runs, and kennel structures shall be screened by landscaping or other suitable means when visible from adjoining properties.
  - 6. Wastewater and water systems shall be sufficient to service the proposed use.
  - 7. The Town Board may place additional conditions on commercial kennels in order to eliminate any perceived or reported issues regarding noise and animal waste odors from the operation.

SECTION 6 FENCES

- A. Required Permits. A building permit is required for non-agricultural fences in all zoning districts and must comply with all rules and regulations of Federal, State, County and local agencies.
- B. Performance Standards. Fences on non-agricultural properties must comply with the following regulations:
  - 1. The finished side of the fence, not showing the structural supports, shall face the abutting property.
  - 2. No fence shall be constructed on public rights-of-way.

- 2771 3. Fences shall not impede the vision of the roadway from a driveway  
 2772 providing access to the road, and shall be in compliance with Article 4,  
 2773 Section 6(F)(e) of this Ordinance.  
 2774 4. Fences shall not exceed six (6) feet in height.  
 2775 5. Fences may be constructed along the lot line.  
 2776 a. The property owner constructing the fence is solely responsible for  
 2777 ensuring that the fence is located on their property.  
 2778 b. The Town may request additional information in order to determine  
 2779 if the proposed location of the fence is in compliance.  
 2780 6. All fences shall be maintained and kept safe and in a state of good repair.  
 2781 7. Barbed wire fences are not allowed in the Residential District, except may  
 2782 be allowed along property lines bordering the Residential, Agricultural, and  
 2783 Agricultural-Residential zoning districts.  
 2784

## 2785 SECTION 7 HOME OCCUPATIONS

- 2786  
 2787 A. Purpose. The purpose of this Section is to:  
 2788 1. Protect residential and agricultural areas from adverse impacts of activities  
 2789 associated with home occupations;  
 2790 2. Permit residents of the Town of Forest an opportunity to conduct a  
 2791 business at their place of residence;  
 2792 3. Establish criteria and develop standards for home occupations conducted  
 2793 in dwelling units and accessory buildings in the following districts:  
 2794 Residential, Agricultural, and Agricultural-Residential.  
 2795 B. Intent. The intent of this Section is to provide for certain types of restricted  
 2796 occupational uses within the Residential, Agricultural, and Agricultural-  
 2797 Residential districts which:  
 2798 1. Are incidental to the use of the premises as a residence or farm;  
 2799 2. Are compatible with residential and agricultural uses;  
 2800 3. Are limited in extent; and  
 2801 4. Do not detract from the residential or agricultural character of the  
 2802 neighborhood.  
 2803 C. General Standards. The following standards shall apply to all home occupations:  
 2804 1. The person principally responsible for the home occupation must reside at  
 2805 the location of the proposed home occupation.  
 2806 2. All home occupations shall be clearly incidental and secondary to the use  
 2807 of a dwelling or accessory building for residential or agricultural purposes,  
 2808 and the appearance of the structure shall not be altered or the occupation  
 2809 within the dwelling or accessory building be conducted in such a manner  
 2810 which would cause the premises to differ from its residential or agricultural  
 2811 character by either the use of colors, materials, construction, lighting,  
 2812 signs, or the emission of sounds, noises, odors or vibrations.  
 2813 3. In no case shall any home occupation be open to the public at times  
 2814 earlier than 7:00 a.m. nor later than 10:00 p.m.  
 2815 4. A home occupation shall have adequate off-street parking spaces  
 2816 available to compensate for additional parking needs generated.

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- 2817 5. There shall be no exterior storage of business equipment, materials,  
2818 merchandise, inventory, vehicles or heavy equipment.
- 2819 6. Home occupations shall not produce noise or objectionable odors,  
2820 vibrations, glare, fumes or electrical interference detectable beyond the lot  
2821 line of the parcel on which the home occupation is located.
- 2822 7. Home occupations shall not illegally discharge any materials, fluids or  
2823 gases into the sewer system or into an on-site waste disposal system nor  
2824 discharge such items in violation of any applicable government code.
- 2825 8. Garage sales, craft sales or other similar sales are permitted without a  
2826 permit provided that they meet the following standards:
- 2827 a. Sales last no longer than three (3) days.
- 2828 b. Sales are held no more than four yearly.
- 2829 c. Sales are conducted on the owner's property. Multiple family sales  
2830 are permitted if they are held on the property of one of the  
2831 participants.
- 2832 d. No goods purchased for resale are offered for sale.
- 2833 e. No consignment goods may be offered for sale.
- 2834 f. Directional signs may not be placed in the right-of-way.
- 2835 g. All directional and advertising signs shall be freestanding and  
2836 removed upon completion of the sale.
- 2837 h. All directional and advertising signs placed on private property shall  
2838 have the owner's permission.
- 2839 i. No directional or advertising signs may be larger than four (4) feet  
2840 square.
- 2841 9. Signs must be in compliance with Article 4, Section 9 of this Ordinance.
- 2842 10. Adequate sanitary systems must be in place in compliance with the St.  
2843 Croix County Sanitary Ordinance.
- 2844 D. Minor Home Occupations. A minor home occupation is a home occupation  
2845 authorized by this Section with an approved land use permit in compliance with  
2846 this Section.
- 2847 1. General Standards.
- 2848 a. Minor home occupations shall not be conducted in any building on  
2849 the premises other than the principal dwelling.
- 2850 b. Not more than one (1) person other than a resident of the principal  
2851 dwelling may be engaged or employed in a minor home occupation.
- 2852 c. The area set aside for the home occupation shall not exceed twenty  
2853 percent (20%) of the total floor area of such residence.
- 2854 d. There shall not be conducted on the premises the selling of stocks  
2855 of merchandise, supplies or products, provided that orders  
2856 previously made by telephone or at a sales party may be filled on  
2857 the premises. That is, the direct sale of products off display  
2858 shelves or racks is not allowed, but a person may pick up an order  
2859 placed earlier as described above.
- 2860 e. Parties for the purpose of selling merchandise or taking orders shall  
2861 be not be held more than four (4) times each month.

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- 2862 2. Permitted Minor Home Occupations. Permitted minor home occupations  
2863 include, but are not limited to, the following:  
2864 a. Accounting and bookkeeping services.  
2865 b. Computer programming, data entry or other data processing  
2866 services.  
2867 c. Dressmaking, sewing and tailoring.  
2868 d. Home cooking and preserving for sale off-site.  
2869 e. Home crafts for sale off-site.  
2870 f. Painting, sculpturing or writing.  
2871 g. Real estate services.  
2872 h. Secretarial services.  
2873 i. Telephone answering or marketing.  
2874 j. Tutoring.
- 2875 E. Major Home Occupations. A major home occupation is any proposed or existing  
2876 home occupation that does not meet the standards for a minor home occupation  
2877 and may only be allowed in the Residential, Agricultural, and Agricultural-  
2878 Residential districts.
- 2879 1. General Standards.
- 2880 a. A major home occupation may only be authorized as a Conditional  
2881 use by the Town Board following the provisions of Article 2, Section  
2882 5 of this Ordinance.
- 2883 b. Conditional use permits for major home occupations shall not be  
2884 granted when it appears to the Town Board that the proposed  
2885 home occupation will constitute a fire hazard to neighboring  
2886 property owners, will adversely affect neighboring property values,  
2887 or will constitute a nuisance or otherwise be detrimental to the  
2888 neighbors because of excessive traffic, noise, odors or other  
2889 circumstances.
- 2890 c. In order to guarantee that a major home occupation, once  
2891 authorized, will not become a nuisance to the neighbors or  
2892 otherwise violate these guidelines, the Town Board may impose  
2893 reasonable conditions necessary to protect the public health, safety  
2894 and welfare.
- 2895 d. Conditional use permits for major home occupations granted by this  
2896 Section shall be temporary in nature and shall be granted to a  
2897 designated person who resides at the location of the home  
2898 occupation. They are not transferable from person to person or  
2899 from address to address.
- 2900 2. In addition to the specific conditions imposed by the Town Board, all major  
2901 home occupations shall also meet the following standards:
- 2902 a. Major home occupations must be conducted within the principal  
2903 dwelling or permitted accessory building.
- 2904 b. Major home occupations may not be located within twenty-five (25)  
2905 feet from any property line, the Plan Commission or Town Board  
2906 may impose greater setbacks as a condition of the conditional use  
2907 permit.

*St Croix County Board approved 1.7.14*

- 2908 c. Interior or exterior business signs shall be limited to one (1) sign not
- 2909 to exceed six (6) square feet that conforms to all other sign
- 2910 regulations otherwise provided in this Ordinance.
- 2911 d. No more than two (2) persons other than a resident of the principal
- 2912 dwelling may be employed or engaged in a major home occupation.
- 2913 e. The area set aside for the major home occupation shall not exceed
- 2914 twenty (20%) percent of the total floor area of the principal dwelling.
- 2915 Where an accessory building is used, the total floor area dedicated
- 2916 to the home occupation, including any area used in the dwelling,
- 2917 shall be limited to one thousand (1,000) square feet. The Town
- 2918 Board shall determine an appropriate maximum square footage for
- 2919 the specific proposed home occupation as part of its review.
- 2920 f. Only merchandise directly incidental to a service provided may be
- 2921 displayed or sold within the dwelling or structure used for a major
- 2922 home occupation.

F. General Provisions.

- 2923 1. Applications. Applications for major and minor home occupations shall be
- 2924 filed with the Zoning Administrator with an application fee provided in the
- 2925 Town of Forest Fee Schedule.
- 2926 a. Minor home occupations require a land use permit.
- 2927 b. Major home occupations require a conditional use permit, in
- 2928 compliance with the procedures contained in Article 2, Section 5.
- 2929 2. Inspections.
- 2930 a. There may be one (1) annual inspection each year of any
- 2931 authorized home occupation by the Zoning Administrator or his/her
- 2932 designee.
- 2933 b. In addition, the Zoning Administrator or his/her designee shall have
- 2934 the right at any time, upon reasonable request, to enter and inspect
- 2935 the premises for safety and compliance purposes.
- 2936 3. Transfers. Should a home occupation permit holder (conditional use
- 2937 permit holder) die or move to a new location, the existing permit shall be
- 2938 automatically terminated, except that, in the case of death, should a
- 2939 surviving spouse or child residing at the same residence desire to
- 2940 continue the home occupation, the Town Board may authorize
- 2941 continuation of that permit upon written request without further hearing.
- 2942 4. Revocation. Conditional use permits for a major home occupation, once
- 2943 granted, may be revoked by the Town Board, for cause, after hearing
- 2944 before the Town Board. All such revocations shall be administered in
- 2945 accordance with Article 2, Section 5(B)(5).
- 2946 5. Abatement. Any nonconforming home occupation shall be discontinued or
- 2947 comply with all applicable provisions of this Section within one (1) year
- 2948 after the home occupation first became nonconforming.
- 2949 6. Penalties. Penalties for failure to apply for an applicable permit or failure
- 2950 to comply with the provisions of this Section or the conditions of such
- 2951 permit shall be as prescribed in the Town's Citation Ordinance.
- 2952
- 2953

*St Croix County Board approved 1.7.14*

2954 SECTION 8 JUNKYARDS/SALVAGE YARDS, CONTRACTOR'S STORAGE YARD,  
2955 RECYCLING CENTER  
2956

- 2957 A. Required Permits. A conditional use permit is required for all junkyards/salvage  
2958 yards, contractor's storage yards, or recycling centers in the Agricultural,  
2959 Agricultural-Residential, and Commercial Districts.
- 2960 B. Performance Standards. Junkyards/salvage yards, contractor's storage yard,  
2961 and recycling centers must comply with the following standards in all districts.
- 2962 1. Any such use must comply with all rules and regulations of Federal, State,  
2963 County and local agencies, including the Town Junkyard Ordinance.
  - 2964 2. Landscaping shall be installed to buffer the use from adjacent residential  
2965 land uses and to provide screening from public roads. A landscape plan  
2966 shall be submitted to the Zoning Administrator at the time of application for  
2967 a conditional use permit.
  - 2968 3. Any processing equipment shall be enclosed within a structure.
  - 2969 4. Exterior storage must be screened from view of all adjacent properties.

2970  
2971 SECTION 9 MINI-STORAGE/SELF-STORAGE FACILITIES  
2972

- 2973 A. Required Permits. A land use permit is required for all mini-storage/self-storage  
2974 facilities in the Commercial District.
- 2975 B. Performance Standards. Mini-storage/self-storage facilities must comply with the  
2976 following standards.
- 2977 1. Units are not to be used for retailing, auto repair, human habitation, or any  
2978 commercial activity.
  - 2979 2. Storage of any flammable or hazardous material is prohibited.
  - 2980 3. No outside storage is allowed.
  - 2981 4. On-site management is allowed provided adequate wastewater and water  
2982 systems are provided.
  - 2983 5. The facility shall be secured by either the walls of the structure and/or  
2984 fencing.
  - 2985 6. All doors on the units shall face inward and away from the street and  
2986 property lines.
  - 2987 7. Only one (1) exit and entrance are allowed except for an additional  
2988 emergency exit.
  - 2989 8. Interior drives must be wide enough to accommodate a parked car and  
2990 traffic that must pass.

2991  
2992 SECTION 10 MOBILE HOMES  
2993

- 2994 A. All mobile homes located in the Town of Forest shall be subject to the Town of  
2995 Forest Mobile Home Ordinance, to the extent applicable, and the following  
2996 requirements:

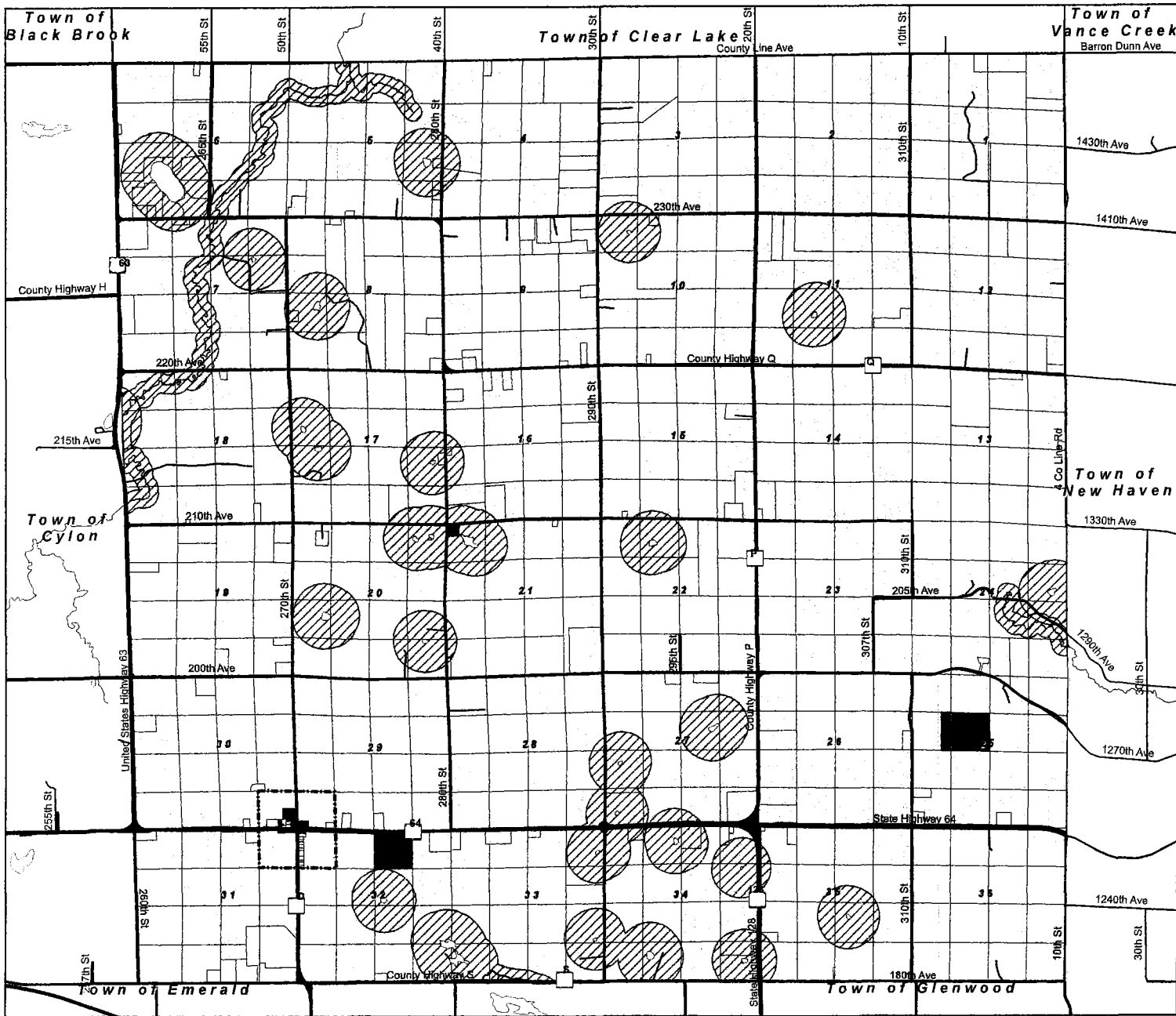
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*St. Croix County Board approved 1-7-14*

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1. Shall be a minimum of twelve (12) feet wide and be a minimum of six hundred (600) square feet and shall be no more than fifteen years old.
  2. Shall be approved by a HUD certification under Standards 101.94 (as authorized in 42 US 5401) as a manufactured home.
  3. Shall have its hitch and all wheels and axles removed and be mounted on and anchored to, a permanent foundation that meets all requirements of the Uniform Dwelling Code.
  4. The area beneath the mobile home, if not a continuous foundation, must be completely enclosed with a skirting material.
  5. Other than in designated areas such as campgrounds, or as provided elsewhere in this Chapter, a travel trailer will not be allowed on any lot for more than fourteen (14) days within any sixty (60) consecutive days. Travel trailers may be stored by owner on his/her lot if the lot has a principal structure and if the travel trailer is not used for permanent sleeping purposes.
  6. All mobile homes which are abandoned, burned or otherwise destroyed or substantially damaged must be removed from the lot or site on which they are located within six (6) months after abandonment, burning, destruction or substantial damage occurred.
  7. All mobile homes which are equipped with internal water supplies and plumbing must have a sanitary system which is approved in accordance with Wisconsin Administrative Code SPS 383.
- B. Pre-built, pre-fabricated or modular homes, which shall be mounted on a continuous permanent foundation, are not considered "mobile homes" and are permitted in any district that would permit on-site construction of a home, subject to all provisions and restrictions applicable to such a home, as if it were constructed on-site.
- C. Temporary Occupancy Permits. Any other provisions to the contrary notwithstanding, no person shall place, occupy or use a mobile dwelling unit for residential purposes, temporary or permanent, on any parcel not having a legal and occupied principal structure other than in areas specifically zoned and approved for such occupancy. However, the owner of a parcel who holds a valid zoning and sanitary permit for construction of a principal structure may apply for and obtain approval for temporary placement and occupancy of a mobile dwelling unit during construction on condition of connecting such unit to and use of a legal sanitary system. All Town-approved applications will be contingent upon filing by the applicant of a deed restriction by which the property owner agrees to abide by all Town and County conditions and to obey time deadlines for removal of the unit unless the deadlines are extended by the Zoning Administrator. All residential occupancy of the mobile dwelling unit shall cease, and, except as provided in this Section, the mobile dwelling unit shall be removed from the property when the principal structure is capable of occupancy

This Ordinance was duly adopted by the Town Board at a properly noticed Town



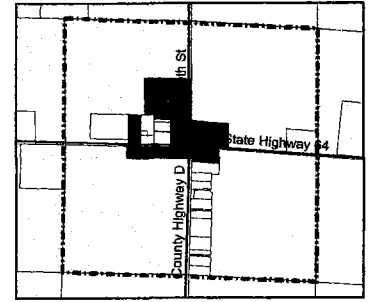
# TOWN OF FOREST

St. Croix County, Wisconsin

## ZONING MAP

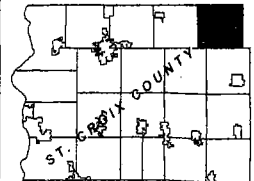
**LEGEND**

- Town of Forest
- Hamlet of Forest
- 11** Section
- Zoning Districts**
- Residential
- Agricultural
- Agricultural-Residential
- Commercial
- Mineral Extraction
- Conservancy
- Shoreland\*



\*Shoreland areas are regulated by the St. Croix County Shoreland Zoning Ordinance. Contact the St. Croix County Planning and Zoning Department for more information.

This map was created from records on file with St. Croix County and the Town of Forest. This is not a map of survey. There is no expressed or implied warranty as to its accuracy. The official Town Zoning Map is available at the Town Hall.



**Stevens**  
 ENGINEERS - PLANNERS - SURVEYORS  
 2211 O'Neil Road  
 Hudson, WI 54016  
 www.stevensengineers.com

Date: July 2013  
 Sources: Town of Forest,  
 St. Croix County, WDNR,  
 Stevens Engineers, Inc.

