

ZONING ORDINANCE

TOWN OF GREENBUSH SHEBOYGAN COUNTY, WISCONSIN

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1. **AUTHORITY**

This ordinance is adopted under the authority granted by Sections 60.62, 61.35, 62.23 and subchapter V, Exclusive Agricultural Zoning, ch. 91 of the Wisconsin Statutes and amendments thereto. The Board of Supervisors of the Town of Greenbush, Wisconsin, does ordain as follows:

2. **TITLE**

This ordinance shall be known as, referred to as, and cited as the "ZONING ORDINANCE FOR TOWN OF GREENBUSH, WISCONSIN" and hereinafter referred to as the "ordinance".

3. **PURPOSE**

The purpose of this ordinance is to promote the comfort, health, safety, morals, prosperity, aesthetics, and general welfare of the Town of Greenbush.

4. **INTENT**

It is the general intent of this ordinance to:

- A. Stabilize and protect property values and the tax base.
- B. Recognize the needs of agriculture, forestry, industry, residents, recreation, and business in future growth.
- C. Encourage the appropriate use of land and conservation of natural resources.
- D. Encourage the wise use, conservation, development, and protection of the Town of Greenbush water, soil, wetland, woodland, and wildlife resources and attain a balance between land uses and the ability of the natural resource base to support and sustain such uses.
- E. Preserve natural growth and cover and promote the natural beauty of the Town of Greenbush.
- F. Facilitate the adequate provision of public facilities and utilities.
- G. Promote the safety and efficiency of streets, highways, and other transportation systems.
- H. Promote adequate light, air, sanitation, drainage, and open space.
- I. Regulate the use of structures, lands, and waters outside of shore land areas.
- J. Regulate lot coverage, population density and distribution, and the location and size of structures outside of shore land areas.
- K. Prohibit uses or structures incompatible with natural characteristics, existing development or intended development within or adjacent to a zoning district.
- L. Implement those municipal, county, watershed, or regional comprehensive plans or their components adopted by the Town of Greenbush.

Additionally, it is intended to provide for the administration and enforcement of this ordinance and to provide penalties for its violation.

5. **ABROGATION AND GREATER RESTRICTIONS**

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

6. INTERPRETATION

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

7. SEVERABILITY AND NON-LIABILITY

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby. If any application of this ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment.

8. REPEAL OF CONFLICTING AND EARLIER ORDINANCES

All other ordinances or parts of ordinances of the Town of Greenbush inconsistent or in conflict with this ordinance, to the extent of the inconsistency only, are hereby repealed.

9. ADOPTION AND EFFECTIVE DATE

This ordinance shall be effective after a public hearing, recommendation by the Planning Commission/Board of Appeals, adoption by the Town Board of Greenbush, and publication or posting as provided by law.

10. INTRODUCTION

The proper regulation of certain structures, lands, and waters only through the use of the zoning districts contained within this ordinance is neither feasible nor adequate. Therefore, the following restrictions and regulations which shall be applied in addition to the district regulations are necessary to accomplish the intent of this ordinance.

11. JURISDICTION

The provisions of this ordinance shall apply to all structures, land, water, and air within the unincorporated areas of the Town of Greenbush, Wisconsin. The provisions of this ordinance shall be administered by the Town Board, the Town Planning Commission/Board of Appeals and the Town Clerk/Treasurer.

12. COMPLIANCE

No structure, land, water, or air shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a building permit, except minor structures, and without full compliance with the provisions of this ordinance and all other applicable local, county, and state regulations.

Nothing herein contained shall require any changes in plans, construction, size, or designated use of any building, or part thereof, for which a building permit has been issued before the effective date of this ordinance and the construction of which shall have been started within six months from the date of such permit. Construction pursuant to a permit shall be substantially completed within one year of commencement.

The Town Board shall accept all applications, issue or deny all building permits, investigate all complaints, give notice of violations, and enforce the provisions of this ordinance. All violations of this ordinance shall be reported to the Town Board who shall bring action to enforce the provisions of this ordinance.

13. **BUILDING PERMIT REQUIRED**

- A. No building or any part thereof shall be erected or ground broken thereof within the Town limits unless a permit for same has been approved by the Town Board or designated appointee. The term "building", as used in this section shall include erection, enlargement, or alteration of any plumbing, heating, or electrical system: any moving or demolishing of any structures: or any operation affecting the value of real property within the Town.
- B. No permit shall be required for any building as defined in the previous paragraph when the total value of materials does not exceed \$1500.00 as determined by the Town Board or when such work is determined by the Town Board to be maintenance and repair.
- C. A permit shall not be required for residing, re-roofing, replacement windows, general maintenance, minor repairs, and installation of replacement cabinetry, provided such repairs do not affect the structural integrity or strength of the building, involve plumbing or electrical work and do not change the size, occupancy, fire protection, ventilation, exits or lights of the building or structure.
- D. A fee of \$20.00 shall be paid with each application for a home or outbuilding addition or remodeling and a fee of \$150.00 shall be paid with any application for new homes, mobile homes, or outbuildings. These fees do not include building inspector charges. The Town Board may change these and any other fees set forth in the ordinance by resolution at any time. Building permits shall be issued for one (1) year period. Should applicants wish to renew such building permits at the end of one (1) year, they must make a new application accompanied by building plans and pay the application fee.
- E. Anyone violating this section of the ordinance may be fined \$300.00 and may be required to remove any illegal structure, or a fine of \$300.00 and \$50.00 per day until all permits have been filed.
- F. Building Permit Examples
 - 1. Re-Roofing
 - a. If only the shingles are removed and replaced with new, then no permit is required, as this would be considered normal maintenance.
 - b. If you remove the shingles and have to replace some sheathing you would not need a permit. This is considered maintenance.
 - c. If you remove shingles and some sheathing and then change or alter the roof design in any way you now would be required to have a permit. Inspection is required.
 - 2. Replacement Windows

- a. If a window is removed and replaced with the exact same size window and it requires no alteration to the window or opening then no permit is required.
 - b. If you remove a window and replace it with a larger size then a permit is required. The structural integrity is changing and now an inspection is required.
 - c. If you remove a window and replace it with a smaller size then a permit is required. The structural integrity is changing and now an inspection is required.
3. Replacement Doors:
- a. If a door is removed and replaced with the exact same size door and requires no alteration to the door or opening then no permit is required.
 - b. If you remove a door and replace it with a larger size door then a permit is required. The structural integrity is changing and now an inspection is required.
 - c. If you remove a door and replace it with a smaller size door then a permit is required. The structural integrity is changing and now an inspection is required.
4. Replacing Cabinetry:
- a. If you remove and replace kitchen cabinets only, then no permit is required.
 - b. If you remove and replace kitchen cabinets but want to add or move an electrical outlet, then a permit is required for electrical work and an inspection is required.
 - c. If you remove and replace kitchen cabinets but want to relocate the sink to a different area, then a permit is required for construction and an inspection is required.
 - d. If you remove and replace kitchen cabinets but want to enclose the area with a wall to add more cabinets, then a permit is required for construction and an inspection is required.
 - e. If you remove and replace kitchen cabinets but want to relocate the stove to a different area, then a permit is required for electrical and plumbing and an inspection is required.
5. Residing:
- a. If you remove and replace the siding only, then no permit is required, as this would be considered normal maintenance.
 - b. If you remove the siding and have to replace some sheathing, you now would have to have a permit because the sheathing is a structural part of the building. This has now gone beyond normal maintenance and must be inspected.

14. USE REGULATIONS

Only the following uses and their essential services may be allowed in any district.

A. Principal Uses Specified for a District:

Only one principal structure as allowed hereunder shall be located, erected, or moved onto a lot except as permitted under planned unit development districts and other provisions hereof.

B. Accessory Uses and Structures:

Uses accessory to residential district developments shall not involve the conduct of any business, trade, or industry except for home and professional occupations as defined elsewhere in this ordinance.

C. Conditional Uses:

Conditional uses and their accessory uses shall be permitted in specified districts after review, public hearing, and approval by the Town Board in accordance with procedures and standards established in section 22 of this ordinance.

D. Uses Not Specifically Listed:

Uses not specifically listed in this ordinance as permitted, but which are substantially similar to permitted uses may be recommended by the Board of Appeals to the Town Board. Subsequent action by the Town Board shall be deemed clarification of the ordinance.

E. Temporary Uses:

Real estate sales field offices, shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the Town Board, after recommendation by the Board of Appeals, as provided for in this ordinance.

15. SUBDIVISION REGULATIONS

All existing, undeveloped parcels of land of Record in the County Register of Deeds Office, and any new land divisions or subdivisions as defined in the LAND DIVISION AND SUBDIVISION ORDINANCE, SHEBOYGAN COUNTY, WISCONSIN, shall conform in full with the provisions of that ordinance. No building permit shall be issued for any lot until such compliance is assured. All subdividers shall pay such reasonable and necessary charges for professional services incurred by the Town for the review, administration, investigation, and processing of the preliminary plat, plat, certified survey map, or other type of land division. 'Professional services' may include planning, engineering, legal and related services. Such charges shall be in addition to any other filing, permit, and publication of meeting fees, services or costs otherwise payable by the subdivider. Prior to submission of any preliminary plat, plat, certified survey map or other type of land division, the subdivider and the Town shall enter into a Pre-Development Agreement similar to the form attached.

16. SANITARY REGULATIONS

No private water supply or sewage disposal system, or part thereof, shall be located, installed, moved, reconstructed, extended, enlarged, converted, substantially altered, or its use changed without a County Sanitary Permit and without full compliance with the SANITARY ORDINANCE, SHEBOYGAN COUNTY, WISCONSIN. No building permit shall be issued until a safe and adequate water supply and sewage disposal system is assured and a Sanitary Permit is issued. Any future subdivisions adjacent to a public sewer system must join onto such system.

17. GENERAL SITE RESTRICTIONS

No land shall be used, or structure erected when the land is held unsuitable for such use or structure by the Board of Appeals by reason of flooding; concentrated runoff; inadequate drainage; adverse soil or rock formation; unfavorable topography, impermeability, high shrink-swell potential or low bearing strength of soils; erosion susceptibility; or any other feature likely to be harmful to the health, safety, prosperity, aesthetic, and/or general welfare of the Town of Greenbush. The Board of Appeals, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for certain uses. The applicant shall have an opportunity to present evidence contesting such unsuitability if he so desires. Thereafter the Board of Appeals may affirm, modify, or withdraw its determination of unsuitability.

Additionally, all principal structures shall be located on a single lot; only one principal structure shall be located, erected, or moved onto a lot except as permitted under planned unit development districts or other provisions hereof. No building permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side of such public street from which the required dedication has not been secured.

18. REDUCTION OF LOT SIZE

No lot, yard, parking area, building area, sanitary sewage disposal area, or other space shall be reduced in area or dimension so as not to meet the provisions of this ordinance or other applicable local, county, or state regulations.

19. VIOLATIONS

It shall be unlawful to construct, develop, or use any structure, or to develop or use any land, water, or air in violation of any of the provisions of this ordinance. In case of any violation, the Town Board, any municipality, or any owner of real estate within the district affected, who may be specifically damaged by such violation, may institute the appropriate action or proceeding to enjoin a violation of this ordinance.

20. PENALTIES

Any person, firm, partnership or corporation who fails to comply with the provisions of this ordinance or any order of the Town Board issued in accordance with this ordinance, or resists enforcement, shall, upon conviction thereof, forfeit not more than \$500.00 for each offense, together with the costs of prosecution and, in default of payment for such forfeiture, shall be imprisoned in the County Jail of Sheboygan County until such forfeiture and costs are paid, but not to exceed 30 days. Each day a violation continues to exist shall constitute a separate offense.

21. ZONING DISTRICTS

A. Establishment:

For the purpose of this ordinance, the Town of Greenbush, Sheboygan County, Wisconsin, outside of the limits of incorporated villages and cities, is hereby divided into the following zoning districts:

- A-1 Agricultural Land District
- A-1-S Agricultural Land District (Small-Scale)
- A-2 Agricultural Land District
- A-3 Agricultural Land Holding District
- A-4 Agricultural Related Manufacturing, Warehousing, and Marketing District
- A-5 Limited Further Development Agricultural District
- B-1 Local Business & Industrial District
- C-1 Lowland Conservancy District
- C-2 Upland Conservancy District
- I-1 Institution District
- M-1 Mineral Extraction District
- M-2 Mineral Extraction District

- P-1 Recreational Park District
- R-1 Single-Family Residence District (without sewer)
- R-2 Single-Family Residence District (with sewer)
- R-3 Multiple-Family Residence District (with or without sewer)
- R-4 Planned Residential Development District
- R-5 Mobile Home Park Residence District and other Mobile Homes

The boundaries of these districts are hereby established as shown on a map entitled, "Zoning Map, Town of Greenbush, Wisconsin", which accompanies and is part of this ordinance. All notations and references shown on the Zoning Map are as much a part of this ordinance as those specifically described herein. Boundaries shall be construed to follow: Corporate limits, U.S. Public Land Survey lines; lot or property lines; centerlines of streets, highways, alleys, easements, and railroad rights-of-way, or such lines extended; and lines identifying boundaries of natural resources areas as shown by changes in vegetation, slope, and other natural resource base features, unless otherwise noted on the zoning map. All notations, references, and other information shown upon the said zoning map shall be as much a part of this ordinance as if the matter and things set forth by the said map were fully described herein.

B. Zoning Map:

The official copy of the zoning map shall be adopted as part of this ordinance and shall be available to the public in the office of the Town Clerk. The Clerk shall, from time to time, update the zoning map as is necessary to reflect changes in zoning district boundaries effective under this ordinance.

C. Agricultural Districts and Character of Town:

The Town Board recognizes that the Town is primarily agricultural. Environmental conditions customarily associated with farming, including the smells, noises, dust and mud of farming, are understood to be a normal part of such agricultural character.

D. Farmland Preservation Zoning:

Farmland Preservation Zoning (FPZ) in the Town of Greenbush consists of the A-1 Agricultural Land District and the A-1-S Agricultural Land District (Small-Scale). The purposes of FPZ are to preserve productive agricultural land for food and fiber production; preserve productive farms by preventing land use conflicts between incompatible uses and controlling public services; maintain a viable agricultural base to support agricultural processing and service industries; prevent conflicts between incompatible uses; reduce costs of providing services to scattered, nonfarm uses; pace and shape urban growth; implement the policies of the Sheboygan County Farmland Preservation Plan; and comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under Ch. 91, Wis. Stats. To comply with the Farmland Preservation Law, only agricultural uses and uses consistent with agricultural use (either permitted or conditional uses) are allowed. All structures and improvements shall be consistent with agricultural use.

1. Reporting: By March 1st of each year, the Town shall report to DATCP and Sheboygan County the total acres rezoned out of the Town's Farmland Preservation Zoning during the preceding year and a map that clearly shows the location of those acres.

ZONING DISTRICT DESCRIPTIONS

A-1 AGRICULTURAL LAND DISTRICT

A. Purpose:

The purposes of the A-1 District are to:

1. preserve larger tracts of productive agricultural land for food and fiber production;
2. preserve productive farms by preventing land use conflicts between incompatible uses;
3. maintain a viable agricultural base to support agricultural processing and service industries;
4. prevent conflicts between incompatible uses;
5. reduce costs of providing services to scattered, non-farm uses;
6. control and shape urban growth;
7. help implement the provisions of County, State or Federal Agricultural Preservation Plans when adopted and periodically revised; and
8. comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under the Wisconsin Statutes.
9. farm consolidation means the combination of two or more farms resulting in a smaller number of farms.
10. All structures and improvements, whether allowed as a permitted or a conditional use, shall be consistent with agricultural use.

B. Lands Included:

The A-1 District is generally intended to apply to lands in productive farm operations including:

1. lands historically exhibiting high crop yield or capable of such yields;
2. lands which have been demonstrated to be productive for dairy farming, livestock raising, and grazing;
3. other lands which are integral parts of such farm operations; and
4. land used for the production of specialty crops such as sod, fruits, and vegetables.

As a matter of policy, it is the intent of this Ordinance to implement the goals and objectives of the Town's comprehensive plan regarding the preservation of agricultural lands.

C. General Restrictions:

Uses in the A-1 District are restricted to "agricultural uses" and "accessory uses," as defined by s. 91.01 Wis. Statutes. Uses that are not "agricultural uses" or "accessory uses" but are "agriculture-related uses," require a conditional use permit. All structures and improvements must be "consistent with agricultural use".

D. Agricultural / Permitted Uses:

1. Accessory uses, meaning any of the following land uses on a farm:
 - a. A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use.
 - b. An activity or business operation that is an integral part of, or incidental to, an agricultural use.
 - c. Plant Greenhouses and Nurseries
 - d. Roadside Stands

- e. Stables for Personal Use
2. Agricultural uses, meaning any of the following activities conducted for the purpose of producing an income or livelihood:
 - a. Apiculture (Beekeeping)
 - b. Aquaculture (Fish Farming)
 - c. Commercial Feedlots
 - d. Dairying
 - e. Egg Production
 - f. Floriculture
 - g. Fur Farming that does not exceed one animal unit per acre
 - h. Forest and Game Management
 - i. Grazing
 - j. Livestock Raising (i.e., bovines, swine, sheep, poultry, and goats)
 - k. Orchards
 - l. Raising of equine animals, farm-raised deer, captive game birds, ratites (e.g., ostrich), or camelids, with a maximum of one animal unit per acre
 - m. Raising of Grain, Grass, Mint and Seed Crops
 - n. Raising of Trees, Fruits, Nuts and Berries
 - o. Sod Farming
 - p. Placing land in federal agricultural commodity or land conservation programs in return for payments in kind
 - q. Owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836
 - r. Participating in milk production termination program under 7 USC 1446 (d)
 - s. Vegetable Raising
 - t. Viticulture (Grape Growing)
 3. A single-family or two-family residence that is the only residential structure on the farm or is occupied by any of the following:
 - a. An owner or operator of the farm.
 - b. A parent or child of an owner or operator of the farm.
 - c. An individual who earns more than 50% of his or her gross income from the farm.

(NOTE: Such accessory residential uses shall conform to all regulations set forth in this Ordinance.)
 4. Any residence existing prior to January 1, 2014, regardless of whether an occupant meets subsection (3) (a), (b) or (c) above. (Note: Any such residence damaged or destroyed by fire, wind, or similar causes may be rebuilt as a permitted use, provided that the rebuilt residence occupies the same general footprint or an alternate site that does not impair agricultural uses to any greater degree than the original residence.)
 5. Transportation, utility, communication, or other use that is required under state or federal law to be located in a specific place or that is authorized to be located in a specific place under a state or federal law that preempts the requirement of a conditional use permit for that use.
 - a. A use related to the Ice Age Trail under s. 23.17 and 23.293, Wis. Stats.
 6. Gas and Electric Utility uses not requiring authorizations under s.196.491(3), Wis. Stats.
 7. Undeveloped natural resource and open space areas, including equestrian trails, and nature trails and walks

E. Conditional Uses:

1. Conditional Uses in the A-1 District include those uses which are “agriculture-related uses” as defined by s. 91.01 Wis. Statutes and meet the following conditions:
 - a. The activity will not convert land that has been devoted primarily to agricultural use.
 - b. The activity will not limit the surrounding land’s potential for agricultural use.
 - c. The activity will not conflict with agricultural operations on the land subject to a farmland preservation agreement.
 - d. The activity will not conflict with agricultural operations on other properties.
 - e. All structures and improvements, whether allowed as a permitted or a conditional use, shall be consistent with agricultural use.
2. Except where specifically allowed as a permitted use, the following agricultural and related uses shall be conditional uses and may be permitted as specified. In approving or disapproving, the location of a conditional use, the Town Board shall view the proposed site or sites and shall consider such evidence as may be presented at the public hearing bearing upon the general purpose and intent of this ordinance set forth in sections of this ordinance elsewhere and upon the particular land use problems related to development of the site or sites as proposed.
 - a. Agriculture related uses. An agricultural equipment dealership, facility providing agricultural supplies, facility for storing or processing agricultural products, or facility for processing agricultural wastes.
 - b. A business, activity, or enterprise, whether or not associated with an agricultural use, that is conducted by the owner or operator of a farm, and that meets the standards of a home occupation in Section 22-8 of this Ordinance.
 - c. Transportation, communications, pipeline, electric transmission, utility, or drainage uses that qualify under § 91.46(4), Wis. Stats.
 - d. Governmental, institutional, religious, or nonprofit community uses, other than uses covered by § 91.46(1)(f), Wis. Stats., that qualify under § 91.46(5), Wis. Stats.
 - e. Nonmetallic mineral extraction that qualifies under § 91.46(6), Wis. Stats. and provides for the restoration of the nonmetallic mineral extraction site to agricultural use as required by the Sheboygan County Non-Metallic Mining Ordinance.
 - f. Oil and gas exploration or production that is licensed by the Department of Natural Resources under Subch. II of Ch. 295.
 - g. One temporary mobile home dwelling per farm use by an individual who receives at least 50 percent of his or her income from working on the farm or for use by a family; one adult member of which receives at least 50 percent of his or her income from working on the farm. Such dwelling shall have a foundation which is concrete slab with tie downs or frost free pillars. The mobile home shall be removed if six months pass without an eligible individual or family residing therein. In any event such uses are subject to review every five years. A grant of a conditional use hereunder may include shorter time periods or other restrictions as the Board deems appropriate. All sanitary and health provisions apply fully to such temporary mobile homes.
 - h. Housing for migratory or seasonal farm workers
 - i. Livestock sales barns

- j. Raising, propagating, or boarding of the following that exceeds one animal unit per acre: fur-bearing animals (e.g., mink, rabbit, and fox), equine animals, bison, farm-raised deer, captive game birds, ratites (e.g., ostrich), or camelids.
- k. Land restoration when conducted in accordance with the appropriate Natural Resources Conservation Service standards.

