

TOWN OF MOSEL
ORDINANCE NO. 2020-04

AN ORDINANCE CREATING SECTION 4.12 OF CHAPTER 4: BROADBAND FORWARD!
COMMUNITY ORDINANCE OF THE TOWN OF MOSEL MUNICIPAL CODE

Whereas the Mosel Town Board has determined that Broadband access is increasingly important to our economy, education, and daily life. The state as a whole – citizens, governments, providers, schools, and businesses – have an interest in expanding broadband access and usage in underserved areas of the state. The Public Service Commission of Wisconsin has been authorized to certify communities as being “broadband ready” by issuing a Broadband Forward! Certification that signals a local unit of government has taken steps to reduce obstacles to broadband infrastructure investment.

Whereas §. 196.504(4) a city, village town or county may apply to the Commission for certification as a Broadband Forward! Community; and **whereas** a copy of the proposed Chapter 4.12 has been on file for public inspection in the office of the Town Clerk-Treasurer for a least two weeks before its enactment as required by law; **Now, therefore, pursuant to §. 66.0815(1), Wisconsin Statutes, the Town Board of the Town of Mosel, Sheboygan County, does ordain as follows:**

SECTION 1. Creating Code. Section 4.12 relating to the approval of broadband network projects, the Town of Mosel Municipal Code is hereby created to read as follows:

ORDINANCE NO. 4.12 BROADBAND FORWARD! COMMUNITY ORDINANCE

Chapter 4.12 Broadband Network Project Applications

SECTION 1. GENERAL PROVISIONS.

1.1 Purpose and policy. The purpose of this chapter is to encourage the development of broadband access in the Town of Mosel by reducing administrative obstacles to broadband service providers and coordinating the review of applications to ensure such applications are timely processed. This chapter shall at all times be construed consistent with the aforesaid purpose.

1.2 Definitions. In this chapter:

- (1) “Applicant” means a person applying for a permit for a broadband network project.
- (2) “Broadband network project” means the construction or deployment of wireline or wireless communications facilities to provide broadband communications services in the Town of Mosel.
- (3) “Permit” means any local permit, license, certificate, approval, registration, or similar

form of approval required by policy, administrative rule, regulation, ordinance, or resolution with respect to a broadband network project.

(4) “Written” or “in writing” means information that is inscribed on a tangible medium or that is stored in an electronic or other intangible medium and is retrievable in perceivable form.

1.3 Point of contact. The Town of Mosel shall appoint a single point of contact for all matters related to a broadband network project. The Town of Mosel shall provide on its public website the contact information, including the e-mail address, for the point of contact authorized to receive a broadband network project application.

SECTION 2. ELECTRONIC SUBMISSION OF APPLICATIONS. An applicant may sign and file all forms, applications, and documentation related to a broadband network project electronically.

SECTION 3. REVIEW OF APPLICATIONS. Notwithstanding any other provision in the Town of Mosel ordinances, resolutions, regulations, policies or practices to the contrary, the following process shall apply exclusively upon receiving a broadband network project application:

3.1 Completeness review. Upon receiving a broadband network project application, the Town of Mosel shall:

(1) Determine whether an application is complete and notify the applicant of the determination by the Town of Mosel in writing within 10 calendar days of receiving an application. If the Town of Mosel does not notify the applicant in writing of its completeness determination within 10 calendar days of receiving the application, the application shall be considered complete.

(2) If the Town of Mosel determines that an application is not complete, the written notification to the applicant shall specify in detail the required information that is not complete. The applicant may resubmit an application as often as necessary until the application is complete.

3.2 Approval or denial of complete applications.

(1) Within 60 calendar days of receiving an application that is complete, or considered complete under sub. (1), Town of Mosel Town Board shall approve or deny the application and provide the applicant written notification of the approval or denial. If the Town of Mosel Town Board does not notify the applicant of its approval or denial within 60 calendar days of receiving a complete application, the application shall be considered approved and any required permit shall be considered issued.

(2) If the Town of Mosel denies an application, the written notification of the denial under sub. (1) shall include evidence that the denial is not arbitrary and capricious.

SECTION 4. FEES. Any fee imposed by the Town of Mosel to review an application, issue a permit, or perform any other activity related to a broadband network project shall be \$50 and listed within the then current Town of Mosel user fee listing.

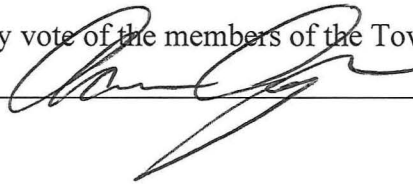
SECTION 5. INITIAL APPLICABILITY. The treatment of this ordinance first applies to applications received by the Town of Mosel on or after the effective date of this ordinance.

SECTION 6. EFFECTIVE DATE. This ordinance takes effect on the day after publication.

SECTION 7. Amending Code Section. Section 11.05 FEES AND CHARGES of the Municipal code of the Town of Mosel is amended upon passage of ORDINANCE 4.12 BROADBAND FORWARD! COMMUNITY and associated permit fee as follows:

BROADBAND PERMIT FEE: \$50.00

Adopted this 19 day of August, 2020, by a majority vote of the members of the Town Board of the Town of Mosel.

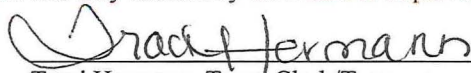


Aaron Anger
Town Chair

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing Ordinance was duly enacted by the Board of Supervisors of the Town of Mosel on the date indicated above.

Dated: August 19, 2020



Traci Hermann, Town Clerk/Treasurer

Posted on 8-24-20, 2020 by Traci Hermann

TOWN OF MOSEL, SHEBOYGAN COUNTY, WISCONSIN

ORDINANCE NO. 2014-1

**AN ORDINANCE REPEALING AND RECREATING CHAPTER 13
OF THE TOWN OF MOSEL MUNICIPAL CODE REGARDING WIND ENERGY SYSTEMS**

WHEREAS, pursuant to Wis. Stat. §§ 60.10(2), 60.22(3), 61.34, and 66.0401, the Town of Mosel Board of Supervisors has authority to enact regulations for the installation or use of a wind energy system that are no more restrictive than the regulations established by the Wisconsin Public Service Commission (PSC) under the authority of Wis. Stat. § 196.378; and

WHEREAS, the PSC established rules for wind energy systems in Wisconsin Administration Code PSC Chapter 128; and

WHEREAS, on October 1, 2013, the Town Planning & Zoning Commission reviewed this proposed ordinance and recommended its approval; and

WHEREAS, the Town Board has determined that the regulations set forth herein serve to preserve and protect the public health or safety, and do not significantly increase the cost of wind energy systems or decrease their efficiency in accordance with Wis. Stat. § 66.0401(1m).

NOW, THEREFORE, the Board of Supervisors of the Town of Mosel does hereby ordain as follows:

Section 1. **Repealing and Recreating Code.** Chapter 13 of the Municipal Code of the Town of Mosel entitled “Wind Energy Facilities” is repealed and recreated in its entirety to read as set forth on the attached pages.

Section 2. **Severability.** Should any portion of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder shall not be affected.

Section 3. **Effective Date.** This Ordinance shall take effect the day after publication or posting.

Enacted on January 14, 2014.

TOWN OF MOSEL

By: _____
Dirk J. Zylman, Chairperson

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing Ordinance was duly enacted by the Board of Supervisors of the Town of Mosel on the date indicated above.

By: _____
Rachel Rehbein, Clerk/Treasurer

Published/Posted on _____, 2014 by _____.

TOWN OF MOSEL

ORDINANCE NO. 2014-2

CHANGES TO CHAPTER 1 OF THE TOWN OF MOSEL
MUNICIPAL CODE: RULES FOR GOVERNMENT

WHEREAS, the Town Board has determined that nonsubstantive amendments to Chapter 1 of the Town of Mosel Municipal Code would clarify its meaning and intent;

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

SECTION 1. **Amending Code.** Sections 1.01 through 1.07 of the Town of Mosel Municipal Code are amended to read as follows:

1.01 TOWN BOARD AUTHORIZED TO EXERCISE VILLAGE POWERS

A. The Electors of the Town of Mosel (**Town**), Sheboygan County, Wisconsin, grant, ~~confer~~ confer and bestow upon the Town Board of the Town, Sheboygan County, Wisconsin, the right, power and privilege to exercise all powers relating to villages and conferred on Village Boards by Chapter 61 of the Wisconsin Statutes.

This Ordinance passed by the electors of the **Town** on the 5th day of April, 1949.

1.02 TOWN OBLIGATED TO PAY COUNTY TAXES

A. The **Town hereby** obligates itself to pay, in case the Town **Clerk-Treasurer** shall fail so to do, all ~~sState and cCounty t~~ Taxes charged on the tax rolls required by law to be paid by the **Town Clerk-Treasurer of the Town of Mosel** to the Treasurer of the County of Sheboygan.

B. This obligation shall be continued from year to year in full force and effect until such time repeal hereof is effected pursuant to the provisions of Section 70.67(2).

1.03 RESERVED TOWN CLERK-TREASURER TO COMPUTE TAXES IN A SINGLE COLUMN

~~A. The Town Clerk-Treasurer is hereby authorized to compute the real estate and personal property taxes in the assessment roll and tax roll in a single column for sState, cCounty, Town and hHigh sSchool tuition and transportation in conformity with Section 70.65(2) of the Wisconsin Statutes.~~

~~B. The aggregate amount of sState, cCounty, Town and hHigh sSchool tuition and transportation taxes shall be carried in a single column on the tax receipt, and there shall be printed on said tax receipt the separate proportion of rate of taxes levied for sState, cCounty, Town, and hHigh sSchool tuition and transportation taxes, pursuant to Section 74.08(1) of the Wisconsin Statutes. (11-14-62).~~

1.04 ELECTION OF WARDS

A. The Town ~~shall be divided into two (2) wards, all as more particularly set forth on a map attached to this ordinance and indicated as Appendix A.~~ has established a single ward to be identified as Ward 1 and that the corporate limits of the Town shall form the boundaries of said ward.

B. ~~That~~ The polling places ~~for each ward~~ shall be the Town Hall.

~~C. That all of said wards shall be combined for voting purposes and use common ballot boxes and ballots and separate returns shall not be maintained except for those elections where electors of one or more wards are ineligible to vote for any office or referendum for which other electors in the combined wards may vote and in those circumstances separate ballot boxes, ballots, and separate returns shall be maintained.~~

1.05 PUBLIC RECORDS

A. PURPOSE

The purpose of this ordinance shall be to set policies relating to retention and preservation of, destruction of, and access to Town of Mosel public records to the extent and manner allowed by state law.

B. STATUTES INCORPORATED

The provisions of Sections 19.21 to 19.39, Wisconsin Statutes (2001-2002) and any future revisions or additions thereto, are adopted by reference in this section as if fully set forth herein.

C. LEGAL CUSTODIAN

- (1) Unless otherwise prohibited by law, the Town Clerk-Treasurer, or the designated Deputy Clerk-Treasurer, **except as hereinafter specified**, shall act as legal custodian for the Town Board and for any committees, commissions, boards or authorities created by ordinance or resolution of the Town Board. A copy of all records received or created by any town official or employee shall be forwarded to the Custodian within seven (7) days.
- (2) For assessment records, the designated custodian shall be the Town Assessor.
- (3) The Haven Fire Department, an independent Chapter 181 corporation which receives 50% or more of its funding from the Town of Mosel, is subject to the open records law, and shall establish its own legal custodian and records policies.

D. RETENTION AND PRESERVATION OF RECORDS

- (1) All public records shall be retained for a minimum of seven (7) years from the date of creation or receipt by the Legal Custodian, unless a shorter period has been fixed by the public records board under Section 16.61(3)(e), Wisconsin Statutes (2001-2002), and except as provided in paragraphs (2) through (7) below.
- (2) Any taped recording of a meeting, as defined in Section 19.82(2), Wisconsin Statutes (2001-2002) of any governmental body, committee, commission or board of the Town of Mosel may be destroyed no sooner than 90 days after the minutes of said meeting have been approved, if the purpose of the recording was to make minutes of the meeting.
- (3) Electronic copies of printed records kept by the Legal Custodian shall be retained for a minimum of three (3) years, provided the printed copy of the same record is retained as required by state law and other sections of this ordinance. Those records which may not have a printed copy shall be retained electronically for the otherwise required time period.
- (4) Electronic mail (e-mail) messages sent or received by Town officials shall be retained for a minimum of three years. **Email E-mail** sent from or received at an official's personal **email e-mail** address shall also be subject to this provision, unless a copy of the e-mail is forwarded to the Town's e-mail address for retention.
- (5) Unsolicited mail and e-mail received from advertisers, retail companies, e-mail user groups, general newsletters and other similar correspondence shall not be considered public records and may be discarded or deleted immediately after receipt.
- (6) Records of historical significance, including but not limited to all minutes of meetings, ordinances, resolutions, budgets and annual financial statements, shall be permanently preserved in a manner consistent with state laws. Other pertinent records may be permanently preserved as storage space allows. If adequate storage and preservation is deemed impossible by the

Town, and records must be removed from the care of the Legal Custodian, the procedures listed in **Subsection Section** 1.05(E) shall be followed.

- (7) At the direction of the Town Board, or the discretion of the Town Clerk-Treasurer, any public records, including electronic records, may be retained for a longer period of time than that specified by law or this ordinance.

E. DESTRUCTION OF RECORDS

- (1) Only obsolete records which have reached the end of their retention period may be destroyed following the procedures set forth in paragraph (2) below. This paragraph shall not be construed as requiring the destruction of any record or permitting its destruction after a period of time less than that prescribed by law.
- (2) Prior to the destruction of records, the Legal Custodian shall provide the Wisconsin State Historical Society (hereafter Society) at least 60 days written notice of those records to be destroyed. The Society shall preserve those records it determines to be of historical interest. The Society may, upon application, waive such notice for specific types of records. A copy of each waiver obtained shall be permanently filed with the Legal Custodian. If the Society does not wish to preserve said records, the Legal Custodian shall provide the Sheboygan County Historical Research Center (hereafter Center) 30 days written notice of those records to be destroyed. If the Center does not wish to preserve said records, the records may be destroyed.
- (3) No record **shall may** be destroyed at any time after the receipt of a request for inspection or copying of the record, until after the request is granted or until at least 60 days after the date that the request is denied, or as otherwise prescribed by Section 19.35(5), Wisconsin Statutes (2001-2002).

F. PUBLIC ACCESS

- (1) A representative government is dependent upon an informed electorate, therefore it is the policy of the Town ~~of Mosel~~, in conformance with state law, that all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of those officers and employees who represent them. To that end, except as provided by paragraph (4) below, any person has a right to inspect a record and to make or receive a copy of any record as provided by law.
- (2) **Public Notice:** Pursuant to Section 19.34, Wisconsin Statutes (2001-2002), each authority shall adopt, prominently display and make available for inspection and copying a notice containing a description of its organization, the Legal Custodian from whom, the established times and places at which, and the methods whereby the public may obtain information and access to records, make requests or obtain copies, and the costs thereof. This paragraph does not apply to individual members of the Town Board.
- (3) **Hours of Inspection:** Records shall be available for inspection and copying during all regular office hours. If no regular office hours are kept, records shall be available upon at least 48 hours written or oral notice of intent to inspect or copy a record, and the Legal Custodian shall establish a period of at least two (2) consecutive hours per week during which access to records is permitted.
- (4) **Limitations on Access:**
 - (a) If the Legal Custodian considers a record to be exempt from disclosure, in whole or in part, as allowed by Sections 19.35(1) and 19.36, Wisconsin Statutes (2001-2002) or other applicable state laws, he or she shall without delay refer the request and record to the Town Attorney for advice, citing any grounds for denying public access and specifying any need to restrict access at the time the request is made.
 - (b) If the Legal Custodian considers a request to be insufficient because it is without a reasonable limitation as to subject matter or length of time represented by the record, the request shall be denied.

- (c) Except as may be required by law, the Legal Custodian is not required to create a new record by extracting information from existing records and compiling the information in a new format.
- (d) As control over form and content are not currently possible with the technology available to the Town, and therefore electronic copies of Town records may not remain intact, either by lack of transferability from one type of software to another, or through deliberate unauthorized changes, whenever possible records shall be provided in written or printed form. Copies of records which exist in electronic form may be provided if specifically requested or as required by state law or court order.
- (e) The Legal Custodian may require supervision during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.
- (f) No person shall be allowed to remove an original Town ~~of Mosel~~ record from the care of the Legal Custodian.

G. PUBLIC RECORD FEES

A requester shall be charged a fee, as authorized by the Town Board and set by resolution or ordinance, to defray the cost of locating and copying records. The fee shall be determined by the following guidelines:

- (1) A per page charge for photocopying, computer printouts, or faxing.
- (2) If the form of a record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.
- (3) The actual cost of providing a copy in an alternative format, including electronic, audio or video tape, if required.
- (4) The actual cost of any necessary mailing or shipping.
- (5) The costs for locating a record, determined by an hourly rate, provided however, that such costs shall only be billed if the total cost is greater than \$50.
- (6) If the Legal Custodian estimates the costs of locating and copying a record shall exceed \$5, prepayment of the estimated fees shall be required.
- (7) If payment has not been received from a requester for previous requests, and such previous requests accumulate to more than \$5, prepayment of all past due fees and current fees shall be required prior to providing the record requested. This paragraph shall not prevent the requester from inspecting the record, however, no copies **will be made** or other costs will be incurred until payment is received.
- (8) Town ~~of Mosel~~ elected or appointed officials shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.

1.06 CONFIDENTIALITY OF INCOME AND EXPENSES PROVIDED TO ASSESSOR FOR ASSESSMENT PURPOSES

A. ADOPTION

This Ordinance adopts by reference §. 70.47(7)(af), Stats, ~~income~~ income and expense information provided by property owners to an assessor for the purposes of establishing the valuation for assessment purposes by the income method of valuation. **This information** shall be **deemed** confidential and not a public record open to inspection or copying under §. 19.35(1), Stats.

B. EXCEPTIONS

An officer may make disclosure of such information under the following circumstances:

- (1) The assessor has access to such information in the performance of his/her duties;
- (2) The Board of Review may review such information when needed, in its opinion, to decide upon a contested assessment;

- (3) Another person or body has the right to review such information due to the intimate relationship to the duties of an office or as set by law;
- (4) The officer is complying with a court order;
- (5) The person providing the income and expense information has contested the assessment level at either the Board of Review or by filing a claim for excessive assessment under §. 74.37, Stats., in which case the base records are open and public.

C. SEVERABILITY

The several sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections, or portions thereof of the Ordinance. The remainder of the Ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this Ordinance are hereby repealed as to those terms that conflict.

1.07 EXPENSE REIMBURSEMENT OF OFFICERS, APPOINTEES AND EMPLOYEES

A. If in the exercise of official duties expenses are incurred, the Town ~~of Mosel~~ may provide reimbursement. This may include mileage when conducting business on behalf of the Town (not including mileage to and from board or committee meetings), postal expenses, and telephone expenses. A record and documentation must be provided to the Town Clerk-Treasurer with any request for reimbursement. The rate for mileage reimbursement will be the Federal Allowance Rate.

B. Attendance at meetings, other than the state towns convention, for the purpose of obtaining information or any necessary certification will be reimbursed if the meeting is organized by the Wisconsin Towns Association and the expense is limited to registration and mileage. Attendance at the state convention of the Wisconsin Towns Association shall receive prior approval if reimbursement is requested. All meeting registrations shall be secured through the Town Clerk-Treasurer or designee.

C. The Town Board may approve a request for reimbursement that varies from **paragraphs paragraph** A and B above.”

SECTION 2. Severability. Should any portion of this Ordinance or the affected municipal code be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder shall not be affected.

SECTION 3. Effective Date. This Ordinance shall take effect the day after publication or posting.

Enacted on May 13, 2014.

TOWN OF MOSEL

By: _____
DIRK J. ZYLMAN, Town Chairman

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing Ordinance was duly enacted by the Town Board of the Town of Mosel on the date indicated above.

Dated: May 13, 2014

RACHEL REHBEIN, Town Clerk/Treasurer

TOWN OF MOSEL

ORDINANCE NO. 2014-3

**AN ORDINANCE CREATING SECTION 4.11 OF
THE TOWN OF MOSEL MUNICIPAL CODE
REGULATING THE USE AND PROHIBITING THE SALE OF FIREWORKS**

WHEREAS, Wisconsin Statutes §167.10 authorizes local regulation of fireworks; and

WHEREAS, the Town Board of the Town of Mosel had determined that regulating fireworks as set forth below will promote the health, safety and welfare of the Town and its residents; and

NOW, THEREFORE, the Board of Supervisors of the Town of Mosel does hereby ordain as follows:

SECTION 1. Creating Code Section. Section 4.11 of the Municipal Code of the Town of Mosel is hereby created to read as follows:

4.11 REGULATION OF FIREWORKS

- A. State Statute Adopted.** The definitions, restrictions, requirements, and other provisions of § 167.10, Wis. Stats., as amended, are adopted and shall apply to the regulation of fireworks in the Town, except as specifically set forth herein.
- B. Sale.** No person may sell, or possess with intent to sell, fireworks, except:
- (1) To the Town; or
 - (2) For a purpose specified under sub C(2)(b) to (f).
- C. Use.**
- (1) No person may possess or use fireworks without a user's permit from the Chairperson of the Town, or the Chairperson's designee.
 - (2) Paragraph (a) does not apply to the following:
 - (a) The Town, but the Town fire and law enforcement officials shall be notified of the proposed use of fireworks at least two (2) days in advance.
 - (b) The possession or use of explosives in accordance with rules or general orders of the Department of Safety and Professional Services.
 - (c) The disposal of hazardous substances in accordance with rules adopted by the Department of Natural Resources.
 - (d) The possession or use of combustible materials in any manufacturing process.
 - (e) The possession or use of explosive or combustible materials in connection with classes conducted by educational institutions.
 - (f) A possessor or manufacturer of explosives in possession of a license or permit under 18 U.S.C. §§ 841 to 848 if the possession of the fireworks is authorized under the license or permit.
 - (g) The possession of fireworks in the Town while transporting the fireworks to a city, town or village where the possession of the fireworks is authorized by permit or ordinance. This exception only applies to a person who, in the course of transporting fireworks through the Town, remains in the Town for a period of less than twelve (12) hours.

- (3) A permit under this subsection may be issued only to the following:
 - (a) An individual or group of individuals at least 18 years old.
 - (b) A public authority.
 - (c) A fair association.
 - (d) An amusement park.
 - (e) A park board.
 - (f) A civic organization.
 - (g) An agricultural producer for the protection of crops from predatory birds or animals.
- (4) A person issued a permit for crop protection shall erect appropriate signs disclosing the use of fireworks for crop protection.
- (5) Fee. Permit applicants shall pay the fee indicated in the Town's Fee Schedule (§ 11.05); applications are not complete and will not be considered until such fee is paid.
- (6) The person issuing a permit under this subsection may require an indemnity bond with good and sufficient sureties or policy of liability insurance for the payment of all claims that may arise by reason of injuries to person or property from the handling, use or discharge of fireworks under the permit. The bond or policy, if required, shall be taken in the name of the Town, and any person injured thereby may bring an action on the bond or policy in the person's own name to recover the damage the person has sustained, but the aggregate liability of the surety or insurer to all persons shall not exceed the amount of the bond or policy. The bond or policy, if required, together with a copy of the permit shall be filed in the office of the Town Clerk.
- (7) A permit under this subsection shall specify all of the following:
 - (a) The name and address of the permit holder.
 - (b) The date on and after which fireworks may be purchased.
 - (c) The kind and quantity of fireworks which may be purchased.
 - (d) The date, time and specific location of permitted use.
- (8) A copy of a permit issued under this subsection shall be given to Town fire or law enforcement officials at least forty-eight (48) hours before the time of authorized use.
- (9) The Haven Fire Chief may suspend or revoke a fireworks permit if in the Chief's sole discretion dry, windy or other conditions would cause the use of fireworks to endanger persons or property.

D. Local Regulation.

- (1) No person may smoke where fireworks are stored or handled.
- (2) A person who stores or handles fireworks shall notify the Fire Chief of the Town Fire Department of the location of the fireworks.
- (3) No wholesaler, dealer or jobber may store fireworks within fifty feet (50') of a dwelling.
- (4) No person may store fireworks within fifty feet (50') of a public assemblage or place where gasoline or volatile liquid is dispensed in quantities exceeding one gallon.

E. Parental Liability. A parent, legal guardian or other person who consents to the use of fireworks by a minor is liable for any damages caused by the minor's use of the fireworks.

F. Enforcement.

- (1) The Town may petition the Circuit Court for an order enjoining violations of subsections B. or C.
- (2) Fireworks stored, handled, sold, possessed or used in violation of this section or a court order under paragraph 1. may be seized and held as evidence of the violation. Except as provided in Wis. Stats. § 968.20(4), the fireworks that are the subject of a

violation of this section or a court order under paragraph 1. may be destroyed after conviction for a violation; fireworks that are seized as evidence but for which no conviction results shall be returned to the owner.

G. Penalties.

- (1) A person who violates a court order under F.1. shall be fined not more than \$10,000.00, together with costs, and in default of payment thereof, be imprisoned in the county jail until such forfeiture and costs are paid, but not to exceed sixty (60) days.
- (2) The forfeiture for all other violations of this section shall be not more than \$1,000.00, together with costs, and in default of payment thereof, be imprisoned in the county jail until such forfeiture and costs are paid, but not to exceed sixty (60) days.

SECITON 2. Severability. Should any portion of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder shall not be affected.

SECTION 3. Effective Date. This Ordinance shall take effect the day after publication or posting.

Enacted on: **August 14, 2014.**

TOWN OF MOSEL

By: _____
DIRK J. ZYLMAN, Chairperson

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing Ordinance was duly enacted by the Board of Supervisors of the Town of Mosel on the date indicated above.

Dated: _____, 2014

RACHEL REHBEIN, Clerk/Treasurer

TOWN OF MOSEL, SHEBOYGAN COUNTY, WISCONSIN

ORDINANCE NO. 2014-4

**AN ORDINANCE REPEALING AND RECREATING
CHAPTER 2 OF THE TOWN OF MOSEL MUNICIPAL CODE
CONCERNING TOWN OF MOSEL OFFICIALS, BOARDS,
COMMISSIONS AND EMPLOYEES**

WHEREAS, Chapter 2 of the Municipal Code of the Town of Mosel currently provides for the establishment, authority, and other regulation of Town officials, boards, commissions and employees; and

WHEREAS, the Town Board desires to update and modify Chapter 2, including creation of a statutory Town Plan Commission, and to better define the Plan Commission's makeup and duties; and

WHEREAS, the Town Board determines that the enactment of this ordinance is authorized pursuant to §§ 60.10(2)(c), 60.22(3), 61.35 and 62.23, Wis. Stats., and will protect and promote the health, safety, and general welfare of residents and landowners of the Town;

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

SECTION 1. Repealing and Recreating Code Chapter. Chapter 2 of the Municipal Code of the Town of Mosel is hereby repealed and recreated as set forth in the attachment.

SECTION 2. Amending Code References. References in the Municipal Code of the Town of Mosel to the "Planning and Zoning Commission" shall be changed to the "Plan Commission".

SECTION 3. Severability. Should any portion of this Ordinance or the affected municipal code sections be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder shall not be affected.

SECTION 4. Effective Date. This Ordinance shall take effect the day after publication or posting.

Enacted **August 14, 2014**.

TOWN OF MOSEL

DIRK ZYLMAN, Town Chair

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing Ordinance was duly enacted by the Board of Supervisors of the Town of Mosel on the date indicated above.

Dated: _____, 2014

RACHEL REHBEIN, Town Clerk/Treasurer

TOWN OF MOSEL
ORDINANCE NO. 2014-5

AN ORDINANCE TO AMEND ZONING DISTRICT BOUNDARIES
ON THE TOWN OF MOSEL ZONING MAP

Pursuant to Section 62.23(7)(b), Wisconsin Statutes, the Town Board may establish the Town into zoning districts of such number, shape, and area as may be deemed best suited to carry out the purposes of a Zoning Ordinance adopted in accordance with Section 62.23, Wisconsin Statutes. **Therefore, the Town Board of the Town of Mosel, Sheboygan County, does ordain as follows:**

SECTION 1. After proper public hearing and review, the Town Board deems the following changes to the Town of Mosel Zoning Map to be suited to the purposes of the Town of Mosel Zoning Ordinance:

Effective August 14, 2014: From A-2 General Agricultural District to A-1 Prime Agricultural District, parcel #59014-181381 located at W1534 County Road MM, Cleveland, comprising a total of 7.93 acres, and more particularly described as LOT 2 CSM V22 P232-234 #1809696 – PRT SE SW, SEC 8.

SECTION 2. Notice of these changes shall be provided to the Sheboygan County Planning & Conservation Department for incorporation into the map entitled “Zoning Map, Town of Mosel, Sheboygan County, Wisconsin” upon the next printing of revisions to said map.

SECTION 3. This ordinance shall be effective upon enactment and posting as required by Sec. 60.80, Wisconsin Statutes.

Enacted this 9th day of September, 2014.

TOWN OF MOSEL

By _____
Dirk J. Zylman, Town Chair

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing Ordinance was duly enacted by the Town Board of the Town of Mosel, Sheboygan County, on the 9th day of September, 2014.

Rachel Rehbein, Town Clerk-Treasurer

TOWN OF MOSEL, SHEBOYGAN COUNTY, WISCONSIN

ORDINANCE NO. 2014-6

**AN ORDINANCE REPEALING AND RECREATING
CHAPTER 3 OF THE TOWN OF MOSEL MUNICIPAL CODE
CONCERNING TOWN ROAD AND RIGHT-OF-WAY**

WHEREAS, the Town Board desires to update the language and modify provisions of Chapter 3 of the Town of Mosel Municipal Code concerning Town roads and right-of-way;

WHEREAS, the Town Board determines that the enactment of this ordinance is authorized pursuant to §§ 60.10(2)(c), 60.22(3), 61.34, Wis. Stats., and will protect and promote the health, safety, and general welfare of residents and landowners of the Town;

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

SECTION 1. Repealing and Recreating Code Chapter. Chapter 3 of the Municipal Code of the Town of Mosel is hereby repealed and recreated as set forth in the attachment.

SECTION 3. Severability. Should any portion of this Ordinance or the affected municipal code sections be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder shall not be affected.

SECTION 4. Effective Date. This Ordinance shall take effect the day after publication or posting.

Enacted **September 9, 2014**.

TOWN OF MOSEL

DIRK ZYLMAN, Town Chair

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing Ordinance was duly enacted by the Board of Supervisors of the Town of Mosel on the date indicated above.

RACHEL REHBEIN, Town Clerk/Treasurer

Town of Mosel, Sheboygan County, Wisconsin

**AN ORDINANCE AMENDING SECTION 3.02 OF
THE TOWN OF MOSEL MUNICIPAL CODE
CONCERNING TOWN ROAD WEIGHT LIMITS**

WHEREAS, pursuant to Wisconsin Statutes §§ 349.15 and 348.16, the Town Board has the authority to establish weight limits for Town roads; and

WHEREAS, the Town Board of the Town of Mosel has determined the public necessity, convenience, and general welfare of the community will be furthered by amending the Town roads which are subject to weight limits as set forth below;

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

Section 1. Amending Code Section. Section 3.02 of the Municipal Code of the Town of Mosel is hereby amended to read in its entirety as follows:

3.02 WEIGHT LIMITATION

A. ROADS RESTRICTED AND LIMITATIONS. The following maximum gross weight limits (for any group of two or more consecutive axles of a vehicle or combination of vehicles) apply to these portions of Town roads and/or bridges:

- (1) Garton Road from Lakeshore Road (formerly CTH LS) to County Trunk Highway DL (formerly Dairyland Drive): 14, 000 pounds (7 tons).
- (2) All of Lakeshore Road (formerly CTH LS) from Playbird Road north to the Manitowoc County line: 20, 000 pounds (10 tons).

B. NOTICE. To provide notice of these special weight limitations the Town shall erect and maintain along the affected portions of roadway appropriate signage which complies with the Wisconsin Manual on Uniform Traffic Control Devices.

C. PENALTY. The penalty for violation of this section shall be as follows:

- (1) If the weight exceeds the maximum permitted by 1,000 pounds or less, a forfeiture of not less than \$50 nor more than \$100 upon the first conviction, and upon the second and each subsequent conviction within a twelve (12) month period, a forfeiture of not less than \$100 nor more than \$200.

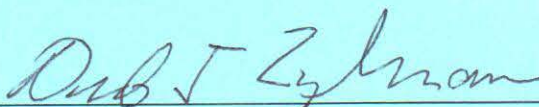
- (2) If the weight exceeds the maximum permitted by more than 1,000 pounds, a forfeiture of not less than \$100 nor more than \$200 upon the first conviction, and upon the second and each subsequent conviction within a twelve (12) month period, a forfeiture of not less than \$200 nor more than \$400.

Section 2. Severability. Should any portion of this Ordinance or the affected municipal code sections be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder shall not be affected.

Section 3. Effective Date. This Ordinance shall take effect the day after publication or posting.

Enacted: **July 15, 2015.**


TOWN OF MOSEL

By: 
Dirk Zylman, Town Chair

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing Ordinance was duly enacted by the Board of Supervisors of the Town of Mosel on the date indicated above.

Dated: July 28, 2015


Sue Born, Town Clerk/Treasurer

Posted on July 28, 2015 by _____.

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Town of Mosel, Sheboygan County, Wisconsin

**AN ORDINANCE CREATING SECTION 5.12 OF
THE TOWN OF MOSEL MUNICIPAL CODE
ESTABLISHING SEXUAL OFFENDER RESIDENCY RESTRICTIONS**

WHEREAS, the Wisconsin State Statutes provide for the punishment, treatment and supervision of persons convicted or otherwise responsible for sex crimes against children, including their release into the community; and

WHEREAS, Chapter 980 of the Wisconsin Statutes provides for the civil commitment of sexually violent persons, a more dangerous type of sex offender, and Wis. Stat. § 980.08, specifically provides, under certain conditions, for the supervised release into the community of such persons following commitment; and

WHEREAS, the Town is authorized to enact general regulations to promote the public health, safety and general welfare of the Town and its residents, pursuant to Wisconsin Statute §§ 60.10(2)(c), 60.22(3), 61.34 and 62.23; and

WHEREAS, the Town of Mosel places a high priority on maintaining public safety, in part through laws that deter and punish criminal behavior; and

WHEREAS, sex offenders have dramatically higher recidivism rates than any other type of violent felon, and according to 1997 and 2003 reports by the U. S. Department of Justice, sex offenders are the least likely to be cured and the most likely to reoffend and prey on the most innocent members of our society, and more than two-thirds of the victims of rape and sexual assault are under the age of 18; and

WHEREAS, the Town Board is aware of, and has been informed of, a number of Legislatures of these United States, including Wisconsin, Alabama, Iowa, Florida, Missouri, Louisiana and Ohio, which have adopted laws which relate to and in part impose restrictions upon sex-offenders with respect to residency; and

WHEREAS, the Town Board has considered the decision of the United States Court of Appeals for the 8th Circuit, in *Doe v. Miller*, 405 F.3d 700, 716 (8th Cir. 2005), providing in part:

"The record does not support a conclusion that the Iowa General Assembly and the Governor acted based merely on negative attitudes toward, fear of, or a bare desire to harm a politically unpopular group. Sex offenders have a high rate of recidivism, and the parties presented expert testimony that reducing opportunity and temptation is important to minimizing the risk of reoffense. Even experts in the field could not predict with confidence whether a particular sex offender will reoffend, whether an offender convicted of an offense against a teenager will be among those who 'cross over' to offend

against a younger child, or the degree to which regular proximity to a place where children are located enhances the risk of reoffense against children. One expert in the district court opined that it is just 'common sense' that limiting the frequency of contact between sex offenders and areas where children are located is likely to reduce the risk of an offense. The policymakers of Iowa are entitled to employ such 'common sense,' and we are not persuaded that the means selected to pursue the State's legitimate interest are without rational basis."

and

WHEREAS, the Town Board has considered this proposed Ordinance to provide residency and other restrictions for sexual offenders to further protect children, and upon all of the records, files, reports and proceedings pertaining to the subject matter, and all of the prior actions and experience of the Town of Mosel in protecting the community from sexually violent persons, finds this Ordinance will serve to protect the health, safety and welfare of the community.

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

Section 1. Creating Code Section. Section 5.12 of the Municipal Code of the Town of Mosel is hereby created to read as follows:

"5.12 Sexual Offender Residency Restrictions.

(1) Finding and Issue.

- (a) Repeat sexual offenders, sexual offenders who use physical violence, and sexual offenders who prey on children are sexual predators who present an extreme threat to public safety. Sexual offenders are extremely likely to use physical violence and to repeat their offenses; and most sexual offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sexual offender victimization to society at large, while incalculable, clearly exorbitant.
- (b) It is the intent of this section not to impose a criminal penalty but rather to serve the Town's compelling interest to promote, protect, and improve the health, safety, and welfare of the citizens of the Town by creating areas around locations where children regularly congregate in concentrated numbers wherein certain sexual offenders and sexual predators are prohibited from establishing temporary or permanent residence, and by preventing an undue number of sexual offenders who had no prior connections with the Town and who had not previously lived in the vicinity from being placed within the Town.

(2) **Definitions.** The following words, terms and phrases, when used in this section, shall have the meanings ascribed below, except when the context clearly indicates a different meaning:

- (a) Child or Children means a person or persons under the age of 18.
- (b) Designated Offender means: A person who is required to register under Wis. Stat. § 301.45 for any sexual offense against a child or a person who is required to register under Wis. Stat. § 301.45 for whom a bulletin to law enforcement agencies has been issued under Wis. Stat. § 301.46(2m).
- (c) Permanent Residence means a place where the person abides, lodges, or resides for fourteen (14) or more consecutive days.
- (d) Temporary Residence means a place where the person abides, lodges, or resides for a period of fourteen (14) or more days in the aggregate during any calendar year and which is not the person's permanent address or a place where the person routinely abides, lodges, or resides for a period of four or more consecutive or non-consecutive days in any month and which is not the person's permanent residence.

(3) **Sexual Offender and Sexual Predator Residence; Prohibition; Penalties; Exceptions**

- (a) Prohibited Location of Residence. It is unlawful for any designated offender to establish a permanent residence or temporary residence within 2,000 feet of any school, licensed day care center, park, recreational trail, playground or place of worship.
- (b) Prohibited Relocation. It is unlawful for any designated offender to establish a permanent residence or temporary residence within the Town if that person had never previously been a permanent resident of Sheboygan County, Wisconsin.
- (c) Prohibited Activity. It is unlawful for any designated offender to participate in a holiday event involving children, such as distributing candy or other items to children. Holiday events in which the offender is the parent or guardian of the children involved, and no non-familial children are present, are exempt from this paragraph. Participation is to be defined as actively taking part in the event.
- (d) Measurement of Distance.
 - 1. For the purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence to the nearest outer property line

of a school, licensed day care center, park, recreational trail, playground or place of worship.

2. The Town Clerk/Treasurer shall prepare an official map showing prohibited locations as defined by this section. The Town Clerk/Treasurer shall maintain the map on file at the Town Hall and update it at least annually to reflect any changes in the location of prohibited zones, designated "Child Safety Zones".

(e) Penalties. A person who violates any provision of this section shall be punished by a forfeiture not exceeding \$500.00. Each day a person maintains a residence in violation of this section constitutes a separate violation. The Town of Mosel may also seek equitable relief.

(f) Exceptions. A designated offender residing within a prohibited area as described herein does not commit a violation of this section if any of the following apply:

1. The person established the permanent residence or temporary residence and reported and registered the residence pursuant to Wis. Stat. § 301.45 before the effective date of this section.
2. The school, licensed day care center, park, recreational trail or playground within 2,000 feet of the person's permanent residence was opened after the person established and the permanent residence or temporary residence and reported and registered the residence pursuant to Wis. Stat. § 301.45.
3. The residence is also the primary residence of the person's parents, grandparents, siblings, spouse or children, provided that such parent, grandparent, sibling, spouse or child established the residence at least two (2) years before the designated offender established residence at the location.

(4) **Prohibition Against Renting to Certain Sexual Offenders and Sexual Predators; Penalties.**

- (a) It is unlawful to let or rent any place, trailer, other structure, or part thereof, with the knowledge that it will be used as a permanent residence or temporary residence by any person prohibited from establishing such residence pursuant to this section, if such place, trailer, other structure, or part thereof, is located within a prohibited location zone described in Paragraphs 3(a) and 3(b), and not subject to an exception set forth in Paragraph 3(f) above.

(b) A property owner's failure to comply with this subsection shall constitute a violation of this section and shall subject the property owner to the penalties set forth in Paragraph 3(e).

(5) **Appeal.** The restrictions in Paragraphs 3(a) and 3(b) may be waived by the Town Board through appeal by the affected party. Such appeal shall be made in writing to the Town Clerk/Treasurer, who shall forward the request to the Town Board, which shall receive reports from the Sheriff's Department on such appeal. The Town Board shall consider the public interest, as well as the affected party's presentation and concerns. After deliberation, the Town Board shall forward copies of its decision in writing via the minutes or otherwise to the Sheboygan County Sheriff for information and action, and to the affected party."

Section 2. Severability. The provisions of this Ordinance shall be deemed severable and it is expressly declared that the Town Board would have passed the other provisions of this Ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provisions of this Ordinance or the application to any person or circumstance are held invalid, the remainder of this Ordinance or the application of such other provisions to other persons or circumstances shall not be affected.

Section 3. Effective Date. This Ordinance shall take effect the day after its publication or posting.

Enacted: February 17, 2016.

TOWN OF MOSEL

By: Dirk J Zylman
Dirk Zylman, Town Chair

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing Ordinance was duly enacted by the Board of Supervisors of the Town of Mosel on the date indicated above.

Dated: 2/17, 2016

Sue Born
Sue Born, Town Clerk/Treasurer

Posted on 3/8/16, 2016 by Sue Born

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Town of Mosel, Sheboygan County, Wisconsin

**AN ORDINANCE CREATING SECTION 2.03 OF
THE TOWN OF MOSEL MUNICIPAL CODE
REGARDING THE TOWN BOARD OF REVIEW**

WHEREAS, the Town of Mosel Board of Supervisors has the authority under s. 70.47(1) and (6m)(c), Wis. Stats., to appoint alternate members to the Town Board of Review; and

WHEREAS, the Town Board desires to provide for alternate persons to serve as replacements to the Town Board of Review upon lawful removal or absence of named members;

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

Section 1. Creating Code Section. Section 2.03 of the Municipal Code of the Town of Mosel is hereby created to read as follows:

"2.03 Board of Review

A. Members. Pursuant to s. 70.46(1), Wis. Stats., the Town Board shall constitute the Town Board of Review.

B. Alternates.

(1) Appointment. The Town Chairperson shall nominate, subject to confirmation by the Town Board, at least two (2) and up to four (4) alternates to serve on the Board of Review.

(2) List. The Town Clerk shall maintain the list of alternate Board of Review members, arranged in a priority order of probable and likely service as an alternate.

(3) Procedure. The Town Clerk shall notify any Board of Review member who has been lawfully removed under s. 70.47(6m)(a) or (b), Wis. Stats., and shall then notify the alternate member of his or her appointment to replace a named member. An alternate could also be used due to a regular member's absence or inability to act. The alternate, once notified, if he or she approves the appointment, and if the appointment would not violate s. 19.59, Wis. Stats., shall then take the oath of office and act as a member of the Board of Review under s. 70.47(6m)(c), Wis. Stats.

C. Compensation. Compensation for all Board of Review members shall be Thirty-five Dollars (\$35.00) for each half day [four (4) hours] or portion thereof, not to exceed One Hundred Five Dollars (\$105.00) per day.

D. Confidentiality of Records. See Section 1.06.”

Section 2. Severability. Should any portion of this Ordinance or the affected municipal code sections be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder shall not be affected.

Section 3. Effective Date. This Ordinance shall take effect the day after its publication or posting.

Enacted: **May 4, 2016.**

TOWN OF MOSEL

By: *Dirk Zylman*
Dirk Zylman, Town Chair

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing Ordinance was duly enacted by the Board of Supervisors of the Town of Mosel on the date indicated above.

Dated: May 4, 2016

Sue Born
Sue Born, Town Clerk/Treasurer

Posted on May 10, 2016 by *Sue Born*

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Town of Mosel, Sheboygan County, Wisconsin

**AN ORDINANCE CREATING SECTION 3.05 OF
THE TOWN OF MOSEL MUNICIPAL CODE
CONCERNING SPEED LIMITS ON TOWN ROADS**

WHEREAS, the State of Wisconsin establishes speed limits within the state, pursuant to § 346.57, Wis. Stats.; and

WHEREAS, the Town of Mosel is authorized to modify speed limits for roads under its jurisdiction, pursuant to § 349.11, Wis. Stats.; and

WHEREAS, the Town of Mosel and the Town of Sheboygan previously passed a joint resolution authorizing a reduced speed limit on Playbird Road (June of 2009); and

WHEREAS, an engineering and traffic investigation was completed as required by § 349.11, Wis. Stats., which justifies the speed limit reductions set forth below; and

WHEREAS, the Town Board determines that reducing the speed limits as set forth below would enhance traffic safety and would promote the health, safety, and welfare of the Town and those driving on the affected roads;

NOW, THEREFORE, the Board of Supervisors of the Town of Mosel, Sheboygan County, Wisconsin, does hereby ordain as follows:

Section 1. Creating Code Section. Section 3.05 of the Municipal Code of the Town of Mosel is hereby created to read as follows:

3.05 SPEED RESTRICTIONS ON TOWN ROADS

A. ROADS AFFECTED AND LIMITATIONS. The following speed limits apply to these portions of Town roads:

- (1) Lakeshore Road—from Orchard Road south to CTH MM: reduced from fifty-five miles per hour (55 MPH) to forty-five miles per hour (45 MPH).
- (2) Playbird Road—from Rangeline Road east to Lakeshore Road: reduced from fifty-five miles per hour (55 MPH) to forty-five miles per hour (45 MPH).

B. SIGNAGE. Pursuant to § 349.11(5), Wis. Stats., the Town shall cause the placement of appropriate traffic signs which comply with the Wisconsin Manual on Uniform Traffic Control Devices.

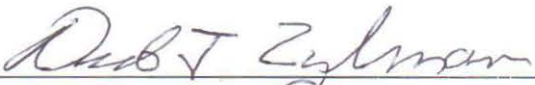
C. VIOLATIONS. Any violation of this section shall be subject to penalties under § 346.60, Wis. Stats., or the corresponding Town Municipal Code.

Section 2. Severability. Should any portion of this Ordinance or the affected municipal code sections be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder shall not be affected.

Section 3. Effective Date. This Ordinance shall take effect the day after publication or posting, and upon the placement of appropriate traffic signs.

Enacted: **November 16, 2016.**

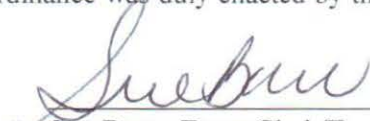
TOWN OF MOSEL

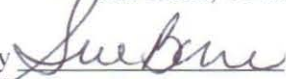
By: 
Dirk Zylman, Town Chair

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing Ordinance was duly enacted by the Board of Supervisors of the Town of Mosel on the date indicated above.

Dated: Nov 16, 2016


Sue Born, Town Clerk/Treasurer

Posted on Nov. 22,, 2016 by 

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Town of Mosel, Sheboygan County, Wisconsin

**AN ORDINANCE CREATING SECTION 5.13 OF
THE TOWN OF MOSEL MUNICIPAL CODE
REGARDING NOISE REGULATIONS**

WHEREAS, the Town of Mosel Board of Supervisors is authorized to enact general regulations to promote the public health, safety and general welfare of the Town and its residents, pursuant to Wisconsin Statute §§ 60.10(2)(c), 60.22(3) and 61.34; and

WHEREAS, the Town Board, pursuant to its above-referenced policy powers, desires to regulate the amount and volume of noise in the Town;

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

Section 1. Creating Code Section. Section 5.13 of the Municipal Code of the Town of Mosel is hereby created to read as follows:

"5.13 NOISE REGULATIONS

A. Definitions.

(1) American National Standards Institute ("ANSI") Definitions Adopted. All acoustical terminology shall be that contained in ANSI, S1.1, "Acoustical Terminology" which is adopted and incorporated herein by reference.

(2) Additional Definitions.

1. "Daytime Hours" shall mean the time from 8:00 A.M. to 6:00 P.M.
2. "Light Motor Vehicle" shall mean any automobile, van, motorcycle, motor driven cycle, motor scooter, or light truck with a gross vehicular weight of less than eight thousand (8,000) pounds.
3. "Nighttime Hours" shall mean the time from 6:00 P.M. to 8:00 A.M.

B. Limitations.

(1) General Limitation. No person shall cause, allow or assist in making any noise tending to unreasonably disturb the peace and quiet of persons in the vicinity thereof.

(2) **Specific Limitation.** No person shall cause, allow or assist in making a noise level, as measured from a property boundary, to exceed the following:

Octave Band Frequency (Hz.)	Daytime Maximum Sound Levels (decibels)	Nighttime Maximum Sound Levels (decibels)
31.5	96 dB	86 dB
63	82 dB	71 dB
125	74 dB	61 dB
250	67 dB	53 dB
500	63 dB	48 dB
1000	60 dB	45 dB
2000	57 dB	42 dB
4000	55 dB	40 dB
8000	53 dB	38 dB

(3) **Light Motor Vehicle Limitation.** No person shall cause noise levels from the operation of a light motor vehicle to exceed 80 dB as measured from at least fifteen (15) feet from the vehicle in an area open to the public.

(4) **Electrical Sound Amplification.** During nighttime hours, no person may operate a radio or electrical sound amplification device emitting a sound that is audible from a distance of more than 75 feet from the boundary of the property from which the sound is emanating.

C. Measurement. Measurement of sound pressure pursuant to this section shall be made either with a sound level meter that meets or exceeds the ANSI requirements of the American Standard Specification for Sound Level Meters, Type I or Type II (ANSI S1.4 – 1983) or with an Octave Band Analyzer that meets or exceeds the requirements of ANSI (S1.6 – 1984) or any successor nationally adopted standards.

D. Exemptions. The following activities shall be exempt from the noise regulations of this section provided that reasonable steps are taken to minimize the noise emitted:

(1) **Construction Sites, Demolition Sites and Public Utilities.** Construction sites, demolition sites and public utilities during daytime hours Monday through Saturday; however, the noise therefrom shall be minimized through proper equipment operations and maintenance. Stationary equipment on construction or demolition projects lasting more than 10 days within residential districts shall be shielded or located to prevent unnecessary noise.

(2) **Emergency Operations.** Emergency short-term operations necessary to protect the health and welfare of the citizens, to warn against unsafe conditions, or otherwise required by law.

(3) **Power Equipment.** Operation of lawn, garden and snow removal power equipment necessary for the maintenance of property, kept in good repair and maintenance, which, when new, would not comply with the standards set forth in this section.

(4) **Agricultural Activities.** Seasonal agricultural activities including planting, cultivating, fertilizing and harvesting, provided the noise therefrom is minimized through proper equipment operations and maintenance.

E. Special Variance Permits.

(1) **General.** A special variance permit to exceed the noise limitations of this section may be issued for an event or circumstance of limited duration, including special community events.

(2) **Application.** Any person seeking a special variance permit shall file a written application with the Town Clerk, at least 40 days prior to the proposed commencement of the event or activity for which the variance permit is requested. The application shall contain all information deemed necessary by the Town.

(3) **Issuance.** The Town Board may grant a special variance permit upon findings that the variance promotes a public interest and results in minimal harm to the public health, safety and welfare. The Board shall notify the applicant concerning all necessary conditions, including time limits on the permitted activity. Noncompliance with any permit condition shall be cause for termination and subject the holder to those provisions of this section regulating the source of sound or activity for which the special variance is granted.

F. Conditional Variance Permits.

(1) **General.** A conditional variance permit may be issued for ongoing or recurring sources of sound which do not comply with the standards of this section for technical or economic reasons.

(2) **Application.** Any person seeking a conditional variance permit shall file a written application with the Town Clerk, at least 40 days prior to the proposed commencement of the event or activity for which the variance permit is requested. The application shall contain all information deemed necessary by the Town.

(3) **Hearing.** The Town Board shall conduct a public hearing on the application, preceded by a Class 1 notice. The applicant may be required to submit such additional information as the Board reasonably requires.

(4) **Issuance.** The Town Board may grant a conditional variance permit upon findings that the variance promotes a public interest and results in minimal harm to the public health, safety and welfare. The Board shall notify the applicant concerning

all necessary conditions. Noncompliance with any permit condition shall be grounds for termination and subject the holder to those provisions of this section regulating the source of sound or activity for which the special variance is granted.

G. Penalties; Enforcement.

(1) **First Offense.** A violation of this section shall be punishable by a forfeiture of \$100, plus costs.

(2) **Subsequent Offenses.** Subsequent violations of this section within a 30 day period shall be punishable by a forfeiture of \$250 (plus costs) for the second offense and \$500 (plus costs) for each further offense.

(3) **Enforcement.** Any 60 minute period during which the maximum sound levels allowed by this section are exceeded shall constitute a separate offense. For repeated or egregious violations, the Town may seek equitable relief to enjoin future violations.”

Section 2. Severability. Should any portion of this Ordinance or the affected municipal code sections be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder shall not be affected.

Section 3. Effective Date. This Ordinance shall take effect the day after its publication or posting.

Enacted: Nov 16, 2016.

TOWN OF MOSEL

By: Dirk Zylman
Dirk Zylman, Town Chair

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing Ordinance was duly enacted by the Board of Supervisors of the Town of Mosel on the date indicated above.

Dated: Nov 16, 2016

Sue Born
Sue Born, Town Clerk/Treasurer

Posted on Nov 22, 2016 by Sue Born.

Town of Mosel, Sheboygan County, Wisconsin

**AN ORDINANCE REPEALING AND RECREATING SECTION 5.02 OF
THE MUNICIPAL CODE OF THE TOWN OF MOSEL
REGARDING CITATION AUTHORITY**

WHEREAS, pursuant to s. 66.0113, Wis. Stats., the Town Board may authorize the issuance of citations for violations of Town ordinances, including ordinances with statutory counterparts; and

WHEREAS, the Town Board determines that the enactment of this ordinance will protect and promote the health, safety, and general welfare of residents and landowners of the Town;

NOW, THEREFORE, the Board of Supervisors of the Town of Mosel does hereby ordain as follows:

Section 1. **Repealing Code**. Section 5.02 of the Municipal Code of the Town of Mosel, entitled "An Ordinance Prohibiting a Minor's Misrepresentation of Procure, Possess or Consume Intoxicating Liquor" is hereby repealed since it is no longer necessary.

Section 2. **Creating Code**. A new Section 5.02 of the Municipal Code of the Town of Mosel, concerning citation authority is created to read as follows:

5.02 Citation Authority

(1) Purpose. The purpose of this section is to authorize specific Town officials to issue citations for violations of this municipal code, including sections with statutory counterparts.

(2) Authority. This section is adopted pursuant to §66.0113, Wis. Stats., and except as otherwise provided herein, its provisions and any future amendments describing and defining procedures with respect to the issuance and resolution of citations for code violations are adopted by reference as if fully set forth herein.

(3) Form.

(a) General citations issued pursuant to this section shall be on the "Wisconsin Uniform Municipal Citation" or a locally printed form which is substantially similar, and which includes all of the information required pursuant to §66.0113(1)(b), Wis. Stats.

(b) For traffic violations, except for parking violations, the uniform traffic citation specified in §345.11, Wis. Stats., shall be used in lieu of the citation form described in the preceding paragraph.

(4) Bond; Cash Deposits. For any non-traffic citation issued pursuant to this section, the required bond/cash deposit shall be the minimum forfeiture amount allowed for the violation, plus applicable statutory costs, fees, surcharges and assessments. Cash deposits are to be made to, and a receipt obtained from, the Sheboygan County Clerk of Court.

(5) Issuance and Service -

(a) Citations may be issued by the:

- 1. Town Chair.
- 2. Town Clerk, as specifically directed by the Town Board on a case by case basis.
- 3. Town Constable, but only for matters related to Town roads, parking, noise, littering and dogs.

(b) Citations may be served by the Town Constable or the Sheboygan County Sheriff.

(c) For any citation issued to a minor, a copy of the citation shall be mailed or delivered to the child's parent or legal guardian within seven (7) days of issuance.

(6) Relationship to Other Laws. The authorization granted pursuant to this section and any citation issued hereunder does not preclude nor mandate the Town to enforce any code, ordinance, rule, or regulation in any manner it deems appropriate.

Section 3. Severability. Should any portion of this Ordinance or the affected municipal code sections be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder shall not be affected.

Section 4. Effective Date. This Ordinance shall take effect the day after its publication or posting.

Enacted: December 21, 2016.

TOWN OF MOSEL

By: Dirk J Zylman
Dirk Zylman, Town Chair

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing Ordinance was duly enacted by the Board of Supervisors of the Town of Mosel on the date indicated above.

Dated: December 21, 2016

Sue Born
Sue Born, Town Clerk/Treasurer

Posted on December 21, 2016 by Sue Born.