3045 Board meeting held on October 15, 2013, by a vote of 2 in favor, 0  
3046 opposed and 1 not voting.

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TOWN OF FOREST

By: *Jaime Junker*  
Jaime Junker, Town Chair

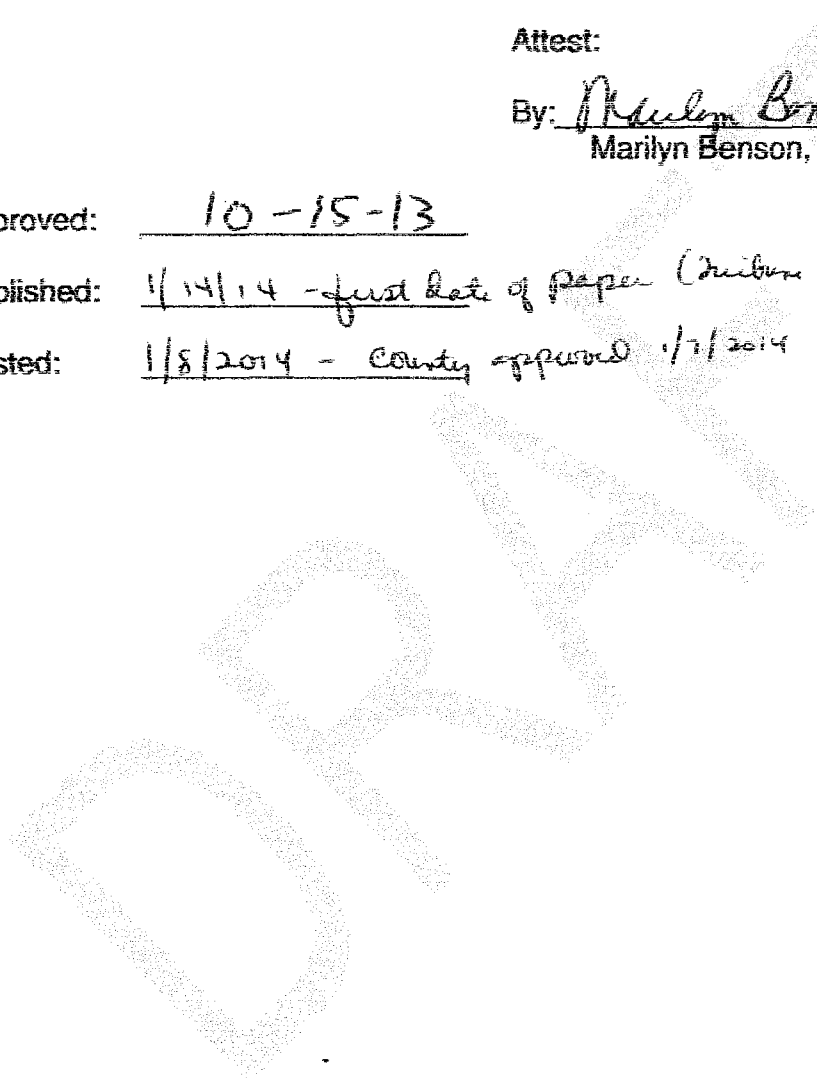
Attest:

By: *Marilyn Benson*  
Marilyn Benson, Town Clerk

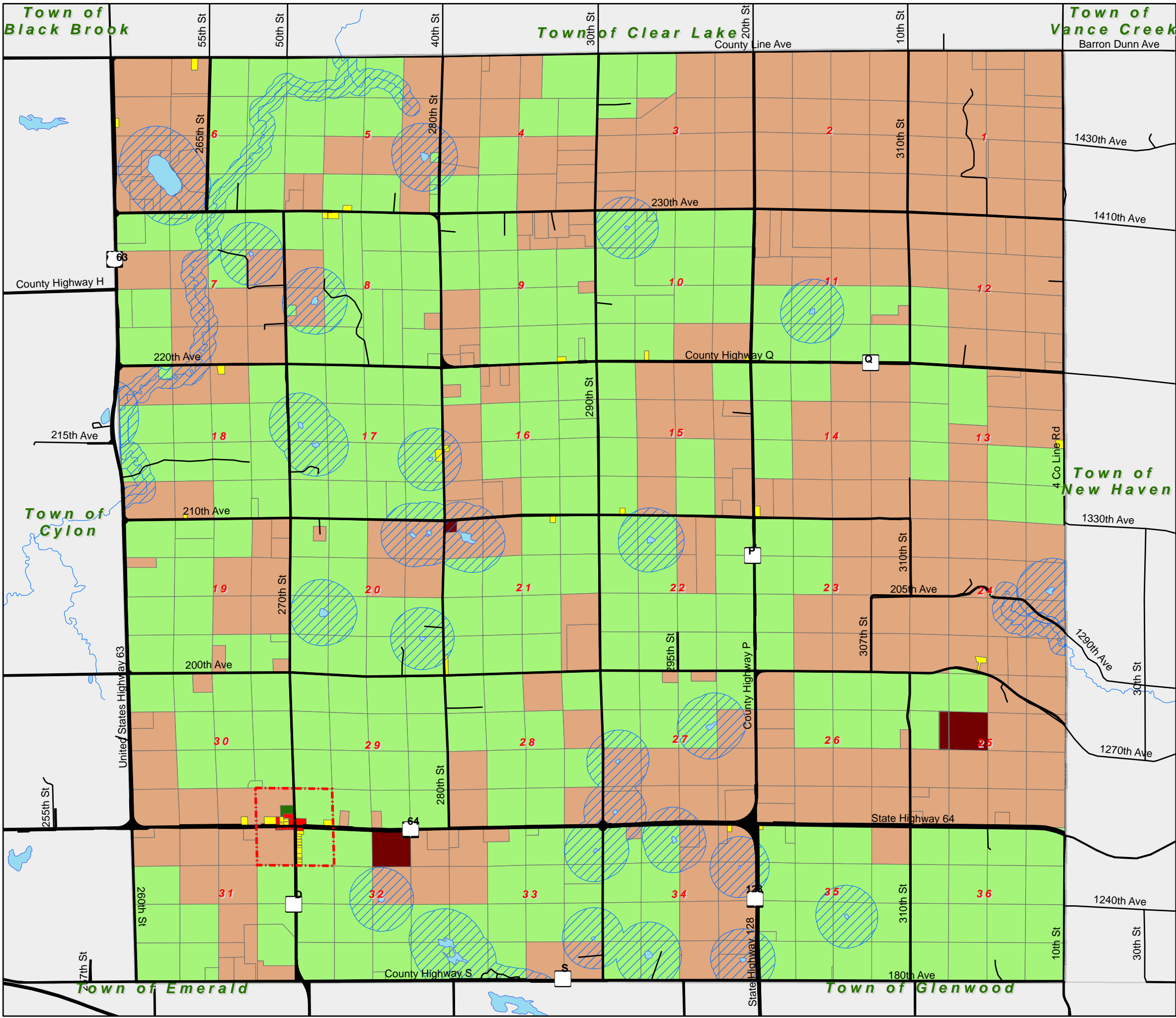
Approved: 10-15-13

Published: 1/14/14 - first date of paper (Dubuque Press) release following county approval 1/8/14

Posted: 1/8/2014 - County approved 1/7/2014



St Croix County Board approved 1.7.14



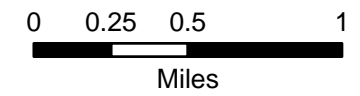
# TOWN OF FOREST

St. Croix County, Wisconsin

## ZONING MAP

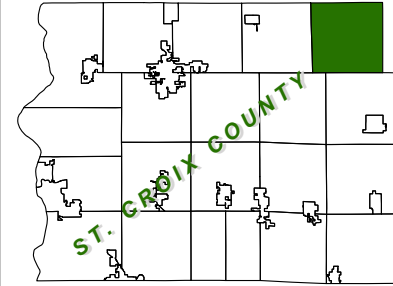
**LEGEND**

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Date: July 2013  
Source(s): Town of Forest,  
St. Croix County, WDNR,  
Stevens Engineers, Inc.



Resolution No. 2013-

RESOLUTION OF TOWN OF FOREST PLAN COMMISSION RECOMMENDING  
ADOPTION OF  
THE "TOWN OF FOREST AMENDED COMPREHENSIVE PLAN 2013 – 2033"

WHEREAS, the Town of Forest is authorized to prepare, amend and adopt a comprehensive plan as defined in sections 66.1001(1) (a) and 66.1001(2) of the Wisconsin Statutes; and

WHEREAS, the Town of Forest Plan Commission , St. Croix County, Wisconsin is authorized to review and recommend amendments to the Comprehensive Plan for the Town of Forest; and

WHEREAS, the Town of Forest Plan Commission has prepared a proposed Amended Comprehensive Plan for the Town of Forest which contains all of the elements specified in section 66.1001(2) of the Wisconsin Statutes; and

WHEREAS, the proposed Amended Comprehensive Plan also contains graphs, tables, and charts related to demographic and U.S. Census data, and maps and other information related to land use, infrastructure, and natural resources; and

WHEREAS, the Town Board and the Town Plan Commission have held a properly noticed joint meeting at which they conducted a public hearing on the proposed Amended Comprehensive Plan;

WHEREAS, pursuant to Wis. Stat. 66.1001 (4)(b), the Town of Forest Plan Commission may recommend that the governing body adopt the proposed Amended Comprehensive Plan by adoption of a resolution to that effect by a majority of the entire Plan Commission;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Forest Plan Commission does hereby recommend that the Town Board adopt the proposed Amended Town of Forest Comprehensive Plan 2013-2033, incorporating revisions, if any, that are deemed necessary as a result of the public hearing.

Resolution adopted on this 21<sup>st</sup> day of November, 2013.

YES 4 NO 2 ABSTAIN \_\_\_\_\_ ABSENT \_\_\_\_\_

Rick Steinberger  
Rick Steinberger, Plan Commission Chair

Attest Marilyn Benson  
Marilyn Benson, Town Clerk

Nikki Sunday -Acting.

**Town of Forest - St. Croix County**  
**Ordinance No. 2013- 86**

An Ordinance regarding the adoption of the Amended Comprehensive Plan for the Town of Forest, St. Croix County, Wisconsin.

The Town Board of the Town of Forest, St. Croix County, Wisconsin, does ordain as follows:

**Section 1.** Pursuant to Sec. 60.22(3) Wis. Stats. and Sec. 62.23(2) and (3), Wis. Stats., the Town of Forest is authorized to prepare, amend and adopt a comprehensive plan as defined in Sec. 66.1001(1)(a) and Sec. 66.1001(2), Wis. Stats.

**Section 2.** The Town Board of the Town of Forest, Wisconsin has adopted written procedures to foster public participation in every stage of the preparation of a comprehensive plan as required by Sec. 66.1001(4) (a), Wis. Stats.

**Section 3.** The Plan Commission of the Town of Forest, by a majority vote recorded in its official minutes dated November 21, 2013, has adopted a resolution recommending to the Town Board the adoption of the amended document entitled A Town of Forest Amended Comprehensive Plan 2013 - 2033@ containing all of the elements specified in Sec. 66.1001(2), Wis. Stats.

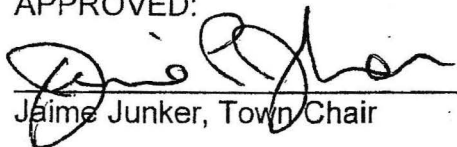
**Section 4.** The Town Plan Commission discussed the amendments to the Comprehensive Plan at properly noticed public Plan Commission meetings. In addition the Plan Commission and Town Board have held at least one public hearing on this ordinance and Amended Comprehensive Plan in compliance with the requirements of Sec. 66.1001(4) (d), Wis. Stats. on November 21, 2013 at 7:00 pm at the Forest Town Hall, 1895 Hwy D, Emerald, WI 54013.

**Section 5.** The Town Board of the Town of Forest, Wisconsin does, by enactment of this ordinance, formally adopt the amended document entitled, A Town of Forest Comprehensive Plan 2013 - 2033@, pursuant to Sec. 66.1001(4) (c), Wis. Stats.

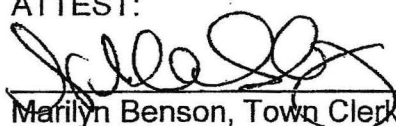
**Section 6.** This ordinance shall take effect upon passage by a majority vote of the members of the Town Board and publication as required by law.

Adopted by the Town Board of the Town of Forest this 21<sup>st</sup> day of November, 2013.

APPROVED:

  
Jaime Junker, Town Chair

ATTEST:

  
Marilyn Benson, Town Clerk

Adopted: 21 Nov, 2013  
Published: at Town Hall 11/28/2013  
Effective: \_\_\_\_\_

Acting Clerk NIKKI SUNDAY

**Before the Town Board of the Town of Forest  
Regarding Resolution Regarding Noise Monitoring of Proposed  
Highland Wind Farm Project**

---

WHEREAS the Town of Forest is a duly organized town government in the State of Wisconsin pursuant to Chapter 60 Wisconsin Statutes; and

WHEREAS since 2009 Emerging Energies has proposed to build a 40-44 turbine wind farm known as the Highland Wind Farm in the Town of Forest; and

WHEREAS Emerging Energies has failed to gain the support of a majority of the Town residents by failing to inform the town residents and the public early in the process of the size and potential safety hazards of the proposed turbines; and

WHEREAS, Highland Wind Farm's application to the Public Service Commission for a Certificate of Public Convenience and Necessity for the proposed 40-44 turbine wind farm shows that: 1) two of the former Town Board members are listed as participating property owners; and 2) two of the former Town Board members own or control properties that are designated as either primary or alternate locations for wind turbines.

WHEREAS the former Town Board members were replaced by the current Town Board in a recall election in order to evaluate whether the Highland project as designed is sufficiently protective of the health and safety of town residents: and

WHEREAS the Town has hired the services of a wind engineer, Wesley Slaymaker, an acoustician, Dr. Paul Schomer, an audiologist, and Dr. Jerry Punch, an epidemiologist, to evaluate the Highland Wind Farm and those experts have unanimously concluded that the project as designed would not protect the health and safety of Town residents because the proposed wind turbines are too large and too loud for available setbacks and would exceed legal noise thresholds; and

WHEREAS in December 2012, the Wisconsin Public Service Commission funded a study of the Shirley wind project which was also developed by Emerging Energies to determine why three residents left their homes after the Shirley Wind Farm was built because of the health impacts of insomnia, nausea and headaches; and

WHEREAS the report warned that without design changes a similar result would be expected in the Highland project because the proposed turbines were too large and too loud for available setbacks;

WHEREAS in March 2013 the Wisconsin Public Service Commission denied Emerging Energies' request for a Certificate of Public Convenience and Necessity (CPCN) because the Highland Wind Farm, as designed, would violate applicable noise limits; and

WHEREAS Emerging Energies has come back to the Wisconsin Public Service Commission with a curtailment plan to reduce rotor speed and noise to comply with applicable sound limits, but simultaneously intends to increase rotor speed and power with an ill defined and unprecedented “directivity” analysis; and

WHEREAS at the technical hearings in August 2013, four highly qualified and nationally recognized acousticians, a wind engineer and a computer software scientist testified that the Highland Wind Farm curtailment plan, which has never been attempted in any wind farm in the United States, would fail to meet applicable sound limits or be protective of health and safety; and

WHEREAS the Public Service Commission approved Highland’s curtailment plan with one dissenting vote on October 25, 2013 in which the PSC required only four noise monitoring sites to assure that applicable sound limits are not exceeded at the twenty (20) at-risk residences; and

WHEREAS the Town does not have confidence that the proposed sound monitors will be adequate to accurately measure sound emanating from the wind turbines to the at-risk residences if the curtailment plan fails to achieve its goals; and

WHEREAS the Town has a legal and moral obligation to protect the health, safety, and welfare of its citizens but needs solid scientific information in order to properly exercise its police power.

NOW THEREFORE BE IT RESOLVED the Town of Forest fully intends to exercise its police power to protect the health, safety and welfare of its citizens from noise or other obnoxious sound.

IT IS FURTHER RESOLVED that the Town intends to continue to contest the approved CPCN for the Highland Wind Farm and intends to hire a sound monitoring engineer to take baseline infra sound and audible sound levels in the Town of Forest before construction. The Town also intends to continuously monitor infra sound and audible sound if the Highland Wind Farm is ever constructed. The Town intends to report noise monitoring results publicly and to the Wisconsin Public Service Commission and intends to take affirmative action if necessary to protect the health, safety and welfare of its citizens.

Dated this \_\_\_\_ day of \_\_\_\_\_ 2013.

By: \_\_\_\_\_  
Jaime Junker, Town Chair

By: \_\_\_\_\_  
Patrick R. Scepurek, Town Supervisor

By: \_\_\_\_\_  
Richard Steinberger, Town Supervisor

ORDINANCE NO. 2013-5

**TOWN OF FOREST  
ST. CROIX COUNTY, WISCONSIN  
DRIVEWAYS, ROAD DAMAGE DEPOSIT ORDINANCE**

Pursuant to Wisconsin Statutes, including but not limited to, sections 60.22, 61.34(1) and 82 of the Wisconsin Statutes, the Town Board of the Town of Forest, St. Croix County, Wisconsin, does hereby ordain as follows:

**Section A. Purpose; Costs.**

1. Purpose: The purpose of this Ordinance is to regulate and control driveway construction; to assure proper surface water drainage and erosion control connected with driveway construction, within the Town of Forest, and to promote the public health, safety, general welfare, to promote the safe, efficient and orderly movement of traffic.
2. Costs: All costs incurred by the Town in administering this ordinance, including but not limited to, inspections, engineering services and attorney services, costs to repair town roads shall be paid by the applicants for driveway permits. Any costs incurred by the Town on individual lots or open land shall be paid by the person(s) who hold the driveway, building permit, right of way and/or erosion permit or, if unpaid, the owner of the property for which the permit is required. Costs that are not paid when billed shall be certified on the property tax roll as special charge under Wis. Stats. § 66.0627 against the property for which costs were incurred.

**Section B. Definitions.**

Driveway/Access: Any area where travel occurs from a public or private road over land (whether by easement or ownership) not considered to be part of the public or private road for the purpose of gaining access to land, improvements, or structures.

Town: Town of Forest

**Section C. Requirements.**

All buildings or structures hereafter erected or moved into the Town and any other new building or structure shall have driveway access to said building or structure from a public or private road. All driveways, including driveways serving open land, shall meet the requirements of this ordinance.

**Section D. Permits; fees.**

1. Driveway permit.

(a) A driveway permit shall be obtained and a copy issued to the permittee before commencement of any driveway construction in the Town of Forest. No driveway permit shall be issued until a completed application has been submitted and approved by the Town Board or the Town Board's appointed designee, if the Town Board chooses to appoint a town official to review and approve driveway permits. A completed application shall include a construction plan showing specifications including grade, slope, width, length and sight distance of the driveway and erosion control procedures, and any other information the Town determines to be necessary to assure construction of a driveway consistent with the purposes and requirements of this ordinance. Driveways that exit onto a county or state highway need county or state approval in addition to the Town approval. The Town may retain an engineer or other professional(s) to review the application, if it deems necessary.

(b) Existing field driveways are exempt from the permit requirement unless they are being used to provide access to new construction or installation of a building or structure on the property, in which case a driveway permit shall be required.

(c) Permits are valid for one year.

2. Fees. The fees for driveway permit(s) shall be established by resolution of the Town Board and shall be payable at the time of application for the permit. The fee for a driveway permit covers one inspection for driveway location and one inspection for compliance with this ordinance. Each additional inspection required due to failure to comply with this ordinance shall require prepayment of an inspection fee to be set by the Town Board.

**Section E. Specifications; inspections.**

1. Specifications.

(a) Driveway separations.

There shall be a minimum of 200 feet between the center lines of driveways and/or between the driveway and an intersecting highway or collector, subcollector or access roadway. In addition, any driveway shall conform to St. Croix County driveway separation requirements where applicable. An exception to the driveway separation distance is for driveways coming off a cul-de-sac on a Town road.

(b) The following driveway specifications shall apply:

Minimum width of driveway where it meets public road:	24 feet
Minimum road surface width	12 feet
Minimum width clearance	24 feet
Minimum height clearance free of trees wires, etc.	18 feet

Minimum visibility distance each way from end of driveway	300 <del>400</del> feet
Maximum grade	10%

- (c) For driveways in excess of 300 feet, at least one 25 feet in length and 18 feet in width segment of the road surface shall be provided for each 300 feet of driveway length to provide for the safe passage of meeting vehicles. The driveway within the area of the public right of way shall slope away from the public road at a minimum of 1% and a maximum of 5 % to prevent erosion onto the public road. An adequate road bed base of suitable material to support the projected traffic and any requirements for culverts shall be determined by the Town in considering application(s) for driveway approval.
- (d) If culverts are required, the recommended minimum diameter shall be 18 inches and 20 feet length. At the dead end of all new driveways, a turn around of at least 25 feet radius or some other method to allow vehicles to turn around shall be provided as determined by the Town Board. Illegal culverts will be removed at landowner's expense and any unpaid charges shall be placed on the tax roll as a special charge pursuant to Wis. Stat. 66.0627.