F. Rezoning A-1 Land:

The Town Board may approve petitions for rezoning areas zoned for exclusive agricultural use only after findings are made based upon consideration of the following:

- 1. Adequate public facilities to accommodate development either exist or will be provided within a reasonable time.
- 2. Provisions of public facilities to accommodate development will not place an unreasonable burden on the ability of affected local units of government to provide them.
- 3. The land proposed for rezoning is suitable for development and development will not result in undue water or air pollution, cause unreasonable soil erosion or have an unreasonably adverse effect on rare or irreplaceable natural areas.

In addition, the Town may not rezone A-1 land out of Farmland Preservation unless prior to the rezoning the Town finds all of the following in writing, after a public hearing, as part of the official record of the rezoning:

- 1. The rezoned land is better suited for a use not allowed in Farmland Preservation.
- 2. The rezoning is consistent with any comprehensive plan adopted by the Town that is in effect at the time of the rezoning.
- 3. The rezoning is substantially consistent with the Sheboygan County Farmland Preservation Plan, certified under ch. 91, Wisconsin Statutes, which is in effect at the time of the rezoning.
- 4. The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.

Furthermore any rezoning of land which presently is in the A-1 District shall consider the following factors in addition to all other requirements of the ordinance:

- 1. Soil characteristics as shown by soil maps and observation
- 2. The grade and degree of erosion
- 3. The location and shape of the land
- 4. The actual use of the land over the past 20 years
- 5. The actual use of adjacent land and the compatibility of adjacent uses
- 6. The existence of the natural barriers which set the land apart
- 7. Other factors appropriate to the specific parcel being considered.

See SECTION 27: CHANGES AND AMENDMENTS for more information on rezoning.

G. Area, Height and Yard Requirements:

| | | |
|-------------------|--------|---|
| LOT: | Size | Minimum 35 acres |
| BUILDING: | Width | Minimum 200 ft. |
| Farm Residence: | Height | Maximum 35 ft. |
| Other Structures: | Height | Minimum three times the distance from any lot lines |

YARD:

| | | |
|-------------------|--------|---|
| Farm Residence: | Rear | Minimum 100 ft. |
| | Side | Minimum 20 ft. |
| | Street | Minimum 75 ft. from center line of Town and County Hwys. and 100 ft. from State Hwys. |
| Other Structures: | Rear | Minimum 25 ft. if not used for the housing of animals/Minimum 100 ft. if used for the housing of animals |
| | Side | Minimum 20 ft. if not used for the housing of animals/Minimum 100 ft. if used for the housing of animals |
| | Street | Minimum 75 ft. from center line of Town and County Hwys. and 100 ft. from State Hwys. Minimum 100 ft. from center line of all Hwys. if used for the housing of animals |

A-1-S AGRICULTURAL LAND DISTRICT (SMALL-SCALE)

A. Purpose:

The primary purposes of the A-1-S District are to maintain, preserve, and enhance agricultural lands historically utilized for crop production but are too small to be included within the A-1 District. The A-1-S District aims to implement the policies of the Sheboygan County Farmland Preservation Plan and comply with the provisions of the Farmland Preservation Law to permit eligible landowners to receive tax credits under Ch. 91, Wis. Stats. To comply with the Farmland Preservation Law, only agricultural uses and uses consistent with agricultural use (either permitted or conditional uses) are allowed. All structures and improvements shall be consistent with agricultural use.

B. Lands Included:

Lands included are those generally best suited for smaller farm uses, including truck farming, hobby farming, orchards, niche farming, organic farming, and similar agricultural-related farming activities.

C. Permitted Uses:

All permitted uses allowed in the A-1 Agricultural Land District, except livestock raising must not exceed one animal unit per acre.

D. Conditional Uses:

All conditional uses allowed in the A-1 Agricultural Land District, with the addition of livestock raising that exceeds one animal unit per acre.

E. Area, Height and Yard Requirements:

| | | |
|------------------|--------|--|
| LOT: | Size | Minimum 3 acres |
| | Width | Minimum 200 ft. |
| BUILDING: | | |
| Farm Residence | Height | 35 ft. |
| Other Structures | Height | Minimum three times the distance from any lot line |
| YARD: | | |
| Farm Residence | Rear | Minimum 50 ft. |
| | Side | Minimum 20 ft. |
| | Street | Minimum 75 ft. from center line of Town and County Hwys. and 100 ft. from State Hwys. |
| Other Structures | Rear | Minimum 25 ft. if not used for the housing of animals/Minimum 100 ft. if used for the housing of animals |
| | Side | Minimum 20 ft. if not used for the housing of animals/Minimum 100 ft. if used for the housing of animals |

| | |
|--------|--|
| Street | Minimum 75 ft. from center line of Town and County Hwys. and 100 ft. from State Hwys. Minimum 100 ft. from center of all hwys. if used for the housing of animals |
|--------|--|

F. Rezoning A-1-S Land:

The Town may not rezone A-1-S land out of Farmland Preservation unless prior to the rezoning the Town finds all of the following in writing, after a public hearing, as part of the official record of the rezoning:

1. The rezoned land is better suited for a use not allowed in Farmland Preservation.
2. The rezoning is consistent with any comprehensive plan adopted by the Town that is in effect at the time of the rezoning.
3. The rezoning is substantially consistent with the Sheboygan County Farmland Preservation Plan, certified under ch. 91, Wisconsin Statutes, which is in effect at the time of the rezoning.
4. The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.

A-2 AGRICULTURAL LAND DISTRICT

A. Purpose:

The primary purposes of the A-2 District are to maintain, preserve, and enhance agricultural lands historically utilized for crop production but which are not included within the A-1 Agricultural Land District.

B. Lands Included:

Lands included are those generally best suited for smaller farm uses, including truck farming, horse farming, hobby farming, orchards, and similar agricultural related farming activities.

C. Permitted Uses:

All permitted uses allowed in the A-1 Agricultural Land District, except livestock raising must not exceed one animal unit per acre. Further, all residences, regardless of when constructed, are permitted uses in the A-2 District.

D. Conditional Uses:

All conditional uses allowed for A-2 in Section 22 of this Ordinance; and all conditional uses allowed in the A-1 Agricultural Land District, with the addition of livestock raising that exceeds one animal unit per acre.

E. Animal Units:

See "Animal Unit" in Section 30 - DEFINITIONS of this Ordinance.

F. Area, Height and Yard Requirements:

| | | |
|------------------|--------|--|
| LOT: | Size | Minimum 5 acres |
| | Width | Minimum 200 ft. |
| BUILDING: | | |
| Residence | Height | 35 ft. |
| Other Structures | Height | Minimum three times the distance from any lot line |
| YARD: | | |
| Residence | Rear | Minimum 50 ft. |
| | Side | Minimum 20 ft. |
| | Street | Minimum 75 ft. from center line of Town and County Hwys. and 100 ft. from State Hwys. |
| Other Structures | Rear | Minimum 25 ft. if not used for the housing of animals/Minimum 100 ft. if used for the housing of animals |
| | Side | Minimum 20 ft. if not used for the housing of animals/Minimum 100 ft. if used for the housing of animals |

Street

Minimum 75 ft. from center line of
Town and County Hwys. and 100 ft.
from State Hwys.

Minimum 100 ft. from center of all
hwys. if used for the housing of
animals

A-3 AGRICULTURAL LAND HOLDING DISTRICT

A. Purpose:

The primary purposes of the A-3 District are to:

1. provide for the orderly transition of agricultural land into other uses in areas planned for eventual urban expansion;
2. defer urban development until the appropriate local governmental bodies determine that adequate public services and facilities can be provided at a reasonable cost;
3. ensure that urban development is compatible with local land use plans and policies;
4. strive to provide periodic review to determine whether all or part of the land should be transferred to another zoning district. Recommended opportunities for such review include:
 - a. upon completion or revision of a Sheboygan County Farmland Preservation Plan or Municipal Comprehensive Plan which affects land in this district
 - b. upon extension of public services, such as sewer and water, necessary to serve urban development.

B. Lands Included:

The A-3 District is generally intended to apply to land located adjacent to incorporated municipalities or urbanized areas where such lands are predominantly in agricultural or related open space uses but where conversion to nonagricultural use is expected to occur in the foreseeable future. Land indicated as transition areas in agricultural plans or similar lands are to be included.

C. Permitted Uses:

All permitted uses allowed in the A-1 Agricultural Land District, except livestock raising must not exceed one animal unit per acre, and except as such may be provided as a conditional use for this district in Section 22 of this ordinance. Further, all residences, regardless of when constructed, are permitted uses in the A-3 District.

D. Conditional Uses:

All conditional uses allowed for A-3 in Section 22 of this Ordinance; and all conditional uses allowed in the A-1 Agricultural Land District, with the addition of livestock raising that exceeds one animal unit per acre.

E. Area, Height, and Yard Requirements

| | | |
|------------------|--------|--|
| LOT: | Size | Minimum 5 acres |
| | Width | Minimum 200 ft. |
| BUILDING: | | |
| Residence | Height | Maximum 35 ft. |
| Other Structures | Height | Minimum three times the distance from any lot line |
| YARD: | | |
| Residence | Rear | Minimum 50 ft. |
| | Side | Minimum 20 ft. |

| | | |
|------------------|--------|---|
| | Street | Minimum 75 ft. from center line of Town and County Hwys. and 100 ft. from State Hwys. |
| Other Structures | Rear | Minimum 25 ft. if not used for the housing of animals/Minimum 100 ft. if used for the housing of animals |
| | Side | Minimum 20 ft. if not used for the housing of animals Minimum 100 ft. if used for the housing of animals |
| | Street | Minimum 75 ft. from center line of Town & County Hwys. and 100 ft. from State Hwys. /Minimum 100 ft. from center line of all hwys. if used for the housing of animals |

A-4 AGRICULTURAL RELATED MANUFACTURING, WAREHOUSING AND MARKETING DISTRICT

A. Purpose:

The primary purpose of the A-4 District is to provide for the proper location and regulation of manufacturing, warehousing, storage, and related industrial and marketing activities that are dependent upon, or are closely allied with, the agricultural industry.

B. Permitted Uses:

1. All permitted uses allowed in the A-1, Agricultural Land District, except livestock raising must not exceed one animal unit per acre.
2. Passive, outdoor, recreational land uses such as arboretums, natural areas, wildlife areas, hiking trails, bicycle trails, cross country ski trails, horse trails, picnic areas, gardens, fishing and hunting areas and similar land uses.
3. Residences which existed as of January 1, 2008.
4. Storage of fruits, vegetables, eggs, dairy or meat products in non-aluminum warehouses not exceeding 500 square feet.

C. Conditional Uses:

All conditional uses allowed for A-4 in Section 22 of this Ordinance; and all conditional uses allowed in the A-1 Agricultural Land District, with the addition of livestock raising that exceeds one animal unit per acre.

Conditional Uses May Also Include, But Are Not Necessarily Limited To:

1. Blending and preparing of flour; canning of fruits, vegetables, preserves, jams, and jellies; Canning of specialty foods; drying and dehydration fruit and vegetables; fruit and vegetable pickling, vegetable sauces and seasoning, and salad dressing preparation; production of wine, brandy, and brandy spirits
2. Contract sorting, grading, and packaging services for fruits and vegetables; corn shelling, hay baling, and threshing services; fertilizer production, sales, storage, mixing and blending; grain elevators and bulk storage of feed; grist mill service; milling of soybean oil; milling of vegetable oil; production of flour and other grain mill products; preparation of cereal; production of frozen fruit, fruit juices, vegetables, and other specialties; wet milling of corn
3. Fluid milk processing; horticultural services; livestock sales facility; fluid milk processing; malt production; meat packing; preparation of feed for animals and fowl; production of animal and marine fat and oil; production of condensed and evaporated milk; production of creamery butter; production of natural and processed cheese; production of shortening, table oils, and margarine, and their edible fats and oils
4. Poultry and small game dressing and packaging, providing that all operations shall be conducted within an enclosed building; poultry hatchery services; production of sausages and other meat products, providing that all operations shall be conducted within an enclosed building; sales of farm implements and related equipments; transportation related activities primarily serving the basic agricultural industry;

D. **Signs**

See Section 24 in this Ordinance.

E. **Area, Height and Yard Requirements:**

| | | |
|-----------|--------|--|
| LOT: | Size | Minimum, sufficient area for the principal structure and accessory buildings, sewers, all required yards, and off-street parking as required by Section 23 of this Ordinance |
| BUILDING: | Height | Maximum 60 ft. |
| YARD: | Rear | Minimum 75 ft. |
| | Side | Minimum 75 ft. |
| | Street | Minimum 75 ft. from center line of Town and County Hwys. and 100 ft. from State Hwys. |

A-5 LIMITED FURTHER DEVELOPMENT AGRICULTURAL DISTRICT

A. Purpose:

The primary purpose of the A-5 District is to maintain, preserve and enhance agricultural land while allowing limited residential uses and maintaining the rural agricultural atmosphere of the Town. A variety of lot sizes may be allowed depending upon the characteristics of the land involved, the neighboring land and uses and all other factors referred to in section 4 and section 21-3A and section 27-2 of the ordinance.

B. Lands Included:

Lands included will be those lands which are in agricultural areas but which land is not generally suited to agricultural activities except in an incidental manner. Existing nonconforming parcels in other agricultural districts may also be included herein where appropriate.

C. Applicable Permits and Lot Size:

The provisions of subsections C, D, and F of the A-2 Agricultural Land District shall apply, except that the minimum lot size shall be the greater of two acres or the lot size at the time the lot is classified as being in the A-5 District. Lots under five acres will only be allowed when the Town Board agrees that the unique characteristics of the lot, the neighborhood, and the purpose of the district make the allowance of such reduced lot size to be in the best interest of the Town. The Town Board shall have wide discretion with respect to such determination. Furthermore, the provisions of subsection E of the A-2 Agricultural Land District shall apply.

Notwithstanding the above, existing nonconforming parcels less than two acres in other agricultural districts may be reclassified to this zoning category by the Town Board.

D. Uses:

The allowable uses are the same as those set forth for the A-2 District, including the limitations on animal units.

E. Subdivision Prohibition:

No subdividing of land within an A-5 District is allowed without Town Board approval after filing therefore in the same manner as for rezoning.

B-1 LOCAL BUSINESS & INDUSTRIAL DISTRICT

A. Permitted Uses:

1. Business and professional offices of not more than 2,000 square feet.
2. Residences that existed as of January 1, 2008.

B. Conditional Uses:

All other uses are conditional. Such conditional uses include, but are not limited to:

1. Arts, crafts, antique, and hobby shops; bakeries; barbershops; beauty shops; sporting goods stores; tobacco stores; painting studios
2. Book and stationery stores; business offices; clinics; clothing and apparel stores; clothing repair shops; shoe stores; cleaning, pressing, and dyeing; business offices
3. Confectioneries; drugstores; florists; gift stores; ice cream stores, soda fountains, soft drink stands; restaurants
4. Grocery stores (retail, delicatessen, meat and fish markets, and fruit and vegetable markets, commercial bakeries
5. Hardware stores; music stores; optical stores; clubs and lodges; dancing schools
6. Packaged beverage stores; personal service establishments; photographic supply stores; professional offices; second-hand stores; self-service and pick up laundry and dry cleaning establishments; distributors; manufacturing and bottling of non-alcoholic beverages
7. Automotive body repairs; automotive upholstery shops; building material sales and storage;
8. Commercial greenhouses; contractors and construction offices, shops, and yards; farm machinery plants; food lockers; machinery sales
9. Manufacture, fabrication, processing, packaging, and packing of confections; cosmetics; electrical appliances; food, except fish and fish products, meat, and meat products, cabbage, vegetables, and pea vining; instruments; jewelry; pharmaceuticals; tobacco; and toiletries
10. Manufacturing and/or assembling from substances such as wood, cork glass, leather, fur, plastic, felt, ceramics, precious metals, metals and textiles
11. Manufacturing of electronic products and components
12. Printing, publishing, and binding plants; radio and television broadcasting stations and electric equipment; research laboratories; warehouses and storage yards; wholesale outlets
13. Veterinarian services
14. Animal hospitals, shelters
15. See Sections elsewhere in this Ordinance.

C. **Area, Height and Yard Requirements:**

| | | |
|-----------|--------|--|
| LOT: | Area | Minimum sufficient area for the principal structure and its accessory buildings, necessary wells and septic systems, off street parking and loading areas required by this ordinance and all required yards. |
| BUILDING: | Height | Maximum 35 ft. |
| | Rear | Minimum 50 ft. |
| | Side | Minimum 50 ft. |
| | Street | Minimum 75 ft. from center line of Town and County Hwys. and 100 ft. from State Hwys. |

D. **One residential dwelling unit per parcel may be allowed as a conditional use.**

E. **Signs**

See Section 24 of this Ordinance.

C-1 LOWLAND CONSERVANCY DISTRICT

A. Purpose:

The primary purpose of the C-1 Lowland Conservancy District is to preserve, protect, and enhance the lakes, streams, swamps, marshes, bogs, and other wetlands in the Town of Greenbush. The proper regulation of these areas will serve to maintain and improve ground water and surface water quality; prevent flood damage; protect fish and wildlife habitat; prohibit the location of structures on soils which are generally not suitable for such use; protect natural watersheds; and protect the water based recreation and open space resources of the Town of Greenbush. This district recognizes that undisturbed wetlands serve as natural purifiers of surface waters and as protective buffers at the land - water interface.

B. Lands Included:

The C-1 Lowland Conservancy District shall include minimally all areas delineated as swamp, marshes, bogs, and other wetlands on the "Shore Land Zoning Map, Sheboygan County, Wisconsin", as described in the SHORE LAND - FLOODPLAIN ORDINANCE, SHEBOYGAN COUNTY, WISCONSIN, as well as those shore land and wetland areas identified as being of local concern.

C. Permitted Uses:

The following uses are permitted in the C-1 Lowland Conservancy District provided that such uses are conducted in accordance with sound conservation practices as established by the Natural Resources Conservation Service and do not involve dumping filling; extension of cultivated areas; mineral, soil, or peat removal; or any other activity that would substantially disturb or impair the natural fauna, flora, watercourses, water regimen, or topography.

1. Dugout ponds and level ditches
2. Flood overflow and movement of water
3. Forestry and game management
4. Hiking trails
5. Hunting, fishing, wildlife preserves, and other historic/scientific areas
6. Navigation
7. Non-residential buildings used solely in conjunction with the raising of waterfowl, fish, and other lowland animal or crops
8. Park and recreation areas not including the location or erection of buildings or structures
9. Wild crop harvesting including marsh hay, moss, ferns, wild rice, berries, fruit, nuts, and seeds

D. Conditional Uses:

The following uses may be conditionally permitted except that issuance of a "Conditional Use Shore Land Zoning Permit" (pursuant to the SHORE LAND - FLOODPLAIN ORDINANCE, SHEBOYGAN COUNTY, WISCONSIN) and/or Department of Natural Resources permits may be required.

1. Cranberry bogs
2. Piers and docks
3. Removal of peat or topsoil
4. Special crop farming
5. Utilities such as telephone, telegraph, gas lines, and transmission lines

6. See Sections elsewhere in this Ordinance.

E. **Area, Height and Yard Requirements:**

None; no buildings or structures permitted except as provided under Section 30 of this Ordinance by special exception.

C-2 UPLAND CONSERVANCY DISTRICT

A. Purpose:

The primary purpose of this district is to preserve, protect, enhance, and restore all significant woodlands, related scenic areas, sub marginal farm lands and abandoned mineral extraction lands within the Town of Greenbush. Regulation of these areas will serve to control erosion and sedimentation and will promote and maintain the natural beauty of the Town, while seeking to assure the preservation and protection of areas of significant topography, natural watersheds, ground and surface water, potential recreation sites, wildlife habitat, and other natural resource characteristics that contribute to the environmental quality of the Town.

B. Permitted Uses:

The following uses are permitted in the C-2 Upland Conservancy District:

1. Farming and related agricultural uses when conducted in accordance with the Natural Resources Conservation Service standards
2. Forest and game management
3. Forest preservation
4. Hunting and fishing clubs
5. Parks and recreation areas
6. Stables
7. Single-family detached residences

C. Conditional Uses:

See Sections elsewhere in this Ordinance.