Town of Mosel, Sheboygan County, Wisconsin

AN ORDINANCE AMENDING SECTION 3.02 AND CREATING 3.06 OF THE TOWN OF MOSEL MUNICIPAL CODE CONCERNING TOWN ROAD WEIGHT LIMITS AND CREATING A NO-PASSING ZONE

WHEREAS, the Town of Mosel is authorized to establish weight limits for roads under its jurisdiction, pursuant to §§ 349.15 and 348.16, Wis. Stats.; and

WHEREAS, the Town of Mosel is authorized to designate no-passing zones on roads under its jurisdiction, pursuant to § 349.12, Wis. Stats; and

WHEREAS, the Town Board of the Town of Mosel has determined the public necessity, convenience, and general welfare of the community will be furthered by amending those portions of Town roads which are subject to weight limits, and the areas where vehicles may not pass;

NOW, THEREFORE, the Board of Supervisors of the Town of Mosel, Sheboygan County, Wisconsin, does hereby ordain as follows:

Section 1. Amending Code Section. Paragraph 3.02.A(1) of the Municipal Code of the Town of Mosel is hereby amended to read in its entirety as set forth below:

3.02 WEIGHT LIMITATION

A. ROADS RESTRICTED AND LIMITATIONS...

- (1) All of Garton Road (from Rangeline Road to its eastern terminus in Section 34): 14, 000 pounds (7 tons).

Section 2. Creating Code Section. Section 3.06 of the Municipal Code of the Town of Mosel is hereby created to read as follows:

3.06 PASSING RESTRICTIONS ON TOWN ROADS. Overtaking or passing or driving to the left of the center of the roadway is prohibited on the following portions of Town roads:

- A. Lakeshore Road (formerly CTH LS) south of Garton Road adjacent to the Kohler Co. Generator Plant (from 1/4 of a mile north of Garton Road, then south to 1/8th of a mile south of the south plant entrance driveway).
- B. Reserved

Section 3. Severability. Should any portion of this Ordinance or the affected municipal code sections be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder shall not be affected.

Section 4. Effective Date. This Ordinance shall take effect the day after publication or posting, and upon the placement of appropriate traffic signs.

Enacted: **September 20, 2017.**

TOWN OF MOSEL

By: _____
Aaron Anger, Town Chair

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing Ordinance was duly enacted by the Board of Supervisors of the Town of Mosel on the date indicated above.

Dated: _____, 2017 _____
Sue Born, Town Clerk/Treasurer

Posted on _____, 2017 by _____.

Town of Mosel, Sheboygan County, Wisconsin

**AN ORDINANCE AMENDING CHAPTER 9
OF THE TOWN MUNICIPAL CODE
REGARDING WASTE REMOVAL**

WHEREAS, the Town Plan Commission has recommended modifications to the Town Municipal Code concerning waste removal; and

WHEREAS, the Town Board has determined that amending the Town Municipal Code accordingly would promote the public health, safety, welfare, and convenience of the Town and its inhabitants;

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

Section 1. Amending Code Section. Section 9.01 of the Municipal Code of the Town of Mosel is amended by the addition of the following subsection:

- I. All businesses that operate in the Town of Mosel are required to have their own removal of commercial waste.

Section 2. Severability. Should any portion of this Ordinance or the affected municipal code be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder shall not be affected.

Section 3. Effective Date. This Ordinance shall take effect the day after publication or posting.

Enacted on May 17, 2017.

TOWN OF MOSEL

Aaron Anger, Town Chair

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing Ordinance was duly enacted by the Board of Supervisors of the Town of Mosel on the date indicated above.

Dated: _____, 2017

Sue Born, Town Clerk/Treasurer

Posted on _____, 2017 by _____.

Town of Mosel, Sheboygan County, Wisconsin

**AN ORDINANCE AMENDING SECTION 3.04
OF THE TOWN MUNICIPAL CODE
REGARDING NON-COMERCIAL DRIVEWAY SETBACKS**

WHEREAS, the Town Plan Commission has recommended modifications to the Town Municipal Code concerning non-commercial driveways; and

WHEREAS, the Town Board has determined that amending the Town Municipal Code accordingly would promote the public health, safety, welfare, and convenience of the Town and its inhabitants;

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

Section 1. Amending Code Section. Section 3.04.L of the Municipal Code of the Town of Mosel is hereby amended by the addition of the following paragraph:

- (6) **Setbacks.** All driveways shall be set back at least five feet (5.0') from adjoining properties.

Section 2. Severability. Should any portion of this Ordinance or the affected municipal code be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder shall not be affected.

Section 3. Effective Date. This Ordinance shall take effect the day after publication or posting.

Enacted on May 17, 2017.

TOWN OF MOSEL

Aaron Anger, Town Chair

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing Ordinance was duly enacted by the Board of Supervisors of the Town of Mosel on the date indicated above.

Dated: _____, 2017

Sue Born, Town Clerk/Treasurer

Posted on _____, 2017 by _____.

Town of Mosel, Sheboygan County, Wisconsin

**AN ORDINANCE AMENDING CHAPTERS 1, 4 AND 7
OF THE TOWN MUNICIPAL CODE CONCERNING ACCESSORY USES,
INCLUDING CHICKENS IN THE R-1 ZONING DISTRICT**

WHEREAS, the Town Plan Commission has recommended modifications to the Town Municipal Code concerning accessory uses and structures, including to allow chickens as an accessory use in the R-1 Residential Zoning District; and

WHEREAS, the Town Board has determined that amending the Town Zoning Code accordingly would promote the public health, safety, welfare, and convenience of the Town and its inhabitants;

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

Section 1. Amending Code Section. Subsection 7.07.C. of the Municipal Code of the Town of Mosel is hereby amended with the addition of the following specific accessory use:

- (6) **Chickens.** Raising chickens in the R-1 Single-Family Residential District, subject to a valid permit obtained pursuant to Municipal Code Section 4.06.

Section 2. Repealing and Recreating Code Section. Section 4.06 of the Municipal Code of the Town of Mosel is hereby repealed and recreated to read as follows:

4.06 CHICKENS IN THE R-1 DISTRICT

A. PERMIT REQUIRED. Landowners desiring to keep chickens in the R-1 District must submit an application and the fee required pursuant to Code Section 11.05 to the Town Clerk. All permits must be approved in writing by the Town Board, be valid for no longer than one (1) year, and expire on December 31.

B. LIMITATIONS.

- (1) **Large Lots.** No more than ten (10) chickens may be kept on parcels larger than 1 acre.
- (2) **Small Lots.** For parcels of 1 acre or less, no more than four (4) chickens are allowed. The applicant must also have obtained the written consent of all adjoining property owners.
- (3) **No roosters are allowed.**
- (4) **Hens may not run loose but shall be kept in a covered or fenced enclosure at all times. All structures and areas where chickens are**

kept shall be constructed so as to be easily cleaned and kept in good repair.

- (5) Permanent enclosures must be at least 25 feet from residential structures on adjacent lots, 10 feet from lot lines, and 25 feet from road right-of-way.

C. **REVOCAATION.** If these regulations and the terms of the permit are not complied with, the Town Board may revoke the permit after notice to the permittee.

Section 3. Amending Code Section. Section 11.05 of the Municipal Code of the Town of Mosel concerning "Fees and Charges" is amended with the addition of the following permit fee:

Chickens (allowed in the R-1 District; expires 12/31) \$10/year

Section 4. Amending Code Section. Subparagraph 7.07.E(3)(b) of the Municipal Code of the Town of Mosel is hereby amended to read in its entirety as follows:

- (b) No structure shall be placed directly between the principle building and the road.

Section 5. Severability. Should any portion of this Ordinance or the affected municipal code be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder shall not be affected.

Section 6. Effective Date. This Ordinance shall take effect the day after publication or posting.

Enacted on: May 17, 2017.

TOWN OF MOSEL

Aaron Anger, Town Chair

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing Ordinance was duly enacted by the Board of Supervisors of the Town of Mosel on the date indicated above.

Dated: _____, 2017

Sue Born, Town Clerk/Treasurer

Posted on _____, 2017 by _____.

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Town of Mosel, Sheboygan County, Wisconsin

**AN ORDINANCE AMENDING CHAPTER 7
OF THE TOWN OF MOSEL MUNICIPAL (ZONING) CODE
TO CREATE AN AGRICULTURAL ENTERPRISE ZONING DISTRICT
AND TO AMEND RELATED USES**

WHEREAS, Town residents and landowners have sought to use agricultural land for agritourism and farm-based entrepreneurial uses; and

WHEREAS, the Town Plan Commission has recommended the creation of an Agricultural Enterprise zoning district to allow for such uses while maintaining the Town's rural character and preserving productive farmland; and

WHEREAS, the Town Board has determined that amending the Town Zoning Code accordingly would promote the public health, safety, welfare, and convenience of the Town and its inhabitants;

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

Section 1. Amending Code Sections. Chapter 7 of the Municipal (Zoning) Code of the Town of Mosel is amended as set forth in the attachment "AE – Agricultural Enterprise District; Draft v. 4 9/22/17", which is incorporated herein by reference.

Section 2. Amending Code Section. Paragraph 7.05.A.(1)(b) of the Municipal (Zoning) Code of the Town of Mosel is hereby amended with the addition of the following:

- (ii) Aquaponics [inserted after (i); remaining subparagraphs renumbered]

Section 3. Amending Code Section. Paragraph 7.05.A.(1)(b)(vii) (as renumbered pursuant to the preceding Section 2 of this Ordinance) of the Municipal (Zoning) Code of the Town of Mosel is hereby amended to read as follows (additions indicated by underlining):

- (vii) Horticulture—Outdoor (cultivation of fruits, vegetables, flowers, ornamental plants)

Section 4. Severability. Should any portion of this Ordinance or the affected municipal code sections be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder shall not be affected.

Section 5. Effective Date. This Ordinance shall take effect the day after publication or posting.

Enacted: **October 18, 2017**

TOWN OF MOSEL

Aaron Anger, Town Chair

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing Ordinance was duly enacted by the Board of Supervisors of the Town of Mosel on the date indicated above.

Dated: _____, 2017

Sue Born, Town Clerk/Treasurer

Posted on _____, 2017 by _____.

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[Insert into 7.02 B. DEFINITIONS]

AGRICULTURAL PRODUCTS

Includes but is not limited to, crops (corn, wheat, hay, potatoes); fruit (apples, peaches, grapes, cherries, berries, etc.); cider; vegetables (sweet corn, pumpkins, tomatoes, etc.); floriculture; herbs; forestry; husbandry; livestock and livestock products (cattle, sheep, hogs, horses, poultry, ostriches, emus, farmed deer, farmed buffalo, milk, eggs, and fur, etc.); aquaculture products (fish, fish products, water plants and shellfish); aquaponics products; horticultural specialties (nursery stock, ornamental shrubs, flowers and Christmas trees); maple sap, etc.

AGRICULTURAL PRODUCTS, VALUE-ADDED

The enhancement or improvement of the overall value of an agricultural commodity or of an animal or plant product to a higher value. The enhancement or improvement includes, but is not limited to, marketing, agricultural processing, transforming, packaging; and educational presentation, activities, and tours that relate to agriculture or agricultural products.

AGRICULTURALLY RELATED PRODUCTS

Items sold at a farm market to attract customers and promote the sale of agricultural products. Such items include, but are not limited to, all agricultural and horticultural products, animal feed, baked goods, ice cream and ice cream based desserts and beverages, jams, honey, gift items, food stuffs, clothing and other items promoting the farm and agriculture in Wisconsin, and value-added agricultural products and on-site production.

NON-AGRICULTURALLY RELATED PRODUCTS

Those items not connected to farming or the farm operation, such as novelty T-shirts or other clothing, crafts and knick-knacks imported from other states or countries, etc.

AGRICULTURALLY RELATED STRUCTURES

Those structures that predominantly store or support agricultural products, uses, or equipment, such as barns, silos, coops, cribs, sheds, cellars, granaries, stables, mills, farmhouses, etc.

AGRITOURISM

The visiting of an agribusiness, horticultural, or agricultural operation for recreational or educational purposes related to the activities and/or products of the operation.

AGRITOURISM RELATED ACTIVITIES

Those activities that predominantly use agricultural products, structures, or equipment, such as pony rides, horseback riding, petting zoos, fishing ponds, ornamental gardens, corn mazes, straw mountains, pumpkin patches/rolling, barn dances, sleigh/hay/wagon rides, bonfires, and educational events, such as farming and food preserving classes, etc.

NON-AGRITOURISM RELATED ACTIVITIES

Activities that are part of an agricultural tourism operation's total offerings but not tied to farming. Such non-agriculturally related activities include carnivals, concerts,

weddings, reunions, celebrations, meetings, retreats, etc. and must be held within an event barn or similar facility for which a conditional use has been granted.

BED AND BREAKFAST BUSINESS

A building other than a hotel or motel in which accommodations, with or without meals, is offered to transient guests for compensation and in which there are no more than four (4) sleeping rooms providing accommodations for no more than eight (8) adults and four (4) children total, with no cooking facilities in any guest room or common guest space. The building is also the residence of the owner of the business.

BREWERY, MICRO- / NANO- / PICO-

The manufacturing premises of an alcoholic beverage permittee regulated by the Wisconsin Department of Revenue that brews no more than 10,000 U.S. beer barrels (310,000 gallons) in one calendar year. May include retail/wholesale of beverage and related products, as well as a tasting room.

CABIN, RENTAL

A small house or cottage, usually of simple design and construction, for the temporary (maximum stay of 21 days) occupancy by guests. Cabins may contain a full kitchen and bath but may not exceed 2,000 square feet of floor space.

CIDER MILL

The manufacturing premises of an alcoholic beverage permittee regulated by the Wisconsin Department of Revenue where apples are processed into cider, and that produces no more than 10,000 gallons of cider in one calendar year. May include retail/wholesale of beverage and related products, as well as a tasting room.

COMMERCIAL KITCHEN

A small-scale food processing and/or sales facility licensed by the Wisconsin Department of Agriculture, Trade and Consumer Protection.

COMMUNITY SUPPORTED AGRICULTURE (CSA)

A farm supported in full or in part by individuals from the surrounding region who pledge their monetary and/or physical assistance to the farm operation in exchange for shares of the harvest.

DISTILLERY (MICRO-)

The manufacturing premises of an alcoholic beverage permittee regulated by the Wisconsin Department of Revenue that produces no more than 10,000 gallons of distilled spirits in one calendar year. Also known as “Farm-to-Flask” or “Grain to Glass.” May include retail/wholesale of beverage and related products, as well as a tasting room.

EVENT BARN

A barn or barn-like building used for the occasional hosting of agriculturally related and non-agriculturally related activities.

FARM MARKET / ON-FARM MARKET / FARM DIRECT MARKETING

The sale of agricultural products or value-added agricultural products, at least fifty percent (50%) of which was produced on-site, directly to the consumer.

FARMER’S MARKET

A market (e.g., group of stalls and/or booths) where vendors sell agricultural products, value-added agricultural products, and agriculturally related products directly to consumers.

LODGE

A building other than a hotel or motel in which accommodations, with or without meals, is offered to transient guests for compensation and in which there are no more than eight (8) sleeping rooms providing accommodations for no more than sixteen (16) adults and eight (8) children total, with no cooking facilities in any guest room or common guest space.

MEADERY

The manufacturing premises of an alcoholic beverage permittee regulated by the Wisconsin Department of Revenue that brews no more than 1,000 U.S. beer barrels (31,000 gallons) of mead in one calendar year. May include retail/wholesale of beverage and related products, as well as a tasting room.

RENT-A-TREE OPERATION

An orchard that sells in advance the potential yield of a specific tree(s) to an individual(s) or group who harvests the fruit of their tree at the end of the growing season. The orchard operators are typically responsible for the care of the tree, such as pruning and watering.

RURAL CHARACTER

Rural character consists of a pleasant, quiet landscape of open spaces, natural areas, farms, wildlife, historic features, and small-scale development with low densities and traffic levels, unobtrusive signage, and limited lighting.

SEASONAL

A recurrent period characterized by certain occurrences, festivities, or crops; harvest, when crops are ready; not all year round.

SEASONAL SIGN

A sign erected for a limited period of time during the year when retailing activities for a particular farm product is available to the public.

U-PICK OPERATION

A fruit or vegetable-growing farm that provides the opportunity for customers to pick their own fruits or vegetables directly from the plant.

WINERY, BOUTIQUE

The retail and/or manufacturing premises of an alcoholic beverage permittee regulated by the Wisconsin Department of Revenue that produces no more than 10,000 cases (23,780 gallons) in one calendar year. May include retail/wholesale of beverage and related products, as well as a tasting room.

[Insert into 7.05 DISTRICT REGULATIONS]

G. A-E AGRICULTURAL ENTERPRISE DISTRICT

The purpose of this district is to allow agritourism and farm-based entrepreneurial uses while maintaining rural character, preserving farmland, and protecting the health, safety, and welfare of citizens. Further, this district was created to enable increased contributions to the local economy and tax base; to provide standard definitions related to agritourism and farm-based business operations; to provide a list of activities that are eligible for conditional use permit consideration; and to provide a clear understanding of the expectations for these uses for operators, landowners and residents, and local officials.

(Note: The A-E District is not part of the Town's Farmland Preservation Zoning.)

No building or use shall hereafter be established or enlarged within the A-E Agricultural Enterprise District unless it conforms to the following regulations, except for such building or use identified and regulated in Section 7.07 ACCESSORY USES.

(1) Permitted Uses

- (a) All uses permitted in the A-1 Prime Agricultural District, provided the minimum land area is equal to or greater than twenty (20) acres. If the land area is less than twenty (20) acres, all permitted uses in the A-1 District shall be conditional uses in A-E, except as provided in subsections (b) through (e) below.
- (b) Single-family dwellings. Any such dwelling must comply with the requirements set forth in Section 7.01 D(3) Area, Yard, and Building Bulk Requirements. The dwelling must be located so as to preserve productive farmland.
- (c) Horticulture, excluding greenhouses and plant nurseries
- (d) Crop and tree farming
- (e) Keeping of riding horses, ponies, or donkeys in private stables; and livestock and poultry in suitable enclosed buildings, with a maximum of five (5) head of livestock and/or twenty (20) fowl per acre.

(2) Conditional Uses - Refer to Section 7.06 CONDITIONAL USES.

(3) Area, Yard, and Building Bulk Requirements

- (a) **Minimum lot area:** Five (5) acres, unless otherwise specified for particular conditional uses.
- (b) **Minimum lot width:** Two hundred fifty (250) feet.
- (c) **Front yard setbacks:** Not less than seventy-five (75) feet from the centerline of the adjacent road.
- (d) **Side and rear yard setbacks:** Not less than twenty-five (25) feet each.
- (e) **Maximum building height:** No building used for dwelling purposes shall be more than thirty-five (35) feet in height.
- (f) **Minimum setback for livestock buildings:** No building serving to house livestock or poultry shall be closer than fifty (50) feet to the lot line of an adjoining lot in a district permitting residential use.

[Insert into 7.06 *CONDITIONAL USES*]

T. **CONDITIONAL USES IN A-E AGRICULTURAL ENTERPRISE DISTRICT**

(1) **General Requirements**

The following requirements shall apply to all agritourism uses unless additional or more stringent requirements are listed for a particular use elsewhere in this Section, in which case the more restrictive shall apply.

- (a) Federal, State, County Approvals – Any uses and/or structures requiring licenses, permits, or other approvals from any entity other than the Town of Mosel shall have obtained said approval(s) prior to applying for a conditional use permit.
- (b) Road Weight Restrictions – All vehicles related to the agritourism use shall comply with applicable road weight restrictions.
- (c) Lot Size – If part of a lot is sold, and the remaining lot is less than the minimum required size for a particular conditional use(s), such conditional use(s) shall be no longer be allowed.
- (d) Number of Conditional Use Permits – A separate conditional use permit will be required for each use or group of uses that is operated by a separate individual.
- (e) Hours – Unless stated otherwise in subsection (2) Conditional Uses, the hours that conditional uses in the A-E District are available to the public are limited to 9:00 a.m. to 7:00 p.m. Extended hours may be negotiated with the Town for special circumstances.
- (f) Structures – All structures intended for a use listed in subsection (2) Conditional Uses shall meet the following criteria:
 - (i) The uses listed in subsection (2) that require interior space shall only be housed in agriculturally related structures or in structures or expansions to structures completed prior to July 1, 2017; however, structures or expansions completed after July 1, 2017 are allowed if the square footage of the new structure or expansion does not exceed twenty-five percent (25%) of the square footage of existing structures on the same lot as of July 1, 2017.
 - (ii) The exterior and interior style, design, and décor of any new or renovated structure shall be consistent with the Town’s rural character.
 - (iii) The location and operation of any new or expanded structure shall not interfere with normal agricultural practices on and off site or convert prime agricultural lands to a non-agricultural use.
- (g) Parking – All structures, uses, and activities dependent on vehicular access shall meet the following criteria:
 - (i) Safe vehicular access and customer parking shall be provided on-site or on an adjacent property on the same side of the road if a formal agreement is reached between the applicant and the adjacent landowner.
 - (ii) Parking shall be designed in such a way that vehicles do not need to back off of or onto a public road.
 - (iii) Parking areas that are accessed by driveways or lanes inside the property are recommended. Entries and exits to parking areas that directly access a

public roadway shall require a driveway permit from the Town of Mosel or Sheboygan County, whichever applies.

- (iv) Parking areas shall be defined by gravel, cut grass, sand, or other visible marking.
- (v) Parked vehicles shall be located outside public right-of-ways and at a minimum distance of forty (40) feet from the road pavement edge abutting the property.
- (vi) Parked vehicles shall be located at least forty (40) feet from side and rear property lines.
- (vii) Conditional use applicants shall include a parking plan, drawn to scale, with their application materials that shows the following:
 - (a) Extents of parking areas and vehicle capacity.
 - (b) Estimate of the peak number of vehicles for normal business operations.
 - (c) A plan for overflow parking for events expected to exceed the normal peak number of vehicles.
- (h) Signs
 - (i) All signs related to this district shall conform with the applicable standards listed in Section 7.10 Signs of the Town of Mosel Zoning Ordinance.
- (i) Lighting
 - (i) Any exterior lighting installed related to an agritourism use or activity shall be appropriately shielded and directed generally downwards to minimize light pollution.
- (j) Noise
 - (i) All agritourism uses shall abide by the limitations specified in Section 5.13 of the Town of Mosel Municipal Code regarding noise regulations.

(2) Conditional Uses

- (a) Agritourism related uses activities
- (b) Bed and Breakfast Businesses
 - (i) The only meal served shall be breakfast, and food service shall be limited to overnight guests. There shall be no cooking facilities in any guest room or common guest space.
 - (ii) Up to four (4) sleeping rooms and provide accommodations for up to eight (8) adults and four (4) children.
- (c) Breweries, micro- / nano- / pico-
 - (i) Maximum interior visitor capacity is 30 persons at any one time.
- (d) Cabins, rental
 - (i) Sleeping capacity for all units in total not to exceed twelve (12) persons.
 - (ii) Maximum cabin size is two thousand (2,000) square feet and one-and-a-half (1½) stories.
- (e) Cafés, Delicatessens, Diners, Eateries
 - (i) At least fifty percent (50%) of the menu items must be derived from ingredients grown, raised, or produced within ten (10) miles of the site.
 - (ii) Maximum interior visitor capacity is 30 persons at any one time.
- (f) Cider mills
 - (i) Maximum visitor capacity is 30 persons at any one time.

- (g) Commercial kitchens
 - (i) At least fifty percent (50%) of the processed items must be derived from ingredients grown, raised, or produced within ten (10) miles of the site.
- (h) Community supported agriculture (CSA)
 - (i) Distilleries, micro-
 - (i) Maximum interior visitor capacity is 30 persons at any one time.
- (j) Event barns
 - (i) The frequency of events that include activities using sound amplification shall be limited to one Friday or Saturday night every other weekend. Event frequency may be negotiated with the Town for special circumstances.
 - (ii) Dates, times, durations, and descriptions of upcoming events shall be provided in a timely and convenient manner to nearby residents and Town officials when requested.
 - (iii) Event hours are limited to 7:00 a.m. to 7:00 p.m. Monday through Thursday, 10:00 a.m. to 10:00 p.m. Friday and Saturday, and 10:00 a.m. to 6:00 p.m. Sunday. Extended hours may be negotiated with the Town for special circumstances.
 - (iv) Capacity is limited to two hundred and fifty (250) persons at any one time.
 - (v) Existing barns may be renovated for this use, but not expanded. No barns built after July 1, 2017 may be used for this purpose.
 - (vi) Minimum setback is one hundred (100) feet from any adjacent landowner's property line.
 - (vii) Minimum tract size is ten (10) acres.
- (k) Farm markets, On-farm markets, Farm direct marketing
 - (i) At least fifty percent (50%) of agricultural products or value-added agricultural products produced on-site.
 - (ii) Maximum retail space is 1,200 square feet.
- (l) Farmer's markets
 - (i) Such markets shall be limited to two (2) days within a single week.
 - (ii) Dates, times, durations, and descriptions of upcoming markets shall be provided in a timely and convenient manner to nearby residents and Town officials when requested.
 - (iii) Markets are limited to 8:00 a.m. to 7:00 p.m. Monday through Friday, 8:00 a.m. to 5:00 p.m. Saturday, and 9:00 a.m. to 3:00 p.m. Sunday. Extended hours may be negotiated with the Town for special circumstances.
 - (iv) Each stall and/or booth is limited in size to one hundred and forty-four (144) square feet of ground floor space.
 - (v) Minimum setback is one hundred (100) feet from any adjacent landowner's property line.
 - (vi) Minimum tract size is ten (10) acres.
- (m) Livestock show
 - (i) Shows shall be limited to three (3) days within a single week.
 - (ii) Dates, times, durations, and descriptions of upcoming shows shall be provided in a timely and convenient manner to nearby residents and Town officials when requested.

- (iii) Shows are limited to 7:00 a.m. to 7:00 p.m. Monday through Thursday, 10:00 a.m. to 9:00 p.m. Friday and Saturday, and 10:00 a.m. to 6:00 p.m. Sunday. Extended hours may be negotiated with the Town for special circumstances.
- (iv) Capacity is limited to two hundred and fifty (250) persons at any one time.
- (v) Minimum setback is one hundred (100) feet from any adjacent landowner's property line.
- (vi) Minimum tract size is ten (10) acres.
- (n) Lodges
 - (i) Up to eight (8) sleeping rooms and provide accommodations for up to sixteen (16) adults and eight (8) children.
 - (ii) Minimum tract size is ten (10) acres.
- (o) Meaderies
 - (i) Maximum interior visitor capacity is 30 persons at any one time.
- (p) Museums
 - (i) At least fifty percent (50%) of the exhibits must be related to agriculture, horticulture, or agribusiness.
- (q) Nature trails
- (r) Rent-a-tree operations
- (s) U-pick operations
- (t) Wineries, boutique
 - (i) Maximum interior visitor capacity is 30 persons at any one time.

Town of Mosel, Sheboygan County, Wisconsin

AN ORDINANCE AMENDING SECTION 3.05 OF THE TOWN OF MOSEL MUNICIPAL CODE CONCERNING SPEED LIMITS ON TOWN ROADS

WHEREAS, the State of Wisconsin establishes speed limits within the state, pursuant to § 346.57, Wis. Stats.; and

WHEREAS, the Town of Mosel is authorized to modify speed limits for roads under its jurisdiction, pursuant to § 349.11, Wis. Stats.; and

WHEREAS, the Town Board determines that reducing the speed limits as set forth below would enhance traffic safety and would promote the health, safety, and welfare of the Town and those driving on the affected roads;

NOW, THEREFORE, the Board of Supervisors of the Town of Mosel, Sheboygan County, Wisconsin, does hereby ordain as follows:

Section 1. Amending Code Section. Section 3.05 of the Municipal Code of the Town of Mosel is hereby amended by the addition of paragraphs 3.05.A.(3) and (4), below:

3.05 SPEED RESTRICTIONS ON TOWN ROADS

A. ROADS AFFECTED AND LIMITATIONS. The following speed limits apply to these portions of Town roads:

....

- (3) Garton Road—from Lakeshore Road (formerly CTH LS) east to its eastern end: reduced from forty-five miles per hour (45 MPH) to thirty-five miles per hour (35 MPH).
- (4) Lakeshore Road—from Playbird Road (south boundary of the Town) north to a point 1,100 feet north of Garton Road: reduced from fifty-five miles per hour (55 MPH) to forty-five miles per hour (45 MPH).
- (5) Lakeshore Road—from Luelloff Road north to Orchard Road: reduced from fifty-five miles per hour (55 MPH) to forty-five miles per hour (45 MPH).

Section 2. Severability. Should any portion of this Ordinance or the affected municipal code sections be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder shall not be affected.

Section 3. Effective Date. This Ordinance shall take effect the day after publication or posting, and upon the placement of appropriate traffic signs.

Enacted: **November 15, 2017.**

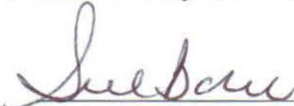
TOWN OF MOSEL

By: 

Aaron Anger, Town Chair

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing Ordinance was duly enacted by the Board of Supervisors of the Town of Mosel on the date indicated above.

Dated: 11/15/17, 2017 

Sue Born, Town Clerk/Treasurer

Posted on 11/26/17, 2017 by 
_____.

Town of Mosel, Sheboygan County, Wisconsin

**AN ORDINANCE AMENDING SECTION 7.13.D
OF THE TOWN MUNICIPAL (ZONING) CODE
CONCERNING ZONING AMENDMENT PROCEDURES**

WHEREAS, the Town Plan Commission has recommended modifications to the Town Municipal (Zoning) Code regarding the procedures to be followed for zoning amendments; and

WHEREAS, the Town Board has determined that amending the Town Zoning Code accordingly would promote the public health, safety, welfare, and convenience of the Town and its inhabitants;

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

Section 1: Amending Code Section. Subsection 7.13.D. of the Municipal (Zoning) Code of the Town of Mosel is hereby amended as follows (additions indicated by underlining; deletions by ~~strikouts~~):

D. COMMISSION RECOMMENDATION AND TOWN BOARD ACTION

The Planning and Zoning Commission shall review all proposed zoning changes and amendments within the corporate limits and/or to the Zoning Ordinance. The Commission shall hold a public hearing upon each proposed change or amendment, preceded by a class 2 notice under ch. 985, Wis. Stats., which includes giving at least ten (10) days prior notice by publication at least one (1) time during the preceding thirty (30) days. ~~The notice shall include~~ the hearing time and location and the change or amendment proposed. The Commission shall submit a written recommendation to the Town Board prior to the Town Board meeting's public hearing.

~~The Town Board shall hold a public hearing after receiving said recommendation, giving at least ten (10) days prior notice by publication; said publication shall be by Class 2 notice and shall list the time, place and change or amendment proposed. The Town Board shall also give at least ten (10) days prior written notice to the Clerk of any municipality within one thousand (1000) feet of any land to be affected by the proposed change or amendment.~~

~~Following said hearing and a~~After careful consideration of the Planning and Zoning Commission's recommendations, the Town Board shall vote to approve, modify or deny the passage of the proposed change or amendment.

Section 2: Severability. Should any portion of this Ordinance or the affected municipal code section(s) be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder shall not be affected.

Section 3: Effective Date. This Ordinance shall take effect the day after publication or posting.

Enacted on: September 20, 2017.

TOWN OF MOSEL

Aaron Anger, Town Chair

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing Ordinance was duly enacted by the Board of Supervisors of the Town of Mosel on the date indicated above.

Dated: _____, 2018

Sue Born, Town Clerk/Treasurer

Posted on _____, 2018 by _____.

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Town of Mosel, Sheboygan County, Wisconsin

**AN ORDINANCE AMENDING SECTION 11.05 OF
THE TOWN OF MOSEL MUNICIPAL CODE
CONCERNING THE TOWN SCHEDULE OF FEES**

WHEREAS, the Town seeks to update its schedule of fees and charges it collects fees for certain services, so as to cover its costs in performing certain tasks and providing services;

NOW, THEREFORE, the Board of Supervisors of the Town of Mosel ordains as follows:

Section 1: Amending Code Section. Section 11.05 of the Town of Mosel Municipal Code is amended to read in its entirety as follows:

11.05 FEES AND CHARGES

For permits, licenses and municipal services issued or provided by the Town, it shall receive the fees indicated on the Town of Mosel Schedule of Fees, as updated and amended from time to time by the Town Board.

Section 2: Adoption of Schedule of Fees. The attached Town of Mosel Schedule of Fees—updated as of March 21, 2018—is adopted.

Section 3: Severability. Should any portion of this Ordinance or the affected municipal code section(s) be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder shall not be affected.

Section 4: Effective Date. This Ordinance shall take effect the day after publication or posting.

Enacted: **March 21, 2018**

TOWN OF MOSEL

By: _____
Aaron Anger, Town Chair

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing Ordinance was duly enacted by the Board of Supervisors of the Town of Mosel on the date indicated above.

Dated: _____, 2018

Sue Born, Town Clerk/Treasurer

Posted on _____, 2018 by _____.

Town of Mosel, Sheboygan County, Wisconsin

**AN ORDINANCE AMENDING SECTION 7.07
OF THE TOWN MUNICIPAL (ZONING) CODE
REGARDING ACCESSORY STRUCTURES**

WHEREAS, the Town Plan Commission has recommended modifications to the Town Zoning Code concerning when accessory structures may be constructed relative to the time that principal structure are constructed; and

WHEREAS, the Town Board has determined that amending the Town Zoning Code accordingly would promote the public health, safety, welfare, and convenience of the Town and its inhabitants;

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

Section 1. Amending Code Section. Subparagraph 7.07.E(1) of the Municipal Code of the Town of Mosel is hereby amended to read in its entirety as follows:

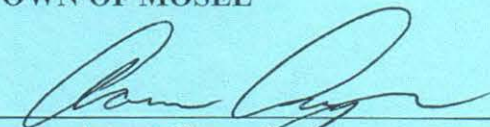
- (1) Construction of an accessory structure shall not be commenced on any lot prior to the time that a building permit is approved and issued for the principal structure to which it is accessory.

Section 2. Severability. Should any portion of this Ordinance or the affected municipal code be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder shall not be affected.

Section 3. Effective Date. This Ordinance shall take effect the day after publication or posting.

Enacted on: **May 16, 2018**

TOWN OF MOSEL

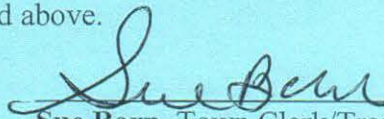
By: 

Aaron Anger, Town Chair

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing Ordinance was duly enacted by the Board of Supervisors of the Town of Mosel on the date indicated above.

Dated: May 16, 2018



Sue Born, Town Clerk/Treasurer

Posted on May 17, 2018 by Sue Born

Town of Mosel, Sheboygan County, Wisconsin

**AN ORDINANCE CREATING SECTION 3.07 OF
THE TOWN OF MOSEL MUNICIPAL CODE
CREATING AN ADOPT-A-HIGHWAY PROGRAM**

WHEREAS, for decades the State of Wisconsin has had an Adopt-a-Highway program to clean up litter and maintain the beauty of state roads; and

WHEREAS, the Town of Mosel desires to allow local groups to volunteer to pick up litter along Town roads; and

WHEREAS, the Town Board determines that implementing an Adopt-a-Highway program for the Town of Mosel fashioned after the state program will best serve the Town and provide for the safety of volunteers;

NOW, THEREFORE, the Board of Supervisors of the Town of Mosel, Sheboygan County, Wisconsin, does hereby ordain as follows:

Section 1. Amending Code Section. Section 3.07 of the Municipal Code of the Town of Mosel is hereby created to read as follows:

3.07 ADOPT-A-HIGHWAY PROGRAM

A. ADOPTION. The Town of Mosel adopts for the Town an Adopt-a-Highway program to allow local volunteer groups to pick up litter from along Town roads.

B. IMPLEMENTATION. The Town will adapt and use for Town purposes forms and policies of the State of Wisconsin Department of Transportation, including the following:

- (1) Application/Permit.** The volunteer must complete the application and the Town must approve the permit prior to cleanup activities.
- (2) Program Terms and Conditions.** The Town will revise similar Terms and Conditions applicable to the Town and its volunteers, consistent with this section.
- (3) Notice of Abandonment.** Used when a group wishes to end their participation in the Town's program.

C. SUPPLIES. Volunteer groups will provide their own safety equipment, signage and trash bags, and will be responsible for disposing of litter (which may be brought to the Town transfer station during its regularly scheduled hours).

Section 2. Severability. Should any portion of this Ordinance or the affected municipal code sections be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder shall not be affected.

Section 3. Effective Date. This Ordinance shall take effect the day after publication or posting.

Enacted: **June 20, 2018.**

TOWN OF MOSEL

By: _____

Aaron R. Anger, Town Chair

CERTIFICATE OF ENACTMENT

I hereby certify that the foregoing Ordinance was duly enacted by the Board of Supervisors of the Town of Mosel on the date indicated above.

Dated: June 20, 2018

Sue Born, Town Clerk/Treasurer

Posted on July 12, 2018 by _____

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Ordinance No. 2019-1

**AN ORDINANCE TO AMEND THE COMPREHENSIVE PLAN OF THE
TOWN OF MOSEL, SHEBOYGAN COUNTY, WISCONSIN.**

The town board of the town of Mosel, Sheboygan County, Wisconsin, does ordain as follows:

SECTION 1. Pursuant to sections 62.23(2) and (3) of the Wisconsin Statutes, the town of Mosel is authorized to prepare, adopt, and amend a comprehensive plan as defined in sections 66.1001(1)(a), 66.1001(2), and 66.1001(4) of the Wisconsin Statutes.

SECTION 2. The town board of the town of Mosel, Wisconsin has adopted written procedures designed to foster public participation in every stage of the preparation of a comprehensive plan as required by section 66.1001(4)(a) of the Wisconsin Statutes.

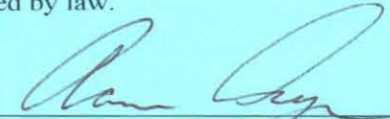
SECTION 3. The plan commission of the town of Mosel by a majority vote of the entire commission recorded in its official minutes, has adopted a resolution recommending to the town board an amendment in the form of an addendum to the document entitled "TOWN OF MOSEL COMPREHENSIVE PLAN 2009 - 2029," said addendum being consistent with all of the elements of the aforementioned PLAN, as specified in section 66.1001(2) of the Wisconsin Statutes, and with the actions and procedures specified in section 66.1001(3) of the Wisconsin Statutes. Where there are discrepancies between said addendum and the PLAN, the addendum, being newer, shall take precedence.

SECTION 4. The town has held at least one public hearing on this ordinance, in compliance with the requirements of section 66.1001(4)(d) of the Wisconsin Statutes.

SECTION 5. The town board of the town of Mosel, Wisconsin, does, by the enactment of this ordinance, formally amend the document entitled "TOWN OF MOSEL COMPREHENSIVE PLAN YEAR 2009 - 2029," pursuant to section 66.1001(4)(c) of the Wisconsin Statutes.

SECTION 6. This ordinance shall take effect upon passage by a majority vote of the members-elect of the town board and publication/posting as required by law.

ADOPTED this 16 day of Jan, 2019.



Aaron Anger, Town Board Chair

(Published/Posted): Jan. 24, 2019

(Approved, Vetoed):

Attest: 

Sue Born, Town Clerk/Treasurer

TOWN OF MOSEL
SHEBOYGAN COUNTY, WISCONSIN

CHAPTER SEVEN OF THE MOSEL MUNICIPAL CODE

ZONING ORDINANCE

ADOPTED DECEMBER 10, 1980
BY OFFICIAL ACT OF THE TOWN BOARD OF MOSEL
Hilmer Wagner, Chair
James Wagner, Supervisor
Jerald Holub, Supervisor

Revision: July 26, 2000
Comprehensive Revision: July 8, 2003
Revision: March 16, 2004
Revision: December 14, 2005
Revision: September 13, 2006
Revision: October 10, 2006
Revision: July 8, 2008
Revision: November 11, 2008
Revision: April 14, 2011
Current Revision: August 9, 2011

CHAPTER 7 : ZONING

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CHAPTER 1 : RULES FOR GOVERNMENT

1.01 TOWN BOARD AUTHORIZED TO EXERCISE VILLAGE POWERS

A. The Electors of the Town of Mosel (Town), Sheboygan County, Wisconsin, grant, confer and bestow upon the Town Board of the Town, Sheboygan County, Wisconsin, the right, power and privilege to exercise all powers relating to villages and conferred on Village Boards by Chapter 61 of the Wisconsin Statutes.

This Ordinance passed by the electors of the Town on the 5th day of April, 1949.

1.02 TOWN OBLIGATED TO PAY COUNTY TAXES

A. The Town obligates itself to pay, in case the Town Clerk-Treasurer shall fail so to do, all state and county taxes charged on the tax rolls required by law to be paid by the Town Clerk-Treasurer to the Treasurer of the County of Sheboygan.

B. This obligation shall be continued from year to year in full force and effect until such time repeal hereof is effected pursuant to the provisions of Section 70.67(2).

1.03 RESERVED

1.04 ELECTION OF WARDS

A. The Town has established a single ward to be identified as Ward 1 and that the corporate limits of the Town shall form the boundaries of said ward.

B. The polling place shall be the Town Hall.

1.05 PUBLIC RECORDS

A. PURPOSE

The purpose of this ordinance shall be to set policies relating to retention and preservation of, destruction of, and access to Town public records to the extent and manner allowed by state law.

B. STATUTES INCORPORATED

The provisions of Sections 19.21 to 19.39, Wisconsin Statutes (2001-2002) and any future revisions or additions thereto, are adopted by reference in this section as if fully set forth herein.

C. LEGAL CUSTODIAN

(1) Unless otherwise prohibited by law, the Town Clerk-Treasurer, or the designated Deputy Clerk-Treasurer, except as hereinafter specified, shall act as legal custodian for the Town Board and for any committees, commissions, boards or authorities created by ordinance or resolution of the Town Board. A

copy of all records received or created by any town official or employee shall be forwarded to the Custodian within seven (7) days.

- (2) For assessment records, the designated custodian shall be the Town Assessor.
- (3) The Haven Fire Department, an independent Chapter 181 corporation which receives 50% or more of its funding from the Town, is subject to the open records law, and shall establish its own legal custodian and records policies.

D. RETENTION AND PRESERVATION OF RECORDS

- (1) All public records shall be retained for a minimum of seven (7) years from the date of creation or receipt by the Legal Custodian, unless a shorter period has been fixed by the public records board under Section 16.61(3)(e), Wisconsin Statutes (2001-2002), and except as provided in paragraphs (2) through (7) below.
- (2) Any taped recording of a meeting, as defined in Section 19.82(2), Wisconsin Statutes (2001-2002) of any governmental body, committee, commission or board of the Town may be destroyed no sooner than 90 days after the minutes of said meeting have been approved, if the purpose of the recording was to make minutes of the meeting.
- (3) Electronic copies of printed records kept by the Legal Custodian shall be retained for a minimum of three (3) years, provided the printed copy of the same record is retained as required by state law and other sections of this ordinance. Those records which may not have a printed copy shall be retained electronically for the otherwise required time period.
- (4) Electronic mail (e-mail) messages sent or received by Town officials shall be retained for a minimum of three years. E-mail sent from or received at an official's personal e-mail address shall also be subject to this provision, unless a copy of the e-mail is forwarded to the Town's e-mail address for retention.
- (5) Unsolicited mail and e-mail received from advertisers, retail companies, e-mail user groups, general newsletters and other similar correspondence shall not be considered public records and may be discarded or deleted immediately after receipt.
- (6) Records of historical significance, including but not limited to all minutes of meetings, ordinances, resolutions, budgets and annual financial statements, shall be permanently preserved in a manner consistent with state laws. Other pertinent records may be permanently preserved as storage space allows. If adequate storage and preservation is deemed impossible by the Town, and records must be removed from the care of the Legal Custodian, the procedures listed in Subsection 1.05(E) shall be followed.
- (7) At the direction of the Town Board, or the discretion of the Town Clerk-Treasurer, any public records, including electronic records, may be retained for a longer period of time than that specified by law or this ordinance.

E. DESTRUCTION OF RECORDS

- (1) Only obsolete records which have reached the end of their retention period may be destroyed following the procedures set forth in paragraph (2) below.

This paragraph shall not be construed as requiring the destruction of any record or permitting its destruction after a period of time less than that prescribed by law.

- (2) Prior to the destruction of records, the Legal Custodian shall provide the Wisconsin State Historical Society (hereafter Society) at least 60 days written notice of those records to be destroyed. The Society shall preserve those records it determines to be of historical interest. The Society may, upon application, waive such notice for specific types of records. A copy of each waiver obtained shall be permanently filed with the Legal Custodian. If the Society does not wish to preserve said records, the Legal Custodian shall provide the Sheboygan County Historical Research Center (hereafter Center) 30 days written notice of those records to be destroyed. If the Center does not wish to preserve said records, the records may be destroyed.
- (3) No record shall be destroyed at any time after the receipt of a request for inspection or copying of the record, until after the request is granted or until at least 60 days after the date that the request is denied, or as otherwise prescribed by Section 19.35(5), Wisconsin Statutes (2001-2002).

F. PUBLIC ACCESS

- (1) A representative government is dependent upon an informed electorate, therefore it is the policy of the Town, in conformance with state law, that all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of those officers and employees who represent them. To that end, except as provided by paragraph (4) below, any person has a right to inspect a record and to make or receive a copy of any record as provided by law.
- (2) **Public Notice:** Pursuant to Section 19.34, Wisconsin Statutes (2001-2002), each authority shall adopt, prominently display and make available for inspection and copying a notice containing a description of its organization, the Legal Custodian from whom, the established times and places at which, and the methods whereby the public may obtain information and access to records, make requests or obtain copies, and the costs thereof. This paragraph does not apply to individual members of the Town Board.
- (3) **Hours of Inspection:** Records shall be available for inspection and copying during all regular office hours. If no regular office hours are kept, records shall be available upon at least 48 hours written or oral notice of intent to inspect or copy a record, and the Legal Custodian shall establish a period of at least two (2) consecutive hours per week during which access to records is permitted.
- (4) **Limitations on Access:**
 - (a) If the Legal Custodian considers a record to be exempt from disclosure, in whole or in part, as allowed by Sections 19.35(1) and 19.36, Wisconsin Statutes (2001-2002) or other applicable state laws, he or she shall without delay refer the request and record to the Town Attorney for advice, citing any grounds for denying public access and specifying any need to restrict access at the time the request is made.

- (b) If the Legal Custodian considers a request to be insufficient because it is without a reasonable limitation as to subject matter or length of time represented by the record, the request shall be denied.
- (c) Except as may be required by law, the Legal Custodian is not required to create a new record by extracting information from existing records and compiling the information in a new format.
- (d) As control over form and content are not currently possible with the technology available to the Town, and therefore electronic copies of Town records may not remain intact, either by lack of transferability from one type of software to another, or through deliberate unauthorized changes, whenever possible records shall be provided in written or printed form. Copies of records which exist in electronic form may be provided if specifically requested or as required by state law or court order.
- (e) The Legal Custodian may require supervision during inspection or may impose other reasonable restrictions on the manner of access to an original record if the record is irreplaceable or easily damaged.
- (f) No person shall be allowed to remove an original Town record from the care of the Legal Custodian.

G. PUBLIC RECORD FEES

A requester shall be charged a fee, as authorized by the Town Board and set by resolution or ordinance, to defray the cost of locating and copying records. The fee shall be determined by the following guidelines:

- (1) A per page charge for photocopying, computer printouts, or faxing.
- (2) If the form of a record does not permit copying, the actual and necessary cost of photographing and photographic processing shall be charged.
- (3) The actual cost of providing a copy in an alternative format, including electronic, audio or video tape, if required.
- (4) The actual cost of any necessary mailing or shipping.
- (5) The costs for locating a record, determined by an hourly rate, provided however, that such costs shall only be billed if the total cost is greater than \$50.
- (6) If the Legal Custodian estimates the costs of locating and copying a record shall exceed \$5, prepayment of the estimated fees shall be required.
- (7) If payment has not been received from a requester for previous requests, and such previous requests accumulate to more than \$5, prepayment of all past due fees and current fees shall be required prior to providing the record requested. This paragraph shall not prevent the requester from inspecting the record, however, no copies will be made or other costs will be incurred until payment is received.
- (8) Town elected or appointed officials shall not be required to pay for public records they may reasonably require for the proper performance of their official duties.

1.06 CONFIDENTIALITY OF INCOME AND EXPENSES PROVIDED TO ASSESSOR FOR ASSESSMENT PURPOSES

A. ADOPTION

This Ordinance adopts by reference §. 70.47(7)(af), Stats, income and expense information provided by property owners to an assessor for the purposes of establishing the valuation for assessment purposes by the income method of valuation. This information shall be deemed confidential and not a public record open to inspection or copying under §. 19.35(1), Stats.

B. EXCEPTIONS

An officer may make disclosure of such information under the following circumstances:

- (1) The assessor has access to such information in the performance of his/her duties;
- (2) The Board of Review may review such information when needed, in its opinion, to decide upon a contested assessment;
- (3) Another person or body has the right to review such information due to the intimate relationship to the duties of an office or as set by law;
- (4) The officer is complying with a court order;
- (5) The person providing the income and expense information has contested the assessment level at either the Board of Review or by filing a claim for excessive assessment under §. 74.37, Stats., in which case the base records are open and public.

C. SEVERABILITY

The several sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections, or portions thereof of the Ordinance. The remainder of the Ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this Ordinance are hereby repealed as to those terms that conflict.

1.07 EXPENSE REIMBURSEMENT OF OFFICERS, APPOINTEES AND EMPLOYEES

A. If in the exercise of official duties expenses are incurred, the Town may provide reimbursement. This may include mileage when conducting business on behalf of the Town (not including mileage to and from board or committee meetings), postal expenses, and telephone expenses. A record and documentation must be provided to the Town Clerk-Treasurer with any request for reimbursement. The rate for mileage reimbursement will be the Federal Allowance Rate.

B. Attendance at meetings, other than the state towns convention, for the purpose of obtaining information or any necessary certification will be reimbursed if the meeting is organized by the Wisconsin Towns Association and the expense is limited to registration and mileage. Attendance at the state convention of the Wisconsin Towns Association shall receive prior approval if reimbursement is requested. All meeting registrations shall be secured through the Town Clerk-Treasurer or designee.

C. The Town Board may approve a request for reimbursement that varies from paragraphs A and B above.

1.08 COMPREHENSIVE PLAN

References in this municipal code to “comprehensive plan” or “master plan” means the *Town of Mosel Comprehensive Plan 2009-2029*, as amended, which was adopted by the Town Board on June 9, 2009, pursuant to Wisconsin's Smart Growth Law, § 66.1001, Wis. Stats. Should any conflict exist or arise between the comprehensive plan documents and any subsequent amendments thereto, the provisions of the most recent document or amendment shall control.

1.09 TAX COLLECTION

A. Purpose. Pursuant to Wis. Stat 66.0301 the Town is authorized to collect first installments of property tax payments. The Town will process the collection of first and full payments of real and personal property taxes, special assessments and special charges for properties located in the Town. The Town will act in a fiduciary capacity in the billing and collection of general property taxes, special assessments and special charges. The Town shall be vested with all powers and shall be subject to all responsibilities, duties and obligations conferred and imposed upon the Town by state statutes, including Chapters 70, 74 and 75.

B. Tax Bill Preparation. In consideration of the time necessary for Sheboygan County to print the large volume of Sheboygan County tax bills, the Town agrees to submit the tax roll to Sheboygan County on or before December 3 of each year. The tax roll shall fully comply with Wis. Statutes 70.65 and all other applicable statutes. The tax bills will then be produced by Sheboygan County on a first-come, first-served basis and shall be prepared in accordance with all applicable statutes. Sheboygan County will mail the tax statements. The Town will be billed separately by Sheboygan County for actual postage expense and shall reimburse Sheboygan County within thirty (30) days after billing.

C. Collection Procedures. The Town will collect all tax payments beginning in December through January 31 of each year. Tax payments can be made at the *Town of Mosel Hall, W982 County Road FF, Sheboygan, WI; Cleveland State Bank, 502 S. Wisconsin Drive, Howards Grove, WI; or Cleveland State Bank, 1250 W.*

Washington Avenue, Cleveland, WI. All payments will be immediately deposited into Town bank accounts. All payments received by Sheboygan County will be immediately forwarded to the Town with the taxpayer's postmarked envelope. The postmark verifies timeliness of such payment.

Payments options include:

*In-person payments (Check ONLY payable to Town of Mosel) will be accepted at the Town of Mosel Hall, W982 County Road FF, Sheboygan, WI during office hours. You must bring a copy of your tax bill.

*In-person payments (Cash or Check payable to Town of Mosel) will be accepted at Cleveland State Bank (lobby only), 502 S. Wisconsin Drive, Howards Grove WI or Cleveland State Bank (lobby only), 1250 W. Washington Avenue, Cleveland WI. You must bring a copy of your tax bill.

*Drop Box payments can be made at Cleveland State Bank, 502 S. Wisconsin Drive, Howards Grove WI or Cleveland State Bank, 1250 W. Washington Avenue, Cleveland WI.

*U.S. Mail payments can be mailed to the Town of Mosel c/o Cleveland State Bank, P.O. Box 158, Cleveland WI 53015-0158. You must provide a copy of your tax bill.

*Only check payments will be accepted at the Town of Mosel Hall.

*Cash or check payments will be accepted at Cleveland State Bank, Howards Grove WI and Cleveland WI locations. Payments can only be made in the lobby. Payments will not be accepted in the drive-up.

*Check payments must be made payable to: Town of Mosel.

D. Receipts and Refunds. The Town will provide receipts to all taxpayers making payments in person at either the Town Hall or Cleveland State Bank. Mailed tax payments will be provided a receipt if a self-addressed stamped envelope is provided. Taxpayers may pick up a receipt showing payment from the Town Hall during office hours. Refunds of payments made at the Town Hall will be mailed within 15 working days after receipt of the payment. Refunds under one Dollar (\$1.00) will not be refunded.

E. Bank charges. The Town will charge a returned check fee of Twenty Five Dollars (\$25.00) for each check that is returned to the Town for insufficient funds.

F. Import & Export File. First installment tax collection and all tax collection made to the Town or Cleveland State Bank by January 31 of each year will be submitted to Sheboygan County in an electronic file format that is acceptable to Sheboygan County.

CHAPTER 2: OFFICIALS, BOARDS, COMMISSIONS, AND EMPLOYEES

2.01 TOWN BOARD OF APPEALS

See Section 7.12 of the Town Zoning Code.

2.02 TOWN PLAN COMMISSION

- A. Authority; Establishment.** The Town Board, having previously been authorized to exercise village powers under Wis. § Stat. 60.10(2)(c) by the electors of the Town, exercises village powers under Wis. § Stat. 60.22(3), to establish a seven (7) member Plan Commission pursuant to Wis. Stats §§ 61.35 and 62.23.
- B. Membership; Appointments.**
- (1) The Plan Commission shall consist of seven members of recognized experience and qualifications appointed by the Town Board Chair and approved by the Town Board.
 - (2) No more than 1 member may be a Town Board Supervisor.
 - (3) No more than 1 member may be a member of the Board of Appeals.
 - (4) Members shall be appointed in April for staggered three year terms commencing May 1 and ending April 30.
 - (5) Members may be re-appointed to serve additional terms.
 - (6) Vacancies shall be filled in the same manner as appointments for full term.
 - (7) The Town Board Chair shall designate a Plan Commission Chair.
- C. Commission Staff.**
- (1) Recording Secretary. The Town Clerk-Treasurer, or the Clerk-Treasurer's designee, shall act as recording secretary for the Commission to: prepare its correspondence; receive and file all referrals, applications, papers, and records; prepare, publish, and mail all required notices; and prepare and keep its minutes and records of its proceedings.
 - (2) When requested by the Commission, the Town Building Inspector, Town Attorney, Town Engineer or other Town staff shall attend meetings to provide technical assistance.
- D. Meetings.**
- (1) The Plan Commission shall meet at least annually, and more often as needed as determined by the Town Clerk-Treasurer or pursuant to the request of the Town Board.
 - (2) Special meetings may be called by the Commission Chair or upon the written request of four (4) members of the Commission to the Town Clerk-Treasurer. Notice of special meetings shall be provided to all Commission members and posted at least twenty-four (24) hours prior to the meeting.
 - (3) Minutes of the proceedings and a record of all Commission actions shall be kept by the Town Clerk-Treasurer or the Clerk-Treasurer's designee, showing the vote of each member upon each question, the reasons for the Commission's determination,

and its findings. These records shall be filed in the off of the Town Clerk-Treasurer and shall be a public record.

- E. Jurisdiction; Duties; Powers. The Plan Commission shall have the following jurisdiction, duties, and powers:
- (1) Propose or review and recommend text and map amendments to the Town Zoning Ordinance for consideration and final action by the Town Board.
 - (2) Prepare and recommend to the Town Board land division regulations and amendments thereto in accordance with § 236.45. Wis. Stats.
 - (3) Exercise the powers authorized by Wisconsin law, including those referenced in § 62.23(4), Wis. Stats.
 - (4) Consider and make recommendations on all matters referred to the Commission, including those reference in § 62.23(5), Wis Stats.
 - (5) Make and recommend to the Town Board an official map and amendments thereto in accordance with § 62.23(6), Wis. Stats.

2.03 Board of Review

A. Members. Pursuant to s. 70.46(1), Wis. Stats., the Town Board shall constitute the Town Board of Review.

B. Alternates.

(1) **Appointment.** The Town Chairperson shall nominate, subject to confirmation by the Town Board, at least two (2) and up to four (4) alternates to serve on the Board of Review.