2. Inspection and approval.

- (a) The inspection and approval of any driveway site shall be a prerequisite to the issuance of a final driveway permit. The location and complete and final construction of any driveway shall be subject to the approval of the Town Board or designee of the Town Board.
- (b) Any driveway authorized to be constructed by issuance of a permit under this ordinance shall be completely constructed to specifications in this ordinance and approved by the Town Board or designee of the Town Board prior to issuance of a building permit. The intent for completing this section of driveway before a building permit is issued is to eliminate the tracking of mud, clay or other soils onto the asphalt surface of the Town road, to prevent damage during construction to the adjoining road surface and to provide adequate access for emergency vehicles.
- (c) The owner of the property shall be responsible for the cost to repair any damage done to a Town road incurred during construction on his property or by any equipment used in modifying his property and shall reimburse the Town accordingly for repair of the Town road. If the property owner does not reimburse the Town, the cost of repair plus damages pursuant to Wis. Stats. 86.02 shall be placed on the property owner's tax bill, pursuant to Wis. Stats. 66.0627.

**Section F. Road Damage Deposit.**

Determinations. Whereas the Town wishes to protect against road damage

and costly repairs resulting from construction and other heavy equipment loading, unloading and using the Town roads as access to private properties during construction periods; and whereas the property owner, developer or general contractor must obtain a driveway and/or building permit prior to construction of any new driveway, dwellings, buildings, and/or structures, additions to existing dwellings or any structures on the property; and whereas Wis. Stats. § 86.02 authorizes the Town to collect treble damages from any person who damages a Town roadway; now, therefore, the Town Board ordains as follows:

1. A road damage deposit in an amount determined by the Town Board, shall be required with each driveway permit and/or building permit issued for the construction of any new driveway, building or structure that may involve the use or travel of equipment or load factors which exceed normal road usage and may cause damage to Town road surfaces and shoulders. The amount of the road damage deposit shall be based on the facts and circumstances of each situation, considering the weight of the vehicles or equipment traveling on the roads relating to the construction project and the damage likely to result from such use of the road.
2. The permit holder shall be responsible for notifying subcontractors of this ordinance and shall be held responsible for the road damage, regardless of who may cause damage, as long as the damage is caused by vehicles using the road to access property for construction related to the building/structure or to the driveway permit. If the permit holder is not the property owner and the permit holder does not pay the damage, the property owner shall be responsible to pay for road damage caused by the vehicles or equipment related to the construction on that property.
3. Use of the Damage Deposit. If the Town Board or Town Board designee finds that road damage has occurred, the permit holder shall forfeit the deposit to the extent of the cost the Town incurs to repair the damage and the balance, if any, will be refunded, except as provided in Par. 4 below. If the damage repair costs exceed the deposit, the deposit shall be forfeited and the Town shall invoice the permit holder for the amount exceeding the deposit. If the permit holder fails to pay the invoice after 30 days, pursuant to Wis. Stats. § 86.02, the Town shall invoice the permit holder triple the amount of the damages. If remaining unpaid, the amount shall be added to the property owner's taxes, pursuant to Wis. Stats. § 66.0627.
4. Maintenance of Damage Deposit for Life of a Project. Some projects may involve heavy vehicle traffic transporting equipment, and materials that exceed normal traffic volume and weight levels for the life of the project. In such cases, the Town may determine that a certain damage deposit amount must remain on deposit with the Town for the life of the project. The Town Board may consult with its engineer or other professional in determining the amount that will be required to be kept on deposit with the Town for the life of the project, or some other reasonable period of time based on the facts and circumstances of the project.



## **Section G: Group Application and Road Damage Deposit.**

1. When a construction or development project or system (hereinafter project) requires more than three driveway permits related to the project, the Town may require the developer of such project to apply for all the driveway permits that may reasonably be required in connection with the project.
2. The application shall include, but not be limited to, the following information:
  - a. A map showing all the driveways necessary for the entire project.
  - b. A construction schedule for construction of all driveways identified in the application.
  - c. A description of the vehicles/equipment that will be used in connection with the project and all equipment, structures, and/or materials that will be transported to the properties involved in the project. The description shall include the size (length, height, and width) and weight of all such vehicles, equipment, structures, and materials used or installed in connection with the project.
  - d. A map showing all roads (town, county, state, or U.S. highways), that will be used to transport such equipment/materials to the various properties involved in the project.
  - e. Any modifications that will need to be made to such roads to transport or accommodate the vehicles and equipment, structures and/or materials.
  - f. The traffic plan for transporting the equipment/materials/structures to the properties, including the volume of traffic, the scheduling of the traffic, any other information necessary for the Town to understand the overall road and transportation plan for the project.
  - g. Any other information that the Town deems necessary to understand the construction plan for the project and its impact on town roads and on traffic safety in the Town.

## **3. Professional Review of the Applications.**

- a. **Road Project Study.** The Town may retain an engineer or other qualified professional to prepare a Road Project Study which will include a complete analysis of the applications and related materials and will include recommendations to the Town Board regarding appropriate construction specifications for such driveways, any necessary modifications to town roads to handle traffic related to the project, appropriate scheduling of such traffic, and the amount of the damage deposit that should reasonably be required for each driveway permit related to the project.
- b. **Administrative Deposit to Cover Town Costs.** The developer of the project shall pay all costs the Town incurs in reviewing such applications. The Town may require the developer to pay an administrative deposit, in addition to the driveway permit application fee and road damage deposit, to secure payment of the Town's costs.

4. **Road Damage Deposit for Group Applications.** The road damage deposit required for driveway permits issued in connection with a Group Application may be used by the Town to repair damage to any town road(s) that are damaged in connection with the construction or development of the project.

5. **Additional driveways related to Group Application.**

If, in the future, additional driveway permit applications are submitted related to the same project, the Town may require that those applications be assigned to the Group Application. The Town may require an updated Road Project Study and an additional Road Damage Deposit for the additional applications.

**Section H: Violations and Penalties.**

Any person, corporation, or organization who or which fails to comply with any provision of this Ordinance shall be subject to a forfeiture of not less \$ <sup>five</sup>500 ~~than~~ nor more than \$ 1500 for the violation, plus the costs of prosecution for the violation. If the violation is not corrected within ten days of notice of violation, said person, corporation, or organization shall be subject to a forfeiture plus all costs of prosecution for each day the violation exists or continues. Each day of violation past ten days from notice of violation shall be a separate offense, subject to a separate forfeiture. The Town may institute appropriate action or proceedings to enjoin any violation of this ordinance or to require any person, corporation or organization to complying with this chapter. Commencing construction without obtaining a permit shall result in double the permit fee.

**Section I: Severability.**

If a court of competent jurisdiction determines that any section, clause, provision or portion of this ordinance is unconstitutional or invalid for any reason, the remainder of this ordinance shall not be affected by any such determination.

**Section J: Repeal of Prior Driveway Ordinance.** Upon adoption and publication as required by law of this Ordinance, the Town's prior Driveway Ordinance, adopted April 9, 2002, shall be repealed.

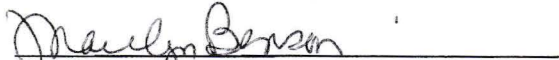
**Section J: Effective Date**

This ordinance shall become effective upon adoption and publication as required by law.

Adopted this 16<sup>th</sup> day of December, 2013

  
Jaime Junker, Town Chair

Attest:

  
Marilyn Benson, Town Clerk

RESOLUTION NO. 2013-8

TOWN OF FOREST,  
ST. CROIX COUNTY, WISCONSIN

Resolution Establishing Application Fee and Road Damage Deposit Fees for Town  
Driveway Permit and Road Damage Deposit

WHEREAS, the Town Board adopted Ordinance No. 2013-5, establishing driveway specifications and driveway permit requirements and road damage deposits in connection with such driveway and/or building permits;

WHEREAS, said ordinance requires applications for various driveway permits and requires applicants to pay application fees, inspection fees, road damage deposits, professional fees and possibly other fees in connection with such permits;


NOW THEREFORE, the Town Board of the Town of Forest hereby resolves that the following fees and deposits shall be paid in connection with applying for driveway permits, under the Town Driveway Permit and Road Damage Deposit Ordinance;

Driveway Permit:		\$ <u>75</u>	
Road Damage Deposit:	(To be determined)	\$ _____	Based on Road Project
Additional inspection fees		\$ <u>50</u>	per inspection study.
Minimum Deposit for Professional Consultants, if necessary		\$ <u>1,500</u>	

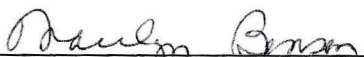
These fees shall become effective upon the effective date of Ordinance No. \_\_\_\_\_, the Town Driveway Permit and Road Damage Deposit Ordinance. These fees shall be periodically reviewed and adjusted to reflect the Town's experience relating to the cost of administering the Driveway Permit and Road Damage Deposit Ordinance, and the Town's objective that administration of the Ordinance be applicant funded.




These fees may be incorporated into a comprehensive town fee resolution establishing fees relating to town ordinances which require fees.

Dated this 16 day of December, 2013.

By:   
Jaime Junker, Town Chair

Attest:

By:   
Marilyn Benson, Town Clerk

Vote of Board:  Approve  Not Approve  Abstain

Pat Scepuruk Absent

2007

## Town Plan Commission Ordinance 01 - 02

The Town Board of the Town Forest, St. Croix County, Wisconsin does ordains as follows:

### **Section 1. Title**

This ordinance is entitled the "Town of Forest Plan Commission Ordinance."

### **Section 2. Purpose**

The purpose of this ordinance is to establish a Town of Forest 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.

### **Section 3. Authority; Establishment**

The Town Board of the Town of Forest has been authorized by the Town meeting under sec. 60.11(2)(c), Wis. Stats., to exercise village powers and the Town has population of less than 2,500, according to the most recent regular or special federal census, sec. 990.01 L(29), Wis. Stats. The Town Board hereby exercises village powers under sec. 60.22(3), Wis. Stats., and establishes a five (5) member Plan Commission under secs. 60.62(4), 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.

### **Section 4. Membership**

The Plan Commission consists of one (1) member of the Town Board, who may be the Town Board Chairperson, and four (4) citizen members, who are not otherwise Town officials, and who shall be persons of recognized experience and qualifications.

### **Section 5. Appointments**

The Town Board Chairperson shall appoint the members of the Plan Commission and designate a Plan Commission Chairperson during the month of April to fill any expiring term. The Town Board Chairperson may appoint himself or herself or another Town Board member to the Plan Commission and may designate himself or herself, the other Town Board member, or a citizen member as Chairperson of the Plan Commission. (All appointments are subject to the advisory approval of the Town Board.) In a year in which any Town Board member is elected at the spring election, any appointment or designation by the Town Board Chairperson shall be made after the election and qualification of the Town Board members elected. 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.

**Section 6. Terms of Office**

The term of office for the Plan Commission Chairperson and each Commission member shall be for a period of 3 years, ending on April 30, or until a successor is appointed and qualified. However, the Plan Commission Chairperson or member who is a Town Board Chairperson or Town Board member shall serve on the Commission for a period of two (2) years, as allowed under sec. 66.0501(2), Wis. Stats., concurrent with his or her term on the Town Board. An initial appointment of such Town Board Chairperson or Town Board member made after April 30 shall be for a term that expires two (2) years from the previous April 30.

**Section 7. Vacancies**

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

**Section 8. Compensation; Expenses**

The Town Board of the Town of Forest hereby sets a per diem allowance of \$25.00 per meeting for citizen and Town Board 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, (mileage) as allowed under sec. 60.321, Wis. Stats.

**Section 9. 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.

**Section 10. 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.

**Section 11. Chairperson & Officers**

(1) Chairperson. The Plan Commission Chairperson shall be appointed and serve a term as provided in sections 5 and 6 of this ordinance. The Chairperson shall, subject to Town ordinances and Commission rules:

- (a) provide leadership to the Commission;
- (b) set Commission meeting and hearing dates;
- (c) provide notice of Commission meetings and hearings and set their agendas, personally or by his or her designee;
- (d) preside at Commission meetings and hearings; and
- (e) ensure that the laws are followed.

(2) 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.

(3) 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.

**Section 12. 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.

### **Section 13. General & Miscellaneous Powers**

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

- (1) Necessary to enable it to perform its functions and promote Town planning.
- (2) 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.
- (3) To recommend to the Town Board programs for public improvements and the financing of such improvements.
- (4) To receive from public officials, within a reasonable time, requested available information required for the Commission to do its work.
- (5) 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.

### **Section 14. Town Comprehensive Planning: General Authority & Requirements**

- (1) 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.
- (2) The Plan Commission shall make and adopt the comprehensive plan 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.
- (3) 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.

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**Section 15. 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.

(1) Public participation verification. Prior to beginning work on a comprehensive plan, 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.

(2) 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:

- (a) 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;
- (b) the plan contains the nine (9) specified elements and meets the requirements of those elements;



- 5
- (c) the (specified) maps and (specified) other descriptive materials relate to the plan;
  - (d) 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
  - (e) 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 sub. (3) of this section.
- (3) Transmittal. One copy of the comprehensive plan or amendment adopted by the Plan Commission for recommendation to the Town Board shall be sent to:
- (a) 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.
  - (b) The clerk of every city, village, town, county and regional planning commission that is adjacent to the Town.
  - (c) The Wisconsin Land Council.
  - (d) After September 1, 2003, the Department of Administration.
  - (e) The regional planning commission in which the Town is located.
  - (f) The public library that serves the area in which the Town is located.

#### **Section 16. 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) Subdivision review. Proposed plats under ch. 236, Wis. Stats. (and proposed subdivisions or other land divisions under the Town subdivision ordinance under sec. 236.45, Wis. Stats. shall be referred to the Plan Commission for review and recommendation to the Town Board; if a subdivision ordinance is adopted by Town Board.

(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.

#### **Section 17. Referrals to the Plan Commission**

(1) Required referrals under sec. 62.23(5), Wis. Stats. The following shall be referred to the Plan Commission for report:

- (a) The location and architectural design of any public building.
- (b) The location of any statue or other memorial.
- (c) The location, acceptance, extension, alteration, vacation, abandonment, change of use, sale, acquisition of land for or lease of land for any
  - (i) street, alley or other public way;
  - (ii) park or playground;
  - (iii) airport;
  - (iv) area for parking vehicles; or
  - (v) other memorial or public grounds.
- (d) The location, extension, abandonment or authorization for any publicly or privately owned public utility.
- (e) 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.
- (f) The location, character and extent or acquisition, leasing or sale of lands for
  - (i) public or semi-public housing;
  - (ii) slum clearance;
  - (iii) relief of congestion; or
  - (iv) vacation camps for children.
- (g) 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.

- (2) 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:
- (a) An application for initial licensure of a child welfare agency or group home under sec. 48.68(3), Wis. Stats.
  - (b) An application for initial licensure of a community-based residential facility under sec. 50.03(4), Wis. Stats.
  - (c) 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.
  - (d) Matters relating to the establishment or termination of an architectural conservancy district under sec 66.1007, Wis. Stats.
  - (e) Matters relating to the establishment of a reinvestment neighborhood required to be referred under sec. 66.1107, Wis. Stats.
  - (f) Matters relating to the establishment or termination of a business improvement district required to be referred under sec, 66.1109, Wis. Stats.
  - (g) A proposed housing project under sec. 66.1211(3), Wis. Stats.
  - (h) Matters relating to urban redevelopment and renewal in the Town required to be referred under subch. XIII of ch. 66, Wis. Stats.
  - (i) The adoption or amendment of a Town subdivision or other land division ordinance under sec. 236.45(4), Wis. Stats.
  - (j) Any other matter required by the Wisconsin Statutes to be referred to the Plan Commission.
- (3) 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:
- (a) 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.
  - (b) Proposed regulations or amendments relating to historic preservation under sec. 60.64, Wis. Stats.
  - (c) A proposed driveway access ordinance or amendment.
  - (d) 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.
  - (e) 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.
  - (f) An application for a [conditional use][special exception] [*Note: these terms are synonyms; use the term in your Town zoning ordinances*] permit

under the Town zoning ordinance [*Note: Assuming that the Town Board, rather than the Plan Commission, grants these permits under sec. 62.23(7)(e) 1, Wis. Stats. and the Town's ordinances*].

- (g) A proposed site plan [*Note: Assuming that the Town Board has final authority, and that such review is not already covered by Town zoning or subdivision ordinances*].
- (h) A proposed extraterritorial zoning ordinance or a proposed amendment to an existing ordinance under sec. 62.23(7a), Wis. Stats.
- (i) 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.
- (j) A proposed zoning ordinance or amendment pursuant to an agreement in an approved cooperative plan under sec. 66.0307(7m), Wis. Stats.
- (k) Any proposed plan, element of a plan or amendment to such plan or element developed by the regional planning commission and sent to the Town for review or adoption.
- (l) 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.
- (m) A proposed ordinance, regulation or plan, or amendment to the foregoing, relating to a mobile home park under sec. 66.0435, Wis. Stats.
- (n) A proposed agreement, or proposed modification to such agreement, to establish an airport affected area, under sec. 66.1009, Wis. Stats.
- (o) A proposed town airport zoning ordinance under sec. 114.136(2), Wis. Stats.
- (p) A proposal to create environmental remediation tax incremental financing in the town under sec. 66.1106, Wis. Stats.
- (q) 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.
- (r) Other (specify).
- (s) Any other matter required by any Town ordinance or Town Board resolution or motion to be referred to the Plan Commission.

(4) 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:

- (a) A proposed county development plan or comprehensive plan, proposed element of such a plan, or proposed amendment to such plan.
- (b) A proposed county zoning ordinance or amendment.
- (c) A proposed county subdivision or other land division ordinance under sec. 236.45, Wis. Stats., or amendment.
- (d) An appeal or permit application under the county zoning ordinance to the county zoning board of adjustment, county planning body or other county body.

- (e) 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.
- (f) A proposed plat or other land division under the county subdivision or other land division ordinance under sec. 236.45, Wis. Stats.
- (g) 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.
- (h) Any other matter deemed advisable for referral to the Plan Commission for report.

(5) 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.

**Section 18. 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 12<sup>th</sup> day of December, 2001.

Leon Helgeson (Town Board Chairperson)

[Published / Posted] this 29<sup>th</sup> day of November, 2001.

Attest: Terri Swanpool (Town Clerk)



ORDINANCE NO. 11 - 2

The Town Board of the Town of Forest, St. Croix County Wisconsin, hereby ordains as follows:

**Section 1: Purpose.** The purpose of this Ordinance is to amend the Town Plan Commission Ordinance No. 01-02 to increase the membership of the Town Plan Commission from a five member commission to a seven member commission. The reason for the increased membership is to allow for more resident involvement in the adoption and implementation of comprehensive planning and in the exercise of other matters that may come before the Plan Commission under Wisconsin law, including, but not limited to, Wis. Stat. 62.23, Sec. 66.1001, Sec. 236.02 (13), and 236.45, under any ordinances of St. Croix County or the Town of Forest, or by referral of the Town Board.

**Section 2: Authority.** The Town Board of the Town of Forest has been authorized by the Town Meeting under Sec. 60.11 (2)(c), Wis. Stat. to exercise village powers and the Town has a population of less than 2,500, according to the most recent regular or special federal census. The Town Board hereby exercises village powers under sec. 60.22 (3), 61.35 and, pursuant to Wis. Stat. 60.62 (4) and Wis. Stat. 62.23 (7), hereby increases the Plan Commission membership to seven members.

**Section 3: Membership:** Section 3 of Town of Forest Ordinance No. 01-02 shall be amended to read as follows:

The Plan Commission consists of one (1) member of the Town Board who may be the Town Board Chairperson, and six (6) other members, who may be town appointed or elected officials, except that the commission shall always have at least three citizen members who are not otherwise town officials, and who shall be persons of recognized experience and qualifications.

**Section 4: Balance of Ordinance No. 01-02 remains in effect.** Except as provided in Section 3 herein, regarding the balance of Town of Forest Ordinance 01 -02 shall remain in effect.

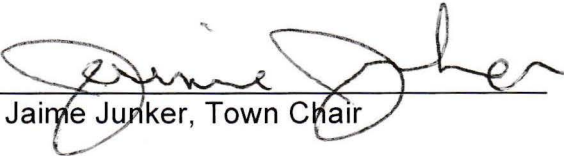
**Section 5: Severability.** If any section, provision, sentence or any part of this Ordinance is adjudged to be unconstitutional, unlawful, or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

**Section 6: Effective Date.** This Ordinance shall be effective upon adoption by the Town Board and publication or posting as provided by law.

This Ordinance was duly adopted by the Town Board at a properly noticed Town

Board meeting held on April 25, 2011, by a vote of 3 in favor, ~~0~~ opposed and ~~0~~ not voting.

TOWN OF FOREST

By:   
Jaime Junker, Town Chair

Attest:  
April 25, 2011  
Elizabeth Frank, Town Clerk

Approved: \_\_\_\_\_

Published: \_\_\_\_\_

Posted: \_\_\_\_\_



ORDINANCE NO. 14 - 1

Pursuant to its authority under Wisconsin law, including, but not limited to, the authority to exercise village powers under Wis. Stat. 60.10, 60.22, 61.34, 61.35, and 62.23, the Town Board of the Town of Forest, St. Croix County Wisconsin, hereby ordains as follows:

Section 1: Purpose. The purpose of this Ordinance is to amend the Town Plan Commission Ordinance No. 01-02 to create staggered terms for the Plan Commission members. The reason for staggered terms is so that the Plan Commission membership does not change over entirely in one year. Instead terms will be staggered so the terms of two Plan Commission members will expire each year.