D. Area, Height and Yard Requirements:

| | | |
|------------------|--------|---|
| LOT: | Area | Minimum 10 acres |
| | Width | Minimum 300 ft. |
| BUILDING: | | |
| Residences | Height | Maximum 35 ft. |
| Other Structures | Height | Minimum three times the distance from any lot line |
| YARD: | | |
| Residences | Rear | Minimum 100 ft. |
| | Side | Minimum 20 ft. |
| | Street | Minimum 75 ft. from center line of Town and County Hwys. and 100 ft. from State Hwys. |
| Other Structures | Rear | Minimum 25 ft. |
| | Side | Minimum 20 ft. if the structure is not to be used for the housing of animals 100 ft. if the structure is to be used for the housing of animals |

Street

Minimum of 75 ft. from center line of
Town and County Hwys. and 100 ft.
from State Hwys.

I-1 INSTITUTION DISTRICT

A. **Purpose:**

The primary purpose of this district is to allow for the Kettle Moraine Correctional Institute to operate within the boundaries already set prior to this Ordinance within the Town of Greenbush.

B. **Permitted Uses:**

The following uses are permitted uses by the State of Wisconsin Department of Correction in the Kettle Moraine Correctional Institution in the I-1 Institutional District:

1. Prison for individuals incarcerated by the State of Wisconsin prison system.

M-1 MINERAL EXTRACTION DISTRICT

A. Permitted Uses:

1. Grazing of livestock.
2. Orchards
3. Passive, outdoor, recreational land uses such as arboretums, natural areas, wildlife areas, hiking trails, bicycle trails, cross country ski trails, horse trails, picnic areas, gardens, fishing and hunting areas and similar land uses.

B. Conditional Uses:

1. Aggregate or ready-mix plant
2. Clay and other mineral mining
3. Crushed and broken stone quarrying
4. Mixing of asphalt
5. Non-metallic mining services
6. Processing of topsoil
7. Sand and gravel quarrying
8. Washing, refining, or processing of rock, slate, gravel, sand, or minerals
9. Extension of any existing uses as listed above
10. See Sections elsewhere in this Ordinance.

C. Requirements:

All excavation shall be at least 200 feet from the right-of-way of any public or approved private street or property line. All accessories such as offices, parking areas, and stockpiles, shall be at least 100 feet from any right-of-way or property line. Exceptions to these conditions may be granted upon recommendation of the Plan Commission and approval of Town Board.

M-2 MINERAL EXTRACTION DISTRICT

A. Permitted Uses

1. Aggregate and ready mix plants
2. Clay, ceramic and refractor mineral mining
3. Crushed and broken stone quarrying
4. Mixing of asphalt
5. Non-metallic mining
6. Processing of topsoil, sand and gravel quarrying
7. Washing, refining and processing of rock, slate, gravel, sand and minerals

B. Requirements

All uses listed are subject to the following regulations and such other regulations as the Town Board may deem appropriate:

1. Plat of survey showing topographic data (minimum contour interval of 5 feet), existing natural resource base data, and the location of existing and proposed excavations.
2. Operations plan, including a description of the operational methods proposed to be used; a list of equipment, machinery and structures to be used and constructed; a description of the source, quantity, and disposition of water to be used; a description of proposed noise and dust control procedures; and proposed hours of operation.
3. Restoration plan, including at least proposed contours (minimum contour interval of 5 feet) type of fill, depth of restored topsoil, planting or reforestation, and timing and completion data.
4. Sureties to enable the town to carry out the restoration plan in the event of default by the applicant. The amount of such sureties shall be based upon cost estimates prepared by or for the Town, and the amount, form and type of sureties shall be approved by the Town Board.
5. All excavations shall be at least two hundred (200) feet from the right-of-way of any public or private street or property line. All accessories such as offices, parking areas, and stockpiles, shall be at least one hundred (100) feet from any right-of-way or property line.

P-1 RECREATIONAL PARK DISTRICT

A. Permitted Uses:

1. Boat rentals and boat access sites
2. Forest Preserves
3. Golf courses and country clubs
4. Gymnasiums and athletic clubs
5. Ice skating rinks
6. Parks, general recreation
7. Parks, leisure and ornamental
8. Picnic grounds
9. Play lots and tot lots
10. Play fields and athletic fields
11. Playgrounds

B. Conditional Uses:

See Sections elsewhere in this Ordinance.

C. Area, Height and Yard Requirements:

| | | |
|-----------|--------|---|
| LOT: | Area | Minimum, sufficient area for the principal structures and its accessory buildings, off street parking and loading as required by Section 23, sewer and water systems, and all required yards. |
| BUILDING: | Height | Maximum 35 ft. |
| YARD: | Rear | Minimum 50 ft. |
| | Side | Minimum 50 ft. |
| | Street | Minimum 75 ft. from center line of Town & County Hwys. & 100 ft. from State Hwys. |

R-1 SINGLE-FAMILY RESIDENCE DISTRICT (without sewer)

A. Permitted Uses:

Single-family detached residences on lots not served by public sanitary sewer.

B. Conditional Uses:

See Sections elsewhere in this Ordinance.

C. Area, Height and Yard Requirements:

LOT AREA. Each building hereafter erected or structurally altered shall provide a lot area of not less than two acres (87,120 square feet) per family and no such lot shall be less than 100 feet in width. Building on lots of record at the time of passage of this ordinance having a lot area of less than two acres (87,120 square feet), but more than 16,000 square feet may be permitted by the Board of Appeals. All lots under 16,000 square feet must be serviced by a sewage facility. Sanitary permits are required before any building will be permitted unless a sewage facility is available.

| | | |
|-----------|--------|--|
| BUILDING: | Height | Maximum 35 ft. |
| YARD: | Rear | Minimum 25 ft. |
| | Side | Minimum 15 ft. |
| | Street | Minimum 75 ft. from center line of Town and County Hwys. and 100 ft. from State Hwys. |

R-2 SINGLE-FAMILY RESIDENCE DISTRICT

(with sewer)

1. **Permitted Uses:**

Single-family detached residences on lots served by public sanitary sewers.

2. **Conditional Uses:**

See Sections elsewhere in this Ordinance.

3. **Area, Height and Yard Requirements:**

| | | |
|-----------|--------|---|
| LOT AREA: | | Not less than 25,000 sq. ft. except for lots of record as of the date of passage of this ordinance. |
| BUILDING: | Height | Maximum 35 ft. |
| YARD: | Rear | Minimum 25 ft. |
| | Side | Minimum 15 ft. |
| | Street | Minimum 30 ft. from the right-of-way |

R-3 MULTIPLE-FAMILY RESIDENCE DISTRICT

(with and without sewer)

A. Permitted Uses:

1. Any permitted uses allowed in R-1, Single Family Residence District (without sewer) or R-2, Single Family Residence District (with sewer).
2. Passive, outdoor, recreational land uses such as arboretums, natural areas, wildlife areas, hiking trails, bicycle trails, cross country ski trails, horse trails, picnic areas, gardens, fishing and hunting areas and similar land uses.

B. Conditional Uses:

1. Multiple-family residences.
2. See Sections elsewhere in this Ordinance.

C. Area, Height and Yard Requirements:

MULTIPLE-FAMILY DENSITY: Maximum 6 dwelling units per net developable acre if with sewer and one dwelling unit per acre if without sewer

LOT (with sewer): Width and area of all lots to be determined by the Town Board at the time of rezoning

LOT (without sewer): Width and area of all lots to be determined by the Town Board at time of rezoning

BUILDING: Height Maximum 35 ft.

YARD: Rear Minimum 25 ft.
 Side Minimum 15 ft.
 Street Minimum 75 ft. from center line of Town and County Hwys. and 100 ft. from State Hwys.

LOT COVERAGE : No more than 50 percent of the area of an interior lot or more than 60 percent of a corner lot shall be occupied by a residential building with its accessories

R-4 PLANNED RESIDENTIAL DEVELOPMENT

A. Permitted Uses:

1. Passive, outdoor, recreational land uses such as arboretums, natural areas, wildlife areas, hiking trails, bicycle trails, cross country ski trails, horse trails, picnic areas, gardens, fishing and hunting areas and similar land uses.

B. Conditional Uses:

1. Multiple-family residences
2. Single-family attached residences
3. Single-family detached residences
4. Single-family semi-detached residences
5. Two-family residences
6. All permitted uses allowed in the B-1 Local Business District, provided that such uses shall not occupy more than 15 percent of the total development area
7. See Sections elsewhere in this Ordinance.

C. Development Density:

WITH SEWER DEVELOPMENT: Maximum six dwelling units per net developable acre

WITHOUT SEWER DEVELOPMENT: Maximum one dwelling unit per acre

D. Area, Height and Yard Requirements:

| | | |
|-----------|--------|---|
| BUILDING: | Height | Maximum 35 ft. |
| YARD: | Street | Minimum 30 ft. from the right-of-way line |
| | Rear | Minimum 25 ft. |
| | Side | Minimum 15 ft. |

R-5 MOBILE HOME PARK RESIDENCE DISTRICT AND OTHER MOBILE HOMES

A. Permitted Uses:

1. Passive, outdoor, recreational land uses such as arboretums, natural areas, wildlife areas, hiking trails, bicycle trails, cross country ski trails, horse trails, picnic areas, gardens, fishing and hunting areas and similar land uses.

B. Conditional Uses:

1. Mobile home dwellings permanently affixed as set out in section 30 of this ordinance
2. Single-family detached residences
3. See Sections elsewhere in this Ordinance.

C. Development Density:

There shall be a maximum of five dwelling units per net developable acre.

D. Sewer System Requirements:

All mobile home park developments must be served either by a public sanitary sewer system owned, operated, and maintained by a county, city, village, town, town sanitary district, town utility district, or metropolitan sewer district, or by a private sanitary sewer system, including a sewage treatment plant approved by the Department of Natural Resources. No new mobile home park development and no expansion of an existing mobile home park development shall be approved where such development is to be served by an on-site septic tank soil absorption sewage disposal system, whether publicly or privately owned, operated and maintained.

E. Area, Height and Yard Requirements:

| | | |
|-------------------|------------|---|
| SITE DEVELOPMENT: | Area | Minimum 10 acres |
| | Width | Minimum 450 ft. |
| | Open Space | Minimum 20 percent of development area exclusive of required yds. and access drives |
| BUILDING: | Height | Maximum 35 ft. |
| YARD: | Rear | Minimum 100 ft. |
| | Side | Minimum 100 ft. |
| | Street | Minimum 20 ft. from the right-of-way line |

F. Mobile Homes in Other Districts:

Permanently affixed mobile homes, as defined in section 30 of this ordinance, shall be treated the same as other permanent residences.

22. CONDITIONAL USES

A. Application:

Application for conditional use permits shall be made in duplicate to the Town Board on forms furnished by its Clerk and shall include the following where pertinent and necessary for proper review by the Board of Appeals and Town Board.

1. Name and addresses of the applicant, owner of the site, architect, professional engineer, contractor, and all opposite and abutting property owners of record.
 2. Description of the subject site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structures; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
 3. Plat of survey prepared by a land surveyor registered in Wisconsin, or other map drawn to scale and approved by the County Planner showing the location, property boundaries, dimensions, elevations, uses, and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets, and other public ways; off-street parking, loading areas, and driveways; existing highway access restrictions; existing and proposed street, side, and rear yards. In addition, the plat of survey shall show the location, elevation, and use of any abutting lands and their structures within 40 feet of the subject site; soil mapping unit lines; mean and historic high water lines on or within 40 feet of the subject premises, and existing and proposed landscaping.
 4. Additional information as may be required or waived by the Board of Appeals or Town Board such as ground surface elevations, basements and first floor elevations, utility elevations, historic and probable future floodwater elevations, flood proofing measures, soil type, slope, and boundaries, and plans for proposed structures giving dimensions and elevations pertinent to its effects on flood flows.
- E. Fee for Conditional Use permits shall be \$250.00. The Town Board may change this and any other fee set forth in this ordinance by resolution at any time.

B. Review and Approve:

The Town Board of Appeals shall review the site, existing and proposed structures, architectural plans, neighboring land and water uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, waste disposal, water supply systems, and the effects of the proposed use, structure, operation, and improvement upon flood damage protection, water quality, shore land cover, natural beauty and wildlife habitat, and shall make a recommendation to the Town Board.

The Town Board may authorize the issuance of a conditional use permit after review and public hearing, provided that such conditional uses and structures are in accordance with the purpose and intent of this ordinance and are found to not be hazardous, harmful, offensive, or otherwise adverse to the environmental quality, water quality, shore land cover, or property values in the Town of Greenbush and its communities. Notice of the public hearing shall be given by a class II notice listing the time, place, property and use involved.

Conditions, such as landscaping, type of construction, construction commencement and completion dates, sureties, lighting, fencing, location, size and number of signs, water supply and waste disposal systems, street dedication, certified survey maps, flood proofing, ground cover, diversions, silting basins, terraces, stream bank protection, planting screens, operational

control hours of operation, improved traffic circulation, highway access restrictions, increased yards, or additional parking may be required by the Town Board upon its finding that these are necessary to fulfill the purpose and intent of this ordinance.

Compliance with 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. Variances shall only be granted as provided elsewhere in this ordinance.

All conditional uses are subject to review at any time by the Town Board to determine whether the use is in accord with the terms of the use permit. Upon advance notice and hearing, the Board may determine whether the usage is in accord with the permit and at such time determine whether to amend the conditional use permit or enforce the terms thereof by appropriate legal action to terminate a violation of this ordinance. All conditional use permit holders shall be subject to review and up-date of the use every five years upon notice provided to them by the Town Board or Board of Appeals, if such authority is delegated to the Board of Appeals. Such review is informational and intended to provide a mechanism for regular up-dating of conditional use permits to reflect anticipated changes in uses and in the zoning ordinance as well as to review compliance.

A conditional use permit may contain time limitations, limitations to the current owner or family, or other such limitations as the Board deems appropriate.

Special Assessments: Pursuant to authority granted by Section 66.60, Wis. Stats., any cost incurred by the governing authority in ensuring compliance with the Conditional Use Permit or with any other requirement of this section shall be billed to the Conditional Use Permit holder, and to the current titleholder of the land if different from the Permit holder. Any amounts not paid within 30 days of billing shall accrue interest at 1.5% per month compounded monthly. Any amounts not paid within 90 days of billing shall be entered on the tax assessment roll as a special assessment for the parcel(s) for which the Conditional Use was granted.

C. Earth and Water Movements:

Earth movements involving a site disturbance in excess of one acre not related to farming activity, stream course changing, waterway construction or enlargement, channel clearing, removal of stream or lake bed materials, dredging, making lagoons, and the installation of soil and water conservation structures are conditional uses and may be permitted in any zoning district subject to compliance with all other applicable laws and regulations.

The Town Board may request a review of each such earth or water movement by the Department of Natural Resources, the Soil Conservation Service or other appropriate agencies, and await their recommendations before taking final action, but not to exceed 60 days.

D. Agricultural and Related Uses:

Except where specifically allowed as a permitted use, the following agricultural and related uses shall be conditional uses and may be allowed as specified.

1. Animal hospitals, shelters, and kennels in the A-2, A-3, A-4, and A-5 Agricultural-districts, Conservancy Districts, and the Business District provided that the lot area is not less than five acres and further provided that, if animals are to be housed outside, there is a

minimum building separation of 1,000 feet from the nearest residential structure existing at the time of the issuance of a zoning permit.

2. Veterinarian services in all agricultural districts (except the A-1 and A-1-S Districts).

E. Mineral Extraction and Related Uses:

All conditional uses listed for the M-1 District shall be subject to the following regulations and such other information requests and regulations as the Town Board may deem appropriate after viewing the site or sites and considering evidence presented at the hearing.

1. Plat of Survey: Submittal of a plat of survey showing, as appropriate, the data and information set forth in sections elsewhere in this ordinance, topographic data (minimum contour interval of five feet) existing natural resource base data, the locations of existing and proposed access roads, and the depth of existing and proposed excavations.
 2. Operations Plan: Submittal of an operations plan, including at least a description of the operational methods proposed to be used; a list of equipment, machinery, and structures to be used and constructed; a description of the source, quantity, and disposition of water to be used; a description of proposed noise and dust control procedures; and proposed hours of operation.
 3. Restoration Plan: Submittal of a restoration plan, including at least proposed contours (minimum contour interval of five feet), type of fill, depth of restored topsoil, planting or reforestation, timing and completion data, and cost estimates.
- D. Sureties: The applicant shall furnish sureties to enable the Town Board to carry out the restoration plan in the event of default by the applicant. The amount of such sureties shall be based upon cost estimates prepared on behalf of the Town Board, and the form and type of such sureties shall be approved by the Town Board. The applicant may be required to assume responsibility for the cost of the Town obtaining a cost estimate upon advance notice to the applicant of the maximum cost thereof with the applicant having the option to withdraw the application prior to incurring such expenses.
- E. Permit Renewal: Any conditional use permit issued for a use permitted in this section shall be in effect for a specified time period, but not to exceed two years. Such permit may be renewed upon application for successive periods not to exceed two years each. Modifications or additional conditions may be imposed upon application for renewal.

F. Public and Semi-Public Uses:

Except where specifically allowed as a permitted use, the following public and semi-public uses shall be conditional uses and may be allowed as specified. In approving or disapproving the location of a conditional use, the Town Board shall view the proposed site or sites and shall consider such evidence as may be presented at the public hearing bearing upon the general purpose and intent of this ordinance set forth in sections elsewhere in this ordinance, and upon the particular land use problems related to development of the site or sites as proposed.

1. Airports, airstrips, and landing fields in all Agricultural Districts (except the A-1 and A-1-S Districts, unless qualifying under 91.46(4), Wis. Stats.) and the P-1 and B-1 Districts, provided the site area is not less than 20 acres.
2. Colleges, universities, hospitals, sanitariums, religious, charitable, penal, and correctional institutions; cemeteries and crematories in the P-1 and B-1 Districts provided all principal structures and uses are not less than 50 feet from any lot line.

3. Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums, in all districts (except the A-1 and A-1-S Districts, unless qualifying under 91.46(4), Wis. Stats.).
4. Public, parochial, and private elementary and secondary schools and churches in all Residential, Business, Agricultural (except in the A-1 and A-1-S Districts, unless qualifying under 91.46(4), Wis. Stats.), and Park Districts, provided the lot area is not less than two acres and all principal structures and uses are not less than 50 feet from any lot line.
5. Utilities in all districts, provided all principal structures and uses are not less than 50 feet from any Residential District lot line.

G. Recreational and Related Uses:

Except where specifically allowed as a permitted use elsewhere in this Ordinance, the following recreational and related uses shall be conditional uses and may be allowed as specified. In approving or disapproving the location of a conditional use, the Town Board shall view the proposed site or sites and shall consider such evidence as may be presented at the public hearing bearing upon the general purpose and intent of this ordinance and upon the particular problems related to development of the site or sites as proposed. No such conditional use permit shall be granted to land in the A-1 or A-1-S Districts.

1. Amusement activities such as fairgrounds, roller skating rinks, go-cart tracks, race tracks, and recreation centers in Business Districts.
2. Archery ranges, golf driving ranges, firearm ranges, sports fields, polo fields, and skating rinks in Business Districts.
3. Commercial recreation facilities such as arcades, bowling alleys, clubs, dance halls, driving ranges, gymnasiums, lodges, miniature golf, physical culture, pool and billiard halls, racetracks, rifle ranges, Turkish baths, skating rinks, and theaters in Business Districts.
3. Cultural activities such as aquariums art galleries, botanical gardens, arboreta, historic and monument sites, libraries, museums, planetarium, and zoos in Business Districts.
4. Golf courses and country clubs in C-2 and Business Districts.
5. Hunting and fishing clubs in Business Districts.
6. Public assembly uses such as amphitheatres, arenas, field houses, gymnasiums, natatoriums, auditoriums, exhibition halls, music halls, legitimate theaters, motion picture theaters, and stadiums in Business Districts.
7. Public or private campgrounds in Business Districts.

H. Residential and Related Uses:

Except where specifically allowed as a permitted use, the following residential and quasi-residential uses shall be conditional uses and may be allowed as specified:

Home occupations and professional offices in all Residential Districts, not to exceed more than 25 percent of the floor area.

1. Standards:

In addition to all of the standards applicable to the district in which it is located, no home occupation shall be permitted unless it complies with the following standards:

- a. No more than one person other than a member of the immediate family occupying such dwelling unit shall be employed, except in the A-1 and A-1-S Districts, which

are subject to 91.01(1)(d), Wis. Stats. and restricts the total number of persons employed full-time, including family, to 4.

- b. No alteration of the principal building shall be made which changes the character thereof as a dwelling.
- c. No more than 25 percent of the area of one story of a single-family residence, nor more than 20 percent of the area of any other dwelling unit shall be devoted to the home occupation, provided, however, that rooms let to roomers are not subject to this limitation.
- d. No extensive mechanical or electrical equipment other than normal domestic or household equipment shall be used.
- e. The home occupation shall be conducted entirely within the principal residential building, or in a permitted private garage or accessory building.
- f. There shall be no outside storage or display of equipment or materials used in the home occupation.
- g. No signs shall be permitted other than those permitted by the applicable regulations in Section 24.