(2) **List.** The Town Clerk shall maintain the list of alternate Board of Review members, arranged in a priority order of probable and likely service as an alternate.

(3) **Procedure.** The Town Clerk shall notify any Board of Review member who has been lawfully removed under s. 70.47(6m)(a) or (b), Wis. Stats., and shall then notify the alternate member of his or her appointment to replace a named member. An alternate could also be used due to a regular member's absence or inability to act. The alternate, once notified, if he or she approves the appointment, and if the appointment would not violate s. 19.59, Wis. Stats., shall then take the oath of office and act as a member of the Board of Review under s. 70.47(6m)(c), Wis. Stats.

C. Compensation. Compensation for all Board of Review members shall be Thirty-five Dollars (\$35.00) for each half day [four (4) hours] or portion thereof, not to exceed One Hundred Five Dollars (\$105.00) per day.

D. Confidentiality of Records. See Section 1.06.”

2.04 EMPLOYEE GRIEVANCE PROCEDURE

A. Purpose: This grievance procedure is adopted pursuant to s. 66.0509(1m), Wis. Stat., and is intended to provide a timely and orderly review of disputes regarding:

- (1) employee terminations,
- (2) employee discipline, and
- (3) workplace safety.

C. Definitions for terms used in this document:

- (1) "Days": means calendar days, excluding legal holidays as defined in s. 995.20, Wis. Stat.
- (2) "Discipline": means any employment action that results in disciplinary suspension without pay, disciplinary reduction in pay or other benefits, disciplinary demotions and terminations. The term "discipline" does not include verbal notices or reminders, written reprimands, performance evaluations, documentation of employee acts and/or omissions in an employment file, non-disciplinary demotions, non-disciplinary adjustments to compensation or benefits, actions taken to address job performance such as establishment of a performance improvement plan or job targets; placing an employee on paid leave pending an internal investigation; or other personnel actions taken by the employer for non-disciplinary reasons.
- (3) "Hearing Officer": means the impartial hearing officer required pursuant to s. 66.0509(1m)(d)2, Wis. Stat. The hearing officer will be selected by the town board and shall not be an employee of the Town.
- (4) "Termination": means a discharge from employment for rule violations, poor performance, acts detrimental to the employer or other acts of misconduct. The term "termination" does not include: a voluntary quit, completion of seasonal employment, completion of temporary assignment, completion of contract, layoff or failure to be recalled from layoff at the expiration of the recall period; retirement, job abandonment ("no call, no show" or other failure to report to work); or termination of employment due to medical condition, lack of qualification or license, or any other cessation of employment not involving involuntary termination.
- (5) "Workplace Safety": means any practice or condition, affecting an employee's physical health or safety, the safe operation of workplace equipment and tools, safety of the physical work environment, personal protective equipment, workplace violence, and training related to the same.

D. Process and Timelines:

- (1) The employee must file a written grievance with the town clerk within 10 days of the termination, discipline or actual or reasonable knowledge of the alleged workplace safety issue. So that an earnest effort can be made to resolve the matter informally, the grievant must discuss the issue with his/her immediate supervisor prior to filing the written grievance. However, in the case of a termination, such a meeting is not required. Grievance forms may be obtained

from the clerk. The town clerk shall inform the employee's immediate supervisor and the town chair about receipt of the written grievance as soon as practicable.

- (2) The employee's immediate supervisor will meet with the grievant within 10 days of receipt of the written grievance. The supervisor will provide the grievant with a written response within 10 days of the meeting. A copy of the supervisor's response shall be filed in the clerk's office. If no one has been designated the employee's immediate supervisor, the employee will meet with the town chair who shall then provide the written response.
- (3) The employee may request an appeal to the hearing officer by filing a written request with the town clerk within 10 days of receiving the written response. The town clerk shall notify the town chair and employee's supervisor about the filing of the request for a hearing as soon as practicable. The town will work with the hearing officer and grievant to schedule a mutually agreeable hearing date.
- (4) The hearing officer shall provide the employee and employee's supervisor with a written decision no later than 30 days after the hearing date. The hearing officer shall also provide the town clerk with a copy of the decision for filing in the clerk's office.
- (5) The non-prevailing party may file a written request with the town clerk for an appeal to the town board within 10 days of receipt of the hearing officer's decision. The clerk shall notify the town chair about the request as soon as possible. The town board shall decide the matter and issue a written decision within 45 days of the filing of the appeal. The town board may sustain, deny or modify the decision of the hearing officer. The decision of the town board shall be final and binding. A copy of the board's decision shall be provided to the employee and filed in the town clerk's office.
- (6) All timelines may be extended by mutual written agreement of the town board and employee. Without such agreement, a failure of the employee to adhere to any of the specified timelines shall preclude any further consideration of the grievance.
- (7) If the last day on which an event is to occur is a Saturday, Sunday, or legal holiday, the time limit is extended to the next day which is not a Saturday, Sunday or legal holiday. A grievance or request for an appeal is considered timely if received by the town clerk during normal business hours or if postmarked by 11:59 p.m. on the due date.
- (8) If the grievance is not answered within the time limits, at any stage, the employee may proceed to the next available step within 7 days.
- (9) The grievant and town board may mutually agree in writing to waive a step or multiple steps within the procedure.
- (10) Granting the requested or agreed upon remedy resolves the grievance.

E. Grievance Requirements:

- (1) The written grievance must contain:
 - (a) A statement of the pertinent facts surrounding the nature of the grievance.

- (b) The date the incident occurred or the date the alleged workplace safety concern was discovered.
- (c) The steps taken to informally resolve the grievance, the individuals involved in the attempted resolution, and the results of such discussion.
- (d) The specific remedy requested; and
- (e) A description of the workplace safety rule alleged to have been violated, if applicable.

F. Supervisor's Response:

- (1) The supervisor's written response to the employee's written grievance must contain:
 - (a) A statement of the date the meeting between the employee and supervisor was held.
 - (b) A decision as to whether the grievance is sustained or denied.

G. Procedure Before the Hearing Officer: The hearing officer shall define the issues, identifying areas of agreement and identifying the issues in dispute and hear evidence and arguments. The hearing officer will determine whether the town acted in an arbitrary and capricious manner. A decision will not have been arbitrary or capricious if it was made in the best interest of the town. In all cases, the grievant shall have the burden of proof to support the grievance. This process does not involve a hearing before a court of law; thus, the rules of evidence will not be strictly followed. However, no factual findings may be based solely on hearsay evidence.

The hearing officer may require the employee and town to submit materials related to the grievance and witness lists in advance of the hearing in order to expedite the hearing. The hearing officer shall sustain or deny the decision of the employee's supervisor. The hearing officer is not given authority to modify the decision made by the employee's supervisor. The hearing officer is not given authority to grant in whole or in part the specific request of the grievant. Within 30 days after the hearing, the hearing officer will issue a decision in writing indicating the findings and reasons for the decision.

If the hearing officer's decision on any grievance is appealed, only the issues raised in the hearing may be appealed. Issues are not subject to modification in the appeal process.

H. Hearing Officer's Decision:

- (1) The hearing officer's written decision must contain:
 - (a) A statement of pertinent facts surrounding the nature of the grievance.
 - (b) A decision as to whether the grievance is sustained or denied, with the rationale for the decision.
 - (c) A statement outlining the timeline to appeal the decision.

I. Representation: Both the employee and the town may be assisted by a representative of their own choosing in person or by teleconference at any point during the grievance process.

J. Consolidation: The employee's immediate supervisor and/or the hearing officer may consolidate grievances where a reasonable basis for consolidation exists.

If more than one employee is grieving the same issue or circumstance, a single grievance form may be used. A group grievance must be signed by all grieving employees and must indicate that it is a group grievance at the first step in the grievance process.

K. Costs: Any expense incurred by an employee in investigating, preparing, or presenting a grievance shall be the sole responsibility of the employee. Each party (employee and employer) shall bear its own costs for witnesses and all other out-of-pocket expenses, including possible attorney fees. The fees of the hearing officer shall be divided equally between the parties with the employee(s) paying half and the employer paying the other half.

2.05 DUTIES OF TOWN CONSTABLE (SEC. 60.22(4) AND 60.35)

A. JURISDICTION AND DUTY. The Town Constable shall, under the direction of the Town Board, have authority to act on its behalf to:

- (1) See that Town orders and regulations are obeyed;
- (2) See that peace and order are maintained in the Town.
- (3) Perform all other duties delegated by the Town Board.

B. NONEXCLUSIVELY. Adoption of this ordinance does not preclude the Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.

C. EFFECT. This ordinance shall become effective January 1, 1985. (12-4-84)

2.06 DUTIES OF BUILDING INSPECTOR

A. CREATION AND SELECTION OF INSPECTOR: There is hereby created the position of Building Inspector. At the discretion of the Town Board, the Building Inspector may be an employee of the Town, or an independent contractor retained to perform the duties of the Building Inspector. The Building Inspector shall be certified for inspection purposes by the Wisconsin Department of Safety and Professional Services (formerly Wisconsin Department of Commerce) in each of the categories specified under Chapter SPS (formerly COMM 5.63), Wisconsin Administrative Code. To ensure certification in all required areas, one or more persons or firms may be selected to fill the position.

B. DUTIES: The Building Inspector shall administer and enforce all provisions of Chapter 8: Building Regulations of the Mosel Municipal Code and Chapters SPS 320-325 (formerly COMM 20-25) of the Wisconsin Administrative Code (the Uniform Dwelling Code). In addition, the inspector shall confirm with the Town Clerk-Treasurer, through established written procedures, that all applications comply with the Town Zoning Code or other applicable Town regulations.

C. POWERS: The Building Inspector or an authorized certified agent may at all reasonable hours enter upon any public or private premises for inspection purposes and may require the production of the permit for any building, plumbing, electrical, or heating work. No person shall interfere with or refuse to permit access to any such premises to the Building Inspector or his/her agent while in the performance of his/her duties.

D. RECORDS: The Building Inspector shall perform all administrative tasks required by the Department under the Uniform Dwelling Code.

CHAPTER 3: TOWN ROADS AND RIGHT-OF-WAY

3.01 HIGHWAY EXCAVATION

A. EXCAVATION PROHIBITED. No person or corporation, either individually or by its agents, shall make any excavation or fill or install or otherwise make any alteration in any Town road, or in any manner disturb any Town road without first obtaining a permit therefore from the Town Chair.

B. APPLICATION.

- (1) Application for said permit shall be in writing and shall contain therein the statement that the work shall be performed subject to such rules and regulations as may be prescribed by the Town Board, and that the same shall be performed and completed to the Town Board's satisfaction.
- (2) The Town Chair (or his/her designee) shall analyze the information submitted in the permit application and shall make whatever further inquiry he/she deems to be in the Town's best interests before issuance of the permit, and if said application on its face contains the information above required and the applicant gives reasonable assurance of complying with the restoration and liability provisions, then in that event, the Chair shall issue said permit.

C. RESTORATION. In the case of a temporary alteration or installation requiring only temporary work within the said Town road, the said Town road shall be restored to its former condition, and the permittee shall be liable to the Town for any and all damage which may occur during the progress of said work, or as a result thereof, and a statement to that effect shall be contained in the application and any permit issued for said work.

D. BOND. Before a permit is issued, the Town Chair or the Chair's designee, may require the party applying therefore to give bond to the Town in a sum to be fixed by said issuing officer, which shall not be less than One thousand (\$1,000.00) dollars; said bond to be executed by a corporate surety or two personal sureties to be approved by the issuing officer or his designated agent, conditioned upon, among other things, the indemnification to the Town for costs or expenses that may be incurred by it in connection with said excavation.

E. INSURANCE. The issuing agent may before said permit is issued, require the party applying therefore to give a bond or liability insurance policy in the sum to be fixed by the issuing agent to indemnify the Town for any liability in connection with said excavation, including claims for damages to other persons or property, and the payment of any judgment together with costs and expenses incurred by the Town connected therewith, arising out of said excavation for which a permit is issued.

F. APPEAL. Any applicant who has been denied a permit or has incurred unreasonable delay in the issuance of a permit may appeal to the Town Board for final determination of his/her application.

G. PENALTY: The penalty for violation of this section shall be a penalty as provided in Subsection 11.04 A. (1) of this code.

3.02 WEIGHT LIMITATION

A. ROADS RESTRICTED AND LIMITATIONS. The following maximum gross weight limits (for any group of two or more consecutive axels of a vehicle or combination of vehicles) apply to these portions of Town roads and/or bridges:

(1) All of Garton Road (from Rangeline Road to its eastern terminus in Section 34): 14,000 pounds (7 tons).

(2) All of Lakeshore Road (formerly CTH LS) from Playbird north to the Manitowoc County Line: 20,000 pounds (10 tons).

B. NOTICE. To provide notice of these special weight limitations the Town shall erect and maintain along the affected portions of roadway appropriate signage which complies with Wisconsin Manual on Uniform Traffic Control Devices.

C. PENALTY. The penalty for violation of this section shall be as follows:

(1) If the weight exceeds by 1,000 pounds or less the maximum permitted, a forfeiture of not less than \$50 nor more than \$100 upon the first conviction, and upon the second and each subsequent conviction within a twelve (12) month period, a forfeiture of not less than \$100 nor more than \$200.

(2) If the weight exceeds by more than 1,000 pounds the maximum permitted, a forfeiture of not less than \$100 nor more than \$200 upon the first conviction, and upon the second and each subsequent conviction within a twelve (12) month period, a forfeiture of not less than \$200 nor more than \$400.

3.03 BUILDING OF ROADS

A. PURPOSE. The purpose of this Section is to set forth the rules and regulations for the construction of roads in the Town.

B. APPLICATION. Application for the construction of roads shall be set forth in writing to the Town Board setting forth all necessary information required by the Town Board.

- (1) No approval shall be given unless said application shows compliance with all town and state regulations and sections including the Town's subdivision and planning sections.

C. DEFINITIONS.

- (1) **Road Bed.** All materials laid in place and ready for travel.
- (2) **Right-of-Way.** The total land area dedicated for road purposes.
- (3) **Roadway.** The traveled part of a highway not less than twenty-two (22) feet in width.
- (4) **Highway.** A road or way over which the public generally has a right to pass.
- (5) **Grade.** The rate of ascent or descent established by the Town Board.
- (6) **Surface Course.** The top of the roadway or traffic course consisting of asphalt or concrete.
- (7) **Subgrade Level.** The native material underneath a constructed pavement.
- (8) **Base Course.** The lowest course or first course of a road.

D. RIGHT-OF-WAY.

- (1) Right-of-way shall be provided and dedicated to the Town by deed without cost to the Town.
- (2) The Town Board shall determine the amount of right-of-way to be conveyed and its location, but at no time shall the right-of-way of any road be less than sixty-six (66) feet.
- (3) If said right-of-way consists of a dead end road, said applicant shall grant an easement or dedicate, as the Town Board shall direct, a turnout of not less than one hundred (100) feet in diameter wide.

E. APPLICANT'S DUTY.

After approval of the Town Board, said applicant shall, at his/her own expense:

- (1) **Grading, Cutting and Fill.** Cut, fill and grade to subgrade level of the street to its full width.
- (2) **Ditching.** Shall ditch so as to have proper elevation to provide for the removal of water in conformance with the current drainage in the area. If lateral trenches leading from main ditch are necessary, any additional land necessary for said removal of accumulated water shall be provided and deeded to the Town in addition to the lands specified above. Nothing in this section shall restrict the ditching of any roadway upon private property by its owner unless construction interferes with the natural drainage of the area.
- (3) **Gravel.** Shall construct base course of said road with gravel of a quantity and composition suitable for the location and as required by the Town. Soft areas shall be removed and filled with proper material to provide a solid base.
- (4) **Culvert Pipe.**
 - (a) Shall furnish all culvert pipes for intersections and drainage ditches and private driveways.
 - (b) No culvert pipe except corrugated aluminum, corrugated steel, concrete or equivalent thereto, shall be used along and across

roadways of the Town. The minimum length of any culvert installed across the Town road shall be twenty-six (26) feet in length.

- (5) Surface Course.** Shall consist of concrete or asphalt of a quality and thickness determined by the Town based on the intended use of the road. It shall be installed by the Town or by the owner if the Town Board so elects at the applicant's cost.
- (a) Bond or cash deposit. The applicant shall guarantee the completion of the work described above by one of the following methods:
 - (i) By depositing in escrow a sum equal to the estimated cost of construction with a financial institution or escrow agent as the Town may direct.
 - (ii) Provide to the Town a performance bond and payment bond in surety form, each in the amount at least equal to the estimated cost of construction as security for the faithful performance and payment of said road.
 - (b) If said deposit has not been made within 30 days upon demand by the Town to complete said roadway and make said deposit or if the deposit or surety filed is not adequate to cover the estimated cost of completion of said road and the applicant fails to make payment of said additional sum, the said sum may be placed on the next tax roll as a special charge against the land owned by the applicant.

F. DRAINAGE DITCHES. It shall be unlawful for any person or corporation to close or cause to be closed, obstruct or cause to obstruct, any drainage ditch or to connect any drain with said ditch without Town Board approval.

G. INSPECTION AND APPROVAL. The applicant or his agent shall notify the Town upon completion of each phase of construction. Inspections are required after completion of:

- (1) Grading, cutting and filling.
- (2) Ditching and graveling.
- (3) Base Course.
- (4) Surface course.

Upon final inspection and approval by the Town and/or its agent and full payment of work (including any and all inspection fees), the owner shall turn over the required deed as required under this section.

H. PENALTY. Any person or corporation violating this section shall, upon failing immediately to remove said obstruction or unapproved culvert pipe or open said ditch, pay the cost of repairing, removing and opening, and shall be further subject to a fine pursuant to Subsection 11.04 A (1) of this code. In addition to the correction of any violation of this section, including the removal of any obstruction or unapproved culvert, ditch or roadbed or paying for the cost thereof, said person or corporation shall further be subject to a fine pursuant to Subsection 11.04 A (2) of this code.

3.04 DRIVEWAYS AND CULVERTS

A. PURPOSE. This chapter is enacted to protect the health, safety and general welfare of the Town of Mosel, Sheboygan County, Wisconsin, by providing for the establishment, repair, construction, improvement, modification, and reconstruction of private driveways, to assure that the methods of repair, construction, improvement, modification, and reconstruction used in any driveway will protect properly the public health, safety, and general welfare of persons in the Town, and to limit and regulate highway access by motor vehicles to any Town road.

B. AUTHORITY. This section is adopted as authorized under §. 66.0425 and §. 86.07, Wis. Stats., and under the Town of Mosel Municipal Code, Section 1.01 granting village powers.

C. DEFINITIONS. In this section, these words or phrases shall have the following meanings:

- (1) **Driveway:** Any private way, private road, or other avenue of private travel that runs through any part of a private parcel of land that connects or will connect with any public road or highway, and will provide service to a residence, business, recreational site, field or other similarly appropriate use.
- (2) **Emergency Vehicle:** Any fire, police, ambulance, or first responder vehicle used in emergency or hazard activities in the Town.
- (3) **Prime or Productive Agricultural or Forestry Land:** Any land within the Town that is currently being farmed or kept in forestry, including cropland and pastureland, or land that is included in a government sponsored agricultural or forestry program.
- (4) **Town:** Any reference to Town shall mean the Town of Mosel, Sheboygan County, Wisconsin, and shall include the Town Board, Town Clerk-**Treasurer** or any other designated committee or commission.

D. PERMIT REQUIRED. No person or entity shall place, construct or alter any private driveway or culvert or otherwise excavate, fill, or alter the road right-of-way, without first obtaining a permit as required by this chapter, and paying the appropriate fees as set forth in Section 11.05 of the Mosel Municipal Code. The requirements of this section shall apply to all new driveways and to existing driveways that are being altered, modified, or reconstructed within the road right-of-way.

E. AUTHORIZATION LIMITS. Permits obtained under this chapter are valid only on work within the road right-of-way on Town roads adjacent to lands owned by the permittee and identified in the application. Permits for the placement or alteration of driveways or culverts on County or State roads must be obtained from those entities.

F. EXISTING DRIVEWAYS. When erosion, flooding or other conditions created by existing driveways become a potential hazard to a public road, the Town shall notify the owner(s) of the land through which the driveway passes of such conditions. Any property owner failing to correct a hazardous situation within 24 hours of notification shall be subject to the penalties of this section and shall be liable for any costs incurred by the Town to eliminate such hazard, as provided by §. 66.0627, Wis. Stats. If any such hazardous conditions re-occur related to the same driveway, the property owner will be required to apply for a permit under this section to reconstruct the existing driveway to comply with this section.

G. APPLICATION.

- (1) Application shall be made in writing, on forms available from the Town Clerk-Treasurer, at least 10 days prior to the date the applicant would like to begin work, and shall be accompanied by the required fees and a drawing accurately depicting the proposed driveway to be constructed, reconstructed, altered or enlarged. The drawing shall identify the following:
 - (a) The location of existing and proposed improvements, including driveway length and width;
 - (b) Building setbacks from all lot lines;
 - (c) Road names and road right-of-way widths;
 - (d) The location of any other driveways or access points onto the town road within one-half mile in either direction of the proposed driveway; and
 - (e) Other documents, showing soil analysis, driveway slope, or construction plans, if required.
- (2) The Town designee will approve or deny the application, and may, as a condition of issuance, place specific restrictions or conditions on the permit, which shall require compliance by the applicant/permittee.
- (3) Any permit granted under this section is effective for six (6) months from the date of issuance. A permit may be renewed for an additional six (6) month period by paying an administrative fee as established by the Town in Section 11.05 of the Mosel Municipal Code. If the work authorized by the permit is not complete by the end of the renewal period, a new application and fee must be submitted and approved.
- (4) The applicant shall notify the Town Clerk-Treasurer within thirty (30) days after completion of the work authorized by the permit. Within thirty (30) days of such notification, the Town will inspect the work to ensure full compliance with all permit conditions and provisions of this section.
- (5) No building permit for any construction of buildings or structures will be issued by the Town until the driveway is constructed, reconstructed, rerouted, or altered according to the specifications of the permit issued under this section, and the inspection required by paragraph (4) above is complete.
- (6) Approval of any permit under this section does not establish or commit the Town to future approval of any driveway as a public road or highway in the Town.

H. DENIAL AND APPEAL.

- (1) If a permit application is denied, the Town will recite, in writing, the particular facts upon which it bases its denial. The applicant shall have the opportunity to appeal to the Town Board at a public hearing after a Class 1 notice under §. 985.07, Wis. Stats. Thereafter, the Town may affirm, reverse or modify its decision. The Town Board shall recite, in writing, findings for any decision to modify or reverse its initial determination.
- (2) Reasons for denying a driveway permit application may include, but are not limited to:
 - (a) Inconsistency or nonconformance of the proposed driveway with this section, with any existing town comprehensive plan, master plan, or land use plan, with Town ordinances, rules, regulations, or plans, or any applicable County, State, or Federal laws, ordinances, rules, regulations, or plans.
 - (b) The driveway or culvert, as proposed, would be dangerous or unsafe to use.
 - (c) The application as filed and submitted is incomplete or contains false information as determined by the Town.
 - (d) Alternative driveway or culvert location(s) will be safer for motor vehicle access from and onto Town roads.
 - (e) Alternative driveway location(s) will preserve or better protect more prime or productive agricultural or forestry land in the Town.
 - (f) Alternative driveway location(s) will have less negative land use impact on historical, archaeological, community, public, or culturally significant or environmentally sensitive parcels of land or facilities in the Town, including land adjacent or near the proposed driveway.
 - (g) The driveway will not provide timely and adequate ingress and egress for emergency vehicles.

I. PERMIT CONDITIONS. In making application for a permit, the applicant agrees to the following conditions:

- (1) That the applicant represents all parties in interest, and that any driveway or approach constructed is for the bona fide purpose of securing access to private property and not for the purpose of parking or servicing vehicles, or for advertising, storage, or merchandising of goods on the road right-of-way.
- (2) That the permittee shall furnish all materials, do all work, and pay all costs in connection with the construction of the driveway and its appurtenances on the right-of-way. Materials used and type and character of work shall be suitable and appropriate for its intended purpose, and the type of construction shall be as designated and subject to approval of the Town or its designee. The permittee shall make the installation without jeopardy to or interference with traffic using the road. Road surfaces, shoulders, ditches and vegetation disturbed shall be restored to equivalent of original condition by the permittee.

- (3) That no revisions or additions shall be made to the driveway or its appurtenances on the right-of-way without the written permission of the Town or its designee.
- (4) The Town reserves the right to make such changes, additions, repairs and relocations within statutory limits to the driveway or its appurtenances on the right-of-way as may at any time be considered necessary to permit the relocation, reconstruction, widening, and maintaining of the road or to provide proper protection to life and property on or adjacent to the highway.
- (5) That the permittee, and any successors or assigns, agree to indemnify, defend, and hold harmless the Town, its officers, agents and employees against any action for personal injury or property damage sustained by reason of the exercise of the permit.
- (6) The Town does not assume any responsibility for the removal or clearance of snow, ice or sleet, or the opening of windrows of such material, upon any portion of any driveway or entrance along any Town road even though snow, ice or sleet is deposited or windrowed onto said driveway or entrance by its authorized representative engaged in normal winter maintenance operations.
- (7) The Town, or its designee, shall have the right of inspection onto land pursuant to a warrant issued under §. 66.0119, Wis. Stats., for the purpose of inspecting existing or proposed driveways to determine if the driveways are in compliance with this chapter.
- (8) During construction, relocation, or modification, permittee shall allow for safe and timely travel by emergency vehicles or vehicles of the general public.
- (9) Permittee shall keep driveway culvert free of debris and other obstructions to provide proper drainage along the road.
- (10) Maintenance and upkeep of driveways on and over Town road right-of-way shall be the responsibility of the permittee. Permittee shall also maintain the driveway to ensure safe, timely, and proper access and travel by emergency vehicles.
- (11) If restoration of road right-of-way is not accomplished voluntarily and without delay, the Town may issue a notice setting forth a final date by which the restoration shall be completed. If applicant fails to complete the restoration within the allotted time, the Town may arrange for the restoration, and all resulting costs shall be the obligation of the permit applicant. Failure to pay those costs shall result in the amounts being charged to the property owner under §. 66.0627, Wis. Stats.

J. GENERAL LOCATION, DESIGN AND CONSTRUCTION STANDARDS.

The purpose of these design standards is to promote the orderly and safe movement in and out of private properties in such manner as will constitute a minimum of interference to through traffic, and to control the use of drainage structures and appurtenances as may be necessary to preserve the physical structures of the road.

The location, design, and construction of a driveway shall conform to the following:

- (1) The island area on the right-of-way between successive driveways or adjoining a driveway and between the road shoulder and right-of-way line

shall remain unimproved for vehicular travel or parking. Such areas shall be considered as restricted and may be filled in or graded down only as provided in subsection (7) below.

- (2) The surface of the driveway connecting with the road surface shall slope down and away from the road shoulder a sufficient amount and distance to preclude ordinary surface water drainage from the driveway area flowing onto the roadbed wherever possible. Generally, the driveway will be no less than four (4) inches below the edge of the pavement at a point six (6) feet from the edge of the pavement. However, this may vary with shoulder width and ditch depth at a given driveway.
- (3) The driveway shall not obstruct or impair drainage in roadside ditches or other areas. Driveway culverts, where necessary, shall be adequate for surface water drainage along the road and in no case less than the equivalent of a fifteen (15) inch diameter pipe. In general the culvert shall be as large as the largest one nearest it on each side.
- (4) The distance between culverts under successive driveways shall be not less than ten (10) feet except as such restricted area is permitted to be filled in under the provisions of paragraph (7) below.
- (5) Culverts shall be of galvanized steel, corrugated pipe, concrete or equal materials. All concrete culverts shall have male/female joints, no butt joints are allowed.
- (6) The surface of any driveway constructed within the right-of-way of a Town road shall be clear crushed road gravel or asphalt. In no case shall the surface of any such driveway be earth.
- (7) The restricted area between successive driveways may be filled in or graded down only when the following requirements are fully complied with:
 - (a) The filling in or grading down shall be to grades approved by an engineer hired by the Town, at the applicant's expense, and surface water drainage of the area shall be directed away from the roadbed in a suitable manner.
 - (b) Culvert extension within the restricted area shall be of like size and equivalent acceptable material of the driveway culvert, and intermediate manholes adequate for cleanout purposes may be required where the total culvert length exceeds one hundred (100) feet.
 - (c) Where no highway side ditch separates the restricted area from the roadbed, permanent provision may be required to separate the restricted area from the roadbed to prevent its use for driveway or parking purposes, by construction of a border, curb, rail or posts deemed adequate by an engineer, all at applicant's expense.
- (8) The embankment above and adjacent to the culvert ends may be protected and stabilized through the installation of rocks, bricks, landscaping timbers, railroad ties, small vegetation or similar materials, but only under the following conditions:
 - (a) All such material placed in the right-of-way must be immediately adjacent to the driveway;

- (b) No such material or other objects shall rise above the surface of the driveway or the road, whichever is lower;
- (c) No such material may extend beyond the end of the culvert;
- (d) No construction or installation of material in the right-of-way shall impede water flow, harm the surrounding banks and ditching, or be distracting to vehicles; and
- (e) The landowner shall be responsible for bank restoration upon installation or any needed repairs.

K. COMMERCIAL DESIGN STANDARDS. Driveways serving commercial or industrial establishments shall conform to the following:

- (1) **Width of Drive.** No driveway except as hereinafter provided shall have a width less than twenty-four (24) feet nor greater than thirty-six (36) feet measured at right angles to the centerline of the driveway, except as increased by permissible radii.
- (2) **Return Radii.** No return radius projected between the edge of road pavement and the driveway shall be greater than forty (40) feet. Usually, these radii will be determined by the restrictions given in paragraphs (1), (3), and (4).
- (3) **Angular Placement of Drive.** The angle between the centerline of the driveway serving two-way traffic and the edge of the pavement shall be as near to ninety (90) degrees as possible, and in no case less than forty-five (45) degrees.
- (4) **Island Areas.**
 - (a) An island of a minimum length of 10 feet shall be maintained between driveways serving the same premises. The measurement shall be along a line ten (10) feet from and parallel to the edge of the pavement.
 - (b) The area within five (5) feet of a property line shall be a restricted area over which no driveway may be developed. The five (5) foot restriction shall be measured parallel to the pavement edge and shall be effective between the right-of-way line and a line ten (10) feet from and parallel to the pavement edge. This is to serve as an island area should the adjoining property owner request a permit for a driveway.

L. NONCOMMERCIAL DESIGN STANDARDS. Driveways serving farm or residential property shall conform to the following:

- (1) **Width of Drive.** No residential driveway or combination of driveways shall have a width less than sixteen (16) feet nor greater than twenty-four (24) feet, and no agricultural driveway or combination of driveways shall have a width less than twenty-four (24) feet nor greater than thirty-six (36) feet, measured at right angles to the centerline of the driveway except as increased by permissible radii.
- (2) **Return Radii.** No return radius projected between the edge of the road pavement and the driveway shall be greater than forty (40) feet.

- (3) **Angular placement.** The centerline of that part of the driveway lying on the Town right-of-way shall be at approximately right angles to the pavement except as topography may make certain angular placement necessary.
- (4) Culverts under drives serving residential properties shall not be more than thirty feet (30') long.
- (5) Culverts under drives serving agricultural properties shall not be more than forty-two feet (42') long.
- (6) **Setbacks.** All driveways shall be set back at least five feet (5.0') from adjoining properties.

M. PENALTY PROVISION. Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this section shall, upon conviction, pay a forfeiture as set forth in Section 11.04 of the Mosel Municipal Code for each violation. Each day a violation exists or continues shall be considered a separate offense. In addition, the Town may seek injunctive relief from a court of record to enjoin further violations. Any unapproved driveway or culvert may be removed by the Town at the owner's expense, and the cost of such abatement may be charged to the property owner under §. 66.0627, Wis. Stats.

3.05 SPEED RESTRICTIONS ON TOWN ROADS

A. ROADS AFFECTED AND LIMITATIONS. The following speed limits apply to these portions of Town roads:

- (1) Lakeshore Road—from Orchard Road south to CTH MM: reduced from fifty-five miles per hour (55 MPH) to forty-five miles per hour (45 MPH).
- (2) Playbird Road—from Rangeline Road east to Lakeshore Road: reduced from fifty-five miles per hour (55 MPH) to forty-five miles per hour (45 MPH).
- (3) Garton Road—from Lakeshore Road (formerly CTH LS) east to its eastern end: reduced from forty-five miles per hour (45 MPH) to thirty-five miles per hour (35 MPH).
- (4) Lakeshore Road—from Playbird Road (south boundary of the Town) north to a point 1,100 feet north of Garton Road: reduced from fifty-five miles per hour (55 MPH) to forty-five miles per hour (45 MPH).
- (5) Lakeshore Road—from Luelloff Road north to Orchard Road: reduced from fifty-five miles per hour (55 MPH) to forty-five miles per hour (45 MPH).

B. SIGNAGE. Pursuant to § 349.11(5), Wis. Stats., the Town shall cause the placement of appropriate traffic signs which comply with the Wisconsin Manual on Uniform Traffic Control Devices.

C. VIOLATIONS. Any violation of this section shall be subject to penalties under § 346.60, Wis. Stats., or the corresponding Town Municipal Code.

3.06 PASSING RESTRICTIONS ON TOWN ROADS.

Overtaking or passing or driving to the left of the center of the roadway is prohibited on the following portions of Town roads:

A. Lakeshore Road (formerly CTH LS) south of Garton Road adjacent to the Kohler Co. Generator Plant (from 1/4 of a mile north of Garton Road, then south to 1/8th of a mile south of the south plant entrance driveway).

B. Reserved

CHAPTER 4 : LICENSES AND PERMITS

4.01 GENERAL PROCEDURES

Unless otherwise specifically provided by the laws of the State of Wisconsin or ordinances of the Town, the following provisions shall apply to the issuance, transfer and revocation of all licenses and permits issued under the provisions of this code:

A. TOWN CLERK-TREASURER TO FURNISH FORMS: All applications for licenses or permits shall be made upon regular forms approved by the Town Board and furnished by the Town Clerk-Treasurer to the applicant.

B. FEES TO BE PAID IN ADVANCE: The amount of the license or permit fees shall be first paid to the Town Clerk-Treasurer and his/her receipt therefore shall be attached to the application.

C. APPLICATION TO BE SIGNED; WHEN NOTARIZED: The application shall be signed by the applicant and where required, shall be sworn to before a notary public, or other public officer, authorized to administer oaths, and filed with the Town Clerk-Treasurer.

D. CONSIDERATION AND HEARING: The Town Clerk-Treasurer shall present such application to the Town Board at its next regular meeting held after the filing thereof, except where some town officer, board or commission is first required to examine or report upon such application, in which case the Town Clerk-Treasurer shall refer the application for report to such officer, board or commission and shall present the application report thereon to the Town Board as soon as reasonably possible thereafter. Opportunity shall be given, where necessary, by the Town Board to any person to be heard for or against the granting of any license or permit.

E. ISSUANCE: The Town Clerk-Treasurer shall issue such license or permit only after its issuance has been authorized by the Town Board or proper officer.

F. ISSUANCE BY ADMINISTRATIVE AUTHORITY: Where administrative authority to issue any license or permit is delegated to any town officer, board or commission under the terms of this code, such officer, board or commission shall grant such license or permit where proper application has been made in accordance with the provisions of this code unless the granting of same appears to be contrary to the health, safety, morals or general welfare of the public, in which case the reason for denial shall be reduced to writing and delivered or mailed to the applicant; such applicant may at any time within thirty (30) days thereafter request the Town Board or any respected appeal board to review such determination or any failure to make the same.

G. CONDITIONS OF ISSUANCE

- (1) All obligations to the Town to be paid and in compliance with Town ordinances. Before any license or permit shall be issued under the provisions of this code, the Town Clerk-Treasurer shall check all town records to determine whether or not any applicant is in arrears for taxes or other obligations to any department of the Town, or is currently in violation of any Town ordinances. If the Town Clerk-Treasurer finds any applicant to be in arrears for taxes, forfeitures or any other obligation, the issuing officer shall withhold any and all licenses and permits for which an application has been made until such taxes or obligations have been paid in full, except the issuing officer may not refuse to issue a dog license as required by Wisconsin Statute. If the applicant is in violation of any Town ordinance, or the parcel(s) of land at issue has an outstanding violation, the issuing officer shall withhold any and all licenses until such violation is corrected, except the issuing officer may not refuse to issue a dog license as required by Wisconsin Statute. A request for waiver of this provision may be made, to grant or deny a permit or license on the merits of the application, to the Town Board. Where issuance of an after-the-fact permit or approval would have the effect of correcting a violation, it may be granted if all conditions required for issuance can be complied with.
- (2) **Consent to Inspection of Premises:** As a condition of the granting of any license or permit, the licensee or permittee shall agree in writing that during the period of such license or permit, a peace officer or other duly authorized officials of the Town may at all reasonable hours enter into and upon the licensed premises for the purpose of inspecting the said premises to ascertain if all Town ordinances and State laws are being obeyed, and such person shall also consent to the removal from said licenses premises without warrant, of all things and articles there in violation of Town ordinances and state laws and to the introduction and receipt of such things and articles, in any prosecution or proceeding for violation of any provision of the Town ordinances or state law.

H. REPLACEMENT OF LOST OR DESTROYED LICENSE OR PERMIT:

Whenever any license or permit shall be lost or destroyed without fault on the part of the holder or his agent or employees, a duplicate in lieu thereof may be issued by the Town Clerk-Treasurer upon satisfying himself/herself of the facts, for a fee as set forth in Section 11.05.

I. REVOCATION OF LICENSE OR PERMIT: Any license or permit issued by the Town Board or any officer or department of the Town may be revoked by the Town Board at any regular or special meeting by a majority vote in favor of such revocation, provided that no license or permit shall be revoked until the holder thereof has been given an opportunity to be heard by the Town Board. The Town Board shall summon and notify such licensee to appear before it at the time specified in the summons and notice, which shall not be less than three (3) days after the date of service thereof, to show cause why his license should not be revoked. Notice of such hearing will be given to said permit or license holder either personally or by

registered mail by the Town Clerk-Treasurer in the time and manner as directed by the Town Board. Any license or permit issued by the Town Board, any town officer or department shall be and remain the property of the Town and upon revocation thereof, the same shall be returned to the Town Clerk-Treasurer's office, and if not so returned, after demand, the Town reserves the right to institute suit against the holder or anyone having possession of such license or permit for the return of same. Any person failing to return any such license or permit after revocation thereof and demand having been made as herein provided, shall be deemed to have violated the provisions of Section 11.04.

J. REBATE FEE: No rebate or refund of any license fee or any part thereof shall be made for any reason.

K. DUTIES OF LICENSEE:

- (1) General Standards of Conduct: Every licensee under this ordinance shall:
 - (a) **Comply with Governing Law.** Ascertain and at all times comply with all laws and regulations applicable to such licensed business.
 - (b) **Operate Properly.** Avoid all forbidden, improper, or unnecessary practices or conditions which do or may affect the public health, morals, or welfare.
 - (c) **Cease Business.** Refrain from operating the licensed businesses on premises after expiration of his/her license and during the period his license is revoked or suspended.
 - (d) **Display License.** Every licensee shall post and maintain such license upon the licensed premises, vehicles, or machines in a place where it may be seen at all times.
 - (e) **Inoperative License.** No person shall allow any license or permit to remain posted, or displayed or used after the period for which it was issued has expired; or when it has been suspended or revoked, or for any other reason become ineffective.

L. AUTHORITY OF INSPECTORS: All persons authorized herein to inspect licensees and businesses shall have the authority to enter, with or without search warrant, at all reasonable times, the following premises:

- (1) Those for which a license is required.
- (2) Those for which a license was issued and which, at the time of inspection, are operating under such license.
- (3) Those for which the license has been revoked or suspended.
 - (a) **Reports by Inspectors.** Persons inspecting licensees, their businesses, or premises as herein authorized will report all violations of this code or of state laws to the Town Board and will submit such other reports as the Town Board shall order.
 - (b) **Provisional Order.** When an inspector has reported the violation of this code or of state laws, the Town Board shall issue to the affected person a provisional order to comply.
 - (i) **Nature of Notice.** The provisional order, and all other notices issued in compliance with this ordinance, will be in writing.

shall be personally served, and shall apprise the person affected of his/her specific violations. In the absence of the person affected or his/her agent or employee a copy of such notice will be affixed to some structure on the premises. Depositing such notice in the United States mail will constitute service thereof.

- (ii) **Period for Compliance.** The provisional order shall require compliance within 10 days of personal service on the affected person.
- (iii) **Hearing.** Upon written application by the person affected before the expiration of the 10 day period for compliance, the Town Board shall order a hearing. Notice of such hearing will be given the affected person in the manner prescribed herein.

M. CORRECTIONAL ORDER: When an inspector has reported a violation of this code or of state law, the Town Board will issue to the affected person a correctional order to comply.

- (1) **Nature of Notice.** The correctional order, and all other notices issued in compliance with this ordinance, will be in writing, will be personally served and will apprise the person affected of his specific violations. In the absence of the person affected or his/her agent or employee a copy of such notice will be affixed to some structure on the premises. Depositing such notice in the United States mail will constitute service thereof.
- (2) **Period for Compliance.** The correctional order will require compliance within ten (10) days of personal service on the affected person.
- (3) **Hearing.** Upon written application by the person affected before the expiration of the ten (10) day period for compliance, the Town Board will order a hearing. Notice of such hearing will be given the affected person in the manner prescribed herein.

4.02 JUNK AND JUNKED MOTOR VEHICLE DEALERS

A. LICENSE REQUIRED: No person or persons, association, partnership, firm or corporation shall without first obtaining a license as herein provided:

- (1) Keep, conduct or maintain any building, structure, yard or place for keeping, storing or piling in commercial quantities, whether temporarily, irregularly, or continually, or for the buying or selling at retail or wholesale or dealing in any old, used, or second hand materials of any kind, including cloth, rags, clothing, paper, rubbish, bottles, rubber, iron, brass, copper, or other metal (ferrous or non-ferrous) furniture, used motor vehicles or the parts thereof, or other articles which from its worn condition renders it practically useless for the purpose for which it was made and which is commonly classed as junk.
- (2) Keep, conduct, or maintain any building, structure, yard, or place for keeping, storing or piling in commercial quantities, whether temporarily, irregularly, or continually, any scrap metal (ferrous or non-ferrous) where same is processed

by either being cut, dismantled, or compressed in bales, which business is more commonly known as metal processing.

- (3) Keep, conduct, or maintain any building, structure, yard, or place for keeping, storing or piling in commercial quantities, whether temporarily, irregularly, or continually, or for buying or selling at retail or wholesale used motor vehicles for use of their parts or as scrap.

One carrying on any of the aforesaid businesses shall be referred to herein as a "Junk Dealer."

B. APPLICATION: Application for a license to engage in the business of a junk dealer shall be filed with the Building Inspector upon a form provided by the Town, and shall be signed by the applicant or applicants. Said application shall state:

- (1) The names and residences of the applicants, if an individual partnership, or firm, or the names of the principal officers and their residence, if the application is an association or corporation.
 - (a) The length of time such applicant or applicants, if an individual, firm or partnership, or the manager or person in charge if the applicant is a firm or corporation, has or have resided in the Town of Mosel, his/her or their places of previous employment, whether married or single, whether he/she or they or any of them have been convicted of a felony or misdemeanor and, if so, what offense, when and in what court.
 - (b) Whether the applicant or applicants or officers or manager of the applicant have been employed by a junk dealer or have been a junk dealer.
 - (c) The detailed nature of the business to be conducted and the kind of materials to be collected, bought, sold, or otherwise handled.
 - (d) The exact legal description and street address of the premise used, or to be used as a junk yard, and zoning thereof.

C. NOTARIZATION: Every application for a license to engage in the business of junk dealer shall be executed and acknowledged before a notary public or other officer authorized to administer oaths in the County of Sheboygan.

D. APPROVAL OF APPLICATION:

- (1) Before the application is forwarded in the Town Board, the Building Inspector will examine and check the description of the application with the premises used or to be used as a junk yard, and will sign the statement attached to the application as to the correctness of the description. The applicant, if required by the Building Inspector or the Town Board, shall also submit the application to the Plumbing Inspector, Fire Chief and Health Officer, who will inspect the premises and sign the statements attached to the application, stating whether the premises comply with all ordinances, laws, rules and regulations.
 - (a) The premises and all structures thereon shall be so situated and constructed that the business of junk dealers may be carried on in a sanitary manner, will contain no fire hazard and will be arranged so

that thorough inspection may be made at any time by the building, plumbing, fire, police and health authorities. Upon proper execution of the application and the payment of the required license fee to the Town Clerk-Treasurer; the application shall be filed with said Town Clerk-Treasurer. The Town Clerk-Treasurer will forward the application to the Town Board at a regular or special meeting called for that purpose. A majority vote of the members present will authorize the issuance or denial of a license. No such permit will be issued by the Town Clerk-Treasurer until favorable action upon the application thereof is first had by the Town Board.

- (b) No building will be used for the business of junk dealing unless it is of fireproof construction or constructed of non-combustible materials. This paragraph does not apply to buildings which are being used on or before June 14, 1946, in the business of junk dealing.

E. ISSUING OF LICENSES

- (1) All licenses will be numbered in the order in which they are issued, and will state clearly the location of the junk business, the date of issuance and the expiration of the license, and the name and address of the licensee.
- (2) No license as a junk dealer will be granted to any person, firm or corporation, who has been convicted within one (1) year prior to the date of the application of a violation of this section.

F. FEES: Each junk dealer will pay an annual license fee as set forth in Section 11.05. All licenses will be issued as of July 1st and will continue in force until June 30th next succeeding the day of issuance thereof, unless sooner revoked as provided by law.

G. POSTING OF LICENSE: Every holder of a junk dealer's license will at all times keep the license posted in a conspicuous place on the premises described in the application for such license. No person will post such license or permit it to be posted upon any premises other than those mentioned in the application, or knowingly deface or destroy the license.

H. LICENSE LOST OR DESTROYED: Whenever a license is lost or destroyed, without fault on the part of the holder or his/her agent, or employee, a duplicate license will be issued by the Town Clerk-Treasurer upon the filing of an affidavit setting forth the circumstances of the loss or destruction and upon the payment as set forth in Section 11.05.

I. CHANGE OF LOCATION: Every junk dealer's license will designate the place of business in or from which the junk dealer received such license is authorized to carry on such business. No licensee will remove his/her place of business from the place designated in the license until a written permit has been secured from the Town and the same is endorsed upon the license. All licenses affected by such change will be altered to contain the new address.

J. HEALTH REGULATIONS: The Building Inspector may formulate reasonable rules and regulations relating to the conduct of the business of junk dealing which will be designed to protect the health of the community. No junk dealer shall violate any such rule or regulation.

K. INFORMATION TO PEACE OFFICER: Each licensed junk dealer will furnish to any peace officer of the Town, County of Sheboygan, or State of Wisconsin, such information as he/she may require to ascertain the names of the seller or sellers of any junk or articles which have been purchased by the junk dealer.

L. REGULATION CONCERNING PREMISES

- (1) The contents of the premises of every junk dealer will be arranged in an orderly manner with all similar things located together so as to facilitate inspection by the proper authorities. The premises of every junk dealer will be subject to inspection by the Town or other proper authorities at any time.
 - (a) All paper that is stored will be baled and all rags kept will be baled or bagged and both will be kept within a building on the premises.
 - (b) The wrecking or storage yard will be fenced by a painted tight board fence or other structure at least seven (7) feet high, constructed so that no dust or other materials may pass through. Said enclosure will be maintained in good condition at all times and no articles or materials will be piled so as to protrude above the enclosure.
 - (c) No premises will be used for carrying on the business of a junk dealer unless said premises are located more than three hundred (300) feet from any residential building, school building or other public building.

F. REVOCATION

- (1) Upon complaint being made in writing by any Town official or resident of the Town that any licensee has violated any of the provisions of this ordinance, such complaint will be turned over to the Town Board who will summon such licensee to appear before it at the time specified in the summons which will not be less than three (3) days after the date of the service thereof, to show cause why his/her license should not be revoked. The Town Board will proceed to hear the matter and a majority vote of the members present will determine whether such junk dealer's license should be revoked or not.
- (2) Whenever any license is revoked, no refund of any unearned portion of the fee therefore will be made and no license will be granted to any person, firm, partnership, association or corporation whose license has been revoked within a period of one (1) year from the date of such revocation. Notice of such revocation and the reason or reasons therefore, in writing, will be served by the Town Clerk-Treasurer upon the person, firm, partnership, association or corporation named in the application by mailing the same to the address given in the application and upon filing a copy of same in the office of the Town Clerk-Treasurer.

G. PENALTY: Any person, firm, or corporation, who by himself/herself, or itself, or by his/her or its clerk, agent, or employee shall conduct the business of junk dealer as herein defined without the license required by this ordinance, or shall violate any of the provisions of this ordinance, or who, having had his/her, its, or their license revoked, shall continue as a junk dealer, will be subject to a penalty as provided in Section 11.04 A(1) of this code. A separate violation will be deemed committed on each day on which a violation of any provision of this section occurs or continues. In addition to the penalties imposed, the license of the person, persons, firm, association, partnership, or corporation violating the same will be cancelled or revoked.

4.03 ALCOHOL BEVERAGE LICENSING & REGULATION

A. PURPOSE. The purpose of this ordinance is to provide for the licensing and regulation of the sale of alcohol beverages in the Town of Mosel in conformance with Wisconsin Statutes in order to provide for uniform statewide regulation of said beverages.

B. STATUTES INCORPORATED. The provisions of Chapter 125, Wisconsin Statutes (2001-2002) and any future revisions or additions thereto, are adopted by reference in this section as if fully set forth herein.

C. LICENSE REQUIRED. No person, firm or corporation shall manufacture, rectify, brew, sell, deal, traffic in or give away, or have in their possession with the intent to manufacture, rectify, brew, sell, deal, traffic in or give away, any intoxicating liquor or fermented malt beverage (hereafter collectively referred to as alcohol beverages) in any quantity, or cause the same to be done, or engage in any other activity for which this ordinance or Chapter 125 of the Wisconsin Statutes requires a license, permit or other authorization, without having been issued the appropriate license, permit or authorization.

D. CLASSES OF LICENSES.

(1) Class A Licenses

- (a) Retail Class "A" Fermented Malt Beverage License.
- (d) Retail "Class A" Intoxicating Liquor License.
- (e) Six-month Retail "Class A" Intoxicating Liquor License.

(2) Class B Licenses

- (a) Retail Class "B" Fermented Malt Beverage License.
- (b) Retail "Class B" Intoxicating Liquor License.
- (c) Reserve Retail "Class B" Intoxicating Liquor License.
- (d) Six-month Class "B" Fermented Malt Beverage License.
- (e) Six-month "Class B" Intoxicating Liquor License.
- (f) Temporary Class "B" Fermented Malt Beverage License.
- (g) Temporary "Class B" Wine License.

(3) Retail "Class C" Wine License.

(4) Provisional Retail Licenses, as allowed by state law.

(5) Wholesalers Fermented Malt Beverage License.

(6) Operator's Licenses, including Temporary and Provisional Licenses.

E. APPLICATION FOR LICENSE.

- (1) **Contents.** Applications for any license required by this ordinance shall be made in writing on the form prescribed by the Wisconsin Department of Revenue, or the Mosel Town Board in the case of operator's licenses, and shall be sworn to by the applicant as provided by §. 887.01 to 887.04 of the Wisconsin Statutes. Applications by corporations or limited liability companies shall be sworn to by at least two officers of said entity. The premises shall be described to include every space, enclosed or not enclosed, in which the licensed activity will be carried out or in which alcohol beverages will be stored, including any rooms used to keep alcohol beverage related records.
- (1) **Filing of Application.** All applications for licenses required by this ordinance shall be filed with the Town Clerk-Treasurer not less than the stated number of days prior to the granting of such license:
- (a) Retail and wholesale license applications: fifteen (15) days.
 - (b) Operator's license applications: ten (10) days.
 - (c) Temporary Retail or Operator's license applications for events lasting less than four (4) days: five (5) days.
 - (d) Provisional Retail or Operator's license applications: 48 hours.
- (3) **Publication.** Notice of all applications for retail or wholesale licenses shall be published at least once in a non-daily newspaper or on three consecutive days in a daily newspaper having circulation in the Town of Mosel. The notice shall include the name and address of the applicant, the kind of license applied for and the location of the premises to be licensed. Publication is not required for applications of all types of operator's licenses, and temporary or provisional retail licenses. The cost of the publication shall be paid by the applicant at the time the application is filed.
- (4) **License Fees Paid.** License fees for alcohol beverage licenses, as established in Section 11.05 of the Mosel Municipal Code by the Mosel Town Board, shall be submitted at the time of application, except the Town may not require an applicant to pay the license fee more than thirty (30) days prior to the date the license is to be issued. The full license fee shall be paid for the whole or fraction of any year, except for new retail "Class A", Class "A", "Class B", Class "B" and "Class C" licenses which shall be prorated based on the number of months or fractions thereof remaining in the licensing year. In no case shall a license be issued until all fees are paid.
- (5) **Amending Applications.** Prior to and after issuance of any alcohol beverage license, the applicant or licensee shall file with the Town Clerk-Treasurer a written notice of any change in any fact set out in an application, including a change in the named agent, for such license. Notification shall be made within ten (10) days of said change.

F. QUALIFICATIONS FOR APPLICANTS AND PREMISES.

- (1) **Eligibility.** Licenses shall be issued only to applicants eligible therefore under Chapter 125 of the Wisconsin Statutes, and specifically those qualifications set forth in §. 125.04(5).
- (2) **Right to Premises.** No applicant will be considered unless said applicant has the right to possession of the premises described in the application for the entire license period, by lease or by deed.
- (3) **Combinations Required.** A “Class B” intoxicating liquor license may only be issued to a person who holds, or to whom is concurrently issued, a Class “B” fermented malt beverage license.
- (4) **Corporations and Entities other than Individuals.** An alcohol beverage license will only be issued to a corporation, limited liability company, partnership or other entity which satisfies the requirements of §. 125.04(5)(c) of the Wisconsin Statutes.

G. REVIEW OF APPLICATIONS.

- (1) **Investigation.** Upon application for any license issued under this ordinance, except for temporary retail and temporary operator’s licenses, the Town Clerk-Treasurer will conduct a criminal background investigation utilizing at least two investigative sources to determine if the applicant meets the qualifications set forth in §. 125.04(5) of the Wisconsin Statutes. An application may be denied if the applicant’s arrest and conviction record demonstrates circumstances of charges that substantially relate to the alcohol beverage licensing activity, such as the following:
 - (a) One or more felony convictions for alcohol or drug-related offenses within the five year period preceding the date of application, unless the applicant has been duly pardoned.
 - (b) Three or more arrests or convictions for alcohol or drug-related offenses within the five year period prior to the date of application.
 - (c) Any arrest or conviction for an alcohol or drug-related offense within the six months prior to the date of application, with any other alcohol or drug-related offense in the last five years.
- (2) **Review of Application.** The Town Board will consider all pertinent facts when determining whether to grant or deny an alcohol beverage license. Although not limited by this listing, consideration will be given to the health, safety, and welfare of the residents of the Town, the license conditions as listed in Subsection I of this ordinance, the results of the criminal background investigation, completeness and truthfulness of the application, and the financial responsibility of the applicant, if applicable. In addition, opportunity shall be given by the Town Board to any person to be heard for or against the granting of any alcohol beverage license. The Town Board reserves the right to consider the severity, and facts and circumstances, of pertinent issues, including arrest or conviction records, subject to §. 111.321, 111.322, and 111.335 of the Wisconsin Statutes, including any amendments thereto, when making its decision. After review, the Town Board will act to grant, deny, postpone for further information, or grant conditionally, the application.

H. GRANTING AND ISSUING OF LICENSES.

(1) Issuance of Provisional Licenses. The Town Clerk-Treasurer is hereby authorized to issue provisional retail and operator's licenses. The Town Clerk-Treasurer is also authorized to revoke any provisional license issued if he/she discovers that the holder of the license made a false statement on the application or fails to successfully complete the training course requirements. The Town Clerk-Treasurer will follow these steps prior to issuing any such license:

- (a) Receive the required application and fee for the provisional license sought and ensure the applicant meets all eligibility requirements of this ordinance and Chapter 125 of the Wisconsin Statutes.
- (b) Obtain proof that the applicant has enrolled in or completed the required alcohol beverage server training course, if applicable.
- (c) Receive the application for the regular alcohol beverage license for the type of provisional license being requested.
- (d) Ensure that the Town Board has not previously denied, revoked, or suspended an alcohol beverage application or license of any kind for the applicant within the twelve month period prior to the application.
- (e) Complete a criminal background investigation on the applicant utilizing at least one investigative source. If the investigation reveals any of the types of offenses listed in Subsection G (1) (a)-(c) a provisional license shall not be issued.
- (f) If a provisional "Class B" intoxicating liquor license is requested, ensure that a regular license is available under the quotas established by state law. No provisional license may be issued if the issuance of a "Class B" license would cause the quota to be exceeded.

(2) Approval and Issuance of Original, Renewal and Temporary Licenses.

Following review of the application and the appropriate waiting period as determined in Subsection E (2), if the Town Board finds the application in order, they shall act to grant or grant conditionally, the appropriate license. After being granted, the Town Clerk-Treasurer will issue the license to the applicant within ten (10) days, unless the license was granted with conditions, and then within ten (10) days of the conditions being met. All licenses issued will be numbered in the order in which they were issued. Each license type will be numbered independently. Upon issuance, the licensee must frame and post said license and prominently display it in the area in which alcohol beverage activity will take place. Persons issued an operator's license shall carry the license card whenever engaged in activity covered by the license.