Section 2: Terms of Office. Section 6 of Town of Forest Ordinance No. 01-02 shall be amended to read as follows:

Non-Town Board Members. The term of appointment for each non-Town Board Plan Commission member shall be three years, ending on April 30 or until a successor is appointed and qualified. The citizen members shall be appointed for staggered terms as follows: two (2) 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.

Town Board Member. The Town Board member who serves on the Plan Commission shall also be appointed for a three year term. Loss of position as an elected member of the Town Board automatically creates a Plan Commission vacancy, to be filled by appointment of another Town Board member.

Section 3: Except as amended by this ordinance and Ordinance No. 11-2, the balance of Town of Forest Ordinance 01 -02 shall remain in effect.

Section 4: Severability. If any section, provision, sentence or any 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 be effective upon adoption by the Town Board and publication or posting as provided by law.

This Ordinance was duly adopted by the Town Board at a properly noticed Town Board meeting held on April 15, 2014, by a vote of 3 in favor, 0 opposed and \_\_\_\_\_ not voting.

TOWN OF FOREST

By: [Signature]  
Jaime Junker, Town Chair

Attest: [Signature]  
Marilyn Benson, Town Clerk

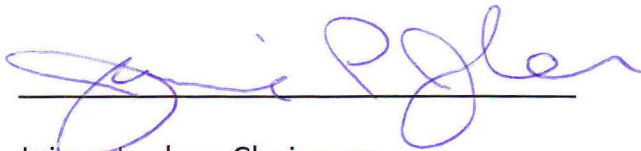
Approved: 4/15/14  
Published: no fee doesn't need to be public  
Posted: 4/25/14

Town of Forest

Resolution 2015-1

The town of Forest with a vote of 3 to 0 has authorized the town board to contact lenders and negotiate a line of credit up to, but not exceeding \$250,000. Purpose would be any item including but not limited to PSC litigation.

Approved this 8<sup>th</sup> day of December, 2015.



Jaime Junker, Chairman



Anne Johnston, Clerk

RESOLUTION NO. ~~2013-5~~ 2013-5

TOWN OF FOREST,  
ST. CROIX COUNTY, WISCONSIN

Resolution Establishing Town Administrative Fees and  
Deposit Schedule for Town Zoning Ordinance

WHEREAS, the Town Board adopted Ordinance No. , establishing Town zoning in the Town of Forest, and has submitted it to St. Croix County for County approval;

WHEREAS, said ordinance requires applicants for various permits, variances, zoning amendments, required under the ordinance to pay application fees and administrative deposits;

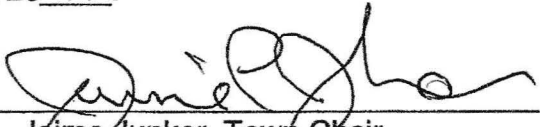
NOW THEREFORE, the Town Board of the Town of Forest hereby resolves that the following fees and deposits shall be paid in connection with applying for permits, variances, rezoning, appeals to the Board of Appeals and other actions required under the proposed Town Zoning Ordinance currently under review by St. Croix County:

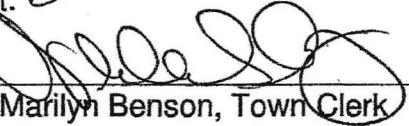
Land Use Permit:	\$ 50
Variance:	\$ 300
Conditional Use Permit:	\$ 300
Board of Appeals:	\$ 300
Amendments to the Ordinance:	\$ 300
Minimum Deposit for Impact Studies or Professional Consultants	\$ 500

These fees shall become effective upon the effective date of Ordinance NO. , the Town Zoning Ordinance. These fees shall be periodically reviewed and adjusted to reflect the Town's experience relating to the cost of administering the Zoning Ordinance, and the Town's objective that administration of the Zoning Ordinance be applicant funded.

These fees may be incorporated into a comprehensive town fee resolution establishing fees relating to town ordinances which require fees.

Dated this 21<sup>st</sup> day of November, 2013.

By:   
Jaime Junker, Town Chair

Attest:  
By:   
Marilyn Benson, Town Clerk

Nikki Sunday, Acting Clerk.

Vote of Board: 3 Approve 0 Not Approve 0 Abstain



# DRAFT 4.17.15

## Ordinance No. 2016-1 Subdivision Ordinance for the Town of Forest

- SECTION 1- Statement of Purpose
- SECTION 2- Jurisdiction
- SECTION 3- Approval Required; Violations
- SECTION 4- Definitions
- SECTION 5- Basic Application, Review and Approval Procedures for Town Review of Subdivisions
- SECTION 6- Procedures for Review of Minor Subdivision
- SECTION 7- Procedures for Review of Major Subdivisions
- SECTION 8- Subdivision Design Standards
- SECTION 9- Engineer's Approval
- SECTION 10- Financial Guarantee
- SECTION 11- Development Agreement Required
- SECTION 12- Exception to Design Standards
- SECTION 13- Enforcement
- SECTION 14- Severability
- SECTION 15 - Effective Date

### **SECTION 1- Statement of Purpose**

The purpose of this ordinance is to promote the public health, safety, and general welfare by assuring that, subdivisions occur in a well-designed and orderly manner so as to provide the best possible environment for human habitation, and that adequate provisions are made for public services required or affected by land subdivisions.

### **SECTION 2- Jurisdiction**

- A. This ordinance is adopted under the statutory authority granted pursuant to the Village Powers of the Town of Forest, under Wis. Stat. Sections 60.10(2) (c), 60.22(3), 61.35, 61.23, 61.24(1), 236.03, and 236.45. This ordinance was adopted by the Town Board after its receipt of a recommendation from the Town Plan Commission to adopt this ordinance and after a public hearing preceded by a Class 2 published notice.

- B. This Ordinance shall apply to all land subdivisions as defined in Section 4, which occur or are proposed to occur within the geographic limits of the Town of Forest. The subdivision of land in the Town is also under the concurrent jurisdiction of the St. Croix County Subdivision Ordinance. Where the standards of this ordinance are more restrictive than the standards of the county ordinance, the more restrictive standards in this ordinance shall apply. Where the standards of the county ordinance are more restrictive or where the county ordinance sets standards for aspects of land subdivisions that are not addressed by the standards of this ordinance, the County standards shall apply, except that all standards regarding public improvements that are required and maintained by the Town shall be governed exclusively by the Town's Subdivision Ordinance.
- C. Exemptions: The provisions of this ordinance shall not apply to:
1. Transfers in interest in land by will or pursuant to court order.
  2. Leases for terms not exceeding 10 years, mortgages, or easements.
  3. Sales or exchanges of land between owners of adjoining property if additional lots are not thereby created and the resulting lots are not reduced below the minimum lot sizes required by state law or the Town Zoning Ordinance, or other town ordinances.
  4. Cemetery plats made under Wis. Stat. 157.07
  5. Assessor's plats made under Wis. Stat. 70.27
  6. Any other exemptions allowed under Wisconsin Statutes.

### **SECTION 3- Approval Required; Violations**

- A. Authority. The Forest Town Board (the Town Board) shall be the approving authority for subdivisions covered by this ordinance, acting after considering the advice and recommendations of the Plan Commission of the Town or Forest.
- B. Violations. The following activities are declared to be violations of this ordinance
1. To convey, offer to convey, or contract to convey a Subdivision of a lot, tract, or parcel within such a Subdivision without having had the Subdivision approved pursuant to this ordinance.
  2. To record a survey map, a plat, or a metes and bounds description of a lot, parcel, or tract, thereby creating a Subdivision, without such Subdivision having been approved pursuant to this Ordinance

3. To fail to comply with all standards of this Ordinance and all conditions which are imposed by the Town Board in the course of its review and approval of a Subdivision.
4. Any violation of Ch. 236, Wis. Stats.

#### **SECTION 4- Definitions**

- A. Subdivision is a division of a lot, parcel, or tract of land which existed on the effective date of this ordinance by the owner thereof or their agents for the purpose of transfer of ownership or building development where the act of division creates one or more new lots, parcels, or tracts, if the lots, parcels, or tracts are twenty (20) acres or smaller in area.
- B. Minor subdivision is a subdivision resulting in the creation of four or fewer lots from a parcel that existed five years before the date of the application. A Minor Subdivision requires certified survey map approval.
- C. Major subdivision is a subdivision resulting in the creation of five or more lots from a parcel that existed five years before the date of the application. A Major Subdivision requires preliminary and final plat approval.
- D. Parcel – Contiguous land under single ownership, not separated by public roads or rights of way.
- E. Definitions as to key words and phrases in this Ordinance shall be defined in current St. Croix County Zoning Ordinance, unless otherwise defined in this Ordinance.

#### **SECTION 5- Basic Application, Review and Approval Procedures for Town Review of Subdivisions**

- A. Basic application procedure. Application materials (twelve copies) and all required fees for approval of any proposed subdivision activity under this chapter shall be submitted to the Town Clerk who will provide them to the Town Board and the Town Plan Commission. Application materials including current Town requirements, checklists and deadlines are available in written form from the Town Clerk.
  1. Submission Date. An application for any Town Board action under this chapter (concept, certified survey map, preliminary plat, and final plat) shall be deemed to have been validly submitted to the Town when all of the following have occurred:
    - a. A written application and predevelopment agreement, signed by the owner and subdivider or by the owner and an authorized representative

and all required materials and fees have been personally delivered to the Town Clerk.

- b. All information and written materials required to allow the Town Clerk to notify all adjoining landowners of what subdivision activity is being proposed is provided. Adjoining landowners shall include owners of land across any roadways from the proposed land division.
- c. All such materials have been provided at least 14 days before a Plan Commission meeting so that the Town Clerk can process and mail said notices at least 10 days before the Town Plan Commission meeting at which said subdivision proposal will be considered.
- d. The application has been acknowledged by the Plan Commission at its regular monthly meeting following the delivery of materials to the designated Town personnel.

2. Additional Information. The Town Board, Town Plan Commission, Town Attorney, or Town Engineer can require an applicant to provide additional information at any time where site characteristics or other unique circumstances make it appropriate to do so.

#### B. Basic Review and Approval Procedures.

1. Site visit. The Town Plan Commission and Town Board may make on-site visits to the property being considered for subdivision sometime before their meetings between the hours of 7:00 a.m. and 8:00 p.m. without notice to the owner.
2. Presentation of proposal. The subdivider/owner or designee shall attend the meeting of the Plan Commission and Town Board to present the proposed land division. Failure to attend these meetings or to provide a complete application may be grounds for the Town Board or Plan Commission to table or deny the application.
3. Conditions of approval. The Town Board may impose conditions upon its approval of any subdivision, provided that such conditions shall be limited to the required compliance of the subdivision with the standards of this ordinance, other town ordinances, St. Croix County ordinances or Chapter 236 of the Wisconsin Statutes, or other applicable laws or regulations. Such conditions shall be stated in the Town Board meeting minutes and a copy given to the applicant. Such conditions shall also be incorporated into the developer's agreement required under this chapter.
4. Disapproval. When the Town Board decides not to approve a preliminary plat, final plat, or certified survey map, its reasons for denial shall be stated in the



Town Board meeting minutes and a copy thereof given to the applicant/subdivider.

5. Deadlines for Town action on plats and certified survey maps. The Town Board shall review and approve, conditionally approve, or disapprove a preliminary plat application or certified survey map within 90 days of submission to the town and a final plat application within 60 days of submission. "Submission to the town and submission" are defined as in Section 5 A 1 above. These deadlines may be extended by agreement of the Town Board and the applicant which shall be reflected in the Town Board minutes. The Town Clerk shall promptly notify the County Zoning Administrator of any such extension. The failure of the Town Board to act within these time periods shall be deemed an approval of the application, unless said time period had been extended as provided herein. Upon written request by the applicant, the Town Clerk shall issue a letter or execute a certificate of approval following an approval under this subsection.
6. Transmissions of subdivision approvals to St. Croix County Community Development Department. No Town Board approval of certified survey maps, preliminary plat, or final plats shall be effective until all approved exceptions to design standards, easements, covenants, developer's agreements, financial guarantees, and any other such information or agreements required by the Town, have been provided in final form satisfactory to the Town, signed and agreed to by the owners, developers or mortgagees, as applicable. All such signed documents shall be provided with the final plat or certified survey map when it is delivered to the County Community Development Department. In addition, all moneys owed to the Town shall be paid in full.
7. Recording of approvals. All final plats and certified survey maps shall be recorded at the St. Croix County Register of Deeds Office within six months of the last approval and within 36 months of the first approval. All risk of not completing this process in a timely manner is on the subdivider/owner.
8. Appeal. Any person aggrieved by the failure of the Town Board to approve a subdivision may appeal the rejection to the St. Croix Court as provided in Wisconsin Statutes.

## **SECTION 6 PROCEDURES FOR REVIEW OF A MINOR SUBDIVISION**

### **A. Required Submittals.**

1. Materials Required by County Subdivision Ordinance. All materials required to be prepared for County Certified Survey Map review and approval plus all fees and documents required under this ordinance shall be provided to the Town Clerk when the sub-divider submits a Certified Survey Map for Town approval.

2. Design and Construction Plans Required. The Certified Survey Map shall be accompanied by detailed design and construction plans for all public improvements being built by the developer that are proposed to be dedicated to the Town and for all stormwater management and erosion control plans.
3. Town Review.
  - a. Concept review. Concept review as provided in Section 7 is recommended, but not required for minor subdivisions. If a concept review is undertaken, it shall follow the procedures outlined in Section regarding review of Major Subdivisions.
  - b. Plan Commission Review and Recommendation. The Plan Commission shall review the proposed CSM for compliance with town codes, ordinances, the Town's Comprehensive Plan and the Town zoning and subdivision ordinance. If, after review, the Town Plan Commission finds that the CSM complies with all applicable ordinances, codes, plans, statutes, and regulations, the Plan Commission may recommend the CSM for Town Board approval with or without conditions. If the CSM does not comply with all of the above, the Plan Commission shall recommend that the Town Board disapprove the CSM.
  - c. Town Board Action. The Town Board may approve, conditionally approve, or disapprove the Certified Survey Map as provided in Section 5. In the case where the certified survey map does not require any construction and/or maintenance of Town infrastructure, the Town Board may waive the predevelopment agreement, a development agreement and a financial guarantee.

## **SECTION 7 PROCEDURES FOR REVIEW OF MAJOR SUBDIVISIONS**

- A. Concept Review required.
  1. Concept review is required for major subdivisions.
  2. Concept review submittals. Submittal to the Town Clerk shall include the following attachments and information:
    - a. Application;
    - b. Properly executed predevelopment agreement;
    - c. Payment of any required funds;
    - d. Name and address of the owner of the property and the subdivider;
    - e. Location and size of the property;
    - f. Names and addresses of all adjacent landowners;
    - g. Name and address of the surveyor who will be doing the survey work;

- h. Present use of the land and the land adjacent to the proposed subdivision;
- i. Number and size of projected lots upon final land division;
- j. Existing zoning and other land use controls on the proposed land division and the land adjacent to the proposed subdivision;
- k. Location of any slopes of 25% or greater;
- l. Locations of general land cover types, such as woodlands, wetlands and agricultural;
- m. Locations of historic and cultural features as listed at the Wisconsin State Historic Preservation Office, on the Wisconsin Architecture and Historic Inventory (AHI) or on the National Register of Historic Places.

3. Town review and limitation of rights. The purpose of concept review is for the Plan Commission and Town Board to provide feedback to the subdivider/owner on the proposed land division. The subdivider/owner obtains no vested rights in a concept submittal, and any comments by the Town Engineer, Plan Commission and Town Board during the concept review are not binding on the Town.

- 4. Concurrent review. The subdivider/owner shall also apply to St. Croix County and proceed through that review process as required.

B. Preliminary plat review.

- 1. Required submittals for preliminary plat approval. Submittals for preliminary plat approval shall include:
  - a. Application.
  - b. Payment of any required funds.
  - c. Name and address of the owner of the property and the subdivider.
  - d. Name and address of the surveyor who will be doing the survey work.
  - e. Property location of the proposed land division by government lot, quarter-section, Town, range, county and state.
  - f. Sketch showing the general location of the proposed subdivision within the US Public Land Survey section.
  - g. Date, graphic scale and North arrow.

- h. Exact length and bearing of the exterior boundaries of the proposed land division referenced to a corner established in the US Public Land Survey and the total acreage encompassed thereby.
- i. Present use of the land and the land adjacent to the proposed subdivision.
- j. Existing zoning and other land use controls on the proposed land division and the land adjacent to the proposed subdivision.
- k. Names and addresses of all adjacent landowners.
- l. Existing and proposed contours at vertical intervals of not more than two feet.
- m. Land areas with 12% to 19.9%, 20% to 24.9%, 25% to 29.9% and/or 30% and greater slope shall be differentially shaded and labeled or otherwise clearly indicated on a separate map with the road layout, lot lines and driveway access locations.
- n. Drainage patterns and watershed boundaries shall be delineated to help determine peak runoff for specified storm events.
- o. All lakes and streams existing in and adjoining to the plat will be identified with OHWM at the date of the survey.
- p. All delineations of wetlands and waterways, which shall be based on field identification and on-site staking conducted by a professional wetland delineator and reviewed by the County Land and Water Conservation Department and/or Wisconsin DNR.
- q. Floodplain limits and the contour line lying a vertical distance of two feet above the elevation of the five-hundred-year recurrence interval flood, or where such data is not available, five feet above the HWE.
- r. Location, right-of-way, width and names of all existing and proposed roads, trails, driveway 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. In addition, distances to the nearest adjoining roads, trails and driveways on all sides of the proposed site.
- s. Location and names of any adjacent land divisions, major or minor, certified survey lots, unplatted and unsurveyed parcels,

outlots, lots, parks, cemeteries and owners of record of abutting unplatted and unsurveyed lands.

- t. Location of all fuel storage tanks, dumps and wells.
- u. Locations of all existing property boundary lines, structures, driveways, closed depressions, drainage ditches, water wells, on-site wastewater treatment systems, sinkholes, rock outcrops, wooded area, railroad tracks, other similar significant natural or man-made features within the tract being subdivided or immediately adjacent thereto.
- v. Location and approximate dimensions and size of any sites to be reserved or dedicated for parks, drainageways, stormwater ponds, trails, or other public uses. The ownership and purpose of the sites shall be stated on the face of the plat.
- w. Location of soil boring tests indicating general
- x. Location of the proposed net project buildable area (NPBA) pursuant to § 168-7D when required by the Town.
- y. Locations of all environmental corridors and isolated natural areas as mapped by the State of Wisconsin, the county, the Town or local agencies.
- z. Plans for grading, stormwater management, and erosion and sediment control shall be submitted for all land disturbances. Areas proposed for filling and grading within shoreland jurisdiction and in close proximity to wetlands and floodplains shall be differentially shaded. All emergency overflow (EOF) routes for ponds and ditches shall be shown.
- aa. Complete road construction plans that meet applicable state, county and Town requirements. Those plans shall show plan views and profiles of all roads, horizontal and vertical curve information, typical sections, and other pertinent road information. If trails are included in the site, all trail plans should be included in the submittal. Storm sewers that extend for 40 feet or more shall have plans and profiles of the pipe shown on the construction plans.
- bb. A schedule of construction for accesses, roads, and all other improvements in the proposed plat that shall be incorporated into the developer's agreement pursuant to § 168-22B.

- cc. Draft of protective covenants that intend to regulate land use in the proposed subdivision and otherwise protect the proposed development, if any. The covenants shall be subject to the review and approval of the Town Attorney.
  - dd. Easements shall be shown and be limited to utility easements, drainage easements and access easements. All drainage easements shall state on the face of the document who shall own title and bear responsibility for maintenance of the easement.
  - ee. Conservation easements, their location, purpose and proposed ownership and control.
  - ff. Overlay map of sensitive areas [wetlands, water bodies, floodplains, steep slopes, historic and archaeological features as listed at the Wisconsin State Historic Preservation Office, on the Wisconsin Architecture and Historic Inventory (AHI) or on the National Register of Historic Places, drainageways and basins, erosion control features, problem soils and the like] and a report as to how the sensitive areas are to be handled through conservation easements, deed restrictions or covenants approved by and enforceable by the Town.
  - gg. Context of the surrounding area within 660 feet of the tract, including the general outline of existing buildings, land use, roads, property boundaries, natural features (water bodies, woodlands, wetlands, native prairies and farm or fallow fields), zoning and general topography. This information may be presented on an aerial photograph or sketch map at a scale of no less than one inch equals 400 feet.
  - hh. A note on all plats regarding future assessments for roads shall read as follows: "Lots may be subject to future assessments for any upgrades and improvements to the road."
    - ii. Detailed statement as to whether and how the proposed development is consistent with the Comprehensive Plan.
2. Developer's agreement required. As a condition of preliminary plat approval, the Town shall require a developer's agreement pursuant to Section 11.
  3. Financial guarantee required. As a condition of preliminary plat approval, the Town shall require a financial guaranty pursuant to Section 10.