2. **Particular Occupations Permitted:**

Customary home occupations include, but are not limited to, the following list of occupations, provided however, that each listed occupation shall be subject to the requirements of this section of the ordinance.

- a. Dressmakers, seamstresses, tailor.
- b. Music teachers provided that the instruction shall be limited to one pupil at a time except for occasional groups.
- c. Artists, sculptors, or authors.
- d. Physicians, dentists, or other licensed medical practitioners.
- e. Lawyers, architects, engineers, realtors, insurance agents, brokers, and members of similar professions.
- f. Ministers, rabbis, or priests.
- g. The letting for hire of not more than two rooms for residential use only, and for not more than four persons, none of whom is a transient.
- h. Use as a bed and breakfast inn with not more than four guest rooms.

3. **Particular Occupations Prohibited:**

Permitted home occupations shall not in any event be deemed to include:

- a. Funeral homes
- b. Restaurants
- c. Clinics or hospitals
 - i. A. In the R-4 District, single-family detached residences; single-family semi-detached residences; single-family attached residences; two-family residences; multiple-family residences; and all conditional uses permitted in the B-1 District, provided that such business uses shall not occupy more than 15 percent of the total development area.
 - ii. Planned residential development in the R-1, R-2, and R-3 Districts, provided that no planned development shall be approved which includes residential uses not permitted as a principal use in the given district. The district regulations may be varied provided that adequate open space shall be provided so that the

average intensity of land use shall be no greater than that permitted for the district in which it is located.

- iii. Rest homes, nursing homes, homes for the aged, clinics, and children's nurseries or day care centers in the R-3, P-1, and B-1 Districts provided all principal structures and uses are not less than 50 feet from any lot line.
- iv. Residential dwelling units, not to exceed one unit per property in all districts, in addition to the other principal and conditional residential uses for the district may be temporarily allowed for family or business purposes. All use permits granted hereby shall specifically advise the grantee that such use must be terminated at the end of the specified time period. The initial time period may not exceed two years. Any extensions thereof by the Board may not be for more than two year periods. This provision is separate and distinct from the temporary mobile home conditional use provision for the A-1 District.

23. TRAFFIC, PARKING AND ACCESS

A. Traffic Visibility:

No obstruction, such as structures, parking, or vegetation shall be permitted in any district between the heights of 2 1/2 feet and 10 feet above the plane through the mean centerline roadway grades within the triangular space formed by any two existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines located 50 feet from their point of intersection. In the case of arterial streets intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space shall be increased to 100 feet along each right-of-way line from their point of intersection.

B. Parking Requirements:

Every building hereafter erected or structurally altered shall provide motor vehicle parking space with hard usable surface of the public street in the minimum ratio of 240 square feet of area for each four persons employed on the premises, together with provisions for ingress to the public street or alley.

C. Driveways:

All driveways installed, altered, changed, replaced, or extended after the effective date of this ordinance shall meet the following requirements:

1. Islands between driveway openings shall be provided with a minimum of 12 feet between all driveways.
2. Openings for vehicular ingress and egress shall not exceed 24 feet at the street line and 30 feet at the roadway.
3. Vehicular entrances and exits to drive-in theaters, banks, restaurants, motels, funeral homes, vehicular sales, service, washing, and repair stations, garages, or public parking lots shall be not less than 200 feet from any pedestrian entrance or exit to a school, college, university, church, hospital, park, playground, library, or other place of public assembly.

24. SIGNS

A. Permit Required:

No sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a conditional use permit except those signs specifically allowed.

All signs shall be in conformity with the provisions of this ordinance. The sign shall also meet all the structural requirements of local and state building codes.

B. Signs Permitted in All Districts Without a Permit:

The following signs are permitted in all zoning districts without a permit:

1. Signs over show windows or doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed two feet in height and 10 feet in length.
2. Agricultural signs pertaining to the sale of agricultural products on a farm shall not exceed 30 square feet in area for any one farm. Normal and customary agricultural test farm or test plot signs are allowed.
3. Real estate signs not to exceed 20 square feet in area which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located. No more than one sign is permitted on the property facing each direction of travel for each highway bordering the property. Such signs shall be removed within seven days after sale of the property.
4. Name, occupation, and warning signs not to exceed eight square feet located on the premises, and not closer than 50 feet between signs.
5. Bulletin boards of public, charitable, or religious institutions located on the premises not to exceed 128 square feet and flags, insignia of governmental, religious and other non-profit organizations.
6. Memorial signs or tablets containing the names of buildings, and date of erection not exceeding 20 square feet.
7. Official signs, such as traffic control, utility or railroad signs, parking restrictions, information, notices, residential identification including fire or street numbers.
8. Temporary signs or banners publicizing a special event put up for two weeks or less before the event and less than 100 square feet in area. Such signs shall be removed within three days after the event.
9. Recreational directory signs not to exceed two in number indicating the direction and distance to a specific cottage, resident, or recreation facility not to exceed two square feet in display area.
10. Temporary political signs of less than 20 square feet erected not more than 45 days before the election for which it is intended and removed within seven days after the election except that a sign erected before a primary election may remain in place until seven days following the next general election if the sign solicits support for a candidate, political party or referendum that is before the electorate in both the primary and general election.
11. "No trespassing" signs not exceeding 20 square feet in size.
12. Garage or auction sale signs not exceeding 20 square feet and erected within three days of the event and removed within one day thereafter.
13. The exceptions in this paragraph do not apply to signs with blinking or flashing lights. All signs with flashing lights need a permit as otherwise set forth in this ordinance.

C. Signs Permitted in B-1 and A-4 Districts:

The following signs are permitted only in the B-1 and A-4 Districts so long as they advertise the business name and only services offered or products sold on the premises where the sign is

located. Such signs are also allowed for legal nonconforming uses in other Districts. Allowable signs are subject to the following regulations:

1. Wall signs placed against the exterior walls of buildings shall not extend more than six inches outside of a building's wall surface, shall not exceed 200 square feet in area for any one premise, and shall not exceed 20 feet in height above the mean centerline street grade.
2. Projecting signs fastened to, suspended from, or supported by structures shall not exceed 100 square feet in area on all sides for any one premises; shall not extend more than six feet in any required yard; shall not be less than 10 feet from all lot lines; shall not exceed a height of 20 feet above the mean centerline street grade; and shall not be less than 10 feet above a private sidewalk or 15 feet above a driveway or any alley.
3. Ground signs limited to one sign for each individual business premises shall not exceed 20 feet in height; shall meet all yard requirements for the district in which it is located; shall not exceed 100 square feet on one side or 200 square feet on all sides for any one premises. Any permits to erect additional signs may be granted as a conditional use.
4. Roof signs shall not exceed 25 feet in height above the roof, shall meet all the yard and height requirements for the district in which it is located, and shall not exceed 200 square feet on all sides for any one premises.
5. Combinations of any of the above signs shall meet all the requirements for the individual sign.
6. Blinking or flashing lights and signs are not allowed without a conditional use permit.
7. Off premise directional signs within five miles of the premises may be allowed as a conditional use. There shall be no application fee for signs less the 15 square feet and a \$50 fee for larger signs.

D. Traffic:

Signs shall not resemble, imitate, or approximate the shape, size, form, or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals, or devices. No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape; and no sign shall be lighted in such a way as to cause glare or impair driver visibility upon public ways.

E. Existing Signs:

Signs lawfully existing at the time of the adoption or amendment of this ordinance may be continued although the use, size, or location does not conform to the provisions of this ordinance. However, it shall be deemed a nonconforming use or structure and the provisions of this ordinance relating to nonconforming uses shall apply.

F. Prohibited Signs:

1. Signs advertising a business, product or service which is not conducted or sold on the premises upon which the sign is located are not allowed in the Town. This prohibition includes changeable commercial signs commonly known as "billboards."
2. After notice to the owners, any signs or billboards which are found, by the Town Board, to be unsafe or in such a state of disrepair as to be imminently dangerous to persons or property, shall be immediately removed.
3. Other than the normal and customary signs placed on working business vehicles which identify and advertise the business for which the vehicle is utilized, no vehicles, trailers,

vans or portable signs are allowed to be parked with the primary intent to advertise goods or services. This does not apply to portable signs which are otherwise allowed in this section.

25. NONCONFORMING USES, STRUCTURES, AND LOTS

A. Existing Non-conforming Uses:

The lawful nonconforming use of a structure, land, or water existing at the time of the adoption or amendment of this ordinance may be continued, although the use does not conform with the provisions of this ordinance; however:

1. If the use of the property is nonconforming, only that portion of a structure, land or water in actual use may be so continued; structures may not be extended, enlarged, reconstructed, substituted, structurally altered, or moved, or the use expanded, except when required to do so by law or order, or so as to comply with other provisions of this ordinance.
2. Substitution of new equipment may be permitted by the Board of Appeals if such equipment will reduce the incompatibility of the nonconforming use or structure with the neighboring uses.
3. If such nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure, land, or water, shall conform to the provisions of this ordinance.
4. In the A-1 district, this section applies only if the nonconforming use of a structure, land, or water pre-dates the date of original adoption of exclusive agricultural zoning, which was December 19, 1979.

B. Existing Nonconforming Structures:

1. A lawful nonconforming structure existing at the time of the adoption or amendment of this Ordinance may be continued although the structure's size or location does not conform to the established building setback line along arterial streets and highways, or the yard, height, parking, loading, access, and lot area provisions of this Ordinance. Additions and enlargements to existing nonconforming structures are allowed and shall conform with the established building setback lines along arterial streets and highways and the yard, height, parking, loading, and access provisions of this Ordinance. The provisions of this Section with respect to additions or enlargements are applicable only if the lot or parcel conforms to the existing Sheboygan County Sanitary Ordinance requirements or is serviced by a public sanitary sewer.
2. Restoration of certain nonconforming structures:
 - a. The restoration of a nonconforming structure is allowed if the structure is restored to the size, subject to par. (b), location, and use that it had immediately before the damage or destruction occurred. There are no limits on the costs of the repair, reconstruction, or improvement if all of the following apply:
 - (1) The nonconforming structure was damaged or destroyed on or after March 2, 2006.
 - (2) The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.

- b. Structures restored pursuant to the preceding paragraph may be increased in size from what they were immediately before the damage or destruction if necessary for the structure to comply with applicable state or federal requirements.

The provisions of this section with respect to reconstruction are applicable only if the lot or parcel conforms to the existing Sheboygan County Sanitary Ordinance requirements or is serviced by public sanitary sewer.

Existing nonconforming structures may be moved and insofar as is practical shall conform with the established building setback lines along arterial streets or highways and the yard, height, parking, loading, and access provisions of this Ordinance. The provisions of this Section, with respect to moving, are applicable only if the lot or parcel conforms to the existing Sheboygan County Sanitary Ordinance requirements or is serviced by public sanitary sewer.

- 3. In the A-1 district, this section applies only if the nonconforming use of a structure, land, or water pre-dates the date of original adoption of exclusive agricultural zoning, which was December 19, 1979.

C. Changes and Substitutions:

Once a nonconforming use or structure has been changed, it shall not revert back to a nonconforming use or structure. Once the Board of Appeals has permitted the substitution of a more restrictive nonconforming use for the existing nonconforming use, the prior existing use shall lose its status as a legal nonconforming use and the substituted use shall become subject to all the conditions required by the Board.

D. Existing Vacant Nonconforming Lots:

In any residential or agricultural district, a single-family detached residence and its accessory structures may be erected on any vacant legal lot or parcel of record in the Sheboygan County Register of Deeds Office before the effective date of this ordinance which is December 19, 1979.

Such lot or parcel shall be in separate ownership from abutting lands. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the provisions of this ordinance. If in separate ownership, all the district requirements shall be complied with insofar as practical, but shall not be less than the following:

| | | |
|-------------------------|--------|--|
| LOT: | Width | Minimum 50 ft. (public sewer) Minimum 80 ft. (private sanitary system) |
| | Area | Minimum 5,000 square ft. (public sewer) 16,000 sq. ft. (septic system) |
| BUILDING: PRINCIPAL: | Height | Maximum 35 ft. |

| | | |
|-------|--------|---|
| YARD: | Street | Minimum 25 ft. from lot line; the second street yard on corner lots shall be not less than 10 ft. from lot line |
| | Rear | Minimum 25 ft. from lot line |
| | Side | Minimum 10 ft. |

E. Variances:

Variances may be permitted only as specified in other Sections of this Ordinance.

26. MODIFICATIONS

A. Height:

The district height limitations stipulated elsewhere in this ordinance may be exceeded, but such modifications shall be in accord with the following:

1. Architectural projections such as spires, belfries, parapet walls, cupolas, domes, flues, and chimneys are exempt from the height limitations of this ordinance.
2. Special structures such as elevator penthouses, gas tanks, grain elevators, scenery lofts, radio and television receiving antennas, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, and smoke stacks are exempt from the height limitations of this ordinance.
3. Essential services, utilities, water towers, electric power, and communication transmission lines are exempt from the height limitations of this ordinance.
4. Communication structures such as radio and television transmission and relay towers, aerials, and observation towers shall have a setback for the height of tower as three times the distance from any lot line (ex: If you build a 100 ft. tower it must be 300 ft. from the lot line).
5. Agricultural structures such as barns, silos, tanks, and windmills shall not exceed in height three times their distance from the nearest lot line. (See example above)
6. Subject to obtaining a conditional use permit, public or semi-public facilities, multiple-family structures, and commercial and industrial structures may be erected to a height of 60 feet, provided all required yards are increased not less than one foot for each foot the structures exceed the district's maximum height requirement.
7. Any structure located within an area surrounding an existing airport and which is subject to additional height regulations, shall not exceed the heights therein established.
8. If any agricultural structure shall be an Alternative Tower Structure, the height including antennas and towers shall be no more than 20 feet higher than the existing structure when located within 500 feet of any parcel zoned R-1, R-2, or R-3.

Notwithstanding any of the exemptions listed above, all structures, projections, towers, chimneys and any other construction exceeding 100 feet are conditional uses.

B. Yards:

The yard requirements stipulated elsewhere in this ordinance may be modified as follows:

1. Uncovered stairs, landings, terraces, porches, balconies, and fire escapes may project into any yard, but not to exceed six feet and not closer than 20 feet to any lot line.

2. Architectural projections such as chimneys, flues, sills, eaves, belt courses, and ornaments may project into any required yard, but such projection shall not exceed three feet.
3. Residential fences are permitted on the property lines in residential districts but shall not in any case exceed a height of six feet, shall not exceed a height of four feet in the street yard, and shall not be closer than one foot to any existing public right-of-way.
4. Security fences are permitted on the property lines in all districts except residential districts, but shall not exceed 10 feet in height.
5. Accessory uses and detached accessory structures are permitted in the rear and side yards of all lots. When located in a side yard, they shall not be closer to the lot line than the minimum required side yard for the principal structure and in any case they shall not be closer than 10 feet to the principal structure, shall not exceed 15 feet in height, shall not occupy more than 10 percent of the lot area, and shall not be closer than three feet to any lot line.
6. Essential services, utilities, electric power, and communication transmission lines are exempt from the yard and distance requirements of this ordinance.

C. Additions:

Additions in the street yard of existing structures may be permitted but shall not project beyond the average of the existing street yards on the abutting lots or parcels.

D. Average Street Yards:

The required street yards may be decreased in any Residential or Business District to the average of the existing street yards of the abutting structures on each side but in no case less than 15 feet in such districts.

27. CHANGES AND AMENDMENTS

A. Authority:

Whenever the Public necessity, convenience, general welfare, or good zoning practices require, the Town Board may, by ordinance, change the district boundaries or amend or supplement the regulations established by this ordinance in accordance with the provisions of the Wisconsin Statutes. Such change or amendment shall require the review and recommendation of the Planning Commission in writing to the Town Board. Any comprehensive ordinance revisions affecting agricultural land uses need to be certified by the Wisconsin Department of Agriculture, Trade and Consumer Protection, and any rezoning into or out of A-1 or A-1-S must meet the criteria established in s. 91.48(1) Wis. Stats.

B. Agricultural Land-Factors To Consider In Zoning Changes:

The Town is primarily agricultural in character and such agricultural character is to be retained for the foreseeable future; however, rezoning may be allowed after consideration of relevant factors. Any rezoning of land which is presently in the A-1 District shall consider the following factors in addition to all other requirements of the ordinance:

1. Soil characteristics as shown by soil maps and observation
2. The grade and degree of erosion
3. The location and shape of the land
4. The actual use of the land over the past 20 years

5. The actual use of adjacent land and the compatibility of adjacent uses
6. The existence of the natural barriers which set the land apart
7. Other factors appropriate to the specific parcel being considered

C. Initiation:

A petition for change or amendment may be made by any property owner in the area to be affected by the change or amendment, by the Town Board, or by the Planning Commission.

D. Petition:

A petition for changing district boundaries or amendments to the regulations shall be filed with the Town Clerk. Describe the premises to be rezoned or the regulations to be amended. List the reasons justifying the petition, specify the proposed use and have attached the following:

1. Petitioner's name, address, phone number, and interest in property (owner, broker, etc.)
2. Existing and proposed zoning district.
3. Proposed use (a statement of the type, extent, area, etc., of any development project)
4. Owners' names and addresses of all properties lying within 200 feet of the area proposed to be rezoned.
5. Compatibility with adjacent lands, (a statement of land uses and impact of zoning change)
6. Legal description of the property to be rezoned.
7. Plat plan or survey of property to be rezoned (show location, dimensions, zoning of adjacent properties, existing uses, and buildings of adjacent properties, all drawn to scale)
8. Additional information as may be requested or waived by the Planning Commission.
9. Payment to the Town Clerk / Treasurer of an application fee in the sum of Two Hundred Fifty Dollars (\$250.00). In the event, however that for any reason it is necessary for the Town Plan Commission or Town Board to hold additional public hearings in regard to the application for a conditional use permit or rezoning, than the applicant, shall pay to the Town Clerk / Treasurer an additional fee of Two Hundred Fifty Dollars (250.00) for each such public hearing. Additional charges may be required to defray legal or technical assistance as outlined in Section 27H

E. Hearing:

The Town Board shall, after publishing a Class II notice under Chapter 985, Wisconsin Statutes, hold a public hearing upon each petition, listing the time, place, and the changes or amendments proposed. The Town Board shall also give at least 10 days prior written notice to the clerk of any municipality within 1,000 feet of any land to be affected by the proposed change or amendment. By resolution, the Town Board may determine that the Planning Commission shall hold such public hearing rather than the Town Board. If the Planning Commission holds such hearing, it shall provide minutes thereof to the Town Board prior to the Town Board action.

F. Board Action:

Following such hearing and after careful consideration of the Planning Commission recommendations, the Town Board shall vote on the passage of the proposed changes or amendments. The Planning Commission recommendations may only be overruled by the majority vote of the Town of Greenbush Board membership.

G. Protest:

In the event of a protest against such change or amendment, duly signed and acknowledged by the owners of 20 percent or more either of the areas of the land included in such proposed change or by the owners of 20 percent or more of the land immediately adjacent extending 100 feet there from, or by the owners of 20 percent or more of the land directly opposite thereto, extending 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 members of the Town Board voting on the proposed change.

H. Charges for Development Services:

All person proposing an action that requires the issuance of a building permit, conditional use permit, special land use permit, map approval, plat approval, or rezoning approval, by the Town or any of its commissions, committees, officers or other agents, shall pay such reasonable and necessary charges for professional or technical services incurred by the Town for the review, administration, investigation, and processing of the application. "Professional Services" may include but is not limited to planning, engineering, legal, and related services. Such charges shall be in addition to any other filing, permit, publication or meeting fees, charges, or costs otherwise owed by the applicant. A decision by the Town Board, committee, or commission, which is unfavorable to the applicant, shall not excuse the applicant from the obligations under this section.

I. Appeal of Fees

The applicant has the right to challenge the amount of fees levied under this section by an appeal to the Town Board. Based upon the relevant records and the testimony presented, the Board shall make a determination to decrease, affirm, or increase the fees concerned.

J. Severability

Should a court of competent jurisdiction declare any portion of this ordinance unconstitutional or invalid, the remainder of this ordinance shall not be affected.

K. Effective Date

The amending ordinance shall become effective immediately after adoption by the Town of Greenbush Board, and publication or posting as provided by law.

28. EARTH STATION DISH ANTENNAS

- A. Ground-mounted and building-mounted earth station dish antennas are permitted as accessory uses provided that all applicable requirements of this ordinance are met.
- B. Earth station dish antennas shall be constructed and anchored in such a matter to withstand winds of not less than 80 miles per hour and such installation shall be constructed of non-combustible and corrosive resistant materials.
- C. Earth station dish antennas shall be filtered and/or shielded so as to prevent the emission or reflection of electromagnetic radiation that would cause any harmful interference with the radio and/or television broadcasting or reception on adjacent properties. In the event that harmful interference is caused subsequent to its installation, the owner of the dish antenna

shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.