(3) Denial of License.

- (a) The Town Board may deny a retail license for reasons as allowed by Wisconsin Statutes and to promote the public health, safety and welfare of the community, including consideration of items such as: (1) adverse impact on traffic; (2) adverse impact on the peace, quiet and cleanliness of the neighborhood where the establishment is located; (3) insufficient parking; (4) proximity to other licensed establishments, residential areas schools or churches; and (5) ability or

inability of the Sheboygan County Sheriff's Department to adequately provide law enforcement services to the establishment and the Town as a whole.

- (b) If the Town Board denies the license, the applicant will be notified in writing, by certified mail or personal service, of the reasons for the denial. The notice will also inform the applicant of the opportunity to appear before the Town Board to provide evidence as to why the denial should be reversed. Such notice will be mailed or served at least fifteen (15) days prior to the meeting at which the application is to be reconsidered. Following such reconsideration, retail and wholesale license fees will be refunded, less a \$100 administrative fee for any license which is denied. Publication fees, operator's, provisional and temporary license fees and license fees which are less than the administrative fee listed are not refundable. Any person or entity which is denied a license shall be ineligible to apply for any alcohol beverage license from the Town for one full year from date of denial.
- (4) Withholding of License.** An original or renewal license may not be granted, and will not be issued, to anyone or for any premises for which any of the following is true:
- (a) Taxes, assessments, forfeitures or other financial claims of the Town are delinquent or unpaid.
 - (b) Sanitary, safety or health requirements of Sheboygan County or the State of Wisconsin are not met.
 - (c) A valid State of Wisconsin seller's permit has not been issued.
 - (d) The Town Clerk-Treasurer has received notice that payment to beer suppliers is outstanding more than 15 days or payment to liquor suppliers is outstanding more than 30 days.
- (5) Transfer of Licenses.** Transfers of alcohol beverage licenses will only be done in accordance with the provisions of §. 125.04(12) of the Wisconsin Statutes. A license may not be transferred upon the sale of the business. In the event the holder of the license sells a business or business premises, the purchaser must apply to the Town for a new license, and the Town is not obligated to issue a new license to the purchaser.
- (6) List of Licensees.** By July 15 annually, the Town Clerk-Treasurer shall provide the Wisconsin Department of Revenue with a list of each person holding a license issued by the Town. The list shall include the name, address and trade name of the licensee, the type of license held and, if the licensee is a corporation, partnership, or limited liability company, the name of the agent appointed under §. 125.04(6) of the Wisconsin Statutes. The list shall not include those persons issued an operator's license or a temporary retail license.

I. CONDITIONS OF LICENSES.

- (1) Consent to Entry.** Every applicant procuring an alcohol beverage license consents to the entry of peace officers or duly authorized representatives of

the Town at all reasonable hours for the purpose of inspection and search, and consents to the removal from said premises of all things and articles that are in violation of Town ordinances or state laws, and consents to the introduction of such things and articles in evidence in any prosecution that may be brought for such offense.

- (2) **Loss of Premises.** Upon the loss or eviction from a licensed premises, the licensee may request approval of the Town Board to transfer the license to another location in the Town or surrender the license to the Town Clerk-Treasurer. The licensee may also hold the license until its expiration date, subject to Subsection I (3).
- (3) **Continuation of Business.** Any licensee shall cause such business described in the license to be operated for at least 180 days during the license period, unless the license is issued for a term of 180 days or less, in which case this section does not apply. Unless this requirement is specifically waived by the Town Board, any licensee who does not meet this requirement will be subject to suspension or revocation proceedings as stated in Section J of this ordinance.
- (4) **Quotas.** Based on the quotas established by Wisconsin Statutes 125.51(4), the following limits apply in the Town:
 - (a) A total of two (2) "Class B" licenses may be issued.
 - (b) A total of three (3) Reserve "Class B" licenses may be issued, except the number of reserve "Class B" licenses available shall increase by one (1) for every increase in population of 500 persons from the Town's 1997 population of 884 persons.
 - (c) If the Town has granted or issued "Class B" licenses equal to its quota (the total of regular and reserve "Class B" licenses available), the Town Board may nevertheless issue a regular "Class B" liquor license to a full-service restaurant that has a seating capacity of 300 or more, or to a hotel that has 50 or more rooms for sleeping accommodations and has either an attached restaurant with seating capacity of 150 or more, or a banquet room with a 400 person or greater capacity. A full service restaurant is defined as one in which the food is prepared, sold and served on the premises. Seating capacity shall be determined by the total available indoor seating capacity of the premises. The initial and renewal fee for a license granted under this exception shall be the same as for a regular "Class B" license.
- (5) **Closing Hours.** All licensees will establish closing hours in conformance with §. 125.32(3) of the Wisconsin Statutes, including any amendments thereto.
- (6) **Activities Prohibited on Licensed Premises.**
 - (a) No disorderly, riotous or indecent conduct will be allowed at any time.
 - (b) Except as authorized by state law, no gambling or game of chance of any sort will be permitted.
 - (c) No retail alcohol beverage licensee will sell or offer for sale alcohol beverages by extending credit, except hotel credit extended to a

resident guest, or to receive goods, merchandise or other articles in exchange for alcohol beverages.

- (d) No performance or exhibition by patrons, employees, or hired entertainers which engages in or simulates sexual contact of any kind, or which exposes male or female genitalia or the female breast at or below the areola will be permitted. The presentation of such films or slides is also prohibited.

J. REVOCATION, SUSPENSION, OR NON-RENEWAL OF LICENSE.

- (1) **Violations by Agents and Employees.** A licensee will be responsible for the supervision, management, and control of all alcohol beverage related activities, and compliance with all regulations and statutes by its agents and employees.
- (2) **Revocation or Suspension Procedure.** Whenever the holder of any license issued under this ordinance violates any portion of this ordinance or of Chapter 125 of the Wisconsin Statutes, proceedings for the revocation or suspension of such license may be instituted in the manner prescribed by §. 125.12(2), Wisconsin Statutes.
- (3) **Non-renewal Procedure.** A renewal application may be denied only for the causes specified by Chapter 125, Wisconsin Statutes. Prior to the time for renewal of the license, the Town Clerk-Treasurer must notify the licensee in writing of the Town Board's intention to deny renewal and state the reason(s) for doing so. The notice will also inform the applicant of the opportunity for a hearing. The renewal application fee for a license which is not renewed will be subject to the same refund policy stated in Subsection H (3).
- (4) **Effect of Revocation or Non-Renewal.** When a license is revoked or not renewed, no other license under this ordinance will be granted to such applicant, or to any premises in which said applicant has any interest, for a period of 12 months from the date of revocation or non-renewal.
- (5) **Notification to State.** Upon revocation or suspension of a license, or when a penalty is imposed for violation of this ordinance, the Town Clerk-Treasurer will notify the Wisconsin Department of Revenue within 10 days of such action. This notice will include the name of the licensee, the address of the licensed premises and a full description of the action taken.

K. PENALTIES.

- (1) Any person who violates any provision of this ordinance or Chapter 125 of the Wisconsin Statutes, for which a specific penalty is not provided, will be fined not more than \$1,000 or imprisoned for not more than 90 days or both. Any license issued to the person under this ordinance may be revoked by the court.
- (2) If a person is convicted of a felony under this ordinance or Chapter 125 of the Wisconsin Statutes, in addition to the penalties provided for the felony, the court will revoke any license issued to the person under this ordinance.
- (3) Each day a violation exists or continues will be considered a separate offense.
- (4) Nothing herein will preclude or affect the power of the sentencing court to exercise additional authorities granted by the Wisconsin Statutes.

4.04 REGULATION AND LICENSING OF DOGS

A. LICENSE REQUIRED: Any owner of a dog residing in the Town, whose dog is more than five (5) months of age as of January 1st of any year, shall annually at the time and in the manner prescribed by law for the payment of personal property taxes, obtain a license therefore as provided in Section 174.05 of the Wisconsin Statutes.

B. LICENSE FEE: Each owner shall pay to the Town Clerk-Treasurer annually a license fee as set forth in Section 11.05.

C. ISSUANCE OF LICENSE: Upon payment to the Town Clerk-Treasurer of the above named sum and submission of current rabies certificate, the Town Clerk-Treasurer will issue to each owner a license to keep such dog for a period not less than one (1) year, and the owner, upon procuring such license shall place upon each dog a collar, which is to be attached to the dog tag furnished by the Town Clerk-Treasurer.

D. DEFINITIONS:

- (1) "Owner" shall mean any person owning, harboring or keeping a dog or a parent of a minor child having ownership of a dog and the occupant of any premises on which a dog remains or to which it customarily returns daily for a period of ten days is presumed to be harboring or keeping the dog within the meaning of this section.
- (2) "At Large" means to be off the premises of the owner and not under the control of some person either by leash or otherwise, but a dog within a motor vehicle of its owner or in a motor vehicle of any other person with the consent of the dog's owner shall be deemed to be upon the owner's premises.
- (3) "Leash" means a cord, thong, or chain not more than ten (10) feet in length, by which a dog is controlled by the person accompanying it.

E. RESTRICTION ON KEEPING DOGS: It shall be unlawful for any person within the Town to own, harbor or keep any dog which:

- (1) Habitually pursues any vehicle upon any public street, alley, or highway in the Town.
- (2) Assaults or attacks any person.
- (3) Is at large within the limits of the Town.
- (4) Habitually barks or howls to the annoyance of any person or persons.
- (5) Kills, wounds, or worries any domestic animal.
- (6) Is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies.

F. DUTY OF OWNER IN CASE OF DOG BITE: Every owner or person harboring or keeping a dog who knows that such dog has bitten any person shall immediately report such fact to the health officer and shall keep such dog confined for not less than fourteen (14) days or for such period of time as the health officer

shall direct. The owner or keeper of any such dog shall surrender the dog to the health officer or any Town police officer upon demand for examination.

G. IMPOUNDING OR KILLING OF DOGS: In addition to any penalty hereinafter provided for a violation of this section, any person may impound any dog and any police officer of the Town may kill any dog which habitually pursues any vehicle upon any street, alley or highway of the Town, assaults or attacks any person, is at large within the Town, habitually barks or howls, kills, wounds or worries any domestic animal or is infected with rabies. Dogs impounded under this section may be reclaimed by paying \$3.00 to the Town Clerk-Treasurer plus \$4.00 a day for each day or fraction thereof the dog has been so impounded. Dogs impounded for a period of seven days will be destroyed by or under the direction of the Health Officer, in accordance with § 174.10(2), Wisconsin Statutes.

H. PENALTY: The penalty for violation of this section shall be a penalty as provided in Subsection 11.04 A (1) of this code.

4.05 WITHHOLDING LICENSE

The Town Clerk-Treasurer shall withhold the issuance of any license or permit (except dog license) from any applicant who has failed to pay a forfeiture imposed on him/her for a violation of a Town ordinance. Licenses or permits will not be withheld if said violation in which forfeiture was imposed is being appealed.

4.06 CHICKENS IN THE R-1 DISTRICT

A. PERMIT REQUIRED. Landowners desiring to keep chickens in the R-1 District must submit an application and the fee required pursuant to Code Section 11.05 to the Town Clerk. All permits must be approved in writing by the Town Board, be valid for no longer than one (1) year, and expire on December 31.

B. LIMITATIONS.

- (1) Large Lots. No more than ten (10) chickens may be kept on parcels larger than 1 acre.
- (2) Small Lots. For parcels of 1 acre or less, no more than four (4) chickens are allowed. The applicant must also have obtained the written consent of all adjoining property owners.
- (3) No roosters are allowed.
- (4) Hens may not run loose but shall be kept in a covered or fenced enclosure at all times. All structures and areas where chickens are kept shall be constructed so as to be easily cleaned and kept in good repair.
- (5) Permanent enclosures must be at least 25 feet from residential structures on adjacent lots, 10 feet from lot lines, and 25 feet from road right-of-way.

C. REVOCATION. If these regulations and the terms of the permit are not complied with, the Town Board may revoke the permit after notice to the permittee.

Reserved

4.07 MOBILE AND MOBILE HOME PARKS LICENSE

See Section 5.03.

4.08 TRAILER CAMP LICENSE

See Section 5.08.

4.09 REGULATION OF TRANSIENT MERCHANTS

A. PURPOSE. This ordinance is enacted to protect the health, safety and general welfare of the Town, by providing for the regulation and registration of transient merchants, peddlers, and direct sellers, to ensure fair dealings with purchasers and to acquire adequate information to correct any problems that may occur after the sale is made.

B. REGISTRATION REQUIRED. It shall be unlawful for any transient merchant to engage in sales within the Town, without being registered for that purpose as provided herein.

C. DEFINITIONS. In this ordinance, these words or phrases shall have the following meanings:

- (1) **Charitable Organization** – Any benevolent, philanthropic, or patriotic person, partnership, association or business entity.
- (2) **Merchandise or Goods** – Personal property of any kind, or materials provided incidental to services offered or sold. The sale of merchandise includes donations required by the seller for the retention of goods by a donor or prospective customer. For purposes of this section, sale of merchandise includes a sale in which the personal services rendered upon or in connection with the merchandise constitutes the greatest part of value for the price received, but does not include a farm auction sale conducted by or for a resident farmer of personal property used on the farm.
- (3) **Permanent Merchant** – Any person who, for at least one year prior to the consideration of the application of this ordinance to said merchant:
 - (a) has continuously operated an established place of business in Sheboygan or Manitowoc County, or
 - (b) Has continuously resided in the Town and now does business from his/her residence.
- (4) **Transient Merchant** – Any individual who engages in the retail sale of merchandise at any place in the Town, and who does not intend to become and does not become a permanent merchant of such place.

D. EXEMPTIONS. The following shall be exempt from all provisions of this ordinance:

- (1) Any person delivering newspapers, fuel, dairy products, or bakery goods to regular customers on established routes;
- (2) Any person selling merchandise at wholesale to dealers in such merchandise;
- (3) Any person selling agricultural products which such person, or someone in his/her immediate family, has grown;
- (4) Any permanent merchant or employee thereof who takes orders away from the established place of business for merchandise regularly offered for sale by such merchant within this trade area, and who delivers such merchandise in their regular course of business;
- (5) Any person who has an established place of business where the merchandise being sold is offered for sale on a regular basis, and in which the buyer has initiated contact with, and specifically requested a home visit by said person;
- (6) Any person who has had, or who represents a company which has had, a prior business transaction, such as a prior sale or credit arrangement, on other than a one-time basis, with the prospective customer;
- (7) Any person selling, or offering for sale, a service unconnected with the sale, or offering for sale, of merchandise;
- (8) Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law;
- (9) Any employee, officer, or agent of a charitable organization who engages in direct sales for or on behalf of the organization; provided, that there is submitted to the Town Clerk-Treasurer proof that such charitable organization is registered under Section 440.41 of the Wisconsin Statutes. Any charitable organization not registered under Section 440.41 of the Wisconsin statutes or which is exempt from that statute's registration requirements, shall be required to register under this ordinance;
- (10) Any person who claims to be a permanent merchant, but against whom complaint has been made to the Town Clerk-Treasurer that such person is a transient merchant; provided that there is submitted to the Town Clerk-Treasurer proof that such person has leased for at least one year, or purchased the premises from which he/she is conducting business, or proof that such person has conducted such business in Sheboygan or Manitowoc County for at least one year prior to the date complaint was made.
- (11) Any person less than 18 years of age selling a product, service or ticket promoted and sponsored by a school or a youth service, religious, nonprofit or charitable organization having an individual item cost of \$25.00 or less;
- (12) Any transient merchant while doing business at a special event which is authorized by the Town Board and who is registered under Subsection G (1) as a transient merchant for that event.

E. REGISTRATION

- (1) **Application.** Applicants for registration must complete and return to the Town Clerk-Treasurer a registration form furnished by the Town Clerk-Treasurer which shall require the following information:+

- (a) Name, permanent address and telephone number, and temporary address, if any;
 - (b) Age, height, weight, color of hair and eyes;
 - (c) Name, address and telephone number of the contact person for the firm, association or business entity that the transient merchant represents or is employed by, or whose merchandise is being sold;
 - (d) Temporary address and telephone number from which business will be conducted, if any, and written permission from the owner of the property for applicant to conduct business on that property (submitted with application);
 - (e) Nature of business to be conducted, a brief description of the merchandise and any services offered, and the dollar value of the most expensive merchandise or service offered;
 - (f) Dates during which selling activity shall occur;
 - (g) Proposed methods of delivery of merchandise, if applicable;
 - (h) Make, model and license number of any vehicle to be used by applicant in the conduct of his/her business;
 - (i) Names of cities, villages, or towns, not to exceed three, where applicant conducted his/her business immediately prior to making this registration;
 - (j) Place where applicant can be contacted for at least seven days after leaving the Town;
 - (k) Statement as to whether applicant has been convicted of any crime or ordinance violation related to applicant's transient merchant business within the last five years, and the nature of the offense and the place of conviction.
- (2) Identification & Certification.** Applicants shall present to the Town Clerk-Treasurer for examination:
- (a) A driver's license or other proof of identity as may be reasonably required;
 - (b) A state certificate of examination and approval from the sealer of weights and measures where applicant's business requires use of weighing and measuring devices approved by state authorities;
 - (c) A state health officer's certificate where applicant's business involves the handling of food or clothing and is required to be certified under state law; such certificate to state that applicant is apparently free from any contagious or infectious disease, dated not more than 90 days prior to the date the application is made.
- (3) Filing of Application.** All applications shall be filed at least 15 business days prior to the applicant conducting business within the Town to allow for the investigation described in Subsection F.
- (4) Registration Period.** Registration shall occur annually, and the registration period shall be from January 1 through December 31. All registrations will expire on December 31 of the year of application, regardless of when the application was made.

- (5) **Fees.** At the time of application, registration and background check fees as established in Section 11.05 of the Mosel Municipal Code shall be paid to the Town Clerk-Treasurer to cover the cost of processing said application. The Town Board may, from time to time, amend the fee by resolution.
- (6) **Display and Possession of Registration Card.** The registration card issued pursuant to this ordinance shall be conspicuously displayed at all times when the applicant is engaged as a transient merchant in the Town so said card is visible to the public and/or law enforcement officials.

F. INVESTIGATION

- (1) **Verification.** Upon receipt of each application, the Town Clerk-Treasurer will complete an investigation of the statements made in such application, utilizing at least two investigative sources.
- (2) **Denial.** The Town Clerk-Treasurer shall refuse to register the applicant if it is determined, pursuant to the investigation, that:
 - (a) The application contains any material omission or materially inaccurate statement;
 - (b) Complaints of a material nature have been received against the applicant by authorities in the most recent cities, village or towns in which the applicant conducted similar business;
 - (c) The applicant was convicted of a crime, statutory violation or ordinance violation within the last five years, the nature of which is directly related to the applicant's fitness to engage in direct selling; or
 - (d) The applicant failed to comply with any applicable provision of Subsection E.

G. ALTERNATIVE REGISTRATION

- (1) **Special Event Registration.** As an alternative to the registration requirements and procedures set forth in Subsections E and F, organizations sponsoring special events such as community festivals, craft fairs, or other events authorized by the Town Board, may assume responsibility for registration of its authorized transient vendors for that event, as provided in this section.
 - (a) At least five days prior to the special event, the sponsoring organization shall complete and return to the Town Clerk-Treasurer a special event transient vendor form, furnished by the Town Clerk-Treasurer, containing the following information:
 - (i) Name of sponsoring organization and name, address and phone number of person responsible for registering transient merchants;
 - (ii) Date(s) and place of the special event;
 - (iii) Name and address of each authorized vendor, along with a list of the names of each person expected to work for that vendor during the special event;
 - (iv) A brief description of the merchandise and any services being offered for sale; and
 - (v) Any other information deemed necessary by the Town Clerk-Treasurer.

- (b) The sponsoring organization shall accompany the registration form with a fee of \$10 for each authorized vendor to be registered for the event.
 - (c) No registration card will be issued under this special event registration procedure unless the Town Clerk-Treasurer determines otherwise.
- (2) Failure to Register.** Failure on the part of the sponsoring organization to register its authorized transient vendors as provided in this section shall subject the organization to a late registration fee of \$10 per unregistered vendor, plus the initial required \$10 fee. In addition, for knowing or intentional violations of this section or attempts to evade registration, such organizations may be prohibited from registering its authorized transient vendors for future events under this section.

H. REGULATIONS

(1) Prohibited Practices

- (a) A transient merchant **is** prohibited from calling at any dwelling or other place between the hours of 9:00 p.m. and 9:00 a.m. except by appointment; calling at any dwelling or other place where a sign is displayed bearing the words “No Peddlers,” “No Solicitors,” or words of similar meaning; calling at the rear door of any dwelling place; or remaining on any premises after being asked to leave by the owner, occupant or other person having authority over such premises.
- (b) A transient merchant shall not misrepresent or make false, deceptive or misleading statements concerning the quality, quantity, or characteristics of any merchandise offered for sale, the purpose of his/her visit, his/her identity or the identity of the organization he/she represents. A charitable organization transient merchant shall specifically disclose what portion of the sale price of the merchandise being offered will actually be used for the charitable purpose for which the organization is soliciting. Said portion shall be expressed as a percentage of the sale price of the merchandise.
- (c) No transient merchant shall impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.
- (d) No transient merchant shall make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly heard outside a one hundred foot radius of the source.
- (e) No transient merchant shall allow rubbish or litter to accumulate in or around the area in which he/she is conducting business.
- (f) No transient merchant shall conduct sales in a period or place not specifically noted on the license.
- (g) No transient merchant registered under this ordinance shall allow another person to use his/her transient merchant registration card to engage in activities covered by this ordinance.

(2) Disclosure Requirements

- (a) After the initial greeting and before any other statement is made to a prospective customer, a transient merchant shall expressly disclose his/her name, the name of the company or organization he/she is affiliated with, if any, and the identity of merchandise or services he/she offers to sell.
- (b) If any sale of merchandise is made by a transient merchant, or any offer for the later delivery of merchandise is taken by the seller, the buyer shall have the right to cancel said transaction if it involves the extension of credit or is a cash transaction of more than \$25, in accordance with the procedure as set forth in Ss. 423.202, Wisconsin Statutes; the seller shall give the buyer two copies of a typed or printed notice of that fact. Such notice shall conform to the requirements of Ss. 423.203(1)(a), (b), and (c), (2) and (3), Wisconsin Statutes.
- (c) If the transient merchant takes a sales order for the later delivery of merchandise, he/she shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement, the amount paid in advance whether full, partial, or no advance payment is made, the name, address and telephone number of the seller, the delivery or performance date, and whether a guarantee or warranty is provided and, if so, the terms thereof.

I. RECORDS. The Town Clerk-Treasurer shall keep a record of all registered transient merchants within the Town. If any transient merchant is convicted of a violation of this ordinance, the Town Clerk-Treasurer will note any such violation on the record of the registrant.

J. REVOCATION

- (1) Reason for Revocation.** Registration may be revoked by the Town Board after notice and hearing, if the registrant made any material omission or materially inaccurate statements in the application for registration, made any fraudulent, false, deceptive or misleading statement or representation in the course of engaging in transient sales, violated any provision of this ordinance or was convicted of any crime or ordinance or statutory violation which is directly related to the registrant's fitness to engage in selling.
- (2) Notice of Hearing Provided.** Written notice of the hearing will be served personally on the registrant, or sent by certified mail to the registrant's permanent address supplied on the application, at least 72 hours prior to the time set for the hearing; such notice will contain the time and place of hearing and a statement of the facts upon which the hearing will be based.

K. APPEAL. Any person refused or denied registration, or whose registration is revoked, may appeal the denial or revocation to the Board of Appeals. Those procedures customarily used to effectuate an appeal to the Board of Appeals shall apply.

L. PENALTY. Any person adjudged in violation of any provision of this ordinance shall forfeit not less than one hundred (\$100) dollars nor more than five hundred (\$500) dollars for the first offense, and not less than five hundred (\$500) dollars nor more than one thousand (\$1,000) dollars for subsequent offenses, plus costs of prosecution, for each violation. Each violation shall constitute a separate offense.

4.10 CABLE TELEVISION FRANCHISE

A. The Town Board is authorized to grant a non-exclusive cable television franchise within the Town by entering into an agreement with a qualified cable television service provider authorized to do business in Wisconsin. The grant of a franchise will be in the form of a resolution, duly adopted by the Town Board, which signifies its approval of an agreement between the Town and the provider.

B. The granting of a franchise will be subject to the following limitations:

- (1)** The grant of a cable franchise will be for no longer than fifteen (15) years.
- (2)** The Board will grant the franchise on terms which it deems are just, and which are in the best interests of the Town and its residents.
- (3)** The Board may, but is not required to, seek franchise fees from the service provider, as these are frequently passed directly on to consumers, and are not administratively cost-effective to collect within the Town given the currently small number of cable users.

C. Any person violating the provisions of this cable television franchise ordinance will be subject to the penalties as set forth in Chapter 11 of the Mosel Municipal Code.

CHAPTER 5: OFFENSES AGAINST PUBLIC PEACE, SAFETY, MORALS AND PUBLIC POLICY

5.01 ORDINANCE PROHIBITING THE PARKING, STORAGE AND ACCUMULATION OF DEFECTIVE AND UNLICENSED MOTOR VEHICLES

A. PURPOSE: The purpose of this ordinance is to protect and foster the health, safety and well being of persons in the Town for the protection of their property rights and to beautify the landscape and otherwise promote the public interest, including the elimination of attractive nuisances.

B. DEFINITION: As used herein, the term “motor vehicle” shall be construed to include all motor vehicles for which the Wisconsin Statutes requires a license when used upon public roadways within the State.

C. ACCUMULATION UNLAWFUL: It shall be unlawful to park, stand, store or accumulate disassembled or inoperable or junked or wrecked motor vehicles, or to park, store, allow to stand or accumulate more than one (1) unlicensed operable motor vehicle by any owner of land or occupant of any land in the Town, except for the following persons, firms or corporations operating in areas properly zoned:

- (1) Properly licensed and equipped junk yards or motor vehicle salvage dealers.
- (2) Operable motor vehicles displayed for resale by properly licensed used and new car dealers.
- (3) Unlicensed vehicles that are being used as farm equipment and any vehicles that are located in garages or other like structures hidden from public view. A fence shall not be considered a structure under this ordinance.
- (4) Automobile repair garages and service establishments as authorized in the Town’s zoning code. Inoperable vehicles may be kept for repair, but in no event will they be permitted in public view in excess of thirty (30) days.

D. NOTICE: The Town Board, upon discovering a violation of this ordinance, will in writing, notify the owner or occupant or both of the lands upon which such motor vehicle is found, that said motor vehicle must be removed within ten (10) days or the Town may cause such to be removed and the cost of such removal will be charged to the owner or occupant or both of said land, and that failure to remove said motor vehicle may subject him/her to fines for each day said violation continues.

E. REMOVAL BY TOWN:

- (1) If after due notice as set forth herein, the occupant or owner of said real estate shall fail to remove said motor vehicle, the Town may cause such motor vehicle or vehicles to be removed to junk or salvage yards and stored for a period of not less than twenty (20) days.
- (2) Upon the failure of said owner or occupant of said lands to reclaim and pay the costs of handling and storage of said motor vehicle or vehicles within said

twenty (20) days, the operator of said junk or salvage yard may dispose of same.

- (3) If the costs of handling and storage are not paid by the owner or occupant within thirty (30) days or from the disposal of the motor vehicle, the Town Board may take such action as it deems necessary to collect same including, if notice of removal was given to the property owner, placing and entering said amount on the tax roll as a special charge against the property.

F. PENALTY: Any person, firm or corporation, or any officer of any corporation, who shall violate or cause to be violated any provisions of this section, or interfere in any manner with the enforcement of this section, will upon conviction thereof, be penalized as provided in Subsection 11.04 A (1) of this code. Each motor vehicle stored or allowed to remain on property in violation of this section shall constitute a separate offense for each day that said violation occurs after notice.

5.02 Citation Authority

(1) Purpose. The purpose of this section is to authorize specific Town officials to issue citations for violations of this municipal code, including sections with statutory counterparts.

(2) Authority. This section is adopted pursuant to §66.0113, Wis. Stats., and except as otherwise provided herein, its provisions and any future amendments describing and defining procedures with respect to the issuance and resolution of citations for code violations are adopted by reference as if fully set forth herein.

(3) Form.

(a) General citations issued pursuant to this section shall be on the "Wisconsin Uniform Municipal Citation" or a locally printed form which is substantially similar, and which includes all of the information required pursuant to §66.0113(1)(b), Wis. Stats.

(b) For traffic violations, except for parking violations, the uniform traffic citation specified in §345.11, Wis. Stats., shall be used in lieu of the citation form described in the preceding paragraph.

(4) Bond; Cash Deposits. For any non-traffic citation issued pursuant to this section, the required bond/cash deposit shall be the minimum forfeiture amount allowed for the violation, plus applicable statutory costs, fees, surcharges and assessments. Cash deposits are to be made to, and a receipt obtained from, the Sheboygan County Clerk of Court.

(5) Issuance and Service -

(a) Citations may be issued by the:

1. Town Chair.
2. Town Clerk, as specifically directed by the Town Board on a case by case basis.
3. Town Constable, but only for matters related to Town roads, parking, noise, littering and dogs.

(b) Citations may be served by the Town Constable or the Sheboygan County Sheriff.

(c) For any citation issued to a minor, a copy of the citation shall be mailed or delivered to the child's parent or legal guardian within seven (7) days of issuance.

(6) Relationship to Other Laws. The authorization granted pursuant to this section and any citation issued hereunder does not preclude nor mandate the Town to enforce any code, ordinance, rule, or regulation in any manner it deems appropriate.

5.03 MOBILE HOMES AND MOBILE HOME PARKS

A. PURPOSE: An ordinance enforcing minimum standards for mobile home parks; establishing requirements for the design, construction, alteration, extension and maintenance of mobile home parks and related utilities and facilities; authorizing the issuance of permits for construction, alteration and extension of mobile home parks; authorizing the licensing of operators of mobile home parks; authorizing the inspection of mobile home parks; fixing penalties for violations, and regulating the parking of mobile homes.

B. DEFINITIONS: As used in this ordinance:

- (1) **“License”** means a written license issued by the Town Clerk-Treasurer allowing a person to operate and maintain a mobile home park under the provisions of this ordinance and regulations issued hereunder.
- (2) **“Licensee”** means any person licensed to operate and maintain a mobile home park under this section.
- (3) **“Mobile Home”** is that which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; and includes any additions, attachments, annexes, foundations, and appurtenances, except that a house trailer is not deemed a mobile home if the assessable value of such additions, attachments, annexes, foundations and appurtenances equals or exceeds 50 percent of the equalized value of the house trailer.
- (4) **“Mobile Home Lot”** means a parcel of land for the placement of a single mobile home and the exclusive use of its occupants.

- (5) **“Mobile Home Park”** means a parcel of land under single ownership which has been planned and improved for the placement of mobile homes for non-transient use.
- (6) **“Mobile Home Stand”** means that part of an individual lot which has been reserved for the placement of the mobile home, appurtenant structures or additions.
- (7) **“Permit”** means a written permit issued by the Town Clerk-Treasurer permitting the construction, alteration and extension of a mobile home park under the provisions of this ordinance and regulations issued hereunder.
- (8) **“Person”** means any individual, firm, trust, partnership, public or private association or corporation.
- (9) **“Sewer Connection”** means the connection consisting of all pipes, fittings and appurtenances from the drain outlet of the mobile home to the inlet of the corresponding sewer riser pipe of the sewerage system serving the mobile home park.
- (10) **“Sewer Riser Pipe”** means that portion of the sewer lateral which extends vertically to the ground elevation and terminates at each mobile home lot.
- (11) **“Water Connection”** means the connection consisting of all pipes, fittings and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the mobile home.
- (12) **“Water Riser Pipe”** means that portion of the water supply system serving the mobile home park which extends vertically to the ground elevation and terminates at a designated point at each mobile home lot.

C. PARKING OF MOBILE HOMES: It shall be unlawful for any person to park, keep, or maintain a mobile home for purposes of human habitation within the Town except:

- (1) When located within an approved Mobile Home Park licensed under this ordinance.
- (2) When located on private property, and its use is limited as a field office trailer during the period of a construction project, provided it is not used for overnight lodging.
- (3) When located on private property in connection with a bona fide visit with the owner or occupant of said premises provided said stay will not exceed twenty-one (21) days.
- (4) When located on private property as a temporary place of abode if the same is a substitute for a residence that has within a previous ninety-day (90) period been destroyed by fire or other act of God and is being rebuilt provided said use does not exceed one hundred twenty (120) days.

D. LICENSES FOR MOBILE HOME PARKS: It shall be unlawful for any person to operate a Mobile Home Park within the limits of the Town unless he/she holds a valid license issued annually by the Town Board in the name of such person for the specific Mobile Home Park. All applications for licenses shall be made to the Town Clerk-Treasurer, who will issue a license upon compliance by the applicant

with provision of this ordinance and regulations issued hereunder and of other applicable legal requirements.

- (1) **Application.** Application for licenses shall be in writing, signed by the applicant, accompanied by an affidavit of the applicant as to the truth of the application and by the deposit of a fee as set forth in Section 11.05, and shall contain: The name and address of the applicant; the location of the Mobile Home Park showing all mobile home lots, structures, roads, walkways, and other service facilities.
- (2) **Transfer of License.** Every person holding a license shall give notice, in writing, to the health authority within twenty-four (24) hours after having sold, transferred, given away, or otherwise disposed of interest in or control of any Mobile Home Park. Such notice shall include the name and address of the person succeeding to the ownership or control of such Mobile Home Park. Upon application, in writing, for transfer of the license and deposit of a fee as set forth in Section 11.05, the license shall be transferred if the Mobile Home Park is in compliance with all applicable provisions of this ordinance and regulations issued hereunder.
- (3) **Suspension of License.** Whenever, upon inspection of any Mobile Home Park, it is determined that conditions or practices exist which are in violation of any provision of this ordinance or regulations issued hereunder, the Town Board will give notice, in writing, to the person to whom the license was issued that unless such conditions or practices are corrected within a reasonable period of time specified in the notice, the license will be suspended. At the end of such period, there will be a reinspection of such Mobile Home Park and, if such conditions or practices have not been corrected, the Town Board will suspend the license and give notice in writing of such suspension to the person to whom the license is issued. Upon receipt of notice of such suspension, such person will cease operation of such Mobile Home Park, and all mobile homes will be removed from the premises within thirty (30) days.
- (4) **Request for Hearing.** Any person whose application for a license under this ordinance has been denied, or whose license has been suspended, or suspension is threatened, may within ten (10) days, in writing, request and will be granted a hearing on the matter before the health authority under the procedure provided herein.

E. PARK ENVIRONMENTAL REQUIREMENTS: All Mobile Home Parks shall meet the Department of Health Services requirements for mobile homes as set forth in the Wisconsin Administrative Code, and shall include any subsequent amendments thereto. When the provisions of the herein ordinance are more restrictive, the more restrictive provisions shall apply.

- (1) **General Requirements.** The park shall be located on a well-drained site consisting of at least twenty (20) acres. Condition of soil, ground water level, and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors or other adverse influences, and no portion subject to unpredictable

and/or sudden flooding, subsidence or erosion shall be used for any purpose which would expose persons or property to hazards.

- (2) **Soil and Ground Cover Requirements.** Exposed ground surfaces in all parts of every Mobile Home Park shall be paved, or covered with stone screenings, or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.
- (3) **Site Drainage.** The site shall be properly graded to ensure rapid drainage and freedom from stagnant pools of water.
- (4) **Nonresident Uses Prohibited.** No part of any park shall be used for nonresidential purposes, except such uses that are required for the direct servicing and well being of park residents and for the management and maintenance of the park. Nothing contained in this section shall be deemed as prohibiting the sale of a mobile home located on a mobile home stand and connected to the pertinent utilities.
- (5) **Required Separation Between Mobile Homes.** See requirements set forth in Chapter 7, Section 7.07. An accessory structure which has a horizontal area exceeding twenty-five (25) square feet, is attached to a mobile home or located within ten (10) feet of its window, and has an opaque top or roof that is higher than the nearest window shall, for purposes of all separation requirements, be considered to be part of the mobile home.
- (6) **Required Recreation Areas.** Each Mobile Home Park shall devote at least twenty-five (25%) percent of its total area to open space provided for recreation uses and enjoyment of the occupants of the park. Said areas shall be easily accessible to all park residents. Recreation areas shall be so located as to be free of traffic hazards and should, where the topography permits, be centrally located.
- (7) **Screening.** The entire mobile home park area shall be well maintained and the property screened from all public roadways and along the property line separating the park from adjacent uses. The mobile home park shall be provided with an approved, screened refuse and garbage receptacle.
- (8) **Park Street System.** All Mobile Home Parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home lot. Alignment and gradient shall be properly adapted to the topography.
 - (a) **Access Street.** Access to Mobile Home Parks shall be designed to minimize congestion and hazards at the entrance or exit and allow free movement of traffic on adjacent streets. The entrance road connecting the park internal streets with a public street or road shall have a minimum road pavement width of thirty-four (34) feet where parking is permitted on both sides, or a minimum road pavement width of twenty-seven (27) feet where parking is limited to one side. Where the primary entrance road is more than one hundred (100) feet long and does not provide access to abutting mobile home lots within such distance, the minimum road pavement width may be twenty-four (24) feet, providing parking is prohibited on both sides.

- (b) **Internal Streets.** Surfaced roadways shall be of adequate width to accommodate anticipated traffic, and in any case shall meet the following minimum requirements:
 - (i) All streets, except minor streets, twenty-four (24) feet.
 - (ii) Minor streets, no parking, eighteen (18) feet (acceptable only if less than 500 feet long and serving less than 25 mobile homes or of any length if one-way and providing access to abutting mobile home lots on one side only).
 - (iii) Dead end streets shall be limited in length to 1,000 feet and shall be provided at the closed end with a turn-around having an outside surfaced roadway diameter of at least ninety (90) feet.
 - (c) **Required Illumination.** Exterior lighting fixtures maintained by the Park shall be so spaced and equipped with lights placed at such mounting heights as will provide the adequate levels of illumination for the safe movement of pedestrians and vehicles at night. Fixtures shall be shaded whenever necessary to avoid casting direct light upon any public street or park.
 - (d) **Street Construction and Design Standards.** All streets shall be provided with a smooth, hard and dense surface which shall be durable and well drained under normal use and weather conditions. Pavement edges shall be protected to prevent raveling of the wearing surface and shifting of the pavement base. Street surfaces shall be maintained free of cracks, holes and other hazards.
- (9) **Driveways and Off-Street Parking.** All mobile homes shall abut upon a driveway of not less than twenty (20) feet, which shall have unobstructed access to a private street, and to accommodate off-street parking for the use of mobile home occupants and guests. Walks. A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of three (3) feet. All mobile home stands shall be connected to common walks, to paved streets, or to paved driveways or parking spaces connecting to a paved street. Such individual walks shall have a minimum width of two (2) feet.
- (10) **Mobile Home Stands and Tie-Downs.** Each mobile home shall be set on an adequately designed foundation consisting of a reinforced concrete slab having minimum dimensions equal to the outside lines of the mobile home. The mobile home shall have well-anchored tie-downs capable of withstanding a minimum tensile strength of 2,800 pounds, with a minimum of four (4) tie-downs provided.
- (11) **Yard Setbacks.** Front setback shall be sixty (60) feet from the centerline of the road. Minimum rear and side yards shall be twenty-five (25) feet each.
- (12) **Separation from Community Buildings and Park's Exterior Property Lines.** No mobile home shall be located closer than fifty (50) feet from any community building, including any washroom, toilet or laundry facility within the park, and from any exterior property lines of the park.

F. ELECTRICAL AND TELEPHONE DISTRIBUTION SYSTEMS: Every park developer shall cause electric power and telephone facilities to be installed in such a manner as to make adequate service available to each lot or site in the park. No such service lines shall be allowed above ground unless due to exceptional topography or other physical barriers the Town Board deems it impractical to so construct same. Plans indicating the proposed location of all utility distribution lines required to service the park shall be approved by the respective utility agencies and the Town Board.

Each mobile home lot shall be provided with an approved disconnecting device and over current protective equipment. The minimum service per outlet shall be 120/240 volts AC, 100 amperes, and shall be installed and maintained in accordance with the applicable codes and regulations governing such systems.

G. WATER SUPPLY: An accessible, adequate, safe, and potable community supply of water shall be provided directly to each mobile home site.

H. SEWAGE DISPOSAL: Community sewer collection facilities shall be provided directly to each mobile home site.

I. REFUSE HANDLING: The storage, collection and disposal of refuse in the Mobile Home Park shall be properly controlled as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution.

J. HEALTH: A mobile home shall not be occupied for dwelling purposes unless it is properly placed on a mobile home stand and connected to water, sewerage and electrical utilities. The growth of brush, weeds, and grass shall be controlled to prevent harborage of ticks, chiggers and other noxious insects. Park shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

- (1) **Insect and Rodent Control.** Grounds, buildings structures shall be maintained free of insects and rodents, and shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.
- (2) **Storage.** No lumber, pipe, building materials, or other materials not in regular use shall be stored upon the premises in open view and the park shall be kept free of litter.

K. NOTICE AND HEARINGS: Whenever there are reasonable grounds to believe that there has been a violation of any provision of this ordinance, or regulations issued hereunder, the Town Board, Town Clerk-Treasurer, or Health Officer will give notice of such alleged violation to the person to whom the permit or license was issued, as hereinafter provided. Such notice will (a) be in writing; (b) include a statement of the reasons for its issuance; (c) allow a reasonable time for the performance of any act it requires; (d) be served upon the owner or his agent as the

case may require by certified mail to his/her last known address, and contain an outline of remedial action which, if take, will effect compliance with the provisions of this ordinance and regulations issued hereunder.

(1) **Hearing.** Any person affected by any notice which has been issued in connection with the enforcement of any provision of this ordinance, or regulation issued hereunder, may request and will be granted a hearing on the matter before the Town Board.

(a) **Application.** Such person will file in the office of the Town Clerk-Treasurer a written petition requesting such hearing and setting forth a brief statement of the grounds therefore within ten (10) days after the day the notice was served. The filing of the request for a hearing will operate as a stay of the notice and of any suspension.

(b) **Time and Place.** Upon receipt of such petition, the health authority will set a time and place for such hearing and will give the petitioner written notice thereof.

(c) **Presentation by Petitioner.** At such hearing, the petitioner will be given an opportunity to be heard and be permitted to show why such notice should be modified or withdrawn.

(2) **Findings and Order.** After such hearing, the Town Board will make findings as to compliance with the provisions of this ordinance and regulations issued hereunder, and will issue an order in writing sustaining, modifying or withdrawing the notice. Upon failure to comply with any order sustaining or modifying a notice, the license of the Mobile Home Park affected by the order will be revoked.

L. RESPONSIBILITIES OF PARK MANAGEMENT: The person to whom a license for a Mobile Home Park is issued shall operate the park in compliance with this ordinance and regulations issued hereunder and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in clean and sanitary condition.

(1) **Notice to Occupants.** The park management shall notify park occupants of all applicable provisions of this ordinance and inform them of their duties and responsibilities under this ordinance and regulations issued hereunder.

(2) **Supervision.** The park management shall supervise the placement of each mobile home on its mobile home stand which includes securing its stability and installing all utility connections.

(3) **Registration.** The park management shall maintain a register containing the names of all park occupants. Such register shall be available to any authorized person inspecting the park.

(4) **Health Notices.** The park management shall notify the health officers immediately of any suspected communicable or contagious disease within the park.

M. MONTHLY PARKING PERMIT FEES: There is hereby imposed on each owner of a non-exempt, occupied mobile home in the Town a monthly parking permit fee determined in accordance with Section 66.058(3), Wis. Stats., which is hereby

adopted by reference and made part of this ordinance as if fully set forth herein. It shall be the full and complete responsibility of the licensee to collect the proper amount from each mobile homeowner. Licensees and owners of mobile homes permitted to be located on land outside a mobile home park shall pay to the Town Clerk-Treasurer such parking permit fees on or before the 10th day of the month following the month for which such fees are due in accordance with the terms of this ordinance and such regulations as the Town Clerk-Treasurer may reasonably promulgate.

- (1) **Information to Assessor.** Licensees of mobile home parks and owners of land on which are parked any occupied, non-exempt mobile homes shall furnish information to the Town Clerk-Treasurer and Town Assessor of such homes added to their park or land within five (5) days after arrival of such home on forms furnished by the Town Clerk-Treasurer in accordance with Section 66.058(3) (c) and (e), Wis. Stats.
- (2) **Advance Deposits.** Owners of non-exempt, occupied mobile homes, upon receipt of notice from the Town Clerk-Treasurer of their liability for the monthly parking permit fee, shall remit to the Town Clerk-Treasurer a cash deposit of twenty-five (\$25.00) dollars to guarantee payment of such fees when due to the Town Clerk-Treasurer. It shall be the full and complete responsibility of the licensee of a Mobile Home Park to collect such cash deposits from each occupied, non-exempt mobile home therein and remit such deposits to the Town Clerk-Treasurer. Upon receipt of a notice from the owner or licensee that the non-exempt, occupied mobile home has been or is about to be removed from the Town, the Town Clerk-Treasurer will apply said cash deposit to reduce any monthly parking permit fees for which said owner is liable and refund the balance, if any, to said owner.

N. PENALTIES: In addition to the revocation provisions herein, the penalty for violating any provision of this chapter shall be as provided in Subsection 11.04 A (1) of this code. A separate offense shall be deemed committed on each day on which a violation of any provision of this chapter occurs or continues. The forfeiture for violation of Subsection 5.03 M (2) shall not exceed \$25.00.

O. REGULATION COMPLIANCE WITH OTHER AGENCIES: In all respects, mobile home parks shall comply with all the applicable regulations of all departments, commissions, and agencies of Sheboygan County and the State of Wisconsin.

5.04 PUBLIC NUISANCE

A. PUBLIC NUISANCES PROHIBITED: No person, persons, firm or corporation shall erect, contrive, cause, continue, maintain or permit to exist any public nuisance within the Town.

B. DEFINITIONS:

- (1) **Public Nuisance.** A public nuisance is a thing, occupation, condition or use of property which shall continue for such length of time as to:
- (a) Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
 - (b) In any way render the public insecure in life or in the use of property;
 - (c) Greatly offend the public morals of decency;
 - (d) Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, navigable body of water or other public way.
- (2) **Public Nuisances Affecting Health.** The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but shall not be construed, to exclude other health nuisances, coming within the definition of Subsection B (1) of this section:
- (a) All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public.
 - (b) Carcasses of animals, birds or fowl not buried or otherwise disposed of in a sanitary manner within 24 hours after death.
 - (c) Accumulation of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquito's, disease-carrying insects, rats or other vermin may breed.
 - (d) All stagnant water in which mosquitoes, flies or other insects can multiply.
 - (e) Privy vaults and garbage cans which are not fly tight.
 - (f) All noxious weeds and other rank growth of vegetation.
 - (g) All animals running at large.
 - (h) The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within the Town limits or within one mile there from in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property.
 - (i) The pollution of any public well or cistern, stream, lake, canal, or body of water by sewage, creamery or industrial wastes or other substances.
 - (j) Any use of property, substances, or things within the Town, excluding animal manure, emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, 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.
 - (k) All abandoned wells not securely covered or secured from public use.
- (3) **Public Nuisances Offending Morals and Decency.** The following acts, omissions, places, conditions and things are hereby 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 Subsection B (1) of this section:

- (a) All disorderly houses, bawdy houses, houses of ill fame, gambling houses and buildings or structures kept or resorted to for the purposes of prostitution, promiscuous sexual intercourse or gambling.
 - (b) All gambling devices and slot machines.
 - (c) 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.
 - (d) 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.
 - (e) Any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the State of Wisconsin or the ordinances of the Town.
- (4) Public Nuisances Affecting Peace and Safety.** The following acts, omissions, places, conditions and things are hereby 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 provisions of Subsection B (1) of this section:
- (a) All ice not removed from public sidewalks and all snow not removed from public sidewalks within 12 hours after it has ceased to fall thereon.
 - (b) All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated as to endanger the public safety.
 - (c) All buildings erected, repaired or altered within the fire limits of the Town in violation of the provisions of the ordinances of the Town, relating to materials and manner of construction of buildings and structures within said district.
 - (d) All unauthorized signs, signals, markings or devices which purport to be or may be mistaken as official traffic control devices placed or maintained upon or in view of any public highway or railway crossing.
 - (e) 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.
 - (f) All limbs of trees which project over a public sidewalk, less than 8 feet above the surface thereof or less than 10 feet above the surface of a public street.
 - (g) All use or display of fireworks except as provided by the laws of the State of Wisconsin and ordinances of the Town.
 - (h) All buildings or structures so old, dilapidated or out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human use.
 - (i) All wires over streets, alleys or public grounds which are strung less than 15 feet above the surface of the street or ground.
 - (j) All loud, discordant and unnecessary noises or vibrations of any kind.

- (k) The keeping or harboring of any animal or fowl which by frequent or habitual howling, yelping, barking, crowing or making of other noises shall greatly annoy or disturb a neighborhood or any considerable number of persons within the Town.
- (l) 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 or which, although made in accordance with such ordinances, are kept or maintained for an unreasonable length of time after the purpose thereof has been accomplished.
- (m) All open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalk.
- (n) All abandoned refrigerators or iceboxes from which the doors and other covers have not been removed or which are not equipped with a device for opening from the inside.
- (o) 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.
- (p) Repeated or continuous violations of the ordinances of the Town or laws of the State of Wisconsin relating to the storage of flammable liquids.

C. ABATEMENT OF PUBLIC NUISANCES:

(1) Inspection of Premises. Whenever complaint is made to the Town Board that a public nuisance exists within the Town, the complainant will promptly notify the Town Chair, health officer or building inspector who will inspect or cause to be inspected the premises and will make a written report of his/her findings to the Town Board. Whenever practicable, the inspecting officer will photograph the premises and will file the photograph with the Town Clerk-Treasurer.

(2) Summary Abatement.

- (a) **Notice to Owner.** If the inspecting officer determines that a public nuisance exists on private property and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Town Chair will direct that notice be served on the owner or, if the owner cannot be found, on the occupant or person causing, permitting or maintaining such nuisance and to post a copy of said notice on the premises. Such notice shall direct the owner, occupant or person causing, permitting or maintaining such nuisance to abate or remove such nuisance within 24 hours and shall state that unless such nuisance is so abated, the Town will cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the same, as the case may be.
- (b) **Abatement by Town.** If the nuisance is not abated within the time provided, or if the owner, occupant or person causing the nuisance cannot be found, the health officer, in case of health nuisances, the

constable, sheriff's department or Town Chair, in other cases, will cause the abatement or removal of such public nuisance.

(3) Abatement by Court Action. If the inspecting officer determines that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he/she will file a written report of his findings with the Town Chair who will cause an action to abate such nuisance to be commenced in the name of the Town in the circuit court of Sheboygan County in accordance with the provisions of Chapter 280 of the Wisconsin Statutes of 1977.

(4) Other Methods Not Excluded. Nothing in this ordinance shall be construed as prohibiting the abatement of public nuisances by the Town or its officials in accordance with the laws of the State of Wisconsin.

D. COST OF ABATEMENT: In addition to any other penalty imposed by this ordinance for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Town will 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 will be assessed against the real estate or other special taxes.

E. PENALTIES: The penalty for violation of this section shall be a penalty as provided in Subsection 11.04 A (1) of this code. A separate offense shall be deemed committed on each day on which a violation of any provision of this section occurs or continues.

5.05 GRASS AND RUBBISH BURNING

A. BURNING PERMITTED: No person shall burn any wood, grass, leaves, rubbish or other combustible material upon the streets of the Town at any time, nor shall any person burn any wood, grass, leaves, rubbish or other combustible material upon any lot or lands located in the Town, except between the hours of 9:00 a.m. and 9:00 p.m. of each day, but at no time shall a fire be built within twenty-five (25) feet of any building or pile of lumber nor shall the smoke or heat aided by such combustion be an annoyance or discomfort to the neighborhood or travelling public.

B. PERMITS REQUIRED: Any person, persons, firm or corporation may apply to the Fire Chief for a permit for authority to burn at times other than specified in this ordinance, and that said permit shall specify the conditions and restrictions under which burning shall be conducted.

C. FIRES MUST BE ATTENDED: Any such fire in the Town shall be attended at all times until extinguished by a competent adult.

D. PENALTY: The penalty for violation of this section shall be a penalty as provided in Subsection 11.04 A (1) of this code.

5.06 PARKING ON TOWN ROADS

A. DEFINITION: A “town road” shall mean any road, street or alley located in the Town over which the Town Board has care and supervision under Wisconsin Statutes.

B. PARKING PROHIBITED: There shall be no parking of motor vehicles on paved or travelled portions of any Town road.

C. PENALTY: Any person who shall violate or cause to be violated any provision of this section shall upon conviction thereof be penalized as provided in Subsection 11.04 A (1) of this code.

5.07 TRAFFIC ORDINANCE

A. STATE TRAFFIC LAWS ADOPTED: Except as otherwise specifically provided in this code, the statutory provision in Chapters 340 to 348, Wis. Stats., describing and defining regulations with respect to vehicles and traffic, exclusive of any provisions therein relating to penalties to be imposed and exclusive of any regulations for which the statutory penalty is a fine or term of imprisonment, are adopted and, by reference, made a part of this code as if fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this code. Any future amendments, revisions or modifications of the statutes incorporated herein are intended to be made part of this code in order to secure uniform statewide regulation of traffic on the highways, streets and alleys of the State.

B. PENALTIES: The penalty for violation of this section shall be a penalty as provided in Subsection 11.04 A (2) of this code.

5.08 REGULATING THE PARKING AND LOCATION OF HOUSE TRAILERS, LICENSING AND REGULATING TRAILER CAMPS, PROVIDING FOR THE TAXATION OF TRAILERS AND PROVIDING A PENALTY

A. DEFINITIONS: Whenever used in this ordinance, unless a different meaning appears from the context:

- (1) **“Mobile Home”** is that which is, or was as originally constructed, designed to be transported by any motor vehicle upon a public highway and designed, equipped and used primarily for sleeping, eating and living quarters, or is intended to be so used; and includes any additions, attachments, annexes, foundations and appurtenances, except that a house trailer is not deemed a mobile home if the assessable value of such additions, attachments, annexes,

foundations and appurtenances equals or exceeds 50 percent of the assessable value of the house trailer.

- (2) **“Unit”** means a trailer unit.
- (3) **“Nondependent Unit”** means a trailer that has bath or shower and toilet facilities.
- (4) **“Dependent Unit”** means a trailer which does not have bathroom or shower and toilet facilities.
- (5) **“Trailer Camp”** means any park, court, camp, site, plot, parcel or tract of land designed, maintained, intended or used for the purpose of supplying a location or accommodations for two or more trailers and shall include all buildings used or intended for use as part of the equipment thereof whether or not a charge is made for the use of the trailer camp and its facilities. “Trailer Camp” shall not include automobile or trailer sales lots on which unoccupied trailers are parked for purposes of inspection and sale.
- (6) **“Space”** means a plot of ground in a trailer camp of not less than 1500 square feet of space designed for location for only one automobile and trailer or one trailer.
- (7) **“Person”** shall be construed to include an individual, partnership, firm, company, corporation, whether tenant, owner, lessee, licensee, or their agent, heir, or assignee.

B. LOCATION OUTSIDE CAMPS:

- (1) It shall be unlawful, except in a licensed trailer camp, as provided in this ordinance, for any person to park any trailer on any street, alley, highway, or Town road, or other public place, or on any tract of land within the Town.
- (2) Emergency or temporary stopping or parking is permitted on any street, alley, highway, or Town road for not longer than three hours subject to any other and further prohibitions, regulations or limitations imposed by the traffic and parking regulations or ordinances for that street, alley, highway or Town road.
- (3) No person shall permit to be parked or occupied any trailer on any premises which is situated outside a licensed trailer camp. The parking of only one unoccupied trailer in an accessory private garage building or in a rear yard is permitted providing no living quarters are maintained or any business practiced in said trailer while such trailer is so parked or stored.

C. PERMANENT OCCUPANCY:

- (1) Trailers shall not be used as a permanent place of abode or as a permanent dwelling, or for indefinite periods of time except as provided in Subsection 5.03 C (3) and (4).
- (2) Any action toward the removal of wheels except for temporary purposes or repair, or other action to attach the trailer to the ground by means of posts, piers or foundation shall subject the trailer to the requirements of the building code as well as this trailer ordinance.