4. Town Board Action. After receiving a recommendation from the Plan Commission, the Town Board may approve, approve with conditions, or disapprove a preliminary plat as provided in Section 5 B. When the Town Board determines to approve a preliminary plat of a major subdivision, the decision shall be stated in a letter sent to the applicant with a copy sent to the County Zoning Administrator.
5. Amendment of preliminary plat. If the subdivider/owner desires to amend an approved preliminary plat, the subdivider/owner shall resubmit the proposed amended plat, which shall follow the same procedure, unless the amendment is, in the opinion of the Plan Commission, of such scope as to constitute a new plat, in which case, a new application shall be filed. Any amended or new plat filed with the Town shall be forwarded to St. Croix County for concurrent review.
6. Approval conditions. The Town Board shall reject any plats which have not had review and action by objecting agencies prior to being submitted to the Town Board. Such rejection shall be without prejudice and the subdivider shall be asked to submit the plat pursuant to this section and the St. Croix County Subdivision Ordinance. Approval of a preliminary plat or certified survey map shall be valid for 36 months from the date of approval. Approval or conditional approval of the preliminary plat does not constitute automatic approval of the final plat.

C. Final plat review.

1. Required Submittals & Information. Final plats submitted for approval shall show the following information in a format that also complies with all applicable state and county requirements:
  - a. All requirements submitted under preliminary plat § 7B including any amendments made during the review process;
  - b. Dimensions and area (including and excluding rights-of-way) of all lots' setbacks, high water elevation and lowest building opening for those lots affected by a drainage easement or floodplain;
  - c. All easements with their intended use identified;
  - d. All required executed agreements;
  - e. All required financial guarantees;
  - f. All required materials; and
  - g. Four copies of the final plat with original signatures.

2. Town Approval & Certification. When the Town Board approves the final plat of a major subdivision and when all the required documentation, e.g. Developer's Agreement, financial guarantee, etc., is submitted, the Town Chair shall certify Town approval on the plat document in the space provided for that purpose and the Town Clerk/Treasurer shall sign the certificate on the plat concerning taxes or special assessments, if there are no delinquent taxes or special assessments.
3. Transmittal to County. A copy of the final plat with the signed certificate shall be sent to the County Zoning Administrator.
4. Time Period for Submitting Final Plat. If a final plat is not submitted to the Town for approval within 36 months of preliminary plat approval, the Town may refuse to approve the final plat.

### **Section 8- Subdivision Design Standards**

- A. Statement of Intent. Section 8 of this Ordinance contains standards for selected aspects of land subdivisions. The Town is governed by the St. Croix County Subdivision Ordinance. That Ordinance is comprehensive in character and addresses more features or aspects of land subdivisions than are addressed by the standards of Section 8 of this Ordinance. Where the standards of Section 8 are more restrictive than the standards of the County Ordinance, the more restrictive standards shall apply. Where the County Ordinance is more restrictive or where the County Ordinance sets standards for aspects of land subdivision which are not addressed by standards of this Town Ordinance, the County Ordinance shall apply, except that all standards regarding public improvements that are required and maintained by the Town shall be governed exclusively by the Town Subdivision ordinance.
- B. Suitability of Lands for Subdivision. No land shall be subdivided which is held unsuitable for its proposed use for reasons of flooding, inadequate drainage, adverse soil or rock formation, sewer erosion potential, unfavorable topography, inadequate water or sewer capabilities, or any other feature or circumstance likely to result in the imposition of unreasonable costs to remedy severe and avoidable problems or to be harmful to the health, safety, or general welfare of the future residents of the subdivision or the community.
  1. Buildable land is land suitable for the placement and construction of a dwelling, accessory buildings, a well and waste treatment facilities, in total without restriction from
    - a. Slopes of 20 percent or more, or slopes of 12 percent or more on highly erodible soils where evidence of erosion already exists
    - b. Bedrock outcroppings, sink holes, or closed depressions



- c. Wetlands, natural drainage ways or shoreland
- 2. Each lot, parcel, or tract created for the purpose of erecting a residential building or structure shall have a minimum of one half of an acre of contiguous buildable area
- 3. No more than fifty (50) percent of the contiguous buildable area may lie in the front, rear, or side setbacks
- 4. On-site wastewater treatment drainfields or mound systems may be placed on buildable area other than the designated buildable area in cases where it can be demonstrated that such placement would minimize overall site disturbance and would not create a negative environmental impact.

C. Minimum Lot Standards

- 1. The size, shape, and orientation of all lots shall be appropriate to the uses intended.
- 2. Minimum lot sizes and setbacks shall be determined by the Town of Forest Zoning Ordinance.
- 3. Lots within the existing Forest Sanitary District.  
Such lots will require a 1 acre minimum lot size per dwelling unit. Connections to the Forest Sanitary District must be authorized by the Town Board and be based on a comprehensive inspection and approval by an engineer hired for such purpose before any additional connections are permitted  
  
This sewer inspection must determine the system's total capacity and any improvements required prior to authorization of additional connections. The Town Board will determine the allocation of inspection costs, if any, to be paid by the requesting party prior to authorizing the inspection and improvements of the existing Forest Sewer System.
- 4. Land adjacent to the existing Forest Sewer System.  
In order to provide for an orderly growth of the area adjacent to the existing Forest Sewer System, and preserve the area for higher density use, any subdivision within 1500 feet of the Forest Sewer System's physical pump station is limited to a maximum of 1 acre dwelling size unless otherwise approved by the Town Board.
- 5. Length to width ratio. The suggested minimum length to width ratio of a lot will be a ratio of 3:1, length to width.

D. Road and Access Standards

1. Each lot in a subdivision shall have a useable access to a street or road that connects the lot to an existing public street, road, or highway. Said access shall meet the minimum specifications as set by St. Croix County and the Town of Forest (Forest Minimum Road Construction Standards).
5. All streets or roads which are proposed to be established within the subdivision to meet the requirements of Paragraph (1) above, shall have right of way width and grade characteristics as would qualify the street or road for allotment of State Highway Funds pursuant to Chapter 86 of the Wisconsin Statutes
3. All such roads shall be designed, graded, and constructed at the expense of the subdivider in such a manner as will fully satisfy the standards of Chapter 86 of the Wisconsin Statutes as to roadway width or specified in the Forest minimum Road Construction Standards.
4. The Town Board shall specify the requirements to be met as to street signs, street lights, culvert, posts, and guardrails, with the costs of such lights, signs, posts, or rails, if any determined, to be paid by the subdivider.
5. The requirements of paragraphs 2 through 4 above shall apply to all streets and roads specified in paragraph 1 above. At the time of application to Town for approval of a subdivision, the applicant shall identify the accesses, streets, and roads within the subdivision, which meet the definition of paragraph 1 and shall submit a schedule for the required construction and surfacing identifying the accesses, streets, and roads and the approximate timing of the required construction in relation to the final approval. The Plan Commission shall review this schedule. The schedule of access, road, and street construction shall be approved as submitted or with modifications. The schedule of construction so approved shall be a binding and enforceable condition of the Plan Commission's approval of the subdivision. A financial guarantee, as specified in Section 7, shall be required to assure that construction will occur according to the approved schedule.
6. All roads and streets identified in the above paragraph shall be offered for dedication to the Town. Dedications which are to be accepted by the Town shall be accomplished pursuant to Chapter 236 of the WI statutes.
7. Developers shall be required, at their expense, to install base and sub base for each residential driveway from the edge of the proposed roadway to the lot line of each lot according to the Forest Minimum Road Construction Standards. All driveways shall be located as designated on the approved final plat unless unforeseen problems may require placement in another location in which case the new location would require Town Board approval. If a culvert is required for proper drainage, a steel culvert of appropriate size shall be installed by the developer at the developer's expense.

8. All roads and streets constructed which do not meet the Town of Forest Minimum Road Construction Standards will be required to meet such standards prior to CSM or preliminary plat approval.

E. Storm Sewers and Sanitary Water

1. The Town Board shall determine with the assistance of an engineer hired for such purpose, if necessary, whether a storm sewer system shall be required, and if so, the type and size thereof. All costs and expenses incurred regarding hiring of such an engineer by the Town Board, and any cost of such a system, shall be borne by the subdivider.
2. The Town Board shall determine with the assistance of an engineer hired for such purpose, if necessary, whether a Central sanitary water system shall be required.

F. Central Sanitary Sewage Collection Systems.

The Town Board may consider a Central Sanitary Sewage Collection Systems having the approval of and meet all standards of regulating State of Wisconsin and St. Croix County agencies. Any cost of such a system, if approved, will be borne by the subdivider.

- I. Consideration shall be given in the design of any subdivision to the preservation of scenic and historic sites, stands of fine trees, marshes, lakes, and ponds, watercourses, watersheds, and ravines.
- J. Easements. The Town Board may require easements of width deemed adequate for electric power and communication facilities, storm and sanitary sewers, streets, roads, trees, and gas, water, or other utility lines. Where such easements are specifically located in the area being subdivided, they shall be so placed as to not interfere unreasonably with the use and enjoyment of the property for residential or other purposes. All easements shall be noted on the final plat filed by reference to the intended use.

**Section 9 - Engineer's Approval**

The adequacy of any facilities or improvements and the proper installation thereof shall be subject to the approval of an engineer hired for such purpose by the Town of Forest. All costs and expenses incurred regarding hiring of such engineer by the Town Board shall be borne by the subdivider.

**Section 10- Financial Guarantee**

Performance and Maintenance Guarantees.

- A. Requirement. When the public infrastructure, roads and related improvements are required by the Town under Town Ordinances or pursuant to a developer's agreement with the Town, the developer shall file a performance and maintenance guarantee with the Town Clerk before preliminary plat or CSM approval. The performance and maintenance guarantee shall be in favor of the Town and in an amount sufficient to fund and guarantee the performance of the developer's obligations, make payment for any and all work and other obligations to be performed by the developer pursuant to this Article or such developer's agreement and to serve as a maintenance guarantee, at a reduced level, after such public improvements have been accepted by the Town. When the Town approves a phased construction of platted area, the performance and maintenance guarantee shall be provided for each phase before any site work commences in the area of that phase, and in an amount sufficient to fund and guarantee the performance of the developer's obligations with reference to the permanent and temporary public facilities, roads and public improvements that will be built as part of that phase and the maintenance of such improvements for a reasonable time, not to exceed 14 months after the Town determines that the said improvements have been substantially completed. Performance and maintenance guarantees may be in the form of an irrevocable letter of credit or a performance bond, either of which shall be in a form and substance approved by the Town Attorney and in an initial amount estimated by the Town Engineer to be 120% of the total cost of completing the public facilities and improvements being required and the costs of inspections by the Town in the CSM, preliminary plat or phase of preliminary plat for which approval is being sought, including all improvements for which the Town will have future responsibility for maintenance or repair. In multi-phase developments, the 120% performance and maintenance guarantee required for each phase shall include the cost of construction of stormwater management required for that specific phase when not held by St Croix County and shall include the cost of construction of all interior roads in that phase including the roads in that phase that will connect to future phases and/or adjacent developments. Once the required infrastructure has been substantially completed in the CSM, preliminary plat or in a specific phase, inspected by the Town Engineer and found to be satisfactory, and accepted by the Town, if applicable, the performance guarantee for the CSM, plat or phase may be reduced to an amount equal to the total cost of completion of any uncompleted public improvements in that phase plus 10% of the total cost of the completed public improvements. Town ordinances also exist requiring developers to pay certain costs of the Town incurred in application review and inspection, to deposit funds with the Town for this purpose and requiring that developer's agreement be entered into with the Town.
- B. Drawing Upon a Performance or Maintenance Guarantee. The performance bond or letter of credit provided to the Town shall expressly state that any litigation concerning the performance bond shall be venued in St. Croix County and that if at any time the developer is in default under this Article in any aspect of its developer's agreement with the Town; or if the developer does not complete the installation of the required public improvements within the time established in the developer's agreement

unless otherwise extended by agreement or action of the Town Board; or if a bond or letter of credit on file with the Town is dated to expire in the next 60 days and has not been extended, renewed or replaced and delivered to the Town by the developer; or the developer otherwise fails to maintain the bond or letter of credit in the amount required by this Ordinance or applicable developer's agreement to pay the costs of the required public improvements, then the developer shall be deemed to be in violation of this Ordinance and the Town Board shall have the authority to draw upon the performance bond or letter of credit, whereupon the bond company or financial institution involved shall pay to the Town all amounts requested and available for payment. If the irrevocable letter of credit or performance bond is not paid to the Town upon demand, whether in whole or in part, the Town shall be empowered, in addition to its other remedies and without notice or hearing, to impose a special charge for the amount of said performance/completion costs or maintenance and repair expense related to the required public improvements upon each and every lot in the development, payable with the next succeeding tax roll, pursuant to Wis. Stat. §66.0627.

### **Section 11 – Development Agreement Required.**

As the pressure for further development in the Town increases, the Town Board finds it important to acquire the services of competent planning, engineering and legal professionals with the technical expertise needed to evaluate the impact of proposed development activities on the health, safety, and welfare of the Town residents, infrastructure and public facilities. The Town Board has also found it appropriate to require the subdivider/owner seeking to subdivide land, rather than the general taxpayer, to pay the cost of these professional opinions required during the ongoing subdivision review and development process. Agreements.

- A. Predevelopment agreement. Anyone applying for Town approval of activity regulated by this ordinance shall enter into a predevelopment agreement with the Town at the time of concept review application, or if no concept review is required, at the first application under this chapter. Said agreement shall be executed by the Town and by all beneficial owners of the land for which the plat or certified survey map approval is sought unless excused by the Town Board from this requirement, in accordance with the criteria in this chapter. This agreement shall have the following provisions:
1. Property location and legal description identifying the parcel proposed for subdivision.
  2. Provision that the subdivider/owner shall pay all administrative fees and professional costs incurred by the Town to study and review the concept plan, the preliminary and final plat for a major subdivision or the certified survey map for a minor subdivision, including:
    - a. Fees established by the Town Board for review of documents;

- b. Consultation, in any format, without limitation, with people working in the following professional fields:
  - 1. Legal;
  - 2. Engineering;
  - 3. Landscaping;
  - 4. Conservation;
  - 5. Surveying;
  - 6. Other professional service providers deemed reasonable, appropriate, and the same or similar to other professional service providers on a case-by-case basis by the Town Board;

- b. Agreement that all charges before, during and after the submittal of the development application will be included.

- 3. Provision that payment of the costs shall be made by a cash deposit, cashier's check or irrevocable letter of credit in the name of the Town in an amount established by resolution of the Town Board from time to time and on file in the office of the Town Clerk/Treasurer.
- 4. Provision that failure to pay any costs associated with review of the application shall result in the drawing of the funds deposited pursuant to Subsection A (3) of this section.
- 5. Provision for termination of the guarantee.
- 6. Any other provision deemed reasonable, appropriate, and the same or similar to other provisions in this section on a case-by-case basis by the Town Board.
- 7. Failure to maintain the deposit pursuant to Subsection A (3) of this section will result in stoppage of all review by the Town until the subdivider/owner is in compliance.

D. Developer's Agreement.

- 1. Developer's agreement required.
  - a. Anyone proposing to create a subdivision in the Town shall enter into a developer's agreement with the Town if the proposed development will:
    - (1) Create or affect public improvements, whether already built or proposed to be built and dedicated to the Town; and/or

- (2) Install erosion control or stormwater management devices that will be permanent and will drain or affect stormwater drainage from areas other than the lot on which such devices will be located; and/or
    - (3) Include private improvements or infrastructure that will be maintained by all lot owners in the proposed development or an association of lot owners.
  - b. The developer's agreement shall be executed by the person/entity proposing the subdivision, by the record owner of the property proposed to be subdivided and by all persons/entities with a beneficial interest in the property, e.g., mortgagees.
- 2. Components of the developer's agreement. The agreement shall have the following provisions:
  - a. The developer's agreement shall identify all individuals or business entities holding an ownership interest in the subject property or holding an interest under an executed purchase agreement at the time the developer's agreement is executed. The developer's agreement shall also be executed and acknowledged by current and known future mortgagees and shall be binding on the successors and assigns of the named developers, owners and mortgagees.
  - b. The developer's agreement shall contain a full and accurate description of the area being subdivided.
  - c. The developer's agreement shall require that cash, an irrevocable letter of credit or performance bond in favor of the Town as provided in Section 10 be filed with the Town and a copy attached to the agreement in an amount of 120% of the amount sufficient to cover the estimated costs of public or private infrastructure, erosion control devices, Town's professional fees incurred in reviewing and administering the development process, maintenance and snowplowing of roads before acceptance. The developer's agreement shall address whether and when the financial guarantee can be released. The subdivider shall take all steps necessary to maintain financial guarantee in the Town's possession and not allow it to expire before completion of construction and the expiration of any warranty period.
  - d. The agreement shall disclose and confirm relevant details regarding the subdivider's bonding, insurance, sureties, warranties, continuing maintenance requirements and responsibilities, and other contracts and agreements affecting the subject property.

- e. The agreement shall identify the exceptions and variances to state, county and Town statutes, ordinances and regulations that have been granted or are being sought for the subdivision.
- f. Where any platted area in a subdivision or CSM will serve as open or buffer space and be jointly maintained and controlled by the owners of the platted lots, or where erosion control or stormwater management devices will be installed in the area being subdivided that will require ongoing maintenance, the developer's agreement shall require that a homeowners' association be created providing that the Association shall be responsible for maintaining such devices.
- g. Any jointly maintained and controlled areas being subdivided shall have a written management and maintenance plan and/or a land stewardship plan pursuant to § 168-22F.
- h. The agreement shall refer to or contain, as exhibits, the final documents naming the person(s) or business entity that will hold title to the property while the plat or certified survey map lots are being initially developed and built.
- h. The agreement shall provide detailed information regarding the nature and extent, design, quantity, location and other relevant characteristics, and a construction schedule for all planned public infrastructure improvements including sewer service, water service, public ways and public or private roads, stormwater and erosion controls, berms, vegetative management and plantings, ponds, streams, paths, lighting, monumentation, outbuildings and other public improvements as may be required by state, county or Town statutes, ordinances or regulations existing at the time of plat approval.
- j. The developer's agreement shall address the timing of joint driveway construction, shall require shared maintenance agreements concerning joint driveways and shall address the control and removal of debris and rubbish during initial construction on lots being created.
- k. The agreement may contain agreement in other areas not expressly authorized or required by law, but that are nonetheless mutually agreeable to the subdivider/owner and the Town and which serve to promote public health, safety and welfare. Any such stipulations may not be made a condition of plat approval, nor may a subdivider's/owner's refusal to enter into such stipulations form the exclusive basis for plat or CSM rejection.
- l. In all situations, the agreement shall require the subdivider/owner to pay:



- (1) All costs of constructing the improvements shown on the final plat; and
  - (2) All of the professional fees for any work relating to the agreement, for any work to supervise or inspect work covered in the agreement on behalf of the Town, and/or for Town action taken in order to enforce the subdivider's/owner's obligations under this chapter or a developer's agreement.
- m. The developer's agreement shall refer to and/or include as exhibits the following information:
- (1) Preliminary plat;
  - (2) Final plat, to be added once approved and recorded;
  - (3) Road design and construction plans;
  - (4) Stormwater calculations and plans;
  - (5) Irrevocable letter of credit (photocopy);
  - (6) Construction schedule with cost estimates for all earthmoving and public improvements to be replaced by the developer with accepted bid amounts as soon as available;
  - (7) Homeowners' association articles of incorporation and bylaws, where required;
  - (8) Homeowners' association and any other restrictive covenants, where required;
  - (9) Copies of the documents officially creating any developer business entity that holds or will hold title to the property while the plat or CSM lots are initially developed and/or built;
  - (10) Conservation easements, where required;
  - (11) Open space management plan and land stewardship plan, where required;
  - (12) Other project-related information deemed reasonable, appropriate, and the same or similar to other provisions on a case-by-case basis by the Town Board.

3. Waiver of developer's agreement requirement. The Town Board may waive the requirement of a developer's agreement in situations where:
  - a. The application for subdivision of land complies with the Comprehensive Plan, with all applicable local and county ordinances and state law, and no variances or rezoning will be required; and
  - b. No public or private roads, erosion control or stormwater management devices or other improvements, facilities or dedication of facilities or areas for public use or use by the residents of the subdivision, will be required as a result of the development being proposed; and
  - c. No utilities will be significantly altered.
4. When developer's agreement shall be executed and delivered to the Town.
  - a. For a major subdivision, the developer's agreement shall be executed upon conditional preliminary plat approval and delivered to the Town.
  - b. For certified survey maps, the developer's agreement shall be executed and delivered to the Town before Town Board final approval of the certified survey map.
  - c. Failure to execute and deliver a developer's agreement to the Town within 45 days of the time of conditional preliminary plat or preliminary certified survey map approval shall be considered a failure of a condition and grounds for denial of the preliminary plat or preliminary certified survey map unless the time is extended by written agreement between the Town and the subdivider.