- D. Ground-mounted dish antennas shall meet the height requirements for accessory structures in the zoning district in which they are located. Service wires for earth station dish antennas shall be buried or fifteen feet or more overhead. Building-mounted dish antennas shall not exceed the maximum height regulation of the zoning district in which they are located. No building-mounted earth station dish antennas shall be permitted unless they are designed for that purpose.
- E. Ground-mounted earth station dish antennas shall meet all setback and yard requirements for accessory structures in the district in which they are located and are permitted in the rear yard only in residential districts provided that they shall be no closer than eight feet to the principal structure and any rear lot line, nor occupy more than 20 percent of the rear yard area. Ground mounted earth station dish antennas are permitted in the side and rear yards in commercial, industrial and public/institutional zoning districts provided that they shall be no closer than eight feet to the principal structure, shall not occupy more than 50 percent of a side yard nor 75 percent of a rear yard area, and shall be no closer than eight feet to any side or rear lot line nor eight feet to any alley line. Building mounted earth station dish antennas shall not exceed setback and yard requirements of the zoning district in which it is located.
- F. Not more than one earth station dish shall be permitted on a lot or parcel in a residential zoning district.
- G. The installation of an earth station dish antenna shall require a building permit. The property owner shall submit, to the building inspector, or to the Town Board in the absence of a building inspector, plans which indicate the appearance, proposed location, and installation method of the dish antenna. Earth station dish antennas shall be located and screened to minimize their visual impact on surrounding properties. If a property owner in a residential zoning district proposes a building-mounted antenna location in which the antenna would be visible from the front lot line, that property owner must demonstrate that reception would not be possible from a less conspicuous location. The property owner in a residential zoning district who proposes a building-mounted antenna must also submit a plan for screening the antenna from surrounding properties whenever such screening can be accomplished in a manner that is appropriate to the architecture of the building. The building inspector shall refer to the Board of Appeals any plans which do not clearly meet the requirements of this section.
- H. All earth station dish antennas, and the construction and installation thereof, shall conform to applicable building code and electrical code regulations and requirements. Prior to the issuance of a building permit for a building-mounted earth station dish antenna, the applicant shall submit a plan or document prepared by the registered professional engineer which certifies that the proposed dish antenna installation is structurally sound.
- I. Any earth station dish antenna existing on the date of adoption of this ordinance, which does not conform to these regulations, shall be brought into conformance within one year of the date of adoption of this ordinance.

- J. The provisions of this section of the ordinance do not apply to dish antennas which are less than 30 inches in diameter.

29. TELECOMMUNICATION TOWERS

A. Purpose:

1. To allow necessary radio, television, cellular, and other wireless communication facilities. Radio, television, and cable facilities are not allowed in the A-1 and A-1-S Districts.
2. To encourage joint use of new and existing structures.
3. To minimize visual impact on surrounding properties, particularly residential.
4. To encourage the location of towers in nonresidential areas and minimize the total number of towers within the town.

B. Conditional Use Permits:

The applicant shall submit a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation or information deemed necessary by the Town Board to assess compliance with the requirements and purpose of this article and ordinance. Any information of an engineering nature that the applicant submits shall be certified by a licensed professional engineer.

C. Accommodation of other users:

Any proposed telecommunication tower shall be designed, structurally, electrically, and in all respects to accommodate both the applicant's antennas and comparable antennas for at least two additional users. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

4. Federal Requirements:

All telecommunication towers must meet the current standards and regulations of the FAA, FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this article shall bring such towers and antennas into compliance with the revised standards and regulations within six months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with revised standards and regulations shall constitute grounds for the removal of the tower or antenna by the governing authority at the owner's expense.

5. Utilizing Existing Towers or Structures:

No new tower shall be permitted unless the applicant demonstrates to the governing authority that no existing tower or structure can accommodate the applicant's proposed antenna.

Evidence submitted may consist of any of the following:

1. No existing towers or structures are located within the geographic area required to meet applicant's engineering requirements.
2. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.

3. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
4. The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
5. The fees, costs, or contractual provisions required by the owner to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable.
6. Other limiting factors that render existing towers and structures unsuitable.

6. **Construction:**

All telecommunication towers constructed, erected, or located within the town shall comply with all applicable state and local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time.

7. **Design:**

All new and modified telecommunication towers and associated accessory structures shall be designed, to the extent possible, to blend in with the surrounding environment, except as may be required by rules of the FAA and FCC.

8. **Lighting:**

Telecommunication towers shall not be artificially lit, unless required by the FAA or other applicable authority. If lighting is required, it shall be designed to cause the least disturbance to surrounding views as possible.

9. **Setbacks:**

Telecommunication towers and associated structures shall meet the required setbacks for the district in which they are located. In addition, towers shall be set back a distance equal to the height of the tower from any off-site residential building.

10. **Signs:**

No signs, other than warning or equipment information signs, shall be located on any telecommunication tower.

11. **Security:**

The base of the telecommunication tower shall be fenced with impervious materials and secured so that it is not accessible by the general public.

12. **Removal of Abandoned Antennas and Towers:**

Any antenna or telecommunication tower that is not operated for a continuous period of 12 months shall be considered abandoned. The owner of such antenna or tower shall remove it within 90 days of receipt of notice from the Town Board notifying the owner of such abandonment. If the antenna or tower is not removed within the 90 day period, the Town Board may remove such antenna or tower at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease operation.

30. DEFINITIONS:

For the purpose of this Ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not directory.

Access: Every parcel or lot must have access to a public street or highway by a strip of land which is either part of the parcel or lot or by easement for ingress and egress which strip of land or easement must be at least 50 feet wide from the public street or highway to the main body of the parcel or lot. Not more than three parcels or lots may share such an access unless a variance from this provision is obtained.

Accessory Use or Structure: A use or detached, structure subordinate to the principal use of a structure, land, or water and located on the same lot or parcel serving a purpose customarily incidental to the principal use or the principal structure.

Airport, Public: Any airport which complies with the definition contained In Section 114.013(3), Wisconsin Statutes, or any airport which serves, or offers to serve, any common carriers engaged in air transport.

Alley: A special public right-of-way affording only secondary access to abutting properties.

Alternative Tower Structure: Man made structures to which towers and/or antennas may be attached that camouflage or conceal the presence of the tower and/or antenna, including by way of illustration but not limited to elevated tanks, electric transmission poles or towers, non-residential buildings, clock towers, bell steeples, and silos.

Animal Unit: An animal unit is the equivalent of 1,000 pounds of live animal weight. Thus, a dairy cow weighing 1,400 pounds would be 1.4 units, a 1,000 pound horse would be 1.0 unit, a 300 pound hog would be 0.3 units, a 4 pound chicken 0.004 units. Total animal units would be the combined total of all farm animals on the site during any time period.

Note: The table below is from a Wisconsin Department of Agriculture, Trade and Consumer Protection worksheet (April, 2006). The mink numbers are from Chapter 63 - Animal Manure and Nutrient Management, Taylor County, WI (August, 2014).

| Livestock Type | | Animal Unit Factor | Animal Units For Proposed Facility | |
|---|---|--------------------|------------------------------------|---------------|
| <i>Example – Milking & Dry Cows</i> | | | 1.4 x | 800 = 1120 AU |
| Dairy | Milking and Dry Cows | 1.4 | 1.4 x | = |
| | Heifers (800 lbs. to 1200 lbs.) | 1.1 | 1.1 x | = |
| Cattle | Heifers (400 lbs. to 800 lbs.) | 0.6 | 0.6 x | = |
| | Calves (up to 400 lbs.) | 0.2 | 0.2 x | = |
| Beef | Steers or Cows (600 lbs. to market) | 1.0 | 1.0 x | = |
| | Calves (under 600 lbs.) | 0.5 | 0.5 x | = |
| | Bulls (each) | 1.4 | 1.4 x | = |
| Swine | Pigs (55 lbs. to market) | 0.4 | 0.4 x | = |
| | Pigs (up to 55 lbs.) | 0.1 | 0.1 x | = |
| | Sows (each) | 0.4 | 0.4 x | = |
| | Boars (each) | 0.5 | 0.5 x | = |
| Poultry | Layers (each) | 0.01 | 0.01 x | = |
| | Broilers (each) | 0.005 | 0.005 x | = |
| | Broilers – continuous overflow watering | 0.01 | 0.01 x | = |
| | Layers or Broilers – liquid manure system | 0.033 | 0.033 x | = |
| | Ducks – wet lot (each) | 0.2 | 0.2 x | = |
| | Ducks – dry lot (each) | 0.01 | 0.01 x | = |
| | Turkeys (each) | 0.018 | 0.018 x | = |
| Sheep (each) | | 0.1 | 0.1 x | = |
| Goats (each) | | 0.1 | 0.1 x | = |
| Mink (adults) | | 0.011 | 0.011 x | = |
| Mink (kits) | | 0.0053 | 0.0053 x | = |
| Horse | | 1.0 | 1.0 x | = |

The area of a farm or hobby farm used to calculate the permissible number of animal units is the total acreage less 1 acre (this 1 acre is excluded as the “house area and accessory structures”).

(To calculate the maximum number of animals allowed without a conditional use permit, first determine the total acreage of a particular farm or hobby farm owned within the Town of Greenbush and multiply by 1. Then divide that number by the “animal unit factor” listed in the table to obtain the maximum number of animals allowed without a CUP.)

Antenna: Exterior apparatus designed for transmitting and/or receiving communications signals through electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar), or any other form of wireless telecommunication signal, including radio, television, telephone, microwave, cellular, and PCS signals.

Area, Net Developable: Those lands within a development parcel remaining after the deletion of flood lands, wetlands, lands densely covered with trees and shrub growth on slopes of 12 percent or greater, and all lands having slopes of 20 percent or greater.

Arterial Street: A public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways, as well as arterial streets, highways, and parkways.

Automobile Salvage Yard: Any premises on which more than one self-propelled vehicle, not in running or operating condition, is stored in the open.

Basement: That portion of any structure located partly below the average adjoining lot grade.

Boardinghouse: A building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for four or more persons not members of a family, but not exceeding 12 persons and not open to transient customers.

Building Lot Area: The portion of a lot remaining after required yards have been provided.

Building: Any 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, or materials.

Building, Detached: A principal building surrounded by open space on the same lot.

Building, Principal: A building in which the principal use of the lot on which it is located is conducted.

Building Area: The total living area bounded by the exterior walls of a building at the floor levels, but not including basement, utility rooms, garages, porches, breezeways, and unfinished attics.

Building Height: The vertical distance measured from the mean elevation of the finished lot grade along the street yard face of the structure to the highest point of flat roofs, to the mean height level between the eaves and ridges of gable, gambrel, hip, and pitch roofs, or to the deck line of mansard roofs.

Building Line: A line between which and any street line, no buildings or parts of buildings may be erected, altered, or maintained except as otherwise provided for in this ordinance.

Business: An occupation, employment, or enterprise which occupies time, attention, labor, and materials, or wherein merchandise is exhibited or sold, or where services are offered other than home occupations.

Car Washes: Any facility used for the washing of vehicles requiring the installation of special equipment or machinery and plumbing affixed to or affixed separate of a structure. Said facility shall be installed in such a manner as to not cause spray or runoff water to encroach upon any adjoining properties.

Carport: A structure having a roof, with or without supporting walls, posts, or columns, used, designed, or intended to be used for the protection or shelter of private motor vehicles. For the purposes of this ordinance, a carport shall be considered to be the equivalent of a garage.

Centralized Sanitary Sewer System: A system designed to collect, convey, and treat sanitary and other wastes from a number of individual waste sources and which operates a sewage treatment facility approved by the Department of Natural Resources. A septic tank, whether serving one or several waste sources, is not a sewage treatment facility. Any sewer system served by a septic tank shall not,

therefore, be termed or classified as a centralized sanitary sewer system. Such centralized sanitary sewer systems may be public or privately owned and operated, but in every case is subject to the rules and regulations of the Department of Natural Resources.

Clinic: An establishment for the medical examination and treatment of patients, but without provision for keeping such patients overnight on the premises. For the purposes of this ordinance, a physician's or dentist's office in his own home, when it complies with the requirements of this ordinance relating to such offices, shall not be considered a clinic, but any physician's or dentist's office which is not a part of his own home, or the office of two or more physicians or dentists, whether in a residence or not, shall be considered a clinic.

Clothing Repair Shops: Shops where clothing is repaired, such as shoe repair shops, seamstress shops, tailor shops, shoe shine shops, clothes pressing shops, but none employing over five persons.

Clothing Stores: Retail stores where clothing is sold, such as department, dry goods, and shoe stores, dress hosiery, and millinery shops.

Club: An association of persons for some common purpose but not including groups organized primarily to render a service which is customarily carried on as a business.

Communication Tower: Any structure that supports one or more antennas, including self supporting lattice towers, guyed towers, monopole towers, and alternative tower structures, and further including all bases and supports for the structure of the tower.

Conditional Uses: Uses of a special nature as to make impractical their predetermination as a principal use in a district. Also called special exception uses.

Conservation Standards: Guidelines and specifications for soil and water conservation practices and management enumerated in the Technical Guide prepared by the USDA Soil Conservation Service for Sheboygan County, adopted by the County Soil and Water Conservation District Supervisors, and containing suitable alternatives for the use and treatment of land, based upon its capabilities from which the landowner selects that alternative which best meets his needs in developing his soil and water conservation plan.

Drain: A surface ditch or underground tile line constructed for transporting water so that land may be farmed or used for other purposes.

Drain Tile Laying: The placement of tile for the purpose of removing excess waters from the soil, either for agricultural purposes or for the removal of waters around building foundations.

Dwelling: A building designed or used as separate living quarters, with cooking, sleeping, and sanitary facilities provided for the exclusive use of maintaining a household, but does not include boarding or lodging houses, motels, hotels, tents, cabins, or mobile homes.

Dwelling Unit: A group of rooms constituting all or part of a dwelling which are arranged, designed, used, or intended for use exclusively as living quarters for one family.

Earth Moving: Any process which physically alters the existing topography by means of mechanical or hydraulic equipment. Any process which strips the soils of vegetative cover so as to make the same soil susceptible to erosion.

Efficiency: A dwelling unit consisting of one principal room with no separate sleeping rooms.

Egg Production, Commercial: An animal confinement facility used or designed for the raising of poultry for egg production having a capacity of 10 or more animal units.

Emergency Shelter: Public or private enclosures designed to protect people from aerial, radiological, biological, or chemical warfare; fire, flood, windstorm, riots, and invasions.

Erosion: The process by which the ground surface is worn away by action of wind or water.

Essential Services: Services provided by public and private utilities, necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, or overhead gas, electrical, steam water, sanitary sewer, storm water drainage, and communication systems; and accessories thereto, such as poles, wires, mains, drains, vaults, culverts, laterals, sewer pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings.

Excavation: The act by which soil, earth, sand, gravel, rock, or any similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated, or bulldozed, and shall include the conditions resulting there from.

Expressway: A divided arterial street or highway with full or partial control of access and with or without grade separated intersections.

FAA: Federal Aviation Administration

Family: Any number of persons related by blood, adoption, or marriage, or not to exceed four persons not so related, living together in one dwelling as a single housekeeping entity.

Farm: All land under common ownership within the Town of Greenbush that is primarily devoted to agricultural use.

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

A. A single-family or duplex residence that is the only residential structure on the farm or is occupied by any of the following:

1. An owner or operator of the farm.
2. A parent or child of an owner or operator of the farm.
3. An individual who earns more than 50% of his or her gross income from the farm.

B. A migrant labor camp that is certified under § 103.92.

FCC: Federal Communications Commission

Feed Lot, Commercial: An animal confinement facility used or designed for the feeding or holding of 1,000 or more animal units for a period of 30 days or more.

Floor Area -- Business, Commercial and Industrial Buildings: For the purpose of determining off-street parking and off-street loading requirements: The sum of the gross horizontal areas of several floors of the building, or portion thereof, devoted to a use requiring off-street parking or loading. This area shall include accessory storage areas located within selling or working space, such as counters, racks, or closets and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, floor area, for the purposes of determining off-street parking spaces shall not include floor area devoted primarily to storage purposes except as otherwise noted herein.

Floor Area - Gross: The sum of the gross horizontal areas of all floors measured in square feet, not including the basement floor, measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The floor area of a building includes elevator shafts and stairwells at each floor, floor space used for mechanical equipment, (except equipment - open or closed - located on a roof or in a basement), penthouses, attic space having headroom of seven feet, 10 inches or more, interior balconies and mezzanines, enclosed porches, and floor area devoted to accessory uses.

Freeway: An expressway with full control of access and with fully grade separated intersections.

Frontage: The smallest dimension of a lot abutting a public street measured along the street line. The required minimum frontage length for a lot shall be the same as the minimum lot width.

Fur Farm: Any property comprising land or buildings or both, used for the purpose of raising or harboring fur bearing animals including those defined in Section 29.01(3)(c), Wisconsin Statutes, and also including chinchillas and other fur bearing animals, if any, whether the animals are kept for breeding or pelting purposes.

Garage, Private: An accessory building or accessory portion of the main building, used or designed, or intended to be used for the storage of private motor vehicles. See also Carport.

Garage, Public: Any building or portion thereof, not accessory to a residential building or structure used for equipping, servicing, repairing, leasing, or public parking of motor vehicles.

Gift Stores: Retail stores where items such as art, antiques, jewelry, books, and notions are sold.

Grade: The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure on its lot.

Grading: Any stripping, excavating, filling, stockpiling, or any combination thereof, including the land in its excavated or filled condition.

Ground Sign: Any sign placed upon or supported by the ground independently of buildings or structures on the property. Signs attached to trees, poles, or accessory buildings shall be considered ground signs.

Habitable Structure: Any structure which is used as a home. Such structures including mobile homes (except those allowed as a conditional use in the A-1 District), modular or prefabricated homes, and conventionally built homes, shall be permanently affixed to a foundation which consists of a basement or other frost-free foundation around the perimeter of the home. A concrete slab or frost free pillars are not acceptable foundations for habitable structures. A dwelling entirely surrounded by open space on the same lot.

Hardware Stores: Retail stores where items such as plumbing, heating, and electrical supplies, sporting goods, and paints are sold.

Home Occupation: A home occupation that is customarily incidental to the principal use of a building as a dwelling may be permitted in a dwelling unit as a conditional use. See Section 22-8.B.

Hotel: A building where rooms, with or without meals, are supplied to the transient public or to anyone who may apply, for compensation.

Interchange: A grade separated intersection with one or more turning lanes for travel between intersection legs.

Joint Zoning Committee: Any zoning committee established in accordance with Section 62.23(7) (a) of the Wisconsin Statutes, Chapter 241, Laws of 1963.

Kennel: The use of land, with related buildings or structures, for the commercial breeding, rearing, or boarding of more than four dogs.

Laboratory: A place where scientific experiments and research are carried on, or where drugs, chemicals, etc., are made or tested for purity or strength.

Livestock: Bovine animals, swine, poultry, sheep, and goats.

Living Rooms: All rooms within a dwelling, except closets, foyers, storage areas, utility rooms, and bathrooms.

Loading Areas: A completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to public street or alley.

Lodging House: A building other than a hotel, where lodging is provided for compensation, for five or more persons, not members of a family.

Lot: A parcel of land having frontage on a public street or other officially approved means of access occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area, and other open space provisions of this ordinance.

Lot, Corner: A lot butting two or more streets at their intersection, provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side.

Lot, Interior: A lot situated on a single street which is bounded by adjacent lots along each of its other lines.

Lot, Substandard: A parcel of land held in separate ownership having frontage on a public street, occupied or intended to be occupied by a principal building or structure together with accessory buildings and uses, having insufficient size to meet the lot width, lot area, yard, off-street parking areas, or other open space provisions of this ordinance.

Lot, Through: A lot which has a pair of opposite lot lines along two substantially parallel streets, and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

Lot, Coverage: The area under a roof and enclosed by the exterior permanent walls.

Lot Lines and Area: The peripheral boundaries of a parcel of land and the total area lying within such boundaries, but not including any area occupied by the waters of a navigable, duly recorded lake, river, or stream.

Lot Width: The width of a parcel of land measured at the rear of the specified street yard.

Machine Shops: Shops where lathes, presses, grinders, shapers, and other wood and metal working machines are used, such as blacksmith, tin smith, welding, and sheet metal shops; plumbing, heating, and electrical repair and overhaul shops.

Minor Structures: Any small, movable accessory erection or construction, such as birdhouses, tool houses, pet houses, play equipment, arbors, and walls and fences under four feet in height.

Mobile Home: A transportable structure, intended for human habitation, which by its inherent design may be moved from site to site as necessary, which may have an oversized width for normal traffic allowances and thereby require a special travel permit from state or county highway officials. Except for temporary mobile homes allowed as a conditional use in A-1 and A-3 districts as described in such sections, all habitable structures, including mobile homes, shall be permanently affixed to a foundation which consists of a basement or other frost-free foundation around the perimeter of the home. A concrete slab or frost free pillars are not acceptable foundations for habitable structures. Such permanently affixed mobile homes shall be treated as residences similarly to other residences for purposes of this ordinance.

Mobile Home Lot: A parcel of land for the placement of a single mobile home and the exclusive use of its occupants.

Mobile Home Park: A parcel of land which has been developed for the placement of mobile homes and is owned by an individual, a firm, trust, partnership, public or private association, or corporation.