D. LICENSE FOR TRAILER CAMP: APPLICATION AND ISSUANCE:

- (1) It shall be unlawful for any person to establish, operate or maintain or permit to be established, operated or maintained upon any property owned, leased, or controlled by him/her, a trailer camp within the limits of the Town, without first having obtained a license for each such camp from the Town Board pursuant to this ordinance. Such license will expire one year from the date of issuance, but may be renewed under the provisions of this ordinance for additional periods of one year.
- (2) The application for such license or the renewal thereof shall be filed with the Town Clerk-Treasurer and shall be accompanied by the fees set forth in Section 11.05, and a surety bond in the sum of five thousand (\$5,000.00) dollars. This bond shall guarantee the collection by the licensee of the monthly parking permit fee provided for in Section 11.05 and the payment of such fees to the Town Clerk-Treasurer, the payment by the licensee of any fine or forfeiture including legal costs imposed upon or levied against said licensee for a violation of the ordinances pursuant to which said license is granted, and shall also be for the use and benefit and may be prosecuted and recovery thereon by any person who may be injured or damaged by reason of the licensee violating the provisions of this ordinance-Each transfer of a license shall be accompanied by the fees set forth in Section 11.05.
- (3) The application for a license or a renewal thereof shall be made on forms furnished by the Town Clerk-Treasurer and shall include the name and address of the owner in fee of the tract (if the fee is vested in some person other than the applicant, a duly verified statement by that person, that the applicant is authorized by him to construct or maintain the trailer camp and to apply for the license), and such a legal description of the premises, upon which the trailer camp is to be or is located as will readily identify and definitely locate the premises. The application shall be accompanied by two copies of the camp plan showing the following, either existing or as proposed:
 - (a) The extent and area used for camp purposes;
 - (b) Roadways and driveways;
 - (c) Location of units;
 - (d) Location and number of sanitary conveniences, including toilets, washrooms, laundries and utility rooms to be used by occupants of units.
 - (e) Method and plan of sewage disposal;
 - (f) Method and plan of garbage removal.
 - (g) Plan for water supply.
 - (h) Plan for lighting of units and rubbish disposal.

If the existing or proposed camp is designed to serve nondependent trailer units, such plans shall clearly set forth the location of all sewer and water pipes and connections.

E. INSPECTION AND ENFORCEMENT: No trailer camp license (or permit for location outside of a licensed trailer camp) will be issued until the Town Clerk-

Treasurer has notified the Town Board and the Town Board has inspected each application and the premises on which trailers are to be located to insure compliance with the regulations, ordinances and laws applicable thereto. No license will be renewed without a reinspection of the premises. For the purposes of making inspections and securing enforcement the Town Board or its authorized agents will have the right and are hereby empowered to enter on any premises on which a trailer is located, or about to be located, and to inspect the same and all accommodations connected therewith at any reasonable time.

F. LOCATION OF TRAILER CAMPS:

- (1) No trailer camp shall be located in an area where its camp plan provides for the location of trailers or other service buildings within 1500 feet of the residential or commercial buildings located on adjoining property not owned by the trailer camp license holder unless the written consent thereto shall have first been obtained from said adjoining property owner.
- (2) No occupied trailer within the limits of the Town shall be located between the recognized set-back line for the zoning district in which such trailer is located and the street or highway, and not less than ten feet from any building or other trailer, or from the boundary line of the premises on which located.

G. CAMP PLAN:

- (1) Every trailer or trailer camp shall be located on a well-drained area, and the premises shall be properly graded to insure rapid drainage and freedom of stagnant pools of water, as well as, the accumulation of deposits of filth. Trailer spaces shall be clearly defined and shall consist of a minimum of 1500 square feet and a width of not less than 20 feet. The camp shall be so arranged that all spaces shall face or abut on a driveway of not less than 20 feet in width, giving easy access from all units to a public street. Such driveway shall be graveled, or paved and maintained in good condition, having natural drainage, be well lighted at night and shall have no obstructions, and such driveway shall not be obstructed at any time.
- (2) The camp shall be so laid out that no dependent unit shall be located farther than 200 feet from the toilets and service buildings provided for herein, and walkways to such buildings shall be graveled or paved and well lighted at night.
- (3) Every trailer space shall be furnished with an electric service outlet in accordance with the provisions of Wisconsin Administrative Code SPS 316.
- (4) No trailer unit shall be parked in a camp outside of a designated space.

H. WATER SUPPLY:

- (1) An adequate supply of potable water, furnished through a pipe distribution system connected directly with the public water main, with supply faucets located not more than 200 feet from any dependent trailer shall be furnished for drinking and domestic purposes in all camps.
- (2) Individual water service connections provided for direct use of an independent unit shall be so constructed that they will not be damaged by the parking of

such units. Such system shall be adequate to provide a minimum static pressure of 20 pounds per square inch and capable of furnishing a minimum of 125 gallons per day per space.

- (3) No common drinking vessels shall be permitted, nor shall any drinking water faucets be placed in any toilet room.
- (4) Every trailer camp serving dependent units shall provide an adequate supply of hot water at all reasonable hours for bathing, washing, and laundry facilities.

I. SERVICE BUILDINGS AND ACCOMMODATIONS:

- (1) Every trailer camp designed to serve dependent units shall have erected thereon suitable buildings for housing toilets, lavatories, showers, slop sinks, and laundry facilities as required by this ordinance, such buildings to be known as service buildings. Service buildings shall be located not more than 200 feet from any dependent unit space, nor closer than 15 feet from any trailer space. Such buildings shall be of permanent construction and adequately lighted, screened and ventilated.
- (2) There shall be provided separate toilet rooms for each sex. Water flush toilets will be required. Toilets shall be provided for each sex in the ratio of one toilet for each eight dependent units or fraction thereof, and shall have separate compartments. Every male toilet room shall also contain one urinal for each sixteen dependent units, but in no case shall any male toilet be without one urinal. Toilet rooms shall contain lavatories with running water in the ratio of one lavatory to every two or less water closets.
- (3) Separate bathing facilities for each sex shall be provided with one shower enclosed in a compartment at least four feet square, for each eight dependent units or fraction thereof. Each shower compartment shall be supplemented by an individual dressing compartment of at least twelve feet square.
- (4) Laundry facilities shall be provided at the ratio of one double tray unit and one conventional type washing machine, or one automatic washing machine, with electric outlet, for each 8 dependent units or fraction thereof. Sufficient drying facilities shall be available.
- (5) Slop sinks for disposal of liquid wastes originating at the units shall be provided in a separate room of the service building in the ratio of one slop sink for each 16 dependent units or fraction thereof.
- (6) The above accommodations shall be based upon the total camp capacity according to the accepted plans.
- (7) Floors - for toilets, showers and laundry shall be of concrete, tile or similar material impervious to water and easily cleaned and pitch to a floor drain.

J. WASTE AND GARBAGE DISPOSAL:

- (1) All liquid wastes from showers, toilets, laundries, faucets, lavatories, etc., shall be discharged into a sewer system in accordance with Wisconsin Administrative Code SPS 382.
- (2) Every space designed to serve a nondependent unit shall be provided with sewer connections which shall comply with Wisconsin Administrative Code

SPS 382. The sewer connection shall be provided with suitable fittings so that watertight connections can be made. Such connections shall be so constructed in order to insure closure when not connected and trapped in such a manner as to be maintained in an odor-free condition.

- (3) All sanitary facilities in any unit which are not connected with a public sewer system by approved pipe connections shall be sealed and their use is hereby declared unlawful.
- (4) Each faucet shall be equipped with facilities for drainage of waste and excess water.
- (5) Every trailer unit shall be provided with a substantial fly-tight, water-tight metal garbage depository from which contents shall be removed and disposed of in a sanitary manner by the camp custodian at least twice weekly between May 1 and October 15, and otherwise weekly.

K. LIMITATIONS ON LENGTH OF STAY AND NUMBER OF OCCUPANTS:

- (1) It shall be unlawful for any person to occupy any trailer within the Town for permanent occupancy, except the camp manager.
- (2) The Town Board may, in its discretion, and by a uniform rule, limit the number of occupants in any trailer occupying a space in a licensed camp, for reasons of health and public welfare.

L. MANAGEMENT

- (1) In every trailer camp there shall be located the office of the attendant or person in charge of said camp. A copy of the camp license and of this ordinance shall be posted therein and the camp register shall at all times be kept in said office.
- (2) It is hereby made the duty of the attendant or person in charge, together with the licensee, to:
 - (a) Keep a register of all guests, to be open at all times to inspection by state and federal officers and by the Town Board which shall show for all guests:
 - (i) Names and addresses
 - (ii) Number of children of school age
 - (iii) State of legal residence
 - (iv) Dates of entrance and departure
 - (v) License number of all trailers and towing or other vehicles
 - (vi) State issuing such license
 - (vii) Purpose of stay in camp
 - (viii) Place of last location and length of stay
 - (ix) Place of employment of each occupant.
 - (b) Maintain the camp in a clean, orderly and sanitary condition at all times.
 - (c) Insure that the provisions of this ordinance are complied with and enforced and report promptly to the proper authorities any violations of law which may come to their attention.

- (d) Report to the Town Board all cases of persons or animals affected or suspected of being affected with any communicable disease.
- (e) Maintain in convenient places, approved by the Board, UL hand fire extinguishers in the ratio of one to each eight units.
- (f) Collect the monthly parking permit fee as provided in Section 11.05. A book shall be kept current showing the names of the persons paying said service charges and the amount paid, which monies are the property of the Town.
- (g) Prohibit the lighting of open fires on the premises.
- (h) Post copies of this ordinance where they can easily be seen by camp personnel and visitors.

M. APPLICABILITY OF PLUMBING, ELECTRICAL AND BUILDING ORDINANCES AND CODES:

- (1) All plumbing, electrical, building and other work done on or at any camp licensed under this ordinance shall be in accordance with the ordinances of the Town, and the requirements of the Safety and Professional Services (SPS) codes and the regulations of the Wisconsin State Department of Health Services (DHS). Licenses and permits granted under this ordinance grant no right to erect or repair any structure, to do any plumbing work or electrical work.

N. MONTHLY PARKING FEE:

- (1) There is hereby imposed on each owner or operator of a trailer camp licensed herein a monthly parking permit fee of such amount as set forth in Section 11.05 on each occupied non-exempt trailer which shall have been parked in such camp at any time during the month. It shall be the full and complete responsibility of the licensee to collect the proper amount from owners of each trailer and to pay the Town Clerk-Treasurer such monthly parking permit fees on or before the tenth of the month following the month for which such fees are due, in accordance with the terms of this ordinance. In the event of his failure so to do, the licensee shall be personally liable for the amounts due.

O. NON-CONFORMING TRAILERS: All trailers not now in conformance with this ordinance shall be permitted to remain in their present location until the property upon which the same is located, or the trailer itself, is sold or otherwise conveyed. Non-conforming trailers which are destroyed by fire or other acts of God may be replaced or rebuilt, so long as said replacement reproduces a trailer of similar or better value. All trailers permitted under this non-conforming paragraph shall be subject to the monthly parking fee and its payment requirements and shall otherwise be required to fully conform with all the applicable requirements of this ordinance.

P. REVOCATIONS AND SUSPENSION: The Town Board is hereby authorized to revoke any license or permit issued pursuant to the terms of this ordinance in accordance with the Wisconsin Statutes.

Q. PENALTIES FOR VIOLATION OF THIS ORDINANCE: The penalty for violation of this section shall be a penalty as provided for in Subsection 11.04 A (1).

R. REGULATION COMPLIANCE WITH OTHER AGENCIES: In all respects, trailer camps shall comply with all the applicable regulations of all departments, commissions, and agencies of Sheboygan County and the State of Wisconsin.

5.09 REGULATION OF FIREARMS

A. PURPOSE: The purpose of this ordinance is to protect and foster the health, safety and well being of persons in the Town for the protection of property rights and to protect individuals from injury.

B. PROHIBITION AGAINST DISCHARGE: No person within the Town, except as allowed in this ordinance, shall:

- (1) Discharge any firearms, such as pistols, revolvers, shotguns, rifles and air rifles, or any other firearm.
- (2) Shall carry any firearms in an unbroken or uncased condition.

C. EXCEPTION: Nothing in this ordinance shall be construed to prohibit the following:

- (1) A resident of the Town to discharge a weapon on his or her own property or to permit another to discharge a firearm on his or her own property;
- (2) The discharge of firearms in areas owned by the Sheboygan Rifle & Pistol Club located in Section 27, containing approximately 5.3 acres of land, or the discharge of firearms in areas owned by the Sheboygan County Conservation Association located in Section 4, or the discharge of firearms in the area of the Bird Hunting Preserve located in Section 28, containing approximately 370 acres of land;
- (3) The hunting of wild game during the hunting season prescribed by the Department of Natural Resources providing that such hunting will be permitted only on lands where residents and/or owners have given their written permission to such parties.

D. PENALTIES FOR VIOLATION OF THIS ORDINANCE: The penalty for violation of this section will be a penalty as provided for in Subsection 11.04 A (1).

5.10 COLLECTION OF DELINQUENT PERSONAL PROPERTY TAXES

A. PURPOSE. The purpose of this ordinance is to establish policies relating to the collection, and penalties for nonpayment of delinquent personal property taxes.

B. STATUTES INCORPORATED. The applicable provisions of §. 74, Wisconsin Statutes, and any future revisions of additions thereto, are adopted by reference in this section as if fully set forth herein.

C. INTEREST, PENALTIES AND OTHER CHARGES. Pursuant to §. 74.47(1), Wisconsin Statutes, personal property taxes which remain unpaid as of January 31 of the year in which they are due shall accrue interest of one percent (1%) per month or fraction thereof, until the balance due is paid in full. In addition, pursuant to §. 74.47(2), Wisconsin Statutes, and Sheboygan County Ordinance Section 91.01, a penalty of one-half of one percent (0.5%) per month or fraction thereof shall be added to the amount due. Interest and penalties may be waived if payment of delinquent taxes is received within 30 days of the first notice of delinquency from the Town.

D. AUTHORIZATION. The Town Clerk-Treasurer is hereby authorized to charge and collect the interest and penalties provided for by this ordinance and Sheboygan County Ordinances.

E. LICENSES OR PERMITS WITHHELD. A list of all delinquent tax payers shall be maintained by the Town Clerk-Treasurer to compare against any applications for licenses or permits issued by the Town. No license or permit, except dog licenses, shall be issued to anyone with unpaid delinquent personal property taxes, including unpaid interest or penalties.

F. APPLICABILITY. This ordinance shall be applicable to all personal property taxes which become overdue or delinquent on or after January 31, 2004.

5.11 MANDATORY RECYCLING AND SOLID WASTE DISPOSAL ORDINANCE

A. TITLE. Recycling Ordinance for the Town of Mosel.

B. PURPOSE. The purpose of this ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program and to protect the public health and safety of the occupants of the Town by providing certain recyclable material, waste and other material collection, storage, treatment, processing, and disposal regulations, as authorized and provided in sec. 287.11, Wis. Stats., and Chapter NR 544, Wis. Administrative Code or their successor provisions.

C. STATUTORY AUTHORITY. This ordinance is adopted as authorized under sec. 287.09(3)(b), Wis. Stats., and under the Town of Mosel Municipal Code, Section 1.01, granting village powers.

D. ABROGATION AND GREATER RESTRICTIONS. It is not intended by this ordinance to repeal, abrogate, annul, impair, or interfere with any existing rules,

regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall apply.

E. INTERPRETATION. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by Wisconsin Statutes. Where any terms or requirements of this ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this ordinance is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wis. Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of Wisconsin Statutes and Chapter NR 544 standards in effect on the date of adoption of this ordinance, or in effect on the date of the most recent text amendment of this ordinance.

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

G. APPLICABILITY. The requirements of this ordinance apply to all persons within the Town's limits.

H. ADMINISTRATION. The provisions of this ordinance shall be administered by the Town Board.

I. EFFECTIVE DATE. The provisions of this ordinance shall take effect on January 1, 1995.

J. DEFINITIONS. For the purposes of this ordinance:

- (1) "Bi-metal container" means a container for carbonated or malt beverages that is made primarily of steel and aluminum.
- (2) "Container board" means corrugated paper board used in the manufacture of shipping containers and related products.
- (3) "Foam polystyrene packaging" means material designed for food or beverage service or loose particles or rigid material for packaging and shipping use.
- (4) "HDPE" means high density polyethylene plastic containers marked by the SPI code No. 2.
- (5) "LDPE" means low density polyethylene plastic containers marked by the SPI code No. 4.
- (6) "Magazines" means magazines and other materials printed on similar paper.
- (7) "Major appliances" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven (unless capacitor has been removed), oven, refrigerator, furnace, boiler, dehumidifier, water heater, or stove.

- (8) "Multiple-family dwelling" means a property containing five (5) or more residential units, including those which are occupied seasonally.
- (9) "Newspaper" means a newspaper and other materials printed on newsprint.
- (10) "Non-residential facilities and properties" means commercial, retail, industrial, institutional, and governmental facilities and properties. This term does not include multiple-family dwellings.
- (11) "Office paper" means high grade printing and writing papers from offices in non-residential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.
- (12) "Other resins or multiple resins" means plastic resins labeled by the SPI code #7.
- (13) "Person" includes any individual, corporation, partnership, association, local governmental unit as defined in sec 287.01(5m), Wis. Stats., state agency or authority, or federal agency.
- (14) "PETE" means polyethylene terephthalate plastic containers marked by the SPI code No. 1.
- (15) "Plastic container" means an individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.
- (16) "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste as defined in sec. 287.01(7), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste as defined in sec. 289.01(17), Wis. Stats.
- (17) "PP" means polypropylene plastic containers marked by the SPI code No. 5.
- (18) "PS" means polystyrene plastic containers marked by the SPI code No. 6.
- (19) "PVC" means polyvinyl chloride plastic containers marked by the SPI code No. 3.
- (20) "Recyclable materials" includes lead acid batteries, major appliances; waste oil; yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspaper; office paper; plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS, and mixed or other plastic resin types; steel containers, waste tires; and bi-metal containers.
- (21) "Solid waste" has the meaning specified in sec. 289.01(33), Wis. Stats.
- (22) "Solid waste facility" has the meaning specified in sec. 289.01(35), Wis. Stats.
- (23) "Solid waste treatment" means any method, technique, or process which is designed to change the physical, chemical, or biological character or composition of sold waste. "Treatment" includes incineration.
- (24) "Waste tire" means a tire that is no longer suitable for it original purpose because of wear, damage, or defect.
- (25) "Yard waste" means leaves, grass clippings, and yard and garden debris and brush, including clean woody vegetative material no greater than six (6)

inches in diameter. This term does not include stumps, roots or shrubs with intact root balls.

K. SEPARATION OF RECYCLABLE MATERIALS. Occupants of single family and two-to-four unit residences, multiple family dwellings, non-residential facilities, places of business, industry or commerce, farms, and governmental facilities shall separate the following materials from post-consumer waste and prepare and dispose of them as detailed below. Any additional expense which may be incurred in disposing of items (1) through (4) below shall be the responsibility of the owner:

- (1) Lead acid batteries shall be deposited at Sheboygan Scrap Metal, 2801 North 21st Street, Sheboygan, Wisconsin or at any other enterprise which accepts lead acid batteries.
- (2) Major appliances shall be deposited at Sheboygan Scrap Metals, 2801 North 21st Street, Sheboygan, Wisconsin or at any other enterprise which accepts lead acid batteries.
- (3) Waste oil shall be deposited at Steve's Amoco, 1030 South 14th Street, Sheboygan, Wisconsin, or at any other enterprise which accepts waste oil.
- (4) Waste tires shall be taken to the place new tires are purchased, to be recycled at that time. If new tires are not purchased, waste tires shall be taken to an enterprise which accepts waste tires.
- (5) Yard waste shall be disposed of by composting the material on the site at which it is produced.
- (6) Aluminum containers shall be rinsed clean. Flattening the containers is optional.
- (7) Bi-metal containers shall be rinsed clean. Flattening the containers is optional.
- (8) Corrugated paper or other container board shall be flattened and tied in bundles.
- (9) Foam polystyrene packaging. See exemption granted in Subsection 5.11 L (3).
- (10) Glass containers shall be rinsed clean; rings and lids thereon shall be removed and discarded.
- (11) Magazines and slick newsprint shall be placed in brown grocery bags or tied with string in both directions approximately ten inches (10") in height, when disposed of at the Town's Transfer Station.
- (12) Newspaper shall be placed in brown grocery bags or tied with string in both directions approximately ten inches (10") in height.
- (13) Office paper shall be placed in brown grocery bags or tied with string in both directions approximately ten inches (10") in height.
- (14) Plastic containers made of PETE (#1), and HDPE (#2) including milk, soda, and detergent bottles, shall be rinsed clean, lids shall be removed and discarded, and flattening shall be optional.
- (15) Plastic containers made of PVC (#3), LDPE (#4), PP (#5), PS (#6), and mixed and other plastic resin types (#7). See exemption granted in Subsection 5.11 L (3).
- (16) Steel containers shall be rinsed clean; flattening shall be optional.

To the greatest extent practicable, the recyclable materials separated shall be clean and kept free of contaminants such as food or product residue; oil or grease, or other non-recyclable materials, including, but not limited to, household hazardous waste, medical waste, and agricultural chemical containers. Recyclable materials shall be stored in a manner which protects them from wind, rain and other inclement weather conditions that could reduce the marketability of the recyclable materials.

L. SEPARATION REQUIREMENTS EXEMPTED. The separation requirements of Subsections 5.11 K (6)-(16)-do not apply to the following:

- (1) Occupants of single family and two-to-four unit residences, multiple family dwellings and non-residential facilities and other properties that send their post-consumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in Subsections 5.11 K (6)-(16) from solid waste in as pure a form as technically feasible.
- (2) If less than 30% of the heat input to a facility is derived from the solid waste which is burned as a supplemental fuel at that facility in accordance with sec. 287.07(7)(bg), Wis. Stats.
- (3) Foam polystyrene packaging and rigid plastic containers made of PVC (#3), LDPE (#4), PP (#5), PS (#6), and other resins or multiple resins (#7). These items have been granted a separation variance by the Department of Natural Resources under sec. 287.07(7) (h), Wis. Stats.

M. RESPONSIBILITY OF OWNERS OR DESIGNATED AGENTS OF MULTIPLE-FAMILY DWELLINGS.

- (1) Owners or designated agents of multiple-family dwellings shall do the following for recycling the materials as specified in Subsection 5.11 K (6)-(16):
 - (a) Provide adequate, separate containers for the separated recyclable materials.
 - (b) Notify tenants, in writing, at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
 - (c) Provide for the collection of materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
 - (d) Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address, and telephone number.
- (2) The requirements specified in Subsection 5.11 M (1) do not apply to the owners or designated agents of multiple-family dwellings if:
 - (a) The post-consumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for-recycling the materials as specified in Subsections

- 5.11 K (6)-(16) from solid waste in as pure a form as is technically feasible.
- (b) Less than 30% of the heat input to a facility is derived from the solid waste which is burned as a supplemental fuel at that facility in accordance with sec. 287.07(7)(bg), Wis. Stats.
- (c) Items have been granted a separation variance by the Department of Natural Resources under sec. 287.07(7) (h), Wis. Stats. Currently the items which need not be separated from solid waste are foam polystyrene packaging and rigid plastic containers made of PVC (#3), LDPE (#4), PP (#5), PS (#6), and other resins or multiple resins (#7).

N. RESPONSIBILITY OF OWNERS OR DESIGNATED AGENTS OF NON-RESIDENTIAL FACILITIES AND PROPERTIES.

- (4) Owners or designated agents of non-residential facilities and properties shall do all of the following for recycling the materials specified in Subsections 5.11 K (1) through (16):
 - (a) Provide adequate, separate containers for the separated recyclable materials.
 - (b) Notify in writing, at least semi-annually, all users, tenants and occupants of the properties about the established recycling program.
 - (c) Provide for the collection of materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.
 - (d) Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare the materials in order to meet processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including name, address, and telephones number.
- (5) The requirements specified in Subsection 5.11 N (1) do not apply to the owners or designated agents of non-residential facilities and properties if:
 - (a) The post-consumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials as specified in Subsections 5.11 K (6)-(16) from solid waste in as pure a form as is technically feasible.
 - (b) Less than 30% of the heat input to a facility is derived from the solid waste which is burned as a supplemental fuel at that facility in accordance with sec. 287.07(7)(bg), Wis. Stats.
 - (c) Items have been granted a separation variance by the Department of Natural Resources under sec. 287.07(7) (h), Wis. Stats. Currently the items which need not be separated from solid waste are foam polystyrene packaging and rigid plastic containers made of PVC (#3), LDPE (#4), PP (#5), PS (#6), and other resins or multiple resins (#7).

O. PROHIBITIONS ON DISPOSAL OF RECYCLABLE MATERIALS, HAULER LICENSING, REPORTING REQUIREMENTS, RESTRICTION, AND PROCESSING FACILITIES.

- (1) No privately-contracted hauler may dispose of in a solid waste disposal facility or burn in a solid waste facility any recyclable materials as specified in Subsections 5.11 K (6)-(16), generated in the Town that have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.
- (2) No privately-contracted hauler shall engage in the collecting or transporting of solid waste or recyclables within the Town without being licensed by the Department of Natural Resources under section NR 502.06, Wis. Administrative Code.
- (3) Privately-contracted haulers who collect solid waste or recyclables in the Town for storage, treatment, processing, marketing, or disposal shall obtain and maintain all necessary municipal and state permits, licenses, and approvals prior to collecting any materials in the Town.
- (4) Recycling haulers and processors operating in the Town that service the Town's Transfer Station, are required to maintain records and report, in writing, to the Town Clerk-Treasurer annually. Reports shall include: the amount of solid waste and recyclable material collected during the previous quarter; and the final disposal location of solid waste and recyclable material. Failure to report shall be cause for the Town to revoke any license or sever any contract with the hauler/processor.
- (5) Any privately-contracted hauler operating in the Town shall not transport for processing any recyclables to a processing facility unless that facility has self-certified with the Department of Natural Resources under section NR 544.16, Wis. Administrative Code.

P. OWNERSHIP OF RECYCLABLE MATERIALS. Recyclable materials, upon placement for collection, shall become the property of the privately-contracted hauler. Recyclable materials, upon collection by the hauler, shall become the property of the hauler.

Q. NO DUMPING.

- (6) It shall be unlawful for any person to dispose of or dump solid waste or recyclable materials in any street, alley, or other public place within the Town or in any receptacles or on private property without the owner's consent.
- (7) No person shall place for collection any solid waste or recyclable materials not owned or occupied by such person.

R. NONDISPOSABLE MATERIALS. It shall be unlawful for any person to place for disposal any of the following wastes: hazardous and toxic wastes, chemicals, explosives, flammable liquids, paint, trees and stumps, yard waste, construction debris, carcasses, and medical wastes, loose personal needles unless contained in cardboard to eliminate injury to handlers.

S. REFUSE FOR COLLECTION FROM OUTSIDE OF THE TOWN. It shall be unlawful to bring refuse for disposal (and recyclables) at the Town's Transfer Station or for collection by privately-contracted hauler(s), from outside the-Town.

T. DISPOSAL AT TOWN'S TRANSFER STATION. Conform to the requirements of Chapter 9.

U. ENFORCEMENT.

- (1) For the purpose of ascertaining compliance with the provision of this ordinance, any Town Board member or representative of the Town Board of the Town of Mosel may inspect recyclable materials separated for recycling, post-consumer waste intended for disposal, collection sites and facilities, collection vehicles, collection areas of multiple family dwellings and non-residential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any Town Board member or its representative of the Town of Mosel who requests access for the purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper, or interfere with such an inspection.
- (2) Any person who violates a provision of this ordinance may be issued a citation by the Town of Mosel to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other law or ordinance relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.
- (3) Penalties for violating this ordinance may be assessed as follows:
 - (a) Any person who violates Subsection 5.11 R may be required to forfeit \$50.00 for a first violation, \$200.00 for a second and not more than \$2,000.00 for a third or subsequent violations.
 - (b) Any person who violates a provision of this ordinance, except Subsection 5.11 R may be required to forfeit not less than \$10.00 nor more than \$1,000.00 for each violation.

"5.12 Sexual Offender Residency Restrictions.

(1) Finding and Issue.

- (a) Repeat sexual offenders, sexual offenders who use physical violence, and sexual offenders who prey on children are sexual predators who present an extreme threat to public safety. Sexual offenders are extremely likely to use physical violence and to repeat their offenses; and most sexual offenders commit many offenses, have many more victims than are ever reported, and are prosecuted for only a fraction of their crimes. This makes the cost of sexual offender victimization to society at large, while incalculable, clearly exorbitant.

(b) It is the intent of this section not to impose a criminal penalty but rather to serve the Town's compelling interest to promote, protect, and improve the health, safety, and welfare of the citizens of the Town by creating areas around locations where children regularly congregate in concentrated numbers wherein certain sexual offenders and sexual predators are prohibited from establishing temporary or permanent residence, and by preventing an undue number of sexual offenders who had no prior connections with the Town and who had not previously lived in the vicinity from being placed within the Town.

(2) **Definitions.** The following words, terms and phrases, when used in this section, shall have the meanings ascribed below, except when the context clearly indicates a different meaning:

- (a) Child or Children means a person or persons under the age of 18.
- (b) Designated Offender means: A person who is required to register under Wis. Stat. § 301.45 for any sexual offense against a child or a person who is required to register under Wis. Stat. § 301.45 for whom a bulletin to law enforcement agencies has been issued under Wis. Stat. § 301.46(2m).
- (c) Permanent Residence means a place where the person abides, lodges, or resides for fourteen (14) or more consecutive days.
- (d) Temporary Residence means a place where the person abides, lodges, or resides for a period of fourteen (14) or more days in the aggregate during any calendar year and which is not the person's permanent address or a place where the person routinely abides, lodges, or resides for a period of four or more consecutive or non-consecutive days in any month and which is not the person's permanent residence.

(3) **Sexual Offender and Sexual Predator Residence; Prohibition; Penalties; Exceptions**

- (a) Prohibited Location of Residence. It is unlawful for any designated offender to establish a permanent residence or temporary residence within 2,000 feet of any school, licensed day care center, park, recreational trail, playground or place of worship.
- (b) Prohibited Relocation. It is unlawful for any designated offender to establish a permanent residence or temporary residence within the Town if that person had never previously been a permanent resident of Sheboygan County, Wisconsin.
- (c) Prohibited Activity. It is unlawful for any designated offender to participate in a holiday event involving children, such as distributing candy or other items to children. Holiday events in which the offender

is the parent or guardian of the children involved, and no non-familial children are present, are exempt from this paragraph. Participation is to be defined as actively taking part in the event.

(d) Measurement of Distance.

1. For the purposes of determining the minimum distance separation, the requirement shall be measured by following a straight line from the outer property line of the permanent residence or temporary residence to the nearest outer property line of a school, licensed day care center, park, recreational trail, playground or place of worship.
2. The Town Clerk/Treasurer shall prepare an official map showing prohibited locations as defined by this section. The Town Clerk/Treasurer shall maintain the map on file at the Town Hall and update it at least annually to reflect any changes in the location of prohibited zones, designated "Child Safety Zones".

(e) Penalties. A person who violates any provision of this section shall be punished by a forfeiture not exceeding \$500.00. Each day a person maintains a residence in violation of this section constitutes a separate violation. The Town of Mosel may also seek equitable relief.

(f) Exceptions. A designated offender residing within a prohibited area as described herein does not commit a violation of this section if any of the following apply:

1. The person established the permanent residence or temporary residence and reported and registered the residence pursuant to Wis. Stat. § 301.45 before the effective date of this section.
2. The school, licensed day care center, park, recreational trail or playground within 2,000 feet of the person's permanent residence was opened after the person established and the permanent residence or temporary residence and reported and registered the residence pursuant to Wis. Stat. § 301.45.
3. The residence is also the primary residence of the person's parents, grandparents, siblings, spouse or children, provided that such parent, grandparent, sibling, spouse or child established the residence at least two (2) years before the designated offender established residence at the location.

(4) Prohibition Against Renting to Certain Sexual Offenders and Sexual Predators; Penalties.

- (a) It is unlawful to let or rent any place, trailer, other structure, or part thereof, with the knowledge that it will be used as a permanent residence or temporary residence by any person prohibited from establishing such residence pursuant to this section, if such place, trailer, other structure, or part thereof, is located within a prohibited location zone described in Paragraphs 3(a) and 3(b), and not subject to an exception set forth in Paragraph 3(f) above.
 - (b) A property owner's failure to comply with this subsection shall constitute a violation of this section and shall subject the property owner to the penalties set forth in Paragraph 3(e).
- (5) **Appeal.** The restrictions in Paragraphs 3(a) and 3(b) may be waived by the Town Board through appeal by the affected party. Such appeal shall be made in writing to the Town Clerk/Treasurer, who shall forward the request to the Town Board, which shall receive reports from the Sheriff's Department on such appeal. The Town Board shall consider the public interest, as well as the affected party's presentation and concerns. After deliberation, the Town Board shall forward copies of its decision in writing via the minutes or otherwise to the Sheboygan County Sheriff for information and action, and to the affected party."

Section 2. Severability. The provisions of this Ordinance shall be deemed severable and it is expressly declared that the Town Board would have passed the other provisions of this Ordinance irrespective of whether or not one or more provisions may be declared invalid. If any provisions of this Ordinance or the application to any person or circumstance are held invalid, the remainder of this Ordinance or the application of such other provisions to other persons or circumstances shall not be affected.

"5.13 NOISE REGULATIONS

A. Definitions.

(1) **American National Standards Institute ("ANSI") Definitions Adopted.** All acoustical terminology shall be that contained in ANSI, S1.1, "Acoustical Terminology" which is adopted and incorporated herein by reference.

(2) **Additional Definitions.**

1. "Daytime Hours" shall mean the time from 8:00 A.M. to 6:00 P.M.
2. "Light Motor Vehicle" shall mean any automobile, van, motorcycle, motor driven cycle, motor scooter, or light truck with a gross vehicular weight of less than eight thousand (8,000) pounds.
3. "Nighttime Hours" shall mean the time from 6:00 P.M. to 8:00 A.M.

B. Limitations.

(1) **General Limitation.** No person shall cause, allow or assist in making any noise tending to unreasonably disturb the peace and quiet of persons in the vicinity thereof.

2) **Specific Limitation.** No person shall cause, allow or assist in making a noise level, as measured from a property boundary, to exceed the following:

Octave Band Frequency (Hz.)	Daytime Maximum Sound Levels (decibels)	Nighttime Maximum Sound Levels (decibels)
31.5	96 dB	86 dB
63	82 dB	71 dB
125	74 dB	61 dB
250	67 dB	53 dB
500	63 dB	48 dB
1000	60 dB	45 dB
2000	57 dB	42 dB
4000	55 dB	40 dB
8000	53 dB	38 dB

(3) **Light Motor Vehicle Limitation.** No person shall cause noise levels from the operation of a light motor vehicle to exceed 80 dB as measured from at least fifteen (15) feet from the vehicle in an area open to the public.

(4) **Electrical Sound Amplification.** During nighttime hours, no person may operate a radio or electrical sound amplification device emitting a sound that is audible from a distance of more than 75 feet from the boundary of the property from which the sound is emanating.

C. Measurement. Measurement of sound pressure pursuant to this section shall be made either with a sound level meter that meets or exceeds the ANSI requirements of the American Standard Specification for Sound Level Meters, Type I or Type II (ANSI S1.4 – 1983) or with an Octave Band Analyzer that meets or exceeds the requirements of ANSI (S1.6 – 1984) or any successor nationally adopted standards.

D. Exemptions. The following activities shall be exempt from the noise regulations of this section provided that reasonable steps are taken to minimize the noise emitted:

(1) **Construction Sites, Demolition Sites and Public Utilities.** Construction sites, demolition sites and public utilities during daytime hours Monday through Saturday; however, the noise therefrom shall be minimized

through proper equipment operations and maintenance. Stationary equipment on construction or demolition projects lasting more than 10 days within residential districts shall be shielded or located to prevent unnecessary noise.

(2) **Emergency Operations.** Emergency short-term operations necessary to protect the health and welfare of the citizens, to warn against unsafe conditions, or otherwise required by law.

(3) **Power Equipment.** Operation of lawn, garden and snow removal power equipment necessary for the maintenance of property, kept in good repair and maintenance, which, when new, would not comply with the standards set forth in this section.

(4) **Agricultural Activities.** Seasonal agricultural activities including planting, cultivating, fertilizing and harvesting, provided the noise therefrom is minimized through proper equipment operations and maintenance.

E. Special Variance Permits.

(1) **General.** A special variance permit to exceed the noise limitations of this section may be issued for an event or circumstance of limited duration, including special community events.

(2) **Application.** Any person seeking a special variance permit shall file a written application with the Town Clerk, at least 40 days prior to the proposed commencement of the event or activity for which the variance permit is requested. The application shall contain all information deemed necessary by the Town.

(3) **Issuance.** The Town Board may grant a special variance permit upon findings that the variance promotes a public interest and results in minimal harm to the public health, safety and welfare. The Board shall notify the applicant concerning all necessary conditions, including time limits on the permitted activity. Noncompliance with any permit condition shall be cause for termination and subject the holder to those provisions of this section regulating the source of sound or activity for which the special variance is granted.

F. Conditional Variance Permits.

(1) **General.** A conditional variance permit may be issued for ongoing or recurring sources of sound which do not comply with the standards of this section for technical or economic reasons.

(2) **Application.** Any person seeking a conditional variance permit shall file a written application with the Town Clerk, at least 40 days prior to the proposed commencement of the event or activity for which the variance permit is requested. The application shall contain all information deemed necessary by the Town.

(3) **Hearing.** The Town Board shall conduct a public hearing on the application, preceded by a Class 1 notice. The applicant may be required to submit such additional information as the Board reasonably requires.

(4) **Issuance.** The Town Board may grant a conditional variance permit upon findings that the variance promotes a public interest and results in minimal harm to the public health, safety and welfare. The Board shall notify the applicant concerning all necessary conditions. Noncompliance with any permit condition shall be grounds for termination and subject the holder to those provisions of this section regulating the source of sound or activity for which the special variance is granted.

G. Penalties; Enforcement.

(1) **First Offense.** A violation of this section shall be punishable by a forfeiture of \$100, plus costs.

(2) **Subsequent Offenses.** Subsequent violations of this section within a 30 day period shall be punishable by a forfeiture of \$250 (plus costs) for the second offense and \$500 (plus costs) for each further offense.

(3) **Enforcement.** Any 60 minute period during which the maximum sound levels allowed by this section are exceeded shall constitute a separate offense. For repeated or egregious violations, the Town may seek equitable relief to enjoin future violations.”

CHAPTER 6 : HEALTH REGULATIONS

6.01 HOLDING TANKS

A. HOLDING TANKS PERMITTED

Holding tanks may be permitted in the Town upon filing of a properly completed agreement, payment of fees and deposits in compliance with this ordinance.

B. OWNER'S RESPONSIBILITY

The owner shall conform to all rules and regulations of the Town, Sheboygan County, and the State of Wisconsin in the construction and maintenance of the septic system, including holding tanks. He/she shall when necessary, but within the guidelines, if any, as set forth by the Town, County or State of Wisconsin, pump contents of said tank to a qualified site or sewerage treatment center as determined from time to time by the Town. The Town may order the pumping of said tank at any time that it deems that the failure to do so may cause a nuisance or health hazard within the Town and that the owner shall, within 24 hours of said notice, pump said tank as required.

C. RIGHT TO ENTER PREMISES

Upon the signing of the application and/or agreement with the Town for the installation of the holding tank, the owner agrees that the Town is granted the right or licenses and authority to enter upon his/her property to inspect, pump and haul away, if necessary, the contents of said holding tank.

D. SPECIAL ASSESSMENTS

Upon receiving proper permits for the construction and installation of the holding tank, owner consents to pay any and all special assessments at the time of installation of any existing sanitary sewer adjacent or upon the above described owner's property and waives any assertion or claim that said sewer lacks any benefit to the owner.

E. TAX ASSESSMENT

Any costs accrued to the Town because of the owner's use or operation, failure to maintain, or for any other reason, of said holding tank, after proper billing, the Town may place said costs on the next succeeding tax bill as a special charge.

F. BOND REQUIREMENTS

The Town Board may require a bond or deposit to be filed by the applicant for said permit or the owner of said premises after the installation of a holding tank to guarantee any and all expenses incurred by the Town for inspection, pumping, hauling or otherwise servicing and maintaining the holding tank in such manner as to prevent or abate any nuisance or health hazard caused by the holding tank. The bond shall be maintained at all times and shall be replaced if expended for any reason. No interest shall accrue to the permittee on the bond or deposit.

G. COVENANT ON LAND

The holding tank agreement shall be in such form so as to be recordable and shall be a covenant running with the land and shall be binding on owners, their heirs, successors and assigns.

H. REPORT

The owner shall report to the Town Board at least annually or such other period as the Board may demand. The report shall contain the owner's name, location of the property on which the holding tank is located, the pumper's name, dates and volumes pumped and the disposal site

I. PENALTY

The penalty for violation of any of the provisions of this section, in addition to the costs hereinbefore mentioned, shall be a penalty as provided in Subsection 11.04 A (1) of this code. A separate offense shall be deemed committed on each day in which a violation of any provision of this section occurs or continues. In addition to said penalty, the Town Board may revoke the tank permit and the occupancy permit for the premises and require removal of the premise's inhabitants.

6.02 ORDINANCE REGULATING THE DUMPING AND DISPOSAL OF CONSTRUCTION RUBBLE AND FILL

A. PURPOSE

The purpose of this ordinance is to regulate the dumping and disposal of construction rubble and nonorganic, noncombustible fill by individuals, corporations and municipalities within the Town. Because of the health, safety and welfare of the public, such dumping or disposal within the Town shall only be permitted under the terms and conditions set forth below.

B. DEFINITIONS

- (1) **Dumping or Disposal:** Dumping or disposal includes, but is not limited to, unloading, throwing away, discarding, emptying, abandoning, discharging or burying construction rubble and nonorganic, noncombustible fill on any property or lands, whether publicly or privately owned, within the Town.
- (2) **Sludge:** Sludge is the sewer treatment residue in any form whatsoever, whether solid, semi-solid or liquid which has been processed or treated in any way, form or manner. Sludge shall not be deposited on lands in the Town.
- (3) **Municipality:** Municipality is any city, village or town.
- (4) **Construction Rubble:** Construction rubble shall include only cement, concrete, brick, mortar and plaster obtained from the demolition of structures, roads or buildings.
- (5) **Nonorganic, Noncombustible Fill:** Nonorganic, noncombustible fill means ground or soil, cinders or like type of material that do not give off odor or endanger groundwater.

C. PERMIT REQUIRED

Except as expressly permitted in Subsection 6.02 D below, no individual, corporation or municipality shall dump or dispose of construction rubble and nonorganic, noncombustible fill within the Town unless a permit to engage in such dumping or disposal is first obtained from the Town under the conditions prescribed herein.

D. EXCEPTIONS

The following shall not be deemed to come within the scope or meaning of this ordinance:

- (1) The use of sanitary privies and seepage beds or septic tanks, which conform to applicable ordinances of the Town, or the discharge of human waste products into any public sewerage system located within the Town.
- (2) A farm on which only animal waste resulting from the operation of the farm are disposed of.
- (3) Any dumping operation under the direction and control of the Town.

E. GENERAL REGULATIONS

Persons or municipalities permitted to engage in dumping or disposal operations shall be subject to the following regulations:

- (1) The dumping or disposal operations shall be conducted in such a way as to not constitute a public or private nuisance.
- (2) Persons or municipalities engaged in dumping or disposal operations shall conduct the operations in such a way that dust, dirt, debris or other materials or substances will not be carried by wind across the boundary of the parcel of land being used for dumping or disposal operations.
- (3) A suitable covering of topsoil not less than two (2) feet shall be placed over all of the area used for dumping or disposal operations within a reasonable time after the dumping or disposal has been completed, not to exceed ten (10) days. The covering shall be done in such a way as to give the covered area a finished graded appearance compatible with the surrounding and adjacent property as to not substantially depreciate property values within the immediate area.

F. APPLICATION

Individuals, corporations or municipalities requesting a permit to engage in dumping or disposal operations under this section shall file with the Town Clerk-Treasurer an application for said dumping. The application shall contain the name and address of the applicant, an explanation of the nature and purpose of the dumping or disposal and a detailed description of the dumping or disposal plan, including starting date and termination date. A fee shall accompany said application as set forth in Section 11.05.

G. BOND AND REVOCATION OF PERMIT

The Town Board reserves the right to require the applicant to post a bond, the condition of which will be that this ordinance shall be observed and that the dumping or disposal plan will be adhered to and any penalties imposed shall be paid. If there is a violation of this ordinance or if the dumping or disposal plan is not adhered to, the penalties imposed shall be paid from said bond. The Town Board shall have the right to revoke the dumping or disposal permit and, if necessary, obtain a court order

terminating such dumping or disposal operation. If after a reasonable demand, the applicant fails to cover the dumping or disposal area in accordance with the dumping or disposal plan, the Town Board shall have the right to correct the violation and to charge the expense against the bond.

The applicant for a dumping or disposal permit, in making the application, grants to the Town the right to enter onto the land and carry out the dumping or disposal plan if the owner or occupant of the land fails to do so after reasonable notice.

H. ISSUANCE

The application for a permit will be processed within ninety (90) days of its receipt, and will be issued if the Town Board is satisfied that there has been and will be reasonable compliance with the conditions enumerated herein.

I. REVOCATION

The permit, once issued, may be revoked after notice to the permit holder at any time if any of the conditions necessary for the issuance thereof or any terms of the ordinance are violated. Notice that the Town Board shall, at its next meeting, review the permit and consider revocation of same shall be given to the permit holder at the address stated on the permit, or as amended from time, to time in writing to the Town Clerk-Treasurer, not less than ten (10) days prior to said meeting.

J. CONFLICTING ORDINANCES

- (1) State Law. Nothing contained herein shall be deemed to limit or restrict the application of any state law or administrative regulation of any state agency regulating the subject of this ordinance.
- (2) Town Law. Nothing contained herein shall be deemed to limit or restrict the application of any Town ordinance concerning the subject of this ordinance.

K. PENALTY

The penalty for violation of this section shall be the penalty as provided in Sub section 11.04 A (1) of this code

CHAPTER 7 : ZONING

7.01 INTRODUCTION

A. TITLE

This ordinance, including the Zoning Map made a part hereof, shall be known and may be cited and referred to as the Town of Mosel Zoning Ordinance, adopted pursuant to Chapters 60.62, 61.35, 62.23, and other applicable provisions of the Wisconsin Statutes (2001-2002).

B. PURPOSE AND INTENT

It is the purpose of this ordinance to promote the health, safety, morals and the general welfare of the Town of Mosel, Sheboygan County, Wisconsin. It is the intent of the Town of Mosel to regulate and restrict by this ordinance the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population, and the location and use of buildings, structures and land for trade, industry, mining, residence or other purposes and that there shall be no discrimination against temporary structures. This ordinance is intended to promote the maximum benefit from coordinated area site planning, diversified location of structures and mixed compatible uses. These regulations are further intended to provide for a safe and efficient system for pedestrian and vehicular traffic, attractive recreation and landscaped open spaces, economic design and location of public and private utilities and community facilities and insure adequate standards of construction and planning. It is the intent of this ordinance to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote the general welfare; provide adequate light and air, including access to sunlight for solar collectors and for wind energy systems; to encourage the protection of groundwater resources; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements; and to preserve burial sites as defined by Section 157.70(1)(b) of the Wisconsin Statutes (2001-2002). These regulations have been adopted and made with reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Town of Mosel.

C. ABROGATION AND GREATER RESTRICTIONS

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

D. INTERPRETATION

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

E. SEVERABILITY

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

F. REPEAL

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

7.02 DEFINITIONS

A. GENERAL PROVISIONS

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 and the word “building” shall include the word “structure.”

B. SPECIFIC WORDS AND PHRASES

(1) ACCESSORY USE OR STRUCTURE

A use or detached structure subordinate to the principal use of a structure, land, or water that is located on the same lot or parcel and serves a purpose customarily incidental to the principal use or the principal structure.

(2) AGRICULTURE PRODUCTS

Includes but is not limited to, crops (corn, wheat, hay, potatoes); fruit (apples, peaches, grapes, cherries, berries, etc.); cider; vegetables (sweet corn, pumpkins, tomatoes, etc.); floriculture; herbs; forestry; husbandry; livestock and livestock products (cattle, sheep, hogs, horses, poultry, ostriches, emus, farmed deer, farmed buffalo, milk, eggs, and fur, etc.); aquaculture products (fish, fish products, water plants and shellfish); aquaponics products; horticultural specialties (nursery stock, ornamental shrubs, flowers and Christmas trees); maple sap, etc.

(3) AGRICULTURE PRODUCTS, VALUE-ADDED

The enhancement or improvement of the overall value of an agricultural commodity or of an animal or plant product to a higher value. The enhancement or improvement includes, but is not limited to, marketing, agricultural processing, transforming, packaging; and educational presentation, activities, and tours that relate to agriculture or agricultural products.

(4) AGRICULTURALLY RELATED PRODUCTS

Items sold at a farm market to attract customers and promote the sale of agricultural products. Such items include, but are not limited to, all agricultural and horticultural products, animal feed, baked goods, ice cream and ice cream based desserts and beverages, jams, honey, gift items, food stuffs, clothing and other items promoting the farm and agriculture in Wisconsin, and value-added agricultural products and on-site production.

(5) NON-AGRICULTURALLY RELATED PRODUCTS

Those items not connected to farming or the farm operation, such as novelty T-shirts or other clothing, crafts and knick-knacks imported from other states or countries, etc.

(6) AGRICULTURALLY RELATED STRUCTURES

Those structures that predominantly store or support agricultural products, uses, or equipment, such as barns, silos, coops, cribs, sheds, cellars, granaries, stables, mills, farmhouses, etc.

(7) AGRITOURISM

The visiting of an agribusiness, horticultural, or agricultural operation for recreational or educational purposes related to the activities and/or products of the operation.

(8) AGRITOURISM RELATED ACTIVITIES

Those activities that predominantly use agricultural products, structures, or equipment, such as pony rides, horseback riding, petting zoos, fishing ponds, ornamental gardens, corn mazes, straw mountains, pumpkin patches/rolling, barn dances, sleigh/hay/wagon rides, bonfires, and educational events, such as farming and food preserving classes, etc.

(9) NON-AGRITOURISM RELATED ACTIVITIES

Activities that are part of an agricultural tourism operation's total offerings but not tied to farming. Such non-agriculturally related activities include carnivals, concerts, weddings, reunions, celebrations, meetings, retreats, etc. and must be held within an event barn or similar facility for which a conditional use has been granted.

(10) 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 limitation elevated tanks, electric transmission poles or towers, non-residential buildings, clock towers, bell steeples, and silos.

Refer to Section 7.02 B(25) Communication Tower.

(11) 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 telecommunications signal, including radio, television, telephone, microwave, cellular, and PCS signals.

Refer to Section 7.02 B(12) Antenna Array.

(12) ANTENNA ARRAY

A set of interconnected antennas installed on one tower by one communications provider that receive and/or transmit one type of communications signal.

(13) ANTENNA, PRE-EXISTING

Refer to Section 7.02 B(75) Pre-existing Antenna Or Tower.

(14) APARTMENT HOUSE

Refer to Section 7.02 B(36) Dwelling, Multi-Family.

(15) AUTOMOBILE WRECKING YARD

Refer to Section 0 Salvage Yard.

(16) BASEMENT

A story partly underground which, if occupied for living purposes or having one half or more of its height above grade, shall be counted as a story for the purpose of height measurement.

(17) BED AND BREAKFAST BUSINESS

A building other than a hotel or motel in which accommodations, with or without meals, is offered to transient guests for compensation and in which there are no more than four (4) sleeping rooms providing accommodations for no more than eight (8) adults and four (4) children total, with no cooking facilities in any guest room or common guest space. The building is also the residence of the owner of the business.

(18) BIRD HUNTING PRESERVE

A parcel of land where non-native game birds may be possessed, propagated, stocked, released, and hunted pursuant to a State of Wisconsin Department of Natural Resources Bird Hunting Preserve license.

(19) BREWERY, MICRO- / NANO- / PICO

The manufacturing premises of an alcoholic beverage permittee regulated by the Wisconsin Department of Revenue that brews no more than 10,000 U.S. beer barrels (310,000 gallons) in one calendar year. May include retail/wholesale of beverage and related products, as well as a tasting room.

(20) BUILDING

Any structure erected or constructed of wood, metal, stone, plastic or other materials, having a roof supported by columns or walls, which is intended to be used by human beings or animals for occupancy, livery, commerce, education, storage, or other purposes.

(21) BUILDING BULK REQUIREMENTS

Restrictions controlling the size of buildings or other structures and the relationship of buildings, structures and uses to each other and to open areas and lot lines. Bulk requirements include restrictions controlling maximum height, maximum lot coverage, and minimum yard size.

(22) CABIN, RENTAL

A small house or cottage, usually of simple design and construction, for the temporary (maximum stay of 21 days) occupancy by guests. Cabins may contain a full kitchen and bath but may not exceed 2,000 square feet of floor space.

(23) CIDAR MILL

A small house or cottage, usually of simple design and construction, for the temporary (maximum stay of 21 days) occupancy by guests. Cabins may contain a full kitchen and bath but may not exceed 2,000 square feet of floor space.

(24) CO-LOCATION

Location of antennas or antenna arrays operated by more than one wireless communication service provider on a single tower or alternative tower structure.

(25) COMMERCIAL KITCHEN

A small-scale food processing and/or sales facility licensed by the Wisconsin Department of Agriculture, Trade and Consumer Protection.

(26) COMMON OWNERSHIP

Ownership of land by the same individual, married couple, joint tenants, or tenants in common. For example, a parcel owned by John Smith is considered to be in common ownership with a parcel owned by John & Mary Smith, husband and wife. A parcel owned by John Smith is not considered to be in common ownership with a corporation, LLC, partnership, estate, or trust in which John Smith has an interest.

(27) COMMUNICATION TOWER

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

(28) COMMUNITY SUPPORTED AGRICULTURE (CSA)

A farm supported in full or in part by individuals from the surrounding region who pledge their monetary and/or physical assistance to the farm operation in exchange for shares of the harvest.

(29) CONSERVANCY DISTRICT

That area set out on the Zoning Map of the Town of Mosel or such area, if greater, set out by the State of Wisconsin or Sheboygan County for floodplain control, preservation of natural resources, and regulation along the Lake Michigan shoreline and the rivers flowing in and through the Town of Mosel.

(30) CONSISTENT WITH AGRICULTURAL USE

Furthers or does not contradict any of the following activities conducted for the purpose of producing an income or livelihood: crop or forage production; keeping livestock; beekeeping; nursery, sod, or Christmas tree production; floriculture; aquaculture; fur farming; forest management; enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program; any other use that DATCP, by rule, identifies as an agricultural use.

(31) CONTIGUOUS

Parcels that adjoin and are not divided by a public road. (Parcels are not contiguous if they meet only at a single point.)

(32) DISTILLERY (MICRO-)

The manufacturing premises of an alcoholic beverage permittee regulated by the Wisconsin Department of Revenue that produces no more than 10,000 gallons of distilled spirits in one calendar year. Also known as “Farm-to-Flask” or “Grain to Glass.” May include retail/wholesale of beverage and related products, as well as a tasting room.

(33) DISTRICT

A portion of the territory of the Town of Mosel within which certain uniform regulations and requirements, or various combinations thereof, apply under the provisions of this ordinance.

(34) DWELLING

A building or portion thereof designed for or occupied by exclusively one (1) family for residential occupancy, but not a tent, mobile home or house trailer; except that mobile home units which are delivered to a site in halves which, when joined, total twenty (20) or more feet in width and which are placed on permanent foundations shall be considered a dwelling.

(35) DWELLING, SINGLE-FAMILY

A detached dwelling unit.

(36) DWELLING, MULTI-FAMILY

A building or portion thereof with two (2) or more dwelling units, including but not limited to an apartment house, but excluding a hotel or motel as defined in this ordinance.

(37) DWELLING, TWO-FAMILY

A detached or semi-detached building with two (2) dwelling units.

(38) DWELLING UNIT

One (1) or more rooms in a residential building, or a residential portion of a building, which are arranged, designed, used, or intended for use, by one or more persons living together and maintaining a common household, and which include a lawful cooking space and lawful sanitary facilities reserved for the occupants thereof. Mobile home units which are delivered to a site in halves which, when joined, total twenty (20) or more feet in width and which are placed on permanent foundations shall be considered a dwelling unit.

(39) EVENT BARN

A barn or barn-like building used for the occasional hosting of agriculturally related and non-agriculturally related activities.

(40) FAA

Federal Aviation Administration.

(41) FCC

Federal Communications Commission.

(42) FAMILY

Either (a) an individual or two (2) or more persons related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit; or (b) a group of not more than four (4) persons, who need not be related by blood, marriage, or adoption, living together as a single housekeeping unit in a dwelling unit.

(43) FARM

All contiguous land under common ownership that is primarily devoted to agricultural use.

(44) FARMLAND PRESERVATION ZONING (FPZ) DISTRICT

An area consisting of lands zoned A-1 Prime Agricultural District, A-1-S Prime Agricultural District (small-scale), and/or A-PR Prime Agricultural Parcel Remnants District in the Town of Mosel, Sheboygan County, Wisconsin.

(45) FARMER'S MARKET

A market (e.g., group of stalls and/or booths) where vendors sell agricultural products, value-added agricultural products, and agriculturally related products directly to consumer

(46) FARM MARKET / ON-FARM MARKETING / FARM DIRECT MARKETING

The sale of agricultural products or value-added agricultural products, at least fifty percent (50%) of which was produced on-site, directly to the consumer.

(47) 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.

(48) FEEDLOT, HIGH-DENSITY COMMERCIAL

The raising of animals for meat and/or eggs where the total number of animals exceeds five hundred fifty (550) head.

(49) FRONTAGE

The smallest continuous dimension of a lot abutting a public street measured along the street line.

(50) GARAGE, PRIVATE

An accessory building or space no larger than 1040 square feet for private storage.

(51) 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-driven vehicles.