### **Section 12 Exceptions**

- A. The Town Board may grant exceptions from the design standards provisions of this Ordinance, but only after determining that:
  1. Because of the unique conditions of the subdivision involved, literal application of the Ordinance would impose exceptional and undue hardship;
  2. The exception would not violate the purpose of this Ordinance or the provisions of Chapter 236 of the Wisconsin Statutes.
- B. The requirement of filing and recording an approved certified survey or plat for subdivision shall not be waived.

**Section 13-Enforcement**

Any activity which fails to satisfy the standards of this Ordinance shall be a violation of the Ordinance, regardless of whether knowledge or intent to violate was present, and shall subject the party or parties who were responsible for non-compliance or who aided or abetted the non-compliance to an injunction action which demands that the condition constituting the violation be ceased or cured and that remedial actions to achieve compliance be undertaken, and/or a forfeiture in an amount of not less than \$500.00 nor more than \$1000.00 plus the costs of prosecution of these allegations. Each day during which such violation exists is a separate offense. In addition, the Town Board may order an assessor's plat pursuant to the provision of Chapter 70.27 of the Wisconsin Statutes whenever the conditions specified in that Chapter are found to exist.

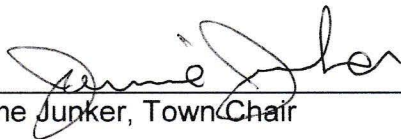
**Section 14-Severability**

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

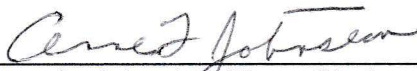
**Section 15- Effective Date**

This Ordinance shall become effective after Plan Commission recommendation, having a public hearing on the ordinance, approval by the Town Board and publication as provided by Wisconsin law.

Adopted this 12<sup>th</sup> day of Jan, 2016

  
\_\_\_\_\_  
Jaime Junker, Town Chair

Attest:

  
\_\_\_\_\_  
Anne L. Johnston, Town Clerk

**THE TOWN OF FOREST  
ST. CROIX COUNTY, WISCONSIN**

ORDINANCE NO. 2017-1

**NONMETALLIC MINE OPERATOR'S LICENSE ORDINANCE**

**Section 1. Findings, Purpose, Authority and Non-Liability.**

- 1.01 **Findings.** Nonmetallic mining operations, while a vital component of our state and local economy, can have both direct and indirect adverse impacts. Studies have documented that nonmetallic mining operations can have adverse impacts on groundwater and surface water, and can generate harmful levels of dust and noise particularly if blasting and crushing operations are undertaken. Nonmetallic mining sites can have negative impacts on the landscape and aesthetics if not properly screened, and can present safety concerns to members of the public if not properly secured. Truck traffic from such operations can also generate off-site impacts including safety concerns to children and other residents. While certain aspects of mining operations are subject to state or federal regulation, there is no comprehensive state or federal regulation of nonmetallic mining operations. Many aspects of nonmetallic mining operations are left unregulated with potential adverse impacts to the public health, safety and welfare of the residents of the Town.
- 1.02 **Purpose.** The purpose of this Ordinance is to provide minimum standards for all nonmetallic mining operations in the Town, and to require licenses for nonmetallic mining operators in order to protect public health and safety, to preserve the scenic beauty of the Town's landscapes and environment, to protect the public from damage to both the quantity and quality of ground and surface waters, to minimize or prevent adverse impacts from on-site and off-site operations, and to promote the general welfare of the people and communities within the Town of Forest.
- 1.03 **Authority.** This Ordinance is adopted by the powers granted to the Town of Forest by the Town's adoption of Village powers under Wis. Stat. §§ 60.10 and 61.34, its authority under § 66.0415, and other authority under the statutes. Any amendment, repeal or recreation of the statutes relating to this Chapter made after the effective date of this Ordinance is incorporated into this Ordinance by reference on the effective date of the amendment, repeal or recreation.

**1.04 Non-Liability:**

- (a) The Town does not guarantee, warrant, represent, or hold itself liable for any defects in plans or specifications, false information provided, plan omissions, examination or inspection oversight, construction, or damage that may result in the Nonmetallic Mining or Manufacturing Process and reserves the right to order changes or additions if conditions arise pertaining to public health, safety, or welfare.
- (b) The Town assumes no responsibility for any property damage or any other form of injury which are the results of the Nonmetallic Mining or Manufacturing Process pursuant to authority granted under the terms and conditions of this ordinance.

**Section 2. Applicability and Scope.**

2.01 This Chapter shall apply to all nonmetallic mining operations and mine sites within the Town of Forest except as set forth in sub. (2).

2.02 This Ordinance shall not apply to the following nonmetallic mining operations:

- (a) Excavations or grading by a person solely for domestic or farm use at that person's residence or farm.
- (b) Excavations or grading conducted for the construction, reconstruction, maintenance or repair of a highway, railroad, or any other transportation facility where the excavation or grading is entirely within the property boundaries of the highway, railroad or other transportation facility.
- (c) Grading conducted for preparing a construction site or restoring land following a flood or natural disaster.
- (d) Excavations for building construction purposes conducted on the building site.
- (e) Nonmetallic mining at nonmetallic mining sites where less than one acre of total affected acreage occurs over the life of the mine.
- (f) Removal from the earth of products or commodities that contain only minor or incidental amounts of nonmetallic minerals, such as commercial sod,

agricultural crops, ornamental or garden plants, forest products, Christmas trees or plant nursery stock.

- (g) Nonmetallic sand and gravel mines or quarries in operation on and prior to the effective date of this ordinance shall not be required to register or to apply for a license under this ordinance. However, upon any substantial change in mining operations, including, but not limited to, the type of material mined, the intensity of mining operations evidence by hours of operations, tonnage removed, more frequent blasting, enlarging the size of the mine site, adding new manufacturing or processing operations, and/or any change that would require a change in the reclamation plan, the mine will be considered a new operation and will be subject to the requirement of this ordinance.
- (h) An exemption from the requirements of this ordinance does not prevent the Town from requiring the operator of the exempt nonmetallic mining operation to enter into a highway use agreement under Wis. Stat. 349.16 or other authority available to the Town.

### **Section 3. Definitions.**

3.01 "Nonmetallic minerals" means a product, commodity or material consisting principally of naturally occurring, organic, inorganic, nonmetallic, non-renewable material. Nonmetallic minerals include but are not limited to stone, rock, sand, gravel, asbestos, beryl, diamond, clay, coal, feldspar, peat and talc.

3.02 "Nonmetallic mining" means any or all of the following:

- (a) Extraction from the earth of mineral aggregates or nonmetallic minerals for off-site use or sale, including drilling and blasting as well as associated activities such as excavation, grading and dredging of such materials.
- (b) Manufacturing or processing operations that may involve the use of equipment for the crushing, screening, separation, or blending of the mineral aggregates or nonmetallic minerals obtained by extraction from the mining site or with materials transferred from off-site.
- (c) Manufacturing processes aimed at producing nonmetallic products for sale or use by the operator.

- (d) Stockpiling of nonmetallic products for sale or use off-site and stockpiling of waste materials.
  - (e) Transport of the extracted nonmetallic materials, finished products or waste materials to or from the extraction site.
  - (f) Disposal of waste materials.
  - (g) Reclamation of the extraction site.
- 3.03 "Waste Material" means the non-marketable by-product that results directly from or is displaced by extraction or that is a by-product of a manufacturing process that is scheduled for disposal at the extraction site or some other site as part of a reclamation plan.
- 3.04 A "mine site" or "site" means land from which mineral aggregates or nonmetallic minerals will be extracted for sale or use by the operator, including all land on which is or will be located any structures, equipment, storage facilities, stockpiles, washing or screening facilities, private roads or haulage ways associated with nonmetallic mining operation; and all contiguous lands to the nonmetallic mining operation under common ownership or control of the owner or operator.
- 3.05 "Landowner" means the person who has title to land in fee simple or who holds a land contract for the land.
- 3.06 "Adjoining landowner" means any property within 1 mile of the proposed mine site regardless of whether there is a residence or structure on the property.
- 3.07 "Town" means the Town of Forest.
- 3.08 "Town Board" means the Town Board of the Town of Forest.
- 3.09 "Operator" means any person who is engaged in, or who has applied for a license to engage in nonmetallic mining, whether individually, jointly or through subsidiaries, agents, employees, contractors or subcontractors.

- 3.10 "Operator's license" or "license" means the license required of mining operators in this Ordinance to undertake nonmetallic mining in the Town of Forest.

**Section 4. License Required.**

- 4.01 License Requirement. No person shall operate a nonmetallic mine within the scope of this Ordinance in the Town of Forest without first obtaining an operator's license from the Town Board.
- 4.02 License Term.
- (a) Except for the first year of operation under this Ordinance, an operator's license shall be granted for a period of one year commencing on July 1 and ending on June 30 of the following calendar year. For the first year of operation under this Ordinance, the operator's license will extend from the date of issuance until the first June 30th after 12 months of operations have been completed.
  - (b) An operator's license may be renewed as set forth in Section 8.02, except that a temporary operator's license may not be renewed.
- 4.03 License Amendment. If the Town has issued an operator's license, the operator may request an amendment to that license during the license term, using the same process as the original license application.
- 4.04 License Transfer. An operator's license may be transferred to a new operator with the permission of the Town Board, provided that the new operator provides financial assurances and other information as may be required by the town, county or state, and provided that the operational plan as submitted at the time of granting the license being transferred remains unchanged.
- 4.05 License Revocation. An operator's license may be revoked under the procedures in Section 9.
- 4.06 Registration License. Nonmetallic mining operations that meet the following criteria may apply for a registration license under Section 14 in lieu of an operator's license:



- (a) The nonmetallic mining operation where less than 5 acres of total affected acreage occurs over the life of the mine or the processing facility.
- (b) The nonmetallic mining operation does not involve blasting.
- (c) The nonmetallic mining operation does not involve processing of materials from off site.
- (d) The nonmetallic mining operation does not involve mining at a depth below the point that is 5 feet above the groundwater table.

### **Section 5. Procedures For Applying For A License To Mine.**

5.01 Application Form. The Application Form for a license to mine in the Town of Forest shall be available from the Town Clerk.

5.02 Application Submittal. An applicant shall provide the Town Clerk with an original plus ten (10) copies of the application, all required supplemental documentation, the application fee and the base administrative fee deposit in amounts shown on the Application Form. Applications shall be signed by all persons or entities seeking licensure as operator and by all owners of the nonmetallic mining site. The Town shall periodically review and revise the amounts required for the application fee and base administrative fee deposit with the objective that the application and administration process under this Ordinance will be fully funded by license applicants and operators.

5.03 Initial Review by the Town Board.

- (a) Preliminary Review. The Town Clerk shall forward the application to the Town Board for initial review to determine if additional information or expertise is necessary to properly evaluate the application. If no additional information or expertise is deemed necessary, the Town Board shall schedule the application for a hearing under section (5.04).
- (b) Additional Information. The Town Board may request the applicant to submit additional information if the Town Board determines that application is incomplete. The Town Board may also retain the services of an engineering firm or other qualified person with appropriate expertise ("retained expert") to review the application and report to the Town Board whether additional information is

required for review of the application and to determine whether the application meets the standards of this Ordinance.

- (c) Additional fees. If the Town Board determines that additional expertise is required, the Town Board shall authorize retaining the services of an engineering firm or other qualified person with appropriate expertise to advise the Town and shall give written notice to the applicant of the additional administrative fee to be charged beyond the base administrative fee to cover the cost of the services of any such retained expert. The additional fee shall be paid before the additional review is undertaken. If the amount of the final administrative fee exceeds the estimated fee, the applicant shall pay the amount before review is undertaken; if the final administrative fee is less than the estimated amount, the overpayment shall be refunded to the applicant.
- (d) Once the applicant has submitted any additional information and has paid the additional administrative fee in the amount charged, the retained expert shall report to the Town Board on whether the application meets the requirements of this Ordinance.

5.04 Decision by the Town Board.

- (a) Notice and Hearing. Once the application is complete and any report by a retained expert has been completed, the Town Clerk shall place the application on the agenda for the next regular meeting of the Town Board. If a special meeting is warranted, the applicant shall pay the additional fees incurred for the special meeting. The Town Board shall set a date for a public hearing and give public notice at least fifteen (15) days prior to the date scheduled for the hearing, with the notice mailed to all adjoining landowners. At the public hearing, the Town Board shall take public comment on the proposed mine license.
- (b) Town Board Decision. Following the public hearing, the Town Board may take immediate action or set a date for the meeting at which time they shall make a final decision on the operator's license. If a special meeting is warranted, the applicant shall pay the additional fees incurred for the special meeting. The Town Board shall review the retained expert's report as well as public comments made at the public hearing. The Town Board shall grant the license if it determines that the operation of the mine will be consistent with the minimum standards and the purposes of this

Ordinance. If the Town Board denies the license, the applicant may request a hearing under the provisions of Section 9.03.

**Section 6. License Application.**

All applicants for a mining license shall submit the following information:

**6.01 Ownership Information.**

- (a) The name, address, phone number(s), and e-mail address of the operator of the nonmetallic mining operation.
- (b) The name, address, phone number(s), and e-mail address of all owners or lessors of the land on which the mining operation will occur.
- (c) If the operation is subject to a lease, a copy of a fully executed lease and/or agreement between the landowner and the operator who will engage in mining operations on the proposed site.

**6.02 Site Information and Maps.**

- (a) A certified survey map(s) and parcel identification number(s) of the property on which the nonmetallic mining operation will be located.
- (b) An aerial photo of the proposed site at a scale of 1 inch equals 660 feet signed by both the operator and the landowner.
- (c) A topographic map of the mine site extending 1 mile beyond the site boundaries at contour intervals no wider than 10 feet showing the boundaries of the site, the location and total acreage of the site, and the name of all roads within one mile of the site. If the proposed site is a reasonably flat piece of land the contour map shall show contours for every foot or more of elevation change.
- (d) The location within the site of all existing buildings and other structures, equipment, stockpiles, storage and parking areas.

- (e) A map on which the all residential, agricultural and municipal wells within 1 mile of the boundaries of the site in all directions are marked and given-a numerical identification of the location.
- (f) The location and name of all surface waters, including lakes, private or public ponds, streams (including intermittent streams and headwaters), drainage ditches, wetlands, drainage patterns and other water features on the site and within 1 mile of the site. If the gradient of groundwater flow is in the direction of a stream, the applicant must supply data establishing the base-line flow of the stream at the time of license application.
- (g) A description of the distribution, depth and type of topsoil on the site as well as the geological composition and depth and width of the nonmetallic deposit.
- (h) A map identifying the location of all other non-contiguous sites within the Town of Forest and adjacent towns, if any, that will contribute material to the same facility for which the applicant seeks a license will also contribute.

6.03 Operation Plan.

- (a) Dates of the planned commencement and cessation of the operation.
- (b) Description of mining methods, machinery and equipment to be used for extraction and processing of the extracted material, and the sequence of operations.
- (c) Estimated volume of material to be extracted over the life of the mine and for the next calendar year.
- (d) Location of road access points. The proposed location within the site of all buildings and other structures, equipment, stockpiles, storage and parking areas.
- (e) Identification of all proposed off-site trucking routes, together with the frequency of traffic and the common schedule of travel to be used for transporting extracted materials or products to or from the site.

- (f) A water budget, including an estimate of the amount of daily water use, water sources, and methods for disposing of water including methods used for infiltration and control of run-off.
- (g) A listing of any hazardous materials, including fuel supplies that will be stored on site and a description of measures to be used for securing and storing these materials.
- (h) A listing of all chemicals used in the manufacturing or processing operations or in controlling dust. The operator shall select products that limit the potential for groundwater or surface water pollution, as may be identified on recognized product lists available from Wisconsin DNR, EPA, or other agencies.
- (i) Contiguous properties. For contiguous properties under common ownership or control of the applicant owner or operator, a timetable and plan indicating the anticipated nonmetallic mining operation expected to be undertaken at such properties.

**6.04 Information Demonstrating Compliance with Minimum Standards.**

- (a) The operator shall provide the information necessary to demonstrate that the mining operation will comply with the minimum standards in Section 17.07.
- (c) For mining operations commencing after the effective date of this Chapter, the operator shall also provide information establishing baseline conditions at the site before mining operations commence, including the groundwater elevation across the site, groundwater quality at the site for lead, arsenic and any other toxic metal that may reasonably be believed to be present in the area or in the type of deposit from which the extraction will be made, and the base flow of surface water within 1 mile of the site.

**6.05 Special Exceptions.** The applicant can request a special exception from the application requirements of this section if it can demonstrate that the information required can be provided by alternative means or is not necessary for an evaluation of the particular mining operation, and that the public health, safety and welfare will not be adversely affected thereby.

**Section 7. Minimum Standards of Operation.**

The Town Board may grant a license to mine if the applicant can demonstrate that the following minimum standards of operation will be met:

**7.01 General Standards.**

- (a) The operator shall stake or otherwise mark the borders of the entire site and shall secure the active area of the mining site by fencing or other appropriate measures.
- (b) The operator shall demonstrate compliance with all of the other provisions of this Ordinance.
- (c) The operator shall provide copies of all required blasting permits before blasting.
- (d) The operator shall demonstrate that all other applicable federal, state and local permits and approvals required for the nonmetallic mining operation have been or will be obtained prior to commencement of operation.
- (e) The operator shall provide notice to the Town of any notices of violation, citations, or other enforcement actions taken by any other governmental body against the mining operation within the Town.
- (f) A minimum setback of Eight Hundred (800) feet from the edge of the property boundary on which the mining operation or industrial frac-sand facility is located to a residence is required. However, the setback does not apply (i) to a residence that is occupied by someone who has sold or leased their land to the applicant on which the mining facility will be located nor (ii) to a residence that is occupied by someone who has leased lands for a mining operations, though not covered by the license application under current review.

**7.02 Standards Regarding Off-Site Impacts.**

- (a) The operator shall undertake all measures necessary for the control of surface water runoff from nonmetallic mining operations in order to prevent pollution and erosion of sediment onto neighboring properties, surface water and ground

water, and shall also comply with the standards for erosion control under NR 216 and NR 151 as applicable.

- (b) In the event that the mine site contains areas adjacent to the nonmetallic mining operations that are being used for agricultural, commercial or residential purposes, the operator shall undertake all measures necessary to control surface water runoff from those areas from entering mining operations or otherwise causing contamination of surface water and groundwater.
- (c) The operator shall provide a fifteen (15) foot setback from the outside edge of a roadside ditch and, where necessary, along the property line of adjoining landowners. This 15 ft area shall be vegetated to minimize sediment laden runoff from entering the ditch or onto neighboring land. No part of any berm shall be located within this 15 foot area. The setback area may be used by equipment for repair or maintenance of the berm or to remove erosive soils deposited in the setback area. This 15 foot setback is in addition to whatever buffer is set by the County in its conditional use permit or reclamation plan.
- (d) The operator shall screen the mining operations from public view to the maximum extent practicable through the use of berms, additional setbacks or other measures.
- (e) The operator shall limit normal hours of operations to 10 hours a day Monday through Friday during daylight hours and not later than 6:00 pm to minimize off-site impacts to residents. The operator may submit a plan for extended hours as a special exception, if it can demonstrate that additional hours are necessary for the mining operation and it would be consistent with public, health safety and welfare.
- (f) The operator shall ensure that trucks from the mining site shall not interfere with the safety of children being taken or returned from school, or the safety of residents and commuters at times when traffic volume from commuters going to and from work is highest.
- (g) The operator shall limit night lighting on site, to that which is minimally necessary for security. Every effort consistent with the legal requirements for safety shall be made to minimize illumination of the night sky and neighboring properties. At a minimum such measures shall include the following:

- (1) The use of full cutoff shrouds on all lights.
  - (2) Portable lighting shall be used only as necessary to illuminate temporary work areas.
  - (3) The use of berms of sufficient height coupled with other methods of visual screening to block light from neighboring properties.
  - (4) The design and location of access roads to minimize lights from traffic and operations to neighboring properties.
- (h) The operator shall control off-site noise levels to the maximum - extent practicable. The noise levels at the boundaries of the mining or processing site shall not exceed 60dB during hours of operation. The use and regulation of compression release engine brakes, commonly known as jake-brakes is at the discretion of the Town Board, where posted.
- (i) Air monitors.
- 1) The operator shall utilize all relevant dust control measures specified in Wis. Admin. Code § NR 415.075.
  - 2) If an applicant is applying for an operator's license for a mining operation that includes a frac-sand processing plant, the operator shall be required to monitor the ambient level of airborne particulate matter of 2.5 microns in size (PM25) and Total Suspended Particulates (TSP) as measured by the method described in Appendices L and B, respectively, of 40 CFR part 50 (2011) or a method approved in writing by the Town. The type and number of monitors needed, the location of the monitors, and frequency and duration of the monitoring program shall be determined by agreement of the operator, the Town Board and its consultant, but all costs associated with monitoring shall be borne by the operator.
  - 3) If the air monitors show an exceedance of 35 micrograms per cubic meter of PM2.5 in any 24 hour period, the operator shall evaluate and implement additional best management practices to minimize PM25 emissions.