The term mobile home park does not include sales lots on which unoccupied mobile homes or trailers, whether new or used, are parked for the purposes of inspection and sale.

Modular Home: A structure which is partially preassembled at a manufacturing plant and placed together on a lot or parcel as a dwelling unit or units. Also called prefabricated or precut homes. For the purpose of this ordinance, modular homes must meet the requirements of all applicable state and local building codes.

Motel: A series of attached, semi-attached, or detached sleeping units for the accommodation of transient guests.

Nonconforming Structure: Any structure lawfully existing at the time of the effective date of this ordinance which does not conform to the regulations of this ordinance or amendments thereto pertaining to structure.

Nonconforming Lots: Any lot lawfully existing at the time of the effective date of this ordinance which does not conform to the regulations of this ordinance or amendments thereto pertaining to lots.

Nonconforming Use: Any land or water lawfully used or occupied at the time of the effective date of this ordinance which does not conform to the regulations of this ordinance or amendments thereto pertaining to uses.

Nursing Home: A building or institution for the care of children, the aged, the infirm, the sick, or a place of rest for those suffering bodily disorder, provided the same shall comply with the further definitions and with the regulations and rules of the Department of Health and Social Services. Nursing homes shall not include facilities for surgical care or for treatment of acute sickness or injuries. Nursing home does include licensed Community Based Residential Facilities with accommodations for three or more residents.

Park, Amusement: An area, publicly or privately owned, containing amusement and recreation facilities and devices, whether operated for profit or not.

Park, Public: An area owned by the state, county or a municipality within the county, operated for the convenience and recreation of the public and containing such facilities as the owning municipality shall see fit.

Parking Lot: A structure or premises containing 10 or more parking spaces open to the public for rent or a fee.

Parking Space: A graded and surfaced area of not less than 180 square feet (9 feet by 20 feet) in area, either enclosed or open the parking of a motor vehicle, having adequate ingress or egress to a public street or alley.

Parties In Interest: Includes all abutting property owners, all property owners within 100 feet, and all property owners of opposite frontages.

Party Wall: A wall containing no opening which extends from the elevation of building footings to the elevation of the other surface of the roof or above and which separates contiguous buildings but is in joint use for each building.

Patio: A terrace extending not more than six inches above the average level of the ground at its margins, provided that no fixed walls or roof shall be erected on or over any patio or similar structure that is located in a required yard.

Person: Except when otherwise indicated by the context, the word "person" shall include the plural, or a company, firm, corporation, or partnership.

Pets, Household: Animals commonly found in residences as pets such as dogs, cats, song birds, and other small animals, providing that they are not raised or reared for commercial resale or as a source of staple supplement or create a nuisance due to noise, odor, etc. Household pets shall not include horses, chickens, cows, goats, sheep, hogs, or other animals not commonly found in residences.

Professional Home Offices: Residences of doctors of medicine, practitioners, dentists, clergymen, architects, lawyers, professional engineers, registered land surveyors, artists, teachers, authors, musicians, or other recognized professions used to conduct their professions where the office does not exceed 25 percent the area of only one floor of the residence and only one nonresident person is employed.

Recreational Camp: An area containing one or more permanent buildings used occasionally or periodically for the accommodation of members of associations or groups for recreational purposes.

Rendering Plant: A plant for reduction of dead animals or slaughtered animals not suitable for human consumption, to by-products such as hide, skin, grease, bones, glue, and soap, and for the storage of such by-products.

Residence: A dwelling, as defined in Section 30 of this Ordinance.

Residence, Multiple-Family: A dwelling containing three or more dwelling units.

Residence, Single-Family: A dwelling containing one dwelling unit either attached, semi-attached, or detached, not including mobile homes.

Retirement Home: A building or institution for the accommodation of elderly persons, with or without nursing or medical care, provided that if such nursing or medical care is to be provided on a continuing basis for at least three persons during not less than 72 hours in each week, such building or institution shall be classified as a nursing home.

Riding Stable: A building or premises used for the rent or lease of horses or animals for riding.

Roadside Stand: A structure having a ground area of not more than 300 square feet, not permanently fixed to the ground, readily removable in its entirety, not fully enclosed, and to be used solely for the sale of farm products produced on the premises (or adjoining premises).

Rooming House: See Lodging House

Sediment: Soils or other surface materials transported by wind or surface water as a product of erosion.

Service Station: Any building, structure, premises, or other place used for the dispensing, sale, or offering for sale of any motor fuel or oils, having pumps and storage tanks; also where battery, tire, and similar services are rendered, but not including the conduct of a public garage used for the repair or storage of motor vehicles.

Setbacks: The linear distance between a front, side, and rear lot line and a building or other structure located on such lot. A setback shall be measured at a right angle from each lot line from which a setback is required and it shall be measured to the nearest line of the building or other structure for which a setback is required.

Shorelands: Those lands lying within the following distances: 1,000 feet from the ordinary high water mark of navigable lakes, ponds, and; 300 feet from the ordinary high water mark of navigable streams, or to the landward side of the floodplain, whichever is greater.

Signs: Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks by which anything is made known and which is used to advertise or promote an individual, firm, association, corporation, profession, business, commodity, or product and which is visible from any public street or highway.

Slaughterhouse: Any building or premises used for the killing or dressing of cattle, sheep, swine, goats, horses or poultry, and the storage, freezing, and curing of meat and preparation of meat products.

Smoke Unit: The number obtained when the smoke density in Ringelmann number is multiplied by the time of emission in minutes.

Story: That portion of a principal building included between the surface of any floor and the surface of the next floor above, or if there is no floor above, the space between the floor and the ceiling next above. A basement shall not be counted as a story.

Story-Half: A story which is situated on a sloping roof, the floor area of which does not exceed 2/3 of the floor area of the story immediately below it, and which does not contain an independent dwelling unit.

Street: A public right-of-way not less than 50 feet wide providing primary access to abutting properties.

Structural Alterations: Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders.

Structure: Any erection or construction, such as buildings, towers, masts, poles, booms, signs, decorations, carports, machinery, and equipment, excepting utility lines and appurtenances.

Substandard Structure: Any structure conforming in respect to use but not in respect to the frontage width, height, lot area, yard, parking, loading, or distance requirements of this ordinance.

Turning Lanes: An existing or proposed connecting roadway between two arterial streets or between an arterial street and any other street. Turning lanes include grade separated interchange ramps.

Use: The purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Use Consistent with Agricultural Use: means any activity that meets all of the following conditions:

- a. The activity will not convert land that has been devoted primarily to agricultural use.
- b. The activity will not limit the surrounding land's potential for agricultural use.
- c. The activity will not conflict with agricultural operations on the land subject to a farmland preservation agreement.
- d. The activity will not conflict with agricultural operations on other properties.

Use, Accessory: A subordinate use on the same lot which is incidental and customary in connection with the principal use.

Use, Principal: The main use of land or building as distinguished from a subordinate or accessory use.

Utilities: Public and private facilities, such as water wells, water and sewage pumping stations, water storage tanks, power and telephone and communication transmission lines, electrical power substations, static transformer stations, telegraph exchanges, microwave radio relays, and gas regulation stations, but not including sewage disposal plants, municipal incinerators, warehouses, shops, and storage yards.

Vision Clearance: An unoccupied triangular space at the intersection of highways or streets with other highways or streets or the intersection of highways or streets with railroads. Such vision clearance triangle shall be bounded by the intersection highway, street, or railroad right-of-way lines and a setback line connecting points located on such right-of-way lines and a setback line connecting points located on such right-of-way lines by measurement from their intersection as specified in this Ordinance.

Yard: An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation. The street and rear yards extend the full width of the lot.

Yard, Front: A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing or proposed street or highway line and a line parallel thereto through the nearest point of the principal structure. Also called street yard. Corner lots shall have two such yards.

Yard, Rear: A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the street yard or one of the street yards on a corner lot.

Yard, Side: A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and line parallel thereto through the nearest point of the principal street.

31. **BOARD OF APPEALS**

A. **CREATION:**

1. Pursuant to Wisconsin Statutes, Sec. 62.23, a Board of Appeals is hereby established. The Board of Appeals shall consist of five (5) members appointed by the Town Chairman, subject to confirmation by the Town Board, for three (3) year terms, except that of those first appointed, one (1) shall serve for one year, two (2) for two years, and two (2) for three years. Members shall be Town residents. The Town Chairman may appoint an alternate member for a term of three years, who shall act only when a member of the Board of Appeals does not vote to avoid an actual or possible conflict of interest, or when a member is absent.

The Town Board may provide for compensation to members. Members shall be removable by the Town Board for cause upon written charges and after public hearing. The Board of Appeals shall choose one of the members as chairman.

Vacancies shall be filled for the unexpired terms of members whose terms become vacant. Not more than one (1) member of the Town Board may be a member of the Board of Appeals.

B. **RULES:**

The Board of Appeals shall adopt rules for its government and procedure. Meetings of the Board of Appeals shall be held at the call of the chairman and at such other times as the Board of Appeals may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

C. **MINUTES:**

The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Appeals and shall be a public record.

D. **PROCEDURE:**

Appeals to the Board of Appeals may be taken by any person aggrieved, or by any officer, department, board or bureau of the Town affected by any decision of the Building Inspector or other administrative officer. Such appeal shall be taken within 30 days of the decision appealed from by filing with the officer from whom the appeal is taken and the Town Clerk a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken and the Town

Clerk shall forthwith transmit to the Board of Appeals all the papers constituting the record upon which the action appealed from was taken. The Board of Appeals shall fix a reasonable time for the hearing of the appeal or other matter referred to it and give public notice thereof as well as due notice to the parties in interest, and shall decide the matter within 90 days of receiving the notice of appeal.

5. GENERAL POWERS:

The Board of Appeals shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of Wisconsin Statutes 62.23 or of any ordinance adopted pursuant thereto including this zoning ordinance.
2. To hear and decide special exceptions to the terms of the ordinance upon which the Board is required to pass under such ordinance.
3. To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed public safety and welfare secured and substantial justice done.
4. In exercising the above mentioned powers, the Board may, in conformity with the provisions of this section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit.
5. The concurring vote of four (4) members of the board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to effect any variation in this ordinance. The grounds of every such determination shall be stated.

6. SPECIFIC POWERS:

In addition to the foregoing, the Board of Appeals shall have the following specific powers:

1. Grant a permit for a temporary building for commerce or industry in a Residential District which is incidental to the residential development with such permit to be issued for a period of not more than one year.
2. Grant a permit for the extension of a district boundary for a distance of not more than 25 feet, only where the boundary of a district divides a lot in a single ownership at the time of the adoption of this ordinance.
3. Interpret the provisions of this ordinance in such a way as to carry out the intent and purpose of the Zoning District Map accompanying and made a part of this ordinance.
4. The Board of Appeals shall have the power to call on any Town Official for assistance in the performance of its duties, and it shall be the duty of the official to render such assistance as may be reasonably required.
5. The Board Of Appeals shall serve in the capacity of a Planning or Zoning Commission for purposes of amendments to the ordinance as described in Wisconsin Statutes

62.23(7)(d)(2) and Section 27 of this ordinance, as well as to make recommendation for conditional uses permits and variances as set out in this ordinance.

7. **USES:**

Except as specifically provided, no decision of the Board of Appeals shall have the effect of permitting in any district uses prohibited in such district.

8. **CONDITIONS:**

In exercising the foregoing powers, the Board of Appeals may in appropriate cases establish suitable conditions and safeguards in harmony with the general purpose and intent of this ordinance.

9. **FEE:**

The Board of Appeals shall charge a fee of \$250.00.

DRIVEWAY ORDINANCE

WHEREAS, THE Town Board of the Town of Greenbush has determined it is necessary for the safety and welfare of the general public to dictate minimum requirements and standards for driveways, culverts and drainage structures within the Town;

WHEREAS, the Town Board of the Town of Greenbush has carefully considered the public comments and input, if any, presented at the March 25, 2002 public hearing on the herein described Ordinance;

NOW, THEREFORE, THE Town Board of the Town of Greenbush does hereby ordain as follows:

Section 1. **Creating Code.** The provisions of Chapter 14 of the Municipal Code of the Town of Greenbush, Sheboygan County, Wisconsin, are hereby created to read as follows:

DRIVEWAY AND CULVERT REGULATIONS

14.01 Purpose

In order to promote the public health, safety and general welfare of the Town and Town residents, the Town Board shall determine the minimum requirements and technical standards for driveways, culverts and drainage structures constructed within the Town.

14.02 Permit Required

No person or business entity shall construct, reconstruct, pave, alter or enlarge any private driveway; or install, reinstall, replace or move a culvert within the Town without first obtaining a driveway permit approved by the Town Board or its designee as required in this chapter, except routine maintenance and upkeep. Where a new driveway is to be constructed in conjunction with the construction of a new principal structure, this driveway permit shall be issued along with the building permit. No person shall commence work on any new driveway or culvert before the driveway permit has been issued. Payment of fees is a requirement of permit issuance.

14.03 Application

Application for a driveway permit shall be made in writing upon forms issued by the Town Clerk and shall be accompanied by a drawing accurately depicting the proposed driveway to be constructed, reconstructed, altered or enlarged. The drawing shall identify the following:

- (1) The location of existing and proposed improvements, including driveway width;

- (2) Building setbacks from all lot lines; and
- (3) Road names and roadway right-of-way widths.

14.04 General Requirements

The location, design and construction of driveways shall be consistent with the following requirements:

- (1) Driveways shall intersect the public road at right angles from the property line;
- (2) All properties accessing public road right-of-way shall have roadside drainage ditches and drainage structures to insure positive drainage from surrounding properties. Improvements shall be constructed as directed on the issued permit.
- (3) All driveways constructed, reconstructed, paved, altered or enlarged within the Town after the effective date of this Ordinance shall have:
 - a. An all-weather surface that is drivable in all weather conditions, and that is at least a minimum of twelve (12') feet in width; and
 - b. An area clear of brush, stones, trees or similar obstructions that measurer at least eighteen (18') feet horizontally (centered on the centerline of the drivable surface) and fourteen (14') feet vertically (measured from the top of the drivable surface).
- (4) No driveway shall be longer than one hundred fifty (150') feet from the right-of-way / property line, or if the legal description of the applicant's property includes the improved right-of-way, then said one hundred fifty (150') feet shall be measured from the closest edge of the improved roadway. Any driveway proposed to be longer than one hundred fifty (150') feet, as described herein, may be permitted upon issuance of a conditional use permit by the Town Board following the procedure and standards established by Section 22 of the Town Zoning Code (Chapter 12).

14.05 Culvert Standards and Installation

- (1) Materials: All culverts shall be constructed of corrugated steel or reinforced concrete, unless specifically excepted by the authorized representative of the Town. Driveways serving business, industrial or commercial properties having regular heavy vehicles shall be evaluated case by case for special considerations. Stronger materials and installation requirements may be required.
 - a. Corrugated Steel:
 - * Corrugated steel and pipe arch shall conform to AASHTOM36M.
 - * Pipe shall be bituminous (inside and out), galvanized or aluminized coated.
 - * Average inside diameter of circular pipe shall not vary from the nominal diameter by more than 1% or +/- 1/2 inch, whichever is greater.
 - * Pipe shall conform to the following gauges and dimensions:

| Size (inches) | Minimum sheet thickness (inch) |
|---------------|--------------------------------|
| 15 through 24 | 0.064 |
| 30 through 36 | 0.079 |
| 42 through 48 | 0.109 |

* Horizontal elliptical culverts or combinations thereof, may be used when there is insufficient bury.

* Coupling bands shall conform to AASHTOM36, 7-inch minimum width with two ½ inch galvanized bolts.

b. Reinforced Concrete:

* Reinforced concrete pipe, Class II, shall be used for driveway culvert pipes.

* Class II, Wall B, reinforced concrete pipes shall be used for end walls.

* Two ended sections must be fastened with metal bands.

c. Connections: Drainage ditch improvements, grades, side slopes 3:1 maximum.

* Pre-manufactured or shop-fabricated connections shall be used whenever possible.

* Saw-cut connections cut in field.

* Re-coat corrugated metal pipe saw cuts with bituminous coating.

d. Drainage: The culverts shall be placed in the ditch line at elevations that will assure proper drainage. Ditches shall be constructed to be minimum 2-feet below the edge of paved road.

e. End walls: Culverts 24” and larger shall be provided with a minimum of one apron end wall at the upstream culvert end. End walls may also be required if so directed by the Town’s authorized representative. Adjacent ground shall be graded and landscaped flush with the end wall.

f. Erosion Control: Erosion control measurer shall be implemented as necessary to control erosion, as shown on the building permit, or as directed by the Town’s authorized representative.

(2) References: Installation of driveway culverts covered by this ordinance shall be in accordance with the following:

a. American Association of State Highway and Transportation Officials (AASHTO); and

b. State of Wisconsin Department of Transportation, Division of Highways; Standard Specifications for Road and Bridge Construction, 1996 Edition and Supplements.

14.06 Fees

(1) Material Cost: The property owner shall install the culvert and be responsible for the cost thereof.

(2) Permit Fees: Permit fees are due at the time the permit is processed. Work may not proceed until fees are paid and permit is issued.

(3) Fee Structure: A driveway or culvert permit fee in the sum of Fifty Dollars (\$50.00) shall be paid to the Town at the time the driveway and / or culvert permit application is filed with the Town Clerk. The Town Board shall

periodically review and establish the fees associated with driveway and culvert permits.

14.07 Penalty

Every person, firm or entity which violates this code shall, upon conviction, forfeit a sum not to exceed \$1,000.00 for each day of non-compliance, together with the costs of prosecution, plus the costs of repair to correct any damage caused by said violation, and in default of payment, shall be imprisoned in the County Jail until said forfeiture and costs of prosecution are paid, but not to exceed thirty (30) days.

Section 2. **Effective Date.** This ordinance shall take effect upon enactment and publication.

**AN ORDINANCE ESTABLISHING CHAPTER 17
ALL-TERRAIN VEHICLE ROUTES AND REGULATIONS
IN THE TOWN OF GREENBUSH, SHEBOYGAN COUNTY, WISCONSIN**

WHEREAS, pursuant to Wis. Stat. § 23.33, the Town may designate certain roads/highways within its jurisdiction as all-terrain vehicle or utility terrain vehicle (ATV/UTV) routes;

WHEREAS, the Town Board upon consideration of the recreational value to connect ATV/UTV routes with routes established in adjacent municipalities, was weighed against possible danger, public health, liability, traffic density, and history of automobile traffic and as authorized by Wis. Stat. § 23.33(8)(b); and

WHEREAS, the Town Board has determined that it is in the public interest to designate portions of certain Town roads/highways as all-terrain vehicle routes as connectors between town, city, and village roads designated for ATV/UTV routes.

NOW, THEREFORE, the Town Board of the Town of Greenbush, Sheboygan County, Wisconsin, does ordain as follows:

Section 1. **Creating Code**. Chapter 17 entitled All-Terrain Vehicle Routes and Regulations of the Town of Greenbush Municipal Code is hereby created to read as follows:

"17.01 All-Terrain Vehicle Routes and Regulation.

(1) Routes.

Within the municipal limits of the Town of Greenbush, All Town roads will be open to all-terrain vehicle/utility terrain vehicle (ATV/UTV) operation unless otherwise posted.

All county and state roadways posted 35mph or less will be open to ATV/UTV operation as authorized under Wis. Stat. S 23.33(11)(am)4 unless otherwise posted.

The Town Chairperson or his or her designee and the Sheboygan County Transportation Director shall have authority to suspend operation on designated routes due to hazard, construction, or emergency conditions.

(2) Conditions.

The following conditions shall apply to all operators and passengers operating ATV/UTVs on Town highways:

- (a) All ATV/UTV operators shall observe posted speed limits or maximum speed of 35 miles per hour, whichever is less.

- (b) No person under 18 years of age may operate or be a passenger on an ATV/UTV without wearing protective headgear of the type required under Wis. Stat. § 347.485(1)(a) and with the chin strap properly fastened except as specifically exempted under Wis. Stat. §§ 23.33(3g)(b),(c), and (d).
- (c) Operation of ATVs and UTVs on roadways designated as ATV/UTV routes are authorized only for the extreme right side of the roadway on the paved surface (if the roadway is paved), except that left turns may be made from any part of the roadway that is safe given prevailing conditions.
- (d) Approved hand signals are required whenever the operator intends to change direction if vehicle is not equipped with turn signals.
- (e) All ATV/UTV operators shall ride single file.
- (f) The operator of an ATV/UTV shall obey all traffic laws, local ordinances, and Department of Natural Resources regulations.
- (g) The operator of an ATV/UTV shall display a lighted headlamp, tail lamps, and brake lights on the ATV/UTV and display the registration or license plate at all times.
- (h) ATV/UTV operation is at the risk of the operator. The Town of Greenbush has no liability for any damage or injury to persons, real property, or personal property arising out of the operation of ATVs and UTVs on designated ATV/UTV routes.
- (i) The operator of an ATV/UTV shall operate an ATV/UTV only on such highways approved for ATV/UTV operation. All roads must be signed in accordance with NR 64.12 and NR 64.12 (7). On roads with a shared jurisdiction, the most restrictive ordinance shall apply.
- (k) Except as otherwise allowed by Wis. Stat. § 23.33(5), no person under age 16 may operate an ATV/UTV on a designated route unless accompanied by his or her parent or guardian or person who is at least 18 years of age.
- (l) The Town of Greenbush reserve the right to open and close routes as it deems necessary.