(52) GARAGE, STORAGE

Any building or premises used for the storage only of motor-driven vehicles, pursuant to previous arrangements and not to transients, and where no equipment, parts, fuel, grease, or oil is sold and vehicles are not equipped, serviced, repaired, hired, or sold.

(53) GOVERNING AUTHORITY

The Town Board of Mosel, or in cases in which authority has been delegated by ordinance to the Planning and Zoning Commission, the Planning and Zoning Commission.

(54) HOME OCCUPATION

Any occupation that is customarily incidental to the principal use of a building as a dwelling unit.

(55) HOTEL OR MOTEL

A building in which lodging, with or without meals, is offered to transient guests for compensation and in which there are five (5) or more sleeping rooms.

(56) JUNK YARD

Refer to Section 0 Salvage Yard.

(57) LODGE

A building other than a hotel or motel in which accommodations, with or without meals, is offered to transient guests for compensation and in which there are no more than eight (8) sleeping rooms providing accommodations for no more than sixteen (16) adults and eight (8) children total, with no cooking facilities in any guest room or common guest space.

(58) LOT

A parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet lot width, lot frontage, lot area, setback, yard, parking and other requirements of this Ordinance.

(59) LOT, CORNER

A lot abutting on two (2) or more streets at their intersection, provided that the interior angle of such intersections is less than 135°.

(60) LOT, DEPTH OF

The mean horizontal distance between the front and rear lot lines measured within the lot boundary.

(61) LOT, INTERIOR

A lot other than a corner lot.

(62) LOT, SUBSTANDARD

A lot that is smaller than the minimum required acreage or the minimum required lot width for the zoning district in which the lot is located and has been recorded with the Register of Deeds prior to the effective date (December 10, 1980) of this ordinance.

(63) LOT, THROUGH

An interior lot having frontage on two (2) non-intersecting streets.

(64) LOT, WIDTH OF

The horizontal distance between the side lot lines of a lot, measured within the side lot lines at the building line established by the applicable required front yard.

(65) LOT LINE, FRONT

The boundary of a lot which is along an existing or dedicated public street.

(66) LOT LINE, REAR

The boundary of a lot which is most distant from and is, or is most nearly, parallel to the front lot line. If a rear lot line is less than fifteen (15) feet long, or if the lot comes to a point at the rear, the rear lot line shall be a line at least fifteen (15) feet long, lying wholly within the lot, parallel to the front lot line.

(67) MEADERY

The manufacturing premises of an alcoholic beverage permittee regulated by the Wisconsin Department of Revenue that brews no more than 1,000 U.S. beer barrels (31,000 gallons) of mead in one calendar year. May include retail/wholesale of beverage and related products, as well as a tasting room.

(68) MOBILE HOME

That which is, or was as originally constructed, designed to be transported in its entirety by a motor-driven vehicle upon public highways and designed, equipped and used primarily as a dwelling unit, or is intended to be so used; and includes any additions, attachments, annexes, foundations and appurtenances.

(69) MOBILE HOME COURT OR PARK

Any plot or plots of ground upon which two (2) or more mobile home units occupied for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such accommodation.

(70) MOBILE HOME SALES LOT

An area for display and inspection of mobile homes which are not at that time used for dwelling purposes.

(71) MOTEL

Refer to Section 7.02 B(55) Hotel or Motel.

(72) PADDOCK

A small field or enclosure near a stable in which horses are exercised.

(73) PARCEL

A single piece of land separately owned, either publicly or privately, and capable of being conveyed separately.

(74) PARKING SPACE – ONE-VEHICLE, OFF-STREET

For the purposes of this ordinance, two hundred (200) square feet of lot or floor area exclusive of aisles and/or driveways or internal moving lanes and which has a means of ingress and egress from a street.

(75) PRE-EXISTING ANTENNA OR TOWER

Any antenna or tower constructed prior to the effective date (December 10, 1980) of this ordinance.

(76) PROFESSIONAL OFFICE

The office of an architect, engineer, doctor, dentist, attorney, or other similarly licensed professional person.

(77) PUBLIC UTILITY

An entity engaged in providing a utility such as gas, water, sewage, telephone, cable television, electricity, wireless communication, etc., except power generating facilities.

(78) RENT-A-TREE OPERATION

An orchard that sells in advance the potential yield of a specific tree(s) to an individual(s) or group who harvests the fruit of their tree at the end of the growing season. The orchard operators are typically responsible for the care of the tree, such as pruning and watering.

(79) ROADSIDE STAND

A structure not permanently fixed to the ground that is readily removable in its entirety, covered or uncovered and not wholly enclosed, and used solely for the sale of farm products produced on the premises. No roadside stand shall have an area of more than three hundred (300) square feet. There shall not be more than one (1) such stand on any one (1) premises.

(80) RURAL CHARACTER

Rural character consists of a pleasant, quiet landscape of open spaces, natural areas, farms, wildlife, historic features, and small-scale development with low densities and traffic levels, unobtrusive signage, and limited lighting.

(81) SALVAGE YARD

The use of any tract of land for the storage of scrap metals or scrap materials, or for the dismantling of structures, automobiles or other vehicles, equipment, or machinery, or parts thereof, but not including dumps for the disposal or abandonment of garbage, refuse or trash.

(82) SANITARY LANDFILL

As defined in the Wisconsin Administrative Code, Chapter NR 500, Solid Waste Management, or any successor provisions thereof.

(83) SEASONAL

A recurrent period characterized by certain occurrences, festivities, or crops; harvest, when crops are ready; not all year round.

(84) SEASONAL SIGN

A sign erected for a limited period of time during the year when retailing activities for a particular farm product is available to the public.

(85) SETBACKS

The linear distance between a front, side or 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 or from the center of the road, whichever is applicable, and it shall be measured to the nearest line of the building or other structure for which a setback is required.

(86) SIGN

Any writing (including letters, words, or numerals), pictorial representation (including illustrations or decorations), emblem (including devices, symbols, or trademarks), flag (including banners or pennants), or any other figure of similar character, which:

- (a) is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or other structure;
- (b) is used to announce, advertise or direct attention to an object, product, place, activity, person, institution, organization or business; and
- (c) is visible from the outside of a building. A sign shall include writing, pictorial representation, or other figure of similar character within a building only when it is illuminated and located in a window.

(87) STABLE

An accessory building in which horses or livestock are kept.

(88) STORY

That portion of a building included between the surface of a floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it. A basement or cellar having one half or more of its height above grade, or which is occupied for living purposes, shall be deemed a story for the purpose of height measurement.

(89) STORY, HALF

A story which is situated under a sloping roof, the floor area of which does not exceed two-thirds (2/3) of the floor area of the story immediately below it, and which does not contain an independent dwelling unit.

(90) STREET

A public right-of-way not less than sixty-six (66) feet wide providing primary access to abutting properties.

(91) STREET LINE

The dividing line between a lot and a contiguous street.

(92) STRUCTURAL ALTERATIONS

Any change in the supporting members of a building or any change in the roof structure or in the exterior walls.

(93) STRUCTURE

Any man-made combination of materials, other than natural terrain or plant growth, erected or constructed with form, shape and/or utility, including but not limited to, buildings, shelters, containers, driveways, supports or decorations.

(94) STRUCTURE, PERMANENT

A structure placed on or attached to the ground or attached to another structure in a fixed and determined position, and intended to remain in place for a period of more than six months.

(95) STRUCTURE, TEMPORARY

Any structure not meeting the definition of permanent structure above.

(96) SUBSTANDARD LOT

Refer to Section 7.02 B(62) Lot, Substandard.

(97) SUPER-MAJORITY VOTE OF APPROVAL

Either of the following:

1) Upon a recommendation to approve by the Town Plan Commission, a vote of approval by at least two of the three members of the Town Board;

2) Absent a recommendation to approve by the Town Plan Commission, a vote of approval by all three members of the Town Board.

Subsequent to either of the above instances, whenever there is a conflict of interest and one member of the Town Board abstains from voting, an approving vote from both of the remaining members is required.

(98) TRACT

All contiguous land under a common ownership and within the same zoning district.

(99) TRANSFER STATION

Area to be used for the collection, temporary storage and periodic removal of solid waste and/or recycling.

(100) U-PICK OPERATION

A fruit or vegetable-growing farm that provides the opportunity for customers to pick their own fruits or vegetables directly from the plant.

(101) USE, CONDITIONAL

Use of such special nature as to make impractical its predetermination as a permitted use in a district.

(102) USE, NONCONFORMING

A building or premises lawfully used or occupied at the time of the passage of this ordinance or amendments thereto, which use or occupancy does not conform to the regulations of the ordinance or any amendments thereto.

(103) USE, PERMITTED

A use which may be lawfully established in a particular district.

(104) USE, PRINCIPAL

The main or dominant use of the land, a building or other structure as distinguished from a subordinate or accessory use.

(105) VISION CLEARANCE

An unoccupied triangular space at the intersection of two (2) or more streets or highways which is bounded by the street lines or highway right-of-way lines and a setback line, with connection points specified by measurement from the corner of each street or highway line.

(106) WAREHOUSE

A building where raw materials, manufactured goods, merchandise or similar material is stored temporarily.

(107) WINERY, BOUTIQUE

The retail and/or manufacturing premises of an alcoholic beverage permittee regulated by the Wisconsin Department of Revenue that produces no more than 10,000 cases (23,780 gallons) in one calendar year. May include retail/wholesale of beverage and related products, as well as a tasting room.

(108) YARD

Open space which is unoccupied or unobstructed from its lower level to the sky, except for the permitted obstructions.

(109) 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 a street yard. Corner lots shall have at least two (2) such yards.

(110) 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 front yard or one of the front yards on a corner lot.

(111) YARD, SIDE

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

(112) YARD, STREET

Refer to Section 7.02 B(109) Yard, Front.

7.03 GENERAL PROVISIONS

A. ADMINISTRATION

The administration of this ordinance is hereby vested in the following four (4) offices of the Town of Mosel:

- (1) Town Board of Mosel.
- (2) Planning and Zoning Commission.
- (3) Board of Appeals.
- (4) Building Permit Official, or the Town Constable, when granted authority by action of the Town Board.

B. COMPLIANCE

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

C. SHORELINE AND FLOODPLAIN ORDINANCE

This ordinance is subject to the Shoreline and Floodplain Ordinance of Sheboygan County. Any permit required by said County ordinance shall be obtained from the Sheboygan County Zoning Administrator prior to the issuance of any permit under this ordinance.

D. DUTY OF ENFORCEMENT

The duty of the Building Permit Official, with the aid of the Town Constable or Sheriff's Department, shall be to investigate all complaints, give notice of violations, and enforce the provisions of this ordinance. The Building Permit Official, Town Constable, and/or any duly appointed deputies, may enter at any reasonable time onto any public or private lands or waters to make an inspection after reasonable effort to provide notice of such inspection.

E. PENALTIES

Any person, firm, or corporation who fails to comply with the provisions of this ordinance shall, upon conviction thereof, forfeit not less than \$10.00 nor more than \$500.00 and costs of prosecution for each violation; and in default of payment of such forfeiture and costs, shall be imprisoned in the County Jail until payment thereof, for a period not to exceed thirty (30) days. Each day a violation exists or continues shall constitute a separate offense.

F. SITE RESTRICTIONS

- (1) **Land suitability:** No land shall be used, or structure erected, where the land is held unsuitable for such use or structure by the Town Board by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics and general welfare of this community. The Town Board, 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. Applicants shall have an opportunity to present evidence contesting such unsuitability if they so desire. Thereafter, the Town Board may affirm, modify, or withdraw its determination of unsuitability.
- (2) **Road frontage:** All lots shall abut upon a public street, and each lot shall have a minimum continuous frontage of one hundred (100) feet unless otherwise specified in each zoning district. 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 thereof from which the required dedication has not been secured.
- (3) **Principal structures per lot:** All principal structures shall be located on a lot, and only one (1) principal structure shall be located, erected, or moved onto a lot.
- (4) **Private sewer:** In any district where public sewerage service is not available, the width and area of all lots shall be sufficient to permit the use of an on-site sewage disposal system designed in accordance with Chapters COMM 83 and COMM 85 of the Wisconsin Administrative Code, including any amendments or revisions thereto.
- (5) **Setbacks:** Setbacks shall meet minimum requirements as set forth in each zoning district. A minimum site triangle at each corner intersection shall have two (2) sides which measure at least two hundred (200) feet along the centerline of the road from the point of intersection. Federal, state, or county highway restrictions shall take precedence where greater.
- (6) **Abutting yards of different districts:** Abutting lots of different zoning districts shall provide side and rear yards of not less than those required in the more restrictive abutting district. The street yards in the less restrictive district shall be modified for a distance of not more than sixty (60) feet from the district boundary line so as to equal the average of the street yards required in both districts.
- (7) **Average street yards:** The required street yards may be decreased in a residential or business district to the average of the existing street yards of the abutting structures on each side, but in no case shall the street yard be less than fifteen (15) feet in any residential district and five (5) feet in any business district.
- (8) **Adjoining yards:** No part of a yard or other open space about any building required for the purpose of complying with the provisions of this ordinance shall be included as part of a yard or other open space similarly required for another building.
- (9) **Current permits and construction:** Nothing herein contained shall require any change in the plans, construction, size or designated use of any building or part thereof for which any permit has been issued before the effective date of this

ordinance, or revisions thereof, as long as construction shall have been started within six months from the permit issuance date.

G. AREA, YARD, AND BUILDING BULK REQUIREMENTS

- (1) **Lot area:** No building or other structure shall hereafter be erected, altered, or enlarged, nor shall any use of land be established or enlarged on a lot which is smaller in area than the minimum lot area prescribed for the zoning district in which the building, structure or land is located.
- (2) **Lot width:** No building or other structure shall hereafter be erected, altered or enlarged, nor shall any use of land be established or enlarged on a lot the width of which is less than the minimum lot width prescribed for the zoning district in which the building, structure, or land is located.
- (3) **Dwelling units per parcel:** No building or other structure shall be converted so as to conflict, or further conflict, with the lot area per dwelling unit requirements for the zoning district in which such building or structure is located.
- (4) **Lot coverage:** No building or structure shall hereafter be erected, altered or enlarged so as to exceed, or further exceed, the lot coverage percentage for the zoning district in which the building or structure is located.
- (5) **Yards:** No building or other structure shall hereafter be erected, altered or enlarged, nor shall any use of land be established or enlarged, unless the minimum front, side, and rear yards specified for the zoning district in which such building, structure or use of land is located are maintained. All additions to principal buildings (for example, attached garages) shall comply with the yard requirements for the principal buildings.
- (6) **Building height:** When a maximum building height is specified in any zoning district or for any particular type of building or other structure, then no such building or structure shall hereafter be erected, altered or enlarged so as to exceed, or further exceed, such maximum building height.
- (7) **Attached Accessory Uses.** For all residential uses, no attached garage or other storage area foundation shall exceed the square footage of the foundation of the dwelling unit area.

H. HOME OCCUPATIONS

A home occupation shall be permitted in any dwelling unit, provided it meets all of the standards applicable to the district in which it is located and the following standards. No home occupation shall hereafter be established, altered, or enlarged unless it complies with following:

- (1) Not more than one (1) person, other than a member of the immediate family occupying such dwelling unit, shall be employed on the premises.
- (2) The home occupation shall be conducted entirely within the principal residential building and/or in a permitted accessory building.
- (3) No alteration of the principal building or accessory building shall be made which changes the character thereof.
- (4) No more than 25% of the area of one (1) story of a single-family dwelling nor more than 20% of the area of any other dwelling unit shall be devoted to the

home occupation; provided, however, that rooms for rent are not subject to this limitation.

- (5) No extensive mechanical or electrical equipment other than normal domestic or household equipment shall be used.
- (6) The home occupation shall not produce offensive noise, vibration, smoke, electrical interference, dust, odors, heat, or any other nuisance.
- (7) No stock in trade (except articles produced by members of the immediate family residing on the premises) shall be displayed or sold on the premises.
- (8) There shall be no outside storage of products or equipment or materials used in the home occupation.
- (9) No signs shall be permitted other than those permitted by the applicable regulations in Section 7.10 SIGNS.
- (10) No traffic shall be generated in greater volumes than would normally be expected in the neighborhood of the dwelling unit.
- (11) A bed and breakfast business shall be considered a home occupation provided it meets all applicable standards as set forth in this ordinance.

I. CHARGES FOR DEVELOPMENT SERVICES

All persons 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 services incurred by the Town for the review, administration, investigation, and processing of the application. 'Professional services' may include 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 payable by the applicant.

J. APPEAL OF FEES

The applicant shall have the right to challenge the amount of any fees levied under Section 7.03 I Charges for Development Services of this ordinance by an appeal to the Town Board of the Town of Mosel. Upon receipt of such an appeal, the Town Board, upon due notice, shall hold a public hearing, the Town Board shall make a determination with respect to the fairness of the amount of fees challenged and shall make a determination to decrease, affirm, or increase the fees concerned.

7.04 ZONING DISTRICTS

A. DISTRICTS

For the purpose of promoting public health, safety, morals, general welfare and conservation of land for farm purposes, the Town of Mosel is hereby divided into the following districts:

- A-1 Prime Agricultural District
- A-1-S Prime Agricultural District (Small-Scale)
- A-PR Prime Agricultural Parcel Remnants District
- A-2 General Agricultural District
- A-3 Rural Preservation District
- A-T Agricultural Transition District
- A-E Agriculture Enterprises
- C-1 Conservancy District
- R-1 Single-Family Residential District
- R-2 Two-Family Residential District
- R-3 Multi-Family Residential District
- RH-1 Rural Hamlet District
- B-1 Business District
- I-1 Industrial District

No building shall be erected or altered, nor shall any building or premises be used for any purpose other than that which is permitted in the zoning district in which the building or premises is located, except as specifically identified in Section 7.08 NONCONFORMING USES AND PROPERTY.

B. ZONING MAP

The boundaries of the zoning districts are hereby established as shown on a map entitled ZONING MAP, TOWN OF MOSEL, SHEBOYGAN COUNTY, WISCONSIN, which is dated July 19, 2016, together with any subsequent amendments and revisions. Said map accompanies and is a part of this ordinance. The official copy of the Zoning Map shall be adopted as part of the ordinance and shall be available to the public in the office of the Town Clerk/Treasurer. The Town Board shall update the Zoning Map as necessary to reflect any changes in zoning district boundaries. In the event uncertainties exist with respect to the intended boundaries of the zoning districts shown on the Zoning Map, the following rules shall apply:

- (1) Unless otherwise indicated, the district boundaries are corporate limits, U. S. public land survey lines, and, where the designation of a boundary line on the Zoning Map coincides with the location of a street, the centerline of said street.
- (2) Where the district boundary coincides with lot lines, the lot lines shall be construed to be the boundary of the district.
- (3) Where the district boundaries do not coincide with the location of street, corporate lines, U. S. public survey lines, or lot lines, or such lines extended, the district boundary lines may be identified by boundaries of natural vegetation, slope and other natural resource base features unless otherwise

noted on the Zoning Map, or shall be determined by the use of a scale on the Zoning Map.

C. FARMLAND PRESERVATION ZONING (FPZ)

Farmland Preservation Zoning in the Town of Mosel includes the A-1, A-1-S, and A-PR Districts.

(1) Purpose. The purposes of the 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.

(2) Density. Residential density under the Town’s Farmland Preservation Zoning is 1 residence allowed for every 35 acres of contiguous A-1 land under common ownership. A landowner with 70 vacant, contiguous A-1 acres, for example, can manage the property in a variety of ways (see the “yield” table below), but there could not be more than two residences in any development scenario for the 70 acres. This is ensured by the proper use of the non-developable A-PR designation for property remnants.

To determine the allowable residential yield for a particular tract of A-1 land, start with the total A-1 acreage of the tract, divide by 35, round down to the nearest whole number, and subtract 1 for each existing residential footprint (a duplex/two-family counts as 1 footprint). Whenever a new residence and/or a land division is proposed, all or part of any remaining land shall be simultaneously rezoned to A-PR to prevent exceeding the density in the future. (The landowner also has the option of voluntarily making the A-PR larger than required, if desired, to lower the density.)

POTENTIAL RESIDENTIAL YIELD OF VARIOUS A-1 TRACTS			
SIZE / TYPE OF A-1 TRACT	EXAMPLE A	EXAMPLE B	EXAMPLE C
70 contiguous acres with an existing residence	No division = 1 residence	Divide into 15-acre A-1-S with existing residence, 35-acre A-1 and 20-acre A-PR = 1-2 residences	Divide into 35-acre A-1 with existing residence, and 35-acre A-1 = 1-2 residences
Vacant, contiguous 70 acres	No division = 0-1 residence	Divide into 35-acre A-1 , 5-acre A-1-S and 30-acre A-PR = 0-2 residences	Divide into two 10-acre A-1-S , and 50-acre A-PR = 0-2 residences
Vacant, contiguous 148 acres	No division = 0-1 residence	Divide into four 35-acre A-1 and 8-acre A-PR = 0-4 residences	Divide into two 10-acre A-1-S , 70-acre A-1 , and 58-acre A-PR = 0-4 residences

Note 1: The table does not show all possible options.

Note 2: Although one residence can be built on a vacant A-1-S lot, a lot can remain undeveloped. Nevertheless, once an A-1-S lot is created, one residence is subtracted from the yield calculation.

Note 3: The date a residence was built, as well as farm or non-farm status of a residence, is irrelevant to the calculation of yield.

(3) 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.

7.05 DISTRICT REGULATIONS

A. A-1 PRIME AGRICULTURAL DISTRICT

The purposes of the A-1 Prime Agricultural District are to preserve substantial areas of productive agricultural land for food and fiber production; preserve productive farms by preventing land use conflicts between incompatible uses; maintain a viable agricultural base to support agricultural processing and service industries; and reduce costs of providing services to scattered, nonfarm uses. No building or use shall hereafter be established or enlarged within the A-1 District unless it conforms to the following regulations.

(1) Permitted Uses

- (a) Accessory uses, meaning any of the following land uses on a farm:
 - (i) A building, structure, or improvement that is an integral part of, or is incidental to, an agricultural use.
 - (ii) An activity or business operation that is an integral part of, or incidental to, an agricultural use.
 - (iii) A business, activity, or enterprise, whether or not associated with an agricultural use, that meets the standards of a home occupation in Section 7.03.
 - (iv) Greenhouses
 - (v) Paddocks and stables
 - (vi) Roadside stands
- (b) Agricultural uses, meaning any of the following activities conducted for the purpose of producing an income or livelihood:
 - (i) Apiculture (beekeeping)
 - (ii) Aquaponics
 - (iii) Dairying
 - (iv) Enrolling land in a federal agricultural commodity payment program or a federal or state agricultural land conservation payment program.
 - (v) Forest and game management
 - (vi) Grazing
 - (vii) Horticulture (outdoor cultivation of fruits, vegetables, flowers, ornamental plants)
 - (viii) Livestock raising
 - (ix) Orchards
 - (x) Plant nurseries
 - (xi) Poultry raising
 - (xii) Raising of grain, grass, mint, herb and seed crops
 - (xiii) Raising of fruits, nuts and berries
 - (xiv) Sod farming
 - (xv) Viticulture
 - (xvi) Other uses as interpreted by the Town Board and generally understood to be “agricultural uses”
- (c) Residence existing before January 1, 2014, regardless of occupancy. (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.) (Refer to Section 7.06 J Conditional Uses in A-1/A-2 Agricultural Districts for additional residential buildings.) (Refer to Section 7.07 Accessory Uses for restrictions related to residential accessory uses or structures.)

- (e) Undeveloped natural resource open space areas, including equestrian trails, and nature trails and walks.
 - (f) 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.
 - (g) Gas and electric utility uses not requiring authorization under Chapter 196.49, Wisconsin Statutes (2001-2002).
 - (h) Ponds, lagoons, and structures designed for the storage of manure in excess of two hundred (200) feet from any lot line.
- (2) Conditional Uses - Refer to Section 7.01 CONDITIONAL USES.
- (3) Area, Yard, and Building Bulk Requirements
- (b) **Minimum lot area:** Thirty-five (35) acres.
 - (c) **Minimum lot width:** Two hundred fifty (250) feet.
 - (d) **Residence limits:** There shall be no more than one residence for every thirty-five (35) acres of land owned by the farm operator; and each residence shall be located so as to preserve agricultural land.
 - (e) **Maximum residential area:** No more than five (5) acres shall be removed from agricultural use for a residence.
 - (f) **Front yard setbacks:** Not less than seventy-five (75) feet from the centerline of the adjacent road.
 - (g) **Side and rear yard setbacks:** Not less than twenty-five (25) feet each.
 - (h) **Maximum building height:** No building used for dwelling purposes shall be more than thirty-five (35) feet in height.
- (4) Rezoning A-1 Land out of Farmland Preservation Zoning (FPZ)
- (a) The Town may not rezone land out of FPZ 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 rezoning:
 - (i) The rezoned land is better suited for a use not allowed in the FPZ.
 - (ii) The rezoning is consistent with any comprehensive plan adopted by the Town that is in effect at the time of the rezoning.
 - (iii) The rezoning is substantially consistent with the Sheboygan County Farmland Preservation Plan, certified under Chapter 91, Wisconsin Statutes, which is in effect at the time of rezoning.
 - (iv) The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.

B. A-1-S PRIME AGRICULTURAL DISTRICT (SMALL-SCALE)

The purpose of the A-1-S Prime Agricultural District (Small-Scale) is to provide for plots of land to enable smaller scale agricultural pursuits such as truck farming, horse farming,

hobby farming, orchards, niche farming, organics, and similar agricultural-related farming activities. No building or use shall hereafter be established or enlarged within the A-1-S District unless it conforms to the following regulations.

- (1) Permitted Uses - All uses permitted in the A-1 Prime Agricultural District.
 - (a) Keeping of riding horses, ponies, or donkeys in private stables, and livestock and poultry in suitable enclosed buildings, with maximum of five (5) head of livestock and/or twenty (20) fowl per acre.
- (2) Conditional Uses - Refer to Section 7.06 CONDITIONAL USES.
- (3) Area, Yard, and Building Bulk Requirements
 - (a) **Minimum lot area:** Five (5) acres.
 - (b) **Maximum lot area:** 34.99 acres.
 - (c) **Minimum lot width:** Two hundred (250) feet.
 - (d) **Residence limits:** Only one residence is allowed on an A-1-S lot and any residence shall be located so as to preserve agricultural land.
 - (e) **Maximum residential area:** No more than five (5) acres shall be removed from agricultural use for a residence.
 - (f) **Front yard setbacks:** Not less than seventy-five (75) feet from the centerline of the adjacent road.
 - (g) **Side and rear yard setbacks:** Not less than twenty-five (25) feet each.
 - (h) **Maximum building height:** No building used for dwelling purposes shall be more than thirty-five (35) feet in height.
 - (i) **Maximum lots allowed:** An A-1-S lot may not be divided, except to create A-PR land that is merged to adjacent land.
- (4) Rezoning A-1-S Land out of Farmland Preservation Zoning (FPZ)
 - (a) The Town may not rezone land out of FPZ 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 rezoning:
 - (i) The rezoned land is better suited for a use not allowed in the FPZ.
 - (ii) The rezoning is consistent with any comprehensive plan adopted by the Town that is in effect at the time of the rezoning.
 - (iii) The rezoning is substantially consistent with the Sheboygan County Farmland Preservation Plan, certified under Chapter 91, Wisconsin Statutes, which is in effect at the time of rezoning.
 - (iv) The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.
- (5) Pre-existing Lots Smaller Than Five (5) Acres
 - (a) Any parcel or lot smaller than five (5) acres existing prior to the amendment of this ordinance on [date] and rezoned to A-1-S as part of said amendment, shall be considered a conforming parcel or lot.

C. A-PR PRIME AGRICULTURAL PARCEL REMNANTS DISTRICT

The purpose of the A-PR Prime Agricultural Parcel Remnants District is to accommodate parcel remnants that remain worthy of farmland or open space preservation. Lands in this district are not intended to be rezoned for development, except in rare cases.

- (1) Permitted Uses – Same as A-1, except that no residences are allowed.
- (2) Conditional Uses – Same as A-1, except that no residences are allowed.

- (3) Area, Yard, and Building Bulk Requirements
 - (a) **Minimum lot area:** No minimum.
 - (b) **Minimum lot width:** Sixty-six (66) feet.
 - (c) **Residence limits:** No residence is allowed on A-PR land.
 - (d) **Front yard setbacks:** Not less than seventy-five (75) feet from the centerline of the adjacent road.
 - (e) **Side and rear yard setbacks:** Not less than twenty-five (25) feet each.
 - (f) **Maximum building height:** No more than thirty-five (35) feet.
- (4) Delineating A-PR Land on a Property
 - (a) A landowner may locate A-PR on his/her property wherever the landowner wishes, subject to the restrictions of this Chapter. The Town Plan Commission may require a plat of survey to accurately locate the district boundaries on the Town Zoning Map.
 - (b) Subject to the restrictions of this Chapter, the landowner reserves the right to relocate the boundary of any A-PR on the landowner's A-1 and/or A-1-S property at any time by submitting an application and fee payment for rezoning with the Town Clerk/Treasurer. The Town Plan Commission may require a plat of survey to accurately locate the revised district boundary on the Town Zoning Map.
- (5) Rezoning A-PR Land: Super-Majority Vote of Approval Required
 - (a) A-PR land may not be rezoned to any other district unless the rezoning meets the minimum standards of the proposed district and is approved by separate super-majority votes of the Plan Commission and Town Board.
- (6) Rezoning A-PR Land out of Farmland Preservation Zoning (FPZ)
 - (a) The Town may not rezone land out of FPZ 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 rezoning:
 - (i) The rezoned land is better suited for a use not allowed in the FPZ.
 - (ii) The rezoning is consistent with any comprehensive plan adopted by the Town that is in effect at the time of the rezoning.
 - (iii) The rezoning is substantially consistent with the Sheboygan County Farmland Preservation Plan, certified under Chapter 91, Wisconsin Statutes, which is in effect at the time of rezoning.
 - (iv) The rezoning will not substantially impair or limit current or future agricultural use of other protected farmland.
 - (v) The rezoning meets the requirements of sub. (5)(a).

D. A-2 GENERAL AGRICULTURAL DISTRICT

The purpose of the A-2 General Agricultural District is to provide for single-family dwellings on large enough plots of land to enable residents to in smaller scale agricultural pursuits, or hobby farming, and the keeping of a limited number of poultry or animals. (Note: The A-2 District is not part of the Town's Farmland Preservation Zoning (FPZ).) No building or use shall hereafter be established or enlarged within the A-2 General Agricultural District unless it conforms to the following regulations, except for such building or use identified and regulated in Section 7.07 ACCESSORY USES.

(1) Permitted Uses

- (a) All uses permitted in the A-1 Prime Agricultural District, provided the minimum land area is equal to or greater than twenty (20) acres. If the land area is less than twenty (20) acres, all permitted uses in the A-1 District shall be conditional uses in A-2, except as provided in subsections (b) through (e) below.
 - (b) Single-family dwellings. Any such dwelling must comply with the requirements set forth in Section 7.01 D(3) Area, Yard, and Building Bulk Requirements. The dwelling must be located so as to preserve productive farmland.
 - (c) Horticulture, excluding greenhouses and plant nurseries
 - (d) Crop and tree farming
 - (e) Keeping of riding horses, ponies, or donkeys in private stables; and livestock and poultry in suitable enclosed buildings, with a maximum of five (5) head of livestock and/or twenty (20) fowl per acre.
- (2) Conditional Uses - Refer to Section 7.01 CONDITIONAL USES.
- (3) Area, Yard, and Building Bulk Requirements
- (a) **Minimum lot area:** Five (5) acres.
 - (b) **Minimum lot width:** Two hundred fifty (250) feet.
 - (c) **Agricultural use required:** With the exception of the first five (5) acres, a parcel in the A-2 General Agricultural District must remain in an agricultural use as provided by this ordinance.
 - (d) **Front yard setbacks:** Not less than seventy-five (75) feet from the centerline of the adjacent road.
 - (e) **Side and rear yard setbacks:** Not less than twenty-five (25) feet each.
 - (f) **Maximum building height:** No building used for dwelling purposes shall be more than thirty-five (35) feet in height.
 - (g) **Minimum setback for livestock buildings:** No building serving to house livestock or poultry shall be closer than fifty (50) feet to the lot line of an adjoining lot in a district permitting residential use.
 - (h) **Maximum lots allowed:** Any parcel of land zoned A-2 and in common ownership may not be divided into more than four (4) lots. Parcels to be divided into more than four (4) lots require residential zoning.

E. A-3 RURAL PRESERVATION DISTRICT

The purpose of the A-3 Rural Preservation District is to maintain, preserve, and enhance undeveloped or agricultural land by (1) protecting those parcels which shall become nonconforming through adoption of this ordinance; (2) providing for residential uses on developed parcels resulting from farm consolidation; and (3) recognizing that parcels exist which are not ideally suited to agricultural use but should be protected to benefit the public welfare. No building or use shall hereafter be established or enlarged within the A-3 Rural Preservation District unless it conforms to the following regulations, except for such building or use identified and regulated in Section 7.07 ACCESSORY USES.

(1) Permitted Uses

- (a) All permitted uses in the A-1 Prime Agricultural District, except residences, are permitted in A-3, provided the minimum land area is equal to or greater than twenty (20) acres. If the land area is less than twenty

- (20) acres, all permitted uses in the A-1 District shall be conditional uses in A-3, except as provided in subsections (b) through (e).
- (b) Horticulture, excluding greenhouses and plant nurseries
 - (c) Crop and tree farming
 - (d) Single-family dwellings
 - (i) Construction of a new single-family residence is permitted ONLY if it replaces a previously-existing single-family residence. Construction cannot begin until the old dwelling unit is razed and removed.
 - (ii) All dwellings must be located so as to preserve productive farmland.
 - (e) Keeping of riding horses, ponies, or donkeys in private stables, and livestock and poultry in suitable enclosed buildings, with a maximum of five (5) head of livestock and/or twenty (20) fowl per acre. Buildings which house permitted animals shall be for the sole use of the residents of said lot and their guests, and shall not be for hire or livery.
- (2) Conditional Uses - Refer to Section 7.01 CONDITIONAL USES.
- (3) Area Requirements
- (a) **Existing Lots:** The minimum lot size of an existing lot shall be the size of the lot at the time it is rezoned to A-3. No further division of the lot is allowed.
 - (b) **Newly-Created Lots:** Lots under five (5) acres are strongly discouraged and should only be allowed when the Town Board determines that a reduced size is in the best interest of the Town. Once created, no further division of the lot is allowed.
- (4) Yard and Building Requirements
- (a) **Front yard setback:** Not less than seventy-five (75) feet from the centerline of the adjacent street.
 - (b) **Side and rear yard setbacks:** Not less than twenty-five (25) feet each.
 - (c) **Maximum building height:** No building used for dwelling purposes shall be more than thirty-five (35) feet in height.
 - (d) **Preserve farmland:** Dwellings shall be located so as to preserve productive farmland.
 - (e) **Minimum setback for livestock buildings:** No building serving to house livestock or poultry shall be closer than fifty (50) feet to the lot line of an adjoining lot in a district permitting residential use.

F. A-T AGRICULTURAL TRANSITION DISTRICT

The primary purposes of the A-T District are to: (1) provide for the orderly transition of agricultural land in areas planned for eventual urban expansion into other non-agricultural uses, if so desired by the landowner; (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) insure that urban development is compatible with local land use plans and policies; (4) provide periodic review to determine whether all or part of the land should be transferred to another zoning district.

- (1) Permitted Uses - All uses permitted in the A-1 Prime Agricultural District, as well as single-family residences, regardless of when constructed.
- (2) Conditional Uses – All uses listed in Section 7.06 **CONDITIONAL USES** for the A-1 and A-2 Districts, except for single-family residences, which are permitted uses in the A-T District.
- (3) Area, Yard, and Building Bulk Requirements
 - (a) **Minimum lot area:** Three (3) acres.
 - (b) **Minimum lot width:** Two hundred (250) feet.
 - (c) **Residence limits:** There shall be no more than one residence for every thirty-five (35) acres of contiguous land under common ownership.
 - (e) **Front yard setbacks:** Not less than seventy-five (75) feet from the centerline of the adjacent road.
 - (f) **Side and rear yard setbacks:** Not less than twenty-five (25) feet each.
 - (g) **Maximum building height:** No building used for dwelling purposes shall be more than thirty-five (35) feet in height.
 - (g) **Minimum setback for livestock buildings:** No building serving to house livestock or poultry shall be closer than fifty (50) feet to the lot line of an adjoining lot in a district permitting residential use.

G. A-E AGRICULTURAL ENTERPRISE DISTRICT

The purpose of this district is to allow agritourism and farm-based entrepreneurial uses while maintaining rural character, preserving farmland, and protecting the health, safety, and welfare of citizens. Further, this district was created to enable increased contributions to the local economy and tax base; to provide standard definitions related to agritourism and farm-based business operations; to provide a list of activities that are eligible for conditional use permit consideration; and to provide a clear understanding of the expectations for these uses for operators, landowners and residents, and local officials.

(Note: The A-E District is not part of the Town’s Farmland Preservation Zoning.)

No building or use shall hereafter be established or enlarged within the A-E Agricultural Enterprise District unless it conforms to the following regulations, except for such building or use identified and regulated in Section 7.07 ACCESSORY USES.

(2) Permitted Uses

- (a) All uses permitted in the A-1 Prime Agricultural District, provided the minimum land area is equal to or greater than twenty (20) acres. If the land area is less than twenty (20) acres, all permitted uses in the A-1 District shall be conditional uses in A-E, except as provided in subsections (b) through (e) below.
- (b) Single-family dwellings. Any such dwelling must comply with the requirements set forth in Section 7.01 D(3) Area, Yard, and Building Bulk Requirements. The dwelling must be located so as to preserve productive farmland.
- (c) Horticulture, excluding greenhouses and plant nurseries
- (d) Crop and tree farming

- (e) Keeping of riding horses, ponies, or donkeys in private stables; and livestock and poultry in suitable enclosed buildings, with a maximum of five (5) head of livestock and/or twenty (20) fowl per acre.

(2) Conditional Uses - Refer to Section 7.06 CONDITIONAL USES.

(3) Area, Yard, and Building Bulk Requirements

- (a) **Minimum lot area:** Five (5) acres, unless otherwise specified for particular conditional uses.
- (b) **Minimum lot width:** Two hundred fifty (250) feet.
- (c) **Front yard setbacks:** Not less than seventy-five (75) feet from the centerline of the adjacent road.
- (d) **Side and rear yard setbacks:** Not less than twenty-five (25) feet each.
- (e) **Maximum building height:** No building used for dwelling purposes shall be more than thirty-five (35) feet in height.
- (f) **Minimum setback for livestock buildings:** No building serving to house livestock or poultry shall be closer than fifty (50) feet to the lot line of an adjoining lot in a district permitting residential use.

H. C-1 CONSERVANCY DISTRICT

No building or use shall hereafter be established or enlarged within the C-1 Conservancy District unless it conforms to the following regulations, except for such building or use identified and regulated in Section 7.07 ACCESSORY USES.

(1) Permitted Uses

- (a) Grazing of animals and raising of crops
- (b) Harvesting of wild crops
- (c) Hunting, fishing and trapping
- (d) Preservation of wildlife and forestry
- (e) Public parks and recreation areas

(2) Conditional Uses - Refer to Section 7.06 CONDITIONAL USES.

(3) Restrictions

No existing trees or shrubs shall be removed unless damaged or diseased; no stream, river, or creek shall be diverted, dammed, filled, or otherwise affected; and no grading, removal of soil, or disturbing of the natural topography shall be undertaken unless the approval of the plan is obtained from the Town Board. No activity shall be allowed which would substantially disturb or alter the natural flora, fauna or topography.

(4) Yard and Building Requirements

- (a) **Front yard setback:** Not less than seventy-five (75) feet from the centerline of the adjacent street.
- (b) **Side and rear yard setbacks:** Not less than twenty-five (25) feet each.

I. R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

No building or use shall hereafter be established or enlarged within the R-1 Single-Family Residential District unless it conforms to the following regulations, except for such building or use identified and regulated in Section 7.07 ACCESSORY USES.

(1) Permitted Uses

- (a) Single-family dwellings
- (b) Public utilities, excluding buildings
- (2) Conditional Uses - Refer to Section 7.06 CONDITIONAL USES.
- (3) Area, Yard, and Building Bulk Requirements
 - (a) **Minimum lot area:** 20,000 square feet for sewered lots and 60,000 square feet for unsewered lots.
 - (b) **Minimum lot width:** One hundred (100) feet for sewered lots and one hundred fifty (150) feet for unsewered lots.
 - (c) **Lot coverage:** No more than 30% of the area of a sewered lot, or 25% of the area of an unsewered lot, shall be occupied by buildings and structures.
 - (d) **Front yard setback:** Not less than seventy-five (75) feet from the centerline of the adjacent road.
 - (e) **Side and rear yard setbacks:** Not less than twenty-five (25) feet each.
 - (f) **Maximum building height:** No building shall be more than thirty-five (35) feet in height.

J. R-2 TWO-FAMILY RESIDENTIAL DISTRICT

No building or use shall hereafter be established or enlarged within the R-2 Two-Family Residential District unless it conforms to the following regulations, except for such building or use identified and regulated in Section 7.07 ACCESSORY USES.

(1) Permitted Uses

- (a) Single-family and two-family dwellings
- (b) Churches and similar places of worship
- (c) Public schools, parks, and playgrounds
- (d) Private elementary and high schools
- (e) Fire stations
- (f) Public utilities, excluding buildings
- (2) Conditional Uses - Refer to Section 7.06 CONDITIONAL USES.

(3) Area, Yard, and Building Bulk Requirements

- (a) **Minimum lot area:** 20,000 square feet for sewered lots and 60,000 square feet for unsewered lots.
- (b) **Minimum lot width:** One hundred (100) feet for sewered lots and one hundred fifty (150) feet for unsewered lots.
- (c) **Lot coverage:** No more than 30% of the area of a sewered lot, or 25% of the area of an unsewered lot, shall be occupied by buildings or structures.
- (d) **Front yard setbacks:** Not less than seventy-five (75) feet from the centerline of the adjacent road.
- (e) **Side and rear yard setbacks:** Not less than twenty-five (25) feet each.
- (f) **Maximum building height:** No building shall be more than thirty-five (35) feet in height.

K. R-3 MULTI-FAMILY RESIDENTIAL DISTRICT

No building or use shall hereafter be established or enlarged within the R-3 Multi-Family Residential District unless it conforms to the following regulations, except for such building or use identified and regulated in Section 7.07 ACCESSORY USES.

(1) Permitted Uses

- (a) Any use permitted in the R-2 Two-Family Residential District
 - (b) Multi-family dwellings containing no more than four (4) dwelling units
 - (c) Professional offices
- (2) Conditional Uses - Refer to Section 7.06 CONDITIONAL USES.
- (3) Area, Yard and Building Bulk Requirements
- (a) **Minimum lot area:**
 - (i) Multi-family dwellings: 20,000 square feet for sewerred lots and 60,000 square feet for unsewerred lots for two-family dwellings and 5,000 square feet of unoccupied land for each additional dwelling unit.
 - (ii) All other permitted uses: 20,000 square feet for sewerred lots and 60,000 square feet for unsewerred lots.
 - (b) **Minimum lot width:** One hundred (100) feet for sewerred lots and one hundred fifty (150) feet for unsewerred lots.
 - (c) **Lot coverage:**
 - (i) No more than 50% of the area of an interior lot nor more than 60% of the area of a corner lot shall be occupied by a residential building or structure with its accessory buildings.
 - (ii) No more than 35% of the area of an interior lot nor more than 45% of the area of a corner lot shall be occupied by any other building or structure with its accessory buildings.
 - (d) **Front yard setbacks:** Not less than seventy-five (75) feet from the centerline of the adjacent road.
 - (e) **Side and rear yard setbacks:** Not less than twenty-five (25) feet each.
 - (f) **Maximum building height:** No building shall be more than thirty-five (35) feet in height.

L. RH-1 RURAL HAMLET DISTRICT

The intent of the RH-1 Rural Hamlet District is to establish reasonable standards that permit and control growth in this district, thus creating the atmosphere of a rural community developed in the 1930s. Furthermore, it is the intent of this section to:

- ... encourage commercial and office uses that do not attract large volumes of traffic and continuous customer turnover.
- ... limit and discourage development of strip-type, highway-oriented commercial uses that create traffic hazards and congestion.
- ... permit uses that promote conversion of existing buildings in a manner that maintains the visual character and architectural scale of existing development within the district.
- ... minimize visual and functional conflicts between residential and nonresidential uses within and abutting the district.
- ... encourage uses that minimize noise and congestion.

No building or use shall hereafter be established or enlarged within the RH-1 Rural Hamlet District unless it conforms to the following regulations, except for such building or use identified and regulated in Section 7.07 ACCESSORY USES.

- (1) Permitted Uses:

- (a) Retail specialty shops including, but not limited to, the sale of gifts, antiques, art, books, jewelry, wearing apparel, or craft shops making articles exclusively for sale at retail on the premises
 - (b) Personal service shops including, but not limited to, tailors, barbers, beauty salons, shoe repair shops, dressmakers, or similar service uses
 - (c) Bed and breakfast businesses as described in Section 7.02 B(17) Bed and Breakfast Business
 - (d) Multi-family dwellings containing no more than four (4) dwelling units.
 - (e) Single-family and two-family residences
 - (f) Mixed-use structures containing dwelling units and other permitted uses
 - (g) Buildings or structures owned or operated by the Town or an organization authorized by the Town
- (2) Conditional Uses - Refer to Section 7.06 CONDITIONAL USES.
- (3) Standards and Criteria for Permitted and Conditional Uses
- (a) The proposed use will not attract large volumes of vehicular traffic.
 - (b) The proposed use is of a similar architectural scale to existing development in the zoning district or will use an existing building for its purpose.
 - (c) Minimum visual and functional conflicts will be created between the proposed use and nearby uses.
 - (d) The proposed use will share an access driveway and/or parking with another abutting use, or is designed to permit such sharing when and if it becomes feasible.
 - (e) Anticipated noise and congestion will be comparable to the levels created under permitted uses.
- (4) Area, Yard and Building Bulk Requirements
- (a) **Lot area:** A minimum area of 20,000 square feet, and maximum of 60,000 square feet, shall be provided for each and every building used in accordance with the uses identified in Section 7.01 L(1) RH-1 Rural Hamlet District – Permitted Uses and Section 7.06 Q Conditional Uses in RH-1 Rural Hamlet District. An additional 3,000 square feet per dwelling unit must be provided for each dwelling unit more than one on any lot.
 - (b) **Minimum lot width:** Eighty (80) feet.
 - (c) **Lot coverage:** Not more than 80% of any lot area may be covered by buildings and/or impervious materials, and not more than 40% of any lot area may be occupied by buildings. A minimum of 20% of each lot shall be landscaped.
 - (d) **Front yard setbacks:**
 - (i) The minimum required front yard shall be not less than the smaller of the front yards of the two buildings immediately adjacent (on either side) of the proposed use, or twenty (20) feet from the right-of-way of the street, whichever is greater.
 - (ii) For corner lots, a front yard shall be required on each street, equal to the front yard of the adjacent building on each street frontage, or twenty-five (25) feet from the right-of-way, whichever is greater, to ensure adequate visibility at intersections.

- (e) **Side yard setbacks:** For every building, two side yards are required that shall be not less than twenty (20) feet in aggregate width nor less than eight (8) feet in minimum width.
 - (f) **Rear yard setbacks:** There shall be a rear yard on each lot that shall be not less than twenty (20) feet in depth.
 - (g) **Maximum building dimension:** In no instance shall the greatest dimension of a building exceed one hundred (100) feet, measured parallel to exterior building walls.
 - (h) **Minimum distance between buildings:** The minimum distance between any two (2) buildings or portions thereof shall be sixteen (16) feet.
 - (i) **Maximum building height:** No building shall be more than thirty-five (35) feet in height.
 - (j) **Accessory use setback:** No accessory use shall be permitted within the front yard. Setbacks from side or rear property lines shall be a minimum of eight (8) feet.
- (5) **Parking Capacity Regulations**
- (a) **Minimum number of spaces:** The minimum number of off-street parking spaces required shall be the sum-total number determined by application of the following standards:
 - (i) Two (2) spaces per residential dwelling unit.
 - (ii) Three (3) spaces per person performing a personal service (barber, tailor, etc.).
 - (iii) One (1) space per every three (3) employees, not including persons covered by (ii) above.
 - (iv) In no case shall less than three (3) off-street parking spaces be provided for each individual nonresidential use. The number of uses in a building shall equal the number of leasable units in the building, including owner-occupied units.
 - (v) No parking is permitted in excess of six (6) stalls within the front yard.
 - (b) **Parking held in reserve:** If the number of spaces required by Section 7.01 L(5)(a) above is substantially larger than the number anticipated by the applicant, the reserve parking concept may be used to avoid unnecessary paving, in accordance with the following criteria:
 - (i) The total number of spaces that must be paved initially may be reduced up to 50% by the Town Board, upon recommendation of the Planning and Zoning Commission.
 - (ii) Suitable area must be available and reserved for construction of the balance of the total number of spaces otherwise required by Section 7.01 L(5)(a) if and when they are deemed necessary by the Town Board, upon recommendation of the Planning and Zoning Commission.
 - (iii) A reevaluation of parking capacity shall be required upon a change in status (use, building additions, ownership, number of employees.) Following reevaluation, the Town Board may require

installation of additional parking spaces, upon recommendation of the Planning and Zoning Commission.

- (iv) To apply for use of the reserve parking concept, the applicant shall provide evidence supporting reduced parking needs to the Planning and Zoning Commission for their review and recommendation.

(6) Parking and Vehicular Access Design Standards

- (a) No more than one (1) parking row shall be permitted in the front yard of a lot.
- (b) Parking shared by the uses located on two (2) or more adjacent lots may extend to and over the boundary lines of the lots served.
- (c) Common parking areas and/or accessways shall be permitted and encouraged provided that:
 - (i) Access easement and maintenance agreements or other suitable legal mechanisms shall be provided where necessary.
 - (ii) Liability safeguards for all property owners and lessees served by the common parking areas and/or accessways shall be guaranteed to the satisfaction of the Town Attorney.
- (d) All required parking shall be improved and maintained to the satisfaction of the Town Board.

(7) Other Development Regulations

- (a) **Utilities:** All utility lines (electrical, telephone, etc.) shall be placed underground whenever possible.
- (b) **Lighting facilities:** Lighting shall not produce unreasonable glare or hazardous interference on abutting properties or highways.
- (c) **Landscape planting:** Shade trees and other plant materials satisfactory to the Town Board shall be provided along the street frontage occupied by developments in the Rural Hamlet District, in other unpaved areas of the site, and within traffic-barrier islands installed in the parking lot. Emphasis shall be placed on the use of shade trees. No shrubs shall be used that will interfere with driver's sight distances at driveway intersections.

(8) Architectural Regulations

- (a) Present a residential atmosphere. To accomplish this, new buildings should be compatible in size, scale, and mass with existing buildings.
- (b) Roofs are to be compatible with surrounding residential buildings—circa 1930.
- (c) Exterior materials are to be natural in appearance. Preference is to be given to wood, wood siding, stone, brick, and stucco. Second choice should include vinyl or aluminum siding that simulates wood siding.
- (d) Color should be compatible with the atmosphere of the Rural Hamlet and/or be typical of the period—circa 1930.
- (e) HVAC systems, audio/video antennas and mechanical equipment should be installed in places where they will be visually unobtrusive.
- (f) Dumpsters shall be located at the rear or side of the site and must be screened.

- (g) Small litter receptacles, benches, and other street furniture should be of materials and design compatible with the architecture of the rural hamlet.

(9) Standards for Change of Use

Any change of use on property zoned RH-1 Rural Hamlet District shall comply with all the regulations contained herein, as if it were a proposal for a new development. Proposals for a change of use shall include, at a minimum, a complete description of the proposed use, and plans which thoroughly describe how the new use will meet the requirements of this ordinance. Forms can be obtained from, and should be returned to, the Town Clerk/Treasurer. All items submitted shall be reviewed by the Town Board for compliance with the requirements. Exceptions to these requirements may be made by the Town Board only for major existing conditions that cannot reasonably be expected to be brought into compliance including, but not limited to, existing buildings.

M. B-1 BUSINESS DISTRICT

No building or use shall hereafter be established or enlarged within the B-1 Business District unless it conforms to the following regulations, except for such building or use identified and regulated in Section 7.07 ACCESSORY USES.

(1) Permitted Uses -

- (a) Business and professional offices of not more than two-thousand (2,000) sq.ft.
- (b) Public Libraries.
- (c) Parking lots.
- (d) Residences which existed as of December 10, 1980.

(2) Conditional Uses - Refer to Section 7.06 CONDITIONAL USES.

(3) Area, Yard and Building Bulk Requirements

- (a) **Minimum lot area:** 20,000 square feet.
- (b) **Minimum lot width:** One hundred (100) feet.
- (c) **Lot coverage:** No more than 50% of the lot shall be occupied by buildings or structures.
- (d) **Front yard setbacks:** Not less than seventy-five (75) feet from the centerline of the adjacent road.
- (e) **Side and rear yard setbacks:** Not less than twenty-five (25) feet each.
- (f) **Maximum building height:** No building shall be more than thirty-five (35) feet in height.

(4) Standards

- (a) No new residential buildings shall be constructed in the B-1 Business District. Existing residential buildings may be altered, remodeled, improved or enlarged subject to the restrictions and regulations which would be applicable to residences located in the R-3 Multi-Family Residential District.
- (b) All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.

- (c) All business, servicing, storage and display of goods (except for off-street parking and loading) shall be conducted within completely enclosed buildings.
- (d) Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light upon any property located in a residential district or upon any public street or park.

N. I-1 INDUSTRIAL DISTRICT

No building or use shall hereafter be established or enlarged within the I-1 Industrial District unless it conforms to the following regulations, except for such building or use identified and regulated in Section 7.07 ACCESSORY USES.

(1) Permitted Uses –

- (a) Parking lots.
- (b) Agriculture. Those agricultural uses permitted in the Agricultural Land Districts pursuant to Section 7.05.A. (1), except that no structures may be built without first obtaining a conditional use permit pursuant to Section 7.06.
- (c) Passive Outdoor Recreation. 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.
- (d) One warehouse or storage building of not more than three-thousand (3,000) sq. ft.

(2) Conditional Uses - Refer to Section 7.06 CONDITIONAL USES.

(3) Area, Yard and Building Bulk Requirements

- (a) **Minimum lot area:** 20,000 square feet.
- (b) **Minimum lot width:** One hundred (100) feet.
- (c) **Front yard setbacks:** Not less than seventy-five (75) feet from the centerline of the adjacent road.
- (d) **Side and rear yard setbacks:** Not less than twenty-five (25) feet; if the lot abuts a residential district, the side and rear yards shall be not less than fifty (50) feet where the industrial and residential zones abut.
- (e) **Maximum building height:** No building shall be more than thirty-five (35) feet in height.

7.06 CONDITIONAL USES

A. SPECIAL LAND USE

To accomplish the purposes of this ordinance, it is necessary to give special study and consideration to certain uses because they are of an extraordinary nature, and may present unusual problems because of incompatibility with neighboring land uses or because of distinctive requirements applicable to a particular use. These uses are not automatically permitted in any district, but may be allowed in certain districts upon study and approval of the specific use and compliance with the conditions imposed by the Town Board. An application for a Special Land Use Permit shall be made in accordance with the provisions of Section 7.01 C Application.

B. ANTENNAS AND COMMUNICATION TOWERS

All antennas and communication towers subject to Section 7.09 COMMUNICATION TOWERS AND ANTENNAS shall require a Conditional Use Permit. Application shall be made in accordance with the provisions of Section 7.01 C Application. For towers and antennas in the A-1, A-1-S, and A-PR Districts, see also the provisions in Sections 7.05 A, B, and C.

C. APPLICATION

Application for a Conditional Use Permit or a Special Land Use permit shall be made to the Town Board on forms available in the office of the Town Clerk/Treasurer. The following information shall be required:

- (1) Names and addresses of the applicant; the owner of the parcel; the architect, planner, and/or engineer responsible for the design; the contractor; and all property owners of record within a four hundred (400) foot radius of the subject parcel.
- (2) Legal and common description of the area to be developed, including street address, lot, block, and recorded subdivision, if applicable.
- (3) The type of structure proposed, the use proposed, and the existing zoning classification.
- (4) Plat of survey (in quadruplicate) prepared by a registered land surveyor showing the location, boundaries, dimensions, elevations, uses and size of the following:
 - (a) subject site
 - (b) existing and proposed structures, landscaping, natural ground features, easements, streets, and other public ways
 - (c) off-street parking, loading areas, and driveways
 - (d) existing highway access restrictions
 - (e) existing and proposed front, side, and rear yards
 - (f) location and use of abutting lands and structures within fifty (50) feet of the subject site
- (5) For proposed lots and residences within Farmland Preservation Zoning, submittals of the following:
 - (a) Color aerial photo, no more than two years old, and of sufficient size and resolution to determine whether lands have been under agricultural use.

- (b) Brief written statement describing how the proposed lot and/or residence will not convert prime farmland from agricultural use or convert land previously used as cropland, other than a woodlot, from agricultural use if on the farm there is a reasonable alternative location or size for a lot or residence; and will not significantly impair or limit the current or future agricultural use of other protected farmland.
- (6) Fee receipt from the Town Treasurer in the amount set by the Town Board for Conditional Use Permit applications.
- (7) Additional information as may be required by the Town Board or as indicated in subsequent paragraphs of this section.