- 4) If the air monitors show an exceedance of 150 micrograms per cubic meter of TSP in any 24 hour period, the operator shall evaluate and implement additional best management practices to minimize TSP.
- 5) The operator shall compile a quarterly summary of monitoring results report within 10 days of the end of each month that shall be available to the Town Board.
  - (j) In order to minimize the emission of dust at an off-site facility, stockpiling of product shall be fully enclosed in a structure. All appropriate permits shall be required for said structure.

**7.03 Standards Regarding Groundwater and Surface Water.**

**(a) Impacts to Groundwater Quality.**

- (i) Depending on the nature of the proposed mining operation, the Town board may require that Sentinel wells (i.e. a groundwater monitoring network) be placed on the extraction site to monitor depth to groundwater table, groundwater gradient, and groundwater quality. Base-line data prior to the onset of mining must be included in the application material. Quarterly samples shall be taken of water quality for chemicals used in on-site mining operations, as well as for lead, arsenic, iron, iron bacteria and turbidity, and for nitrates and other contaminants associated with any activity other than mining that continues to be conducted on the property on which the mine site is located or on lands adjacent to the mining operation. An annual report of the analytical results shall be provided to the Town. All private wells within ¼ mile of the mine in the down gradient direction of the groundwater flow shall be tested for these same contaminants every 3<sup>rd</sup> year of operation. If a sentinel well shows some contamination of groundwater supply that may be due to the mining operation, and no private wells exist ¼ mile down gradient of the sentinel well, then private wells shall be sampled within ½ mile down gradient of the sentinel well. A private well or wells up to ½ mile in any direction from the mine site shall be sampled at any time the Town requests a sampling, with the results of the sampling provided to the Town and well owners(s).

- (ii) Mining operations shall not cause an exceedance of groundwater quality standards in Wis. Admin. Code Ch. NR 140.

(b) Impacts to Groundwater Quantity.

- (i) Mining operations shall not extract materials at a depth below the point that is fifteen (15) feet above the groundwater table.
- (ii) Mining operations shall not cause a significant reduction in the quantity of groundwater available for reasonable use by current users within 1 mile of the mine site. A significant reduction is a drop in the water table that results in a substantial adverse impact on a private well including but not limited to the inability of a well to provide water on a continuous basis.

(c) Impacts to Surface Water Base Flow. Mining operations shall not cause a lowering of the groundwater table that results in adverse effects on surface waters within 1 mile of the mine site, including but not limited to, a reduction of water in streams and tributaries to or below base flows established prior to the beginning of mining operation.

(d) Impacts to Surface Water Use. Mining operations shall not cause a lowering of the groundwater table that results in adverse effects on surface waters which serve as a critical source of water for agricultural or municipal functions such as fire protection within 1 mile of the mine site. Adverse effects include but are not limited to a reduction of water in streams and tributaries to or below base flows established prior to the beginning of mining operation.

7.04 Hazardous materials.

- (a) All hazardous chemicals shall be stored, used and disposed of in accordance with applicable state and federal law.
- (b) The operator shall not dispose of waste materials containing any hazardous chemicals in toxic amounts, or residuals declared to be hazardous by a government agency in toxic amounts.

- (c) The operator shall have a plan for responding to spills of any hazardous materials on the site.

7.05 **Control of Waste Material.** The amount of waste material (non-marketable fines) returned to a mine site as part of the reclamation process shall not exceed the site specific ratio of waste to target material of the extracted raw material as determined prior to the processing of the raw material. A processing facility shall keep records of the tonnage of raw material drawn from each raw material source. The tonnage of waste byproduct that is returned to each mine reclamation site shall not exceed the tonnage of waste contained in the raw material received at the processing facility from that site.

7.06 **Special Exceptions.**

- (a) The operator can request a special exception from the minimum standards of this Section if it can demonstrate that the intent of this Ordinance can be achieved through by the use of alternative measures and that the public health, safety and welfare will not be adversely affected thereby.
- (b) The Town Board can impose requirements in addition to or exceeding the minimum standards if it has evidence that the public health safety and welfare will not be adequately protected without the imposition of additional measures.

**Section 8. Annual Report and License Renewal**

8.01 **Annual Report.**

- (a) No later than March 1 of each calendar year, the operator shall submit an annual report to the Town Board for all active and intermittent mining sites for which the operator has a license in the Town of Forest.
- (b) The annual report and shall include the following information:
  - (i) An identification of the operator and location of the mining site.
  - (ii) A map or drawing accurately showing the area of excavation, the unclaimed area and any the reclaimed area including a calculation of the number of acres for each type.

- (iii) A description of activities and operations on the site for the previous calendar year.
- (iv) A description of activities and operations on the site anticipated for the following calendar year.
- (v) A written report demonstrating how the operator has been in compliance with all terms and conditions of its license and this Ordinance. The report shall also include any groundwater, surface water and other monitoring results.
- (vi) A summary of all areas of non-compliance, and a plan for bringing non-compliant areas into compliance.

8.02 License Renewal.

- (a) The operator shall make written request to the Town Clerk for a renewal of the license to operate the mine no later than March 1 of the year in which the license will expire. The application shall be accompanied by the payment of both the renewal application fee and the base administrative fee established for the administration of this Ordinance in amounts set forth in the Town of Forest Schedule of Fees and Forfeitures.
- (b) The written request for renewal shall include the annual report from the previous calendar year in accordance with the provisions of subsection (I).
- (c) The Town Clerk shall review the renewal application within 30 days of receipt to determine whether the application is complete and upon a determination that it is complete shall forward it to the Town Board.
- (d) The Town Board shall review the application to determine if additional information or expertise is necessary to properly evaluate the application. The Town shall retain an engineer or other qualified person with appropriate expertise to inspect the mine site unless the site is reported as being inactive during the past year, in which case a member of the Town Board may be assigned to inspect the site. If no additional information or expertise is deemed necessary the Town Board shall schedule the application for a decision under par (g).

- (e) **Additional fees.** If the Town Board determines that additional expertise is required, the Town Board shall authorize hiring an engineer or other qualified person with appropriate expertise to advise the Town and shall give written notice to the applicant of the additional administrative fee to be charged beyond the base administrative fee to cover the cost additional review by retained expert. The additional fee shall be paid before the additional review is undertaken.
- (f) Once the applicant has submitted any additional information and has paid the additional administrative fee in the amount charged, the retained expert shall report to the Town Board on whether the renewal application meets the requirements of this Ordinance. The Town Clerk shall place the request on the agenda of the next regular meeting or a special meeting of the Town Board prior to the expiration of the license.
- (g) The Town Board may grant the request for renewal if it finds:
  - (i) There have been no material violations of the Ordinance or the license which have not been appropriately remedied, and
  - (ii) The operator has not received multiple or recurring citations or orders for violations of the operator's license or this Ordinance.
  - (iii) All applicable fees have been paid and financial responsibility requirements have been met.
- (h) If the Town Board denies the request for renewal, the Town Board shall notify the operator and provide the operator with an opportunity for a hearing.

## **Section 9. Inspection, Enforcement, Procedures and Penalties.**

9.01 **Inspection.** In addition to an annual inspection pursuant to Section 8.02, the Town Board or other authorized representative of the Town, may make inspections to determine the condition of nonmetallic mining sites in the Town of Forest in order to safeguard the health and safety of the public and determine compliance with the minimum standards under this Ordinance upon showing proper identification, and upon reasonable notice.

**9.02 Violations.** The following are violations under this Ordinance:

- (a) Engaging in nonmetallic mining without an operator's license granted by the Town Board.**
- (b) Failure to comply with the minimum standards and other terms of this Ordinance.**
- (c) Making an incorrect or false statement in the information and documentation submitted during the licensing process or during inspection of the operation by the Town or its duly appointed representative.**
- (d) Failure to timely file the annual operational report under Section 8.01.**
- (e) Failure to take appropriate action in response to a notice of violation, citation, request for additional financial assurance under Section 10 or other order issued by the Town.**

**9.03 Hearings**

- (a) Any person affected by a notice and order issued in connection with the enforcement of this Ordinance under Sections 9.04 and 9.05, or upon denial of an application for a license or license renewal, may request and shall be granted a hearing on the matter before the Town Board, provided such person shall file with the Town Clerk, a written petition requesting the hearing and setting forth his name, address, telephone number and a brief statement of the grounds for the hearing or for the mitigation of the order. Such petition shall be filed within thirty days of the date the notice and order are served or upon 30 days upon denial of an application for a renewal. Upon receipt of the petition, the Town Clerk shall set a time and place for a hearing before the Town Board and shall give the petitioner written notice thereof.**
- (b) After the hearing, the Town Board by a majority vote, shall sustain, modify or withdraw the notice under Sections 9.04 and 9.05, or grant or deny the license or license renewal, depending on its findings as to whether the provisions of this Ordinance have been complied with, and the petitioner shall be notified within ten days in writing of such findings.**

- (c) The proceedings of the hearing, including the findings and decision of the Town Board and the reasons therefore shall be summarized in writing and entered as a matter of public record in the office of the Town Clerk. Such record shall also include a copy of every notice and order issued in connection with the case.

#### 9.04 Remedies.

The Town Board may take any appropriate action or proceeding against any person in violation of this Ordinance, including the following:

- (a) Issue a stop work order.
- (b) Issue a notice of violation and order that specifies the action to be taken to remedy a situation and specifies the date on which remediation must be completed.
- (b) Issue a citation in accord with the Town of Forest citation ordinance where applicable.
- (d) Refer the matter to legal counsel for consideration and commencement of legal action including the assessment of penalties under 9.06 and injunctive relief.
- (e) Suspend or revoke the operator's license under sub 9.05.

9.05 License Suspension or Revocation. After giving notice and a hearing, the Town Board may suspend or revoke an operator's license for a violation under sub (1).

#### 9.06 Penalties.

- (a) Any person or entity who is adjudicated for a violation shall pay a forfeiture of not less than \$100 per violation nor more than \$5000 per violation and/or be subject to injunctive relief. Each day a violation exists is a separate violation.
- (b) Any person or entity adjudicated for violation of this Ordinance shall pay court costs and reasonable attorney's fees. The remedies provided herein shall not be exclusive of other remedies.

9.07 .A failure by the Town to take action on any past violation(s) shall not constitute a waiver of the Town's right to take action on any present violation(s).

### **Section 10. Financial Assurance**

10.01 Financial assurance shall be provided to the Town as a condition of license approval in the amount necessary for the following:

- (a) Road repair. An amount necessary for the repair and maintenance of Town roads used for truck traffic transporting materials to or from the site.
- (b) Water Supply. An amount necessary to provide an alternative water supply to potentially affected residences or agricultural operations within 1 mile of the site or such other area shown to be impacted by the operator's operations.

10.02 The form of financial assurance made to the Town of Forest shall be that form agreed to by the Town Board and may include, irrevocable letters of credit or other measures agreed upon by the Town Board.

10.03 In the event the Town determines that the amount of financial assurance must be increased to meet specific road repair or water supply needs, or the amount available has been utilized, the Town shall notify the operator of the additional amount needed and the basis for the request. The operator shall have 30 days to provide the increased amount.

10.04 The operator shall also provide to the Town proof that it has provided the financial assurance for reclamation required under Wisconsin law.

### **Section 11. Damages to Private Water Supply**

11.01 A property owner within 1 mile of the mine site may seek remedies under subs (2)- (5) for any of the following damages to private water supply:

- (a) A preventative action limit or enforcement standard is exceeded in a private water supply well on the owner's property.



- (b) A substantial adverse impact on the quantity of water from a private well on the owner's property occurs, including but not limited to the inability of any such well to provide water on a continuous basis.
- (c) A lowering of surface waters which serve as a source of water for personal, agricultural or municipal functions on the owner's property to levels below base flow levels for more than 5 days.

11.02 Any property owner under Section 11-01 seeking a remedy under this Section shall simultaneously file a notice with the Town and the mine operator of the occurrence of the event under Section 11.01 explaining the nature and extent of the problem.

11.03 Within 24 hours of receipt of such notice under Section 11.02, the Town may use funds provided under Section 10 to provide an adequate interim water supply. The Town shall also use funds under Section 10 to indemnify the Town for any claims filed under Wis. Stat. § 281.77 (4). An interim water supply shall continue until the Town has approved the report or plan under Section 11.04.

11.04 Within 20 days of receipt of notice under 11.02, the mine operator shall provide to the property owner and to the Town a report that demonstrates that the impact to the property owner was not attributable to the mining operation or to present a plan for a permanent alternative water supply to be paid by the operator.

11.05 The Town shall in consultation with the property owner review the report or plan and approve or deny such plan. If the Town determines that the mine operator was not the cause of damage to the private water supply, the operator may elect to be reimbursed by the property owner for the costs of supplying water during a period not exceeding one year.

11.06 A property owner beyond 1 mile of the mine site may apply to the Town for use of funds under Section 10 to remedy damages to a private water supply identified in Section 11.01, provided that the property owner can demonstrate to the Town that the damage to the private water supply was caused by the mine. If the Town determines that the damage was caused by the mine, the property owner can utilize the remedies in Sections 11.02 to 11.04.

11.07 This remedy is in addition to any other legal remedies available to the affected landowner.

## **Section 12. Severability, Interpretation, and Abrogation**

### **12.01 Severability.**

- (a) Should any section, clause, provision or portion of this Ordinance be adjudged unconstitutional or invalid, unlawful, or unenforceable by a final order of a court of competent jurisdiction including all applicable appeals, the remainder of this Ordinance shall remain in full force and effect.
- (b) If any application of this Ordinance to a particular parcel of land is adjudged unconstitutional or invalid by a final order or a court of competent jurisdiction including all applicable appeals, such judgment shall not be applicable to any other parcel of land not specifically included in said judgment.

12.02 The provisions of this Ordinance shall be liberally construed in favor of the Town of Forest and shall not be construed to be a limitation or a repeal of any other power now possessed or granted to the Town of Forest.

12.03 This Ordinance is not intended to repeal, annul or interfere with any easements, covenants, deed restrictions or agreements created prior to the effective date of this Ordinance.

## **Section 13. Mining Agreement**

Any of the provisions of this Ordinance, including the license term, may be modified by agreement between the Town and the Operator if the Town Board determines that the agreement provides protections for the public at least equal to those of this Chapter.

## **Section 14. Registration License.**

14.01 For nonmetallic operations that qualify for a registration license under Section 4.06, the Town Board shall grant a registration license if the operator submits the following information to the Town Board:

- (a) A certification from the operator that it meets the requirements in Section 4.06.
- (b) Ownership information under Section 6.01.

- (c) A copy of any reclamation plans filed with the County and any permits issued by other federal, state or local agencies for the nonmetallic mining operations.
- (d) A certification that it will use best management practices to control noise, dust, light, surface water runoff and other off-site impacts from the operations.

14.02 Registration licenses shall be subject to renewal every five years and subject to the inspection, enforcement and provisions of Section 9.

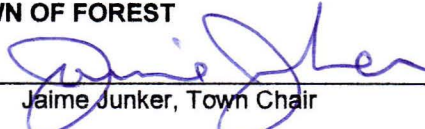
14.03 Unless specifically enumerated above, operators seeking registration licenses shall not be required to comply with the provisions in Sections 5 to 8, or the provisions in 10 and 11.


**Section 15. 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 Wis. Stat. § 60.80.

This Ordinance was duly adopted by the Town Board at a properly noticed Town Board meeting held on July 11, 2017 by a vote of 3 in favor, 0 opposed and \_\_\_\_\_ not voting.

**TOWN OF FOREST**

By:   
Jaime Junker, Town Chair

Attest:  
  
Anne Johnston, Town Clerk

Approved: 7/11/17  
Published: 9/14/17  
Posted: 9/14/17

**TOWN OF FOREST  
ORDINANCE RELATING TO  
ISSUANCE OF CITATIONS  
FOR VIOLATIONS OF TOWN ORDINANCES**

*Ordinance No. 2017-2*

The Town Board of the Town of Forest hereby ordains that the Town Board of the Town of Forest, or its designees, shall be authorized to issue citations for violations of town ordinances as provided in this ordinance, as follows:

**SECTION 1 - CITATION METHOD OF ENFORCEMENT.**

- A. Statutory Authorization. Pursuant to '66.0113 Wis. Stats., the Town Board, or its designees shall be authorized to use the citation method of enforcement of town ordinances.
- B. Contents of Citation. The citation shall contain the following:
1. Name and address of the alleged violator.
  2. Factual allegations describing the alleged violation.
  3. Time and place of the offense.
  4. Number and section of the ordinance violated.
  5. A designation of the offense in such a manner as can readily be understood by a person making a reasonable effort to do so.
  6. Time and date in which the violator may appear in court.
  7. A statement which informs the violator:
    - (a) That the alleged violation may make a cash deposit based on the schedule established by this or other town ordinance which shall be delivered or mailed to the Clerk of Circuit Court prior to the time of the scheduled appearance.

- (b) That if the alleged violator makes a cash deposit no appearance in court is necessary unless the defendant is subsequently summoned.
- (c) That if a cash deposit is made and the alleged violator does not appear in court, he will be deemed to have entered a plea of no contest and submitted to a forfeiture with applicable penalty assessment, or if the court does not accept the plea of no contest, a summons will be issued commanding him to appear in court to answer the complaint.
- (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, or the municipality may commence an action against the alleged violator to collect the forfeiture, and any court costs and/or penalty assessments.

- 8. A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the required statement has been read. Such statement shall be sent or brought with the cash deposit.
- 9. A statement 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, and that 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.
- 10. Such other information as the Town deems necessary.

C. Issuance of Citations. The Town Board members and the following officials acting on behalf of the Town may issue citations with respect to the following ordinances which are directly related to their official responsibilities. The Town Board may, authorize other officials to issue citations, as the Town Board deems necessary & appropriate. Ordinance that may be enforced by citation include the following:

ORDINANCE TITLE	ENFORCEMENT OFFICIAL
Dogs Running at Large	Town Board Member, Town Animal Warden or County Sheriff
Zoning Ordinance	Zoning Administrator
Building Code Ordinance	Building Inspector
Public Nuisance Ordinance	Building Inspector, Zoning Administrator or Town Board Member
Subdivision Ordinance	Zoning Administrator or Town Board Member
Driveway Road Damage Ordinance	Town Board Member or Building Inspector
All-Terrain Vehicle Routes	Town Board Member
Wind-Energy System License	Town Board Member or Zoning Administrator
Special Weight Limit Ordinance	Building Inspector or Town Board Member

D. SCHEDULE OF DEPOSITS

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

ORDINANCE TITLE	OFFENSE	DEPOSIT AND COSTS
Dogs Running at Large Section 12.04	Violation	\$50 plus current court costs for first offense, \$100 plus current

		court costs for second offense and \$250 for subsequent offense(s)
Zoning Ordinance	Violation	\$100 plus current court costs + DOUBLE INT. PERMIT FEE
Building Code Ordinance	Violation	\$100 plus current court costs
Public Nuisance Ordinance	Violation	\$100 plus current court costs, \$200 plus current court costs for second offenses, \$250 plus current court costs for subsequent offenses
Subdivision Ordinance	Violation	\$1000 plus current court costs
Driveway Road Damage Deposit	Violation	\$ _____ plus current court costs BILL THE DAMAGE
All-Terrain Vehicles	Violation	\$100 plus current court costs
Wind Energy System License Ordinance	Violation	\$100 plus current court costs
Road Weight Limits	Violation	\$1000 plus current court costs
Non-Metallic Mine Operator's License	Violation	\$500 plus current court costs

2. Deposits shall be made in cash, money order, or certified check to the clerk of circuit court who shall provide a receipt therefor.

E. Procedure. Section 66.119(3), Wis. Stats., relating to violator's options and procedures on default is hereby adopted and incorporated by reference.

**SECTION 2 - NONEXCLUSIVITY.**

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

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

**SECTION 3 SEVERABILITY**

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

**SECTION 4 - EFFECTIVE DATE**

This ordinance is effective on publication or posting as provided by law.

The Town Clerk shall properly post or publish this ordinance as required under S. 60.80, Wis. Stats.

Dated and approved this 5 day of September, 2017.

Attest: Anne Johnston  
Anne Johnston, Town Clerk

Jaime Junker  
Jaime Junker, Town Chair

LaVerne Hoyt  
LaVerne Hoyt, Town Board Member

Craig Paulson  
Craig Paulson, Town Board Member

Todd Ostberg

9/14/17  
Date Published



**RESOLUTION NO. 2019-1**  
**TOWN OF FOREST,**  
**ST. CROIX COUNTY, WISCONSIN**

**Resolution Establishing Town Administrative Fees and  
Permit/License/Inspection Fees relating to Town Ordinances**

WHEREAS, the Town Board has adopted ordinances that require application fees, permit or license fees, inspection fees, administrative fees, deposits for studies or professional consultants, etc.

WHEREAS, the Town Board is authorized to amend these fees by resolution of the Town Board;

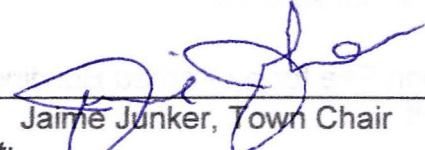
NOW THEREFORE, the Town Board of the Town of Forest hereby resolves that the following fees and deposits shall be paid in connection with applying for permits, variances, rezoning, appeals to the Board of Appeals, license/permit fees, inspection fees and other actions required requiring fees under Town ordinances. This Fee Resolution is effective upon adoption by the Town Board and publication or posting of the Resolution as required by law. This Fee Resolution supersedes all previous Fee Resolutions.