(3) Penalties.

Wisconsin ATV and UTV penalties as found in Wis. Stat. § 23.33(13) are adopted by reference, and any law enforcement officer may issue citations for violation of this Chapter 17 as authorized by Chapter 90 of the Sheboygan County Code of Ordinances. Issuance of the citation and

payment does not preclude compliance with the terms and conditions of this Ordinance."

Section 2. **Sheboygan County Code Adopted.** The Town of Greenbush hereby adopts by reference Sheboygan County Code of Ordinances Section 26.07 entitled All-Terrain Vehicle Routes and Regulation, including any amendments hereto, as if fully incorporated herein.

Section 3. **Severability.** If any provision of this ordinance or the application to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provisions to other persons or circumstances shall not be deemed affected.

Section 4. **Effective Date.** The herein Ordinance shall take effect upon enactment and publication.

Enacted this 28th day of March, 2022.

TOWN OF GREENBUSH

By Mike Limberg
MIKE LIMBERG, Chairperson

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing Ordinance was duly enacted by the Town Board of the Town of Greenbush on the 28th day of March, 2022.

Jon J. Miller
JON J. MILLER, Clerk/Treasurer

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CHAPTER 5

TAVERN ORDINANCE

5.01 HOURS OF OPERATION:

All taverns in the Town of Greenbush may remain open until two-o'clock (2:00) a.m. during daylight saving time concurring with state law.

CHAPTER 4

RUBBISH ON ROADWAY

4.01 RUBBISH ON ROADWAY:

It shall be unlawful for any person to throw or deposit any weeds, sod, brush, cans, glass, gravel, stones, boulders, machinery, garbage or other waste or rubbish in or on the right of way of any highway located in the Town of Greenbush, without written permission of the Town Board of the Town of Greenbush.

4.02 PENALTY:

Any person violating any provision of this ordinance shall upon conviction thereof, forfeit a sum not to exceed \$100.00 plus the costs of prosecution and default of payment be imprisoned in the County Jail until the forfeiture and costs are paid, but not to exceed thirty (30) days.

CHAPTER 3

ABANDONED VEHICLES

3.01 SALVAGE VEHICLES:

It shall be unlawful for any owner of land or occupant of any land in the Town of Greenbush to park or permit to stand or accumulate more than one (1) unlicensed motor vehicle on such land, except for owners or occupants operating properly licensed salvage yards, any except unlicensed vehicles being used as farm equipment and any vehicles that are located in garages or other like structures and hidden from public view.

3.02 ABANDONED VEHICLES:

It shall be unlawful for any person to leave unattended any motor vehicle, trailer, semi-trailer, or mobile home on any public street or highway or public or private property for such time and under such circumstances as to cause the vehicle to reasonably appear to have been abandoned. When any such vehicle has been left unattended on any county highway or on any public or private property within the Town of Greenbush without the permission of the owner for more than 48 hours, the vehicle is deemed abandoned and constitutes a public nuisance.

3.03 REMOVAL AND IMPOUNDMENT:

Any vehicle in violation of this ordinance shall be impounded until lawfully claimed or disposed of under this chapter except that if the Constable or his duly authorized representative determines that the cost of towing and storage charges for the impoundment would exceed the value of the vehicle, the vehicle may be junked by the town prior to expiration of the impoundment period upon such determination by the Constable or his duly authorized representative that the vehicle is not wanted for evidence or other reason.

3.04 DISPOSAL:

If the Constable or his duly authorized representative determines that the value of the abandoned vehicle exceeds \$100 he shall notify the owner and lienholders of record by certified mail that the vehicle has been deemed abandoned and impounded by the Town and may be reclaimed within 15 days upon payment of accrued towing, storage and notice charges and if not so reclaimed shall be sold.

In the event an abandoned vehicle determined to exceed \$100 in value is not reclaimed within the period and under the conditions as provided above it may be sold by auction. The description of the vehicle and the terms of sale shall be published as a class 1 notice 5 days before the sale.

Any abandoned vehicle which is determined by the Constable or his duly authorized representative to have a value of less than \$100 may be disposed of by direct sale to a licensed salvage dealer upon determination that the vehicle is not reported stolen.

3.05 IMPOUNDMENT AND SALE COSTS:

The owner of any abandoned vehicle, except a stolen vehicle is responsible for the abandonment and all costs of impounding and disposing of the vehicle. Costs not recovered for the sale of the vehicle may be recovered in a civil action by the town against the owner.

CHAPTER 6

HOLDING TANK ORDINANCE

6.01 PROHIBITION AGAINST USE:

No holding tanks for domestic sewage, or other waste, shall be permitted in connection with new residential use in the Town of Greenbush.

6.02 PENALTY:

Persons violating this ordinance shall pay a forfeiture of not less than \$10.00 or more than \$100.00 for each day of violation.

CHAPTER 2
DOG ORDINANCE

2.01 LICENSE REQUIREMENT:

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.

2.02 LICENSE TAX:

The dog license tax is \$7.00 for a neutered male dog or spayed female dog, upon presentation of evidence that the dog is neutered or spayed, and \$14.00 for an un-neutered male dog or un-spayed female dog, or one-half of these amounts if the dog became 5 months of age after July 1, of the license year. A multiple dog tax is \$55.00 for up to 12 dogs and \$5.00 for each additional dog regardless of neutered status.

2.03 RABIES VACCINATION:

Prior to the issuance of a dog license, the owner must show proof of vaccination by a veterinarian against rabies in accordance with WI Statutes 95.21.

2.04 LICENSE YEAR:

The license year commences on January 1 and ends on the following December 31.

2.05 LATE FEE:

The Town Clerk shall assess and collect a late fee of \$5.00 from every owner of a dog 5 months of age or over, if the owner failed 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 failed to obtain a license on or before the dog reached licensable age.

2.06 RUNNING AT LARGE:

Any person who owns, harbors or keeps a dog, or is responsible in any manner therefore, shall not permit such dog to run at large within the Town of Greenbush. "Run at large" under this ordinance means off of the premises of the owner, or other person responsible, and not accompanied by the owner, or any other responsible person.

2.07 IMPOUNDING:

The Town Constable shall seize and impound any dog running at large and in default of payment of fine imposed, such dog shall be disposed of as the Constable sees fit.

2.08 PENALTY:

Persons violating the running at large portion of this ordinance shall pay a forfeiture of not less than \$10.00 or more than \$100.00 and the Constable's expenses in keeping the dog.

2.09 KEEPING OF VICIOUS DOGS:

(1) DEFINITIONS. The terms used in this section are defined as follows:

(a) Vicious Dog

1. Any dog or hybrid dog with a propensity, tendency or disposition to attack, assault, cause injury or otherwise endanger the safety of human beings or other domestic animals as evidenced by its habitual or repeated chasing or snapping, or barking and / or snarling in a threatening manner.
2. Any dog or hybrid dog which attacks a human being or another domestic animal without provocation.
3. Any dog or hybrid dog owned or harbored primarily or in part for the purpose of dog – fighting, or any dog trained for dog – fighting.
4. Any pit bull dog.

(b) Pit Bull Dog

1. The Pit Bull Terrier breed of dog.
2. The Staffordshire Bull Terrier breed of dog.
3. The American Pit Bull Terrier breed of dog.
4. The American Staffordshire Terrier breed of dog.
5. Dogs of mixed breed or of other breeds than listed under sub pars. 1 to 4 above whose breed or mixed breed is commonly known as Pit Bull, Pit Bull Dog or Pit Bull Terrier.

(2) REQUIREMENTS AND PROHIBITIONS

(a) Leash and Muzzle. No person owning, harboring or having the care of a vicious dog may suffer or permit such dog to go outside its kennel or pen unless the dog is securely leashed with a leash no longer than 4 feet in length. No person may permit a vicious dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. The dog may not be leashed to inanimate objects such as trees, posts and buildings. A muzzling device sufficient to prevent the dog from biting persons or other animals shall muzzle a vicious dog on a leash outside the dog's kennel. A vicious dog shall not be required to be muzzled upon prior approval of the sheriff's department.

(b) Confinement. All vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as

provided in par. (a) above. The pen, kennel or structure shall have secure sides and a secure top attached to all sides. A structure used to confine a vicious dog shall be locked with a key or combination lock when the dog is within the structure. The structure shall have a secure bottom or floor attached to the sides of the pen, or the sides of the pen must be embedded in the ground no less than 2 feet. All structures erected to house vicious dogs shall comply with all zoning and building regulations of the township. All structures shall be adequately lighted and ventilated and kept in a clean and sanitary condition.

(c) Confinement Indoors. No vicious dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit the building on its volition. No vicious dog may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacles preventing the dog from exiting the structure.

(d) Prohibited in Multiple Dwellings. No vicious dog may be kept within any portion of any multiple dwelling.

(e) Signs. All owners, keepers or harborers of vicious dogs shall, within 15 days of the effective date of this section, display in a prominent place on their premises a sign easily readable by the public with letters not less than 2 inches in height stating "Danger – Vicious Dog". A similar sign is required to be posted on the kennel or pen of the dog.

(f) Insurance. All owners, keepers or harborer of vicious dogs or hybrid dogs shall, within 30 days of the effective date of this section, provide proof to the Sheriff's Department of public liability insurance in a single incident amount of \$50,000 for bodily injury to or death of any person or for the damage to property owned by any person which may result from the ownership, keeping or maintenance of vicious dogs or hybrid dogs. The insurance policy shall provide that no cancellation of the policy will be made unless a 10 – day written notice is first given to the Sheriff's Department. The owner or custodian of the dog shall produce evidence of the required insurance upon request of a law enforcement officer. This paragraph does not apply to dogs kept by law enforcement agencies.

(3) **VICIOUS DOG DETERMINATION.** The Sheriff's Department shall investigate every dog complaint and make a determination as to whether or not such dog is "vicious", as defined in sub. (1) above. In the event the Sheriff's Department makes a determination that a dog is "vicious", he shall so inform the owner, keeper or harborer of such dog and provide such person with a copy of this section.

(4) **APPEAL OF VICIOUS DOG DETERMINATION.** Any person aggrieved by the determination of the Sheriff's Department, as provided in sub. (3) above may appeal such determination.

(5) **COMPLIANCE.** Within 10 days of the determination that a dog is vicious, as provided in sub. (3) above, or 10 days after an unsuccessful appeal under sub. (4) above, the owner of a vicious dog shall either comply with all provisions of this section or dispose of such dog.

(6) **DISPOSITION OF VICIOUS DOGS.** Any vicious dog which attacks a human being or domestic animal may be ordered destroyed by the Sheriff's Department or Humane Officer when, in the judgment of a court of competent

jurisdiction, the dog represents a continuing threat of serious harm to human beings or domestic animals.

(7) PENALTY. Any person who violates any provisions of this section shall, upon conviction, be subject to the payment of forfeiture. A separate offense shall be deemed committed on each day on which a violation of this section occurs or continues.

CHAPTER 7

GASEOUS FUEL ORDINANCE

7.01 AUTHORIZATION TO DISTRIBUTE AND SELL:

In accordance with Wis. Stats., §196.58(6), Wisconsin Public Service Corporation, its successors and assigns, is hereby authorized to distribute and sell gaseous fuel, natural, manufactured, or mixed, for heat, power, light and other purposes in the Town of Greenbush, Sheboygan County, Wisconsin.

7.02 AUTHORIZATION:

In accordance with Wis. Stats., §86.16(1) permission and authority is hereby granted to said Wisconsin Public Service Corporation to construct, install, lay, operate, maintain, extend, improve and add to, mains pipes, and other facilities for the purpose of transmitting and delivering such gas along, across, in and within, the limits of any public highway, street, alley, sidewalk, public ground, and all other places under control of said Town of Greenbush, and to that end said Wisconsin Public Service Corporation shall have the right to take up such pavements, and to make such excavations, as may be necessary to lay, take up, repair and maintain gas pipes below the surface of the ground.

7.03 PERMISSION:

Permission and authority is hereby granted to said Wisconsin Public Service Corporation to construct, install, operate, maintain, extend, improve and add to, such buildings, plants, equipment, properties, apparatus and other facilities, as may be necessary, to receive, manufacture, store, transmit, distribute and sell such gas.

7.04 CONDITIONS:

Authority granted herein is subject to all conditions and provisions of the Wisconsin Statutes on such case made and provided.

7.05 DAMAGES:

Any damage caused to public installations by reasons of said construction, operation, maintenance and extension, shall be repaired within a reasonable time by the Wisconsin Public Service Corporation.

CHAPTER 11

DISORDERLY CONDUCT

11.01 DISORDERLY CONDUCT:

No person shall in a public or private place engage in violent, abusive, indecent, profane, boisterous, unreasonably loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance.

11.02 PENALTY:

Persons violating this chapter shall pay a forfeiture not to exceed \$100.00 plus the costs of prosecution plus the cost of repair of any damage caused by violation and in default of payment shall be sentenced to the County Jail until payment is made but no longer than thirty (30) days.

CHAPTER 13

GARBAGE / RECYCLING ORDINANCE

The Town Board of the Town of Greenbush, does hereby ordain as follows:

13.01 Intent

The Town Board of the Town of Greenbush hereby finds that there is an increasing necessity to conserve material resources and landfill space. Newspapers, household plastics, glass, aluminum cans, tin cans and yard waste comprise a substantial portion of solid waste materials and can be separated from other solid waste materials and recycled without imposing a burden upon the residents and businesses of the Town and will reduce the volume of solid waste material collected by the contractor designated by the Town.

13.02 Definitions

As used in this chapter, the following terms shall mean:

- (a) Collector means the persons or firm authorized by the Town to collect garbage, rubbish or recyclable materials and dispose of the same.
- (b) Garbage means and includes all organic kitchen waste that attends the storage, preparation, use, cooking or service of food.
- (c) Newspapers means matter printed on newsprint including daily or weekly publications and advertising circulars, normally mailed or delivered to a household, but does not include books, magazines, catalogs or similar publications.
- (d) Recyclable materials means aluminum cans, tin cans, glass bottles & jars, newspapers, magazines, #1 & 2 plastic bottles & jugs, junk mail, shredded paper, brown paper bags and broken down cardboard.
- (e) Rubbish means and includes all other useless waste.
- (f) Solid waste means all waste defined in subparagraphs (b) thru (e) above.

13.03 REQUIRED SEPARATION OF SOLID WASTE FOR RECYCLING

Commencing the owners or occupants of each residence, residential unit, place of business or commerce shall cooperate in the recycling of recyclable material by performing the following manner:

- (a) All recyclable materials shall be separated from other solid waste in the following groups: aluminum cans, tin cans, glass bottles & jars, newspapers, magazines, #1 & 2 plastic bottles & jugs, junk mail, shredded paper, brown paper bags and broken down cardboard or in the DNR's Single Stream Recycling Program.
- (b) Such recyclable materials shall be placed in containers designated by the collector and stored for pickup in a place designated by the collector at a time to be designated by the collector.

13.04 RECYCLABLE MATERIAL PROPERTY OF COLLECTOR

All recyclable materials collected and deposited as provided herein shall be the property of the collector.

13.05 PREPARATION OF SOLID WASTE FOR COLLECTION

- (a) All other solid waste shall be drained and placed in clear plastic bags as designated by the collector and placed at the curb for collection.
- (b) The Town Board may direct to authorize collection in containers in a manner different that prescribed herein as conditions shall warrant.
- (c) The collector may refuse any garbage or rubbish not placed for collection in accordance with the provisions of this section.

13.06 ITEMS NOT TO BE PLACED FOR PICKUP

Large amounts of stone, concrete, rubber, earth, sod, tree stumps, or trunks, grass, leaves or brush.

13.07 COLLECTION FOR INDUSTRIAL PROPERTY

In a further attempt to reduce costs the Town shall not be responsible for the collection of garbage, solid waste, rubbish or recyclable materials and the disposal of the same for the industrial property. Any owner of industrial property shall be required to contract with a collector and shall be responsible for the cost of the collection of garbage, rubbish, solid waste or recyclable material.

13.08 COMPLIANCE ASSURANCE PLAN

This policy will establish standard guidelines that will lead to compliance with the Town of Greenbush's recycling ordinance. The Town's Clerk and Chairman are responsible for enforcing the Town of Greenbush's recycling ordinance. The Town of Greenbush's staff and personnel shall follow the guidelines identified in the Compliance Assurance Plan in response to issues associated with recycling and solid waste. This plan is intended to meet the requirements of s. NR 544.04 (9g), Wis. Adm. Code as well as Town of Greenbush's recycling ordinance. If a resident of the Town of Greenbush is not recycling properly than the following procedures will take place.

- (a) The collector of the garbage, rubbish, solid waste and recyclable materials will post a note on the items that not in compliance with the above garbage / recycling program. Examples of these are:
 - a. Recyclable materials mixed with garbage
 - b. Garbage mixed with recyclable materials
- (b) If a second note is posted at the same residence the Town Clerk or Chairman will send a letter to property owner reminding them of the requirement to comply with local recycling ordinances. Other educational materials will also be provided as needed.
- (c) If a third note is posted at the same residence the Town Clerk or Chairman shall send a letter to property owner giving them 30 days to comply with local recycling ordinances. A copy of the letter shall be sent to a citation officer.

- (d) After 30 days has passed the Town Clerk or Chairman along with a citation officer shall inspect the property to determine if the property is in compliance with ordinance. If found to be non-compliant, the citation officer shall issue the property owner a citation per code.

13.09 VIOLATIONS AND ENFORCEMENTS

- (a) Any person who shall violate any provisions of the section including placement of garbage and rubbish containing recyclable material for collection contrary to the provisions of this section shall, upon conviction thereof, forfeit not less than \$25.00 nor more than \$50.00 together with the penalty assessment and costs of prosecution. Each day or incident of violation shall be deemed a separate offense. In addition to or in lieu of the penalty provided herein, the court may order he violator to clean up, remove, and pay the costs of cleanup or removal of any garbage, solid waste or rubbish placed in violation of this section.
- (b) The Town's collector shall refuse to pick up any solid waste, garbage or rubbish containing any recyclable material.

CHAPTER 8

GENERAL RELIEF ORDINANCE

POLICIES AND PROCEDURES FOR ADMINISTRATION
OF GENERAL PUBLIC ASSISTANCE

The Town of Greenbush, Sheboygan County, Wisconsin, hereby adopts the following standard policies and procedures for the administration of general public assistance to eligible dependent persons:

8.01 POLICY:

The Town of Greenbush shall comply with the requirements of Chapter 49 of the Wisconsin Statutes to insure that all eligible dependent persons within the Town are provided general public assistance for themselves or for their school age children, of a kind and quality adequate to support life, health and sanitation expected by citizens of Wisconsin.

8.02 DEFINITIONS:

For the purpose of this policy the following terms are defined as follows:

- (1) APPLICANT means any person who is or may be eligible for general relief from the Village under these standards and Chapter 49 of the Wisconsin Statutes.
- (2) ASSISTANCE or PUBLIC ASSISTANCE. See subsection (1) Relief.
- (3) TOWN means the Town of Greenbush.
- (4) DENIAL means refusal to approve or grant benefits to an applicant and includes the termination or modification of previously approved benefits or reduction of a public assistance recipients' benefit levels.
- (5) COMMITTEE means the committee responsible for making the determination on an appeal from a denial of public assistance.
- (6) COUNTY means Sheboygan County.

- (7) DEPENDENT PERSON or DEPENDENT means a person without the present available money, income, property, credit or other means by which the same can be presently obtained, sufficient to provide necessary commodities and services as specified in subsection (11) below.
- (8) DIRECTOR means the relief director or his designee.
- (9) ELIGIBLE means a person who is dependent as defined in subsection (7).
- (10) EMPLOYMENT means full time or part time work for compensation.
- (11) RELIEF means such services, commodities or money as reasonable and necessary under the circumstances to provide food, housing, clothing, fuel, light, water, medicine, medical, dental and surgical treatment (including hospital care), optometrical services, nursing, transportation and funeral expenses and includes wages for work relief.
- (12) GROUP means all eligible persons listed on an application for assistance, who reside with the primary applicant and are dependent on the primary applicant for financial support.
- (13) SHELTER COST means rent payments and mortgage payments escrow accounts required by the lender, principal payments made on mortgages and land contracts and reasonable charges for utilities.
- (14) WORK RELIEF means any monies paid to dependent persons entitled to relief who have been required by the Town to work on any work relief project.
- (15) WORK RELIEF PROJECT means any undertaking performed in whole or in part by persons receiving work relief.

8.03 GENERAL STANDARDS AND STATUS REQUIREMENTS:

GENERALLY. Relief shall be granted to any eligible dependent person by the proper authorities of the Town in accordance with the standards in this section. Age or transient status or student status of any applicant shall not in itself be a bar to receiving relief from the Town. The relief director may approve

prorated daily payments of assistance until such time as arrangements have been completed for relief under another program administered by the County or the State.