D. TOWN BOARD REVIEW

The Town Board 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/or improvement upon flood damage protection, water quality, shoreland cover, natural beauty, wildlife habitat, and the impact on agriculture, and shall hold a public hearing within the parameters identified in this section.

E. PUBLIC HEARING

No more than sixty (60) days after the filing of the application for a Conditional Use Permit or Special Land Use Permit, or ninety (90) days for a Planned Residential Development, a public hearing shall be held by the Town Board. Notice of the hearing shall be posted in the Town and published at least one time in the Town of Mosel's designated newspaper not less than ten (10) nor more than thirty (30) days before the date of such hearing. Written notice of the hearing shall be given to the applicant at least ten (10) days before the hearing. The notice of public hearing shall contain at a minimum the date, time, and place of the hearing; the street address or common description of the property involved; and a brief statement of the conditional use sought.

F. APPROVAL AND CONDITIONS

- (1) The Town Board may authorize the Town Clerk/Treasurer to issue a Conditional Use Permit or a Special Land Use Permit after review and public hearing, provided that such conditional or special land use is in accordance with the purpose and intent of this ordinance and is found to be not hazardous, harmful, offensive, or otherwise adverse to the environmental quality, water quality, shoreland cover, protected farmland, or property values in the Town of Mosel. If an application is filed for a Planned Residential Development, the Town Board must first request a written recommendation from the Town Planning and Zoning Commission before holding a public hearing and taking action on the application. The Commission has sixty (60) days to respond.
- (2) Conditions such as, but not limited to, landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, location, size and number of signs, water supply and waste disposal systems, higher performance standards, street dedication, certified survey

maps, floodproofing, ground cover, diversions, silting basins, terraces, stream bank protection, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, 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.

- (3) Compliance with all other provisions of this ordinance such as lot area and coverage, yards, building bulk regulations, parking, loading, traffic, highway access, and performance standards shall be required of all conditional uses. Variances shall only be granted as provided in Section 7.12 VARIANCES AND APPEALS.

G. VIOLATION AND REVOCATION

A violation of any permit restriction as set forth herein and determined by the Town Board shall be deemed a revocation of said permit and said use shall be removed immediately. Nothing in this section shall be deemed to give the owner, applicant or occupant of said lands a vested interest in the use established in said permit.

In addition, the Town Board or Town Constable shall revoke a Conditional Use Permit if at any time there has been a failure to comply with the conditions imposed or if there has been a substantial change in the development, unless such change has been approved by the Town Board.

H. EXPIRATION

A Conditional Use or Special Land Use Permit shall be deemed to authorize only one particular use and shall expire if the authorized use ceases for more than twelve (12) months for any reason. Any permit issued shall expire if not used within a six (6) month period.

I. GENERAL CONDITIONAL USES

The following uses shall be conditional uses in all districts:

- (1) Public utilities engaged in the sale and delivery of gas, water, electric, cable television and telecommunications service, including equipment and facilities required for the distribution, regulation and metering of such utilities in any district, but not including power generating facilities. In addition, antennas and communication towers shall not be allowed in the R-1, R-2, or R-3 Residential Districts, the C-1 Conservancy District, or the RH-1 Rural Hamlet District.
- (2) Cemeteries, except in the A-1, A-1-S, and A-PR Districts:
 - (a) All burial lots or structures shall be set back a minimum of one hundred (100) feet from any street right-of-way line.
 - (b) The site proposed shall not interfere with the development of thoroughfares in the area.

J. CONDITIONAL USES IN A-1 AND A-1-S AGRICULTURAL DISTRICTS

(1) General Requirements

All conditional uses in the A-1 and A-1-S Districts shall be consistent with agricultural use as allowed by this ordinance and meet the conditions defined by Section 91.46, Wisconsin Statutes (2015).

(2) Conditional Uses in A-1 and A-1-S

(a) Any lot created after January 1, 2014 and/or single-family or two-family residences built after January 1, 2014.

(i) Standards:

(a) Any such residence must comply with the lot width, lot coverage, yard, and building bulk requirements of the R-1 Single-Family Residential District.

(b) The location and size of any proposed lot, and, for a new residence, the location of the residence on the property, will not do any of the following:

(i) Convert prime farmland from agricultural use or convert land previously used as crop land, other than a woodlot, from agricultural use if on the farm there is a reasonable alternative location or size for a residential lot or a residence.

(ii) Significantly impair or limit the current or future agricultural use of other protected farmland.

(b) Note: Any such residence damaged or destroyed by fire, wind, or similar causes may be rebuilt without a renewal of the conditional use permit, provided that the rebuilt residence occupies the same general footprint. A new conditional use permit will be required if an alternate site is desired; the alternate site must not impair agricultural uses to any greater degree than the original residence.

(b) Agricultural related uses, meaning any of the following:

(i) Agricultural equipment dealership

(ii) Facility providing agricultural supplies

(iii) Facility for storing, selling, or processing agricultural products

(iv) Facility for processing agricultural wastes

(c) Bird Hunting Preserve, including such outbuildings, parking and related facilities minimally necessary to support game stocking and hunting activities. The following activities and facilities are specifically excluded: trap, range and skeet shooting; kenneling, keeping and training of dogs; and restaurant, lodging for more than 8 persons, retail, tavern, and similar commercial uses.

(d) Fish or fur farming

(e) Ponds, lagoons, or structures designed for the storage of manure within two hundred (200) feet of any lot line.

(f) Rental of gardening plots to others, only with off-road parking for all users to minimize safety hazards.

(g) Transportation, communications, pipeline, electric transmission, utility, or drainage use; governmental, institutional, religious, or nonprofit community use. Such uses qualify if the Town determines that all of the following apply:

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

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

- (iii) The use is reasonably designed to minimize conversion of land, at and around the site of the use, from agricultural use or open space use.
- (iv) The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
- (v) Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.
- (h) Nonmetallic mineral extraction, if the Town determines that all of the following apply:
 - (i) The operation complies with subchapter I of Chapter 295, Wisconsin Statutes, and rules promulgated under that subchapter, with applicable provisions of the local ordinance under 295.13 or 295.14, and with any applicable requirements of the department of transportation concerning the restoration of nonmetallic mining sites.
 - (ii) The operation and its location in the farmland preservation zoning district are consistent with the purposes of the farmland preservation zoning district.
 - (iii) The operation and its location in the farmland preservation zoning district are reasonable and appropriate, considering alternative locations outside the farmland preservation zoning district, or are specifically approved under state or federal law.
 - (iv) The operation is reasonably designed to minimize the conversion of land around the extraction site from agricultural use or open space use.
 - (v) The operation does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
 - (vi) The farmland preservation zoning ordinance requires the owner to restore the land to agricultural use, consistent with any required locally approved reclamation plan, when extraction is completed.

K. CONDITIONAL USES IN A-PR AGRICULTURAL DISTRICT

All of the conditional uses and requirements for the A-1 District specified in sub. J apply to the A-PR Prime Agricultural Parcel Remnants District, except that no residences are allowed in the A-PR District.

L. CONDITIONAL USES IN A-2 AGRICULTURAL DISTRICT

(1) Conditional Uses in A-2

- (a) If the land area is less than twenty (20) acres, all permitted uses in the A-1 District shall be conditional uses in A-2, except for those permitted uses as provided in Section 7.05 B(1)(b) through 7.05 B(1)(e).
- (b) Antennas
- (c) Communication towers or Instrument Landing System facilities
- (d) Dog kennels and stables
- (e) Fish or fur farming
- (f) Golf courses
- (g) Governmental and cultural uses, such as fire and police stations,

community centers, libraries, parks, playgrounds, and museums
(h) Bird Hunting Preserve, including such outbuildings, parking and related facilities minimally necessary to support game stocking and hunting activities. The following activities and facilities are specifically excluded: trap, range and skeet shooting; kenneling, keeping and training of dogs; and restaurant, lodging for more than 8 persons, retail, tavern, and similar commercial uses.

(i) Municipal Sanitary landfill

(j) Ponds, lagoons, or structures designed for the storage of manure within two hundred (200) feet of any lot line.

(k) Facility for storing, selling, or processing agricultural products

(l) Rental of gardening plots to others, only with off-road parking for all users to minimize safety hazards.

(m) Sportsmen's clubs and shooting ranges

M. CONDITIONAL USES IN A-3 RURAL PRESERVATION DISTRICT

Except as specifically allowed in the A-3 Rural Preservation District regulations, all permitted uses in the A-1 Prime Agricultural District, except residences, are conditional uses in A-3. If the land area is twenty (20) acres or more, all conditional uses listed in Section 7.06 J(2) Conditional Uses in A-1 and/or A-2 shall also be conditional uses in A-3.

N. CONDITIONAL USES IN A-T TRANSITIONAL DISTRICT

Excepting residences, which are permitted uses in the A-T Agricultural Transition District, all of the conditional uses listed in the A-1 District specified in sub. J and in the A-2 District specified in sub. L shall be conditional uses in the A-T District. Consistency with agricultural use is not required for conditional uses in the A-T District.

O. CONDITIONAL USES IN C-1 CONSERVANCY DISTRICT

(1) Boat launching areas and boat liveryes

(2) Campgrounds

(3) Non-residential buildings and structures used for the raising of wildlife and fish and the practice of forestry

(4) Sale of bait and commercial recreation areas and customary accessories

(5) Sportsmen's clubs and shooting ranges

(6) Stream bank and shoreland protection and preservation

P. CONDITIONAL USES IN R-1/R-2/R-3 RESIDENTIAL DISTRICTS

(1) Parks and playgrounds (R-1 only)

(2) Utility buildings

(3) Planned Residential Developments (PRDs), such as cluster developments (R-3 only)

(a) A PRD may be established only after review and adoption by the Town Board after public hearing pursuant to Section 7.01 C Application. The Town Board must allow the Planning and Zoning Commission sixty (60) days to file a recommendation with the Board. After sixty (60) days, the

Town Board may act on the petition without having received a written recommendation. The Board may adopt or disapprove the plan as submitted or it may modify, alter, or amend the plan and prescribe other conditions before adoption.

- (b) The district regulations governing population density and/or building intensity may be varied, provided other provisions are incorporated in the plan which would significantly enhance the character of the development, and provided the average intensity and density of land use shall be no greater than that required in the district in which it is located.
- (c) Character, identity and architectural and siting variation incorporated in a development may include (but are not limited to) the following:
 - (i) Landscaping
 - (a) Open spaces and plazas
 - (b) Use of existing landscape
 - (c) Pedestrian-way treatment
 - (d) Recreational areas
 - (ii) Siting
 - (a) Visual focal points
 - (b) Use of existing physical features (topography, etc.)
 - (c) View
 - (d) Sun and wind orientation
 - (e) Circulation pattern
 - (f) Physical environment
 - (g) Variation in building setbacks
 - (h) Building groups (clusters, etc.)
 - (iii) Design features
 - (a) Street sections
 - (b) Architectural styles
 - (c) Harmonious use of materials
 - (d) Parking areas broken by landscape features
 - (e) Varied use of housing types
- (d) Common open spaces shall be reserved by a legally binding agreement and may be in the form of land located within the planned district, land located near the planned district, or funds which the Town shall use for the acquisition and development of public open space located near the district for enjoyment and use of the public. If the common open space is not dedicated for public use, legal agreements shall include an open space easement granted to the Town and provision for adequate future maintenance.
- (e) The following provisions shall be complied with:
 - (i) **Development:** Minimum of twenty (20) acres.
 - (ii) **Lot**
 - (a) **Area:** minimum of 2/3 of the minimum lot area for the district in which located.
 - (b) **Width:** minimum of 2/3 of the minimum lot width for the district in which located.

(iii) **Building**

- (a) **Area:** Minimum building area for the district in which located.
- (b) **Height:** maximum of thirty-five (35) feet.
- (c) **Rooms:** all living rooms shall have windows opening onto a yard.

(iv) **Yards**

- (a) **Front:** not less than eighty (80) feet from the centerline of the adjacent street.
- (b) **Rear:** not less than twenty-five (25) feet in depth.
- (c) **Side:** not less than twenty-five (25) feet on each side of lot.

(v) **Streets and Sidewalks**

- (a) **Streets:** all streets shall be hard surfaced at a minimum of twenty (20) feet in width with a sixty-six (66)-foot right-of-way and shall be well-graded and surface-drained.
- (b) **Sidewalks:** sidewalks shall be hard-surfaced with a minimum width of forty-two (42) inches. Ample street lighting shall be provided for streets. Approved surface water drainage shall be provided.

(4) Mobile home park. (R-3 only)

The following conditions shall apply:

- (a) The park shall be located on a well-drained site consisting of at least twenty (20) acres, properly graded to insure rapid drainage and freedom from stagnant pools of water.
- (b) Community sewer and water facilities must be provided directly to each mobile home site.
- (c) Front setback shall be sixty (60) feet from the centerline of the road. Minimum rear and side yards shall be twenty-five (25) feet each.
- (d) No mobile home shall be located closer than fifty (50) feet from any community building, including any washroom, toilet, or laundry facility, within the park or from any property line of the park.
- (e) Each mobile home park shall devote at least 25% of its total area to open space provided for the recreational uses and enjoyment of the occupants of the park.
- (f) All mobile home spaces shall abut upon a driveway of not less than twenty (20) feet in width, which shall have unobstructed access to a private street.
- (g) Each mobile home shall have well-anchored tie-downs capable of withstanding a minimum tensile strength of 2,800 pounds. A minimum of four (4) tie-downs shall be provided for each mobile home.
- (h) Exterior lighting fixtures shall be shaded wherever necessary to avoid casting direct light upon any property located in a residential district or upon any public street or park.
- (i) In all other respects, mobile home parks shall comply with all of the applicable regulations of all departments, commissions, and agencies of Sheboygan County and the State of Wisconsin.
- (j) Each mobile home shall be set on a reinforced concrete slab. Said slab shall at a minimum equal the outside dimensions of the mobile home.

- (k) The mobile home park shall provide an approved, screened refuse and garbage receptacle with properly controlled collection disposal sources. The entire mobile home park area shall be well maintained and properly screened from all public roadways.

Q. CONDITIONAL USES IN RH-1 RURAL HAMLET DISTRICT

The following uses shall be conditional uses in the RH-1 Rural Hamlet District, subject to the standards in Section 7.01 L(3) Standards and Criteria for Permitted and Conditional Uses.

- (1) Confectionery or bakery for production of articles to be sold at retail only on the premises
- (2) Small restaurant or tavern
- (3) Small gas station or convenience store
- (4) Small professional offices

R. CONDITIONAL USES IN B-1 BUSINESS DISTRICT

- (1) All permitted uses in the R-2 and R-3 Residential Districts
- (2) Any retail business not specifically prohibited by this section, with total buildings of 20,000 square feet or less
- (3) Animal hospitals and veterinary clinics
- (4) Antennas
- (5) Bowling alleys
- (6) Business and professional offices and services
- (7) Communication towers
- (8) Contractors' and Construction shops/offices/yards, with total buildings of 20,000 square feet or less
- (9) Dance halls
- (10) Drive-in eating establishments
- (11) Drive-through sales establishments
- (12) Gasoline filling stations and garages
- (13) Hotel or Motel
- (14) Mini-warehouse storage facilities
- (15) Outdoor storage
- (16) Printing and duplicating establishments
- (17) Private clubs and lodges
- (18) Public utilities
- (19) Radio and television broadcasting studios
- (20) Research laboratories
- (21) Self-service retail establishments
- (22) Sign shops
- (23) Sport and recreation centers
- (24) Taverns and restaurants
- (25) Theaters, except outdoor theaters

S. CONDITIONAL USES IN I-1 INDUSTRIAL DISTRICT

- (1) All industrial uses not specifically indicated as conditional uses in this district

- (2) Antennas
- (3) Beverage and bottling works, canning or preserving factories, food product plants
- (4) Building material sales and storage
- (5) Business offices
- (6) Communication towers
- (7) Contractors' and construction offices/shops/yards
- (8) Crematoriums
- (9) Machine shops and metal products manufacturers and tool and die shops, provided they do not include drop forges or riveting machines
- (10) Machinery sales
- (11) Manufacturers and/or assemblers of products from substances such as wood, cork, glass, leather, fur, plastic, felt, and other textiles
- (12) Manufacturers of electronic products and components
- (13) Mini-warehouse storage facilities
- (14) Municipal earth and sanitary landfill operations
- (15) Power generating facility
- (16) Printing and binding plants
- (17) Public passenger transportation and terminals, radio and television towers
- (18) Radio and television broadcasting stations and electronic equipment
- (19) Salvage yards, provided as follows:
 - (a) They shall be enclosed around the entire perimeter by a solid fence of a height sufficient to effectively screen the scrap material.
 - (b) Said fence shall be located at least seven hundred fifty (750) feet from any public road or highway, lake or stream and not less than one-half mile from the boundary of any residential district.
 - (c) The yards shall be properly licensed or shall be fully qualified for licensing under state statute and/or town ordinance.
 - (d) The Town Board may recommend and prescribe other conditions as to access roads, landscaping, sun and wind orientation, pedestrian-way treatment, and parking facilities.
- (20) Temporary retail sales, not to exceed twenty-four (24) days per calendar year
- (21) Transfer stations, provided as follows:
 - (a) The transfer stations shall be properly licensed or shall be fully qualified for licensing under state statute or town ordinance.
 - (b) The Town Board may recommend and prescribe other conditions as to access roads, landscaping, sun and wind orientation, pedestrian-way treatment, fencing, regulations for covering and sanitation and parking facilities.
 - (c) Side and rear yards shall not be less than fifty (50) feet.
- (22) Warehouses and storage yards, not including salvage yards
- (23) Wholesale distributorships

T. CONDITIONAL USES IN A-E AGRICULTURAL ENTERPRISE DISTRICT

(1) General Requirements

The following requirements shall apply to all agritourism uses unless additional or more stringent requirements are listed for a particular use elsewhere in this Section, in which case the more restrictive shall apply.

- (a) Federal, State, County Approvals – Any uses and/or structures requiring licenses, permits, or other approvals from any entity other than the Town of Mosel shall have obtained said approval(s) prior to applying for a conditional use permit.
- (b) Road Weight Restrictions – All vehicles related to the agritourism use shall comply with applicable road weight restrictions.
- (c) Lot Size – If part of a lot is sold, and the remaining lot is less than the minimum required size for a particular conditional use(s), such conditional use(s) shall be no longer be allowed.
- (d) Number of Conditional Use Permits – A separate conditional use permit will be required for each use or group of uses that is operated by a separate individual.
- (e) Hours – Unless stated otherwise in subsection (2) Conditional Uses, the hours that conditional uses in the A-E District are available to the public are limited to 9:00 a.m. to 7:00 p.m. Extended hours may be negotiated with the Town for special circumstances.
- (f) Structures – All structures intended for a use listed in subsection (2) Conditional Uses shall meet the following criteria:
 - (i) The uses listed in subsection (2) that require interior space shall only be housed in agriculturally related structures or in structures or expansions to structures completed prior to July 1, 2017; however, structures or expansions completed after July 1, 2017 are allowed if the square footage of the new structure or expansion does not exceed twenty-five percent (25%) of the square footage of existing structures on the same lot as of July 1, 2017.
 - (ii) The exterior and interior style, design, and décor of any new or renovated structure shall be consistent with the Town’s rural character.
 - (iii) The location and operation of any new or expanded structure shall not interfere with normal agricultural practices on and off site or convert prime agricultural lands to a non-agricultural use.
- (g) Parking – All structures, uses, and activities dependent on vehicular access shall meet the following criteria:
 - (i) Safe vehicular access and customer parking shall be provided on-site or on an adjacent property on the same side of the road if a formal agreement is reached between the applicant and the adjacent landowner.
 - (ii) Parking shall be designed in such a way that vehicles do not need to back off of or onto a public road.
 - (iii) Parking areas that are accessed by driveways or lanes inside the property are recommended. Entries and exits to parking areas that directly access a public roadway shall require a driveway permit from the Town of Mosel or Sheboygan County, whichever applies.
 - (iv) Parking areas shall be defined by gravel, cut grass, sand, or other visible marking.

- (v) Parked vehicles shall be located outside public right-of-ways and at a minimum distance of forty (40) feet from the road pavement edge abutting the property.
- (vi) Parked vehicles shall be located at least forty (40) feet from side and rear property lines.
- (vii) Conditional use applicants shall include a parking plan, drawn to scale, with their application materials that shows the following:
 - (a) Extents of parking areas and vehicle capacity.
 - (b) Estimate of the peak number of vehicles for normal business operations.
 - (c) A plan for overflow parking for events expected to exceed the normal peak number of vehicles.
- (h) Signs
 - (i) All signs related to this district shall conform with the applicable standards listed in Section 7.10 Signs of the Town of Mosel Zoning Ordinance.
- (i) Lighting
 - (i) Any exterior lighting installed related to an agritourism use or activity shall be appropriately shielded and directed generally downwards to minimize light pollution.
- (j) Noise
 - (i) All agritourism uses shall abide by the limitations specified in Section 5.13 of the Town of Mosel Municipal Code regarding noise regulations.

(2) Conditional Uses

- (a) Agritourism related ~~uses~~ activities
- (b) Bed and Breakfast Businesses
 - (i) The only meal served shall be breakfast, and food service shall be limited to overnight guests. There shall be no cooking facilities in any guest room or common guest space.
 - (ii) Up to four (4) sleeping rooms and provide accommodations for up to eight (8) adults and four (4) children.
- (c) Breweries, micro- / nano- / pico-
 - (i) Maximum interior visitor capacity is 30 persons at any one time.
- (d) Cabins, rental
 - (i) Sleeping capacity for all units in total not to exceed twelve (12) persons.
 - (ii) Maximum cabin size is two thousand (2,000) square feet and one-and-a-half (1½) stories.
- (e) Cafés, Delicatessens, Diners, Eateries
 - (i) At least fifty percent (50%) of the menu items must be derived from ingredients grown, raised, or produced within ten (10) miles of the site.
 - (ii) Maximum interior visitor capacity is 30 persons at any one time.
- (f) Cider mills
 - (i) Maximum visitor capacity is 30 persons at any one time.
- (g) Commercial kitchens
 - (i) At least fifty percent (50%) of the processed items must be derived from ingredients grown, raised, or produced within ten (10) miles of the site.
- (h) Community supported agriculture (CSA)

- (i) Distilleries, micro-
 - (i) Maximum interior visitor capacity is 30 persons at any one time.
- (j) Event barns
 - (i) The frequency of events that include activities using sound amplification shall be limited to one Friday or Saturday night every other weekend. Event frequency may be negotiated with the Town for special circumstances.
 - (ii) Dates, times, durations, and descriptions of upcoming events shall be provided in a timely and convenient manner to nearby residents and Town officials when requested.
 - (iii) Event hours are limited to 7:00 a.m. to 7:00 p.m. Monday through Thursday, 10:00 a.m. to 10:00 p.m. Friday and Saturday, and 10:00 a.m. to 6:00 p.m. Sunday. Extended hours may be negotiated with the Town for special circumstances.
 - (iv) Capacity is limited to two hundred and fifty (250) persons at any one time.
 - (v) Existing barns may be renovated for this use, but not expanded. No barns built after July 1, 2017 may be used for this purpose.
 - (vi) Minimum setback is one hundred (100) feet from any adjacent landowner's property line.
 - (vii) Minimum tract size is ten (10) acres.
- (k) Farm markets, On-farm markets, Farm direct marketing
 - (i) At least fifty percent (50%) of agricultural products or value-added agricultural products produced on-site.
 - (ii) Maximum retail space is 1,200 square feet.
- (l) Farmer's markets
 - (i) Such markets shall be limited to two (2) days within a single week.
 - (ii) Dates, times, durations, and descriptions of upcoming markets shall be provided in a timely and convenient manner to nearby residents and Town officials when requested.
 - (iii) Markets are limited to 8:00 a.m. to 7:00 p.m. Monday through Friday, 8:00 a.m. to 5:00 p.m. Saturday, and 9:00 a.m. to 3:00 p.m. Sunday. Extended hours may be negotiated with the Town for special circumstances.
 - (iv) Each stall and/or booth is limited in size to one hundred and forty-four (144) square feet of ground floor space.
 - (v) Minimum setback is one hundred (100) feet from any adjacent landowner's property line.
 - (vi) Minimum tract size is ten (10) acres.
- (m) Livestock show
 - (i) Shows shall be limited to three (3) days within a single week.
 - (ii) Dates, times, durations, and descriptions of upcoming shows shall be provided in a timely and convenient manner to nearby residents and Town officials when requested.
 - (iii) Shows are limited to 7:00 a.m. to 7:00 p.m. Monday through Thursday, 10:00 a.m. to 9:00 p.m. Friday and Saturday, and 10:00 a.m. to 6:00 p.m. Sunday. Extended hours may be negotiated with the Town for special circumstances.
 - (iv) Capacity is limited to two hundred and fifty (250) persons at any one time.

- (v) Minimum setback is one hundred (100) feet from any adjacent landowner's property line.
- (vi) Minimum tract size is ten (10) acres.
- (n) Lodges
 - (i) Up to eight (8) sleeping rooms and provide accommodations for up to sixteen (16) adults and eight (8) children.
 - (ii) Minimum tract size is ten (10) acres.
- (o) Meaderies
 - (i) Maximum interior visitor capacity is 30 persons at any one time.
- (p) Museums
 - (i) At least fifty percent (50%) of the exhibits must be related to agriculture, horticulture, or agribusiness.
- (q) Nature trails
- (r) Rent-a-tree operations
- (s) U-pick operations
- (t) Wineries, boutique
 - (i) Maximum interior visitor capacity is 30 persons at any one time.

U. ADULT-ORIENTED LAND USES

It is the purpose of this section to regulate sexually-oriented adult entertainment land uses (hereafter referred to as adult-oriented businesses) to promote the health, safety, and general welfare of the residents of the Town of Mosel, to aid in the alleviation and prevention of the adverse and deleterious effects of criminal activity and disruption of the public peace associated with such businesses, and to establish reasonable and uniform regulations to prevent the serious health hazards associated with unsafe and unsanitary conditions known to exist in those establishments and to alleviate the spread of sexually transmitted diseases and other contagious diseases in those businesses.

(1) Definitions.

- (a) Adult-oriented business – a bookstore, theater, massage parlor, sauna, entertainment center, cabaret, health/sports club, steam room/bathhouse facility, dance hall, restaurant, or other place of business which features dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers or waiters or waitresses who engage in sexual conduct, or the simulation of such conduct, or any other business whose primary business activity is characterized by emphasis on matters depicting, describing, or relating to nudity, sexual conduct, sexual excitement or other sexual practices.
- (b) Nudity – the showing of the human male or female genitals or pubic area with less than a fully opaque covering or the depiction of covered male genitals in a discernibly turgid state and/or the appearance of bare buttocks, anus, or female breast.
- (c) Sexual conduct – the commission of any of the following: sexual intercourse, sodomy, bestiality, necrophilia, human excretion,

masturbation, sadism, masochism, fellatio, cunnilingus or lewd exhibition of human genitals.

- (d) Sexual excitement – the condition of human male or female genitals when in a state of sexual stimulation or arousal.

(2) Applicability and Non-conforming Uses.

- (a) The provisions of this section shall apply to all existing and future adult-oriented businesses.
- (b) Any existing business that does not meet the restrictions of this section shall be allowed to continue as a non-conforming use, subject to the restrictions of Section 7.08 of this Code, except that such privilege of non-conforming use shall cease upon the discontinuance of the activities within such business for seven consecutive calendar days, including any days when the establishment is normally closed for business.

(3) General Requirements.

- (a) Zoning District – Adult-oriented businesses are not a permitted use in any district. They may be operated with a conditional use permit, which may include additional conditions for operation, in the I-1 Industrial District only, with the following limitations (distances shall be measured in a straight line from the main public entrances of said businesses, to the lot lines of properties or facilities as described below):
 - (i) No such adult-oriented business shall be located within 1000 feet of any agricultural, residential or business district, or within 1000 feet of a place of worship, public park, licensed day care facility, public library, public or private educational facility which serves persons age 17 or younger, elementary school, high school, or elderly housing facility.
 - (ii) No such adult-oriented business shall be located so that it is within 2500 feet of another such business, and no adult oriented business shall be located in the same building or upon the same premises as any other such use, even if owned by the same owner.
- (b) Building Exterior – The building exterior of any premises containing an adult-oriented business shall meet the following criteria:
 - (i) Colors shall be earth or neutral tones.
 - (ii) Stripes and geometric patterns are prohibited.
 - (iii) The exterior shall be adequately maintained in good condition.
- (c) Conditions of Operation – All adult-oriented business shall be subject to the following conditions:
 - (i) Activities regulated by Chapter 125: Alcohol Beverages, of the Wisconsin Statutes, are prohibited.
 - (ii) No employee shall solicit business outside the building in which the business is located.
 - (iii) No male or female person shall expose to public view his or her genitals, pubic area, anus, or anal cleft. Full nudity is prohibited.
 - (iv) No person on the premises shall engage in sexual conduct, or in any way fondle his or her genitals.

- (v) No person, employee, entertainer or patron shall be permitted to have any physical contact with any entertainer on the premises during any performance. All performances shall only occur on a stage, or on a table that is in a designated area which is elevated at least eighteen inches above the immediate floor level and removed a distance sufficient to prevent actual physical contact between the entertainer and another entertainer or any other person, employee or patron.
- (vi) No person under the age of 18 years may be admitted to, may enter or remain on, may purchase goods or services at, or may work or be permitted to work as an employee in any capacity at an business subject to the provisions of this section.
- (vii) No person shall cause another to commit a violation of this section, nor shall any person permit such violation to occur on any premises under his/her control, tenancy, management or ownership.

(4) Sign Restrictions.

Notwithstanding any other provision of this Code, an adult-oriented business shall be permitted only one on-site sign advertising its business, subject to the following criteria:

- (a) Signs which have merchandise or pictures of the products or entertainment on the premises shall not be allowed in any area where they can be viewed from the sidewalk or public street in front of or adjacent to the building.
- (b) Signs shall not be placed in any window or doorway, except for one sign, up to one square foot, which states hours of operation and indicates admittance to adults only.
- (c) Signs shall not contain any flashing lights, moving elements, or mechanically changing messages.
- (d) Signs shall not contain any depiction of the human form or any part thereof, nor shall it contain sexually explicit language such as 'nude dancing' or 'girls, girls, girls,' etc.

7.07 ACCESSORY USES

A. PURPOSE

The uses of land, buildings, and other structures permitted in each zoning district are determined by the list of permitted uses for such district. In addition to the listed permitted uses, it is customary to allow certain accessory uses. This section defines generally the types of accessory and temporary uses which will be allowed and gives certain specific examples of each.

B. GENERAL PERMITTED USES

Accessory uses or structures are permitted in any zoning district in connection with any use which is permitted within such district.

- (1) An accessory use is a building or use which:
 - (a) is subordinate to and serves a principal building or a principal use.
 - (b) is subordinate in area, extent or purpose to the principal building or principal use served.
 - (c) contributes to the comfort, convenience or necessities of occupants, business or industry in the principal building or principal use served.
 - (d) is located on the same premises as the principal building or principal use served.
- (2) In the A-1 District, the A-1-S District, the A-PR District, the A-2 District, the A-3 District, A-E District or the A-T District, accessory uses or structures, such as barns, silos, and other outbuildings used in connection with any permitted use, except a permitted residential use, are not subject to the restrictions of this section, but shall meet all the area, yard and building bulk requirements of the appropriate zoning district.

C. SPECIFIC EXAMPLES

An accessory building or use includes but is not limited to the following, provided that all of the following examples comply with those provisions identified in Section 7.07 B General Permitted Uses.

- (1) Private garage or carport, not to exceed the following capacity:
 - (a) single-family residential use: 1040 square feet (i.e. 26x40) subject to the following exception – additional square footage may be added in any zoning district, up to a maximum size of two thousand four hundred (2,400) square feet, in an equal ratio to the percentage of parcel size in excess of the minimum required lot size for the R-1 Single Family Residential District.
 - (b) multi-family residence: 576 square feet per dwelling unit.
- (2) A shed or building for storage incidental to a permitted use, provided that such shed shall not exceed two hundred (200) square feet and shall have a maximum sidewall height of eight (8) feet.
- (3) A child's playhouse
- (4) Private swimming pool and bath house
- (5) Statuary, arbors, trellises, barbecue stoves, flag poles, fences, walls and hedges

D. BULK REGULATIONS

All accessory uses shall comply with the bulk regulations of the district in which they are located; except the following are permitted in all yards:

- (1) open terraces and decks not over four (4) feet above the average level of the adjoining ground, but not including permanently roofed-over terraces, decks or porches
- (2) awnings and canopies
- (3) steps four (4) feet or less above grade which are necessary for access to a permitted building or for access to a lot from a street or alley
- (4) one (1) story bay windows and overhanging eaves and gutters projecting thirty (30) inches or less into the yard
- (5) chimney projections thirty (30) inches or less into the yard
- (6) arbors and trellises
- (7) flag poles, recreation and laundry-drying equipment

E. STANDARDS

All accessory uses or structures shall comply with the standards applicable to the zoning district in which they are located and the following additional standards:

- (1) No accessory building or structure shall be constructed and occupied on any lot prior to the time of the completion of the construction of the principal building to which it is accessory.
- (2) No part of any accessory building shall be located closer than ten (10) feet from any side or rear property line, nor closer than ten (10) feet to any main building, except as otherwise designated in Section 7.01 L(4)(j) RH-1 Rural Hamlet District, or any other sections of this Ordinance.
- (3) Generally, no accessory use or structure shall be permitted in a front yard unless it is a permitted obstruction within the meaning of Section 7.07 D Bulk Regulations. One accessory structure may be located in the front yard of any zoning district except RH-1 Rural Hamlet District, if it meets all of the following criteria:
 - (a) The structure meets or exceeds all primary structure setbacks for the zoning district in which it is located.
 - (b) No portion of the structure shall be placed between the principal building and the front lot line.
 - (c) The property owner has obtained a Conditional Use Permit as set forth in Section 7.06 CONDITIONAL USES.
- (4) A maximum of three thousand (3,000) square feet of detached accessory use structures are allowed per parcel. Small storage shed which do not exceed two hundred (200) square feet and sidewall height of eight (8) feet shall not be counted toward the maximum.

F. FENCES

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

- (1) Residential fences are permitted on the property lines in residential districts but shall not in any case exceed a height of six (6) feet or be closer that two (2) feet to any public right-of-way.
- (2) Security fences are permitted on the property lines in all districts except residential districts, but shall not exceed ten (10) feet in height and shall be of an open type similar to woven wire or wrought iron fencing.

7.08 NONCONFORMING USES AND PROPERTY

A. EXISTING NONCONFORMING STRUCTURES AND USES

The lawful nonconforming use of a structure, land, or water existing at the time of the adoption of this ordinance or created by amendment to 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 non-conforming, only that portion of a structure, land or water in actual use may be so continued; structures may not be extended, enlarged, reconstructed, substituted, moved, or altered, or the use expanded, except when required to do so by law or order or so as to comply with the provisions of this ordinance.
- (2) If the use conforms to the provisions of this ordinance, but a structure is non-conforming, such structure may only be extended, enlarged, reconstructed, substituted, moved or altered so that the size or impact of the non-conformity is not increased or is reduced.
- (3) 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:
 - (i) The nonconforming structure was damaged or destroyed on or after March 2, 2006.
 - (ii) The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.
 - (b) 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.
- (4) Substitution of new equipment may be permitted by the Board of Appeals if such equipment shall reduce the incompatibility of the nonconforming use with the neighboring uses.

B. ABOLISHMENT OR REPLACEMENT

If the nonconforming use is discontinued or terminated for a period of twelve (12) months, any future use of the structure, land, or water shall conform to the provisions of this ordinance.

C. CHANGES AND SUBSTITUTIONS

Once a nonconforming use or structure has been changed to conform, it shall not revert to the nonconforming use or structure. Once the Town Board has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the former use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Town Board and this ordinance.

D. SUBSTANDARD LOTS

Substandard lots may be used for any use which is permitted in the district in which the lot is located, provided that the lot as it exists was recorded in the office of the Register of

Deeds for Sheboygan County prior to the effective date (December 10, 1980) of this Ordinance.

Such lot 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, provided, however, that variances to the building and yard requirements shall be granted only in accordance with Section 7.12 VARIANCES AND APPEALS.

7.09 COMMUNICATIONS TOWERS AND ANTENNAS

A. APPLICABILITY

This section applies to all ‘communication towers’ and ‘antennas’ as defined in Section 7.02 DEFINITIONS, except for:

- (1) Any device that does not exceed in height the lesser of thirty-five (35) feet, or such other height limitation that may apply to the zoning classification in which the device will be sited.
- (2) Any device not exceeding seventy (70) feet in height for reception of television signals or owned and operated pursuant to a license granted by the FCC.
- (3) Pre-existing towers and antennas

B. PURPOSE

The purpose of this section is to:

- (1) protect safety by such methods as prohibiting the siting of antennas and towers in or near residential areas, and providing height and setback restrictions;
- (2) promote aesthetics by minimizing the number of towers in the Town, requiring towers to be sited and configured in ways that minimize their adverse visual impact, and by encouraging the utilization of alternative tower structures rather than free-standing towers whenever feasible; and
- (3) encourage commerce by implementing rules that will not restrict the ability of telecommunications providers to furnish their services quickly, effectively, and economically.

C. PRINCIPAL OR ACCESSORY USE

Antennas and towers may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased land within such lots. Towers that are constructed and antennas that are installed in accordance with the provisions of this section shall not be deemed to constitute the expansion of a nonconforming use or structure.

D. INVENTORY OF EXISTING SITES

Each applicant for an antenna and/or tower shall provide to the governing authority an inventory of its existing towers that are either within the jurisdiction of the governing authority, or within three miles of the border thereof, including specific information about the location, height, and design of each tower. The governing authority may share such information with other applicants applying for administrative approvals or conditional use permits under this section, or other organizations seeking to locate antennas within the jurisdiction of the governing authority, provided, however, that the governing authority is not by sharing such information in any way representing or warranting that such sites are available or suitable.

E. AESTHETICS AND LIGHTING

- (1) If a tower is not subject to FAA regulations, towers shall either have a galvanized steel finish, or be painted a neutral color so as to reduce visual obtrusiveness. If FAA regulations apply, FAA regulations shall be followed.
- (2) At a tower site, the design and construction of the buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend the tower facilities to the natural setting and pre-existing improvements.
- (3) If an antenna is installed on an alternative tower structure, the antenna and supporting electrical and mechanical equipment shall be of neutral colors that are identical to, or closely compatible with, the colors of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- (4) Towers shall not be lit artificially, unless required by the FAA or other applicable authority. If lighting is required, the governing authority may review the available lighting and alternatives, and shall approve the design that would cause the least disturbance to surrounding areas.
- (5) Communication towers and antennas shall not be used for displaying any advertising. If FCC rules require that the owner's name be shown on the tower or antenna, it shall be posted no more than six (6) feet above the ground on a placard no larger than one and one half (1 ½) square feet, or as required by the FCC.

F. FEDERAL AND STATE REQUIREMENTS

All communication towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal or state government with the authority to regulate towers and antennas.

G. BUILDING CODES AND SAFETY STANDARDS

The owner of a tower shall ensure that it is built and maintained in compliance with the latest standards contained in applicable state and local building codes, and the applicable standards for towers that are published by the State of Wisconsin administrative agency with jurisdiction.

H. SETBACKS

All alternative tower structures, communication towers, and antennas shall be set back from all dwellings a minimum of one (1) foot for each foot of overall structure height including antennas. If an application for a conditional use permit is required, this one-to-one (1:1) setback requirement may be increased or decreased on a site-by-site basis by the applicable governing authority at its sole discretion; however, in no case shall the structures, towers, and antennas be closer than five hundred (500) feet from any residential parcel.

I. CONDITIONAL USE PERMITS

Refer to Section 7.01 B Antennas and Communication Towers.

J. REMOVAL OF ABANDONED TOWERS AND ANTENNAS

Any antenna or tower that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such antenna or tower shall remove same within ninety (90) days of receipt of notice from the governing authority notifying the owner of such abandonment. If such antenna or tower is not removed within said ninety (90) days, the governing authority may remove such antenna or tower at the expense of the tower or antenna owner, or at the expense of the property owner in the case where the owner of the tower or antenna is leasing the property upon which the tower or antenna is installed. If there are two (2) or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

7.10 SIGNS

A. SIGN PERMIT REQUIRED

No permanent sign shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a Sign Permit, and without being in conformity with the provisions of this ordinance. The sign shall also meet all the structural requirements of the building code. Applications shall be available in the office of the Town Clerk/Treasurer and permits for applications which conform with this ordinance shall be issued by the Clerk/Treasurer upon payment of the fee set by the Town Board.

B. GENERAL RESTRICTIONS

- (1) **Illumination:** All illuminated signs require a sign permit, whether permanent or temporary. Where a reflecting, radiating or other illuminated sign is allowed:
 - (a) Light shall not be projected toward or onto property located in residential districts or onto public highways.
 - (b) Such illumination shall be indirect and non-flashing, and the source of light shall not be exposed.
- (2) **Additional requirements:** Landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, traffic safety and restriction, or increased yard may be required by the Town Board before issuance of the Sign Permit upon its finding that these are necessary to fulfill the purpose and intent of this ordinance.
- (3) **Condition:** All signs shall be maintained in good condition as determined by the Town Board.
- (4) **Setback:** All signs shall conform to the setback restrictions of the respective zoning districts except as otherwise provided in this ordinance.
- (5) **Political signs:** Pursuant to Section 12.04, Wisconsin Statutes (2001-2002), no part of Section 7.10 SIGNS shall be construed as regulating the size, shape, placement or content of any sign containing a political message, when such sign is placed upon residential property during an election campaign period, except such regulations as may be allowed by applicable sections of the Wisconsin Statutes.

C. RESIDENTIAL AND CONSERVANCY DISTRICTS

Signs are prohibited in the Residential and Conservancy Districts except for the following unlit signs which shall meet a minimum setback of ten (10) feet from the right-of-way and property lines and shall not exceed a height of six (6) feet:

- (1) Signs over windows or doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor.
- (2) Real estate signs not to exceed ten (10) square feet which advertise the sale, rental, or lease of the premises upon which said signs are temporarily located.
- (3) Name, occupation, and warning signs not to exceed eight (8) square feet; and shall be located on the premises.

- (4) Bulletin boards for public, charitable or religious institutions; and shall be located on the premises of said institution.
- (5) Memorial signs, tablets, names of buildings, and dates of erection.
- (6) Official signs, such as traffic control, parking restrictions, information and notices.
- (7) Construction signs, not to exceed ten (10) square feet, carrying the name of the contractors, engineers, and/or architects during the construction period.

D. AG, BUSINESS, RURAL HAMLET, AND INDUSTRIAL DISTRICTS

- (1) Permitted signs in the Agricultural, Business, Rural Hamlet, and Industrial Districts:

- (a) On-site identification signs that reference the property on which located, or product made or sold at that property, if unlit and less than twenty-five (25) square feet; such signs shall meet a minimum setback of ten (10) feet from right-of-way and property lines and shall not exceed a height of six (6) feet.
- (b) Off-site advertising signs are not permitted.

- (2) Permitted signs in the Business and Industrial Districts:

- (a) **Wall signs** placed against the exterior walls of buildings shall not extend more than twelve (12) inches outside of a building's wall surface, shall not exceed one hundred fifty (150) square feet in area for any one building, and shall not exceed twenty (20) feet in height above the building grade.
- (b) **Projecting signs** fastened to, suspended from, or supported by structures shall not exceed sixty (60) square feet for any one premises; shall not extend more than six (6) feet into any required side yard; and shall not be less than ten (10) feet from all side lot lines. In addition, such signs shall not exceed a height of twenty (20) feet above the mean centerline street grade, and shall not be less than ten (10) feet above the sidewalk or fifteen (15) feet above a driveway or an alley. A Conditional Use Permit is required for signs greater than sixty (60) square feet, but in no case shall such signs exceed one hundred (100) square feet. Application shall be made as set forth in Section 7.06 C Application.
- (c) **Ground signs** shall not exceed twenty (20) feet in height above the mean centerline street grade; shall meet all yard requirements for the district in which located; and shall not exceed sixty (60) square feet on one side or one hundred twenty (120) square feet on all sides for any one premises. A Conditional Use Permit is required for signs greater than sixty (60) square feet, but in no case shall such signs exceed one hundred (100) square feet. Application shall be made as set forth in Section 7.06 C Application.
- (d) **Roof signs** shall not exceed the height of the roof; shall meet all the yard and height requirements for the district in which located and shall not exceed one hundred fifty (150) square feet on all sides for any one premises.
- (e) **Window signs** shall be placed only on the inside of buildings.
- (f) **Combinations** of any of the above signs shall meet all requirements for the individual sign.

E. TEMPORARY AND PORTABLE SIGNS

Temporary and portable signs and banners shall not exceed thirty (30) square feet and shall not be lit after 10:00 p.m. They shall be erected no earlier than fourteen (14) days before an event and removed no later than five (5) days after the event, and shall be allowed for one (1) event per calendar year, per property.

F. LOCATION OF SIGNS LIMITED

No sign except those permitted in Section 7.10 C Residential and Conservancy Districts shall be erected within five hundred (500) feet of any Residential District, Conservancy District, park or other desirable natural feature so as to obstruct the visual enjoyment of such feature from any vantage point such as bridges, highways, streets or other pedestrian or vehicular ways.

G. DESIGN AND PLACEMENT

Signs shall not resemble, imitate or approximate the shape, size, form or color of railroad or traffic signs, signals, or devices. Signs shall not obstruct or interfere with the effectiveness of railroad or traffic signs, signals or devices. No sign shall be erected, relocated, or maintained so as to prevent free ingress to or egress from any door, window, or fire escape; and no sign shall be attached to a standpipe or fire escape. No sign shall be placed so as to obstruct or interfere with traffic visibility.

H. EXISTING SIGNS

Signs lawfully existing at the time of the adoption or amendment of this ordinance may be continued although the use, size, or location does not conform with the provisions of this ordinance. However, it shall be deemed a nonconforming use or structure, and the provisions of Section 7.08 NONCONFORMING USES AND PROPERTY shall apply.

7.11 OFF-STREET PARKING AND LOADING

A. GENERAL REQUIREMENTS

No building or other structure shall hereafter be erected, altered, or enlarged, nor shall any use of land be established, unless the minimum off-street parking and loading spaces set out in this section are provided.

- (1) A required off-street parking space shall be at least nine (9) feet in width and at least twenty (20) feet in length exclusive of access drives or aisles, ramps, columns, or work areas, and shall have a vertical clearance of at least nine (9) feet.
- (2) Each required off-street parking space shall open directly upon an aisle, driveway, or alley of such width and design as to provide safe and efficient means of vehicular access to such parking space.
- (3) Off-street parking spaces open to the sky may be located in any yard, except that in Residential Districts no such parking spaces shall be located in a required front yard or a required side yard adjacent to a street. When parking is located in an interior side yard, a five (5) foot green strip of grass and landscaping shall be maintained contiguous to the abutting property.
- (4) Enclosed buildings and carports containing off-street parking shall be subject to the yard requirements applicable in the district in which located.
- (5) No obstructions, such as structures, parking, or vegetation, shall be permitted that interferes with traffic visibility.

B. REQUIRED OFF-STREET PARKING SPACE

Minimum parking space requirements shall be provided in the following amounts:

- (1) **Living quarters:** two (2) for each dwelling unit.
- (2) **Hotel, motel or Bed and Breakfast:** one (1) for each lodging unit.
- (3) **Places of public assembly, auditorium, theater, church:** one (1) for each six (6) seats based on maximum seating capacity; bowling alley: five (5) for each alley; dance hall, skating rink, or private club: one (1) for each one hundred (100) square feet of floor area used for dancing or assembly.
- (4) **Industrial or manufacturing:** one (1) for each employee on the maximum eight-hour shift.
- (5) **Taverns, restaurants, and retail stores:** one (1) for each two hundred (200) square feet of floor space;
- (6) **Offices:** one (1) for each employee.
- (7) **Unspecified:** in case of a use not specifically mentioned in this section, the requirements for off-street parking facilities shall be the same as the previously-mentioned uses which in the opinion of the Town Board shall be deemed most similar.

C. LOADING REQUIREMENTS

In all districts, adequate loading areas shall be provided so that all vehicles loading, maneuvering, or unloading are completely off the public way and need not back onto the public way.

7.12 VARIANCES AND APPEALS

A. FORMATION AND MEMBERSHIP

A Board of Appeals is hereby established under authority of Chapters 60.74(7), 61.35, and 62.23, Wisconsin Statutes (2001-2002). The Board of Appeals shall consist of five (5) residents of the Town of Mosel, appointed by the Chair of the Town Board and subject to confirmation by the Town Board. No Town Board member may serve as a member of the Board of Appeals. Terms of service shall be three (3) years, except that of those first appointed, one (1) member shall serve for one (1) year, two (2) members shall serve for two (2) years, and two (2) members shall serve for three (3) years. The Town Board Chair shall designate one of the members as the Board of Appeals Chair. The Board of Appeals members shall select an acting Chair in the absence of the appointed Chair. Compensation for the members shall be determined by the Town Board. The Board of Appeals may employ a secretary and other employees. Members shall be removed from office by the Town Board Chair only for cause upon written charges and after a public hearing.

B. ALTERNATE MEMBERS

The Town Chair may appoint, for staggered terms of three (3) years, two (2) alternate members of the Board of Appeals in addition to the five (5) members above provided. The alternates shall be residents of the Town of Mosel and shall not be members of the Town Board. Annually, the Town Chair shall designate one of the alternate members as 1st alternate and the other, as 2nd alternate. The 1st alternate shall act, with full power, only when a member of the Board of Appeals refuses to vote because of an actual or perceived conflict of interest or when a member is absent. The 2nd alternate shall act only when the 1st alternate refuses or is absent or when more than one member of the Board of Appeals refuses or is absent.

C. VACANCY

A vacancy shall be filled for the unexpired term of a member or alternate whose office becomes vacant. The Town Board shall submit a list of candidates to the Town Chair, who shall accept or reject the names submitted. If all names are rejected, the Town Board shall submit a new list.

D. RULES AND MEETING PROCEDURE

The Board of Appeals shall adopt rules in accordance with the provisions of this section of the ordinance. Meetings shall be held at the call of the Board of Appeals Chair and at such other times as the Board of Appeals may determine. The Chair or acting Chair may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board of Appeals shall take no action unless at least four (4) members are present.

E. MINUTES

The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each question or indicating a member that is absent or fails to vote. It shall keep records of its examinations and other official actions, all of which shall be immediately filed in the offices of the Board of Appeals and Town Clerk/Treasurer and shall be a public record. The minutes shall include the grounds of every determination by the Board of Appeals. In the case of a variance from the ordinance, the minutes shall affirmatively show that literal enforcement of the provisions of the ordinance will result in practical difficulty or unnecessary hardship, and that a variance will not be contrary to the public interest.

F. FILING NOTICE OF APPEAL

Appeals may be made by any aggrieved person or by any officer, department, or board of the Town affected by any decision of any administrative officer of the Town. The appeal form shall be available in the offices of the Board of Appeals and the Town Clerk/Treasurer; the filing fee shall be determined by the Town Board. Such appeal shall be made within sixty (60) days of the aggrieving action, or as otherwise provided by the rules of the Board of Appeals, by filing a notice of appeal with the administrative officer whose decision is being appealed, with the Board of Appeals, and with the Town Clerk/Treasurer. Such notice shall specify, at a minimum, the grounds for the appeal, the names and addresses of all parties involved, the date and nature of the aggrieving action, and the remedy sought. The administrative officer shall upon receipt of such notice transmit to the Board of Appeals the full record relative to the aggrieving action.

G. STAY OF PROCEEDINGS UPON FILING

An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Appeals that, by reason of facts submitted with the certificate, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed except through a restraining order which may be granted by the Board of Appeals or by a court of record on application, on notice to the officer from whom the appeal is taken, and on due cause shown.

H. HEARING OF THE APPEAL

The Board of Appeals shall schedule a hearing of the appeal or other matter referred to it within sixty (60) days of receiving a completed application; shall give public notice via Class 1 publication; shall notify neighboring property owners and the parties in interest according to the Wisconsin Statutes; and shall decide the same within a reasonable time. Any party may appear at the hearing in person or by agent or attorney.

I. POWERS

Except as specifically provided, no action of the Board of Appeals shall have the effect of permitting in any district uses prohibited in such district. The Board of Appeals shall have all powers pursuant to the Wisconsin Statutes and the Wisconsin Administrative Code, and 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 any administrative officer of the Town in the enforcement of the Town of Mosel Zoning Ordinance or of any ordinance adopted pursuant thereto.
- (2) To hear and decide special exceptions to the terms of the ordinance upon which the Board of Appeals is required to pass under this 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) To permit in appropriate cases, and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of the ordinance, a building or premises to be erected or used for such public utility purposes in any location which is reasonably necessary for public convenience and welfare.

J. ASSUMPTION OF POWERS

Insofar as the Board of Appeals acts in conformity with the provisions of this Ordinance, the Board of Appeals shall have all the powers of the officer from whom the appeal is taken, and may issue or direct the issue of a permit. In exercising its powers, the Board of Appeals may reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as it believes ought to be made.

K. SUPER-MAJORITY VOTE

The concurring vote of four (4) members of the Board of Appeals shall be necessary to reverse or modify any order, requirement, decision or determination of any 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 from the terms of the ordinance. The grounds of every such determination shall be stated in the minutes.

7.13 CHANGES AND AMENDMENTS

A. AUTHORITY

Whenever the public necessity, convenience, general welfare or good zoning practice require, the Town Board may by ordinance change the district boundaries or amend, change, or supplement the regulations established by this ordinance or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the Planning and Zoning Commission.

B. INITIATION OF CHANGE OR AMENDMENT

A change or amendment may be initiated by the Town Board or by a petition filed by one or more of the owners of property within the area proposed to be changed.

C. FILING OF PETITION

Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Town Clerk/Treasurer. Said petition shall describe the premises to be rezoned or the regulations to be amended; list the reasons justifying the petition; specify the proposed use; and include the following:

- (1) Plat plan, drawn to scale, showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within four hundred (400) feet of the area proposed to be rezoned.
- (2) Owners' names and addresses of all properties within the area to be rezoned and within four hundred (400) feet of the area proposed to be rezoned.
- (3) Additional information as required by the Planning and Zoning Commission or Town Board.
- (4) Fee receipt. The filing fee for the petition shall be determined by the Town Board.

D. COMMISSION RECOMMENDATION AND TOWN BOARD ACTION

The Planning and Zoning Commission shall review all proposed zoning changes and amendments within the corporate limits and/or to the Zoning Ordinance. The Commission shall hold a public hearing upon each proposed change or amendment, giving at least ten (10) days prior notice by publication at least one (1) time during the preceding thirty (30) days. The notice shall include the hearing time and location and the change or amendment proposed. The Commission shall submit a written recommendation to the Town Board prior to the Town Board's public hearing.

The Town Board shall hold a public hearing after receiving said recommendation, giving at least ten (10) days prior notice by publication; said publication shall be by Class 2 notice and shall list the time, place and change or amendment proposed. The Town Board shall also give at least ten (10) days prior written notice to the Clerk of any municipality within one thousand (1000) feet of any land to be affected by the proposed change or amendment.

Following said hearing and after careful consideration of the Planning and Zoning Commission's recommendations, the Town Board shall vote to approve, modify or deny the passage of the proposed change or amendment.

E. PROTEST

A protest against a change or amendment must be duly signed and acknowledged by:

- (1) the owners of 20% or more of the area included in the proposed amendment; or
- (2) the owners of 20% or more of the area immediately adjacent to the subject area and extending one hundred (100) feet therefrom; or
- (3) the owners of 20% or more of the area directly opposite the subject area and extending one hundred (100) feet from the street frontage of such opposite land.

The amendment shall not become effective except by the favorable vote of two-thirds of the members of the Town Board voting on the proposed change.

F. FAILURE TO ACT

If an application for a proposed amendment is not acted upon finally by the Town Board within six (6) months of the date upon which the findings and recommendations of the Planning and Zoning Commission are filed with the Board, it shall be deemed to have been denied.

7.14 BONUS LOT PRESERVATION PLAN (BLPP)

A. PURPOSE AND INTENT

The purpose of the Bonus Lot Preservation Plan is to implement the farmland preservation objectives within the Town of Mosel Land Use Planning Program and/or an adopted Comprehensive Plan, as well as the objectives of the Sheboygan County Farmland Preservation Plan. This plan contains an overlay zone that allows the development of lands in specified districts at densities greater than otherwise allowed in order to generate funds from the sale of bonus lots to purchase development rights from willing landowners in the Priority Agricultural Preservation Zone, mapped and made a part of this section by reference, and to encourage a more economical use of land that is suited to residential development by permitting more intensive use of such lands without changing the overall rural character of the Town.

Preservation of Agricultural Lands: Lands eligible for preservation through the purchase of development rights must be within the Priority Agricultural Preservation Zone. The majority of lands in this zone have been determined by analysis to be actively farmed, mostly contiguous, consisting primarily of U.S.D.A. Class I and II soils for prime agricultural use, and not likely to undergo development in the near future.

Economical Use of Land: Higher densities on lands already desirable for development concentrate development in fewer areas of the Town than otherwise might occur. Density ratios are calculated to provide an incentive to developers to choose the overlay option; to generate sufficient funding to purchase development rights on approximately the same amount of land that is being developed; and to not exceed densities that would negatively impact the Town's rural character.