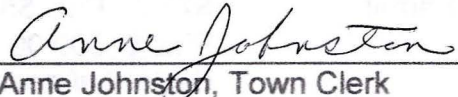
Land Use Permit:	\$ 75.00
Variance:	\$ 450.00
Conditional Use Permit:	\$ 450.00
Board of Appeals:	\$ 450.00
Amendments to the Zoning Ordinance:	\$ 450.00
Minimum Deposit for Impact Studies or Professional Consultants	\$ 500.00
Administration Fee for a Granted Building Permit	\$ 50.00
Driveway Permit	\$75.00 Plus \$50.00 per inspection Plus \$1500.00 Professional Consultant Deposit, if needed
Small Wind Energy System	\$125 per turbine plus \$500.00 Professional Consultant Deposit if needed.
Large Wind Energy System	See Ordinance

3-0

Class B Liquor License	\$ 225.00
Cigarette and Tobacco License	\$ 5.00
Operator/Bartender License	\$ 5.00
Provisional Operators License	\$ 5.00
Nonmetallic Mine Operator's License Application Fee	\$ 500.00
-Initial Administrative Fee Deposit	\$ 2,000.00
Nonmetallic Mine Operator's License Renewal Fee	\$ 500.00
-Renewal Administrative Fee Deposit	\$ 1,000.00
Nonmetallic Mine Registration License Application Fee	\$ 250.00
-Initial Administrative Fee Deposit	\$ 1,000.00
Nonmetallic Mine Registration License Renewal Fee	\$ 250.00
-Initial Administrative Fee Deposit	\$ 750.00
Nonmetallic Mine License Transfer Fee (all)	\$ 500.00
-Base Administrative Fee Deposit	\$ 1,000.00
Mining Agreement Negotiations Fee Deposit	\$ 5,000.00
Subdivision Ordinance application and review	\$ 450.00

Dated this 9 day of July, 2019.

By:   
Jaime Junker, Town Chair

Attest:  
By:   
Anne Johnston, Town Clerk

Vote of Board: 3 Approve 0 Not Approve 0 Abstain

ORDINANCE NO. 2019-2

TOWN OF FOREST, ST. CROIX COUNTY, WI

WHEREAS, the Town Board finds it in the interest of the public health, safety, and welfare to amend the Town Zoning Ordinance No. 2013-4 Article 5, Section 7 C. 5 regarding Home Occupations, to allow exterior storage of business equipment, materials, merchandise, inventory, vehicles, or heavy equipment for a Major Home Occupation under conditions established by the Town Board;

THEREFORE, THE TOWN BOARD HEREBY ORDAINS THAT the Town Zoning Ordinance No. 2013-4 Section 7 C. 5 shall be amended to read as follows:

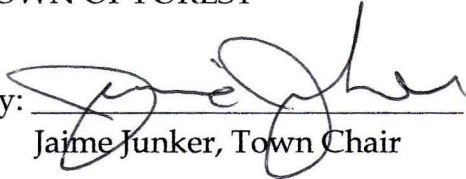
5. There shall be no exterior storage of business equipment, materials, merchandise, inventory, vehicles or heavy equipment, unless specifically authorized by the Town Board in the conditional use permit for a Major Home Occupation. In considering whether to allow exterior storage for a Major Home Occupation, the Town Board shall consider negative impacts (if any) that exterior storage may have on the proposed or surrounding property, and the Town Board may impose conditions on the exterior storage to mitigate any such negative impacts, including, but not limited to the following:

- a. Screening, fencing, or berms to reduce visibility and/or enclose the items outside to prevent the public from easily access. Proximity and visibility to neighboring properties and highways will be considered in determining the screening, fencing or berming.
- b. Materials that may leak fluids or chemicals that could negatively impact water or cause other environmental harm may be required to be stored on hard surfaces and have methods to collect fluids or liquids.
- c. Any materials stored outside, whether equipment, storage or items for sale, must also comply with all other Town and County Ordinances and any applicable State Statutes.
- d. Failure to comply with any conditions imposed by the Town Board or any applicable Town or County ordinances or state laws, or receipt of complaints about the manner in which the items are stored outside may lead to revocation of the permission to store items outside after notice and hearing on the violations or complaints.

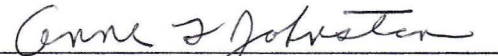
This Ordinance shall be effective after adoption by the Town Board, approval by the St. Croix County Board, and publication as required by law.

This Ordinance was adopted by the Town Board at a properly noticed Town Board meeting held on 11-5-19, by a vote of 3 in favor and 0 opposed and 0 not voting.

TOWN OF FOREST

By:   
Jaime Junker, Town Chair

ATTEST:

  
Anne Johnston, Town Clerk

Approved: 1/7/2020 St. Croix Cty  
Published: 1/22/2020 Glenwood Tribune  
Posted: Ord. on website 1/20/2020

**ORDINANCE NO. 2020-1**  
**TOWN OF FOREST**  
**SAINT CROIX COUNTY, WISCONSIN**

**CONSTRUCTION AND INSPECTION ORDINANCE**

WHEREAS, the Town Board finds that the Town's current ordinances implementing the Uniform Dwelling Code, Ordinance No. 97-01 and Ordinance No. 2004-1, are outdated and need to be updated to be consistent with Wisconsin Statutes and Administrative Regulations relating to the Uniform Dwelling Code, Electrical Code, and related building codes,

NOW THEREFORE, The Town Board hereby ordains that Ordinance No. 97-01 and Ordinance No. 2004-1, shall be repealed and replaced upon Town Board adoption and publication of this Ordinance No. 2020- / \_\_\_\_\_ as required by law.

1. **AUTHORITY.** These regulations are adopted under the authority granted by Wis. State Statute Chapter 101.65 to exercise jurisdiction over the construction and inspection of new dwellings, Chapter 101.76 to exercise jurisdiction over the installation of modular homes, Chapter 101.86 to exercise jurisdiction over electrical wiring and inspection of electrical wiring; Wis. Administrative code SPS327.06 to exercise jurisdiction over the construction and inspection of new camping units,
2. **PURPOSE.** The purpose of this ordinance is to promote the uniformity in construction standards for the general health, safety and welfare of the community and to maintain required local uniformity with the administrative and technical requirements of the Wisconsin Administrative Codes and adopted standards.
3. **SCOPE.** The scope of this ordinance includes the construction and inspection of one- and two- family dwellings built since June 1, 1980 and new camping units as defined in Wis. Admin. Code §327.08 (9).

Notwithstanding s. SPS 316.002 or any other exemptions of the State electrical code, the scope of this ordinance also includes all new electrical wiring installations, reconstructions, alterations, extensions and inspection thereof.

Notwithstanding s. SPS 320.05 or any other exemptions of the Uniform Dwelling Code, the scope of this ordinance also includes the construction and inspection of alterations and additions to one- and two-family dwellings. Because such projects are not under state jurisdiction, petitions for variance and final appeals under ss. SPS 320.19 and 320.21, respectively, shall be decided by the municipal board of appeals. Petitions for variance shall be decided per s. SPS 320.19(Intro) so that equivalency is maintained to the intent of the rule being petitioned.

Notwithstanding s. SPS 320.05 or any other exemptions of the Uniform Dwelling Code, the scope of this ordinance also includes the construction and inspection of detached structure serving one- and two- family dwellings. The structure and any HVAC, electrical or plumbing systems shall comply with the requirements of the Uniform Dwelling Code, other than for smoke alarms, carbon monoxide alarms and frost protection of footings, which shall be determined by the code official. Petitions for variance and appeals shall be handled by this municipality.

#### 4. DEFINITIONS.

Building – Includes but is not limited to a structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery, materials or any type of vehicles or semi-tractors-trailers.

“Dwelling” means any building that contains one or two dwelling units

“Dwelling unit” means a structure or that part of a structure which is used or intended to be used as a home, residence or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others.

Structure – Includes but is not limited to erection or construction such as a building, towers, masts, poles, decks, booms, signs, carports, meter pedestal, electrical equipment

5. WISCONSIN UNIFORM DWELLING CODES ADOPTED. The Wisconsin Uniform Dwelling Code, Chapters SPS 320 through 325 and SPS 327 and its successors, of the Wisconsin Administrative Code, and all amendments hereto, is adopted in full and incorporated by reference.
6. WISCONSIN PLUMBING CODES ADOPTED. The Wisconsin administrative codes, Chapters SPS 381 through 391 and its successors, and all amendments hereto, is adopted in full and incorporated by reference.
7. WISCONSIN ELECTRICAL CODES ADOPTED. The Wisconsin administrative codes, Chapters PSC 114 and SPS 316 and its successors, and all amendments hereto, is adopted in full and incorporated by reference.
8. BUILDING PERMIT REQUIRED. If a person alters or adds onto a building or builds or installs a new building, within the scope of this ordinance, in excess of \$5,000 value in any twelve month period, they shall first obtain a building permit for such work from the building inspector. Any structural changes or changes to mechanical and electrical 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, re-roofing, finishing of interior surfaces and installation of cabinetry

shall be exempted from permit requirements.

9. ELECTRICAL PERMIT REQUIRED. If a project involves the installation of new or an addition to any electrical service, feeder, or branch circuit serving any of the following: 1. A farm. 2. A public building, structure, or premises. 3. A place of employment. 4. A campground. 5. A manufactured home community. 6. A public marina, pier, dock, or wharf. 7. A recreational vehicle park, they shall first obtain an electrical permit for such work from the designated inspection agency.
10. PERMIT APPLICATION. For a NEW one- and two- family dwelling, the building permit application shall be submitted electronically on the Department of Safety and Professional Services (DSPS) online building permit system website and a set of required plans and specifications shall be submitted electronically to the inspection agency. If hard copies are also provided, then there shall be two sets of plans and specifications as required by code. The required plans shall be legible and drawn to scale or dimensioned and shall include all items required under §SPS 320.09(5), (6) and (7), as applicable. The Wisconsin uniform building permit shall not be issued nor shall the permit information be submitted electronically to the department prior to the receipt of all completed forms, fees, plans, and documents required to process the application and completion of other local prerequisite permitting requirements.

For ALL other work requiring a permit, the application for a permit shall be submitted electronically in writing on a form prescribed by the inspection agency and available from the building inspector. The permit shall not be issued prior to the receipt of all completed forms, fees, plans, and documents required to process the application and completion of other local prerequisite permitting requirements.

11. FEES. The fees shall be determined by the Inspector or inspection agency and approved by the Town Board. Fees in general shall be posted on the Town's or the Inspector's website.
12. LAPSE OF PERMIT. A UDC building permit shall expire twenty-four (24) months after issuance if the dwelling exterior has not been completed and an Electrical Permit shall expire twelve (12) month after issuance, if the installation of the electrical wiring has not commenced.
13. ISSUANCE AND POSTING OF PERMIT. Action to approve or deny a permit application shall be completed within ten (10) business days of receipt of all forms, fees, plans and documents required to process the application, and completion of other local prerequisite permitting requirements. The Wisconsin permit shall be issued if the requirements for filing and fees are satisfied and the plans have been conditionally approved. The Wisconsin permit shall be posted in a conspicuous place at the dwelling or project site.

14. INSPECTOR. There is hereby created the position of Building Inspector, who shall administer and enforce this ordinance and shall be certified by the Division of Industry Services, as specified by Wisconsin Statute, Section 101.66(2), in the category of Uniform Dwelling Code Construction Inspector. Additionally, this or other assistant inspectors shall possess the certification categories of UDC HVAC inspector, UDC Electrical inspector or Commercial Electrical inspector, and UDC Plumbing inspector or Commercial Plumbing inspector as required by the state code. The Municipality may appoint a WI certified independent inspection agency to provide WI certified inspector(s).
15. INSPECTIONS. The Inspector or an authorized agent may at all reasonable hours enter upon any public or private premises for inspection purposes and may require the production of the permit for any building, plumbing, electrical or heating work. No person shall interfere with or refuse to permit access to any such premises to the Inspector or the agent while in the performance of their duties. The Inspector(s) shall keep a log of all inspections completed.

Per SPS 316.013 Unless exempted by State Statute, Electrical wiring installations shall be subject to inspection. The building owner or their agent shall notify the inspection agency to provide electrical inspections when the wiring installation is ready for inspection. Except as allowed by code, electrical wiring shall remain accessible and exposed for inspection purposes and may not be energized. Electrical service may not be energized until inspected.

Per SPS 320.10 The applicant or an authorized representative shall request 'construction' inspections from the inspection agency. Except as allowed by code, construction may not proceed beyond the point of inspection until the inspection has been completed.

16. LICENSED PLUMBER. Wisconsin State Statute 145.06 All plumbing work shall be done only by a plumber licensed by the Department of Safety and Professional services, unless exempted under State Statute, provided that a permit is issued, and the work is done in compliance with the provisions of this ordinance.
17. LICENSED ELECTRICIAN. Wisconsin State Statute 101.862 All electrical work shall be done only by an electrician licensed by the Department of Safety and Professional services, unless exempted under State Statute, provided that a permit is issued, and the work is done and inspected in compliance with the provisions of this ordinance.
18. PENALTIES. The enforcement of this Ordinance and all other laws and ordinances relating to building/structures/property shall be by means of the withholding or revoking of permits, imposition of forfeitures and injunctive action. Forfeitures shall be not less than \$25.00 nor more than \$1,000.00 for each day of noncompliance.



19. REVOCATION OF PERMIT. If the Inspector finds at any time that the provisions of this ordinance or of the Uniform Dwelling Code, or other applicable codes related to the work performed, are not being complied with and that the holder of the permit refuses to conform after a written warning or instruction has been issued to him, the Inspector shall revoke the permit by written notice posted at the site of the work.

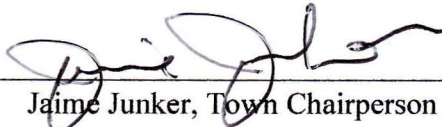
When any permit is revoked, no further work shall be done until the permit is reissued except such work as the Inspector may order as a condition precedent to the reissuance of the permit or as the Inspector may require for the preservation of human life and safety.


20. REPEAL OF ORDINANCES NO. 97-1 AND ORDINANCE NO. 2004-1. Ordinance No. 97-01 and 2004-1 shall be repealed upon adoption of this ordinance and publication of this ordinance as required by law.

21. EFFECTIVE DATE. This ordinance shall be effective upon passage and publication as provided by law.

This Ordinance was adopted by the Town Board at a properly noticed Town Board Meeting held on 5/19/2020, by a vote of 3 in favor and 0 opposed and 0 not voting.

Town of Forest:

By:   
Jaime Junker, Town Chairperson

Attest By:   
Anne Johnston, Town Clerk

Approved: 5/19/2020

Published: 5/27/2020

Posted: 5/20/2020

# Town of Forest


## Resolution 2021 #1

The town of Forest moves to approve a 2.30% fixed 20-year amortization, 10-year term with Bremer Bank, New Richmond, WI. we will move our operating account to Bremer to save .30% Annually (Loan Rate 2.3% rather than 2.6% if Town keeps operating account at Hiawatha).

Accepted this 7<sup>th</sup> day of June, 2021

By board vote of 2 to 1.

Signed   
Chair

  
Acting Clerk

Town of Forest, Wisconsin Resolution 2022-1

The Town of Forest places an 18 month moratorium against transportation into the township, construction within the township, or use in the township of any Battery Energy Storage System ( BESS) until the town can study and evaluate any possible negative impact on the health, safety, and welfare of the residents and surrounding communities, from the date of adoption.

Approved 4/19/22 by board vote of 3 to 0

Jaime Jhon  
Town Chair

Anne F. Johnston  
Town Clerk

**TOWN OF FOREST  
ST. CROIX COUNTY, WISCONSIN**

**ORDINANCE NO. 2022 - 1  
BATTERY ENERGY STORAGE SYSTEM MORATORIUM**

The Town Board of the Town of Forest, St. Croix County, Wisconsin, does ordain as follows:

**WHEREAS**, the Town Board finds that a moratorium on Battery Energy Storage Systems is necessary to allow the Town adequate time to complete its study of the possible impacts that the issuance of permits for Battery Energy Storage Systems may have on the health, safety, and general welfare of the residents of the Town, including impacts on air quality, water quality, public infrastructure, property values, and the local economy;

**WHEREAS**, the Town Board finds that a moratorium is necessary to allow Town residents and other members of the public an opportunity to fully participate in the study of these impacts;

**WHEREAS**, given the irreparable and unknown harm that may be caused by operation of Battery Energy Storage Systems, the Town Board finds that immediate action is warranted; and,

**WHEREAS**, the Town Board wishes to impose a moratorium for only such time as is prudent and necessary to allow the Town to complete this phase of its study, and;

**WHEREAS**, the Town Board expects this moratorium will need to be in place for at least one year and six months from its effective date;

**NOW, THEREFORE**, in consideration of the above Recitals, which are incorporated herein by reference, the Town Board of the Town of Forest ordains as follows:

**Section 1 -- TITLE AND PURPOSE:**

1.1 Title. The title of this Ordinance is the Town of Forest **Ordinance To Impose A Moratorium On Issuance Of Permits for Battery Energy Storage Systems ("Moratorium" or "Ordinance")**.

1.2 Purpose. The purpose of the Moratorium is to promote meaningful

implementation of the Town's ordinances and to protect the health, safety, and general welfare of the residents of the Town. A Moratorium is necessary for this phase of the study of the possible impacts that the issuance of permits for Battery Energy Storage Systems on the health, safety, and general welfare of the residents of the Town, including impacts on air quality, water quality, public infrastructure, property values, and the local economy.

**Section 2 -AUTHORITY:**

The Town Board relies on Wis. Stat. § 61.34, the general police powers of a village board, which have been conferred on the Town Board pursuant to Wis. Stat. §§ 60.10 (2)(c) and 60.22(3), and Wis. Stat. §§ 60.23.

**Section 3 -- MORATORIUM IMPOSED:**

3.1 For the duration of the Moratorium, the Town Board shall not consider or process any new applications or requests for the issuance of permits for Battery Energy Storage Systems unless expressly approved by the Town prior to enactment of this Moratorium.

3.2 The Town Board prohibits Town officials, employees, and/or consultants, from accepting, reviewing or acting upon applications or other similar requests for approval of activities that are or are likely to result in violation(s) of this Moratorium.

3.3 The Town Board withdraws the authority of any official or independent contractor to accept, review and/or act upon applications, other similar requests for approval of activities that are or are likely to result in violation(s) of this Moratorium.

**Section 4--DURATION OF MORATORIUM:**

The Moratorium shall expire at the end of one year and six months following the effective date of this ordinance unless the Moratorium is extended by the Town Board.

**Section 5--ACTION ANTICIPATED DURING MORATORIUM:**

5.1 The Town Board shall complete a comprehensive review of the possible impacts of the issuance of permits for Battery Energy Storage Systems.

5.2 The Town Board may, at its discretion, retain experts, including but not limited experts in the fields of geology, hydrogeology, soils, public health, engineering, law, real estate, and environmental protection.

5.3 The Town Board shall provide opportunities for public participation throughout the process, and consider the public health, safety, and general welfare of Town residents during its review process.

5.4 The Town Board shall report its findings and recommendations to the public prior to the expiration of the Moratorium.

5.5 In accordance with applicable statutes and ordinances, the Town Board shall act upon its findings and the recommendations from Town residents and the Town's consultants.


**Section 6 -- EFFECTIVE DATE AND PUBLICATION:**

6.1 This Ordinance shall be effective upon adoption and publication as required by law.

6.2 The Town Clerk shall properly publish this Ordinance as a Class 1 Notice as required under Wis. Stat. §60.80(1).

By signing below, we affirm that this Ordinance was adopted at a duly noticed meeting of the Town Board held on ~~this 23rd day of August, 2022.~~

September 13, 2022

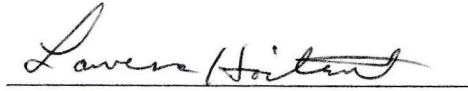


Supervisor, Town of Forest

Chairman




Supervisor, Town of Forest



Supervisor, Town of Forest

ATTESTED BY:

By:   
Town Clerk

Resolution 2022-2

## Town Ball Field Sale Resolution – December 13, 2022

Resolved that in 2022 all of the following occurred:

Resolved that the town placed a notice in the paper that the town would take minimum bids on the ball field property for \$42,000

**And**

That only one bid was received by the town for \$42,000 from Frank Dorsey / Forest Rental Properties, LLC

**And**

That the town had a public hearing of the electorate to request their vote and recommendation in the matter and they voted to approve selling the property

**And**

That the town Board voted to move forward with the work towards selling the property with a separate vote should they determine the sale was in good order

**And**

That Jarchow Law, LLC of Clear Lake Wisconsin drafted the sale documents

**And**

That the town of Forest, Wisconsin town board voted for this resolution on this date and the vote was:

Passed ~~Failed~~ For 3 Against 0  
(strike one)

  
Jaime Junker, Town Chair



Anne Johnston, Town Clerk