INCOME STANDARDS. Persons whose monthly incomes equal or exceed the maximum allowance provided in Section IV shall be presumed to be non-dependent and ineligible for aid unless the Director determines that special facts and circumstances exist which pose an immediate threat to life, health or safety. All income on hand or readily available, without regard to deductions for debt payments, must be considered in determining financial eligibility for relief under this program, including any public assistance readily available under other relief programs of the State, Federal or County governments.

ASSET STANDARDS. Except as otherwise specifically provided in this subsection, all assets which are readily convertible into cash shall be considered in determining financial eligibility for public assistance.

- (1) HOME OWNERSHIP. Owning the home and furnishing where the applicant lives shall not act as a bar to receipt of assistance.
- (2) INSURANCE. An insurance policy with a cash or loan value of \$300.00 or less shall not act as a bar to receipt of assistance.
- (3) MOTOR VEHICLES. Ownership of an automobile or truck shall not be a bar to receipt of assistance from the Village except that debt payments on motor vehicles shall not be deducted from income in determining financial eligibility. No payments shall be made for purchases of automobiles or other motor vehicles. No assistance shall be granted for use of unregistered vehicles or for use of a vehicle by persons not holding a valid vehicle operator's license. Assistance for use of automobiles, motorcycles or trucks will be granted when that use is necessary to provide transportation for the following reasons: medical treatment, employment and purchase of basic needs. Liability insurance is recommended. Assistance for the use of privately owned vehicles will only be provided in those cases where mass transit is unavailable or in cases of exceptional hardship.
- (4) Failure to apply or to take necessary steps to apply

nonexempt assets to the support of applicant and applicant's dependents shall be cause for the denial or termination of assistance.

EMPLOYMENT STANDARDS.

- (1) **EMPLOYABLE APPLICANTS.** Employable applicants shall register with Wisconsin Job Service. Persons determined by the Director to be employable but who refuse to seek employment shall not receive public assistance. An employable applicant or recipient who fails or refuses to register and to maintain a valid registration for employment with Wisconsin Job Service, and to actively seek employment shall be presumed to be ineligible for assistance under this standard, except initial relief shall not be denied for failure to register for employment prior to application unless the applicant has been given notice and opportunity to register prior to application. Any change of employment status of Job Service registration shall be immediately reported to the Director, who may terminate benefits if efforts to seek employment are not maintained by an employable recipient.

- (2) **WORK RELIEF.** Upon approval of the officer responsible the Director may offer work relief to any applicant for employment directly by the Town or by other governmental unit under any program established by the County. Persons accepting work relief shall be compensated for such work relief in accordance with the applicable assistance schedule and budget established by the Director under Section IV and VII but not less than the prevailing Federal minimum wage rate. Part-time work relief shall be prorated as provided in Section VII (3). Any applicant or person receiving assistance from the Town who refuses work relief offered by the Director without a compelling reason, such as physical incapacity verified by a physician's statement, shall be denied or terminated from assistance. The provisions of Wis. Stats., §49.05 shall apply to work relief granted by the Town.

ELIGIBILITY FOR OTHER PROGRAMS. An applicant who is awaiting income sufficient to meet basic needs or whose aid or other condition qualifies him or her for Social Security or other benefits shall be eligible for relief on an interim basis if other eligibility requirements for this program are met; provided

all applicants who, upon initial interview, appear eligible for resources other than general relief shall be referred immediately by the Director to proper resources including, but not necessarily limited to:

- (1) The County Department of Social Services.
- (2) Veteran's Service Offices.
- (3) Wisconsin Department of Vocational Rehabilitation.
- (4) Social Security Administration.
- (5) Unemployment Compensation Division of Wisconsin, Department of Industry, Labor and Human Relations.
- (6) Wisconsin Job Service.

ACTUAL RECEIPT OF OTHER ASSISTANCE. The receipt of public assistance from another agency or program shall not, in itself, act as a bar to receipt of public assistance from the Town provided the applicant demonstrates to the Director or the Board of Review the existence of needs which are not being met by such other public assistance agencies or programs, and that the benefit levels received by the applicant are not adequate to meet the applicant or recipient's needs.

REIMBURSEMENT AGREEMENTS. Applicants shall be allowed to consult with their attorneys or other counsel before signing a reimbursement agreement pursuant to Wis. Stats., §49.08. Aid may be paid pending execution of such agreement. If the applicant fails or refuses to sign such agreement within two weeks, no further aid may be paid until such agreement is signed.

8.04 SCHEDULES OF ASSISTANCE:

(1) The Director shall grant assistance based on consideration of the following schedule, subject to adjustments or proration permitted or required under Section 8.07

Monthly Allowance

| <u>Group Size</u> | <u>Maximum Allowance</u> |
|-------------------|--------------------------|
| 1 | \$ 325.00 |
| 2 | 350.00 |
| 3 | 375.00 |
| 4 | 400.00 |
| 5 | 425.00 |
| 6 | 450.00 |
| 7 | 475.00 |
| 8 | 500.00 |

| | |
|----|--------|
| 9 | 525.00 |
| 10 | 550.00 |

For each additional member above 10, add \$25.00 per person per month.

(2) The allowances provided in subsection (1) are maximum allowances, and a lesser allowance may be provided, based on the budget deficit determined pursuant to Section VII.

(3) These schedules shall be reviewed at least annually by the Town Board to adjust for increases or decreases in the cost of living.

(4) Funeral and burial expenses shall not exceed necessary and reasonable charges authorized by the Director on an "as needed" basis.

8.05 APPLICATIONS FOR PUBLIC ASSISTANCE:

Each applicant shall complete a written application for public assistance on a form or forms supplied by the Town. Such an application shall be signed, sworn to and dated by the applicant. The completed application shall be retained by the Director and shall be available for inspection by the applicant and the staff or designated representative of a public assistance agency filed upon by nonresident notice or directly involved.

8.06 INVESTIGATION:

Upon receiving an application for relief, the Director shall examine the applicant regarding the factual circumstances supporting his or her claim to eligibility and needs and the corresponding amounts and thereafter shall make such other investigation as he deems reasonably necessary under the circumstances.

8.07 BUDGET AND DISTRIBUTION OF AID:

(1) ASSISTANCE BUDGET. The Director shall prepare a budget for each applicant. All income and nonexempt assets on hand or readily available to the applicant shall be subtracted from the budget needs. The amount of the resulting budget deficit, if any, shall be the amount of assistance to which the applicant is entitled.

(2) ASSISTANCE LIMITED TO NEED. In determining the amounts

of the budgetary deficit, no allowance shall be provided for relief unless a demonstrated need exists, and shall be limited to the extent of such demonstrated need.

(3) ASSISTANCE PRORATED. The assistance allowance of any applicant or recipient may be prorated on the basis of any part-time work relief received, or on the basis of any support received from nondependent persons because of a shared living arrangement.

(4) EXCESS AID. Aid in amounts greater than those provided in Section IV shall be granted by the Director only for significant additional needs that are not otherwise being met. The Director shall maintain records for any deviation from the schedule of aids set forth herein and shall make such records available for inspection by the designated representative of a public assistance agency filed upon by non-resident notice or directly involved.

(5) FORM OF GRANT. Assistance may be granted in cash, in kind or by the vendor/voucher system payable directly to the merchant, medical facility, physician, grocery store, furnishing merchant or other vendor.

8.08 HEALTH AND MEDICAL ASSISTANCE:

NONEMERGENCY ASSISTANCE. Nonemergency relief in the nature of medicine, medical, dental and surgical treatment (including hospital care), optometrical services, nursing and funeral expenses shall require prior written authorization from the Director and shall be given in amounts that are reasonable and necessary under the circumstances. In determining whether to approve any particular request for nonemergency health services, the Director shall contact the professional involved, if appropriate, to ascertain directly whether such services are reasonable and necessary.

EMERGENCY ASSISTANCE.

- (1) The provisions of Chapter 49 of the Wisconsin Statutes, with respect to liability for hospitalization and medical care rendered to eligible dependent persons having legal settlement within the municipality without previous authorization, shall apply to granting of emergency assistance by the municipality. The municipality shall not be liable for such care or hospitalization beyond what is reasonably required by

the circumstances of the case and liability shall not attach unless, within 7 days after furnishing of the first care or hospitalization, written notices by attending physicians and the hospital are mailed or delivered to the Director reciting the name and address of the patient, so far as known, and the nature of the illness or injury and the probable duration.

- (2) EMERGENCY AID TO NONRESIDENT DEPENDENTS. The Director shall grant emergency medical, hospital or drug assistance to persons within the Town who are determined by him to be dependent persons and in need of immediate assistance to protect life or health, subject to the provisions of Chapter 49 of the Wisconsin Statutes.

LIMITATIONS. Any health and medical assistance shall, under no circumstances, exceed those limits imposed by Wisconsin Medical Assistance or Medicare, whichever is less, for similar services.

8.09 PRORATION OF ASSISTANCE:

The Director may, in his discretion, provide assistance on a daily, weekly, bimonthly or monthly schedule prorating the benefits set forth in Section IV. Grants made on a weekly basis shall be prorated on the basis of 7/30th of the monthly allowance. Bimonthly grants shall be 50% of the monthly allowance.

8.10 DENIALS OF RELIEF:

BASIS FOR DENIAL. Except when an application is withdrawn, the Director shall not deny public assistance in accordance with these guidelines except for one or more of the following reasons:

- (1) Applicant does not meet the standards of eligibility set forth herein.
- (2) Applicant has refused to submit a written application or to complete any portion of the application form or to sign his or her application.
- (3) Applicant has failed or refused to supply sufficient information from which the Director can form a good faith belief as to the applicant's identity, residence history or eligibility for public assistance.

- (4) Recipient/applicant has failed or refused to seek or obtain employment or to register for employment with the Wisconsin Job Service after applicant has been given notice and opportunity to do so. Notice and opportunity to seek or obtain employment shall be deemed to mean the recipient/applicant has been notified of at least 2 suitable job opportunities commensurate with his or her physical ability, training and skills, and has failed or refused to contact the prospective employer or to make application for such job opportunity or to accept the position if offered.
- (5) Recipient/applicant has failed to sign an assignment of claim for third party liability agreement or Reimbursement Agreement as provided in Wis. Stats., §49.08 and §49.65.
- (6) Recipient/applicant's eligibility or need is dependent on the truth of a representation which the Director has reasonable cause to believe to be a false representation.
- (7) Recipient/applicant has refused a bona fide offer of employment or training without good cause, or has accepted and subsequently given inadequate performance through willful neglect.
- (8) Recipient/applicant has refused to or failed to take full advantage of other resources available.
- (9) Recipient/applicant has refused or failed to cooperate with the Director's investigation of the validity of his or her application.
- (10) Recipient/applicant has failed to sign an Assignment of Claim for third party liability agreement as provided in Wis. Stats., §49.65.

DENIALS.

(1) DENIALS TO STATE REASON. Denials shall state the specific reasons for the denial in plain language. Written denials shall be mailed out by first class mail to the address given in the application within 5 working days of the date of application. Denial shall be deemed delivered when so mailed.

(2) WRITTEN DENIALS TO BE FILED. The Director shall maintain a file of all written denials and supporting reasons.

(3) DENIALS TO INCLUDE NOTICE OF APPEAL RIGHTS. Each denial shall include a notice to the applicant of his or her right to appeal such denial as set forth in these standards and policies.

(4) FAILURE TO RESPOND DEEMED DENIAL. Failure of the Director to respond to a written application for assistance within 10 working days shall be deemed denial of the applicant's request. The Director shall nevertheless provide the applicant with the notice of his or her right to appeal such denial as set forth in these standards and policies.

8.11 APPEALS:

Any applicant denied relief by the Director shall have the right of appeal as provided in Chapter 68 of the Wisconsin Statutes.

8.12 ORGANIZATION:

(1) The Director of the program shall be the Town Clerk, unless provided otherwise by resolution of the Town Board.

(2) The Board of Review shall be the Town Board, unless otherwise provided by the Town Board.

(3) The Town Clerk shall be responsible for the maintenance of all required records of the program, and for such other ministerial activities as required by the Town Clerk.

8.13 VOUCHER PAYMENT SCHEDULE:

The following shall be granted to the Vendor:

- a. Food, allowance based on food stamp allowance.
- b. Restaurant meals, \$3.00 daily per person.
- c. Rent, sliding scale, \$100.00 - \$200.00 per month depending on household count and what is included.
- d. Room, \$35.00 per week.
- e. Room and board, negotiable.
- f. Fuel, according to current usage.
- g. Electric, according to current usage.
- h. Water, according to current usage.
- i. Clothing, moderately priced as needed.
- j. Personal and household items, \$4.00 per month

- for one person, \$6.00 per month for one family.
- k. Medicine, as needed on doctor's recommendation.
 - l. Medical, office visits as needed.
 - m. Dental, emergency dental care as needed.
 - n. Surgican treatment, as needed based on doctor's recommendation.
 - o. Hospital care, as needed on doctor's recommendation.
 - p. Nursing, as needed based on doctor's recommendation.
 - q. Transportation, as needed to job or medical needs.
 - r. Funeral expenses, according to Wis. Stats., \$49.30.
 - s. Telephone, not covered.
 - t. School expense, as required.

8.14 WORK RELIEF:

The Town Board, Town of Greenbush, has the option to place recipients requiring General Relief Assistance on a Work Relief Program.

Refusal of employment given by the Town Board shall necessitate discontinuance of General Relief Assistance to said individuals.

CHAPTER 10
PUBLIC NUISANCES

10.01 PUBLIC NUISANCES PROHIBITED:

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

10.02 PUBLIC NUISANCE DEFINED:

A public nuisance is a thing, act, occupation, condition or use of property which continues for such length of time as to:

- (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 tend to obstruct or rende dangerous for passage any street, alley, highway, navigable body of water or other public way or the use of public property.

10.03 PUBLIC NUISANCES AFFECTING HEALTH:

The following acts, omissions, places, conditions and things are specifically declared to be public health nuisances; but such enumeration shall not be construed to exclude other health nuisances coming within the definition of Section 10.02:

- (1) ADULTERATED FOOD. All decayed, adulterated or unwholesome food or drink sold or offered for sale to the public.
- (2) UNBURIED CARCASSES. Carcasses of animals, birds or fowl not intended for human consumption or food which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
- (3) BREEDING PLACES FOR INSECTS OR VERMIN. Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material in which flies, mosquitoes, disease-carrying insects, rats or other vermin can breed.

(4) STAGNANT WATER. All stagnant water in which mosquitoes, flies or other insects can multiply.

(5) PRIVY VAULTS AND GARBAGE CANS. Privy vaults and garbage cans which are not fly-tight.

(6) NOXIOUS WEEDS. All noxious weeds and other rank growth of vegetation. All weeds and grass shall be kept cut to a height not to exceed one foot. The Town may cause all weeds and grass to be cut and removed and brush to be removed, and the cost thereof charged to the property under Wis. Stats., §66.60(16).

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

(8) NOXIOUS ODORS, ETC. Any use of property, substances or things within the Town emitting or causing any foul, offensive, noisome, noxious or disagreeable odors, gases, effluvia or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Town.

(9) STREET POLLUTION. Any use of property which causes any noxious or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the Town.

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

10.04 PUBLIC NUISANCES OFFENDING MORALS AND DECENCY:

The following acts, omissions, places, conditions and things are specifically declared to be public nuisances offending public morals and decency; but such enumeration shall not be construed to exclude other nuisances offending public morals and decency coming within the definition of Section 10.02:

(1) DISORDERLY HOUSES. All disorderly houses, bawdy houses, houses of ill-fame, gambling houses and buildings or structures kept or resorted to for the purpose of prostitution, promiscuous sexual intercourse or gambling.

(2) GAMBLING DEVICES. All gambling devices and slot machines.

(3) UNLICENSED SALE OF LIQUOR AND BEER. All places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, manufactured or rectified without a permit or license as provided for by the ordinances of the Town.

(4) CONTINUOUS VIOLATION OF TOWN ORDINANCES. Any place or premises within the Town where Town ordinances or State laws relating to public health, safety, peace, morals or welfare are openly, continuously, repeatedly and intentionally violated.

(5) ILLEGAL DRINKING. Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of State laws.

10.05 PUBLIC NUISANCES AFFECTING PEACE AND SAFETY:

The following acts, omissions, places, conditions and things are declared to be public nuisances affecting peace and safety; but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the definition of Section 10.02:

(1) DANGEROUS SIGNS, BILLBOARDS, ETC. All signs, billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety.

(2) ILLEGAL BUILDINGS. All buildings erected, repaired or altered in violation of Town ordinances relating to materials and manner of construction of buildings and structures within the Town.

(3) UNAUTHORIZED TRAFFIC SIGNS. All unauthorized signs, signals, markings or devices placed or maintained upon or in view of any public highway or railway crossing which purport to be or may be mistaken as official traffic control devices or railroad signs or signals or which, because of their color, location, brilliance or manner of operation, interfere with the effectiveness of any such device, sign or signal.

(4) OBSTRUCTION OR INTERSECTIONS. All trees, hedges, billboards or other obstructions which prevent persons driving

vehicles on public streets, alleys or highways from obtaining a clear view of traffic when approaching an intersection or pedestrian crosswalk.

(5) LOW-HANGING TREE LIMBS. All limbs of trees which project over and less than 14' above, any street or alley, or over and less than 10' above any public sidewalk or other public place.

(6) DANGEROUS TREES. All trees which are a menace to public safety or are the cause of substantial annoyance to the general public.

(7) FIREWORKS. All use or display of fireworks except as provided by State laws and Town ordinances.

(8) DILAPIDATED BUILDINGS. All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human use.

(9) LOW-HANGING WIRES AND CABLES. All wires and cables over streets, alleys or public grounds which are strung less than 15 feet above the surface thereof.

(10) NOISY ANIMALS OR FOWL. The keeping or harboring of any animal or fowl which, by frequent or habitual howling, yelping, barking, crowing or making of other noises, greatly annoys or disturbs a neighborhood or any considerable number of persons within the Town.

(11) OBSTRUCTIONS OF STREETS: EXCAVATIONS. All obstructions of streets, alleys, sidewalks or crosswalks and all excavations in or under the same, except as permitted by the ordinances of the Town but including those which, although made in accordance with such ordinances, are kept or maintained for an unreasonable or illegal length of time after the purpose thereof has been accomplished or which do not conform to the permit.

(12) UNLAWFUL ASSEMBLIES. Any unauthorized or unlawful use of property abutting on a public street, alley or sidewalk or of a public street, alley or sidewalk which causes large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks.

(13) BLIGHTED BUILDINGS AND PREMISES. Premises existing within the Town which are blighted because of faulty design or construction, failure to maintain them in a proper state of repair, improper management, or due to the accumulation thereon

of junk or other unsightly debris, structurally unsound fences, and other items which depreciate property values and jeopardize or are detrimental to the health, safety, morals or welfare of the people of the Town.

The blighted premises contribute to conditions that are dangerous to the public health, safety, morals and general welfare of the people; the conditions necessitate excessive and disproportionate expenditure of public funds for public health, public safety, crime prevention, fire protection and other public services; the conditions cause a drain upon public revenue and impair the efficient and economical exercise of governmental functions in such areas.

Elimination of blighted premises and prevention of blighted premises in the future is in the best interest of the citizens and this shall be fostered and encouraged by this chapter. It is essential to the public interest that this chapter be liberally construed to accomplish the purposes of this subsection.

10.10 ABATEMENT OF PUBLIC NUISANCES:

(1) ENFORCEMENT. The Constable shall enforce those provisions of this chapter that come within the jurisdiction of his office; and he shall make periodic inspections and inspections upon complaint to insure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the officer has inspected or caused to be inspected the premises where the nuisance is alleged to exist and has satisfied himself that a nuisance does in fact exist.

(2) SUMMARY ABATEMENT. If the inspecting officer determines that a public nuisance exists within the Town and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Chairman may direct the proper officer to cause the same to be abated and charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the nuisance, as the case may be.

(3) ABATEMENT AFTER NOTICE. If the inspecting officer determines that a public nuisance exists on private premises but that such nuisance does not threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall serve notice on the person causing or maintaining the nuisance to remove the same within 30 days. If such nuisance is not removed within 30 days, the proper officer shall cause the nuisance to be removed as provided in (2).

(4) OTHER METHODS NOT EXCLUDED. Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the Town or its officials in accordance with the laws of the State.

(5) COURT ORDER. Except when necessary under (2), an officer hereunder shall not use force to obtain access to private property to abate a public nuisance but shall request permission to enter upon private property if such premises are occupied and, if such permission is denied, shall apply to any court having jurisdiction for an order assisting the abatement of the public nuisance.

10.11 COST OF ABATEMENT:

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

10.12 PENALTY:

Any person who shall violate any provision of this chapter, or any regulation, rule or order made hereunder, or permit or cause a public nuisance shall pay a forfeiture of not more than \$100.00 per day for each day the nuisance exists plus the costs of prosecution and other costs under this chapter and in default in payment shall be sentenced to the County Jail until paid, not exceeding thirty (30) days.