B. FINDINGS

- (1) Past Town of Mosel citizen input surveys and consensus mapping exercises conducted by Sheboygan County UW-Extension have shown the vast majority of residents want to preserve agricultural land and rural character within the Town.
- (2) The Land Evaluation and Site Assessment (LESA) model developed by the Sheboygan County Planning Department identified sizable tracts of prime farmland throughout the Town of Mosel. The 2002 land use survey by the Bay-Lake Regional Planning Commission showed 77% of the land within the Town was used for agriculture.
- (3) The Town has been a participant in the state Farmland Preservation Program since the early 1980s.
- (4) Proactive tools like the Bonus Lot Preservation Plan and Purchase of Development Rights have become increasingly important as development pressures increase due to the presence of Interstate 43 and local amenities such as Lake Michigan and Whistling Straits, as well as the increased availability of new on-site waste disposal systems made possible by COMM 83.
- (5) The permanent acquisition by the Town of voluntarily offered development rights, as provided in this Section, will permit these lands to remain in farmland and provide long-term protection for the public interests which are served by contiguous productive farmlands.

C. DEFINITIONS

For the purpose of this section, the following definitions shall be used.

(1) DENSITY

The number of acres of land per dwelling. This figure is used to calculate the maximum yield of dwellings for a particular property. For example, five-acre density would yield a maximum of eight dwellings on a 40-acre parcel. (Note: Density is not always necessarily equivalent to minimum lot size.)

(2) DEVELOPMENT RIGHTS

An interest in and the right to use and subdivide land for any and all residential, commercial and industrial purposes and activities not incident to agriculture and open space.

(3) LAND PROTECTION AGREEMENT

A voluntary agreement between a private landowner and a municipal agency or qualified not-for-profit corporation to restrict the development, management, or use of a particular property. That agency holds the interest and is empowered to enforce its restrictions against the current landowner and all subsequent owners of the land.

(4) LIKELY TO UNDERGO DEVELOPMENT

Land included in, adjacent to, or within one-half mile of a planned or existing sewer service area or incorporated municipality; land currently zoned for development; land identified in the Town of Mosel Comprehensive Plan as being suitable for future development; or land where an expectation of development has been reasonably established.

(5) LOCAL QUALIFIED LAND TRUST

A non-profit entity that has adopted the “Standards and Practices” of the Land Trust Alliance and has formally identified the Town of Mosel as being within its service area; in this case, Glacial Lakes Conservancy.

(6) OVERLAY ZONE

A zoning district imposed over existing zoning districts and containing provisions that are applicable in addition to those contained in the zoning law.

(7) PDR FUND

A separate account, segregated from the Town of Mosel general fund, containing funds used exclusively for costs directly associated with the scoring of program applications, the purchase of development rights, and the legal defense of land protection agreements within the Town.

(8) PRIORITY AGRICULTURAL PRESERVATION ZONE

A mapped area within the Town of Mosel identified for the preservation of farmland based on relevant factors such as soil types, land use, land values, agricultural contiguity, and limited existing development or development infrastructure.

(9) VALUE OF DEVELOPMENT RIGHTS

The difference between the fair market value of full ownership of the land (excluding the buildings thereon) and the fair market value of the agricultural rights retained by the owner.

D. APPLICATION PROCEDURES AND GENERAL REQUIREMENTS

- (1) Landowners interested in selling their development rights must submit an official Purchase of Development Rights Application, available from the Town Clerk/Treasurer. An application may be submitted at any time; after scoring, applications are ranked and considered for offers as sufficient funds become available.
 - (a) Potential sellers of residential development rights shall provide documentation at the time of submittal of their application indicating ownership of the subject property or the authority to make commitments on the sale of such rights, including a mortgage subordination agreement, if applicable.
 - (b) Incomplete applications, applications containing inaccurate information, or applications involving properties outside the Priority Agricultural Preservation Zone will not be scored. The Town of Mosel Plan Commission, or a local qualified land trust appointed by and acting on behalf of the Commission, shall score applications within 90 days of receipt. After an application is scored, the Plan Commission shall have up to sixty days to notify the applicant of the results.
 - (c) Application scoring criteria are described in the “Purchase of Development Rights Score Sheet”, made a part of this section by reference. Any changes to the criteria shall be implemented pursuant to the amendment procedures for the Town Zoning Ordinance specified in Section 7.13. A minimum score of 110 on the Score Sheet is required for funding consideration. The Plan Commission is responsible for scoring applications; however, the Commission may assign this task to the aforementioned land trust, and if such assignment is made the land trust shall be compensated from the PDR fund for its time and expertise; this compensation shall not exceed \$75 per application.
 - (d) The submission of an application does not bind the Town of Mosel to accept or purchase development rights, regardless of the applicant’s score. The decision whether or not to purchase development rights is solely up to the Town Board, whose decision may be appealed to the Board of Appeals pursuant to Section 7.12 of the Zoning Code.
 - (e) An application is considered a formal offer to sell development rights; however, a landowner may withdraw an offer at any time prior to acceptance of the offer by notifying the Town Clerk/Treasurer in writing.
- (2) Developers who choose to take advantage of the Bonus Lot Preservation Plan’s bonus densities must first submit a Bonus Lot Preservation Plan Agreement to the Town Clerk/Treasurer.
 - (a) Proceeds from the sale of bonus lots awarded in the overlay zone are split evenly between the developer and the local purchase of developments rights (PDR) fund. Once two-thirds of the lots or dwelling units within the development subject to said Plan Agreement have been sold, the developer shall, within 13 months of the closing of the lot or dwelling unit marking the two-thirds ratio, make a payment to the local PDR Fund equal to the mean sale price of the lots sold multiplied by one-half the number of

bonus lots created. If said payment is not made in a timely manner, the developer shall pay an additional \$5,000 to the PDR Fund for each month beyond the 13-month deadline that the payment remains outstanding.

- (b) Density ratios are listed in the tables in Section E and are based on the gross land area of a property. Smaller minimum lot sizes, created to make room for higher densities, are allowed as specified in the overlay zone.
- (3) As a condition of any development rights purchase, a land protection agreement (also known as a conservation easement) that restricts further non-agricultural development in perpetuity shall be placed on the subject property through negotiation between the landowner and a local qualified land trust. Said agreement shall be recorded with the Sheboygan County Register of Deeds prior to the payout of PDR funds.
- (4) An endowment fund fee for the legal defense of the land protection agreement, not to exceed two percent of the development rights payout, shall be transferred from the PDR fund to the land trust that is a party to the agreement.

E. DENSITY CALCULATIONS

- (1) Standard Densities and Minimum Lot Sizes: The standard densities and minimum lot sizes in the Town Zoning Ordinance remain unchanged. Developer utilization of the Bonus Lot Preservation Plan is voluntary. Developers who elect not to participate will remain subject to the lower density for which their land is zoned
- (2) Bonus Lot Preservation Plan Overlay Zone Densities and Minimum Lot Sizes:
 - (a) The overlay densities and lot sizes apply only in the Town's A-2, R-1, R-2, and R-3 districts, and then only when invoked by the developer. Density bonuses are awarded for the purpose of generating funds to preserve approximately the same amount of priority farmland in the Town as is being subdivided. To accomplish this objective, the bonus ratios listed in the tables in this section, which can be periodically amended to reflect significant changes in land and development rights values, are based on typical rural lot prices and development rights costs in the area.
 - (b) The Town Plan Commission shall calculate the number of bonus lots to be awarded based on the gross density of the property proposed to be developed. (Note: Overlay density calculations are always rounded up. For example, 1.3 = 2 lots.) To calculate the number of bonus lots for a 35-acre parcel in R-1 (sewered), first convert to square footage (35 acres multiplied by 43,560 square feet per acre equals 1,524,600). Then divide by the standard density (1,524,600 divided by 20,000 equals 76). Next, divide the total square footage by the overlay density (1,524,600 divided by 18,750 equals 81.31, rounded up to 82). Subtracting 76 from 82 results in 6 bonus lots.
 - (c) Developers always have the option to create fewer lots than the number they are entitled to create. For example, a developer of an 80-acre parcel in A-2 can choose to create a 20-lot subdivision rather than the 22-lot subdivision allowed under the overlay. Rather than the potential six (6) bonus lots, there would be four (4) bonus lots. Note: The number of lots allowed in all districts includes lots developed as non-residential uses.

- (d) Allowable Overlay Densities
- (i) A-2 General Agricultural District:
Standard density and minimum lot size: 5 acres;
Overlay density: 3.8 acres; minimum lot size: 3.0 acres
 - (ii) R-1 Single-Family Residential District (unsewered).
Standard density and minimum lot size: 60,000 sq. ft.
Overlay density: 54,500 sq. ft.; minimum lot size: 50,000 sq. ft.
 - (iii) R-1 Single-Family Residential District (sewered).
Standard density and minimum lot size: 20,000 sq. ft.
Overlay density: 18,750 sq. ft.; minimum lot size: 18,000 sq. ft.
 - (iv) R-2 Two-Family Residential District (unsewered)
Standard density and minimum lot size: 60,000 sq. ft.
Overlay density: 57,000 sq. ft.; minimum lot size: 52,000 sq. ft.
 - (v) R-2 Two-Family Residential District (sewered)
Standard density and minimum lot size: 20,000 sq. ft.
Overlay density: 19,100 sq. ft.; minimum lot size: 18,000 sq. ft.
 - (vi) R-3 Multi-Family Residential District (unsewered)
Standard density and minimum lot size: 65,000 sq. ft. for three-family,
70,000 for four-family
Overlay density: 62,250 sq. ft. for three-family; 67,250 for four-family
Overlay minimum lot size: 56,500 sq. ft. for three-family;
61,000 for four-family
 - (vii) R-3 Multi-Family Residential District (sewered)
Standard density and minimum lot size: 20,000 sq. ft.
Overlay density: 19,100 sq. ft.; minimum lot size: 18,000 sq. ft.

Although the use in the R-2 or R-3 district may consist entirely of one dwelling type, the standard zoning allows a combination of single-, two-, three- or four-family dwelling types depending on the district. Therefore to determine the number of total bonus lots, it may be necessary to perform separate calculations for each dwelling type proposed to be part of the development. For example, if an unsewered 80-acre parcel contains 40 acres of single-family and 40 acres of two-family, the number of bonus lots for each type would be calculated separately, then totaled.

(e) Sample Development Scenarios

Zoning	Size of Parent Property to be Divided	Lots (Units) Allowed: Standard Zoning	Lots (Units) Allowed: BLPP Overlay Zoning	Total Number of Bonus Lots
A-2	40 acres	8	11	3
A-2	80 acres	16	22	6
R-1	20 ac. (871200 sq ft)	14	16	2
R-1	60 ac. (2613600 sq ft)	43	48	5
R-1 (sewer)	20 ac. (871200 sq ft)	43	47	4
R-1 (sewer)	60 ac. (2613600 sq ft)	130	140	10
R-2	20 ac. (871200 sq ft)	14 (28)	16 (32)	2
R-2	80 ac. (3484800 sq ft)	58 (116)	62 (124)	4
R-2 (sewer)	20 ac. (871200 sq ft)	43 (86)	46 (92)	3
R-2 (sewer)	80 ac. (3484800 sq ft)	174 (348)	183 (366)	9
R-3 (3-family)	40 ac. (1742400 sq ft)	26 (78)	28 (84)	2
R-3 (3-family)	80 ac. (3484800 sq ft)	53 (159)	56 (168)	3
R-3 (4-family)	40 ac. (1742400 sq ft)	24 (96)	26 (104)	2
R-3 (4-family)	80 ac. (3484800 sq ft)	49 (196)	52 (208)	3
R-3 (sewer)	40 ac. (1742400 sq ft)	87 (261-348)	92 (276-368)	5
R-3 (sewer)	80 ac. (3484800 sq ft)	174 (522-696)	183 (549-732)	9

F. APPRAISAL

The Town of Mosel does not require an appraisal under this program, since the Town has established a fee that it will pay for development rights as listed in Section 11.04 of the Mosel Municipal Code. An applicant interested in claiming a charitable deduction for the difference between the Town’s PDR payment and the appraised value of his or her full development rights should consult a tax advisor and a certified real estate appraiser.

G. PURCHASE OF DEVELOPMENT RIGHTS (PDR) FUND

- (1) The revenues from bonus lots shall be deposited in a PDR Fund to be hereafter created by the Treasurer of the Town of Mosel as a separate account, segregated from the Town’s general funds. Money in this PDR Fund may be temporarily deposited in such institutions or invested in such obligations as may be lawful for the investment of Town money.
- (2) The revenues from the bonus lots and any interest received from the deposit or investment of such revenues shall be applied and used solely for the purposes set forth in this Section.
- (3) In the event of the discontinuance of this Section, any funds remaining in the PDR Fund shall be donated to the local qualified land trust to be used for conservation projects on lands within the Town of Mosel; if said land trust no longer exists, the funds shall be deposited to the Town of Mosel general fund to be used as the Town deems appropriate.

H. DURATION OF ACQUIRED DEVELOPMENT RIGHTS

Development Rights acquired pursuant to this Section shall be mutually held by a local qualified land trust and the Town of Mosel for the benefit of its citizens in perpetuity, subject to the following: If the original or subsequent landowner finds that the property can no longer be appropriately used for agriculture, the landowner may petition the Town Plan Commission to repeal the land protection agreement. The landowner shall present evidence in support of his/her contention; such evidence shall be based on characteristics of the property or its surroundings and shall not be related to the landowner's individual circumstances. The Plan Commission may consult with an independent specialist to help it determine whether the property in question can no longer be used for agricultural use. An affirmative vote by no less than five members of the Plan Commission shall be required to forward a recommendation to repeal the agreement to the board of directors of the local qualified land trust for review. Following such recommendation, an affirmative vote of no less than a two-thirds majority of the board of directors of said land trust shall be required to forward a recommendation to repeal the agreement to the Mosel Town Board. The Town Board must then approve the recommendation to repeal the agreement by a majority vote.

Should the Town Board approve the repealing of the agreement, the repeal would be effective when the Town receives payment from the landowner for the buy-back of the development rights for the property in an amount equal to the original PDR payment plus interest calculated at six percent (6%) plus the Prime interest rate (as reported in the Wall Street Journal on the date petition for repeal is made) for each year since the original payment. For example, the original PDR payment was \$100,000 and the repeal is approved 30 years later. The prime interest rate is 5%. The amount to buyback the development rights would be $(\$100,000 + (\$100,000 \times 11\% \times 30 \text{ yrs}) = \$430,000)$. An additional penalty equal to 10 percent of the calculated buyback payment will be due if a landowner wishes to buy back development rights within 25 years of the original PDR payment. This payment shall be deposited in the PDR Fund; if said Fund no longer exists, the payment shall be made to the local qualified land trust to be used for conservation projects within the Town of Mosel; if said land trust no longer exists, the payment shall be made to the Town of Mosel to be used as the Town deems appropriate.

I. DISCONTINUANCE OF BONUS LOT PRESERVATION PLAN

Rescinding this Section requires a two-thirds vote of the Town of Mosel Board.

CHAPTER 8 : BUILDING REGULATIONS

8.01 PURPOSE

The purpose and intent of this ordinance is to:

- A. Exercise Town jurisdiction over the construction and inspection of new one-family and two-family dwellings and manufactured buildings;
- B. Provide plan review and on-site inspections of one-family and two-family dwellings by inspectors certified by the Wisconsin Department of Safety and Professional Services (hereafter Department);
- C. Establish and collect fees to defray administrative and enforcement costs;
- D. Establish remedies and penalties for violations;
- E. Establish use of the Wisconsin Uniform Dwelling Code as prescribed by the Department to establish uniform construction standards and inspection procedures for one-family and two-family dwellings and manufactured buildings;
- F. Ensure compliance with applicable Town Zoning Ordinances; and
- G. Establish procedures for notifying the Town Assessor of all new building **construction**, maintenance, remodeling, and alterations to improvements on property within the Town.

8.02 STATE UNIFORM DWELLING CODE ADOPTED

- A. The provisions describing and defining regulations with respect to one-family and two-family dwellings, including manufactured dwellings, set forth in Wisconsin Administrative Code, Chapters SPS 320-325 and all amendments, revisions, or modifications thereto (hereafter Code), are hereby adopted and by reference made a part of this ordinance as if fully set forth herein, to secure uniform statewide regulation of one-family and two-family dwellings.
- B. The effective date of Chapter SPS 322 is December 1, 1978, and the effective date of Chapters SPS 321, 323, 324 and 325 is June 1, 1980, with most recent revisions, excluding Chapter renumbering, effective April 1, 2009.
- C. A copy of the Code provisions shall be kept on file in the office of the Clerk-Treasurer.

8.03 ENFORCEMENT

The administration and enforcement of this ordinance shall be vested with the Building Inspector (see Mosel Municipal Code, Section 2.06), the Clerk-Treasurer, the Town Constable, and the Town Board, as applicable.

8.04 DEFINITIONS

A. Building: Any structure erected or constructed of wood, metal, stone, plastic or other materials, having a roof supported by columns or walls, which is intended to be used by human beings or animals for occupancy, livery, commerce, education, storage, or other purposes.

B. Structure: Any man-made combination of materials, other than natural terrain or plant growth, erected or constructed with form, shape and/or utility, including but not limited to, buildings, shelters, containers, driveways, supports or decorations.

C. Structure, Permanent: A structure placed on or attached to the ground or attached to another structure in a fixed and determined position, and intended to remain in place for a period of more than six months.

D. Structure, Temporary: Any structure not meeting the definition of permanent structure above.

E. Dwelling: See Subsections 7.02 B (17)-(20).

8.05 PERMIT APPLICATION AND ISSUANCE

Building or administrative permits are required for new buildings, for additions, alterations or repairs, and for plumbing, electrical, heating, and ventilation work, subject to the following:

A. Other Permits Obtained. It is the responsibility of the permit applicant to obtain all other necessary permits required by any federal, state, or county agencies prior to applying for a Town building or administrative permit. The issuance of any permit may be subject to verification from the Sheboygan County Planning and Resources Department for compliance with applicable sanitary regulations, at the request of the Clerk-Treasurer or Building Inspector.

B. Building Permits Required. Applications for building permits shall be made by the owner, or the owner's agent, in writing upon that form, designated as the Wisconsin Uniform Dwelling Permit Application, furnished by the Department. The Building Inspector may require up to seven (7) business days to review the application before the permit is issued. The following may not be built, enlarged, or altered, unless a building permit is obtained from the Building Inspector:

(1) New One- or Two-Family Dwellings. One- or two-family dwellings, when initial construction shall be commenced after the effective date of this ordinance.

- (2) Structural Alterations and Additions to Existing Dwellings. Structural additions or alterations, or repairs to an existing one- or two-family dwelling with an initial construction date of June 1, 1980, or after.
- (a) Structural alterations or additions include:
 - (i) Building additions that include foundation work.
 - (ii) Building additions that include structural changes.
 - (iii) Plumbing where the drain, waste, and vent piping system is altered.
 - (iv) Electrical work where a new service or service upgrade is performed.
 - (v) HVAC only when building inspections are otherwise required.
 - (b) Structural alterations and additions do not include:
 - (i) Structural repair or replacement that does not include foundation work or structural changes.
 - (ii) Cosmetic changes such as paint, flooring, trim and cabinets.
 - (iii) Roofing, siding, or insulating that is not part of a project that includes foundation or structural changes.
 - (iv) Plumbing repair or replacement that does not change the drain, waste, and vent piping system.
 - (v) Electrical work that does not require a new service or service upgrade.
 - (vi) HVAC add on/replacement/repair that is not part of a project that requires other building inspection.

C. Administrative Permits Required. To ensure compliance with Town Zoning Ordinances, and to provide notice to the Town Assessor of improvements and changes to improvements on property in the Town, administrative permits will be required. Provisions of the Code do not apply to projects for which administrative permits are required. Application shall be made by the owner, or the owner's agent, in writing upon the form furnished by the Town. The Clerk-Treasurer may require up to two (2) business days to review the application before the permit is issued. Administrative permits shall be obtained from the Clerk-Treasurer prior to any new construction, additions, alterations, or repairs to the following:

- (1) Existing Dwellings. Existing one- or two-family dwellings with an initial construction date prior to June 1, 1980, or non-structural repair or alteration, as determined by the Building Inspector, of one- or two-family dwellings with an initial construction date of June 1, 1980, or after.
- (2) Non-Dwelling Structures. Any non-dwelling structures, including commercial, agricultural, and accessory use structures.
- (3) Demolition and Razing. Any structure or portion of a structure which shall be demolished and permanently removed.

D. Permits Not Required.

- (1) Minor Repairs or Maintenance. Administrative permits are not required for minor repairs or maintenance valued at less than \$1,000. Value shall be either (1) the actual costs incurred when work is performed by a hired contractor, or (2)

the actual costs of materials plus 50% of that cost when work is performed with minimal or no compensation for labor.

- (2) Temporary Structures. Building and administrative permits are not required for any temporary structure, as defined in this ordinance.

E. Submission of Plans. The applicant shall provide two (2) sets of complete plans, as required by the Code, for all applications submitted under Subsection 8.04 A of this ordinance. Applications for new buildings and additions that will change the footprint of an existing buildings submitted under Subsection 8.04 B must include a plan, drawn to scale, of the location of the building in relation to all other buildings, property lines, and significant features, including but not limited to the location of septic systems, wells and utilities. No action will be taken on an application until the required plans are submitted.

F. Issuance of Permits.

- (1) If the Building Inspector finds that the proposed building, alteration, or addition complies with all Town zoning ordinances and the Code, the Building Inspector will approve the application and a building permit will be subsequently issued to the applicant. The Building Inspector will forward a copy of all applications for new dwelling construction to the Department within 30 days after permit issuance.
- (2) In the case of administrative permits, if the Clerk-Treasurer finds that the proposed building, alteration, addition, or repair complies with Town zoning ordinances, and any other applicable regulations, an administrative permit will be issued.
- (3) The issued building or administrative permit shall be posted in a conspicuous place at the construction site.
- (4) Permits are issued on the condition that the owner and/or owner's agent shall conform to the requirements of all applicable codes, zoning ordinances and setback requirements. By accepting a permit, the owner and/or owner's agent grants the Building Inspector or Town the right of access to the real estate on which the permitted construction or demolition will occur for inspection purposes.
- (5) A copy of any issued building permit shall be kept on file with the Building Inspector, and a copy of all issued permits, building and administrative, shall be kept on file with the Clerk-Treasurer and provided to the Town Assessor.

G. Permit Expiration. Building permits issued under this ordinance shall lapse and become void if the work has not been completed within two (2) years after the date of issuance of the permit. Administrative permits issued under this ordinance shall lapse and become void if the work has not been completed within one (1) year after the date of issuance of the permit. Any permit may be renewed for an additional six months, upon payment of the current administrative fee and submission of a description of the work yet to be completed. Any additional time extension shall be treated as a new application and all applicable fees due under this ordinance shall be paid.

H. Decision of Building Inspector Binding. When deciding if a building permit is required, or which type of permit (building or administrative) is needed, the decision of

the Building Inspector is final, subject to the appeal rights in Subsection 8.07 Appeal to Board of Appeals.

8.06 FEES FOR PERMITS AND INSPECTIONS

A schedule of charges for building permits, administrative permits, and inspections, as established in Subsection 11.05 of the Mosel Municipal Code, is maintained by the Clerk-Treasurer and the Building Inspector. Copies will be made available from said officials upon request. The Town Board may, by resolution, revise the schedule of charges from time to time.

8.07 APPEAL TO BOARD OF APPEALS

Any person feeling aggrieved by an order or determination of the Building Inspector or Clerk-Treasurer may appeal from such order or determination to the Board of Appeals. Those procedures customarily used to effectuate an appeal to the Board of Appeals shall apply.

8.08 LIABILITY FOR DAMAGES

This ordinance shall not be construed as an assumption of liability by the Town for damages because of injuries sustained or property damaged or destroyed by any defect in any dwelling or associated equipment.

8.09 CONTRACTOR FINANCIAL RESPONSIBILITY CERTIFICATION

- A.** No person may obtain a building permit unless that person annually obtains, from the Department, a certificate of financial responsibility showing that the person is in compliance with § 101.654, Wisconsin Statutes.
- B.** Paragraph A of this subsection does not apply to an owner of a dwelling who resides or will reside in the dwelling and who applies for a building permit to perform work on that dwelling.
- C.** The Building Inspector will provide an owner applying for a building permit with a statement advising the owner that if the owner hires a contractor to perform work under the building permit and the contractor is not bonded or insured as required under § 101.654, Wisconsin Statutes, the following may occur:
- (1)** The owner may be held liable for any bodily injury to or death of others or for any damage to the property of others that arises out of the work performed under the building permit or that is caused by any negligence by the contractor that occurs in connection with the work performed under the building permit.
 - (2)** The owner may not be able to collect from the contractor damages for any loss sustained by the owner because of a violation by the contractor of the one-and two-family dwelling code or this ordinance because of any bodily injury to or death of others or damage to the property of others that arises out of the work

performed under the building permit or because of any bodily injury to or death of others or damage to the property of others that is caused by any negligence by the contractor that occurs in connection with the work performed under the building permit.

8.10 VIOLATIONS AND PENALTIES

A. If any construction or work governed by the provisions of this ordinance or the Code is commenced prior to the issuance of a permit, a late fee, as established in Section 11.05 of the Mosel Municipal Code, will be charged. The late fee does not apply to permits for demolition and razing, and shall be waived in the case of emergency installation of replacement plumbing, heating or electrical equipment, provided that the required permits are obtained within ten (10) business days of the installation.

B. No person shall erect, use, occupy, or maintain any one- or two-family dwelling in violation of any provision of this ordinance or the Code or cause to permit any such violation to be committed. Any person violating any of the provisions of the ordinance shall, upon conviction, be subject to a forfeiture of not less than \$50 nor more than \$200, together with the costs of prosecution and, if in default of payment thereof, shall be imprisoned for a period of not less than one (1) day or more than six (6) months or until such forfeiture and costs are paid.

C. If an inspection reveals a non-compliance with this ordinance or the Code, the Building Inspector will notify the applicant and the owner, in writing, of the violation(s) to be corrected. All cited violations shall be corrected within thirty (30) days after written notification unless an extension of time is granted pursuant to Chapter SPS 320.10 (1) (c) Wisconsin Administrative Code.

D. If, after written notification, the violation is not corrected within thirty (30) days, a stop-work order may be served on the owner or his or her representative and a copy thereof shall be posted at the construction site. Such stop-work order shall not be removed except by written notice of the Building Inspector after satisfactory evidence has been supplied that the cited violation has been corrected.

E. Each day each violation continues after the thirty (30) day written notice period has expired shall constitute a separate offense. Nothing in this ordinance shall preclude the Town from initiating any appropriate action to prevent or remove a violation of any provision of this ordinance or the Code.

CHAPTER 9: PUBLIC PARKS AND PROPERTY

9.01 TOWN OF MOSEL TRANSFER STATION

A. TOWN RESIDENTS ONLY

The use of the Town of Mosel Transfer Station (Transfer Station) shall be limited to the disposal of refuse produced, accumulated, and collected within the limits of the Town of Mosel (Town). Dumping of construction, reconstruction, destruction, or razing waste, rubble or debris from any structure is prohibited.

B. NON-RESIDENT DUMPING PROHIBITED

Only residents of the Town are permitted to use the Transfer Station for the purpose of dumping refuse.

C. HOURS OF USE

The Transfer Station shall be open on the first and third Saturdays (except official holidays) of each month or on such other days and hours as the Town Board may hereinafter establish. Specific hours of operation will be posted on the Town's website and at the Transfer Station.

D. LOCATION OF TOWN TRANSFER STATION

The Transfer Station is located on Rowe Road, immediately east of the railroad tracks, on the north side of the road, in Section 21.

E. TRESPASSING PROHIBITED

No person without the consent of the Town shall enter the Transfer Station premises during hours in which the Transfer Station is not in operation.

F. OPERATING REGULATIONS

The Town Board may make such further regulations as it deems necessary to carry out the orderly use of the Transfer Station, which rules and regulations shall be consistent with the provisions of this ordinance; and any violation of such regulation shall be deemed a violation of this ordinance.

G. DISPOSAL LIMITED

Any items which are prohibited from disposal by regulations of the State of Wisconsin shall not be accepted or disposed of in the Transfer Station (see Chapter 5 subsection 5.11). In addition, the Town may, at its discretion, prohibit the disposal of any other items it deems unacceptable. A list of these prohibited items shall be posted on the Town's website and posted at the Transfer Station.

H. REMOVAL OF ITEMS

Removal of items from the dumpsters at the Transfer Station is prohibited.

I. BUSINESSES

All businesses that operate in the Town of Mosel are required to have their own removal of commercial waste.

J. PENALTY

The penalty for violation of this section shall be a penalty as provided for in Subsection 11.04 A of this code.

TOWN OF MOSEL
SHEBOYGAN COUNTY, WISCONSIN

**CHAPTER TEN OF THE
MOSEL MUNICIPAL CODE**

LAND DIVISION ORDINANCE

Revised April 20, 2016,
BY OFFICIAL ACT OF THE TOWN BOARD OF MOSEL
Dirk, Zylman, Chair
David Wagner, Supervisor
Aaron Anger, Supervisor

CHAPTER 10 : LAND DIVISION

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TOWN OF MOSEL
SHEBOYGAN COUNTY, WISCONSIN

**CHAPTER TEN OF THE
MOSEL MUNICIPAL CODE**

LAND DIVISION ORDINANCE

Revised April 20, 2016,
BY OFFICIAL ACT OF THE TOWN BOARD OF MOSEL
Dirk, Zylman, Chair
David Wagner, Supervisor
Aaron Anger, Supervisor

CHAPTER 10 : LAND DIVISION

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CHAPTER 11: GENERAL PROVISIONS

11.01 RULES OF CONSTRUCTION AND DEFINITIONS

In the construction of this code of general ordinances, the following rules and definitions will be observed unless such construction would be inconsistent with the intent of the ordinance or the ordinance itself sets forth its own definition.

A. GENDER; SINGULAR AND PLURAL: Every word in this code and in any ordinance importing the masculine gender may extend and be applied to females as well as males, and every word importing the singular number only may extend and be applied to several persons or things as well as to one person or thing; provided that these rules of construction will not be applied to any provisions which will contain any express language excluding such construction or when the subject matter or context of such provisions may be repugnant thereto.

B. PERSON: The word “person” extends and applies to natural person, firms, corporations, associations, partnerships or other bodies politic and all entities of any kind capable to being sued unless plainly inapplicable.

C. ACTS BY AGENTS: When a provision requires an act to be done which may by law as well be done by an agent as by the principal, such requisition will be construed to include all such acts when done by an authorized agent.

D. TIME: The time within which an act is to be done, or proceeding, had, or taken will be computed by excluding the first day and including the last; and when such time is expressed in hours, the whole of Sunday and of any legal holiday, from midnight to midnight, will be excluded. If the last day within which an act is to be done, or proceeding, had, or taken falls on a Sunday or legal holiday, the act may be done or the proceeding had or taken on the next secular day.

E. LICENSE, PERMITS: The term “license” used in this code will also mean permit where applicable.

F. HEALTH OFFICER: “Health Officer” will mean the County Health Officer.

G. TOWN: “Town” will mean the Town of Mosel.

H. PLAN COMMISSION: “Plan Commission” will mean the Town of Mosel Town Planning and Zoning Commission.

11.02 CONFLICT AND SEPARABILITY

A. CONFLICT OF PROVISIONS: If the provisions of the different chapters of this code conflict with or contravene each other, the provisions of each chapter will prevail as to all matters and questions arising out of the subject matter of such chapter.

B. SEPARABILITY OF CODE PROVISIONS: If any section, subsection, sentence, clause or phrase of this code or any ordinance of the Town is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision will not affect the validity of any other section, subsection, sentence, clause, phrase or portion thereof. The Town Chairman and Town Board of the Town hereby declare that they would have passed this code and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions thereof may be declared invalid or unconstitutional.

11.03 CLERK TO FILE DOCUMENTS INCORPORATED BY REFERENCE

Whenever in this code any standard, code, rule, regulation or other written or printed matter, other than the Wisconsin Statutes or other sections of this code, are adopted by reference, they will be deemed incorporated in this code as if fully set forth herein and the Town Clerk-Treasurer is hereby directed and required to file, deposit and keep in his office a copy of the code, standard, rule, regulation or other written or printed matter as adopted. Materials so filed, deposited and kept will be public records open for examination with proper care by any person, subject to such orders or regulations which the Town Clerk-Treasurer may prescribe for their preservation.

11.04 PENALTY PROVISIONS

A. GENERAL PENALTY: Whenever so provided in this code, any person who will violate any of the provisions of this code will upon conviction of such violation, by subject to a penalty, which will be as follows:

- (1) First Offense – Penalty.** Any person found guilty of violating any ordinance or part of any ordinance of this code referring to this section, upon conviction thereof, will forfeit not less than \$10.00 nor more than \$100.00 together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution will be imprisoned in the County Jail until said forfeiture and costs are paid, but not exceeding 90 days.
- (2) Second Offense – Penalty.** Any person found guilty of violating any ordinance or part of any ordinance of this code referring to this section who will previously have been convicted of a violation of the same ordinance will upon conviction thereof, forfeit not less than \$10.00 nor more than \$200.00 for each such offense, together with the costs of prosecution and in default of payment of such forfeiture and costs will be imprisoned in the County Jail until said forfeiture and costs of prosecution are paid, but not to exceed six (6) months.

B. TRAFFIC FORFEITURES: Any forfeiture for violation of the State Statutes adopted by reference in Section 5.07 of this ordinance will conform to the forfeiture permitted to be imposed by violation of such statutes as set forth in the Uniform Deposit and Misdemeanor and Bail Schedule of the Wisconsin Judicial Conference, including any variations or increases for subsequent offenses, which schedule is adopted by reference.

11.05 FEES AND CHARGES

For permits, licenses and municipal services issued or provided by the Town it shall receive the fees indicated on the Town of Mosel Schedule of Fees, as updated and amended from time to time by the Town Board.

TOWN OF MOSEL SCHEDULE OF FEES	
License/Service	Fee
Alcohol Beverage & Tobacco Products Licensing	
Class "A" Retail Fermented Malt Beverage	\$50
"Class A" Retail Intoxicating Liquor	\$300
Class "B" Malt Beverage (Beer) Retail	\$100
"Class B" Retail Intoxicating Liquor	\$300
"Class B" Retail Intoxicating Liquor, Reserve – Initial Issuance Fee	\$10,000
"Class C" Retail Wine	\$100
Provisional Retail, per class	\$15
Temporary Retail Class "B" Fermented Malt Beverage	\$10
Temporary Retail "Class B" Wine (no charge if applying for Temporary Class "B" Fermented Malt Beverage at the same time)	\$10
Tobacco License	\$15
Operator's License	\$20
Provisional Operator's License	\$15
Temporary Operator's License	\$5
Background Checks	Actual Cost
Wholesaler's License for Fermented Malt Beverage	\$25

Construction, Moving, and Razing Permits	
<u>Administrative Building Permit</u> : administrative fee + fee based on value	
a) Administrative Fee, per permit	\$10
b) Cost per \$1,000 of project cost or fraction thereof as determined by Mosel Municipal Code, Subsection 8.05 D (1) and (2) not to exceed \$1,010 per permit	\$2
<u>Building Inspections</u>	\$35/inspection
<u>Renewals</u>	
Permit void after one (1) year of date of issuance	
Six-month extension (includes description of work yet to be completed)	\$10
<u>Building Permits:</u>	
New Home and Structural Alterations and Additions to Existing One and Two-Family Dwellings	
a) Administrative Fee, per permit	\$10
b) Plan Review	\$150
c) Cost per \$1,000 of project cost or fraction thereof as determined by Mosel Municipal Code, Subsection 8.05 D (1) and (2)	\$2
d) Sixteen (16) Inspections (included in initial permit)	\$560
(i) Additional inspections (if required)	\$35/inspection
e) DSPS State Seal	\$35
f) Road Escrow	\$2,500
g) Electrical Service	\$35
h) Electrical Upgrade	\$35
i) Heating, Ventilation, and Air Conditioning	\$35
j) Plumbing	\$35
<u>Renewals</u>	
Permit void after two (2) years of date of issuance	
Six-month extension (includes description of work yet to be completed)	\$10
<u>Permit for Moving a Building Over a Public Way</u>	
a) Principal Building	\$25
b) Accessory Building	\$10
c) Proof of Insurance, required amount	\$100,000
<u>Late Permit Fees</u>	
a) Work begun prior to obtaining permit (reported by owner/owner's agent)	\$25 plus permit fees
b) Work begun prior to obtaining permit (not reported by owner/owner's agent)	\$25 plus double permit fees
<u>Razing Permits</u>	
Removal, without replacement, of any structure or portion of structure; late fees do not apply.	\$10

Dog Licensing (effective January 2019)	
a) Spayed/Neutered	\$8
b) Un-spayed, Un-neutered	\$15
c) Multiple (one per person)	\$60
d) Additional Multiple Tags	\$5
e) Late Fee	\$35
Chickens (allowed in the R-1 <i>Single Family Residential District</i>) Expires annually on December 31 st	\$10
Land Use, Zoning, and Variances Applications & Permits	
<u>Land Use and Variances</u>	
a) Board of Appeals Application (includes variances)	\$300
b) Conditional Use Permit Application, or Substantial Revision to Existing Permit as determined by Board	\$200
c) Special Land Use Permit Application, or Substantial Revision to Existing Permit as determined by Board	\$200
<u>Amendments</u>	
a) Rezoning Petition	\$350
b) Zoning Ordinance Text Change Petition	\$350
c) Comprehensive Plan Amendment Petition	\$350
<u>Land Development Fees</u>	
a) Preliminary Consultant/Concept Plan Review	\$150
b) Certified Survey Map	\$25
c) Preliminary Plat Review	\$250
d) Final Plat Review (per phase, if phases are submitted separately)	\$50 + \$10/lot
e) Driveway/Culvert Permit Application	\$35
f) Driveway/Culvert Permit Renewal	\$10
<u>Purchase of Development Rights</u> Code Sec. 7.15-BLPP (purchase amount per acre)	\$2,000
<u>Mobile Home Parks</u>	
a) Permit application fee or renewal of Permit; cost for each space or fraction thereof	\$250
b) Transfer of license	\$10
<u>Sign Permits</u> For signs in B-1 (<i>Business District</i>) and I-1 (<i>Industrial District</i>) districts only, all other districts where allowed – no charge.	
	\$10
<u>Trailer Camp License</u>	
a) Each Space	\$25
b) Minimum fee	\$25
c) Transfer of license	\$100
d) Monthly fee for each trailer	\$10
	Set by assessor

Public Records Fees	
a) Faxing (sending or receiving)	\$0.25/page
b) Photocopies (1-3 copies, no charge; 4 or more, charged)	\$0.25/page
c) Record location and research (charge only if total cost will exceed 2 hours or \$40)	\$20/hour
d) Subscription to Town Board agendas & minutes (mail or fax copies)	\$25/year \$1.50/meeting
e) Subscription to Planning & Zoning Commission agendas & minutes (mail or fax copies)	\$25/year \$1.50/meeting
Miscellaneous Permits and Fees	
a) Broadband Forward! Community application/permit fee	\$50
b) Fireworks	\$25
c) Junk and junked vehicle dealer permit	\$200/year
d) NSF Check	\$25
e) Replace lost or destroyed license or permit, or dog tag	\$10
f) Request to Call a Special Meeting of the Town Board or Planning & Zoning Commission (for any purpose)	\$300
g) Special Assessment Letters	\$35
h) Transient Merchant Fees	
i) Registration Fee	\$20
ii) Background Check	Actual Cost
Immanuel Lutheran Cemetery – County Road DL	
a) Marking Fee	\$40
b) Single Grave	\$300
c) Two (2) Graves	\$500
d) Three (3) Graves	\$750
e) Four (4) Graves	\$1,000
f) Five (5) Graves	\$1,250
g) Six (6) Graves	\$1,500
h) Seven (7) Graves	\$1,750
i) Eight (8) Graves	\$2,000
Harms Cemetery – State Highway 42	
Cannot Purchase Grave Sites	

11.06 REPEAL OF GENERAL ORDINANCES

All ordinances heretofore adopted by the Town of Mosel similar to or in conflict herewith are hereby appealed.

11.07 EFFECT OF REPEALS

The repeal or amendment of any section or provisions of this code or of any other ordinances or resolution of the Town Board will not:

- A.** By implication be deemed to revive any ordinance not in force or existing at the time at which such repeal or amendment takes effect.
- B.** Affect any vested right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed or amended, unless the privilege of repealing such obligation or privilege has been reserved by the Town.
- C.** Affect any offense committed or penalty or forfeiture incurred, previous to the time when any ordinance will be repealed or amended, except that when any forfeitures or penalty will have been mitigated by the provisions of any ordinance, such provisions will apply to and control any judgment to be pronounced after such ordinance takes effect for any offense committed before that time.
- D.** Affect any prosecution for any offense, or the levy of any penalty or forfeiture pending at the time when any ordinance aforesaid will be repealed or amended, but the right of action will continue and the offender shall be subject to the penalty as provided in such ordinances, and such prosecution will proceed, in all respects, as if such ordinance or ordinances had not been repealed, except that all such proceedings had after the time this code will take effect, will be conducted according to the provisions of this code, and will be, in all respects, subject to the provisions of this code.

11.08 EFFECTIVE DATE - CITATION

These ordinances will be known as the “Municipal Code of the Town of Mosel” and will take effect from and after passage and publication. All references thereto will be cited by section number. Publication April 8, 1983.

CHAPTER 12: TOWN CEMETERY

12.01 PURPOSE

This chapter is enacted in order to provide for the administration, maintenance, and perpetual care of Town cemeteries, and to protect them from injury, damage, or desecration.

12.02 MANAGEMENT

The Town Board has supervision of the cemeteries and will be responsible for their proper management. The Town Board may adopt additional rules and regulations relating to the cemetery as it deems proper, and when approved by the Town Board, such rules shall be deemed part of this chapter.

12.03 MAINTENANCE

The Town shall provide all maintenance for those grave sites existing in Harms Cemetery located on State Highway 42 and Immanuel Lutheran Cemetery located on County Highway DL, and any other cemetery maintained and administered by the Town after the adoption of this ordinance. A sum sufficient to adequately provide for maintenance expenses shall hereafter be appropriated by the Town in its annual budget.

12.04 CEMETERY REGULATIONS

- A. Motor vehicles are restricted to the roads, drives, and parking areas adjacent to the cemetery. Except for authorized maintenance vehicles, no person shall operate a motorized vehicle on the cemetery property.
- B. No person shall be present upon cemetery property when the cemetery is not open to the public. Cemetery property shall be officially open to the public between dawn and dusk on a daily basis.
- C. No person shall consume or have in his/her possession any alcohol beverages while on-cemetery property.
- D. No person shall loiter or cause a nuisance on cemetery property.
- E. No person shall litter, dump, or deposit any rubbish, refuse, earth, or other material in the cemetery without the Town's consent.
- F. Monuments, grave markers, and flowers, wreaths, or related plant-type memorials are the only objects which may be placed on grave sites in the cemetery. No other objects or items may be placed in the cemetery without specific approval from the Town Board.
- G. Memorials and decorations placed on cemetery lots must be removed by April 1 and November 1 each year.
- H. The Sheboygan County Sheriff's Department shall patrol cemetery property to ensure compliance with these regulations.

12.05 SALE AND TRANSFER OF LOTS

- A.** Application for lots in the cemeteries shall be made to the Town Clerk-Treasurer. All deeds shall be signed by the Town Chair and Town Clerk-. The price of the various lots will be set by the Town Board.
- B.** No lot shall be used for any purpose other than for the burial of the human dead.
- C.** All cemetery lots will be conveyed by deed. The purchaser acquires the title and fee to the lot, subject to the conditions established or which may be established for the governance and maintenance of the cemetery after the effective date of this ordinance.
- D.** Sales of grave sites hereafter will be at such price as the Town Board deems reasonable and adequate to cover the value of said lot and the Town's maintenance of the cemetery.

12.06 INTERNMENTS

- A.** No burials shall be permitted unless all laws and regulations of the State of Wisconsin relating to burials are complied with.
- B.** No interment shall take place without a final disposition report.
- C.** The Town will work with outside funeral homes to handle all internments and sales of lots.
- D.** The Town shall not be held responsible for any mistake resulting from improper burial.
- E.** No person shall inter anybody in a cemetery without first notifying the Town Clerk-, furnishing a burial permit, and providing the following information about the deceased: name, age, sex, date of birth, date of death, last place of residence, date of interment, and the undertaker in charge.

CHAPTER 13 :WIND ENERGY FACILITIES

13.01 PURPOSE

The purpose of the chapter is to provide a regulatory scheme for the construction and operation of Wind Energy Facilities in the Town, subject to reasonable restrictions consistent with Wis. Stats § 66.0401, 60.10(2)(c), 61.34, which will preserve and protect public health and safety.

13.02 AUTHORITY

This chapter is adopted pursuant to authority granted by Wis. Stat. §§ 60.62, 60.22(3), 61.35 and 62.23(7).

13.03 DEFINITIONS

As used in this chapter, the following terms shall have the meanings indicated:

- A. TOWN BOARD:** the Board of Supervisors of the Town of Mosel.
- B. FAA:** the Federal Aviation Administration.
- C. MET Tower:** a meteorological tower and all associated equipment and wiring used for the measurement and transmission of wind speed and wind flow characteristics.
- D. ROTOR DIAMETER:** means the cross sectional dimension of the circle swept by the rotating blades.
- E. SMALL WIND ENERGY FACILITY:** a Wind Energy Facility that consists of no more than two (2) Wind Turbines, neither of which have a Total Height greater than 170 feet or a nameplate capacity of greater than 100 kilowatts, and the main purpose of which is to supply electricity to the on-site owner.
- F. TOTAL HEIGHT:** when referring to a Wind Turbine, the distance measured from ground level to the blade extended at its highest point.
- G. TOWN:** the Town of Mosel.
- H. WIND ENERGY FACILITY:** an electricity generating facility consisting of one or more Wind Turbines under common ownership or operating control, and includes substations, MET Towers, cables/wires and other buildings accessory to such facility.
- I. WIND ENERGY FACILITY SITING PERMIT:** a permit for the construction, installation, and/or operation of a Wind Energy Facility granted by the Board in accordance with the provisions of this chapter.

J. WIND TURBINE: a wind energy conversion system which converts wind energy into electricity through the use of a wind turbine generator, and includes the turbine, blade, tower, base and pad transformer, if any, or other component used in the tower, base, pad transformer, and any other components used in the system.

13.04 APPLICABILITY

The requirements of this chapter shall apply to all Wind Energy Facilities proposed after the effective date of this chapter. Any preexisting Wind Energy Facility which does not provide energy for a continuous period of twelve (12) months shall meet the requirements of this chapter prior to recommencing production of energy. However, no modification or alteration to an existing Wind Energy Facility will be allowed without full compliance with this chapter.

13.05 REGULATORY FRAMEWORK

A. VIOLATIONS. It is unlawful for any person to construct, install or operate a Wind Energy Facility that is not in compliance with this chapter or with any condition contained in a Wind Energy Facility Siting Permit issued pursuant to this chapter.

B. ZONING: Wind Energy Facilities may only be located in areas that are not zoned residential on the official Town zoning map, subject to the requirements in Section 15.06, below.

C. PRINCIPAL OR ACCESSORY USE. Wind Energy Facilities may be considered either principal or accessory uses. A different existing use or an existing structure on the same lot shall not preclude the installation of a Wind Energy Facility or a part of such facility on such lot. Wind Energy Facilities that are constructed and installed in accordance with the provisions of this chapter shall not be deemed to constitute the expansion of a non-conforming use or structure.

13.06 GENERAL REQUIREMENTS FOR WIND ENERGY FACILITIES

A. VISUAL APPEARANCE: LIGHTNING; POWER LINES

- (1) Any visible component of a Wind Turbine must be a non-reflective, non-obtrusive color. Components of a Small Wind Energy Facility may retain the color/finish applied by the manufacturer.
- (2) At Wind Energy Facility sites, the design of the buildings and related structures shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the Wind Energy Facility to the natural setting and then existing environment.
- (3) Wind Energy Facilities shall not be artificially lighted, except to the extent required by the FAA or other applicable authority.
- (4) Wind Turbines shall not be used for displaying advertising except for reasonable identification of the manufacturer or operator.

- (5) Electrical controls, wiring and power-lines shall be wireless or underground except where wind farm collector wiring is brought together for connection to the transmission or distribution network, adjacent to that network.

B. SETBACKS. The following setbacks and separation requirements shall apply; however, the Board may reduce the standard setbacks and separation requirements if the intent of this chapter would be better served thereby.

- (1) Inhabited Structures: Wind Turbines shall be set back from each residence, school, hospital, church or public library, a distance no less than the greater of:
(i) two (2) times its Total Height; or, (ii) one thousand (1,000) feet. For a Small Wind Energy Facility, the setback shall be no less than 1.1 times the Wind Turbine's Total Height, but no setback is required from any structure occupied solely by the owner and his or her immediate family.
- (2) Property Lines: Each Wind Turbine shall be set back from property lines a distance no less than 1.1 times its Total Height, unless appropriate easements are secured from adjacent property owners, or other acceptable mitigation is approved by the Board.
- (3) Public Roads: Each Wind Turbine shall be set back from public road right-of-ways a distance no less than 1.1 times its Total Height.
- (4) Communication and Electrical Lines: Each Wind Turbine shall be set back from above-ground public electric, telephone or other utility lines a distance no less than 1.1 times its Total Height.
- (5) Other: Related accessory structures (including but not limited to guy wires, guy anchors, electrical controls and buildings) shall meet the usual setback requirements applicable to the zoning district in which the Wind Energy Facility is located.

C. NOISE

- (1) Audible noise due to Wind Energy Facility operations shall not exceed fifty (50) dBA for any period of time, when measured at any residence, school, hospital, church or public library existing on the date of approval of any Wind Energy Facility Siting Permit.
- (2) In the event audible noise due to Wind Energy Facility operations contains a steady pure tone, such as a whine, screech, or hum, the standards for audible noise set forth in Subparagraph. C (1), above, shall be reduced by five (5) dBA. A pure tone is defined to exist if the one-third (1/3) octave band sound pressure level in the band, including the tone, exceeds the arithmetic average of the sound pressure levels of the two (2) contiguous one-third (1/3) octave bands by five (5) dBA for center frequencies of five hundred (500) Hz and above, by eight (8) dBA for center frequencies between one hundred and sixty (160) Hz and four hundred (400) Hz, or by fifteen (15) dBA for center frequencies less than or equal to one hundred and twenty-five (125) Hz.
- (3) Should the ambient noise level (exclusive of the development in question) exceed the applicable standard given above, the applicable standard shall be adjusted so as to equal the ambient noise level. The ambient noise level shall be expressed in terms of the highest whole number sound pressure level in dBA, which is succeeded for more than five (5) minutes per hour. Ambient

noise levels shall be measured at the exterior of potentially affected existing residences, schools, hospitals, churches and public libraries. Ambient noise level measurement techniques shall employ all practical means of reducing the effect of wind-generated noise at the microphone. Ambient noise level measurements may be performed when wind velocities at the proposed project site are sufficient to allow Wind Turbine operation, provided that the wind velocity does not exceed thirty (30) mph at the ambient noise measurement location.

- (4) Any noise level falling between two whole decibels shall be the lower of the two.
- (5) In the event the noise levels resulting from the Wind Energy Facility exceed the criteria listed above, a waiver to said levels may be granted by the Town Board provided that the following has been accomplished:
 - (a) Written consent from the affected property owners has been obtained stating that they are aware of the Wind Energy Facility and the noise limitations imposed by this chapter, and that consent is granted to allow noise levels to exceed the maximum limits otherwise allowed; and
 - (b) If the applicant wishes the waiver to apply to succeeding owners of the property, a permanent noise impact easement must be recorded in the Office of the Sheboygan County Register of Deeds describing the benefitted and burdened properties and advising all subsequent owners of the burdened property that noise levels in excess of those permitted by this chapter may exist on or at the burdened property.

D. MINIMUM GROUND CLEARANCE. The blade tip of any Wind Turbine shall, at its lowest point, have ground clearance of no less than seventy-five (75) feet, except that Small Wind Energy Facilities the clearance may be decreased to twenty-five (25) feet.

E. SIGNAL INTERFERENCE. The applicant shall minimize or mitigate any interference with electromagnetic communications, such as radio, microwave, telephone or television signals caused by any Wind Energy Facility. If the applicant is a public utility, Wis. Admin. Code § PSC 113.0707 also applies.

F. SAFETY

- (1) All wiring shall be underground, except as necessary to connect the Wind Turbine to its base, disconnect junction box or substation and grounding wires.
- (2) Wind Turbine towers shall not be climbable less than 15 feet above ground level (10 feet for Small Wind Energy Facilities).
- (3) All access doors to Wind Turbines and electrical equipment shall be lockable.
- (4) Appropriate warning signage shall be placed on Wind Turbines' electrical equipment, and Wind Energy Facility entrances.

G. CODE COMPLIANCE. A Wind Energy Facility must comply with all applicable state construction and electrical codes, and the National Electrical Code.

H. UTILITY NOTIFICATION AND INTERCONNECTION. Any Wind Energy Facility that connects to the electric utility must comply with Wis. Admin. Code §PSC 119 “Rules for Interconnecting Distributed Generation Facilities.”

I. MET TOWERS. MET Towers shall be permitted under the same standards, permit requirements and procedures, and restoration requirements as a Small Wind Energy Facility.

13.07 PERMIT REQUIREMENTS AND PROCEDURE

A. PERMIT REQUIRED. A Wind Energy Facility Siting Permit shall be required for the construction, installation or operation of any Wind Energy Facility.

B. APPLICATION. Permit applications shall be submitted to the Town Clerk-Treasurer on a form approved by the Town Board.

C. DOCUMENTS. The permit application shall be accompanied by a plot plan will include the following:

- (1) Property lines and physical dimensions of the property
- (2) Location, dimensions and types of structures on the property, and any within 1,000 feet of a proposed Wind Turbine
- (3) Location of each component of the proposed Wind Energy Facility
- (4) The right-of-way of any public road that is contiguous with the property, or that is within 1,000 feet of any proposed Wind Turbine
- (5) Any overhead utility lines within 1,000 feet of any proposed Wind Turbine
- (6) Wind Turbine specifications, including manufacturer and model, rotor diameter, tower height, tower type (monopole, freestanding or guyed).

D. FEES. The same fee as required for a conditional use permit must accompany the application, which will be considered incomplete and will not be accepted for filing unless the fee is paid. In addition, the applicant is responsible for the reasonable and necessary charges for engineering, legal, and other professional or technical services and fees incurred by the Town for the review, administration, investigation, processing, implementation, and enforcement of the application and any permits that may be issued.

E. REVIEW PROCESS. The Town Board will consider the application within sixty (60) days after its receipt and after a public hearing preceded by a Class 2 Notice. The Town Board will determine whether the requirements of this chapter are met and whether issuance would unreasonably interfere with the orderly land use and development plans of the Town. The Town Board may include conditions in the permit if they:

- (1) Preserve or protect the public health and safety;

- (2) Do not significantly increase the cost of the system or significantly decrease its efficiency; or
- (3) Allow for an alternative system of comparable cost and efficiency.

Conditions may include provisions for protection of Town roads and other infrastructure as well as financial responsibility for road restoration, Wind Energy Facility removal, and site reclamation. The Town Board may reduce the burden on the applicant by waiving one or more requirements if it concludes that the purpose of this chapter would still be met. The installation and continued operation of a Wind Energy Facility is contingent upon compliance with permit conditions.

F. DECISION. The Town Board will either issue a Wind Energy Facility Siting Permit or inform the applicant the permit has been denied.

G. EXPIRATION. A Wind Energy Facility Siting Permit shall expire if:

- (1) The Wind Energy Facility is not installed and functioning within 12 months from the date the permit is issued; or,
- (2) The Wind Energy Facility is out of service or otherwise unused for a continuous 12 month period.

13.08 ABANDONMENT

A. A Wind Energy Facility that is out of service for a continuous 12 month period will be deemed to have been abandoned. The Town Board may issue a notice to its owner if the Wind Energy Facility appears to be or is deemed to have been abandoned. The owner shall have the right to respond to the notice within thirty (30) days from receipt. The Town Board will withdraw the notice and notify the owner of the withdrawal if the owner provides information that demonstrates the Wind Energy Facility has not been abandoned.

B. If a Wind Energy Facility is determined to be abandoned, the owner or landowner, at their expense, shall remove the entire Wind Energy Facility within three (3) months of receipt of the notice of abandonment, otherwise, the Town Board may pursue a legal action to have it removed at the owner's or landowner's expense.

C. Should an abandoned Wind Energy Facility not be timely removed, then the Town will have the right to enter upon the property and remove the Wind Energy Facility. Any and all costs for the removal will be charged to the real estate pursuant to Wis. Stat. § 66.0627.

13.09 PENALTIES

Any person who fails to comply with any provision of this chapter or a permit issued hereunder shall be subject to the penalties described in Municipal Code Section 11.04. Each day a violation exists constitutes a separate offense.

13.10 ADMINISTRATION AND ENFORCEMENT

- A.** The Town Board or its designated official will administer this chapter.
- B.** At reasonable times and upon reasonable notice, the Board or its designee may enter any property for which a siting permit has been issued under this chapter to conduct an inspection to determine whether the conditions stated in the permit have been met.
- C.** The Board may refer any violation of this chapter to legal counsel for enforcement.